

Town of Windham
Env. & Sustainability Department

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MEMO

DATE: April 6, 2021

TO: Windham Town Council

THROUGH: Barry Tibbetts, Town Manager

FROM: Gretchen Anderson, Environmental & Sustainability Coordinator

CC: Natural Resources Advisory Committee
Amanda Lessard, Planning Director
Chris Hanson, Code Enforcement Director

RE: Windham Shoreland Zoning/Surface Water Protection Ordinance Recommendations

The Natural Resources Advisory Committee's (NRAC) purpose is to serve as an advisory body to the Town Council on issues related to the protection and enhancement of the community's natural resource base. The NRAC has reviewed the strategies, goals and recommendations found in the Town's [Comprehensive Plan](#), [Open Space Master Plan](#), Watershed Prioritization Report (attached), and state shoreland zoning requirements. The NRAC recommends the Town's Zoning Map and Shoreland Zoning Ordinance is amended to comply with the Department of Environmental Protection's minimum shoreland zoning guidelines and to provide greater protection of the Town's impaired waterbodies by increasing the shoreland zones of the Pleasant River and the tributaries of all waterbodies.

The NRAC also recommends expanding the Surface Protection Ordinance Section K.5, the Stormwater and Phosphorus Management Control permitting process (commonly referred to as the points system), to the town-wide shoreland zone (Resource Protection District, Limited Residential District, General Development District, Stream Protection District). The points system has been required in the Highland Lake watershed since December 2017 and has been successfully reducing water quality impacts from development that is not subject to site plan or subdivision review. The NRAC consulted with the Code Enforcement Department to confirm that there are adequate personnel to enforce these additional requirements.

The proposed recommended ordinance and map changes are attached. Highlights of the changes are as follows:

Chapter 199 Shoreland Zoning

- Replace "Shoreland Zoning Map" with "Land Use Map" to be consistent with map terminology in Chapter 140 Land Use Ordinance.
- §199- 13.A. (Resource Protection District): Addition to areas included in Resource Protection (RP) and other land areas designated as Resource Protection on the Windham Office Land Use Map.
- §199- 15.Y (Animals in Shoreland Zone Performance Standard): Delete "or 75 feet" and specify setback is from the high-water line of a waterbody.
- §199- 17. (Definitions): Expand Shoreland Zone definition to include areas as depicted on the official map as a General Development (GD), Limited Residential (LR), Resource Protection (RP), or Stream Protection (SP) district.

Town of Windham, Maine Zoning Map

- Change title to Land Use Map as described in Chapter 140 Section 402.A
- Pleasant River north of Route 302 expanded to 250 ft RP from 100 ft RP or 100 ft SP.
 - 65 properties would be rezoned
- Added Inland Waterfowl / Wading bird Habitat (IWWH) to RP at Albion Road¹.
 - 20 properties would be rezoned
- Added 10-acre freshwater wetlands¹ to LR.
 - 85 properties would be rezoned
- Changed boundary of RP zones in North Windham based on current wetland data.
- Ensured current SP boundary was 100 ft, as required in Chapter 199 Shoreland Zoning.
- Expanded SP to all tributaries of waterbodies located in Windham.
 - 501 properties would be rezoned

Chapter 142 Surface Water Protection

- Section C.2 – Double temporary erosion control required for projects in the shoreland zone (Limited Residential, Resource Protection, General Development, and Stream Protection Districts)
- Section K.5 – Stormwater and Phosphorus Management Control Permit required in the shoreland zone (Limited Residential, Resource Protection, General Development, and Stream Protection Districts)

¹ Recommendation are comments from the Department of Environmental Protection's Shoreland Zoning Unit. These recommendations will bring the Town into compliance with the state minimum shoreland zoning requirements.