

Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, March 11, 2025

6:00 PM

Council Chambers

I. Roll Call of Members.

Present: 5 - David Nadeau, Mark Morrison, William Reiner, John Henry and Jarrod Maxfield

Absent: 2 - Brett Jones and Nicholas Kalogerakis

II. Pledge of Allegiance.

Council Chair Maxfield led the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 25-077](#) To approve the Minutes of the February 25, 2025 Council Meeting.

Attachments: [Minutes-Council-2-25-2025.pdf](#)

A motion was made by Councilor Nadeau, seconded by Councilor Henry, that the Minutes be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Nadeau, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

IV. Adjustments to the Agenda.

VI. Public Participation.

No Public Participation.

VII. Councilors' Comments.

Councilor Morrison congratulated the Windham Boys Basketball Team for winning two Championships in a row. Kudos to the players and coaches.

VIII. PUBLIC HEARINGS.

IX. CONSENT AGENDA.

X. UNFINISHED BUSINESS & GENERAL ORDERS.

[25-036](#) To approve a Development Agreement between the Town and New Gen Estates, LLC outlining agreed obligations of both the Town and New Gen

Estates pertaining to easements, property transfers, fees, permits and sewer connections to complete 300 market-rate dwelling unit (one- and two-bedroom units) apartment project at Franklin Drive and authorize the Town Manager to take the necessary steps to execute said agreements.

Attachments: [25-036 Cover Sheet.pdf](#)
[DevelopmentAgreementWindham NewGenEstates](#)
[Draft 030325BAT.pdf](#)
[Exhibit D TRAIL EASEMENTS FranklinDriveSub 030325.pdf](#)

Manager Tibbetts ran through some background information and showed a brief presentation. He spoke about the following six topics and answered questions that people had raised questions about.

N.W. Sewer Implementation
Development Agreements
Traffic Impacts
School Capacity
Growth Areas
Financial Impacts

Councilor Comments:

Councilor Maxfield asked if he could explain where this project is. Manager Tibbetts said New Gen Estates is located on a parcel behind Home Depot, roughly about a 38 acre parcel. The parcel is broken into four different components. One section will have a new hotel, another lot will be 300 housing units that are one and two bedroom only, and may be 3 or 4 buildings. The third section will be a solar, potential, hydrogen complex to offset the costs for the electricity and be a completely green site, and the fourth lot, at the very back of the property and abuts Sandbar Road, they may want to do something like single family homes or affordable housing of some kind, that is to be determined. Tonight is to address the 300 units and once the developer has that commitment, he will send it off to DEP, which could take 9 months to work through before he can do anything.

The town received an easement across that property many years ago, and the easement is still intact and it will be designed into this project. There will be a public road that goes into it with a turnaround. Off of that there will be a trail that goes down to the marsh area on the northerly side and is town owned. There will be a trail over to the Donnabeth Lippman Park, and that would tie into the sidewalk and bike paths that the new project by North Windham Moves would encompass.

Councilor Henry said in the agreement - Section 1.07 and Section 2.01 seems to contradict each other. Section 1.07 says the roadway ownership to remain private and 2.01 says the town obligations are to accept the extension of Franklin Drive. The Manager said if you go to where the cul-de-sac is, that road will extend down maybe another 100 - 200 feet and it will have a cul-de-sac. That will be a public road, and that gets you to the point where you can get to the trail-head to take the trail to the Donnabeth Lippman. Everything off of that cul-de-sac, i.e. new hotel and 300 units, those are all private roads and any roads beyond that will be private and the town will never take part in those.

Councilor Morrison asked how many acres for the 300 units? Steve Puleo said it was a seven acre parcel and about 75% of that will be developed and the rest will be

landscaping.

Councilor Reiner was looking for clarification on Exhibit D. He noted on one of the paths that comes off the older cul-de-sac is a red outline, and says "50 vehicular and pedestrian access easement to be vacated by the Town of Windham." The Manager said the current walking path easement will be vacated and they will give us a new path at the end of the cul-de-sac.

Councilor Reiner mentioned that in Section 2.05 he had a concern. In the third line it reads "In the event the Town and New Gen Estates collaborate on a senior and/or workforce/affordable housing development, as set forth in Section 1.04, the Town will allocate growth permits in the same year to said project as may be necessary to enable development." Will we be dictated to give those permits without recourse, because we have no idea what this future project may look like. Manager Tibbetts said if we go down in that section to the fifth line and change the word "will" to "may" it will mean if he decides to do that project in the future, he will need to come back to our regular process for growth permits, he will not be guaranteed those permits.

Councilor Reiner talked about the concern he has had for a couple of years, and that is having 300 permits in a reserve pool and 3 of those permits can go to build 300 dwelling units, that is a bad ratio. Councilor Maxfield said they are fixing that. What he would request from the Ordinance Committee and Planning is for the new access roads that go in, that we get ahead of any growth that might go in there and decide what type of structures we want to go in there for commercial and residential and get that zoning fixed before it gets too far ahead of them.

Councilor Maxfield wanted to clarify the thought to cut growth by 50% is really just a thought exercise, and with State rules we cannot do that. Hypothetically, if you had a 42¢ mil rate increase that would have to be absorbed to continue the services that we have now, and that 42¢ mill rate is purely municipal. He said when they post the agenda there is a lot of people who have a knee jerk emotional reaction to growth and do not want it, and they also do not want higher taxes. He thinks they need to keep hammering home the facts to people that this is the type of growth that is paying for the voter approved sewer, paying to help the taxes from going up faster and maintaining the services we have and adding where we can.

