

# Town of Windham

Planning Department  
8 School Road  
Windham, ME 04062

voice 207.894.5960

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## MEMO

DATE: March 16, 2016

TO: Windham Town Council  
THROUGH: Tony Plante, Town Manager  
FROM: Amanda Lessard, Planner *AL*  
Cc: Ben Smith, Director of Planning  
Heather McNally, Director of Code Enforcement  
Tom Bartell, Executive Director WEDC

RE: Planning Board Recommendation - Ordinance Amendment – Section 400,  
Construction Services, Private Warehousing and Landscaping Businesses

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At the Planning Board's meeting on March 14, 2016, a public hearing was held on the proposed ordinance changes to Section 400 of the Land Use Ordinance to allow Construction Services, Warehousing, Private and Service Business, Landscaping uses in additional commercial zoning districts. These proposed changes include:

- In the C-1 District: Changing Warehousing, Private from a Conditional Use to a Permitted Use
- In the C-2 District: Adding Construction Services and Warehousing, Private as Permitted Uses
- In the C-3 District: Adding Construction Services and Service Business, Landscaping as Permitted Uses

No members of the public spoke for or against the proposed amendment.

During Planning Board discussion some members expressed concern that Route 302 was not the best location for these uses. Other members commented that even though Site Plan Review would be applicable for the larger proposed developments, if these uses are allowed in additional districts they should always require additional review by the Town in order to minimize the adverse impacts on adjacent properties.

Following discussion of the proposed changes, the Board made the following motions:

To recommend to the Town Council approval of the proposed amendments to Section 400 for Warehousing, Private to remain a Conditional Use in the C-1 District and to be permitted in the C-2 District, as proposed.

Motion: Margaret Pinchbeck  
2<sup>nd</sup>: Jim Hanscom  
Vote: 5-1 (Keith Elder opposed)

To recommend to the Town Council approval of the proposed amendments to Section 400 for Construction Services to be allowed as a Conditional Uses in the C-2 and C-3 Districts.

Motion: Margaret Pinchbeck  
2<sup>nd</sup>: Jim Hanscom  
Vote: 6-0

To recommend to the Town Council approval of the proposed amendments to Section 400 to allow Service Business, Landscaping as a permitted use.

Motion: Jim Hanscom  
2<sup>nd</sup>: John Eddy  
Vote: 5-1 (Margaret Pinchbeck opposed)

# Town of Windham

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## MEMO

DATE: March 8, 2016

TO: Windham Planning Board

FROM: Amanda Lessard, Planner 

Cc: Ben Smith, Director of Planning  
Heather McNally, Director of Code Enforcement  
Tom Bartell, Executive Director WEDC

RE: Ordinance Amendment – Section 400, Construction Services, Private Warehousing and Landscaping Businesses  
Planning Board Meeting & Public Hearing – March 14, 2016

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The Planning Board discussed the enclosed Windham Economic Development Corporation (WEDC)'s proposed ordinance changes to Section 400 of the Land Use Ordinance at the Board meeting on February 22, 2016. These changes include:

- In the C-1 District: Changing Warehousing, Private from a Conditional Use to a Permitted Use
- In the C-2 District: Adding Construction Services and Warehousing, Private as Permitted Uses
- In the C-3 District: Adding Construction Services and Service Business, Landscaping as Permitted Uses

Construction Services is currently only permitted in the C-1 and ED Districts, Private Warehousing in the C-1, C-3, I, and ED Districts, and Landscaping Businesses in the C-1 and F Districts. The existing definitions of these uses are attached.

A public hearing is scheduled for the Planning Board meeting on March 14, 2016. 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**) approval of the proposed amendments to Section 400 to allow Construction Services, Warehousing, Private and Service Business, Landscaping uses in additional commercial zoning districts.

## E. Commercial District I (C1)

### 1. Intent

To provide general retail sales, services and business space within the Town of Windham in locations capable of conveniently servicing community-wide and/or regional trade areas, with safe, well-regulated automobile access and pedestrian access where appropriate.

