



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, June 28, 2016

7:00 PM

Council Chambers

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#### I. Roll Call of Members.

**Present:** 5 - Donna Chapman, Bob Muir, David Nadeau, Dennis Welch and Tim Nangle

**Absent:** 1 - Roy Moore

#### II. Pledge of Allegiance.

Council Chair Chapman led the assembly in the Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 16-244](#) To approve the minutes of the June 14, 2016 Council meeting.

**Attachments:** [Minutes - Town Council - 6-14-2016.pdf](#)

Both sets of minutes were voted on at the same time.

[CD 16-246](#) To approve the minutes of the June 21, 2016 Council meeting.

**Attachments:** [Minutes - Town Council - 6-21-2016.pdf](#)

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

**In Favor:** 5 - Council Chair Chapman, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

**Absent:** 1 - Councilor Moore

#### IV. Public Participation.

*There was no public participation.*

#### V. Councilors' Comments.

*Councilor Nadeau: He said there was a 90+ year old woman brought into the Police Station by her daughter; the woman had been scammed. Tricia Buck took the call and got in contact with the Post Master General in Windham, who in turn got in contact with some friends in Florida, who then got in touch with the Post Master to where it was going. Both pieces of mail she sent, one for \$600 and one for \$5,000 were intercepted. Councilor Nadeau thanked Tricia for doing a great job and the Post Office for assisting.*

*He also noted that around noontime and supertime he starts getting phone calls, he*

*said you are better off hanging up, because most of the time it is someone trying to sell something or a scammer.*

*Councilor Chapman: She said that Summerfest had a great crowd for a while and had a pretty good turnout overall.*

## **VI. Council Correspondence.**

*No Councilor Correspondence.*

[CD 16-243](#) Windham Solar, LLC Annual Report 2014-2015

**Attachments:** [Annual Report- Y2- Windham Solar, LLC- 20160620](#)

[CD 16-245](#) MDOT Brochure - Rumble Strip Safety

**Attachments:** [MaineDOT brochure](#)

[CD 16-227](#) Windham Public Library Monthly Report - May 2016

**Attachments:** [Windham Public Library Monthly Report - May 2016](#)

[CD 16-230](#) Social Services Monthly Report - May 2016

**Attachments:** [Social Services Monthly Report - May 2016](#)

[CD 16-231](#) Fire-Rescue Monthly Report - May 2016

**Attachments:** [May 2016 Monthly Report](#)

[CD 16-232](#) Parks and Recreation Department Monthly Report - May 2016

**Attachments:** [Monthly Report May 2016](#)

[CD 16-233](#) Windham Police Department Monthly Report - May 2016

**Attachments:** [Windham PD Monthly Report May 2016](#)

[CD 16-238](#) Public Works Department Monthly Report - May 2016

**Attachments:** [Public Works Department Monthly Report - May 2016](#)

[CD 16-239](#) Town Clerk's Monthly Report - May 2016

**Attachments:** [Town Clerk's Monthly Report for May 2016.pdf](#)

[CD 16-240](#) Financial Reports

**Attachments:** [Appropriation Control Report as of 6-14-16](#)  
[Revenue Control Report as of 6-14-16](#)

## VII. Town Manager's Report.

### [CD 16-247](#) Town Manager's Report.

Attachments: [Town Manager's Report 20160624](#)  
[SWFS Construction Meeting Minutes 20160525](#)  
[SWFS Construction Meeting Minutes 20160608](#)  
[DEP MS4 Audit Letter 20160608](#)  
[Town of Windham Response 20160623](#)  
[Projects & Issues List 20160624](#)  
[Projects & Issues Sheets 20160624](#)

*Tony Plante: He said Summerfest was a success; he attended the parade, went to the auto show, visited the food booths, and he thought there was a good representation. He said they owe a special thanks to Kelly Mank for heading up the event. Next year's event is scheduled to be on June 24, 2017.*

*A reminder that the Windham Town Offices will be closed this coming Monday, July 4 in observance of Independence Day. Trash pick-up for those on the Monday route will be moved to Friday, July 8 next week.*

*The Angler's Road Project has things going pretty smoothly. The widening of Route 302 placement of granite curb has had some issues with traffic due to the time of year, and by contract, the work in Route 302 is supposed to be suspended no later than July 1 and will resume after Labor Day. The base coat paving and the granite curbing for that side is in so they should be through the worst of it. They will be doing more work in Route 302 and in the intersection itself after Labor Day. Tony has a construction meeting on-site Wednesday afternoon to talk with the engineers and contractors about where they are with the project.*

