



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Agenda Council Ordinance Committee

Wednesday, July 15, 2026

4:00 PM

Conference Room 1.

I. Call To Order.

II. Roll Call and Declaration of Quorum.

III. Approval of Meeting Minutes.

[OC 26-012](#) May 20, 2026 Meeting Minutes.

Attachments: [052026 Ordinance Committee Minutes.pdf](#)

IV. Other Business.

[OC 26-010](#) Land Use Amendments Related to DEP Site Law Delegated Review Authority.

Attachments: [26-xx MEMO_OC_LUO_AMD_BlastingOrdinance-SolidWaste_070926.pdf](#)
[26-xx ORG-RDLN-CLN LUO_AMD_BlastingOrdinance-SolidWaste_070926.pdf](#)
[BlastingPlan_DolleyFarm.pdf](#)

[OC 26-011](#) Shoreland Zoning Amendments nonconforming structures

Attachments: [Shoreland Zoning rev 062926 \(DW rev'd\).pdf](#)

V. Adjournment.



Town of Windham

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Cover Sheet

File Number: OC 26-012

Agenda Date: 7/15/2026

Version: 1

Status: Agenda Ready

In Control: Council Ordinance Committee

File Type: Ordinance
Committee Item

May 20, 2026 Meeting Minutes.

COUNCIL ORDINANCE COMMITTEE
MEETING MINUTES
May 20, 2026

1. CALL TO ORDER.

Meeting called to order 4:09 PM

2. ROLL CALL AND DECLARATION OF QUORUM.

Present: Councilors Nadeau and Reiner

Absent: Councilor Jones

Staff: A. Lessard

Other: Councilor Doug Fortier

3. OTHER BUSINESS

a. Chapter 120 Land Use Ordinance Amendments – Prioritization Discussion.

Reviewed list of proposed ordinance changes and provided comments on the items identified by Staff Priority #:

1 Access Drives & 4 Street Connections: The Committee agreed with the approach for multifamily access to public streets so long as other ordinances require connectivity to adjacent lots.

Amendment will go to the Planning Board after legal review.

2 Conservation Subdivisions: Send to Planning Board.

3 Blasting Standards: The amendments should only regulate blasting for the projects that will require delegated review and not all residential development. The ordinance could potentially be further amended in the future to expand the blasting applicability or notification requirements.

5 & 13 Buffer Yards: This is a lower priority as there are many options within the existing ordinance to comply with the requirement.

6 North Windham Connector Zones: This should be prioritized for amendments to be in place before property owners can apply for permits on the new connector roads. North Windham Moves is expected to start construction in fall 2027.

7 Heavy Construction Service: The Committee reaffirmed that the purpose of the existing heavy construction service standards was not to see vehicles and equipment stored along Route 302. The amendments should also consider increased setbacks and conditional uses.

8 LD 1829/2173: These amendments are required by State law and should be finalized as soon as staff time allows; the Council can adopt with an effective date of July 1, 2027.

9 MS4 LID: When the deadline is clearer it will be a high priority.

10 Shoreland Zoning: For transparency in the decision making, nonconforming expansion is the priority.

11 Public Building Signs: This amendment should be prioritized before the Middle School building is completed. Illumination should be prohibited if the public building sign in a residential district exceeds what is currently allowed. Keep Ordinance Committee informed of proposed language but it can be sent directly to Planning Board.

12 Short Term Rentals: Discussion of how many may be in Windham. January 2025 Housing Study estimates 130. The ordinance should be a registration only, not a cap.

4. Adjourned at 5:31 PM



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Land Use Amendments Related to DEP Site Law Delegated Review Authority.

ORDINANCE COMMITTEE MEMO

DATE: July 9, 2025

TO: Ordinance Committee

THROUGH: Bob Burns, Town Manager

FROM: Steve Puleo, Director of Planning

CC: Amanda Lessard, Assistant Town Manager

RE: 26-xx – LUO Amendment to Article 8 and 9 Creating a Blasting Ordinance and Clarifying Solid Waste Management and Disposal to Align with MeDEP Site Law

Ordinance Committee Meeting of July 15, 2026

Overview

The Planning Department recommends that the Ordinance Committee advance targeted amendments to Chapter 120 of the Land Use Ordinance (LUO) to support the Town's Site Law Delegated Review Authority application and address DEP's request for clearer local review standards. The revised amendment package adds blasting review requirements to Article 8, Site Plan Review, and Article 9, Subdivision Review; adds solid waste compliance references to Chapter 192, Solid Waste, of the Windham Code of Ordinances; and updates the subdivision submission language to reflect the revised clean ordinance draft.

