



**Town of Windham**  
**Planning Department**  
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## PLANNING BOARD MEMO

DATE: September 26, 2024

TO: Windham Planning Board  
FROM: Steve Puleo, Planning Director  
Cc: Barry Tibbitts, Town Manager,  
Bob Burns, Assistant Town Manager  
Evan O'Connor, Town Planner

RE: #24-27: Amendments to the Town of Windham's Code, Chapter 185, Shoreland Zoning, to revise the Table of Land Uses, requiring certain non-residential uses in the Shoreland Zoning District to be review under Chapter 120 Land Use Article 8.

Planning Board Meeting –October 7, 2024

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### Overview

At their meeting on [March 26, 2024](#), the Town Council enacted an emergency moratorium on the Shoreland Zoning District outlined in Section 2. This Ordinance shall take effect immediately upon passage by the Town Council, pursuant to Article II, Section 11(D) of the Town Charter. On [August 20, 2024](#), the Town Council extended the moratorium until December 26, 2024. The moratorium governs the creation or expansion of a non-residential use in any shoreland zoning district for which an application for a license, building permit, and/or any other required land use approval has not been both submitted and finally acted on by the Code Enforcement Officer, Planning Board, Board of Appeals, or other town official, administrative board, or agency. The planning board is required to review and make a recommendation as required by [§ 120-107 of the Land Use Ordinance](#) and [§ 185-8 Amendments](#).

### Summary of the Proposed Non-residential uses to be review under Chapter 120 Land Use Article 8 and related Chapters

#### Section 1. Definitions.

- *Agricultural use* means any use involving the production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest berries; fruits and vegetables; nursery, floral, ornamental and greenhouse products. This term does not include forestry or gardens.
- *Boat-launching facility* means a facility designed for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and

trailers, but does not include a dock or similar facility serving an existing principal single-family dwelling.

- *Commercial campground* means any premises providing temporary accommodation for campers in any recreational vehicle or tent and open to the public for a fee.
- *Commercial use* means the use of lands, buildings, or structures, other than a home occupation (defined below in this section), the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units and agricultural uses.
- *Home occupation* means an occupation or profession which is customarily conducted on or in a residential structure or property and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses and which employs no more than two persons other than family members residing in the home. For purposes of this Ordinance, a boat-launching facility, a commercial campground or a marina shall not be allowed as a home occupation.
- *Industrial use* means the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, but does not include any agricultural use or the extraction of minerals.
- *Marina* means an establishment having frontage on navigable water and, as its principal use, providing offshore moorings or docking facilities for watercraft, and which may also provide accessory services such as watercraft and related sales, watercraft repair and construction, indoor and outdoor storage of watercraft and marine equipment, bait and tackle shops and marine fuel service facilities.
- *Non-residential use* means any commercial, industrial or other principal use that is not a dwelling unit. This term shall not include agricultural or extractive uses or any proposal that is subject to site plan review.
- *Shoreland zoning district* means any zoning district established by the Town of Windham Shoreland Zoning Ordinance, Chapter 185 of the Town of Windham Code of Ordinances.

### **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 Planning Board must hold a public hearing prior to making a recommendation on this item to the Town Council. The Town Council will need to vote on the proposed changes to the amendments for the changes to be officially approved. A public hearing is scheduled for the October 28, 2024 Planning Board meeting. 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 Chapter 185 requiring certain non-residential uses in the Shoreland Zoning District to be review under Chapter 120 Land Use Articles 6 and 8.~~