*He said they discovered during the course of excavating the right-of-way for the new public portion of Angler's Road, demolition debris from a building that was taken down on-site several years ago and disposed of on-site, which will costs \$4,000 - \$6,000 for excavation, disposal and fill.*

*Another town initiated change order that is coming is the paving of the intersection on Route 302. They had planned to coordinate the paving with work MDOT was doing, but their work has been put off until 2018 or 2019, so it did not make sense to leave the intersection all cut up. They received an estimate to do an overlay of the entire intersection from east of the White's Bridge intersection to where the widening ends for about \$33,000. They are still within budget, and this falls within the contingency they had for the project.*

*The South Windham Fire Station Project is underway; they are continuing to do work on that. They've hit a bottle neck in the State Fire Marshall's Office with regard to the sprinkler system. They are backed up and our architect is working with them to get that cleared up. There is another construction meeting scheduled for Wednesday, July 6.*

*On April 11 they had a visit from DEP for our Stormwater Audit. They received a report from David Ladd, the State Stormwater Coordinator on June 8. They put together a response with the assistance of the Cumberland County Soil & Water Conservation*

*District, who has been indispensable through the whole process and worked with legal as well. DEP noted some minor conditions; there is no warning, no enforcement, no penalties, no fines and that is due to Doug Fortier who is the town's Stormwater Program Manager, and all of the other town employees who is on top of their housekeeping. He included a copy of DEP's letter and the town's response in the Council packet.*

*In regard to the Forest Lake Plan, Tony will be having a conversation with them on Thursday.*

*They have received the structure photo inventory and they have been working with a structural engineer on plans. They got those yesterday and forwarded to a contractor to get quotes to get the work moving.*

*Also in regard to private roads, at last weeks meeting they had Planning Director Ben Smith, Kevin Haskins from Pretti Flaherty and Stephen Langsdorf by phone to talk about the private road ordinance changes. There are two in the process of going to the Planning Board. There is one that Ben is going to work on, and they should see language within the next couple of days to deal with that. The Council is a legislative body and this is a legislative decision, so where they Council chooses to draw the line, with respect to grandfathering, is a choice the Council will have to make. He said he understood that where the language is going to start, is that any new development would trigger improvements to the private way, all the way back to the nearest public way.*

*As part of Summerfest, they had a booth with Ben Smith and others from the Comp Plan Review Team handing out reusable shopping bags. The Council will have a meeting the end of August and then will have a large scale public event in October.*

*They received Telephone System proposals this last week. They are reviewing those now.*

*They have also received two proposals for Systems Software and have had demos of both. Staff and members of the Finance Committee, as available, will have a meeting next week to go over some observations.*

## **VIII. Committee Reports.**

### **A. Council Subcommittees.**

#### **1. Appointments Committee.**

*Councilor Nangle: He said there are no applicants and no meeting has been held.*

#### **2. Finance Committee.**

*Councilor Nadeau: He said they had two meetings with the software vendors, and there is another one on July 5th. They will put something together to come back to the Council with a recommendation.*

### **B. Other Committees.**

#### **1. Public Easement Advisory Committee.**

*Councilor Nadeau: Reported that they did a third of the roads this past week, and*

*completed all of them. He said there was no real big issues other than some grading done on certain roads. Tony said the policy on continuing maintenance of public easements has all of them on a three-year rotating cycle, so a third is what they are supposed to be doing every year.*

## 2. Parks & Recreation Advisory Committee.

*Councilor Chapman: She said the Concert in the Park starts July 13. The concerts will be from July 13 to August 3 and they are all free. She asked Tony where it is advertised on the town's website other than the Parks & Recreation's page? Several Councilors mentioned that they did not find our website user friendly. Tony said the summer concert series is listed on the Parks & Rec's home page, and he said they have a place where they can put announcements up.*

*She also said in regard to the skate park, they want to get some of the ramps open so the kids don't go all summer with no place to skate.*

## 3. Windham Economic Development Corporation.

*Tony Plante: He said he was unable to attend the last meeting, and Councilor Nadeau said they did not have a quorum.*

# IX. PUBLIC HEARINGS.

[CD 16-234](#) To receive public comment on an amendment to the Town's Land Use Ordinance, Chapter 140, Section 400, to change Warehousing, Private from a conditional use to a permitted use in the C-1 District.