Summary of Proposed Amendment

- **§120-801, Purpose — Site Plan Review**
 - Amends the purpose section to include blasting information within site plan review, confirming that blasting-related information may be considered as part of the Town's review of public health, safety, environmental protection, adjacent property impacts, and overall site design.
- **§120-811B(2)(i), Blasting Information — Major Final Site Plan Submission**
 - Adds blasting information as a required application item when blasting is proposed or reasonably anticipated, including blasting locations and limits, purpose and extent, schedule and duration, contractor and State of Maine license number if known, applicable state permits or approvals, and measures for flyrock, vibration, air-blast overpressure, dust, noise, pre-blast inspections, well testing, monitoring, and complaint response.
- **§120-812I, Solid Waste Management — Site Plan Performance Standard**
 - Updates the solid waste management standard to require adequate solid waste disposal in accordance with Chapter 192, Solid Waste, including disposal at a licensed facility with adequate capacity.
- **§120-812U, Blasting Activities — Site Plan Performance Standard**
 - Adds blasting activities as a site plan performance standard requiring blasting to be conducted by properly licensed individuals, comply with applicable federal, state, and local requirements, and be supported by required state permits, approvals, licenses, and authorizations before blasting begins.

- Requires appropriate blasting safeguards to minimize flyrock, dust, noise, vibration, air-blast effects, and other off-site impacts; avoid unreasonable risks to public health and safety, neighboring properties, infrastructure, utilities, and municipal facilities; and protect groundwater, private wells, stormwater facilities, wetlands, waterbodies, and other protected natural resources.
- Allows the Planning Board to impose reasonable conditions for monitoring, reporting, inspections, mitigation, financial guarantees, and other safeguards.
- **§120-901, Purpose — Subdivision Review**
 - Revises the purpose section to include blasting ordinance review within subdivision review, mirroring the Article 8 approach and confirming that blasting-related impacts may be reviewed under the Town’s subdivision approval criteria.
- **§120-910B(1)(n) and §120-910B(1)(o) — Minor Subdivision Final Plan Submission**
 - Updates the minor subdivision final plan requirements to require solid waste management information consistent with Chapter 192 and blasting information as required by §120-911P.
- **§120-910D — Major Subdivision Final Plan Submission**
 - Updates the required number of full-size plan sets from five copies to three copies.
 - Adds §120-910D(1)(n) and §120-910D(1)(j) for Chapter 192 solid waste management and §120-911P blasting information.
- **§120-911P, Blasting Activities — Subdivision Performance and Design Standard**
 - Adds a subdivision standard giving the Planning Board a clear basis to evaluate safe subdivision-related blasting, licensing, required state approvals, impact controls, protection of infrastructure, neighboring properties, groundwater, and natural resources, and related conditions.

Delegated Review Authority Connection

These amendments strengthen the Town’s Site Law Delegated Review Authority materials by identifying specific LUO sections that correspond to DEP review concerns. The blasting amendments add both application-submission standards and performance standards in Articles 8 and 9. The solid waste amendments cross-reference Chapter 192 so project applicants and reviewers can identify the local solid waste compliance standard during site plan and subdivision review.

Key Dates

- Ordinance Committee Review: July 15, 2026
- Planning Board Public Hearing: August 10, 2026
- Town Council Action: September 8, 2026
- Site Law DRA Resubmission: Targeted for August 15, 2026

Request

Staff requests that the Ordinance Committee forward the proposed Article 8 and Article 9 LUO amendments to the Planning Board for public hearing and recommendation to the Town Council. The amendments add clear blasting submission requirements and performance standards, incorporate Chapter 192 solid waste compliance references, update subdivision submission requirements, and support the Town’s Site Law Delegated Review Authority application by showing how Windham’s LUO addresses these DEP review topics within the local site plan and subdivision review process.

ARTICLE 8

Site Plan

Review

§ 120-801. Purpose.

The site plan review provisions set forth in this article are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential and multifamily construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

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§ 120-811. Submission requirements. [Amended 11-28-2017 by Order 17-347; 6-16-2022 by Order No. 22-108; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

B. Final site plan review application submission requirements. Applications for final site plan review shall be submitted on application forms provided by the Town. The complete application form, evidence of payment of the required fees, and the required plans and related information shall be submitted to the Planning Department. Applications for major developments will not be received until the review of the sketch plan is completed. The submission shall contain at least the following exhibits and information, unless specifically waived in writing:

- (2) Major final site plans, additional information. In addition to the information required for all minor and major site plan applications, an application for a major final site plan shall contain the following information:

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§ 120-812. Performance standards and approval criteria. [Amended 4-27-2010 by Order 10-075; 3-8-2011 by Order 11-03; 8-25-2015 by Order 15-122; 5-22-2018 by Order 18-905; 6-12-2018 by Order 18-099; 3-26-2019 by Order 19-020; 4-9-2019 by Order 19-053; 6-16-2022 by Order No.22-108; 5-23-2023 by Order No. 23-092; 12-12-2024 by Order No. 24-173; 4-29-2025 by Order No. 25-043]

The following criteria shall be used by the Planning Board or Staff Review Committee in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board or Staff Review Committee determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who shall produce evidence sufficient to warrant a finding that all applicable criteria have been met.

