



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

DATE: January 30, 2025

TO: Windham Planning Board  
FROM: Steve Puleo, Planning Director  
Cc: Amanda Lessard, Senior Planner  
Barry Tibbitts, Town Manager  
Bob Burns, Assistant Town Manager

RE: #25-02 Land Use Ordinance Amendments to Commercial I, II, WC, VR Districts to Remove New Private Street in the District Standards, and add Outdoor Recreational Facilities to the Industrial District

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At the Town Council of January 28, 2025 meeting the Ordinance Committee reported ([25-036](#)) to the full Council to move the staff's proposal for various land use ordinance amendments for a public hearing with the Planning Board. The amendments will address the omission of when the Council eliminated requiring prohibition of new private streets in the C-1 and C-2 zoning districts (see [22-064](#)), stating that "No New Private Roads will be permitted to have direct access to a Public Street." The staff was made aware of that when the Council approved the removal from the Article 5 performance standards for streets (see [§ 120-555 Streets](#)), references to "No new Private Street are allowed." Similarly, the Windham Center (WC) and Village Residential (VR) zoning districts prohibit private road ownership.

In an effort to improve the Windham Youth Soccer League (WYSL) soccer field off Gambo Road, the staff proposing to amend the Industrial (I) zoning district permitted uses to allow for Outdoor Recreational Facilities. The Town is in the process of acquiring land from Portland Water District in which a new soccer field will be constructed. This would relocate the field to the north side of the Mountain Division Trail and rebuild Cherry Lane for direct access to fields without using Soccer Drive.

As required by [§ 120-107](#) of the Land Use Ordinance, the proposed amendment could be referred to the Planning Board for review and recommendation.

### **Summary of the Proposed Chapter 120 Land Use Ordinance Amendment**

#### **Article 4 Zoning Districts**

- [§ 120-410F\(11\)](#): Strike the last sentence from this subsection to remove it from District Standards. This change clarifies that the Town is not required to offer new streets, allowing for the construction of private streets within the C-1 district. All new and reconstructed streets must adhere to public street standards, commercial street standards, curbed lane standards, or residential street standards. No new private streets are permitted.

- [§ 120-411F\(9\)](#): Strike this subsection from the District Standards. New streets are not required to be offered by the Town, thereby permitting private streets in the C-2 district. All new and reconstructed streets must meet public street standards, commercial street standards, curbed lane standards, or residential street standards. No new private streets are permitted.
- [§ 120-415.1F\(h\)](#): Strike this subsection from the District Standards. New streets are not required to be offered by the Town, allowing for private streets in the WC district.
- [§ 120-415.2F\(f\)](#): Strike this subsection from the District Standards. New streets are not required to be offered by the Town, thus permitting private streets in the VR district.
- [§ 120-413B](#): Industrial (I) Zoning District. Amending zoning district by adding outdoor recreational use as permitted uses.

### **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](#). The Ordinance can refer the proposed LUO amendment to the Planning Board in which the Board will hold a public hearing and make land use recommendations to the Town Council.

This review of the Planning Board is a public hearing to making a land recommendation on this item to the Town Council. The Town Council will need to vote on the proposed changes to the Land Use Ordinance for the changes to be officially approved. The Planning Board public hearing is scheduled this meeting, February 10, 2025 and the Town Council public hearing scheduled for February 25, 2025. After the public hearing and discussion by the Board, the Planning Board may vote on a recommendation to the Town Council similar to the following:

**MOTION:** To (**recommend/recommend with comments/not recommend**) approval of the proposed amendments to the Code of the Town of Windham Chapter 120 Land Use Ordinance to modify Article 4 Commercial I, Commercial II. Windham Center and Village Residential zoning districts standards to Remove New Private Street and to add Outdoor Recreational Facilities as a permitted use in the Industrial zoning district.

**Article 4  
Zoning Districts**

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**§ 120-410 Commercial District I (C-1).**

[Amended 9-14-2010 by Order 10-164; 12-14-2010 by Order 10-230; 5-14-2013 by Order 13-072; 6-28-2016 by Order 16-111; 6-12-2018 by Order 18-099]

§ 120-410 F(11) All new and reconstructed streets must be built to public street, commercial street, curbed lane or residential street standards. ~~No new private streets are allowed.~~

**Commented [SP1]:** The Town Council amended 120-555 Streets to remove the requirement require private street in the C-1 zoning district,

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**§ 120-411 Commercial District II (C-2).**

[Amended 9-14-2010 by Order 10-164; 6-12-2018 by Order 18-099]

§ 120-411F(9) All new and reconstructed streets must be built to public street, commercial street, curbed lane or residential street standards. ~~No new private streets are allowed.~~

**§ 120-415.1 Windham Center District (WC).**

[Added 5-23-2023 by Order No. 23-091]

§ 120-415.1F(h) Streets. All new and reconstructed streets must be built to public street standards. ~~No new private roads are allowed.~~

**§ 120-415.2 Village Residential District (VR).**

[Added 5-23-2023 by Order No. 23-091]

§ 120-415.2F(f) Streets. All new and reconstructed streets must be built to public street standards. ~~No new private roads are allowed.~~

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**§ 120-413 Industrial District (I).**

A. Intent. The intent of this district is to provide ~~districts areas~~ within the Town of Windham for manufacturing, processing, treatment, research, warehousing, storage, ~~and distribution, and outdoor recreation uses, and community recreation and natural resource enjoyment.~~

**Commented [SP2]:** Revise the industrial area to create a lively space for the community to explore the town's industrial history while also boosting support for local athletic programs.

A. \_\_\_\_\_

B. Permitted uses. The following uses, as they are defined in Article 3, shall be permitted in the Industrial District as a matter of right. Refer to Article 5, Performance Standards, or Subsection F, District standards, for additional use information. [Amended 5-26-2020 by Order 20-048; 8-15-2023 by Order No. 23-150; 11-14-2023 by Order No. 23-214; 3-12-2024 by Order No. 24-033]

**Commented [MB3]:** It does not appear that there are any performance standards relating to outdoor recreation facilities. Does the Town want to add any?

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Mineral extraction

~~Recreational Facility, Outdoor~~

**Commented [SP4]:** Adding this Outdoor Recreation Facility will allow the soccer fields and the boat lunch to be conforming uses in the district.

Research laboratory

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Retail sales