### 2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Commercial District I as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Assisted Living Facility
- Adult Business Establishment
- Bank
- Building, Accessory
- Business and Professional Office
- Child Care, Facility
- Child Care, Family Home
- Club
- Construction Services
- Convention Center
- Dwelling, Existing Single-Family Detached
- Dwelling, Existing Two-Family
- Dwelling, Existing Multifamily
- Dwelling, Mixed Use
- Fitness Center
- Forestry
- Funeral Home
- Home Occupation 1
- Home Occupation 2
- Hospital
- Housing for Older Persons
- Medical Marijuana Dispensary
- Medical Office
- Mineral Extraction
- Nursing Home
- Place of Worship
- Public Building
- Recreation Facility, Indoor
- Research Laboratory
- Restaurant
- Retail Sales
- Retail Sales, Convenience
- Retail Sales, Nursery
- Retail Sales, Outdoor
- Sawmill, Temporary
- Service Business, Commercial
- Service Business, Landscaping
- Service Business, Personal
- Theater
- Use, Accessory
- Warehousing, Private
- Wireless Telecommunications Tower and Facility

### 3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 513. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Automobile Gas Station
- Automobile Repair Services
- Distribution Center
- Drive-through Facility
- Hotel
- Industry, Light
- Industry, Heavy
- Motel
- Public Utility Facility
- Recreation Facility, Outdoor
- Retail Sales, Automobile Sales
- Retail Sales, Minimart
- Shipping Containers
- Small Engine Repair
- ~~Warehousing, Private~~
- Warehousing, Public

### 4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

### 5. Dimensional Standards

The following dimensional standards shall apply in the Commercial District I:

- |   |             |
|---|-------------|
| (a) Minimum Lot Size:                               | None        |
| (1) Dwelling, Existing                              | 20,000 s.f. |
| (2) Dwelling, Mixed Use                             | 15,000 s.f. |
| (b) Net Residential Density:                        |             |
| (1) Housing for Older Persons:                      |             |
| (i) One (1) Bedroom Unit                            | 8,000 s.f.  |
| (ii) Each Additional Bedroom                        | 6,000 s.f.  |
| (2) Dwelling, Mixed Use                             | 15,000 s.f. |
| (c) Minimum Frontage:                               | 100 ft.     |
| (d) Minimum Front Setback:                          | 40 ft.      |
| (1) Minimum Landscaped Buffer Strip                 | 20 ft.      |
| (2) Dwelling, Existing: (All associated structures) | 30 ft.      |

- (i) The minimum front Setback of a lot governed by Subsection 406.E.5.(d) may be reduced to the average setback distance of the existing structures located on the lots to either side of said lot.
  - (ii) A landscaped buffer strip is not required for lots with existing dwelling units.
- (e) Minimum Side Setback: 6 ft.
    - (1) Dwelling, Existing (All associated structures) 10 ft.
  - (f) Minimum Rear Setback: 6 ft.
    - (1) Dwelling, Existing (All associated structures) 10 ft.
  - (g) Maximum Building Height: None
    - (1) Dwelling, Existing (All associated structures) 35 ft.

## 6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Commercial District I:

- (a) Aquifer Protection Overlay District. (*See Subsec. 407.A or 407.B*) – Aquifer Protection Overlay District and the Town’s Official Map.
- (b) Buffer Requirement. All properties in the C1 district that abut a residential use, or undeveloped parcel, located in a residential zoning district shall provide a fifty (50) foot buffer along the zoning district boundary line.
- (c) Controlled Access Street. For standards pertaining to controlled access streets in the C1 District see Section 300 Definitions and Section 500 Performance Standards.
- (d) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for additional standards applicable to the C1 District
  - (1) New, enlarged or rebuilt uses on an arterial road, as defined in Section 300, shall be limited to one (1) curb cut. In addition, the following standards shall apply to these curb cuts:
    - (i) A minimum centerline turning radius of 25’ must be provided.
    - (ii) A larger turning radius shall be provided if the curb cut will be used by vehicles with a wheel base of 35.8 feet or larger. In this case, the latest American Association of State Highway and Transportation Officials (AASHTO) standard shall apply.
    - (iii) Paved deceleration and acceleration lanes must be provided unless an alternative traffic design, prepared by a licensed civil engineer, is approved by the Town. (*See Sec. 500 Performance Standards for additional curb cut criteria*)