- I. Solid waste management. The proposed development shall provide for adequate disposal of solid wastes. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

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ARTICLE 9

Subdivision Review⁴³**§ 120-901. Purpose. [Amended 5-23-2023 by Order No. 23-092]**

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people; to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Windham, Maine, the Planning Board shall evaluate the proposed subdivision, using the following criteria. The subdivision provisions set forth in these regulations are

intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that residential and nonresidential construction is designed and developed in a manner that assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

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§ 120-910. Submission requirements. [Amended 11-28-2017 by Order 17-347; 6-9-2020 by Order 20-140; 6-16-2022 by Order No. 22-108; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

•••

- B. Minor subdivision final plan. The final plan submission shall include three copies of the following information, including full-size plan sets, along with one electronic version of the entire submission. The Board may waive the submission information that is listed in § 120-910B(1)(c). With regard to applications for which the Board is performing delegated review authority for applicable permits (i.e., Site Law or Stormwater Law), the waiver shall not result in noncompliance with any provision of the Site Law, Stormwater Law, or DEP regulations adopted pursuant to those laws.

(1) Mandatory written information.

- D. Major subdivision final plan. The final plan submission shall include five copies of the following information, including full-size plan sets, along with one electronic version of the entire submission.

(1) Mandatory written information.

•••

§ 120-911. Performance and design standards. [Amended 4-27-2010 by Order 10-075; 5-10-2011 by Order 11-070; 7-24-2012 by Order 12-091; 12-16-2014 by Order 14-491; 2-28-2017 by Order 17-038; 10-10-2017 by Order 17-161; 5-22-2018 by Order 18-905; 1-15-2019 by Order 18-257; 6-9-2020 by Order 20-140; 6-16-2022 by Order No. 22-108; 7-12-2022 by Order No. 22-127; 3-28-2023 by Order No. 23-041; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

The performance and design standards in this section are intended to clarify and expand upon the statutory review criteria found in § 120-902. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

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ARTICLE 8
Site Plan Review

...
§ 120-801. Purpose.

The site plan review provisions set forth in this article are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential and multifamily construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; blasting information; and fitting the project harmoniously into the fabric of the community.

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§ 120-811. Submission requirements. [Amended 11-28-2017 by Order 17-347; 6-16-2022 by Order No. 22-108; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

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- (2) Major final site plans, additional information. In addition to the information required for all minor and major site plan applications, an application for a major final site plan shall contain the following information:

...
(i) Blasting Information. Where blasting is proposed or reasonably anticipated as part of a development, the applicant shall provide a description of the proposed blasting activity, including the location and limits of blasting areas shown on the site plan, the extent and purpose of the activity, the anticipated schedule and duration, and the name, address, and State of Maine license number of the blasting contractor, if known. The submission shall also describe measures to control flyrock, vibration, air-blast overpressure, dust, noise, and other off-site impacts; identify any applicable State of Maine permits, approvals, licenses, or authorizations required for blasting activities; and describe proposed pre-blast inspections, well testing, monitoring, and complaint response procedures, where applicable.

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- ...
1. Solid waste management. The proposed development shall provide for adequate disposal of solid wastes per the requirements in Chapter 192 Solid Waste. All solid waste shall be

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U. Blasting Activities. Where blasting is proposed, the Planning Board shall find that:

- (1) Blasting activities will be conducted by individuals properly licensed by the State of Maine and in compliance with all applicable federal, state, and local requirements.
- (2) All required State of Maine permits, approvals, licenses, and authorizations have been obtained or will be obtained prior to commencement of blasting activities.
- (3) Appropriate measures have been incorporated to minimize flyrock, dust, noise, vibration, air-blast effects, and other off-site impacts.
- (4) Blasting activities will not create an unreasonable risk to public health, safety, neighboring properties, public infrastructure, utilities, or municipal facilities.
- (5) Groundwater resources, private wells, stormwater facilities, wetlands, waterbodies, and other protected natural resources will be protected from unreasonable adverse impacts resulting from blasting activities.
- (6) The applicant has provided sufficient information to demonstrate that blasting can be conducted in a safe manner and in accordance with accepted engineering and construction practices.
- (7) The Planning Board may impose reasonable conditions related to monitoring, reporting, inspections, mitigation measures, financial guarantees, and other safeguards necessary to ensure compliance with this section.

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ARTICLE 9
Subdivision Review⁴³

...

§ 120-901. Purpose. [Amended 5-23-2023 by Order No. 23-092]

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people; to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Windham, Maine, the Planning Board shall evaluate the proposed subdivision, using the following criteria. The subdivision provisions set forth in these regulations are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that residential and nonresidential construction is designed and developed in a manner that assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; blasting ordinance; and fitting the project harmoniously into the fabric of the community.

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- (1) Mandatory written information.

(n) Solid waste management as per requirements of Chapter 192 Solid waste.

(o) Blasting Information as per requirements of § 120-911P.

- D. Major subdivision final plan. The final plan submission shall include ~~five~~^{three} copies of the following information, including full-size plan sets, along with one electronic version of the entire submission.

- (1) Mandatory written information.

(n) Solid waste management as per requirements of Chapter 192 Solid waste.

(j) Blasting Information as per requirements of § 120-911P.

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ARTICLE 8
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 - (3) Appropriate measures have been incorporated to minimize flyrock, dust, noise, vibration, air-blast effects, and other off-site impacts.
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ARTICLE 9
Subdivision Review⁴³

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§ 120-910. Submission requirements. [Amended 11-28-2017 by Order 17-347; 6-9-2020 by Order 20-140; 6-16-2022 by Order No. 22-108; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

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- B. **Minor subdivision final plan.** The final plan submission shall include three copies of the following information, including full-size plan sets, along with one electronic version of the entire submission. The Board may waive the submission information that is listed in § 120-910B(1)(c). With regard to applications for which the Board is performing delegated review authority for applicable permits (i.e., Site Law or Stormwater Law), the waiver shall not result in noncompliance with any provision of the Site Law, Stormwater Law, or DEP regulations adopted pursuant to those laws.

WINDHAM CODE
BLASTING ORDINANCE & SOLID
WASTE MANAGEMENT AND DISPOSAL

(1) Mandatory written information.

...

(n) Solid waste management as per requirements of Chapter 192 Solid waste....

(o) Blasting Information as per requirements of § 120-911P.

...

D. Major subdivision final plan. The final plan submission shall include three copies of the following information, including full-size plan sets, along with one electronic version of the entire submission.

(1) Mandatory written information.

...

(n) Solid waste management as per requirements of Chapter 192 Solid waste.

...

(j) Blasting Information as per requirements of § 120-911P.

...

§ 120-911. Performance and design standards. [Amended 4-27-2010 by Order 10-075; 5-10-2011 by Order 11-070; 7-24-2012 by Order 12-091; 12-16-2014 by Order 14-491; 2-28-2017 by Order 17-038; 10-10-2017 by Order 17-161; 5-22-2018 by Order 18-905; 1-15-2019 by Order 18-257; 6-9-2020 by Order 20-140; 6-16-2022 by Order No. 22-108; 7-12-2022 by Order No. 22-127; 3-28-2023 by Order No. 23-041; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

The performance and design standards in this section are intended to clarify and expand upon the statutory review criteria found in § 120-902. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

...

P. Blasting Activities. Where blasting is proposed, the Planning Board shall find that:

- (1) Blasting activities will be conducted by individuals properly licensed by the State of Maine and in compliance with all applicable federal, state, and local requirements.
- (2) All required State of Maine permits, approvals, licenses, and authorizations have been obtained or will be obtained prior to commencement of blasting activities.
- (3) Appropriate measures have been incorporated to minimize flyrock, dust, noise, vibration, air-blast effects, and other off-site impacts.
- (4) Blasting activities will not create an unreasonable risk to public health, safety, neighboring properties, public infrastructure, utilities, or municipal facilities.
- (5) Groundwater resources, private wells, stormwater facilities, wetlands, waterbodies, and other protected natural resources will be protected from unreasonable adverse impacts resulting from blasting activities.
- (6) The applicant has provided sufficient information to demonstrate that blasting can be conducted in a safe manner and in accordance with accepted engineering and construction practices.
- (7) The Planning Board may impose reasonable conditions related to monitoring, reporting, inspections, mitigation measures, financial guarantees, and other safeguards necessary to ensure compliance with this section.

BLASTING PLAN
DOLLEY FARM SUBDIVISION, WINDHAM
APPLICANT/OWNER – 25 RIVER ROAD LLC

1.0 INTRODUCTION

25 River Road, LLC is the owner of a 30-acre parcel of land in the Town of Windham that they are proposing to develop into a 42-unit residential neighborhood that is called Dolley Farm Subdivision. The project will require the construction of approximately 1,600 linear feet of roadway with underground utilities and stormwater ponds. Based on the results of test pits conducted by the landowner, blasting may be required in some areas of the proposed project to break up bedrock for development of the roadways, installation of building foundations, installation of utilities and/or construction of the stormwater ponds. Any and all blasting will be performed by properly licensed and trained professionals who will handle, transport, store, and use all explosive materials according to the provisions for safety, notification, planning and documentation set out in this Blasting Plan and in accordance with all local, state and federal regulations. Blasted bedrock, to the greatest feasible extent, will be broken down into a well-graded mixture according to specifications from the Maine Department of Transportation and used on-site as riprap stabilization, level spreaders and embankment fills.

