



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft Town Council

Tuesday, May 13, 2014

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 5 - Donna Chapman, Bob Muir, David Nadeau, Matthew Noel and Dennis Welch

Absent: 2 - Thomas Gleason and Roy Moore

II. Pledge of Allegiance.

Vice Chair Welch led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved.

III. Minutes to be Approved.

CD 14-126 To approve the minutes of the Special Council Meeting of April 16, 2014.

Attachments: Special Council Meeting Minutes - April 16, 2014

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

In Favor: 4 - Councilor Chapman, Councilor Muir, Councilor Nadeau and Vice Chair Welch

Absent: 2 - Council Chair Gleason and Councilor Moore

Abstain: 1 - Councilor Noel

CD 14-128 To approve the minutes of the Council Meeting of April 22, 2014.

Attachments: Council Meeting Minutes - April 22, 2014

A motion was made by Councilor Muir, seconded by Councilor Chapman, that the Minutes be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Chapman, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

Absent: 2 - Council Chair Gleason and Councilor Moore

IV. Public Participation.

No Public Participation.

V. Councilors' Comments.

Councilor Nadeau: He wondered if the Council might like to make an ordinance allowing the elderly deferred tax payments, something like a reverse mortgage but just for taxes. Three towns do this, and there has been only one applicant. Councilor Noel said they should look at what is on their plate and make sure they are managing it well before they add something new to it.

Also, The Historical Society is looking to see how much of a bond they need to post, and he will bring it up later. Councilor Chapman had a conversation with MMA and a non-profit has to pay and provide the same as any other. The legal department said if you start doing it for one, you are starting down a slippery slope.

VI. Council Correspondence.

No Council Correspondence.

CD 14-119 Quarterly investment report - March 31, 2014

Attachments: [Investment Report - March 31, 2014](#)
[Investment Detail - March 31, 2014](#)

CD 14-127 Windham Historical Society budget request

Attachments: [Windham Historical Society budget request](#)

CD 14-129 Check It Out - Library Newsletter - May

Attachments: [Check It Out - Library Newsletter - May](#)

CD 14-130 Opportunity Alliance Public Notice

Attachments: [Opportunity Alliance Public Notice](#)

CD 14-132 Department of Labor Inspection Follow-Up

Attachments: [Town Manager's Email Department of Labor Follow-Up](#)
[Dept of Labor Letter](#)

CD 14-134 Watershed Protection Grant thank you note from the Windham Land Trust

Attachments: [Windham Land Trust thank you note](#)

CD 14-136 Grant application from the Energy Advisory Committee to Efficiency Maine for a Renewable Energy Demonstration Project consisting of a solar photovoltaic system on Town property near the skate park.

Attachments: [TC memo Demonstration grant 2014 05-08-14](#)
[RFP_Renewable-Resource-RDD-Projects-3-7-2014-1_Town of Windham response](#)

VII. Town Manager's Report.

CD 14-141 Town Manager's Report - May 9, 2014

Attachments: [Town Manager's Report 20140509](#)
[PPH Article on Keddy Mill Superfund Listing 20140509](#)
[NPL Letter of Support signed](#)
[Department of Labor Letter 20140430](#)

Tony Plante: In regard to the town's progress in addressing the issues that were raised in the Department of Labor's Inspection Report last December, he said he had received and forwarded a letter from Patricia Taylor at the Department of Labor that verified we had completed the remedial action on all of the issues that were raised and all of the penalty was waived; the only thing we had to pay was the \$250.00 administrative fee. He gave credit to staff who worked through those issues. Phyllis Moss Assistant Town Manager/HR Director, Dave Dickson Buildings and Grounds Maintenance Supervisor, along with his crew, did a lot of work correcting building issues, other departments in coordinating training. Councilor Nadeau thanked all of the staff for doing the work, they did a good job. The fine was substantially larger than what we ended up paying.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Chapman: She reported that they had 5 interviews that evening, and they will be putting them forward for the Council's approval. There was a 3-year Planning Board seat, 2 3-year seats for the Dundee Park Advisory Committee, a 2-year Land Use Ordinance Committee seat, and a 3-year alternate Zoning Board of Appeals seat.

2. Finance Committee.

Councilor Nadeau: He reported that they received the proposed budget from the Manager on April 1. April 2 the PDF files were available to be downloaded, April 16 they covered Administrative accounts, i.e. Council, Town Management, Collection and Informational Services, Community Participation, Community Cable, Municipal Insurance and Employee Benefits, on April 23 was Public Works and Fire, on May 5 was Police, Recreation and Parks & Rec, on May 6 was Property Inspection Services, Code, Planning, Comp Plan, on May 8 was Assessing and GIS. They were scheduled to look at Capital - account 9000, but there were not enough Councilors in attendance that evening for such a significant account. It was later decided to take Capital up on the 19th.

B. Other Committees.

1. Land Use Ordinance Committee.

Councilor Nadeau: He reported that they have a meeting scheduled for next Wednesday with Ben Smith.

2. Public Easement Advisory Committee/Roads Policy Task Force.

Councilor Nadeau: Reported that Doug Fortier had not started surveying the roads yet. He will start very soon, but a letter was sent out the the Collins Pond Association for the two roads the town has an issue with. This year they were worse then in the past so they were given either 60 or 90 days to come up with a solution. The problem appears to be the end of the roads where there is no turn-around and where the snow was put; the people renting down there would not allow the snow to be put there.

3. Windham Economic Development Corporation

Councilor Noel: Reported that the Sub-committee work continues and the Angler's Road work will be heard that evening. They will hear more about their budget and recommendations later that night. There are some pending documents that are being created on "How to work with and in Windham", and some rezoning and potential ordinance change recommendations.

4. Wastewater Management Planning Advisory Committee.

Tony Plante: There was a meeting on May 8th with Councilor Nadeau, Mac Richardson, Dustin Roma, Tom Bartell, Ben Smith, Peter Anania and Tony. Dustin Roma was designated as Chair of the Committee to keep things organized, but as a group, they agreed it was important for as many other committee members to be present when updates and reports are given, so it not just one person's product, it will be the work of the group and they will stand by the reports and the recommendations as a body. A meeting is tentatively set for June 5th at 5:30 p.m. at Lighthouse Imaging in North Windham.

IX. PUBLIC HEARINGS.

CD 14-109 To receive comment on a new liquor license application submitted by Kenneth Ray d/b/a Club 302 LLC.

Attachments: Club 302 Liquor License Application

Heather McNally: The reinspection was done today regarding a limited certificate of occupancy on-site, and some of the conditions have not been met for occupancy. He is working on a 60 day extension right now, with a month remaining. I was hoping you might wait until the next Council meeting to vote on this so I can make sure that the life safety item is completed? Thank you.

Councilor Muir: That must be an updated application because the one I have before me had Code signed off on it. Is this something that has happened since then?
Heather: At the time he had a temporary occupancy, so we were going with the impression that he would have everything done within that time frame, which is still a legal occupancy, but per the inspection, he does not have those items completed.

Councilor Noel: Does he have an occupancy permit? Tony said it was temporary. That is the same status as when the application for the liquor license was. Heather: He has a temporary occupancy permit. Councilor Noel: What is the difference between when he applied for the permit and now? Heather: When he applied for the permit he had the temporary occupancy permit, and his deadline to have those items done was going to be met. We came up with a timeframe between myself and Windham Fire, and he

assured us he would have that stuff done. The reinspection was performed today and there is one item on the list, a fire separation requirement, and he has a temporary occupancy permit that will expire in two more weeks, the original one expired today.

- CD 14-146** To receive public comment on proposed amendments to the Town's Land Use Ordinance, Chapter 140, to consolidate the standards for Automobile Repair Facilities, and propose changes to the zoning districts in which auto repair, auto storage and small engine repair are allowed.

Attachments: TC Auto Repair and Storage combined 05-08-14

Councilor Nadeau: He read a letter into the record from Marge Govoni. (See attached)

Councilor Noel: Was she speaking as the Chairman of the ZBA or was she speaking as a resident of the Town of Windham. Councilor Chapman: Chair of the ZBA. Councilor Noel: So is that the position of the ZBA or Marge Govoni, because I heard her say "I" in the letter. Councilor Chapman: She says "we the Windham Zoning Board of Appeals". Councilor Noel: Some where later on it says "I" so I get confused whether she is speaking as the ZBA or a resident, do you know Dave? Councilor Nadeau: All I know is when they had them come in front of us they felt they got no guidance from within the ordinance.

Tony Plante: I think what I hear Councilor Noel asking is whether the ZBA has taken an official position. Councilor Nadeau: The ZBA is the one that asked for guidance and put this on the plate of LUOC. Councilor Noel: There are two versions, and they are not taking a position on which version; it sounds like they are but they are not recommending either version. Councilor Nadeau: Either version, there is not enough clarity in either version to give them the guidance that they need.

Heather McNally: The ZBA has expressed guidance and concern regarding the proposed language for the storage lots. The big concern is the creation of automobile junkyard and graveyards and also the enforcement part of it. They are concerned about the enforcement of 90 days. I am concerned about the enforcement as well, because we have to then track on who we have and make sure their vehicles are compliant within 90 days, and it is quite a bit of manpower for two people. Each member of that board has expressed concern and request guidance for automobile storage lots.

Councilor Noel: I understand but my question is there is two versions before us; the original and one that has been modified. Does the ZBA have a position on which one of those two they would prefer? Heather McNally: They have not expressed to me what one they prefer. Councilor Noel: All they are looking for is guidance and going through these quote unquote, provide guidance, whether it's what they want or what they like, we are not sure.

Heather McNally: We have a meeting scheduled in June, I can get some information from them at that meeting and present it to you after that.

- CD 14-144** To receive public comment on a proposed amendment to the official Town of Windham zoning map, at the request of Kyle Rich, to rezone a 65,000 square foot portion of the property identified on Tax Map 14; Lot 17J, from Farm Residential (FR) to Residential Medium (RM) and Business and Professional Office Overlay (BPO), and to rezone a portion of Tax Map 50; Lot 1A from FR to RM.

From,

Marge Govoni, chair of the ZBA to the Windham Town Council

We, the Windham Zoning Board of Appeals, requested that the LOUC review Auto repair and Storage lots. There are very few guidelines for Storage lots and even with our best attempts we end up with businesses that you would not want as a neighbor and could have a physical impact on a neighborhood. I have seen many of these come and go with no betterment to the community.

The LOUC came up with some reasonable guidelines but they are now being diluted because there is a Storage lot that wants to move into Grondin's Enterprise District. I am as business friendly as the next person but I feel the focus now has changed to, how do we get this new business into town without consideration of what we originally asked for.

I have been doing this for a while and I can honestly say that with all the auto repairs/ used car lots that have failed and the continuing flow of new applications, we have inadvertently created many areas in town that might be considered to some degree as junk car lots, which is not acceptable and I doubt legal.

Please take careful consideration of these ordinances and the ramifications to Windham when you vote on them. We, the ZBA and Code Enforcement cannot do our jobs without strong ordinances.

Thank you for your consideration,

Marge Govoni

Attachments: PB recommendation to TC Rich request FR-RM 04-16-14 (1)
PB memo Kyle Rich request FR-RM combined 03-20-14

No public comment.

X. CONSENT AGENDA.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

14-125 To find that the requirements of 28-A MRSA §653 have been met and to approve an application submitted by Kenneth Ray d/b/a Club 302 for a new liquor license.

Attachments: CoverSheet 14-125
Club 302 Liquor License Application

Councilor Muir moved the Order, seconded by Councilor Chapman.