- (e) Dwelling, Existing Single-Family, Two-Family and Multifamily. For the purposes of Section 406.E – Commercial District I, these uses must have been constructed on, or prior to, July 8, 1976.
- (f) Housing for Older Persons. The following standards shall apply to this use:
- (1) Dwelling units shall not be permitted in the basement or first story of a building, except
- (i) Dwelling units that are classified as “affordable” shall be permitted on all stories of a building. To be classified as “affordable,” the project must be funded via Section 202 of the Federal Housing Act of 1959.
- (g) Industry, Heavy. In the C1 district, this use shall not involve any activity defined in Section 300 as “Manufacturing, Hazardous.” (*See Sec. 300 Definitions*)
- (h) Minimum Lot Size. The State of Maine minimum lot size, and minimum lot size waiver, standards apply in the C1 district when the Town’s minimum lot size requirements are less restrictive than those of the State of Maine.
- (i) Retail Sales, Outdoor. The display or sale of products outside of a building shall meet the standards of Section 500. (*See Sec. 500 Performance Standards*)
- (j) Sidewalks. The following commercial development activities shall pay the North Windham Sidewalk Impact Fee in Section 1201(I) to provide safe pedestrian conditions in the Commercial 1 District:
- The construction or placement of new building(s) with a cumulative area that is greater than, or equal to, five-hundred (500) s.f.
  - The enlargement of existing buildings by more than five-hundred (500) s.f., or
  - As required by the Planning Board as part of a Site Plan approved in accordance with Section 800 of this Ordinance.

## F. Commercial District II (C2)

### 1. Intent

The intent of this district is to provide for a mixed commercial and residential zone as a buffer zone between the Commercial District I and the abutting residential areas.

### 2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Commercial II District as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Adult Business Establishment
- Bank
- Building, Accessory
- Business and Professional Office
- Child Care, Facility
- Child Care, Family Home
- Construction Services
- Convention Center
- Dwelling, Single-Family Detached
- Dwelling, Two-Family
- Dwelling, Multifamily
- Dwelling, Mixed Use
- Fitness Center
- Forestry
- Funeral Home
- Home Occupation 1
- Home Occupation 2
- Housing for Older Persons
- Medical Office
- Public Building
- Recreation Facility, Indoor
- Research Laboratory
- Retail Sales
- Retail Sales, Convenience
- Retail Sales, Nursery
- Retail Sales, Outdoor
- Service Business, Personal
- Theater
- Use, Accessory
- Warehousing, Private
- Wireless Telecommunications Tower and Facility

### 3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 513. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Bed and Breakfast Inn
- Club
- Drive-through Facility
- Hotel
- Motel
- Public Utility Facility
- Recreation Facility, Outdoor
- Restaurant
- Shipping Container



#### 4. Prohibited Uses

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

#### 5. Dimensional Standards

The following dimensional standards shall apply in the Commercial District II:

(a) Minimum Lot Size:	None
(1) Dwelling, Single-Family; Two-Family; Multifamily	40,000 s.f.
(b) Net Residential Density:	30,000 s.f.
(1) Housing for Older Persons:	
(i) One (1) Bedroom Unit	8,000 s.f.
(ii) Each Additional Bedroom	6,000 s.f.
(c) Minimum Frontage:	150 ft.
(d) Minimum Front Setback:	40 ft.
(1) Minimum Landscaped Buffer Strip	20 ft.
(e) Minimum Side Setback:	10 ft.
(f) Minimum Rear Setback:	10 ft.
(g) Maximum Building Height:	None
(1) Dwellings (All associated structures)	35 ft.

#### 6. District Standards

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Commercial District II:

- (a) Controlled Access Street. For standards pertaining to controlled access streets in the C2 District see Section 300 Definitions and Section 500 Performance Standards.
- (b) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the C2 District
- (c) Minimum Lot Size. The State of Maine minimum lot size, and minimum lot size waiver, standards apply in the C2 district when the Town’s minimum lot size requirements are less restrictive than those of the State of Maine.