2.0 PERMIT REQUIRED FROM THE TOWN OF WINDHAM

The person responsible for a blast shall notify the Code Enforcement Officer indicating intent to perform blasting, and obtain any permits that are required from the Town of Windham Code Enforcement Office prior to initiating work associated with a blast.

3.0 PRE-BLAST SURVEYS AND NOTIFICATIONS

Pre-blast surveys will be offered to all property owners with structures or wells located within a 500 ft radius of the proposed blast site. Landowners within that range who desire a survey will be appropriately notified. The results of those surveys will be documented via video, still photographs, and appropriate narration or written reports.

The Town of Windham Code Enforcement Officer shall be notified that a blast is planned at least 24 hours prior to the planned detonation and shall give the time (within 2 hours), location where the blasting is to be done, the amount of explosives to be used and the name and business address of the person responsible for the blasting operation. Additional notification shall be given at least one hour prior to the planned detonation to Windham dispatch. The notification may be given orally over the telephone; however, the burden of proof as to whether the notification was in fact received rests with the person responsible for the blasting operation.

The person responsible for a blast shall notify the Code Enforcement Officer in the event of any misfires and the proposed corrective action.

Prior to any blast, the person responsible for the blast shall inform all property owners who have requested in writing to be so informed of the impending blast. Such notification shall be given by telephone at least 24 hours prior to the blast stating the time of the blast. The burden of proof as to whether the notification was in fact received rests with the person responsible for the blasting operation.

Blasting operations immediately adjacent to overhead power lines, towers, communications lines, utility services or other structures will not be carried on until the operators and/or owners have been notified and measures for safe control have been taken.

4.0 HOURS OF DETONATION

Hours of detonation shall be limited to daylight hours, no earlier than 8:00 a.m. or later than 6:00 p.m., Monday through Friday inclusive, except in case of any misfires, excluding the following legal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

5.0 BLAST MONITORING

All blasts will be monitored by a representative who is properly trained in seismic monitoring equipment. There will be at least one seismograph in use at all times and monitoring equipment will be placed at the structure with closest proximity to the blast site. Ground vibration at offsite structures may not exceed the limits shown in Figure B-1 of Appendix B, U.S. Bureau of Mines report of Investigations 8507. Air overpressure offsite may not exceed the limits provided at Maine Department of Environmental Protection Rules Chapter 375.10(C)(4)(C) and 38 MRS §490-Z(14)(H). Access to the blasting area will be regulated to prevent unauthorized entry before each blast and following the blast until it is determined that no unusual circumstances exist following the blast.

6.0 DRILLING AND LOADING

All drill holes will be sufficiently large to freely allow for the insertion of the explosives. Drilling and loading operations will not be carried on in the same area. The loading or loaded area will be kept free of any equipment, operations or persons not essential to loading. No vehicle traffic will be permitted over loaded holes. No holes will be loaded except those to be fired in the next round of blasting. After loading, all remaining explosive materials and detonators will be immediately returned to an authorized magazine. No explosive materials or loaded holes will be left unattended at the blast site at any time. Cartridges will be primed only in the number required for a single round of blasting.

7.0 FIRING

Prior to firing of a shot, all persons in the danger area will be warned of the blast and ordered to a safe distance from the area. Blasts will not be fired until it is certain that every person has retreated to a safe distance and no one remains in a dangerous location.

Blasting machines will be tested prior to use and periodically thereafter as prescribed by the manufacturer. Blasting machines will be operated, maintained, and inspected as prescribed by the manufacturer.

All loading and firing will be directed and supervised by one designated person who is licensed to handle explosives. The contractor or its subcontractor will use sufficient stemming, matting, or natural protective cover to prevent fly rock from leaving property owned or under control of the permittee or operator or from entering protected natural resources or natural buffer strips. Crushed rock or other suitable material will be used for stemming when available. Native gravel, drill cuttings, or other material may be used for stemming if no other suitable material is available.

8.0 SECURITY AND WARNING WHISTLES

Warning and “all clear” signals will be sounded within an audible range of one-half mile from the blasting operation. All applicable persons within the permit area will be notified through appropriate instructions and posted signs.

All blasting operations will use the following safety signals:

- (1) WARNING SIGNAL – a one-minute series of long audible signals 5 minutes prior to blast signal.
- (2) BLAST SIGNAL – a series of short audible signals 1 minute prior to the shot.
- (3) ALL CLEAR SIGNAL – a prolonged audible signal following the inspection of blast area.