**Attachments:** [Chapter 140, Section 400 Proposed Amendments](#)

*Larry Eliason - Colby Drive: I am on the board of the Windham Economic Development Corporation, and we have advocated for some changes in the zoning. In this particular instance C-1 is the most broad based commercial zone in Windham. Having someone to come in and lease warehouse space and having to go through the Zoning Board of Appeals slows down things dramatically, and adds costs to a transaction. Business people are looking to move fast, and we feel we need to be more agile. Someone coming to lease warehouse space is going to talk to Code Enforcement and get an occupancy permit, and they are the gate keeper. Making this change will speed things up for businesses to be able to lease space much faster. We are asking for your support on this. Thank you.*

[CD 16-235](#) To receive public comment on an amendment to the Town's Land Use Ordinance, Chapter 140, Section 400, to add Construction Services and Warehousing, Private as a permitted use in the C-2 District.

**Attachments:** [Chapter 140, Section 400 Proposed Amendments](#)

*Larry Eliason - Colby Drive: On this zone we felt that Construction Services, with Windham being a contractor town, that we ought to be more flexible for contractors that want to be based in Windham, and again, there is not as much inventory in C-2 as far as warehousing, but again, this is to speed up the process for someone to be able to lease space and move quickly. As a commercial broker, I find that if you can't accommodate that user, they are going to go look at other towns that will move faster. Windham's in the mix sometimes but we've got to be competitive, and again, we got to be more agile.*

*Back to the Construction Services, C-2 is one level down from C-1 but again, with hundreds of contractors in this community we ought to be more open to their use. Thanks.*

**CD 16-236**

To receive public comment on an amendment to the Town's Land Use Ordinance, Chapter 140, Section 400, to add Construction Services and Service Businesses, Landscaping as permitted uses in the C-3 District.

**Attachments:** [Chapter 140, Section 400 Proposed Amendments](#)

*Larry Eliason - Colby Drive: I can give you a specific example of approximately 10 acres behind Tractor Supply where they had a contractor that wanted to buy and develop on that site. When we went with Code Enforcement and Land Use, the interpretation was that Construction Services is not allowed in that district, so they have to look else where. They might look in C-1 because that is where it is allowed or they might go to Westbrook or Raymond. There is a lot of existing businesses already there. Landscaping is another very popular business here in town. We are asking that you allow this use as well. Thank you.*

*Brian Maynard - Wander's Way: My neighbor and I actually back that property, and they are developing a storage unit there on part of the land, and then there is a business and he has tar company. He has 18 wheelers there now, dump trucks, etc. I am more worried about the noise, and if they do that with 24-hour access. They brought in about 35,000 yards of fill in that area, but they are not working on it right now, but I am more worried about what goes on late at night there. I know that at 2:30 or 3:00 in the morning there have been dump trucks dumping stuff that my neighbors complained about. The next time, they said, they will call the cops because it wakes their kids up. I am one house over, unfortunately I do not see that right now or hear it because of the leaves, but when that is all gone, I can see that, and I don't need to look at dump trucks and 18-wheelers backing up, beeping all day and night. I would say it is a residential area, so that is my one concern, the noise. If you do change it, how big is landscaping equipment. I don't want to stop small business in Windham or anything like that, but are we talking piles, like down the road, just after when you are going to Westbrook. There is a construction site right there with bull dozers and piles of dirt, etc. I am interested in what they are going to be adding and maybe it is too small to do that. Thank you.*

**CD 16-237**

To receive public comment on an amendment to the Town's Land Use Ordinance, Chapter 140, Section 706, to allow commercial subdivision signs in the C-1, C-2, C-3 and VC districts.

**Attachments:** [Chapter 140, Section 706 Proposed Amendments](#)

*Larry Eliason - Colby Drive: In this case the Windham Economic Development Corp board members worked with staff on some of the language to clarify some things, and to make sure that interpretations by town staff and Code didn't conflict. We already have signage in many of these commercial developments, we just want to make it clearer on what you can do.*

## **X. CONSENT AGENDA.**

**16-115**

To appoint Jean Grant to a three-year term on the Human Services Advisory Committee, to expire May 15, 2019.

**Attachments:** [16-115 Cover Sheet](#)

[16-116](#) To appoint Karen Seymour to a three-year term on the Parks and Recreation Advisory Committee, to expire August 15, 2019.

