

TOWN COUNCIL MEMO

DATE: April 14, 2026

TO: Council Ordinance Committee

THROUGH: Bob Burns, Town Manager

FROM: Steve Puleo, Director of Planning

Cc: Amanda Lessard, Assistant Town Manager

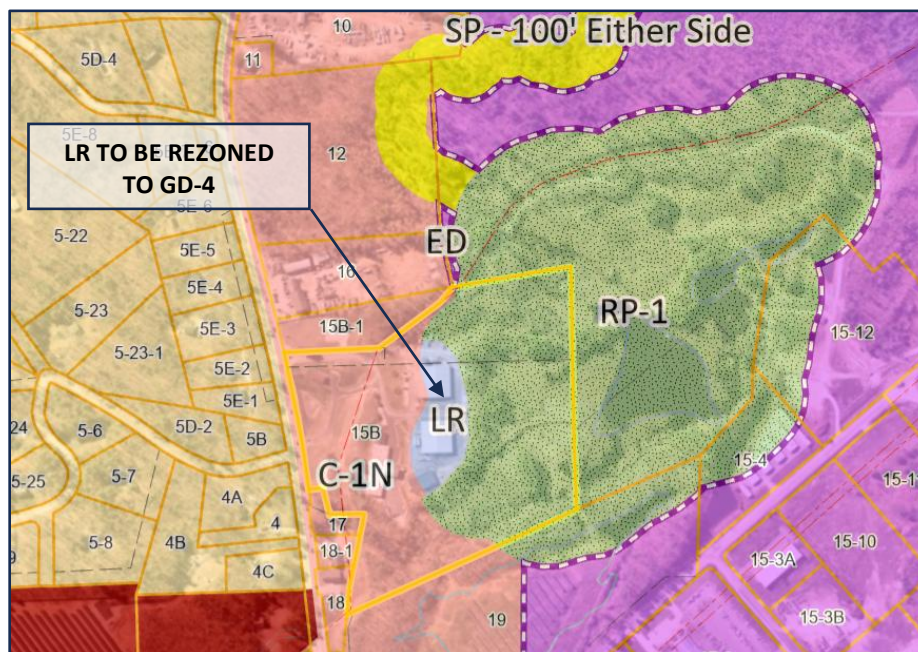
RE: #26-03 Shoreland Zoning Map Amendment – Rezone Portion of 999 Roosevelt Trail from LR to GD – Town of Windham

Town Council Meeting – April 28, 2026

OVERVIEW

The Town is proposing an amendment to the Official Windham [Land Use Map](#) of Chapter 185 [Shoreland Zoning](#), to rezone a portion of 999 Roosevelt Trail from [Limited Residential \(LR\)](#) to [General Development \(GD\)](#) to align with the criteria for the establishment of the districts in [§185-13](#).

Tax Map 21, Lot 15B is located within the Commercial I North (C-1N) District and includes the Shoreland Zone designated as Limited Residential (LR) and Resource Protection I (RP-1) within the Sebago Lake watershed.



PURPOSE

The Town states that the rezoning request is necessary to ensure that the historic commercial use of the two existing structures is consistent with the Shoreland Zoning provisions, and notes that the parcel lies within a designated growth area identified in the [Town's Comprehensive Plan adopted June 13, 2017](#).

Background

999 Roosevelt Trail (Tax Map 21, Lot 15B) is a 22.03-acre parcel with frontage along Route 302 and an access drive serving several detached structures. The property, known as Windham Business Park, contains buildings dating back to the 1990s that have historically supported both industrial and commercial uses.

The Shoreland Zoning map amendments that added Limited Residential (LR) wetlands, Resource Protection Inland Waterfowl and Wading Bird Habitat (RP-IWWH), and Stream Protection (SP) for Outlet Brook were adopted on October 12, 2021, by Council Order 21-187. The Maine DEP approved these amendments on December 16, 2021, through DEP Order #51-2021 (see attached).

The parcel at 999 Roosevelt Trail was rezoned primarily to RP due to the presence of an IWWH wetland. However, the developed portion within the 250-foot Shoreland Zone was removed from the IWWH data layer, resulting in the Town designating the remaining area as LR. Based on the district definitions and allowed uses, this portion should have been designated as General Development (GD).

Shoreland Zoning District Intent

[§185-13B. Limited Residential District](#) includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in General Development District.

[§185-13C\(2\) General Development District](#) are areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses. Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use. Shown on the [Land Use Map, dated February 18, 2026](#).