9.0 POST-BLASTING

Following blasting operations, no explosive materials will be abandoned. A record of each blast, including seismographic data, will be kept for at least one year from the date of the last blast by the general contractor, its subcontractor (if appropriate) and the Applicant, and will be available for inspection during normal business hours. The blast record must be generally consistent with the requirements of 38 MRS §490-Z(14)(L) and will contain, at a minimum, the following data:

- Name of blasting contractor or company
- Location, date and time of blast
- Name, signature and social security number of blaster
- Type of material blasted
- Number and spacing of holes and depth of burden or stemming

- Diameter and depth of holes
- Type of explosives used
- Total amount of explosives used
- Maximum amount of explosives used per delay period of 8 milliseconds or greater
- Maximum number of holes per delay period of 8 milliseconds or greater
- Method of firing and type of circuit
- Direction and distance in feet to the nearest structure (both owned and not owned by the project developer)
- Weather conditions, including such factors as wind direction and cloud cover
- Height or length of stemming
- Amount of mats or other forms of protection used
- Type of detonators used and delay periods used
- The exact location of each seismograph and the distance of each seismograph from the blast
- Seismographic readings
- Name and signature of the person operating each seismograph
- Name of the person and the firm analyzing the seismographic data

At the completion of blasting, a post-blast survey will be conducted of the same facilities (structures, foundations, water supply wells, utilities, etc.) as documented during the pre-blast survey. Findings inconsistent with those reported during the pre-blast survey will immediately be provided to the contractor/subcontractor/applicant and will be documented in writing and photographs. Depending on the nature and source of the inconsistency, specific corrective actions will be developed in consultation with the affected party, and will set forth the method, procedures, and timing of implementation.



Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: OC 26-011

Agenda Date: 7/15/2026

Version: 1

Status: Agenda Ready

In Control: Council Ordinance Committee

File Type: Ordinance
Committee Item

Shoreland Zoning Amendments nonconforming structures

the final authority as to location.

§ 185-11. Land use requirements.

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulation herein specified for the district in which it is located, unless a variance is granted.

§ 185-12. Nonconformance.

- A. Purpose. It is the intent of this chapter to promote land use conformities, except that nonconforming conditions that existed before the effective date of this chapter or amendments thereto shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this chapter, a nonconforming condition shall not be permitted to become more nonconforming.
- B. General.
- (1) Transfer of ownership. Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this chapter. Any lawful use of buildings, structures, premises, land or parts thereof legally existing at the effective date of this chapter or amendments thereto and not in conformance with the provisions of this chapter shall be considered to be a nonconforming use.
 - (2) Repair and maintenance. This chapter allows, with a permit, the normal upkeep and maintenance of nonconforming uses and structures, including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.
- C. Nonconforming structures.
- (1) Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in § 185-15B(1). A nonconforming structure may be added to or expanded ~~after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is~~ in accordance with Subsection C(1)(a) and (b) below.
 - (a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - (b) Notwithstanding Subsection C(1)(a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by § 185-12C(1):

- [1] The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by § 185-12C(1) or (1)(a), above:
- [1] For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
- [2] For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in § 185-12C(1)(b)[1] and (c)[1], above.
- [3] In addition to the limitations in Subsection C(1)(c)[1] and [2], for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in § 185-12C(1)(b)[1] and (c)[1], above.
- (d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.
- (2) Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the ~~Code Enforcement Department or its designee~~ [Planning Board](#), basing its decision on the criteria specified in § 185-12C(3),

Relocation, below.

(3) Relocation.

- (a) A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the ~~Code Enforcement Officer~~Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the State of Maine Subsurface Waste Water Disposal Rules (Rules),¹ or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.
- (b) In determining whether the building relocation meets the setback to the greatest practical extent, the ~~Code Enforcement Officer~~Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.
- (c) When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the ~~Code Enforcement Officer~~Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with § 185-15S. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

[1] Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

[2] Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation, which may consist of grasses, shrubs, trees, or a combination thereof.

(4) Reconstruction or replacement.

- (a) Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal may be reconstructed or replaced, provided that a permit is obtained within 18 months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as

1. Editor's Note: See 10-144 CMR Ch. 241, Maine Subsurface Waste Water Disposal Rules.

determined by the ~~Code Enforcement Officer~~ [Planning Board](#) in accordance with the purposes of this chapter. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback, it shall not be any larger than the original structure, except as allowed pursuant to § 185-12C(1) above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with § 185-12C(3) above.

- (b) Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.
 - (c) In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the ~~Code Enforcement Officer~~ [Planning Board](#) shall consider, in addition to the criteria in § 185-12C(3) above, the physical condition and type of foundation present, if any.
- (5) Change of use of a nonconforming structure.
- (a) The use of a nonconforming structure may not be changed to another use, except for a conforming use, unless the ~~Code Enforcement Officer~~ [Planning Board](#), after receiving a written application, determines that the new use will have no greater adverse impact on the water body or wetland or on the subject or adjacent properties and resources than the existing use.
 - (b) In determining that no greater adverse impact will occur, the ~~Code Enforcement Officer~~ [Planning Board](#) shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

D. Nonconforming uses.

- (1) Expansions. Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the ~~Code Enforcement Officer~~ [Planning Board](#), be expanded within existing residential structures or within expansions of such structures as permitted in § 185-12C(1) above.
- (2) Resumption prohibited. A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year or which is superseded by a conforming use may not again be devoted to a nonconforming use except that the ~~Code Enforcement Officer~~ [Planning Board](#) may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure, provided that the structure has been used or maintained for residential purposes during the

preceding five-year period.