[16-118](#) To approve an application submitted by Northern New England Telephone Operations LLC and Central Maine Power Company for the placement of new Pole 3[3] to be relocated 18 feet from old pole 3[3] (old pole to be removed), and cables and wires, location from approximately 450' in a generally Northeasterly direction of Roosevelt Trail, one pole.

**Attachments:** [16-118 Cover Sheet](#)  
[Pole Location - Angler's Road.pdf](#)

[16-120](#) To approve a liquor license application submitted by the American Cancer Society for a fund-raising event to be held on July 30, 2016.

**Attachments:** [16-120 Cover Sheet](#)  
[American Cancer Society - Liquor App.pdf](#)

*Councilor Nangle: The Appointments Committee interviewed Miss Seymour and Miss Grant and found them both to be extremely qualified individuals, and should their appointments be confirmed, he thanks them for applying, interview and making themselves available as a resource to the town.*

**A motion was made by Councilor Muir, seconded by Councilor Nangle that the Consent Agenda be approved. The motion carried by the following vote.**

**In Favor: 5- Council Chair Chapman, Councilor Muir, Councilor Nadeau, Councilor Nangle and Vice Chair Welch.**

**Absent: 1- Councilor Moore**

## **XI. UNFINISHED BUSINESS & GENERAL ORDERS.**

[16-106](#) To approve the Family Medical Leave Act Policy, which will replace and be referenced in Article VI, Section 6 of the Personnel Policy.

**Attachments:** [16-106 Cover Sheet](#)  
[Family Medical Leave Act Policy](#)  
[FMLA Policy Update Memo](#)

*Tony Plante: The purpose of this Order is to bring the town's current Family Medical Leave Act Policy into line with changes that have occurred with Federal Law.*

*Phyllis Moss: She said what was changed is to add in the provision for the military personnel.*

**A motion was made by Councilor Muir, seconded by Councilor Welch that the Order be approved. The motion carried by the following vote.**

**In Favor: 5 - Council Chair Chapman, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle**

**Absent:** 1 - Councilor Moore

**16-107**

To approve the Work Related Injury Policy, which will replace and be referenced in Article VI, Section 21 of the Personnel Policy.

**Attachments:** [16-107 Cover Sheet](#)

[Work Related Injury Policy update memo](#)

[Work Related Injury Policy](#)

*Phyllis Moss: Phyllis explained that this brings the policy more in-line with what the Department of Labor has set forth for Worker's Compensation. It does change our past practice. They have, in the past, made the employee, what they call whole. Worker's Compensation gives them a certain amount of money, it is capped at a certain amount, just under \$800 dollars, at most, which is the amount that the employee gets is about 66% of what their base pay would be. The town has made up the difference, historically, and that has been going on quite some time. The law does not require us to do that, and they are moving in that direction. Employees can still be paid; they can use sick or vacation time to make up for that. She said this just brings it more in-line with what the Department of Labor has set forth.*

*Tony Plante. He said it is something that they have been working in our Union Contracts to change. They have that in two of the contracts, and this would apply the same policy to non-union town employees. They are providing Worker's Comp coverage as they are required to by state law. What this does is change the town's policy so they are not making up the difference, so that is not incurring additional costs. What they've found and have heard consistently from their Worker's Comp carrier is they have discouraged this practice as it sometimes makes it more difficult to have people return to work. Tony said the Public Work's contract does not include make-up pay, as well as the Paramedic's contract. The Police Contract does and that contract is currently in negotiation.*

**A motion was made by Councilor Muir, seconded by Councilor Welch that the Order be approved. The motion carried by the following vote.**

**In Favor:** 5 - Council Chair Chapman, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

**Absent:** 1 - Councilor Moore

**16-109**

To approve and direct the placement of additional stop signs at the intersection of Pope Road, Ward Road, and Windham Center Road to create a four-way stop.

**Attachments:** [16-109 Cover Sheet](#)

[WCR & Pope Rd Crash Summary Report](#)

*Rolfe Dries: He said he has been a resident for 44 years. If you look at the intersection of Pope and Windham Center Roads, it is a safety hazard. He said it is beautiful but it was built for the Model T Fords and cows years ago. The roads do not meet at 90 degrees and the visibility is very difficult. Due to the traffic report there were 17 crashes over a 6-year period. He said the reports often say that the Pope Road drivers did not see the cars coming, and Mr. Dries said he has experienced that several times. The Traffic Engineer states that odd skew, trees, and brush often contribute to visibility issues. There is a poorly located telephone pole and makes it difficult. He asked the*



*Council to please consider putting a 4-Way stop sign in. (see attachment)*

*Bill Livengood - Pope Road: He wanted to confirm everything Mr. Dries just said. He said he also had a near miss situation up there with his wife driving. He said it appears you are coming into a village area, and there is a sign at the top of the hill, but someone not familiar with the area or not thinking there is a 4-way intersection can get into trouble. It is a pretty dangerous intersection and is being used very heavily with people commuting. He said you might want to consider traffic devices, speed bumps, etc.*

*Susan Dries: Mrs. Dries said something has to be done, and she hopes the Council does something about it. Friday evening she was taking her granddaughter up to North Windham. She was going to go across Windham Center Road and there was a car coming from Pope Road Extension coming across Pope Road, and there was a car behind her. A little black car was coming up over the hill, and the crest of that hill is so close to the intersection that you can't see the cars coming, especially if they are a dark color. He had a blinker on, she stopped her car, but the jerk (her words) on the other side cut in front of this little black car just as he was going to turn and they missed each other by inches; had they hit she would have been involved in the accident too.*

*Councilor Muir: Stated he had no problem with putting in a 4-Way stop, and he agreed it is not a good situation.*

*Councilor Welch: He said he has gone up there a couple times to check it out, and you do have to go way out to see if traffic is coming. He said he wasn't sure if either a 4-Way stop or better signage would work. He commented on the new blinking speed signs that show how fast you are going, and said maybe something like that would work at slowing people down.*

*Councilor Nangle: According to the crash information they had, it seemed that the high crash times are between 7:00 a.m. and 2:00 p.m., which happens to co-coincide with school, wondered if it was an enforcement issue? He didn't think 17 crashes was that much of an alarming rate, but it is a difficult intersection to navigate. He wondered if the traffic engineer ever provide the town any recommendations on how we could make it better?*

*Tony Plate: The only response they've had was in the e-mail from Tim Soucy from MDOT, without actually coming and seeing the intersection for himself, suggested that maybe better signage was a better option. Tony said no amount of signage beyond what is appropriate for traffic control devices, according to the manual, is going to be any substitute for inattentive drivers. He said on the second page of the crash summary, in the far right column, the CRF (critical rate factor) 17 crashes over six years, given the volume of traffic, does not sound like a lot, but the rate factor compares this intersection to like ones around the state and a rate factor greater than 1 means it has a higher rate of crashes than similarly situated intersections. Ours has a rate factor of five (5).*

*Councilor Nadeau: Mentioned that 14 out of the 17 crashes was failure to yield, a 4-way stop sign will not help, that is driver issues. He thinks looking at better signage approaching the stop sign might help.*

*Councilor Muir: He brought up the fact that the crash data does not show is the near misses at that intersection.*

*Council Chair Chapman: She said she did not support this in the past, but because the residents came in and took the time to plead with them, she appreciated that.*

**A motion was made by Councilor Muir, seconded by Vice Chair Welch, that the Order be approved. The motion carried by the following vote:**

**In Favor:** 4 - Council Chair Chapman, Councilor Muir, Vice Chair Welch and Councilor Nangle

**Opposed:** 1 - Councilor Nadeau

**Absent:** 1 - Councilor Moore

**16-110**

To approve an extension of the Pine Tree Waste contract for solid waste and recyclable materials collection for the period July 1, 2016 through June 30, 2018 as specified in the letter from Stuart Axelrod of Pine Tree Waste dated June 7, 2016.

**Attachments:** [16-110 Cover Sheet](#)  
[PTW Contract Extension Proposal 20160607](#)

*Tony Plante: He said we are coming to the end of a three-year contract with Pine Tree Waste as our hauler, and the reason for the two-year extension is to allow time to undertake a comprehensive evaluation of the town's solid waste management program. Because collection and hauling is so capital intensive, if we are to make changes to the program to acquire new equipment, they will need time to do that and to get it into the budget.*

*He noted that the proposal from Pine Tree Waste for fiscal 2017 is no change from what we are paying in fiscal 2016. For fiscal 2018 there would be a fuel price adjustment applied to the contract price, which will be whatever the change is in the per gallon price for diesel fuel over a specified period, applied to 15% of the face amount of the contract.*

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

**In Favor:** 5 - Council Chair Chapman, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

**Absent:** 1 - Councilor Moore

**16-111**

To approve an amendment to the Town's Land Use Ordinance, Chapter 140, Section 400, to change Warehousing, Private from a conditional use to a permitted use in the C-1 District.

**Attachments:** [16-111 Cover Sheet](#)  
[Chapter 140, Section 400 Proposed Amendments](#)

*Tony Plante: They had recommendations from the Planning Board for this item in the C-1 District changing Warehouse Private from a conditional use to a permitted use; which was the proposal. The Planning Board recommended no change and leaving it as a conditional use, as it is currently.*

*Council Chair Chapman read a memo from Amanda Lessard the Assistant Planner.*

*Councilor Welch said he had no issue with this Order. Councilor Nangle asked if there was a buffer between a residential district and the C-1. Councilor Nadeau said you want to have warehousing in the C-1 District.*

**A motion was made by Councilor Muir, seconded by Vice Chair Welch, that the Order be approved. The motion carried by the following vote:**

**In Favor:** 5 - Council Chair Chapman, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

**Absent:** 1 - Councilor Moore

[16-112](#)

To approve an amendment to the Town's Land Use Ordinance, Chapter 140, Section 400, to add Construction Services and Warehousing, Private as a permitted use in the C-2 District.

**Attachments:** [16-112 Cover Sheet](#)

[Chapter 140, Section 400 Proposed Amendments](#)

*Tony Plante: The Planning Board recommendation was to have Construction Services be a conditional use in the C-2 District, and to have Warehousing, Private as proposed by WEDC. The change would be, instead of having Construction Services as a permitted use, they would be a conditional use, as recommended by the Planning Board, but the proposal the Council has before them is made by the WEDC.*

*Councilor Nangle said he liked the Planning Board's recommendations. Council Chair Chapman said she would support this amendment.*

**A motion was made by Vice Chair Welch, seconded by Councilor Muir, that the Order be failed. The motion carried by the following vote:**

**In Favor:** 2 - Council Chair Chapman and Councilor Muir

**Opposed:** 3 - Councilor Nadeau, Vice Chair Welch and Councilor Nangle

**Absent:** 1 - Councilor Moore

[16-113](#)

To approve an amendment to the Town's Land Use Ordinance, Chapter 140, Section 400, to add Construction Services and Service Businesses, Landscaping as permitted uses in the C-3 District.

**Attachments:** [16-113 Cover Sheet](#)

[Chapter 140, Section 400 Proposed Amendments](#)

*Scott Hayman - Ginn Mill Lane: He said he knows the Council goes with what the Planning Board makes for recommendations a lot of the time, but he said you need to remember that those seven people, who are appointed by the Council, are not into this stuff day in and day out and understand what economic development is for the town. The town is looking at a new school in the future, and if there is any growth the town would want, it would be economic development over residential growth. Residential growth puts a tax burden on the town, and economic development helps the tax base. Scott said you just can't always go with what the Planning Board says.*

*Brian Maynard: He said he is talking about a very small section of that zone. He said if that company has let their permits expire, and they decide to just do that, how would they enforce that? He said he needs to look at the resale value of his home. He does think the residential community and the business community can work together.*

*Council Chair Chapman said she would support this order. Tony said WEDC*

*recommended the addition of Construction Services and Service Business, Landscaping as permitted uses in C-3. What the Planning Board recommended was to add Service Business, Landscaping as a permitted use and to add Construction Services but instead of a permitted use, as a conditional use.*

*Councilor Nangle: Pointed out an intersection at Route 302 and Highland Lake Road. He said there is a construction business sitting right on the edge of a residential neighborhood. Scott Hayman said that business was there before any neighborhood was there. Councilor Nangle said Service Business, Landscaping is easier take in the C-3, and questioned what kind of Construction Services are they talking about?*

*Councilor Nadeau: His issue is with conditional use. A conditional use in the 3-C zone such as auto repair; you can run up Route 302 and see many of them. The ZBA has put different limits on the number of cars they can have, and Code Enforcement hates it because they can't enforce it.*

*Councilor Muir: His concern was with the trucks dumping in the middle of the night, and asked if they could put a restriction on that?*

*Tony Plante: Tony said there is a difference between what you are doing now and in that instance. This is a legislative function and you are not applying it to just this one property; it would be applied throughout the C-3 District. Conditional Use would allow the Zoning Board to look at each property at each business separately. Each business will be different, such as a paving business.*

