



**Town of Windham**  
**Planning Department**  
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## PLANNING BOARD MEMO

DATE: October 16, 2024

TO: Windham Planning Board  
FROM: Steve Puleo, Planning Director  
Cc: Barry Tibbitts, Town Manager,  
Bob Burns, Assistant Town Manager  
Evan O'Connor, Town Planner

RE: #24-27: Amendments to the Town of Windham's Code, Chapter 185, Shoreland Zoning, to revise the Table of Land Uses, requiring certain non-residential uses in the Shoreland Zoning District to be review under Chapter 120 Land Use Article 8.

Planning Board Meeting –October 28, 2024

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### Overview

At their meeting on [March 26, 2024](#), the Town Council enacted an emergency moratorium on the Shoreland Zoning District outlined in Section 2. This Ordinance shall take effect immediately upon passage by the Town Council, pursuant to Article II, Section 11(D) of the Town Charter. On [August 20, 2024](#), the Town Council extended the moratorium until December 26, 2024. The moratorium governs the creation or expansion of a non-residential use in any shoreland zoning district for which an application for a license, building permit, and/or any other required land use approval has not been both submitted and finally acted on by the Code Enforcement Officer, Planning Board, Board of Appeals, or other town official, administrative board, or agency. The planning board is required to review and make a recommendation as required by [§ 120-107](#) of the Land Use Ordinance and [§ 185-8 Amendments](#).

### Summary of the Proposed Non-residential uses to be review under Chapter 120 Land Use Article 8:

- Corrected non-residential use definitions in §185-17, Definitions for Multi-family structures to be consistent the 120-301.
- Add notes ins Shoreland Zoning Land Use Table clarifying which use will require a Planning Board site plan review and approval use the Article 8 performance standards.
- Modification certain sections of §185-14 through 17 and §120-105D, §120-805A and A(2)f), and §120-812C(2)(a).

### 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 Planning Board must hold a public hearing prior to making a recommendation on this item to the Town Council. The Town Council will need to vote on the proposed changes to the Land Use Ordinance for the changes to be officially approved.

A public hearing is scheduled for the October 28, 2024, Planning Board meeting. After the public hearing and discussion by the Board, the Planning Board may vote on a recommendation to the Town Council similar to the following:

**MOTION:** To **recommend/recommend with comments/not recommend** the approval of the proposed amendments to specific sections of Chapter 185, Shoreland Zoning Districts, including modifications to sections §185-14 through §185-17. In addition, amendments to Chapter 120, Land Use, including changes to specific sections in §120-105D, §120-805A, §120-805A(2)(f), and §120-812C(2)(a).