

## Tammy Hodgman

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**From:** Donald H. Gerrish  
**Sent:** Thursday, January 3, 2019 1:03 PM  
**To:** TownCouncil; Amanda L. Lessard; Tom H. Bartell; Christopher S. Hanson  
**Cc:** Tammy Hodgman  
**Subject:** FW: Town Council Meeting 1/8/19

FYI  
Don

**From:** holly Tubbs <watersystemswindham@gmail.com>  
**Sent:** Thursday, January 3, 2019 11:32 AM  
**To:** Donald H. Gerrish <dhgerrish@windhammaine.us>  
**Subject:** Town Council Meeting 1/8/19

Dear Mr. Gerrish and the Windham Town Council

I have spent the last few weeks getting signatures on a petition I have started to get Construction Services allowed in C-3 over 150 signatures as of this morning. I've talked to a lot of people very few of whom are even aware of this discriminatory exclusion of construction services from C3, including property owners in C3. Next week at the Town council meeting WEDC is coming before you with a plan for Construction Services to be allowed in C3 as a **conditional use**, based on meetings from 2016 of the planning board.

I've gone back to the planning board and Town Council, videos and minutes from those 2016 meetings. What I saw and heard from the planning board and Town Council meetings were a lot of inaccuracies about C3 and Construction Services.

One of the things I heard from those old meetings and I've heard repeated recently is that we don't want something that looks like the property service business at Duck Pond corner in Westbrook. I checked Westbrook's zoning and just so we're all clear on this, that area is zoned "Highway Services", we do **not** have "Highway Services" in Windham zoning. This comment has become a irrelevant scare tactic repeated by planning board members, Town Council Members and residents of the town who are under the mistaken impression that it has something to do with what goes on in Windhams' C3.

Another thing I heard recently ( from a town council member ) was that C-3 is just a narrow strip down Route 302, that is not correct, well over a thousand feet deep in a number of places.

Back to the 2016 meetings where one resident on Wanderers way complained about the property across Rte 302 from Haven Road and the hubcap place, that his residence abuts. He complained about noise at 2 or 3 in the morning but he also said that it had now stopped (because they completed filling), but he's concerned about the value of his property. His home and his neighbor who he said also objected to the noise are smack dab in the middle of C-3 that extends back well over 500 feet from Route 302 in that area. A common problem for both C-3 and the Farm/Farm residential zones. New home owners are not made aware or made themselves aware that Farming goes on in Farm zones and business goes on in Commercial zones.

For example, the neighbor who asked if the farmer could get the cows to stop mooing so early in the morning or that large equipment is utilized in farming. In C-3 property owners and prospective buyers are not made aware that no Construction services are allowed until they go to code enforcement or the ZBA , which they have to pay for, only to get turned down.

Then, just recently, the statement that the Town gets more property taxes from residential property than they do businesses. True enough statement until you deduct the cost of putting the children of those residents through school. I believe, from what I can gather, the cost is \$ 10,000. - \$ 12,000.00 per child per year, it doesn't take long for it to be a wash or a loss for the town. The taxpayers of Windham could question why the Town is so actively trying to keep Construction Services businesses out of one Rte 302 Commercial zone while we have let it go into another **less** restrictive Commercial Zone in Town. All the while encouraging residential homes to go into commercial zone ( C-3 ). Feel free to ask me about the phone call I received from my real estate agent last weekend.

Also from the 2016 planning board meeting one of the most offensive, condescending things I heard was that C-3 Rte 302 and Construction Services needed a "gatekeeper every time".

I would respectfully ask that Town officials remember that you have the "bully pulpit ' as your meetings are aired on local TV and the internet and as bad as the audio & picture are and they are bad, you have access to taxpayers that taxpayers do not have to each other unless we actually have a conversation. You get to tell the taxpayers of Windham whatever you like whether it's accurate or not. You are certainly entitled to your opinion, but when you make statements or talk to people around town I kinda feel that you have a responsibility as public officials to make sure those statements are accurate.

Public hearings are announced via Facebook, the Towns web site other social media. I feel that the Town can find us to get us a property tax bill but you can't notify us via the same means when it comes to public hearings regarding our property? This is exactly why so very few people know that Construction Services are prohibited in C-3. Maybe the Town doesn't want taxpayers to know they are prohibited. I and many others feel that we should be notified the same way you get our tax bills to us, as many property owners are out of town, out of state or not watching every town council, Planning board meeting or on facebook.

Now the old rest area on Rte 302, that the state owns, has come on the market. That property is in the 1/2 mile section that is Farm zone of the 5 miles of C-3. I called the real estate agent to find out particulars on it. I was told it was suitable for a home occupancy. I specifically asked if a well driller could go in there. I was told yes as long as there was a residential component. Do you see my problem ? Is she telling me inaccurate information or does she know something I don't. The state wields a lot of power so maybe she knows that the town cannot legally enforce their zoning or that the Town will make accommodations to get some property taxes from that piece that they are not getting now.

Myself, and the over 150 people who have signed my petition are asking the Town Council to allow Construction Services into the C-3 Zone it states as follows:

We, the undersigned support the inclusion of "Construction Services" as defined by the Town of Windham in the Commercial -3 zone of the town.

#### Sec 300 Definitions

Construction Services .. The performance of work or the furnishing of supplies to members of the building trades which requires the storage of materials and/or the location of commercial vehicles on the property of the construction services business. This includes, but is not limited to, plumbing, painting, building, well drilling, carpentry masonry or electrical installation.

It's as simple as that. The same definition as you have already allowed in C-1 as a permitted use not a conditional use. Many of the people I have spoken to are very angry about this exclusion of Construction Services in the C-3 Zone. They and I have had property in C-3 for sale for more than 10 yrs. I am not going to drop this. Neither I nor they are going to be happy with a **conditional use**. Please allow us the same economic advantage you have already given C-1 by allowing Construction Services into C-3.

Thank you for your consideration.

