



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, January 15, 2019

6:00 PM

Council Chambers

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**POSTPONED FROM 1/8/2019**

#### I. Roll Call of Members.

*Councilor Maxfield arrived at 6:02*

*Councilor Nangle arrived at 6:07*

**Present:** 7 - David Nadeau, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman, Clayton Haskell and Rebecca Cummings

#### II. Pledge of Allegiance.

**Council Chair Haskell led the assembly in the Pledge of Allegiance.**

#### III. Minutes to be Approved:

[CD 18-415](#) To approve the Minutes of the December 18, 2018 Council meeting.

**Attachments:** [Minutes-Town Council-12-18-2018](#)

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

**In Favor:** 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

**Absent:** 1 - Councilor Nangle

#### IV. Public Participation.

*Ron Giroux - Maverick Lane came to speak about the Maverick Cannabis Company store that opened up at the entrance to his private road. (See attached)*

*Tom Bartell-WEDC spoke about a letter from MDOT to Mr. Gerrish that describes work, highway resurfacing project, that is going to be done on Route 302, and it will be put out to bid in March of 2019. He said once that project is done, there will be no permits allowed to open Route 302 for three years along that segment of road. He suggested they do what they can to provide notice to the property owners and businesses in that section.*

#### V. Councilors' Comments.

*Councilor Nangle- To follow-up on what Tom said, if the project has not been bid yet, they probably don't have the funds yet from the Feds, and because of the shut down the likely hood of it getting done is slim.*

*Councilor Cummings - She thanked Ron Giroux for coming in and said she shared Ron Giroux's concerns and is dealing with a similar situation in her neighborhood. They have a task force and they are looking at the current laws, and she encouraged him to reach out to his Windham delegation.*

*Councilor Chapman said she does not know how we got to where we are with this, but she hopes to address it sooner rather than later.*

*Councilor Muir said he didn't think it was an over site. When this first came up, way back, he didn't think the Council received the correct information, there was a lot of confusion.*

*Councilor Maxfield said he spoke with Mr. Giroux the other day, and Windham and every other town in Maine is dealing with a brand new market and how this all works.*

*Councilor Nangle said the town has very little control over the medical retail aspect. As for the recreational retail, the state is still making the rules.*

*Councilor Nadeau said of the 13 medical marijuana facilities we have, 12 went in as growers. The town allows agriculture in every zone, and they used that loop hole to open up grow operations and in the zones where retail was allowed, they brought retail in as a secondary use.*

## VI. PUBLIC HEARINGS.

### [CD 18-405](#)

To receive public comment on proposed amendments to Town of Windham Land Use Ordinance, Chapter 140, Sections 400, 500 and 900 to cluster subdivision standards to include changes to ownership of open space, factors for reviewing lot arrangement, requiring a master plan for the property when it is not proposed to be fully subdivided and removing density bonuses for allowing public use of the open space in the Farm (F) and Farm Residential (FR) Districts.

**Attachments:** [TC packet PB reccomend Cluster Subdiv 12-06-18](#)

*The following people spoke at the Public Hearing:*

*Amanda Lessard, Interim Planner explained the proposed amendments.*

*Ken Grondin was not in favor of the amendments*

*Sarah Bronson spoke in favor of the amendments*

*Closed Public Hearing at 6:37 p.m*

## VII. CONSENT AGENDA.

### [18-269](#)

To approve applications for coin-operated device licenses submitted by Milton Smith d/b/a Smitty's Cinema-Windham, LLC

**Attachments:** [18-269 Cover Sheet](#)  
[Smittys Cinema-Renewal for 7 Coin-op Devices](#)

### [18-270](#)

To approve applications for coin-operated licenses submitted by Roy

Moore d/b/a Seacoast Funpark for 3 devices.

**Attachments:** [18-270 Cover Sheet](#)  
[Seacoast Funpark-Renewal for 3 Coin-op Devices](#)

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

**In Favor:** 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

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

### 18-257

To approve proposed amendments to Town of Windham Land Use Ordinance, Chapter 140, Sections 400, 500, and 900 related to cluster subdivision standards to include changes to ownership of open space, factors for reviewing lot arrangement, requiring a master plan for the property when it is not proposed to be fully subdivided and removing density bonuses for allowing public use of the open space in the Farm (F) and Farm Residential (FR) Districts.

**Attachments:** [18-257 Cover Sheet](#)  
[TC packet PB recommend Cluster Subdiv 12-06-18](#)

*Amanda Lessard listed the changes that the Council would be voting on.*

*Councilors who spoke on the Order were Councilors Nangle, Chapman, Maxfield, Nadeau, Haskell,*

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

**In Favor:** 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

### 18-263

To approve an amendment to the charge for the Retail Medical and Adult-Use Marijuana Establishments Task Force, to increase the number of community member volunteers from six to seven individuals. (Initiated by Town Manager)

**Attachments:** [18-263 Cover Sheet](#)  
[Retail Adult-Use and Medical Marijuana Establishments Task Force amendment 2019 0108](#)

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

**In Favor:** 1 - Councilor Maxfield

**Opposed:** 6 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

### 18-264

To appoint Maureen Denig to the Parks and Recreation Advisory

Committee for a three-year term to expire August 15, 2021. (Sponsored by Appointments Committee)

**Attachments:** [18-264 Cover Sheet](#)

*Councilor Chapman said she is an exceptional woman, she is coming from Colorado and has great experience.*

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

**In Favor:** 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

[18-265](#) To appoint Dennis Brown to the Natural Resources Advisory Committee for a three-year term to expire August 15, 2021. (Sponsored by Appointments Committee)

**Attachments:** [18-265 Cover Sheet](#)

*Councilor Chapman said he will be a huge asset to that committee.*

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

**In Favor:** 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

[18-266](#) To approve a new Victualer's permit application submitted by Giovanni P. Delovana d/b/a Little Caesar's Pizza, located at 741 Roosevelt Trail. (Initiated by Town Clerk)

**Attachments:** [18-266 Cover Sheet](#)

[New Victualer's-Little Caesar's Pizza](#)

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

**In Favor:** 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

[18-267](#) To appoint a Registrar of Voters to serve a two-year term. (Initiated by Town Clerk)

**Attachments:** [18-267 Cover Sheet](#)

[Registrar](#)

*Clerk Linda Morrell said Judy Vance has been Registrar for over 20 years and has done a great job.*

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

**In Favor:** 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

[18-268](#) To schedule a public hearing on a proposed "Moratorium Ordinance on

Development in the Farm Zone" for the Council's regular meeting of January 22, 2019.

**Attachments:** [18-268 Cover Sheet](#)  
[TC memo\\_LRPC work plan\\_01-04-19](#)  
[Moratorium on Subdivisions in Rural Zone](#)  
[Jim Cummings - Email Correspondence to Council](#)

*Councilor Cummings noted that there was a typo with the public hearing date and it should be January 29, 2019.*

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

**In Favor:** 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

## IX. Discussion Items.

[CD 18-390](#) Proposed Changes in C-3 Zone. (Initiated by Town Manager)

**Attachments:** [TC memo Construction Services in C3 January 2019](#)  
[Construction Services C-3\\_01-04-19](#)

*The following people spoke on this discussion item:*

*Tom Bartell - WEDC Director*

*Holly Tubbs - Water Systems - Holly handed in more petition signatures, and read a three page letter.*

*Councilors gave their thoughts on the proposed changes.*

[CD 18-403](#) Process to Fill RSU #14 School Board Vacancy. (Initiated by Town Manager)

**Attachments:** [School Board Member Resignation](#)  
[Title 20-A, §1474\\_Vacancies](#)  
[School Board Requirements](#)

*They will put an Order on the January 22, 2019 agenda to appoint Marge Govoni to fill the seat until November 2019; at which time the two years remaining with go on the ballot to be filled.*

[CD 18-408](#) Retirement Community and Care Facility Overlay District Amendments. (Sponsored by Councilors Nadeau and Maxfield)

**Attachments:** [LUO Section 400 E. RCCFO District](#)  
[LUO Section 300 Definitions](#)  
[Falmouth Ordinance sample](#)

*Amanda Lessard showed the areas where it would be on the town's zoning map. There was discussion between the Councilors, and explanations from Amanda.*

*Dustin Roma spoke on retirement communities in Windham and others all over the state that he has been involved with.*

## **X. Council Correspondence.**

*None.*

[CD 18-417](#) Windham Public Library Newsletter

**Attachments:** [Check It Out - January 2019](#)

[CD 18-413](#) Windham Public Library Monthly Report - November 2018

**Attachments:** [Library - November 2018](#)

[CD 18-416](#) Social Services Monthly Report - November 2018

**Attachments:** [Social Services Monthly Report - November 2018](#)

[CD 18-420](#) Senator Bill Diamond Correspondence

**Attachments:** [Letter from Senator Bill Diamond](#)

[CD 18-421](#) Maine D.O.T. Notice

**Attachments:** [MDOT Rte 302 Resurfacing Project Notice](#)

[CD 18-422](#) MMA Correspondence - Legislative Bulletin

**Attachments:** [MMA Legislative Bulletin Preference Inquiry](#)

[CD 19-003](#) Holly Tubbs - Email Correspondence

**Attachments:** [H Tubbs email 12.13.2018](#)

[H Tubbs email 1.8.2019](#)

## **XI. Town Manager's Report.**

*No report.*

## **XII. Committee Reports.**

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

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

*They have not met.*

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

*They have not met.*

## **B. Other Committees.**

### **1. Long Range Planning Committee.**

*Amanda Lessard said they met last Wednesday and discussed an approach to changing the dimensional standards in the farm zone and to come up with new names. The meeting prior to that they started looking at what new district boundaries would be, and what is really rural Windham, it should be differentiated from areas that are more residential. The farm and farm residential are very similar. They have a meeting next Wednesday.*

### **2. Parks & Recreation Advisory Committee.**

*Councilor Cummings said they submitted the Tony Hawk Foundation Grant and should have an answer in February. They continued with the bid process for the Skate Park, and bids should go out the end of January. They held a public forum for the Community Center in December and are looking to have another one in March. There is a Smore's and Skating night this Friday at Lippman Park from 6:30 to 8:00 but urges people to please check the weather because there may be a storm coming. There has been a lot more ice fishing at Lippman Park and Councilor Cummings asked the fisherman not to make any auger holes in the area that will be used for the Skate event on Friday. They have started to put together the Summer Concert Series, so if you have any suggestions for bands or acts, please reach out to them. They will not meet again until March.*

### **3. Windham Economic Development Corporation.**

*Tom Bartell said he and Lisa Fisher went up to the Maine AG Fair to talk to the folks at the Maine Federation of Farmer's Markets, and looking at accessibility of additional customers though SNAP, WIC, etc. Also working with the P&R Department for a program to expand the shopping program for Senior Shopping to Saturday mornings and that would include the Farmer's Market.*

### **4. Highland Lake Leadership Team.**

*Councilor Chapman said they have a meeting coming up.*

### **5. Shared Maintenance Facility Joint Project Team.**

*Councilor Nadeau said everything is on time and on budget.*

### **6. Mineral Extraction Committee.**

*Amanda Lessard said the public hearing is scheduled for the 28th.*

### **7. