



Town of Windham
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DATE: February 11, 2025

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

RE: #25-02: LUO Amendments to Article 4 Zoning District: Commercial I, II, WC, and VR Districts to Remove New Private Street from the District Standards, and add Outdoor Recreational Facilities in the Industrial District

In accordance with [§ 120-107](#), the Planning Board held a public hearing on [February 10, 2025](#). During this meeting, the Board reviewed proposed amendments to the Town of Windham's Code, specifically Chapter 120 – Land Use Ordinance. These amendments include the removal of the “No New Private Streets” provision from the district standards for Commercial I (C-1), Commercial II (C-2), Windham Center (WC), and Village Residential (VR) districts. Additionally, the amendments introduce Outdoor Recreational Facilities as a permitted use in the Industrial (I) district. The proposed amendments aim to streamline district standards and support the development of recreational facilities, enhancing the community's infrastructure and recreational opportunities.

The removal of this provision was an oversight during the Town Council meeting on [April 12, 2022](#) amendments to Article 5 – Performance Standards for Streets ([§ 120-555 Streets](#)). At that time, the Council struck [§ 120-555C](#), which required new streets with direct connections to public streets to be offered for acceptance as public streets. Recently, the Planning Department became aware that the district standards for the C-1, C-2, WC, and VR zoning districts still included the provision stating, “No new private streets are allowed.” The intent of this provision was to prevent applicants from utilizing private street standards in these districts. Striking this language will eliminate confusion for both applicants and staff.

In an effort to enhance the Windham Youth Soccer League (WYSL) fields off Gambo Road, staff is proposing an amendment to the permitted uses in the Industrial (I) zoning district to allow for Outdoor Recreational Facilities. The Town is in the process of acquiring land from the Portland Water District for the construction of a new soccer field. This project would relocate the field to the north side of the Mountain Division Trail and rebuild Cherry Lane, providing direct access to the fields without utilizing Soccer Drive. Many towns throughout Maine recognize that Industrial zoning districts often contain large parcels of land well-suited for outdoor recreational activities, including hiking trails, athletic fields, and other recreational uses.

Summary of the Proposed Chapter 120 Land Use Ordinance Amendments

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 accept new streets as public streets, allowing streets in the C-1 district complexes to remain private. All new and reconstructed streets must adhere to public street standards, commercial street standards, curbed lane standards, or residential street standards.
- [§ 120-411F\(9\)](#): Strike the last sentence from this subsection to remove it from 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.
- [§ 120-415.1F\(h\)](#): Strike the last sentence from this subsection from the District Standards. All new and reconstructed streets must meet the local street standard. The new streets are not required to be offered by the Town, thus allowing streets to remain private in the WC district.
- [§ 120-415.2F\(f\)](#): Strike this subsection from the District Standards. All new and reconstructed streets must meet the local street standard. The new streets are not required to be offered by the Town, thus allowing streets to remain private 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](#). As required by [§ 120-107](#) of the Land Use Ordinance, the Board shall hold a public hearing and make land use recommendations to the Town Council. At the Council meeting of January 28, 2025, the Ordinance Committee reported ([25-036](#)) to the Council to referred proposed amendments to the Planning Board for public hearing.

The Town ordinance does not specify standards for evaluating the proposed zoning change; however, state statute requires all zoning amendments to align with the goals and objectives of the [Comprehensive Plan](#).

As required by [§ 120-107](#) of the Land Use Ordinance, the Planning Board must hold a public hearing and provide land use recommendations to the Town Council. At the Council meeting on

January 28, 2025, the Ordinance Committee reported to Council (see [25-036](#)) to refer the proposed amendments to the Planning Board for a public hearing.

Planning Board Review and Recommendation

No members of the public spoke for or against the proposed amendment during the Planning Board's public hearing held on February 10, 2025.

The Board reviewed the proposed changes to the ordinance and expressed support for the amendments to the Land Use Ordinance (LUO). They provided several comments for the Council to consider before the amendments are adopted. The following concerns were raised:

- One Board member expressed concern that adding a permitted use to the Industrial district in a “piecemeal” manner does not provide a comprehensive assessment of the overall zoning changes.
- The Board member suggested the possibility of rezoning the Town's property to the Farm district, where outdoor recreational facilities are a conditional use.
- A buffer yard requirement should be considered as a performance standard to protect any abutting residential properties within the zoning district from potential impacts of the outdoor recreational facility.
 - According to [§ 120-511C\(c\)\(1\)\[2\]](#), the Board has the authority to require a buffer yard between nonresidential uses and residential properties. Additionally, a buffer yard may be required between nonresidential uses to create transition spaces that incorporate open space amenities for employees and visitors.

The attach redlined LUO amendments reflecting the suggested amendments. The Board then made the following motion:

To recommend approval, with comments, to amend the Code of the Town of Windham, Chapter 120 – Land Use Ordinance. The proposed amendments modify Article 4 by removing the “No New Private Streets” provision from the district standards in the C-1, C-2, WC, VR zoning districts, and add “Outdoor Recreational Facilities” as a permitted use in the Industrial (I) zoning district.

Motion: Evert Krikken

2nd: Shonn Moulton

Vote: 5-0 (C. Etheridge and K. Brown absent)