- (d) **Minimum Side Setback Reduction.** The required minimum side setback shall be permitted to be reduced to zero (0) where a common wall is proposed between buildings.
- (e) **Retail Sales, Outdoor.** The display or sale of products outside of a building shall meet the standards of Section 500. (*See Sec. 500 Performance Standards*)
- (f) **Zoning District Boundary Buffer.** Lots on which non-residential uses are located shall require a fifty (50) foot buffer from all property lines that abut a residential zoning district. The buffer shall meet the following requirements:
  - (1) No development shall be allowed within the buffer. This includes, but is not limited to, parking lots, signage, and light fixtures.
  - (2) The buffer must provide screening as described in the definition of buffer, (*see Sec. 300 Definitions*).

## G. Commercial District III (C3)

### 1. Intent

The intent of the Commercial District III is to provide areas for a mixture of light, low-traffic generating commercial uses and ~~single-family~~ housing.

### 2. Permitted Uses

The following uses, as they are defined in Section 300, shall be permitted in the Commercial District III as a matter of right. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Agriculture
- Adult Business Establishment
- Building, Accessory
- Business and Professional Office
- Child Care, Facility
- Child Care, Family Home
- Construction Services
- Dwelling, Single-Family
- Dwelling, Two-Family
- Dwelling, Multifamily
- Dwelling, Mixed Use
- Forestry
- Home Occupation 1
- Home Occupation 2
- Medical Office
- Place of Worship
- Public Building
- Recreation Facility, Indoor
- Retail Sales
- Retail Sales, Convenience
- Retail Sales, Nursery
- Retail Sales, Outdoor
- Service Business, Landscaping
- Service Business, Personal
- Theater
- Use, Accessory
- Warehousing, Private
- Warehousing, Public
- Wireless Telecommunications Tower and Facility

### 3. Conditional Uses

The following uses, as defined in Section 300, shall be allowed as a Conditional Use in accordance with Section 513. Refer to Section 500, Performance Standards or Subsection 6. District Standards for additional use information:

- Assisted Living Facility
- Automobile Repair Services
- Bed and Breakfast Inn
- Campground, Commercial
- Campground, Personal
- Club
- Hotel
- Industry, Light
- Motel
- Nursing Home
- Public Utility Facility
- Restaurant
- Shipping Container
- Small Engine Repair

#### 4. **Prohibited Uses**

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

#### 5. **Dimensional Standards**

The following dimensional standards shall apply in the Commercial District III:

- |  |             |
|--|-------------|
| (a) Minimum Lot Size:                                |             |
| (1) Dwelling, Single-Family; Two-Family; Multifamily | 80,000 s.f. |
| (2) Dwelling, Mixed Use                              | 80,000 s.f. |
| (3) Non-Residential                                  | 20,000 s.f. |
| (b) Net Residential Density:                         | 60,000 s.f. |
| (c) Minimum Frontage:                                |             |
| (1) Dwelling, Single-Family; Two-Family; Multifamily | 200 ft.     |
| (2) Non-Residential                                  | 100 ft.     |
| (d) Minimum Front Setback:                           |             |
| (1) Arterial Street                                  | 60 ft.      |
| (2) Non-Arterial Street                              | 40 ft.      |
| (3) Minimum Landscaped Buffer Strip                  | 20 ft.      |
| (e) Minimum Side Setback:                            | 10 ft.      |
| (f) Minimum Rear Setback:                            | 10 ft.      |
| (g) Maximum Building Height:                         |             |
| (1) Dwellings (All associated structures)            | 35 ft.      |
| (2) Non-Residential                                  | None        |

#### 6. **District Standards**

In addition to Section 500, Performance Standards, these standards shall apply to the following uses in the Commercial District III:

- (a) Automobile Repair Services. The repair of commercial trucks shall be limited to those vehicles with a Gross Vehicle Weight Rating equal to, or less than, 26,000 lbs.
- (b) Controlled Access Street. For standards pertaining to controlled access streets in the C3 District see Section 500 Performance Standards.