*Councilor Nadeau: He said people buy into zoning for a reason, and he thinks it has to be considered to a point when you come to changing a zone. If someone has a house beside you, but a lot is between you, and it is in the C-3 zone, and they sell that lot and something this comes in..... He also feels it is not deep or wide enough.*

*Councilor Muir: Stated he did not want it to be a detriment to home owners; this is one case but there may be other cases in that district. When you buy into a zone you know basically what is going to be around you.*

**A motion was made by Councilor Muir, seconded by Council Chair Chapman, that the Order be failed. The motion carried by the following vote:**

**In Favor:** 1 - Council Chair Chapman

**Opposed:** 4 - Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

**Absent:** 1 - Councilor Moore

**16-114**

To approve an amendment to the Town's Land Use Ordinance, Chapter 140, Section 706, to allow commercial subdivision signs in the C-1, C-2, C-3 and VC districts.

**Attachments:** [16-114 Cover Sheet](#)

[Chapter 140, Section 706 Proposed Amendments](#)

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

**In Favor:** 5 - Council Chair Chapman, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

**Absent:** 1 - Councilor Moore

[16-119](#) To approve the sale of property located at 3 Soccer Drive (the Gambo field complex) to the Windham Youth Soccer Association as described in the attached purchase and sale agreement and proposed municipal quitclaim deed.

**Attachments:** [16-119 Cover Sheet](#)  
[Gambo Property Deed](#)  
[WYSA Proposal](#)  
[WYSA Proposal \(Follow Up\)](#)  
[Purchase Sale Agreement - Town to WYSA revised 20160621](#)  
[Municipal Quitclaim Deed - Town to WYSA revised 20160621](#)  
[Purchase Sale Agreement - Town to WYSA FINAL](#)  
[Municipal Quitclaim Deed - Town to WYSA FINAL](#)

*Scott Hayman - Ginn Mill Lane: He thanked the Council for allowing the Windham Youth Soccer Association the opportunity to negotiate these terms with Tony and the Council. He hopes the support they have had in the last few meetings will be with them as they vote tonight. He said tonight there were a couple of guys down there getting the pumps ready to start watering the fields; they have a load of loam there to start patching some of the bare spots and planting seed. They look forward to creating and improving the property and turning it into a gem the whole Town of Windham can be proud of. They have been in negotiations with Sappi who will be putting in a boat launch in, and he hopes they vote in favor.*

*Tony Plante: The terms are: The town would sell the 18.9 acre parcel that it acquired from the Portland Water District, which the Windham Youth Soccer Association developed over the last 28 years for soccer fields, to the Windham Youth Soccer Association for the price of \$80,000, which is the price the town purchased it for. The town would retain a right of first refusal should WYSA ever decide to dispose of the property and that the sale price back to the town is fixed at \$80,000. There are no additional considerations. The restriction on use of the property in non-motorize recreational use, that was attached by the Water District, remains in tact, and they have envisioned, in the agreement, on-going conversation between Windham Youth Soccer and the town to allow such additional public recreational use as the facility will support, including the development of a hand carry boat launch.*

**A motion was made by Councilor Muir, seconded by Vice Chair Welch, that the Order be approved. The motion carried by the following vote:**

**In Favor:** 4 - Council Chair Chapman, Councilor Muir, Vice Chair Welch and Councilor Nangle

**Opposed:** 1 - Councilor Nadeau

**Absent:** 1 - Councilor Moore

[16-121](#) To cancel the Council meetings scheduled for the first and third Tuesdays of July and August 2016.

**Attachments:** [16-121 Cover Sheet](#)

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

**In Favor:** 5 - Council Chair Chapman, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

**Absent:** 1 - Councilor Moore

## **XII. Discussion Items.**

*None.*

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

[CD 16-248](#) Agenda Items Reports.

**Attachments:** [Agenda Items Report 20160624](#)  
[Projects & Issues List 20160624](#)  
[Projects & Issues Sheets 20160624](#)

*Discussion of agendas and scheduling.*

## **XIV. ADJOURN.**

**A motion was made by Councilor Muir, seconded by Vice Chair Welch, that the be adjourned. The motion carried by the following vote at 9:05 p.m.**

**In Favor:** 5 - Council Chair Chapman, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

**Absent:** 1 - Councilor Moore

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM