



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, April 9, 2024

6:00 PM

Council Chambers

I. Roll Call of Members.

Councilor Maxfield arrived at 6:10 p.m.

Present: 5 - David Nadeau, Mark Morrison, William Reiner, John Henry and Jarrod Maxfield

Absent: 2 - Brett Jones and Nicholas Kalogerakis

II. Pledge of Allegiance.

Council Chair Morrison led the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 24-087](#) To approve the Minutes of the March 26, 2024 Council meeting.

Attachments: [Minutes-Council-3-26-2024.pdf](#)

A motion was made by Councilor Nadeau, seconded by Councilor Reiner, that the Minutes be approved. Councilor Maxfield arrived after this vote. The motion carried by the following vote:

In Favor: 4 - Councilor Nadeau, Council Chair Morrison, Councilor Reiner and Councilor Henry

Absent: 3 - Councilor Jones, Councilor Kalogerakis and Councilor Maxfield

IV. Adjustments to the Agenda.

V. Public Participation.

No public participation.

VI. Councilors' Comments.

Councilor Morrison gave a big thanks to the Public Works Department. Jon Earle and his team, Chief Libby's Fire/Rescue team, and Chief Schofield's Police Dept. team for the great work they did. It was a good solid storm with a lot of trees down, and most of Windham was out of power for a couple of days. At the very beginning there were a lot of trees down over roads, and the response time to get those trees removed, so people could pass through, was excellent. We all seemed to survive and the town appears to be back to full capacity with the power.

He said for the record, the public works guys plowing the roads have no second or third shifts. These guys are out there 12, 14 & 16 hours at a time. If you find you wished you

road was plowed a little earlier, please be patient and recognize that they are doing their best.

VII. PUBLIC HEARINGS.

24-032

To receive public comment and act on proposed amendments to the 2016 Comprehensive Plan, Future Land Use Map, to comply with the requirements of State Law LD 2003, to reduce the Growth Areas and expand the Rural Areas and the Route 302 Transitional Areas.

Attachments: [24-032 Cover Sheet.pdf](#)

[TC MEMO PB recommend LD200 032024.pdf](#)

[ProposedCompPlanAmendment LD2003.pdf](#)

[FutureLandUse Map Existing-v-Proposed.pdf](#)

[LD 2003 Presentation for TC Hearing.pdf](#)

No public comment.

Closed public comment.

Amanda Lessard Planning Director gave a brief overview and said they are making changes to the Comprehensive Plan and proposed changes to our Land Use Ordinance and map to comply with State Law LD 2003. The changes to the Comprehensive Plan are really to look more closely at where the bounds are for where the Growth Management Act says growth areas should be defined, where growth is desired and expected in the next ten to twelve years.

Staff looked at existing development patterns, available utilities, and public roads too narrow in those areas where it didn't make sense to have growth areas. The largest reduction is in North Windham. In South Windham they reduced the growth area boundary, and then they swapped out some of the North Windham Growth Area boundary to reclassify it as a Route 302 Transitional Area. In addition to the future land use map changes there are changes to the text to the description of those areas just to match the bounds that are shown on the map.

Manager Tibbetts said at the last meeting there were several residents who came forward, and they were not as concerned about the boundaries being changed to represent the growth areas; but more concerned about the uses that would be taken out by the zone change. He said what you have in this first public hearing and in the second public hearing remains constant with what you had at your last meeting, but if we jump forward in tonight's agenda to Article 24-054 they have put forth an article for the Council to approve to amend the zoning, if you were to pass this, to allow those uses in those areas. When you vote to move that to the Planning Board, they will take a look at it, and from there they will send their recommendations back to the Council and Council will enact that.

He said what they would be approving today is for the town to be conforming with LD 2003 and those new uses would be allowed in those zones and solve the problem.

Closed public comment.

A motion was made by Councilor Nadeau, seconded by Councilor Henry, that the Order be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Nadeau, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

24-018

To receive public comment and act on proposed amendments to the Land Use Ordinance, Chapter 120 of the Code of the Town of Windham, Article 3 Definitions, Article 4 Zoning Districts, and Article 5 Performance Standards, related to affordable housing developments and an amendment to the Official Land Use Map to align zoning district boundaries with the Comprehensive Plan Future Land Use Map growth area boundaries.

Attachments: [24-018 Cover Sheet.pdf](#)

[TC MEMO PB recommend LD200 032024.pdf](#)

[Zoning Map Amendment LD2003 2024-01.pdf](#)

[LD 2003 LUO AMENDMENTS \(draft 12-2023\).pdf](#)

[Current vs ProposedLD2003 PercentZones.pdf](#)

[LD 2003 Presentation for TC Hearing.pdf](#)

[Zoning Changes Tyler Comments.pdf](#)

No public comment.

Public comment closed.

Manager Tibbetts explained that the map shows the details where the new lines would be zoned and what the language changes are. This gets them to where they want to be and the real action between these two articles happens in 24-054 where they changed the language in the ordinance.

Amanda Lessard said this package of changes is the zoning map change there and that it does rezone 104 parcels, about 823 acres. You heard at the last meeting some concerns about the rezoning of about 500 acres from Farm to Village Residential. The reason for the zoning district change is to align them with those growth area boundaries in the Comp Plan, and then to have a zoning district that allows the multifamily, up to four units, which is required by LD 2003 and allows for a zoning district where we have said affordable housing development can receive a density bonus. The other amendment in your packet is to add VR and the Windham Center Districts to the affordable housing development standards and to apply those density bonuses in those districts.

They heard concerns at the last meeting, while VR does comply with LD 2003 related to housing, it does remove some rural land uses related to agriculture that as Barry described. Staff has proposed an amendment for use, sent to the Planning Board, that would bring those uses back into the VR district. They hope they can comply with LD 2003, because they are a little beyond the statutory requirement, but they can still meet the community needs to allow for agricultural uses in this part of town.

A motion was made by Councilor Reiner, seconded by Councilor Maxfield, that the Order be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Nadeau, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

24-051

To receive public comment and act on an ordinance establishing a moratorium for non-residential uses in the shoreland zoning districts.

Attachments: [24-051 Cover Sheet.pdf](#)

[Proposed Moratorium Ordinance for NonResidential Uses in the Shoreland Zoning Districts](#)

Public Comment:

Jeannie Goode at 50 Hackett Road (see attached comments)

Public comment closed.

Manager Tibbetts explained that under our current rules and ordinances, as this would go through Planning Board, they have no performance standards for it. What they are asking is simply to put a hold on this with the moratorium, so they have a chance to have a conversation between staff and the attorney and come back to the Council with appropriate rules that would work. Council would examine them, and hold a public hearing before any activity would be allowed to occur there.

There are private dirt roads to get down to it, and there is a dock in place. They would be adding sixteen slips according to the proposal, and that would put it up to 40 slips. He feels it would be wise to have rules on how to handle this or any other activity that comes along.

The moratorium is for 180 and allows the town to work on this.

Councilor Henry asked did an application originally go to the Planning Board for the 24 docks that are in place when they were put in?

Amanda Lessard said the marina was associated with a campground that pre-existed the town's zoning, so the conversion to a condominium also didn't require any review, so the use was existing. Again, the moratorium would apply to other uses beyond marinas.

Councilor Nadeau said the town does not have any control over the water. He is familiar with the area and he supports this.

A motion was made by Councilor Nadeau, seconded by Councilor Henry, that the Order be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Nadeau, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

24-052

To receive public comment and act on proposed amendments to the Town of Windham Land Use Ordinance, Chapter 120 of the Code of the Town of Windham, Article 3 Definitions, regarding mural signage.

Attachments: [24-052 Cover Sheet.pdf](#)

[Attorney Guidance Murals.pdf](#)

A motion was made by Councilor Nadeau, seconded by Councilor Reiner, that the Order be postponed until April 23, 2024. The motion carried by the following

Submitted by: Jeanne Goode

I encourage this council to move forward with the moratorium being placed on non-residential shoreland zoning. Windham needs to take the time to establish ordinances that are clear that protect the water, the land surrounding it and the neighborhoods. Many other towns in Maine that have active waterfronts have taken these actions such as Naples, Wilton, Eliott and Belgrade, these would be a great place to start to see what they have done and how it has worked in their communities. This is not just about what is happening on Hackett and Marston Rd, but on all the waterfronts found in Windham.

To me it all comes down to having a Balance.

First should always be the balance of the environment, ensuring that we are stewards to the protection of our waters and surrounding lands.

- What is the effect of the fish and fauna?
- Are the beaches and surrounding grasslands going to be damaged?
- Will invasive species be introduced in with the propellers, are there any inspections before a new boat can be launched?
- Will it disrupt the nesting of birds?
- Are there established BMPs for the activities that are present at marinas such as:
 - Maintenance and repairs, refueling the boats, these are all activities that introduce hazards of gas and oil discharged into the water.
 - Are Spill Kits readily available on the docks so that absorbents are readily available?
 - Washing of boats – using soaps that are not safe for the water.
 - Waste and recycling – are their adequate containers with covers – if containers are not regularly emptied, or covers are not kept closed, this attribute to stormwater pollution,
 - Sewage – are pumping stations available for portable toilets on boats? If you have Port-a-potties, are they placed where allowable, are they cleaned and emptied regularly?
 - Is there signage with rules and regulations and

vote:

In Favor: 5 - Councilor Nadeau, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

VIII. CONSENT AGENDA.**IX. UNFINISHED BUSINESS & GENERAL ORDERS.**

24-053 To proclaim the week of April 7 - 13, 2024 as National Library Week.

Attachments: [24-053 Cover Sheet.pdf](#)
[NLW-2024-Proclamation .pdf](#)

Councilor Maxfield said they deserve their own week. Jen and her staff do a great job from the youngest to the oldest people in town.

Councilor Nadeau he thanked the Library for coming in on Saturday and opening up as a warming center.

Councilor Reiner said their opening up gave a lot of people a chance to get out of the house during this tough time.

A motion was made by Councilor Nadeau, seconded by Councilor Reiner, that the Proclamation be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Nadeau, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

24-054 To refer proposed amendments to the Land Use Ordinance, Chapter 120 of the Code of the Town of Windham, related to amending allowed uses in the Village Residential (VR) District, to the Planning Board for review and recommendation.

Attachments: [24-054 Cover Sheet.pdf](#)
[TC memo VR LD2003 04-03-24.pdf](#)
[Village Residential District \(VR\) amendment2024.pdf](#)
[Zoning District Uses Table VRamendments2024.pdf](#)

No public comment.

Councilor Morrison said this is tied to Orders 24-052 and 24-018 and the public comments we had from folks at the last meeting.

Councilor Reiner thanked Amanda for taking 2 hours out of her Friday to answer his questions and reassure him on this order. He thinks it is a good proposal and it will answer the residents who spoke their concerns, and he thinks it is a good compromise. He talked to some of the Planning Board members and the impression he got was that it was moved forward from them, with the conditions with their concerns that these conditions and uses were being removed and not the density. He thinks this will support

all three.

A motion was made by Councilor Nadeau, seconded by Councilor Maxfield, that the Order be approved. The motion carried by the following vote:

- In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield
- Absent:** 2 - Councilor Jones and Councilor Kalogerakis

24-055

To authorize the disbursement of \$2,640.47 from the Substance Prevention Grant Program Fund (1000-24047) to the Windham Middle School Guitar Club, for a program that promotes prevention, education, and positive choices in reducing youth substance use, as recommended by the Substance Prevention Grant Committee.

Attachments: [24-055 Cover Sheet.pdf](#)
[2024-04 WMS Guitar Club.pdf](#)
[Grant Fund 3.27.2024.pdf](#)
[SPG meeting minutes for April 2.pdf](#)

Councilor Morrison said he is on this committee, and they reviewed the application, and there was some prior fund raising done. This \$2,600 is to meet the final amount needed for this program. It will provide for 15-20 students and at the end of the program each student will have a guitar that they can keep as their own. This supports the efforts to make good healthy decisions.

A motion was made by Councilor Nadeau, seconded by Councilor Reiner, that the Order be approved. The motion carried by the following vote:

- In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield
- Absent:** 2 - Councilor Jones and Councilor Kalogerakis

24-056

To authorize the disbursement of \$1,800 from the Substance Prevention Grant Program Fund (1000-24047) to the Summerfest Mobile Escape Rooms activity sponsored by Be the Influence and D.A.R.E., for a program that promotes prevention, education, and positive choices in reducing youth substance use, as recommended by the Substance Prevention Grant Committee.

Attachments: [24-056 Cover Sheet.pdf](#)
[2024-03 DARE Mobile Escape Rooms at Summerfest Grant-Application-FINAL.pdf](#)
[Grant Fund 3.27.2024.pdf](#)
[SPG meeting minutes for April 2.pdf](#)

Councilor Morrison said there was a significant amount of fund raising that was done, and this request caps the amount that is needed. This is going to be used by dozens, if not more people, at Summerfest. It was well received last year, and it is done with all age groups and parents are encouraged to participate.

A motion was made by Councilor Nadeau, seconded by Councilor Henry, that the

Order be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Nadeau, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

X. Council Correspondence.

[CD 24-080](#) Pride Event Citizen Comments.

Attachments: [Pride Event Comments D Brinkman.pdf](#)

[CD 24-082](#) FEMA News Releases.

Attachments: [DR-4764-ME NR 001 Disaster Assistance Teams Meeting Survivors Where They Are.pdf](#)
[DR-4764-ME NR 002 - How to Apply for FEMA Assistance After the January 9-13 2024 Severe Storms and Flooding.pdf](#)

[CD 24-084](#) FOAA Status Update.

Attachments: [Tee Tax Acquired Properties 3.28.2024.pdf](#)
[8 Majestic Heights Request 2.29.24.pdf](#)
[Asherman PD Records 3.27.24.pdf](#)
[Sosa Properties Sold Last 5 yrs 3.18.2024.pdf](#)

[CD 24-086](#) MaineDOT Speed Zoning Review.

Attachments: [Maine DOT Swett Road Speed Zoning Review.pdf](#)

XI. Town Manager's Report.

Manager Tibbetts said staff did a great job between Public Works, Fire/Police and the Library during the last storm with getting things cleaned up in town. They do a debrief after these events and write out the pros and cons so the next time they can do an even better job. Of the 10,000 housing units and commercial buildings in town over 9,000 had no power.

He thanked Amanda Lessard, who has been our Planner here for almost 10 years. She has done a fabulous job for the town as the Director of Planning Department. She is leaving to go to the Royal River Conservation Trust. It has been a long time passion of hers to work with a larger conservation environment. He said the town was losing a great asset. She will be missed.

They should have the final sewer numbers for the Council on the 23rd, with the funding and everything laid out. They will get those numbers on April 18, which is the day the agenda is published.

They are working on our Congressional District Spending Grants that they are requesting through our two Senator's Offices and our Congressional Offices. Those, hopefully, will be done by the end of the week. He said the last time they applied they received \$2 million dollars from Collins and King. That was for the original waste water treatment

plant. Now they are looking to receive more than that towards getting our school hooked up and closing the waste water treatment plant at the school that currently flows into the river.

Amanda had put in a grant to LMF for an additional \$25,000 award for access improvements and they got notice of that the other day.

On June 4, here at the town hall, there will be a Windham Mobility Move discussion from 4:00 to 6:00 p.m. It will be an informal time to talk with the MDOT engineers about different aspects of the project that they want to do with the rear access roads. From 6:00 to 8:00 p.m. they will have a meeting for the public, which will be televised. There will be a question and answer period at the end of it.

XII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

No report.

2. Finance Committee.

Councilor Nadeau said they met and passed, unanimously, the Manager's Budget with several changes. One being that they added \$200,000 of revenue from excise tax, which was spent fairly rapidly because we had to deduct over \$100,000 of it for the Family Leave Act that is an unfunded mandate by the state. You will be seeing the budget with the changes at the next Council meeting.

3. Ordinance Committee.

Councilor Nadeau said they have met twice. They sent an ordinance to the Planning Board, and they will have a discussion about that process. They met again tonight and went through several changes that will be coming back to the Council, and then sent to the Planning Board.

B. Other Committees.

1. Long Range Planning Committee.

No report, but the next meeting is April 17.

2. Parks & Recreation Advisory Committee

No report.

3. Windham Economic Development Corporation.

No report.

4. Highland Lake Leadership Team.

No report.

5. Natural Resources Advisory Committee.

No report but they will meet next week.

6. Greater Portland Council of Governments (GPCOG).

No report.

XIII. Discussion Items.

***Note: Minutes are not taken for Discussion Items.**

[CD 24-044](#)

Energy Plan.

Gretchen Anderson, Environmental & Sustainability Coordinator and Sara Mills-Knapp, GPCOG Director of Sustainability

Attachments: [Windham Energy Plan V4.pdf](#)

[CD 24-052](#)

ALICE: Asset Limited, Income Constrained, Employed - United Way Study.

Presenter: Val Franks, Director, Evaluation

Attachments: [ALICE for Local Municipalities 4-2024.pdf](#)
[Report ALICE in Maine A Study of Financial Hardship opt.pdf](#)

[CD 24-081](#)

FY 23 Audit Presentation.

Attachments: [Windham Audit Presentation Powerpoint 2023.pdf](#)
[Windham FS Audit 2023 4-03-2024 Final.pdf](#)
[Windham SAS 114 2023 4-03-2024 Final.pdf](#)
[Windham YB Report 2023 4-03-2024 Final.pdf](#)

***Councilor Reiner left the meeting at 7:40 p.m.**

[CD 24-078](#)

Department Videos Produced by Communications Director.

Code Enforcement Services - Dir. Jon Rioux
Public Works Services - Dir. Jon Earle

***This was postponed to the next meeting.**

[CD 24-054](#)

Current Sewer Project and Future RSU #14 Connection & TIF Funding.

Attachments: [North Windham Wastewater Treatment Project Update March 2024.pdf](#)

[CD 24-085](#)

Council Ordinance Committee Work Process.

***This was postponed to the next meeting.**

XIV. Agendas & Scheduling.**XV. Executive Session.****24-058**

To enter into executive session under Title 1 MRSA §405 (6) (C) for the discussion or consideration of the condition, acquisition, or the use or real or personal property permanently attached to real property or interests therein since premature disclosures of the information would prejudice the competitive or bargaining position of the Town.

Attachments: [24-058 Cover Sheet.pdf](#)

A motion was made by Councilor Nadeau that they enter into executive session, seconded by Councilor Maxfield. The motion carried by the following vote.

In Favor: 4

Absent: 3 (Jones, Kalogerakis, Reiner)

No votes were taken.

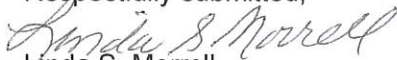
XVI. ADJOURN.

A motion was made by Councilor Maxfield, seconded by Councilor Henry, that the be adjourned. The motion carried by the following vote:

In Favor: 4 - Councilor Nadeau, Council Chair Morrison, Councilor Henry and Councilor Maxfield

Absent: 3 - Councilor Jones, Councilor Kalogerakis and Councilor Reiner

Respectfully submitted,



Linda S. Morrell

Town Clerk, CCM