- (c) Curb Cuts. See “Curb Cuts and Driveway Openings” in Section 500 Performance Standards for standards applicable to the C3 District.
- (d) Dwelling, Two-Family and Dwelling, Multifamily. These uses shall only be allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986. The following standards shall apply:
  - 1) No more than three (3) dwelling units may be created per lot.
- (e) Minimum Side Setback Reduction. The required minimum side setback shall be permitted to be reduced to zero (0) where a common wall is proposed between buildings.
- (f) Retail Sales, Outdoor. The display or sale of products outside of a building shall meet the standards of Section 500. (*See Sec. 500 Performance Standards*)
- (g) Zoning District Boundary Buffer. Lots on which non-residential uses are located shall require a fifty (50) foot buffer from all property lines that abut a residential zoning district. The buffer shall meet the following requirements:
  - 1) No development shall be allowed within the buffer. This includes, but is not limited to, parking lots, signage, and light fixtures.
  - 2) The buffer must provide screening as described in the definition of “Buffer Strip”, in Section 300 Definitions.

Central Sewage System. A wastewater disposal system that receives wastewater from two (2) or more structures. *(See Sec. 500 Performance Standards)*

Child Care, Facility. A building in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for children under thirteen (13) years of age. *(See Sec. 500 Performance Standards)*

Child Care, Family Home. A home used to provide child care in the resident's home on a regular basis, for consideration, for three (3) to twelve (12) children under thirteen (13) years of age who are not the children of the provider. *(See Sec. 500 Performance Standards)*

Clear Zone. The area adjacent to a street (measured from the edge of the travel lane) in which fixed objects or obstructions are not permitted. Fixed objects include, but are not limited to, trees, signs, utility poles, walls, boulders, and mailboxes. *(See Sec. 900 Subdivision Review)*

Club. A group organized for a common purpose, goal, interest, or activity, usually social, religious, cultural or educational in nature, usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, a constitution, and by-laws.

Cluster Subdivision. A form of development that permits a reduction in lot area and bulk requirements, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture. *(See Sec. 400 Zoning Districts)* *(See Sec. 900 Subdivision Review)*

Collector Street. See definition of, "Street Classification: Collector Street"

Comprehensive Plan. A document or interrelated documents adopted by the Municipal Officers, containing the elements established under 30-A M.R.S.A. § 4326 sub-1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under 30-A M.R.S.A. §4311 through § 4350.

Complete Substantial Construction. The completion of a portion of the improvements which represents no less than thirty (30) percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Conditional Use. A use which shall be authorized when all of the conditions of Section 516 and other applicable provisions of this Ordinance have been met. *(See "Conditional Use" in Sec. 500 Performance Standards)*

Construction Services. The performance of work or the furnishing of supplies to members of the building trades which requires the storage of materials and/or the location of commercial vehicles on the property of the construction services business. This includes, but is not

limited to, plumbing, painting, building, well drilling, carpentry, masonry, or electrical installation.

Controlled Access Street. See definition of, “Street Classification: Controlled Access Street”

Convention Center. A building, or portion thereof, designed to accommodate 300 or more people in assembly. For the purposes of this Chapter, this definition does not include “Places of Worship.”

Corner Lot. See definition of, “Lot, Corner.”

Correctional Facility, Public. A publicly operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Curb Cut. The connection to a street, or opening along the curb line, at which point vehicles may enter or leave the roadway. (*See Sec. 500 Performance Standards*)

Daytime Hours. Those hours between 7:00 a.m. and 7:00 p.m.

Dead-End Street. See definition of, “Street Classification: Dead-End Street”

Demolition. The removal of part, or all, of a building or structure.

Developable Land. Parcels, lots or sites that meet the requirements of “Developable Land” in Section 500 Performance Standards.

Development. Any change of land use including but not limited to the construction of buildings, parking lots, streets or utilities or the filling or cutting of land areas, or the cutting of trees which is done as part of the site preparation. "Development" does not, however, include normal agricultural operations, e.g., cultivation of soil, the raising of livestock, or the erection of fences, nor does it include for the purpose of subdivision or site plan review, the erection of barns and other accessory farm buildings.

