

TOWN COUNCIL MEMO

DATE: September 2, 2025

TO: Windham Town Council

THROUGH: Bob Burns, Town Manager

FROM: Steve Puleo, Director of Planning

Cc: Amanda Lessard, Senior Planner/Project Manager
Barry Tibbitts, Project Manager

RE: #25-14 Proposed Amendments to Chapter 120 – Planning Board Application Review
Timeline and Submission Requirements.

Town Council Meeting – September 25, 2025

Overview

The Planning Board held a public hearing at the [August 25, 2025](#) to make a Land Use Recommendation of the staff proposed amendments to the Ordinance Committee modifying Chapter 120 of the Land Use Ordinance (LUO), specifically removing the fixed 21-calendar-day application deadline prior to a desired Planning Board meeting. In its place, the amendments establish a flexible, staff-driven 30-calendar-day review period. At the Ordinance Committee meeting of [July 23, 2025](#), voted unanimously to move the proposed LUO amendment to the Planning Board conduct a public hearing and the committee will report their findings at the August 12th Town Council meeting.

The proposed changes apply to the following LUO sections: [§120-108](#), [§120-806](#), [§120-807](#), [§120-906](#), [§120-907](#), and [§120-913](#), within Articles [1](#): General, [8](#): Site Plan Review, and [9](#): Subdivision Review. The purpose of these revisions will ensure the Planning Department has adequate time to determine whether applications are complete in both content and form for scheduling.

In addition, the amendments extend review time to support thorough Planner review and clarify submission standards to ensure applications are complete before action by the review authority. These updates reflect the realities of a four-day municipal workweek and the increasing complexity of development applications.

Background

Under the current deadline, Planning staff has only 12 working days—fewer when holidays fall within the review window—to conduct an initial completeness review and coordinate with other Town departments and outside agencies. In that time, staff must confirm whether all required documentation has been submitted, including plans, narratives, calculations, and required approvals or permits from state or federal agencies such as the Maine DEP, DOT, or other regulating agencies. Internal development review meetings must be scheduled, staff comment memos compiled, legal notices prepared and posted, and Planning Board site walks coordinated. Legal requirements for public notice also require at least seven (7) days' notice before any meeting or site walk is held. This highly compressed timeline risks the possibility of incomplete or deficient applications being placed on a Planning Board agenda and impedes the ability of staff to conduct a thorough and organized review.

Proposal

To address this, the Planning Department proposes eliminating the rigid 21-day scheduling deadline in favor of a rolling 30-day completeness review period. Under this model, applications will not be scheduled until staff have issued a formal determination that the submission is complete. This allows for a more orderly and legally defensible process, provides applicants with the opportunity to revise and resubmit as needed, and ensures that Planning Board members receive well-documented, fully vetted applications for review. The amendment also clarifies submission format requirements. All applications submitted to the Planning Department must now be bound and tabbed, in addition to digital submittals. Applications must include all documentation necessary for review under the Land Use Ordinance, including stormwater reports, traffic studies, abutter lists, proof of agency submittals, and any other materials applicable to the specific review type.

To put this change into context, Windham’s existing 21-day submission deadline is shorter than what is required by several other Maine municipalities. Many of our peer communities have adopted either a 30-day fixed deadline or a staff-controlled review schedule that allows for internal technical review and complete determination before Planning Board placement. A comparative table is included below for reference:

Table 1 – Comparative Planning Board Submission Deadline

Community	Submission Deadline	Notes
Windham (Current)	21 calendar days	12 working days under 4-day week; no formal completeness period
Windham (Proposed)	30 calendar-day review	Application scheduled only after completeness determination based on the review criteria
Scarborough, ME	30 calendar days	Reviewed by internal TRC prior to agenda scheduling
Falmouth, ME	30 calendar days	Peer review included staff review determines completeness
Yarmouth, ME	30 calendar days	Staff review determines if application is complete and compliant
South Portland, ME	21 calendar days	Staff has discretion to delay incomplete applications
Portland, ME	4 weeks minimum	Structured scheduling tied to staff review workflow
Brunswick, ME	30 calendar days	Interdepartmental review occurs before scheduling

Additionally, the Planning Department proposes revisions to [§120-806A](#) and [§120-906A](#) to require that preapplication conferences be held at least seven (7) days prior to the submission of a formal

application. This change ensures that applicants receive early guidance from Planning staff and that applications are better prepared for application completeness review. The proposed language is as follows:

[§120-806A](#) and [§120-906A](#) Preapplication Conference

Current: A preapplication conference is encouraged prior to submission.

Proposed: A preapplication conference shall be held with the Planning Department at least seven (7) days prior to submission of an application.

This amendment formalizes the preapplication process and provides adequate time for applicants to incorporate staff feedback before submitting materials for Planning Board review.

As well, to ensure consistency between Site Plan Review (Article 8) and Subdivision Review (Article 9), the Planning Department proposes revising [§120-907](#) to make site walks for minor and major subdivisions discretionary. The proposed redlined language is as follows:

[§120-907A\(2\)\(b\)\[2\] Site Walks](#)

Current: A site walk shall be conducted by the Planning Board for all major and minor subdivisions prior to scheduling a public hearing.

Proposed: A site walk may be conducted at the discretion of the Planning Board for minor and major subdivisions, consistent with the provisions of [§120-807](#) governing Site Plan Review.

This change provides the Planning Board with flexibility to determine the necessity of a site walk based on the complexity or sensitivity of the site and aligns the subdivision review process with the discretionary approach already established for site plan applications.

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 public comments were received on the proposed Land Use Ordinance (LUO) amendment. The process for amending the LUO is governed by [§120-107](#) of the Windham Code. This memo is provided for the Town Council's public hearing on September 23, 2025, and incorporates the Planning Board's recommendation from its August 11, 2025 meeting. The Board reviewed and discussed the proposed changes, expressed general support, and emphasized the importance of keeping review application timelines consistent under [§120-108C](#) and [§120-913B\(3\)](#), while ensuring applications are complete and ready for Planning Board action. The Board recommends approval of the amendments as presented.

The Board voted unanimously (7-0) to recommend approval of the proposed amendments to Chapter 120, Land Use Ordinance; Articles [1](#) (General), [8](#) (Site Plan Review), and [9](#) (Subdivision Review), specifically [§120-108](#), [§120-806](#), [§120-807](#), [§120-906](#), [§120-907](#), and [§120-913](#), which update application review timelines and submission requirements. The motion, made by Evert Krikken and seconded by Shonn Moulton, carried with the Board's comments included in the recommendation.