

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.