Councilor Noel: He asked when the current permit expire and was time an issue? The Clerk said the current license had expired and they filed for a 60-day temporary extension that was granted and there was 30 days left of that for their liquor license. Heather will go back and inspect in two weeks. Councilor Noel: Confirmed that there was no impairment to their current business with occupancy or their ability to conduct business by a postponement, if necessary. The clerk said that was correct.

Councilor Chapman: She asked if Heather had already signed off on it, and we do not pass it forward, what is the legal liability that the Town may or may not have since it was already signed off on? Tony said he understood that the circumstances had changed since then; they are now not in compliance based on some of the improvements they were making, and in order to get their certificate of occupancy they need to complete that one item.

Councilor Chapman: She said they must have met something or Heather would not have signed off? Heather said with the conditional occupancy and the first time they came in to get licensing they were under the impression it was under the same ownership, and during that time they found out that they had changed hands and had requested for Code Enforcement and Windham Fire to come in to do life safety checks because there many outstanding violations from many years past that had never been corrected. They did those, came up with a list, gave them a conditional occupancy with a time frame of which to get the items done. The reinspection has showed they have one item remaining; it is nothing that will threaten the life of anybody in there, but it is a fire separation requirement for the space that they have. Councilor Chapman said her concern was that it was already signed off before it should have been, and in the future she would not want to see the town sign off on something that is not ready to be signed off on.

A motion was made by Councilor Noel, seconded by Councilor Chapman, that the Order be postponed until the meeting of May 27, 2014. The motion carried by the following vote:

In Favor: 5 - Councilor Chapman, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

Absent: 2 - Council Chair Gleason and Councilor Moore

- 14-146** To approve a liquor license application submitted by Sebago Lake Rotary Club for a fund-raising event to be held on May 29, 2014.

Attachments: Sebago Lake Rotary Club Liquor License Application

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

In Favor: 5 - Councilor Chapman, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

Absent: 2 - Council Chair Gleason and Councilor Moore

- 14-150** To approve a request from the Summerfest Committee to make charitable contributions in support of the Windham Primary School Playground and D.A.R.E. to Adventure.

Attachments: CoverSheet 14-150

Summerfest Committee Charitable Contribution Request Letter

Councilor Nadeau moved the Order, seconded by Councilor Noel.

Councilor Nadeau: They asked why do they have to come to the Council to ask to cut checks? Tony replied it was because these are not Summerfest expenses. They are not expenses for anything related to putting on Summerfest, and that is what the Summerfest funds were for when Summerfest was restarted. It was envisioned as an event where community organizations come to do their own fund raising, run a booth of some kind and they raise their own funds. This is the first time that he was aware of, that funds that were generated as part of running Summerfest which have been used for expenses other than the cost of running Summerfest itself. The reason why the town holds the purse strings to this is the town provided the initial seed money and has continued to act, in effect, as the fiscal agent, so they are town funds. It is run under the auspicious of the town and they do not get a mass gathering permit, they do not provide insurance, we are the umbrella organization for all of that.

Councilor Noel: Are asking for these to be a donation from the Summerfest Fund more than an expense of the Summerfest event? Tony said yes, because these are not expenses related to putting on Summerfest, they are expenditures from the Summerfest account for the purpose of supporting Dare to Adventure and the Windham Primary School Playground. Councilor Nadeau read part of a letter from the Summerfest group explaining their intent.

Tony explained that the Council provided, about five years ago, \$5,000 to provide seed money to Summerfest. There is no Charge, no Summerfest Committee that is appointed by the Council; this is an adhoc group, and for years has been operated with conjunction with the Summerfest Committee or with the assistance of the Parks & Recreation Dept. The funds that were set aside for Summerfest were to put the event on.

After some more debate there were still some unanswered questions and it was decided to postpone to get some more information.

