

**TOWN OF WINDHAM**  
**COUNCIL ORDINANCE COMMITTEE**  
**MEETING MINUTES**

**Thursday, August 1, 2024**

**1. Call To Order.**

Ordinance Committee Chair Nadeau called the meeting to order at 4:30 pm.

**2. Roll Call and Declaration of Quorum.**

Committee members present were Councilors David Nadeau (Chair), John Henry, and Jarrod Maxfield.

Also present was Town Manager Barry Tibbetts, Assistant Town Manager Bob Burns, and the Planning Director Steve Puleo.

**3. Approval of August 9, 2024 Meeting Minutes.**

On a motion by Councilor Maxfield, seconded by Councilor Henry that the minutes be approved, the minutes were approved unanimously.

**4. Solid Waste Ordinance – Multi-Family Dwellings.**

Bob Burns, Assistant Town Manager, explains the existing definition of Commercial Solid Waste allow waste generated by occupants of the structure with Windham, which contains more than two (2) dwelling units, and which are occupied by more than two (2) household units. As the Town is contracting Cassella Waste services for automated collection staff recommended increasing the number of dwelling and household units to four (4). The amendments proposed were in the following areas and discussed by the Committee:

- The Committee recommended sending letters to the apartment owner explaining the change in waste collection by the Town.

A motion was made by Councilor Henry and was seconded by Councilor Maxfield to recommend and send the proposed amendments to the Town Council. The motion was approved unanimously.

**5. Land Use Ordinance Amendments.**

Steve Puleo, Planning Director, explained that the proposed amendments to the Land Use Ordinance Article 3 Definitions, Article 4 District Standards, Article 8 Site Plan Review, and Article 9 Subdivision Review would make the terminology consist, simplify the application review and approval processes, and reduce the need for applicants to seek board waivers. The Town Attorney will review the proposed amendments. The amendments proposed were in the following areas and discussed by the Committee:

- Article 3 Definitions :
  - Discussed correcting errors/omissions from previous amendments regarding the Cluster Subdivision definition to Conservation Subdivision.
  - Also, correcting the Open Space definition for Cluster Subdivision to Conservation Subdivision.
- Article 4 District Standards:
  - §120-414B. Amending Enterprise Development (ED) District zoning by adding recreational uses as permitted uses.
- Article 8 Site Plan:
  - §120-810 Fees. Discussed amending §120-810H regarding site preparation to include any land use activities, site preparation, or excavation on the site to be consistent with §120-915E, and all fees assessed hereunder have been paid in full.
  - §120-812C Parking and loading requirements. Explained that the Planning Board was concerned that applicants usually request waivers to reduce the oversized parking spaces from 30% to 10%.
- Article 9 Site Plan:
  - §120-915 Violation and penalties. Discussed amending §120-915E will make commencement of construction, any land use activities, site preparation, or excavation for a subdivision plan in review consistent with Site Plan standards on a site prior to the Planning Board approval.
- Chapter 185 Shoreland Zoning: Moratorium extension:
  - Discussed with the Committee to have the Town Manager request the Council to extend the moratorium period to complete the ordinance amendments to the review criteria of the non-residential uses in the Shoreland Zoning districts.
  - The Planning Board's public hearing process.
- South Windham/Little Fall Master Plan Update:
  - Discussed with the committed scheduling a Joint Ordinance Committee with the Town of Gorham and Windham
  - The Committee was asked to schedule a discussion item with the Council to schedule the meeting on October 23, 2024.

The committee discussed the proposed language to change the percent of oversized parking space required in §120-812C and agreed to postpone that amendment. The committee supported the remaining LUO amendments and scheduled a hearing to extend the moratorium and a discussion item on the joint ordinance committee meeting at the August 20, 2024 Council meeting. A motion was made by Councilor Maxfield and was seconded by Councilor Henry to recommend and send the proposed amendments to the Planning Board for a public hearing. The motion was approved unanimously.

## **6. Land Use Ordinance Amendments.**

Barry Tibbitts, Town Manager, explained that the proposed amendments to the Growth Management Ordinance to make the definition consistent with Chapter 120 Article 3 definitions and make changes to the CEO Growth Permits limiting the multi-family growth issued and requiring applicants to obtain eligible growth permits for multifamily structures before final

Planning Board approvals. The amendments proposed were in the following areas and discussed by the Committee:

- The Committee agreed the definition should be consistent with Chapter 120.
- The Committee wanted to reduce the number of dwelling units to 10 per permit and 10 additional units would require another growth permit.
- Also, wanted to keep the number of multi-family growth permits the CEO can issue to 3 permits.

A motion was made by Councilor Maxfield and was seconded by Councilor Henry to recommend and send the proposed amendments to the Town Council. The motion was approved unanimously.

## **7. Adjournment.**

The meeting adjourned at 6:00 pm.