- (3) Change of use. An existing nonconforming use may be changed to another nonconforming use, provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the ~~Code Enforcement Officer~~[Planning Board](#). The determination of no greater adverse impact shall be made according to criteria listed in § 185-12C(5) above.

E. Nonconforming lots.

- (1) Nonconforming lots. A nonconforming lot of record as of the effective date of this chapter or amendment thereto may be built upon without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this chapter except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) Contiguous built lots.
 - (a) If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this chapter, if all or part of the lots do not meet the dimensional requirements of this chapter, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. §§ 4807-A through 4807-D) and the State of Maine Subsurface Waste Water Disposal Rules are complied with.
 - (b) If two or more principal uses or structures existed on a single lot of record on the effective date of this chapter, each may be sold as a separate lot, provided that the sale(s) complies with above-referenced law and rules. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this chapter.
- (3) Contiguous lots, vacant or partially built. If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this chapter, if any of these lots do not individually meet the dimensional requirements of this chapter or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements. This provision shall not apply to two or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this chapter and recorded in the Registry of Deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Waste Water Disposal Rules, and:
 - (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
 - (b) Any lots that do not meet the frontage and lot size requirements of Subsection E(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

§ 185-13. Establishment of districts.

- A. Resource Protection District. The Resource Protection District includes areas in which development could adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the

shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the General Development District need not be included within the Resource Protection District:

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Maine Department of Environmental Protection as of May 1, 2006. For the purposes of this subsection, "wetlands associated with great ponds and rivers" shall mean areas characterized by nonforested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
- (3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (4) Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

NOTE: These areas usually consist of forested wetlands abutting water bodies and nonforested wetlands.

- (5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, which are subject to severe erosion or mass movement.
 - (6) Other land areas designated as resource protection on the Windham Official Land Use Map. **[Added 10-12-2021]**
- B. Limited Residential District. The 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.
- C. General Development District. The General Development District includes the following types of areas:
- (1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - (a) Areas devoted to manufacturing, fabrication, or other industrial activities;
 - (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

- (c) Areas devoted to intensive recreational development and activities, such as, but not limited to, amusement parks, race tracks and fairgrounds.
 - (2) 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.
 - (3) In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this chapter. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.
- D. Stream Protection District. The Stream Protection District includes all land areas within 100 feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond or river or within 250 feet, horizontal distance, of the upland edge of a freshwater wetland, or as shown on the Official Land Use Map. Where a stream and its associated shoreland area is located within 250 feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland. **[Amended 10-12-2021]**

§ 185-14. Table of Land Uses. [Amended 10-12-2021; 6-16-2022 by Order No. 22-108; 12-12-2024 by Order No. 24-173]

All land use activities, as indicated in Table 1, Land Uses in the shoreland zone, shall conform with all of the applicable land use standards in § 185-15. The district designation for a particular site shall be determined from the Official Land Use Map.

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:

RP: Resource Protection

LR: Limited Residential

GD: General Development

SP: Stream Protection

Table 1. Land Uses in the Shoreland Zone

Land Uses	Districts			
	SP	RP	LR	GD
Agriculture	YES	PB-SP	YES	YES
Aquaculture	PB-SP	PB-SP	PB-SP	YES
Campgrounds	NO	NO ⁶	PB-SP	PB-SP
Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	YES^{CEO}	YES^{CEO}
Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI
Emergency operations	YES	YES	YES	YES
Essential services	PB-SP ⁵	PB-SP ⁵	PB-SP	PB-SP
A. Roadside distribution lines (34.5kV and lower)	CEO ⁵	CEO ⁵	YES ¹¹	YES ¹¹
B. Nonroadside or cross-country distribution lines involving 10 poles or fewer in the shoreland zone	CEO ⁵	CEO ⁵	CEO	CEO
C. Nonroadside or cross-country distribution lines involving 11 or more poles in the shoreland zone	PB ⁵	PB ⁵	PB	PB
Filling and earthmoving of less than 10 cubic yards	CEO	CEO	YES	YES
Filling and earthmoving of more than 10 cubic yards	CEO	PB	CEO	CEO
Fire prevention activities	YES	YES	YES	YES
Home occupations	CEO	CEO	CEO	CEO
Individual, private campsites	CEO	CEO	CEO	CEO
Marijuana businesses				
A. Medical marijuana registered caregiver/medical marijuana registered caregiver (home occupation)	NO	NO	NO	CEO
B. Other marijuana businesses	NO	NO	NO	NO
Marinas	PB-SP	NO	PB-SP	PB-SP
Mineral exploration	NO	YES ²	YES ²	YES ²
Mineral extraction, including sand and gravel extraction	NO	PB-SP ¹³	PB-SP ¹³	PB-SP ¹³
Motorized vehicular traffic on existing roads and trails	YES	YES	YES	YES
Nonintensive recreational uses not requiring structures, such as hunting, fishing and hiking	YES	YES	YES	YES
Parking facilities	NO	PB-SP	PB-SP	PB-SP

Table 1. Land Uses in the Shoreland Zone

Land Uses	Districts			
	SP	RP	LR	GD
Permanent piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland	PB-SP	PB-SP	PB-SP	PB-SP
Principal structures and uses				
A. One- and two-family residential, including driveways	PB-SP ⁴	PB-SP ⁹	CEO	CEO
B. Multifamily dwelling	NO	NO	PB-SP	PB-SP
C. Commercial	NO	NO ¹⁰	NO ¹⁰	PB-SP
D. Industrial	NO	NO	NO	PB-SP
E. Governmental and institutional	NO	NO	PB-SP	PB-SP ⁸
F. Small nonresidential facilities for educational, scientific, or nature interpretation purposes	PB-SP ⁴	PB-SP	CEO	CEO
Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI
Structures accessory to allowed uses	CEO	CEO	CEO	CEO
Public and private recreational areas involving minimal structural development	PB-SP	PB-SP	PB-SP	PB-SP
Road and driveway construction	CEO	PB-SP ⁷	CEO	CEO
Service drops, as defined, to allowed uses	YES	YES	YES	YES
Signs	CEO	CEO	CEO	CEO
Soil and water conservation practices	YES	YES	YES	YES
Structures accessory to allowed uses	CEO	CEO	CEO	CEO
Surveying and resource analyses	YES	YES	YES	YES
Uses similar to allowed uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a PB permit	PB	PB	PB	PB
Uses similar to permitted uses requiring PB site plan approval	PB-SP	PB-SP	PB-SP	PB-SP
Wildlife management practices	YES	YES	YES	YES
Wireless telecommunications facilities	NO	NO	NO	PB ¹⁴

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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 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 extraction 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.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. § 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

§ 185-15. Land use standards. [Amended 10-12-2021; 6-16-2022 by Order No. 22-108; 12-12-2024 by Order No. 24-173]

All land use activities within the shoreland zone shall conform with the following provisions, if applicable. Site plan review may also be applicable to development in the shoreland zone. Please refer to Chapter 120, Land Use, Article 8, Site Plan Review, of the Town Code.

- A. Minimum lot standards.
 - (1) Requirements. Lots shall meet or exceed the following minimum requirements:
 - (a) Minimum lot size.

§ 185-15P(2). Section 185-15P(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (3) Distances greater than 100 feet.
 - (a) At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40% of the volume of trees four inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.
 - (b) In no event shall cleared openings for any purpose, including, but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed, in the aggregate, 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development District.
- (4) Existing openings. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this chapter.
- (5) Reverted fields. Fields and other cleared openings which have reverted to primary shrubs, trees, or other woody vegetation shall be regulated under the provisions of § 185-15P.

Q. Hazard trees, storm-damaged trees, and dead tree removal.

- (1) Hazard trees in the shoreland zone may be removed ~~without~~upon receipt of a permit ~~after consultation with~~from the Code Enforcement Officer, which may be issued if the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than 250 square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4.5 feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four feet in height, and be no less than two inches in diameter. Stumps may not be removed.
 - (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4.5 feet above ground level in any ten-year period, and/or results in cleared openings exceeding 25% of the lot area within the shoreland zone, or 10,000 square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4.5 feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two inches in diameter, measured at 4.5 feet above the ground level.
 - (c) The removal of standing dead trees, resulting from natural causes, is permissible without

the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision, "dead trees" are those trees that contain no foliage during the growing season.

- (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
- (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight inches in diameter measured at 4.5 feet above the ground level.
- (2) Storm-damaged trees in the shoreland zone may be removed ~~without~~ upon receipt of a permit ~~after consultation with~~ from the Code Enforcement Officer, ~~which may be issued if~~ the following requirements are met:
 - (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than 250 square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - [1] The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - [2] Stumps from the storm-damaged trees may not be removed;
 - [3] Limbs damaged from a storm event may be pruned even if they extend beyond the bottom 1/3 of the tree; and
 - [4] If, after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every 80 square feet of lost canopy.
 - (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4.5 feet above the ground level in any ten-year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.
- R. Exemptions to clearing and vegetation removal requirements. The following activities are exempt from the clearing and vegetation removal standards set forth in § 185-15P, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:
 - (1) The removal of vegetation that occurs at least once every two years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two years, reverts back to primarily woody vegetation, the requirements of § 185-15P apply;
 - (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of § 185-15B are not applicable;