A motion was made by Councilor Chapman, seconded by Councilor Welch, that

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

In Favor: 4 - Councilor Chapman, Councilor Muir, Councilor Noel and Vice Chair Welch

Opposed: 1 - Councilor Nadeau

Absent: 2 - Council Chair Gleason and Councilor Moore

14-158 To approve one (1) application submitted by North East Ice Cream for a mobile food service unit license.

Attachments: CoverSheet 14-158

Northeast Ice Cream Mobile Food Application

North East Ice Cream background check

Councilor Nadeau moved the Order, seconded by Councilor Noel.

Councilor Chapman: She asked Tony if we were doing a criminal background check on the applicant? The answer was no.

A motion was made by Councilor Nadeau, seconded by Councilor Noel, that the Order be postponed to May 27, 2014. The motion carried by the following vote:

In Favor: 5 - Councilor Chapman, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

Absent: 2 - Council Chair Gleason and Councilor Moore

14-145 To appoint two delegates to the Greater Portland Council of Governments General Assembly.

Councilor Welch: Nominated Donna Chapman and Tony Plante to go to the meeting on June 18th, 2nd by Councilor Noel.

A motion was made that the Order be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Chapman, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

Absent: 2 - Council Chair Gleason and Councilor Moore

14-151 To adopt a resolution in support of an amendment to Federal Emergency Management Agency winter storm reimbursement policy.

Attachments: Resolution 14-151 on FEMA Winter Storm Policy

Congressional Delegation Letter to FEMA 20140225

Tony explained that over the holidays towns in central and eastern Maine were hit with a severe ice storm and people were without electricity and heat for a couple of weeks. Unlike the previous ice storm, such as the one in 1998 where FEMA stepped in and there was a declaration of an emergency and FEMA reimbursement applied; with this last storm FEMA advised these cities and town that they are from Maine and should be

prepared for winter and did not want to give any reimbursements. These cities and towns strongly disagree. We were not affected to the same degree as the other communities but it is only a matter of time before we are, and if there has been a change in FEMA policy or inconsistencies, then we need to have some clarity from FEMA for storms in the future.

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

- In Favor:** 5 - Councilor Chapman, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch
- Absent:** 2 - Council Chair Gleason and Councilor Moore

14-164 To approve changes to the Land Use Ordinance related to standards for Automotive Repair Services and Automobile Storage Lots.

Attachments: TC Auto Repair and Storage combined 05-08-14

Councilor Chapman: Moved the Order to look at the Planning Board's version, seconded by Councilor

Ben Smith: He said the Land Use Committee did make a recommendation to the Town Council last September, and that is the ordinance language that the Council sent to the Planning Board after a public hearing and after a discussion at the Planning Board level. The recommendation was to send it back to the Council with a motion to accept the changes from the LUOC with the following additional changes, which are listed in Ben's staff memo.

He said what they had included in their packets is a very long set of ordinance language with red strike through and additions; that is the original language sent from the LUOC, and following that is a shorter section with blue markup language, which was the additional changes to the ordinance language that the Planning Board recommended.

Ben said the LUOC suggested that the Town Council adopt language that removes automobile repair facilities from the farm district and add them as a conditional use in the C1 District, and as permitted uses in the Industrial and ED Districts. Where the Planning Board recommended that the automobile repair facilities remain a conditional use in the Farm District and automobile storage facilities, as defined, is added as a conditional use in the Farm District.

They also made the following recommendations in regard to automobile repair facilities in the C3 District; the LUOC wanted to limit that so that larger vehicles over 26,000 pounds would not be allowed to be repaired in the C3 District. Respecting the existing residential homes in the C3 District the Planning Board felt that the distinction between large vehicles and a regular passenger vehicle repair facilities was not necessary to make in the ordinance language.

Councilor Nadeau: Asked what was the new recommendation they have that was added after? Ben said there was an additional recommendation for the Council to consider; a change to the section 500 - automobiles storage lot performance standards, which would extend the amount of time the vehicles could be stored on the property. The LUOC recommended 45 days as a maximum, and it is being suggested by a large property owner in the ED District, where this would be an allowed use, to extend that from 45 days to 180 days.

