

PLANNING BOARD MEMO

DATE: August 14, 2025

TO: Windham Planning Board
FROM: Steve Puleo, Director of Planning
Cc: Amanda Lessard, Senior Planner/Project Manager
Bob Burns, Town Manager
Barry Tibbitts, Project Manager
RE: #25-14 Proposed Amendments to Chapter 120 – Planning Board Application Review Timeline and Submission Requirements.

Planning Board Meeting – August 25, 2025

Overview

The Planning staff has proposed amendments to the Ordinance Committee to modify Chapter 120 of the Land Use Ordinance (LUO), specifically removing the fixed 21-calendar-day application deadline prior to a desired Planning Board meeting. In its place, the amendments establish a flexible, staff-driven 30-calendar-day review period. At the Ordinance Committee meeting of July 23, 2025, voted unanimously to move the proposed LUO amendment to the Planning Board conduct a public hearing and the committee will report their findings at the August 12th Town Council meeting.

The proposed changes apply to the following LUO sections: [§120-108](#), [§120-806](#), [§120-807](#), [§120-906](#), [§120-907](#), and [§120-913](#), within Articles 1: General, 8: Site Plan Review, and 9: Subdivision Review. The purpose of this revision is to ensure the Planning Department has adequate time to determine whether applications are complete in both content and form for scheduling.

In addition, the amendments clarify submission standards related to formatting, required materials, and procedural steps. These changes are responsive to the operational realities of a four-day municipal workweek and the increasing complexity of development applications.

Background

Under the current deadline, Planning staff has only 12 working days—fewer when holidays fall within the review window—to conduct an initial completeness review and coordinate with other Town departments and outside agencies. In that time, staff must confirm whether all required documentation has been submitted, including plans, narratives, calculations, and required approvals or permits from state or federal agencies such as the Maine DEP, DOT, or other regulating agencies. Internal development review meetings must be scheduled, staff comment memos compiled, legal notices prepared and posted, and Planning Board site walks coordinated. Legal requirements for public notice also require at least seven (7) days' notice before any meeting or site walk is held. This highly compressed timeline risks the possibility of incomplete or deficient applications being placed on a Planning Board agenda and impedes the ability of staff to conduct a thorough and organized review.

Proposal

To address this, the Planning Department proposes eliminating the rigid 21-day scheduling deadline in favor of a rolling 30-day completeness review period. Under this model, applications will not be scheduled until staff have issued a formal determination that the submission is complete. This allows for a more orderly and legally defensible process, provides applicants with the opportunity to revise and resubmit as needed, and ensures that Planning Board members receive well-documented, fully vetted applications for review. The amendment also clarifies submission format requirements. All applications submitted to the Planning Department must now be bound and tabbed, in addition to digital submittals. Applications must include all documentation necessary for review under the Land Use Ordinance, including stormwater reports, traffic studies, abutter lists, proof of agency submittals, and any other materials applicable to the specific review type.

To put this change into context, Windham's existing 21-day submission deadline is shorter than what is required by several other Maine municipalities. Many of our peer communities have adopted either a 30-day fixed deadline or a staff-controlled review schedule that allows for internal technical review and complete determination before Planning Board placement. A comparative table is included below for reference:

Table 1 – Comparative Planning Board Submission Deadline

Community	Submission Deadline	Notes
Windham (Current)	21 calendar days	12 working days under 4-day week; no formal completeness period
Windham (Proposed)	30 calendar-day review	Application scheduled only after completeness determination based on the review criteria
Scarborough, ME	30 calendar days	Reviewed by internal TRC prior to agenda scheduling
Falmouth, ME	30 calendar days	Peer review included staff review determines completeness
Yarmouth, ME	30 calendar days	Staff review determines if application is complete and compliant
South Portland, ME	21 calendar days	Staff has discretion to delay incomplete applications
Portland, ME	4 weeks minimum	Structured scheduling tied to staff review workflow
Brunswick, ME	30 calendar days	Interdepartmental review occurs before scheduling

Additionally, the Planning Department proposes revisions to §120-806A and §120-906A to require that preapplication conferences be held at least seven (7) days prior to the submission of a formal application. This change ensures that applicants receive early guidance from Planning staff and that applications are better prepared for application completeness review. The proposed language is as follows:

§120-806A and §120-906A Preapplication Conference

Current: A preapplication conference is encouraged prior to submission.

Proposed: A preapplication conference shall be held with the Planning Department at least seven (7) days prior to submission of an application.

This amendment formalizes the preapplication process and provides adequate time for applicants to incorporate staff feedback before submitting materials for Planning Board review.

Additionally, to ensure consistency between Site Plan Review (Article 8) and Subdivision Review (Article 9), the Planning Department proposes revising §120-907 to make site walks for minor and major subdivisions discretionary. The proposed redlined language is as follows:

§120-907A(2)(b)[2] Site Walks

Current: A site walk shall be conducted by the Planning Board for all major and minor subdivisions prior to scheduling a public hearing.

Proposed: A site walk may be conducted at the discretion of the Planning Board for minor and major subdivisions, consistent with the provisions of §120-807 governing Site Plan Review.

This change provides the Planning Board with flexibility to determine the necessity of a site walk based on the complexity or sensitivity of the site and aligns the subdivision review process with the discretionary approach already established for site plan applications.

Zoning Amendment Process

There are no specific standards in the Town ordinance by which to judge the proposed zoning change, but State statute requires all proposed zoning to be consistent with the goals and objectives of the Comprehensive Plan.

The process for amending the Land Use Ordinance is governed by §120-107 of the Windham Code. In accordance with this process, the Planning Board public hearing on the proposed amendments is tonight, August 25, 2025. The Town Council has also scheduled a public hearing for September 23, 2025. Following the Planning Board's public hearing and deliberation, the Board may vote to forward a recommendation to the Town Council, using language similar to the following:

MOTION: To [recommend / recommend with comments / not recommend] approval of the proposed amendments to Chapter 120, Land Use Ordinance, Articles 1: General, 8: Site Plan Review, and 9: Subdivision Review addressing specifically sections: §120-108, §120-806, §120-807, §120-906, §120-907, and §120-913 to changing application review timelines and submission requirements.