



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Agenda

### Town Council

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Tuesday, August 16, 2022

6:30 PM

Council Chambers & Via Zoom.

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To join the meeting remotely, use this link: <https://us02web.zoom.us/j/89564506453>.

You may also call 1-646-558-8656 and enter meeting ID: 895 6450 6453

\*\*Pursuant to the Town of Windham Remote Participation Policy adopted September 13, 2021, Zoom is only available to the public if one or more of the Board members cannot attend in person but will be participating remotely\*\*

Zoom will be the meeting platform used by both the Board and the public.

Information about using Zoom is available at

<https://support.zoom.us/hc/en-us/articles/115004954946-Joining-and-participating-in-a-webinar-attendee->. Please note that members of the public will need to use the raise your hand feature in Zoom or type \*9 on the phone to be called on and heard during the public testimony portion of the agenda.

If you prefer, you may also email the Council at [TownCouncil@windhammaine.us](mailto:TownCouncil@windhammaine.us) prior to the meeting with your thoughts on an issue and if you would like, please note that you would like the email read into the record during public participation or during that agenda item. Please keep in mind we request stated comments to be three minutes or less.

The meeting will be recorded and broadcast live on WindhamTV (Channel 7) and the Town's Facebook page.

#### I. Roll Call of Members.

#### II. Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 22-104](#) To approve the Minutes of the July 12, 2022 Council meeting.

Attachments: [Minutes-Council-7-12-2022 \(2\).pdf](#)

#### IV. Adjustments to the Agenda.

## V. Public Participation.

*The public is invited to address the Council on any item of business not on the agenda for tonight's meeting.*

*NOTE TO CITIZENS: Citizens have the right and are encouraged to speak during public participation regarding items not on the agenda, or regarding an item when it comes up on the agenda.*

*All comments and questions during public participation or on an agenda item must be directed to the Chair and be limited to not more than three (3) minutes per speaker; except that the Chair may grant another three (3) minutes at his/her discretion.*

*Anyone who has already addressed the Council during public participation, on an agenda item, or during a public hearing will be asked to wait until all others have spoken before being recognized a second time.*

## VI. Councilors' Comments.

## VII. PUBLIC HEARINGS.

[22-143](#) To receive public comment and act on amendments to the Master Fee Schedule, pertaining to marijuana business license fees.

**Attachments:** [22-143 Cover Sheet.pdf](#)  
[Fee Schedule 2022 amendment 08162022.pdf](#)  
[Marijuana Education Fees Comparison.pdf](#)

[22-146](#) To receive public comment and act on a new application submitted by Joseph Ferri d/b/a Kind & Co. to be located at 8 Heathwood Drive, for an Adult Use Marijuana Manufacturing Facility.

(Application received in the Clerk's Office on July 21, 2022.)

**Attachments:** [22-146 Cover Sheet.pdf](#)  
[Kind & Co's Council Memo & Addendum.pdf](#)

[22-148](#) To receive public comment and act on an application submitted by Shawn Russell d/b/a Trail N' Ales LLC located at 754 Roosevelt Trail for a new Special Amusement permit.

**Attachments:** [22-148 Cover Sheet.pdf](#)  
[Trails N Ale's Special Amusement.pdf](#)

## VIII. CONSENT AGENDA.

*None.*

## IX. UNFINISHED BUSINESS & GENERAL ORDERS.

[22-119](#) To approve applications for property tax assistance pursuant to Chapter 209, Article I of the Code of the Town of Windham, "Property Tax Assistance."

**Attachments:** [22-119 Cover Sheet.pdf](#)  
[Manager Memo - Program Results.pdf](#)

[22-142](#) To set the tax rate for 2022-2023 at \$\_\_\_\_\_ per thousand dollars of assessed value.

**Attachments:** [22-142 Cover Sheet.pdf](#)  
[CouncilMilRateMemo.pdf](#)

[22-120](#) To set the dates on which 2022-2023 taxes will be due as October 3, 2022 and April 3, 2023.

**Attachments:** [22-120 Cover Sheet.pdf](#)

[22-121](#) To set the rate of interest that will be charged on overdue taxes for 2022-2023 at four percent (4.00%).

**Attachments:** [22-121 Cover Sheet.pdf](#)  
[Delinquent Tax Rates - Office of the Maine State Treasurer.pdf](#)

[22-122](#) To authorize and direct the Tax Collector/Treasurer, pursuant to Title 36 M.R.S.A. §906, to apply any tax payment received as payment against outstanding or delinquent taxes due in chronological order, beginning with the oldest unpaid obligation, including personal property, provided, however, that no such payment may be applied to any tax obligation for which an abatement application or appeal is pending, unless approved in writing by the taxpayer.

**Attachments:** [22-122 Cover Sheet.pdf](#)

[22-123](#) To authorize and direct the Tax Collector/Treasurer, pursuant to Title 36 M.R.S.A. §506, to accept prepaid property taxes at any time and to establish an interest rate of 0% on such payments.