Councilor Chapman's motion failed for lack of a second.

Councilor Noel: Made a motion to make changes to the Land Use Ordinance related to the standards for automotive repair services and automobile storage lots relative to the Land Use Ordinance Committee's recommendations, seconded by Bob Muir.

Councilor Muir: He said he was not in favor of having it in the farm zone or the C3 zone.

Councilor Noel: He thought 45 days was too short, but 180 days too long. Councilor Nadeau said he didn't think this was an ordinance where one ordinance fits all.

Councilor Noel: Asked Ben what the minimum lot sized was, and Ben said there were some restrictions on the number of cars associated with automobile repair service facilities; there was not a limit on the number of cars related to automobile storage lots; it was just a limit on the amount of time any single vehicle could be kept in a calendar year.

Councilor Nadeau: Said he has an issue with the screening, and screening is either a fence or a wooded buffer, and he thinks it would have to be a fence. Ben explained that when the definition and performance standards were written for automobile storage lots, the intent was for what you would normally think of as an impound lot where local vehicles are towed to a local facility and ensure those vehicles are cycled. It does not become an automobile graveyard or junkyard. It is just a place where they go, and after a short amount of time they are picked up and moved out. It does not talk about a minimum or maximum number of cars in these places, or a minimum or maximum lot size for that.

Councilor Nadeau: Moved to amend that it be opaque fencing at 6 ft ht, and scrap the vegetation, seconded by Councilor Muir.

Vote 5-0 on amendment.

Councilor Nadeau: Moved to amend that an automobile storage lot not exceed 30 vehicles, seconded by Councilor Muir.

Tom Bartell: He explained that they bring them in and have to have time to clear the title and go through the process with the insurance companies; then they auction them off and they go away. They do not get crushed, they do not get torn apart, nothing happens to them on-site. Restricting it to 45 days stops that business from coming in, and restricting the number of vehicles or the size of the lot stops that business from coming in. If you are thinking about any particular business and having it or not having it, those right now are the two limiting factors in the amendment as proposed. The WEDC is trying to bring businesses into town, and this seems like a legitimate business model. He said limiting the size would eliminate the ED zone from this opportunity we have. There is 1,000 acres up there, and that is why there is 1,000 acres up there and why there is an ED zone.

Heather McNally: She said her concern would be, not limiting the vehicles, and that even the storage lot would still be considered, by state statute, a junkyard/automobile graveyard with more than two inoperable vehicles. When the ZBA first requested the board to look at this it was because they had a towing business that was coming in, and they had no defined impound lot regulations. So it was an accessory to the business because, by ordinance, we required them to tow to a local lot. The towing company didn't want to tow to a local salvage lot; he wanted to have his own space to tow to; that is what brought on trying to create an accessory for the towing businesses that were in town and possibly the other local automotive repair businesses as well.

Tony read an exception listed in Title 30-A section 3752 - Automobile Graveyard (a)(7) automobile graveyard does not include an area used for temporary storage of vehicles

by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle storage to be considered temporary under this subparagraph - a vehicle must be removed from a site within a 180 days within receipt of title by the business.

Peter Anania: He thinks it is an opportunity for the town for this business to come in. It is a nice, well run business in looking at their other site in North Carolina, and he thinks they should be accommodated.

Councilor Muir: In the past the aquifer has been talked about; what types of businesses do we want up there, will it be good or bad for it if there is a chance for some type of run-off?

Tony Plante: Asked if we have any idea in full build-out, how many cars might be accommodated on-site at any one time? Secondly, talking about a time frame of 45 days and with the average turn-a-round time being 65-70 days? Councilor Nadeau said the school complex is about the size it would be. Ben said in a conversation he had they might have 100-200 cars circulating on a weekly basis.

