



Town of Windham
Planning Department
8 School Road
Windham, Maine 04062
Tel: (207) 894-5960 ext. 2
Fax: (207) 892-1916
www.windhammaine.us

TOWN COUNCIL MEMO

DATE: August 28, 2024

TO: Windham Town Council
FROM: Steve Puleo, Planning Director
Cc: Barry Tibbitts, Town Manager,
Bob Burns, Assistant Town Manager

RE: #24-24 - Miscellaneous Amendment to Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 3 Definitions, Article 4 District Standards, Article 8 Site Plan Review, and Article 9 Subdivision Review.

Town Council Meeting – September 10, 2024

Overview

At the Planning Board meeting on [August 26, 2024](#), a public hearing was held on the attached proposed Land Use Ordinance amendment related to 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 be forwarded to the Board for review and recommendation as required by [§ 120-107](#) of the Land Use Ordinance.

Summary of the Proposed Chapter 120 Land Use Ordinance Changes

The staff is developing a proposal for various land use ordinances in Chapter 120. However, these ordinances conflict with other provisions of the land ordinance, making it difficult for staff to determine which to apply and which is more restrictive.

- Amending the following performance standards will help to:
 - Clarify the subdivision type and review with consistent definition and performance standards.
 - Assist staff by removing any conflicting or unclear ordinance language.
 - The Town Attorney, at staff's request, review the amendments and make language changes to improve the interpretation and administration of various sections of the ordinances review.

Summary of the Proposed Chapter 120 Land Use Ordinance Amendment and related Chapters

[Article 3 Definitions](#) (Proposed previous LUO amendments from the Council Ordinance Committee April 9, 2024 Meeting):

- Correct errors/omission from previous amendments. Change [Cluster Subdivision](#) definition to Conservation Subdivision.
- Correct [Open Space](#) definition.

[Article 4](#) District Standards (Proposed previous LUO amendments from the Council Ordinance Committee August 1, 2024 Meeting):

- [§120-414B](#). Enterprise Development (ED) District. Amending zoning district by adding recreational uses as permitted uses.

[Article 8](#) Site Plan (Proposed previous LUO amendments from the Council Ordinance Committee August 1, 2024 Meeting):

- [§120-810](#) Fees. The proposed amendment to [§120-810H](#) will required site preparation to include the 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.

[Article 9](#) Site Plan (Proposed previous LUO amendments from the Council Ordinance Committee August 1, 2024 Meeting):

- [§120-915](#) Violation and penalties. The proposed amendment to [§120-915E](#) will make commencement of construction, any land use activities, site preparation, or excavation for a subdivision plan in review consistent to Site Plan standards on a site prior to the Planning Board approval.

Zoning Amendment Process

There are no specific standards in the Town ordinance by which to judge the proposed zoning change, but State statute requires all proposed zoning to be consistent with the goals and objectives of the [Comprehensive Plan](#).

Planning Board Review and Recommendation

No members of the public spoke for or against the proposed amendment during the Planning Board's public hearing held on August 26, 2024.

The Board discussed the ordinance changes and supported the modifications LUO, which would improve the staff interpretation of the ordinances and eliminate confusion. Following discussion of the proposed changes, the Board made the following motion:

To recommend approval of the proposed miscellaneous amendments to the Land Use Ordinance Article 3 Definitions, Article 4 District Standards, Article 8 Site Plan Review, and Article 9 Subdivision Review.

Motion: Everett Krikken

2nd: Kathleen Brown

Vote: 6-0 (Yost absent)