Councilor Morrison said he'd like us to communicate proactively, so our town's people are as aware as possible of what is going on, and that we do, in fact, have a plan.

Councilor Maxfield had heard that the School is going to be using the Windham Eagle to do a series of articles, and maybe the town could do a series on growth to let people know what is coming and why it is coming. Councilor Nadeau said if it is lengthy, people do not read it, so maybe we could use bullet points.

A motion was made by Councilor Nadeau, seconded by Councilor Morrison, that the Order be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Nadeau, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

25-037

To approve a Development Agreement between the Town and Gateway Development, LLC outlining agreed obligations of both the Town and Gateway Development, LLC pertaining to easements, property transfers,

apartment/condominium units and 32 three-bedroom condominium townhouse units within 14 buildings at Turning Leaf Drive and Drive In Lane and authorize the Town Manager to take the necessary steps to execute said agreements.

Attachments: [25-037 Cover Sheet.pdf](#)

[Development Agreement Windham Gateway Draft 030325BAT.pdf](#)

Manager Tibbetts said this is at the intersection of where River Road meets Route 302, and you would take a right if heading north onto Turning Leaf Drive. You would go to the end of the road, and the topography drops down and goes behind Drive-In Lane and that is where the development will be. It goes all the way to Drive-In Lane, and we have a right-of-way off of Drive-In Lane that goes down to the edge of this property, they wanted to be able to pick up sewer in the commercial area using E1 Pumps. They would be able to pump them down into a pumping station located at that property and from there it would go back up to Route 302 to go into the treatment plant.

They leveraged this developer's layout to include a pump station, which they will contribute 50% towards, and now the town can pickup going farther down Route 302 in a southerly direction without having to go on Route 302 and spend a lot more money. He said they do not own any roads in the development, or the sewer line, and the pump station is owned by the water district.

A motion was made by Councilor Nadeau, seconded by Councilor Morrison, that the Order be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Nadeau, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

25-042 To appoint Marge Govoni to the Planning Board for a three-year term to end February 15, 2028.

Attachments: [25-042 Cover Sheet.pdf](#)

Council thanked Marge for stepping up and for her continued service.

A motion was made by Councilor Reiner, seconded by Councilor Morrison, that the Order be approved. The motion carried by the following vote:

In Favor: 5 - Councilor Nadeau, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

XI. Council Correspondence.

CD 25-073 FOAA Status Report.

Attachments: [Little Meeting House D Manchester 2.20.25.pdf](#)
[3.5.2025 justin at usestariump Response.pdf](#)

CD 25-074 Animal Refuge League Report.

Attachments: [Animal Refuge League 2024 Statistics.pdf](#)

CD 25-079 Department Quarterly Reports.

Attachments: [Public Works Quarterly Report Oct-Dec 2024.pdf](#)

CD 25-080 Maine Real Estate & Development Association (MEREDA) Forecast Conference.

Attachments: [Memo Tom Bartell, Economic Development Director.pdf](#)

XII. Town Manager's Report.

No report.

XIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Morrison said they met and you voted on the person tonight.

2. Finance Committee.

Councilor Nadeau said they just had a meeting and they are making great progress with the Growth Cap Ordinance.

3. Ordinance Committee.

Councilor Maxfield said they just met. Part of what they reviewed tonight is growth ordinances from Scarborough and Cumberland. Scarborough, in particular, has percentage caps on three-bedrooms.

B. Other Committees.

1. Parks & Recreation Advisory Committee.

No report.

2. Windham Economic Development Corporation.

No report.

3. Natural Resources Advisory Committee.

No report.

4. Greater Portland Council of Governments (GPCOG).

No report.

5. ecomaine.

Assistant Manager Burns said they will meet next week, and he missed the last meeting but he will have an update.

6. Windham Middle School Repurpose Advisory Committee.

Manager Tibbetts said they had a walk through of the General Services and the Library.

XIV. Discussion Items.

***Note: Minutes are not taken for Discussion Items.**

CD 25-075 Land Use Ordinance Amendments Pertaining to Stormwater Consistencies with Maine D.E.P. Ch. 500 for Municipal Delegated or Capacity Authority.

Attachments: [25-07 TC MEMO LUOAmendmentsForDelegated Review 030625.pdf](#)
[25-07 TC REDLINE LUOAmendmentsForDelegated Review 030625.pdf](#)
[25-07 TC WKFLW LUOAmendmentsForDelegated Review 030625.pdf](#)

CD 25-076 North Windham Public Safety Facility Update.

Attachments: [Updated Base with Concept 240431-01 Markup Final.pdf](#)

XV. Agendas & Scheduling.

XVI. Executive Session.

25-044 To enter into executive session under 1 M.R.S.A. §405(6)(A), which provides for the "Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency," for the purpose of discussing a personnel matter.

Councilor Nadeau moved to go into executive session, seconded by Councilor Reiner.

In Favor: 5

Absent: 2 (Kalogerakis & Jones)

Councilor Reiner moved to return from executive session, seconded by Councilor Henry. No votes were taken.

In Favor: 5

Absent: (Kalogerakis & Jones)

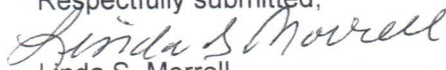
XVII. ADJOURN.

A motion was made by Councilor Morrison, seconded by Councilor Henry, that they be adjourned. The motion carried by the following vote:

In Favor: 5 - Councilor Nadeau, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

Absent: 2 - Councilor Jones and Councilor Kalogerakis

Respectfully submitted,



Linda S. Morrell

Town Clerk, CCM