Vote on amendment 1-4 (DC, BM, MN, DW) Fails

Councilor Noel: Moved to amend the current motion to extend the 45 days to 90 days after title is received, seconded by Councilor Chapman.

Vote 2-3 (DN BM DW) Fails

It was determined that there was still a lot of unanswered questions and concerns, and it would be best to postpone the Order.

Councilor Chapman: Moved to postpone until June 17th, seconded by Councilor Noel. Vote 5-0 to Postpone

- 14-123** To adopt an amendment to the official Town of Windham zoning map, at the request of Kyle Rich, to rezone a 65,000 square foot portion of the property identified on Tax Map 14; Lot 17J, from Farm Residential (FR) to Residential Medium (RM) and Business and Professional Office Overlay (BPO), and to rezone a portion of Tax Map 50; Lot 1A from FR to RM.

Attachments: [PB recommendation to TC Rich request FR-RM 04-16-14](#)
[PB memo Kyle Rich request FR-RM combined 03-20-14](#)

A motion was made by Councilor Nadeau, seconded by Councilor Chapman, that the Ordinance be adopted as amended. The motion carried by the following vote:

In Favor: 5 - Councilor Chapman, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

Absent: 2 - Council Chair Gleason and Councilor Moore

- 14-163** To refer a zoning amendment request from R & T Enterprises, LLC to rezone a property on Sandbar Road identified on Tax Map 18; Lot 31C, from Commercial 1 (C-1) to Medium-Density Residential (RM), to the

Planning Board for review and recommendation.

Attachments: TC memo Vance request C1-RM memo 05-08-14

Vance request C1-RM TC packet combined 04-17-14

Councilor Chapman: Moved the Order, seconded by Councilor Muir.

Councilor Noel: Because this is located in a C1 zone, that by changing it, it looks to him that it would be a contract zone or spot zoning, which neither one in that area makes sense. He thinks it needs to be scrubbed significantly to make it conform. As it is written, they either have to come back saying they will make a RM zone in the middle of the C1 zone or they would have to extend other areas, and it will either come back saying you can or can't; he does not think it will come back with a potential solution. They, as a Council, may be looking for something different in terms of recommendations on whether it can or cannot be done, we do not want to draw a firm line saying it is either one or the other and nothing more.

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

In Favor: 5 - Councilor Chapman, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

Absent: 2 - Council Chair Gleason and Councilor Moore

XII. Discussion Items.

CD 14-104 The Council will hear a presentation on and discuss principles and uses of tax-increment financing (TIF) with Jim Damicis of Camoin Associates.

Attachments: Windham - TIF Overview

CD 14-140 The Council will discuss a partial release of the mortgage on WEDC's Anglers Road property as part of a proposed sale, payment of a portion of the outstanding loan, and the use of those proceeds for the Anglers Road intersection improvements.

CD 14-096 The Council will review proposed changes to building and other permit fees.

Attachments: Permit Fee Proposal Memo
FEE 2013 WORKING COPY

CD 14-120 The Council will discuss an agreement with the Little Sebago Lake Association to allow the Association to purchase fuel from the Town solely for its use in safety patrols and milfoil eradication efforts.

Attachments: Memo on LSLA Fuel Agreement 20140509
Agreement with Little Sebago Lake Association 20120509
LSLA Agreement (original draft)

CD 14-112 To discuss the search processes for the positions of police chief and fire-rescue chief.

XIII. Agendas & Scheduling.

CD 14-143 Agenda Items Report.

Attachments: Agenda Items Report 20140509

XIV. ADJOURN.

Councilor Chapman left at 10:55 pm.

A motion was made by Councilor Noel, seconded by Vice Chair Welch, that the be adjourned. The motion carried by the following vote at 11:05 p.m.

In Favor: 4 - Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

Absent: 3 - Councilor Chapman, Council Chair Gleason and Councilor Moore

Respectfully submitted,



Linda S. Morrell
Town Clerk, CCM