



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Agenda

### Town Council

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Tuesday, May 26, 2020

6:30 PM

Online Meeting Via Zoom

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**Joint Public Hearing with Planning Board and Council. To join the meeting remotely, use this link: <https://zoom.us/s/83299519037>. You may also call 1-646-558-8656 and enter meeting ID: 832 9951 9037.**

*In accordance with Public Law Chapter 617 adopted as emergency legislation by the Maine State Legislature on March 17, 2020 and signed into effect by Governor Mills, 1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19.*

*Zoom will be the meeting platform used by both the Council and the public. Information about using Zoom is available at <https://support.zoom.us/hc/en-us/articles/115004954946-Joining-and-participating-in-a-webinar-attendee->.*

*To join the meeting remotely, use this link: <https://zoom.us/s/83299519037>. You may also call 1-646-558-8656 and enter meeting ID: 832 9951 9037.*

*Please note that members of the public will need to use the raise your hand feature in Zoom or type \*9 on the phone to be called on and heard during the public testimony portion of the agenda.*

*If you prefer, you may also email the Council at [TownCouncil@windhammaine.us](mailto:TownCouncil@windhammaine.us) prior to the meeting with your thoughts on an issue and if you would like, please note that you would like the email read into the record during public participation or during that agenda item. Please keep in mind we request stated comments to be three minutes or less.*

*The meeting will be recorded and broadcast live on TV-7 (Channel 1303) and the Town's Facebook page.*

#### **I. Roll Call of Members.**

#### **II. Pledge of Allegiance.**

#### **III. Minutes to be Approved:**

*(2-3 Minutes)*

[CD 20-127](#)

To approve the Minutes of the May 12, 2020 Council meeting.

**Attachments:**

[Minutes-Town Council-May 12, 2020](#)

#### IV. Public Participation.

*The public is invited to address the Council on any item of business not on the agenda for tonight's meeting.*

*NOTE TO CITIZENS: Citizens have the right and are encouraged to speak during public participation regarding items not on the agenda, or regarding an item when it comes up on the agenda.*

*All comments and questions during public participation or on an agenda item must be directed to the Chair and be limited to not more than three (3) minutes per speaker; except that the Chair may grant another three (3) minutes at his/her discretion.*

*Persons present at Council meetings are requested not to applaud or otherwise express, other than verbally, their approval or disapproval of any statements made or actions taken at such meeting.*

*Anyone who has already addressed the Council during public participation, on an agenda item, or during a public hearing will be asked to wait until all others have spoken before being recognized a second time.*

#### V. Councilors' Comments.

#### VI. PUBLIC HEARINGS.

##### [20-108](#)

To receive public comment and act on the proposed amendments to the Town of Windham Land Use Ordinance, Chapter 140, Sections 400 District Standards and 900 Subdivision Review requiring subdivisions be designed as either a Conservation Subdivision or a Country Estate Subdivision. (20-29 minutes)

##### **Attachments:**

[20-108 Cover Sheet](#)

[TC packet conservation subdiv 4 14 20](#)

[TC packet PB recommend conservation subdiv 07-24-19](#)

20-047

To receive public comment and act on a proposed Marijuana Business Licensing Ordinance, Chapter 160 of the Code of the Town of Windham. (10-15 minutes)

**Attachments:**

[20-047 Cover Sheet](#)

[Marijuana Business License Application rev 051820](#)

[Marijuana Licensing Ordinance 051820](#)

[BTI Proposed Ideas on Retail Vendors and Potential Prevention Funding](#)

[Marijuana Licensing Ordinance 031820](#)

[Marijuana Licensing Ordinance 031820 \(clean\)](#)

[Windham marijuana licensing ordinance 031020](#)

[Draft -Marijuana-Licensing-Ordinance revised 030620](#)

[Marijuana Business License Application rev 030620](#)

[Marijuana Licensing Ordinance 021220](#)

**Legislative History**

2/25/20	Town Council	postponed
3/10/20	Town Council	postponed
3/24/20	Town Council	postponed
5/12/20	Town Council	postponed

20-048

To receive public comment and act on proposed amendments to Chapter 140, Land Use Ordinance, Sections 300, 400, 500 and to Chapter 199, Sections 199-14, related to the regulation of medical and adult-use marijuana. (10-15 minutes)

**Attachments:**

[20-048 Cover Sheet](#)

[TC packet PB recommend Marijuana 05-19-20](#)

[Marijuana Section 500 Performance Standards KMC edit 031820](#)

[Marijuana Section 500 Performance Standards KMC edit 030620](#)

[TC packet PB recommend Marijuana 02-13-20 A](#)

[School ChildCare Corr Buffer3](#)

[Current Medical Marijuana Facilities and Setbacks](#)

**Legislative History**

2/25/20	Town Council	postponed
3/10/20	Town Council	postponed
3/24/20	Town Council	postponed
5/12/20	Town Council	postponed

[20-124](#) To adopt an ordinance extending the existing moratorium on marijuana cultivation facilities ending on May 26, 2020 to June 26, 2020.