Distribution Center. An establishment in which a building is used for the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle. Included in this definition are the breakdown and/or consolidation of orders for shipment. However, the retail sale, assembly, or processing of goods, products, cargo, or materials are not considered part of the distribution process.

Drive-through Facility. Any portion of a structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. (*See Sec. 500 Performance Standards*)

Driveway. A route that provides access to a lot(s) from either a public or private right-of-way. (*See Sec. 500 Performance Standards*).

Sawmill, Permanent. A facility where logs are cut into boards or timbers; a mill or machine for sawing logs or producing firewood that is in operation on a permanent basis. (*See Sec. 500 Performance Standards*)

Sawmill, Temporary. A facility where logs are cut into boards or timbers, a mill or machine for sawing logs or producing firewood that is in operation for a cumulative duration of two (2) months or fewer in any twelve month period. This definition does not include the use of handheld chainsaws. (*See Sec. 500 Performance Standards*)

Self-Storage Facility. A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time. (*See definition of, "Warehousing, Public"*)

Service Business. Establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Service Business, Commercial. Establishments primarily engaged in providing services to business establishments on a fee or contract basis. This includes, but is not limited to, advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing.

Service Business, Landscaping. The business location of a person engaged in the commercial practice of landscaping and who performs or furnishes the labor, and/or materials necessary to maintain or beautify land by contact or consent of the landowner, including, but not limited to; lawn care, planting, care of trees and shrubs, and winter maintenance services such as snow plowing.

Service Business, Personal. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. This includes, but is not limited to, laundry or dry cleaning services, beauty shops, barbershops, shoe repair, and clothing rental.

Setback. The distance between any structure and the nearest lot line or street.

Setback Line. That line that is the required minimum distance from any lot line and that establishes the area within which any structure may be erected or placed.

Setback, Rear. The distance between any structure and the rear lot line or street and measured perpendicular to the structure to the closest point of the rear lot line or street.

Setback, Required. The minimum distance between any structure and a lot line or street within which no structure is permitted to be located except as provided in this Ordinance.

Setback, Side. The distance between any structure and the side lot line or street and measured perpendicular from the side lot line or street to the closest point of the structure.



Variance. Permission to depart from the literal requirements of the Land Use Ordinance. (*See Sec. 1100 Board of Appeals*)

Waiver. A relaxation of the terms of either Section 800 Site Plan Review or Section 900 Subdivision Review. (*See Sec. 800 Site Plan Review; See Sec. 900 Subdivision Review*)

**Warehousing Private. A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a particular industrial field.**

Warehousing, Public. A building or lot used primarily for the storage of goods and materials and available to the general public for a fee. This use definition includes self-storage facilities, as defined.

Water Body. (1) Any natural or artificial collection of water, whether permanent or temporary; (2) any body of water that meets the definition of “Water Body” in the Windham Shoreland Zoning Chapter. This definition does not include swimming pools (*See Chapter 199 Windham Shoreland Zoning*)

Wetland. (1) An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support – an that under normal circumstances does support – a prevalence of vegetation adapted for life in saturated soil conditions; (2) An area that meets the definition of a “Freshwater Wetland” in the Windham Shoreland Zoning Chapter. (*See Chapter 199 Windham Shoreland Zoning*)

Wildlife Habitat, Significant Wildlife Habitat. Areas identified by a government agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals or any areas identified in the Town’s Comprehensive Plan.

Wireless Telecommunications Tower and Facility. (1) A parcel of land containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (2) a Federal Communications Commission (FCC)-licensed facility, designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment. For purposes of this Ordinance, amateur radio transmission facilities and facilities used exclusively for receive-only antennas are not classified as wireless telecommunications towers and facilities.

Yard. An open space that lies between the any structure and the nearest lot line.

Yard, Front. An open space extending the full width of the lot between any structure and the front lot line and measured perpendicular to the structure at the closest point to the front lot line..

Yard, Rear. A space extending across the full width of the lot between any structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line.