**Attachments:** [22-123 Cover Sheet.pdf](#)

[22-137](#) To approve the ballot for the election of vice president and executive committee of the Maine Municipal Association, and to further authorize the Town Manager to take any other necessary action related thereto to finalize the action.

**Attachments:** [22-137 Cover Sheet.pdf](#)  
[MMA Annual Election - VP and Executive Committee](#)

[22-139](#) To accept the public easements for Johnson Road, Percy Hawkes Road, Buckfield Drive, Sabbady Point Road, Pride Lane, Outlet Cove Road, Mineral Spring Road and Wintergreen Circle, identified by the Town as Designated Private Ways, that have met the criteria set forth by private and special law L.D. 1975, for the purpose of the Town's continued winter maintenance services on the defined public easement area.

**Attachments:** [22-139 Cover Sheet.pdf](#)  
[Buckfield Drive Easements.pdf](#)  
[Johnson Road Easements.pdf](#)  
[Percy Hawkes Road Easement.pdf](#)  
[Sabbady Point Rd\\_Outlet Cove Rd\\_Pride Ln.pdf](#)  
[Mineral Spring Rd\\_Wintergreen Cir Easement.pdf](#)

[22-140](#) To appoint Erica Bell-Watkins to the Natural Resources Advisory Committee, for three-year term to expire August 15, 2025, and the Branding and Wayfinding Signage Committee.

**Attachments:** [22-140 Cover Sheet.pdf](#)  
[Branding & Wayfinding Signage Committee.pdf](#)  
[Natural Resources Advisory Committee AMENDED20210615.pdf](#)

[22-145](#) To authorize the addition of various assigned fund balance amounts to the fiscal 2022-2023 budget accounts.

**Attachments:** [22-145 Cover Sheet.pdf](#)  
[Assigned Fund Balance FY22.pdf](#)

[22-149](#) To refer proposed amendments to the Land Use Ordinance, Chapter 120 of the Code of the Town of Windham, related to public buildings to the Planning Board for review and recommendation.

**Attachments:** [22-149 Cover Sheet.pdf](#)  
[Public Building amendment Aug 2022.pdf](#)

**22-150** To approve a new Victualer's permit application submitted by 3 Reasons LLC, Derek Footman d/b/a Duck Pond Variety 2 at 463 River Road.

**Attachments:** 22-150 Cover Sheet.pdf  
Victualer's-new Duck Pond Variety 2.pdf

## **X. Council Correspondence.**

[CD 22-105](#) Letter from Maine Attorney General's Office.

**Attachments:** [National Opioid Settlement Distributions.pdf](#)

**XI. Town Manager's Report.****XII. Committee Reports.****A. Council Subcommittees.**

1. Appointments Committee.
2. Finance Committee.
3. Ordinance Committee.

**B. Other Committees.**

1. Long Range Planning Committee.
2. Parks & Recreation Advisory Committee
3. Windham Economic Development Corporation.
4. Highland Lake Leadership Team.
5. Natural Resources Advisory Committee.
6. Public Easement Advisory Committee.

**XIII. Discussion Items.**

[CD 22-102](#) Water Quality Monitoring Plan. (FB Environmental)

**Attachments:** [WindhamStreams\\_MonitoringPlan\\_Final.pdf](#)  
[FBE\\_Windham\\_June2022\\_WaterQualitySampling\\_final.pdf](#)

[CD 22-103](#) Land Use Ordinance - Proposed Amendments from LRPC.

**Attachments:**

[LRPC TC Presentation\\_08-16-2022.pdf](#)

[TC memo\\_LRPC Amendments\\_08-11-2022.pdf](#)

[WC\\_VR\\_draft\\_REVISED.pdf](#)

[WindhamCenter\\_ProposedMap\\_04-2021.pdf](#)

[WindhamCenter\\_ProposedZoningChangesMap\\_04-2021.pdf](#)

[Affordable Housing\\_REVISED.pdf](#)

[Multifamily Development standards\\_Aug 2022.pdf](#)

[TC packet\\_PB recommend\\_Windham Center\\_09-10-21.pdf](#)

[TC packet\\_PB recommend\\_AffordableHousing\\_09-22-21.pdf](#)

[Maine 130 - HP 1489 item 9.pdf](#)

[Zoning Standards WC VR 2022.pdf](#)

[Zoning District Uses Table\\_WC\\_1-5-21.pdf](#)

[CD 22-101](#) Marijuana Businesses - Medical and Retail Licenses.

**Attachments:**

[CH 128 Marijuana Businesses.pdf](#)

[CD 22-106](#) Bonding Status.

[CD 22-107](#) Rio Drive Update.

**XIV. Agendas & Scheduling.**

**XV. ADJOURN.**