**Attachments:** [20-124 Cover Sheet](#)  
[Moratorium Ordinance Regarding Marijuana Cultivation Facilities](#)

[20-113](#) To receive comment on the municipal services budget for fiscal year 2020-2021. (10-15 minutes)

**Attachments:** [20-113 Cover Sheet](#)  
[Budget Presentation](#)  
[Finance Committee Budget 5.20.2020](#)  
[CAPITAL FY 21 4-28-20](#)

## VII. CONSENT AGENDA.

*None.*

## VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

[20-102](#) To approve a Memorandum of Understanding and Agreement with Portland Water District regarding the joint investigation of the feasibility, and potential development, of a wastewater collection, treatment, and disposal system that would serve properties in the North Windham Area to mitigate groundwater pollution. (8-10 minutes)

**Attachments:** [20-102 Cover Sheet](#)  
[PWD Memorandum of Understanding](#)

[20-045](#) To accept Sabatus Lane as a public way. (3-5 minutes)

**Attachments:** [20-045 Cover Sheet](#)  
[Sabatus Lane Extension Public Request 03-24-2020](#)  
[Sabatus Lane Subdivision As Built Set](#)  
[Sabatus Inspection Report 03-20-2020](#)  
[Public Acceptance of Streets 2017 \(1\)](#)  
[Sabatus Lane Public Street Acceptance Memo 05-07-20 \(1\)](#)

[20-110](#) To find that the requirements of Section 653 of Title 28-A have been met and to approve an application submitted by JMA Enterprises Inc. d/b/a Pat's Pizza Windham for an Extension of License on Premise. (3-5 minutes)

**Attachments:** [20-110 Cover Sheet](#)  
[Pat's Pizza-Extension of Lic](#)

[20-111](#) To find that the requirements of Section 653 of Title 28-A have been met and to approve an application submitted by Erik's Church, LLC d/b/a Erick's Church for an Extension of License on Premise. (8-10 minutes)

**Attachments:** [20-111 Cover Sheet](#)  
[Erik's Church Extension of Lic](#)  
[Memo to Council - Erik's Church](#)

[20-112](#) To find that the requirements of Section 653 of Title 28-A have been met and to approve an application submitted by Vision Coaching and Consulting LLC, d/b/a Elbow Room Bistro for an Extension of License on Premise. (3-5 minutes)

**Attachments:** [20-112 Cover Sheet](#)  
[Elbow Room Bistro-Extension of Lic. on Premise](#)

[20-114](#) To waive the fee requirement for Change of Use permits for Windham restaurants. (3-5 minutes)

**Attachments:** [20-114 Cover Sheet](#)  
[TC memo Restaurant and Retail Sales Town Response to Covid19](#)  
[Windham Restaurant permit process](#)  
[Fee Schedule](#)

[20-116](#) To waive the fee requirement for Retail Sales, Outdoor Temporary permits for Windham retailers. (3-5 minutes)

**Attachments:** [20-116 Cover Sheet](#)  
[TC memo Restaurant and Retail Sales Town Response to Covid19](#)  
[Windham Retailer permit process](#)  
[Fee Schedule](#)

[20-117](#) To approve an application submitted by Gilbert's Chowder House II located at 61 Tandberg Trail for a renewal Special Amusement permit.

**Attachments:** [20-117 Cover Sheet](#)  
[Gilbert's Chowder-Renewal Sp. Amusement](#)

[20-122](#) To approve a Two-Party Planning Partnership Initiative Agreement with Maine Department of Transportation to conduct a study that evaluates certain proposed safety and mobility improvements along Route 302 in North Windham. (8-10 minutes)

**Attachments:** [20-122 Cover Sheet](#)  
[Memo to Council - MDOT Agreement](#)  
[MDOT TwoParty Planning Study Agreement](#)

**IX. Council Correspondence.**

[CD 20-128](#) Financial Reports as of April 30, 2020

Attachments: [Revenues as of April 30 2020](#)  
[Expenses as of April 30 2020](#)

**X. Town Manager's Report.****XI. Committee Reports.****A. Council Subcommittees.**

1. Appointments Committee.
2. Finance Committee.

**B. Other Committees.**

1. Long Range Planning Committee.
2. Parks & Recreation Advisory Committee.
3. Windham Economic Development Corporation
4. Highland Lake Leadership Team.
5. Private Roads ad hoc Committee.
6. Natural Resources Advisory Committee.
7. Public Easement Advisory Committee.

**XII. Discussion Items.**

[CD 20-102](#)

Impact Fees for Police/Fire-Rescue/Town Hall. (8-10 minutes)

The attached draft impact fee study was developed to determine the feasibility/necessity of these fees because of the growth in Windham. The past and potential growth warrants the implementation of impact fees. I am recommending to the Council that the Planning Board review and recommend ordinance amendments.

**Attachments:**

[WindhamMEImpactFeesSafetyTownOfficeDRAFT18May2020](#)

[CD 20-130](#)

Backlots - Access From Public Roads. (8-10 minutes)

Attached is a brief memo and correspondence summarizing the issue. I am recommending to have the Planning Board review and recommend ordinance amendments.

**Attachments:**

[Manager Memo and Supporting Docs](#)

### **XIII. Agendas & Scheduling.**

### **XIV. ADJOURN.**