Key to Table 1:

- YES: Allowed (no permit required but the use must comply with all applicable land use standards) NO: Prohibited
- CEO: Allowed with permit issued by the Code Enforcement Officer LPI: Allowed with permit issued by the local Plumbing Inspector PB: Allowed with permit issued by the Planning Board
- PB-SP: Allowed with site plan approval issued by the Planning Board in accordance with Article 8 of Chapter 120, Land Use

Abbreviations:

LR: Limited Residential GD: General Development

Table 1. Land Uses in the Shoreland Zone		
Land Uses	Districts	
	LR	GD
Agriculture	YES	YES

Aquaculture	PB-SP	YES
Campgrounds	PB-SP	PB-SP
Clearing or removal of vegetation for activities other than timber harvesting	YES	YES
Conversions of seasonal residences to year-round residences	LPI	LPI
Emergency operations	YES	YES
Essential services	PB-SP	PB-SP
A. Roadside distribution lines (34.5kV and lower)	YES ¹¹	YES ¹¹
B. Nonroadside or cross-country distribution lines involving 10 poles or fewer in the shoreland zone	CEO	CEO
C. Nonroadside or cross-country distribution lines involving 11 or more poles in the shoreland zone	PB	PB
Filling and earthmoving of less than 10 cubic yards	YES	YES
Filling and earthmoving of more than 10 cubic yards	CEO	CEO
Fire prevention activities	YES	YES
Home occupations	CEO	CEO
Individual, private campsites	CEO	CEO
Marijuana businesses		
A. Medical marijuana registered caregiver/medical marijuana registered caregiver (home occupation)	NO	CEO
B. Other marijuana businesses	NO	NO
Marinas	PB-SP	PB-SP
Mineral exploration	YES ²	YES ²
Mineral extraction, including sand and gravel extraction	PB-SP ¹³	PB-SP ¹³
Motorized vehicular traffic on existing roads and trails	YES	YES
Nonintensive recreational uses not requiring structures, such as hunting, fishing and hiking	YES	YES
Parking facilities	PB-SP	PB-SP

1 In RP not allowed within 75 feet, horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
 2 Requires permit from the CEO if more than 100 square feet of surface area, in total, is disturbed.
 3 In RP not permitted in areas so designated because of wildlife value.
 4 Provided that a variance from the setback requirements is obtained from the Board of Appeals.
 5 See further restrictions in § 185-15L.
 6 Except when area is zoned for RP due to floodplain criteria, in which case a permit is required from the PB.
 7 Except as provided in § 185-15H(43), and except when the total amount of disturbed area will be 25,000 square feet or less, in which case only a Planning Board permit is required.
 8 Correction facilities are a special exception in the General Development (GD) District requiring both Planning Board and Board of Appeals approval. Correction facilities must meet the performance standards listed under Article 5, § 120-516, of Chapter 120, Land Use.
 9 Single-family residential structures may be allowed by special exception only according to the provisions of § 185-16G, Special exceptions. Two-family residential structures are prohibited.
 10 Except for commercial uses otherwise listed in this table, such as marinas and campgrounds, that are allowed in the respective district.
 11 Permit not required but must file a written notice of intent to construct with CEO.
 13 Mineral extractions must also receive site plan review and approval under Article 6 of Chapter 120, Land Use
 14 Wireless telecommunications facilities also require Planning Board review and approval under Chapter 240.

Consistency with the Comprehensive Plan

As noted, the entire parcel as shown on the "Future Land Use" map in the [Town's Comprehensive Plan adopted June 13, 2017](#), is identified as an "Industrial Area" area. Where growth and changes are desired, and where they are not desired in a central component of comprehensive planning. An "Industrial Area" is a place where future development is to be desired that meet a specified development type. The zone change request is consistent with the comprehensive plan as the property has historically been in industrial and/or commercial uses.

Zoning Amendment Process

As required by [§120-107](#) of the Land Use Ordinance, the Ordinance, including [§120-402](#), *Land Use Map*, may be amended in accordance with the Town Charter and pursuant to [§185-8A](#), following review and recommendation by the Planning Board. While the Ordinance does not establish specific standards for evaluating proposed zoning amendments, State statute requires that all zoning changes be consistent with the goals and objectives of the Comprehensive Plan.

Planning Board Review and Recommendation

The Planning Board held a public hearing on April 13, 2026. No members of the public spoke either in favor of or in opposition to the proposed amendment.

In its deliberations, the Board discussed support for rezoning the small portion of the property, noting that the existing buildings and parking areas have remained unchanged since the 1990s. The Board also considered whether the rezoning would adversely affect the Resource Protection (RP) area and acknowledged that the Town did not appropriately zone this area during the 2021 zoning update.

Based on this discussion, the Planning Board made the following recommendation:

To recommend approval of the shoreland zoning map amendment to rezone the shoreland-zoned portion of property located at 999 Roosevelt Trail, owned by Windham Excavating Company and identified as Tax Map 21, Lot 15B, from Limited Residential (LR) to General Development (GD), permitting industrial, commercial, and residential uses consistent with the General Development district.

Motion: Evert Krikken

2nd: Kathleen Brown

Vote: 5-0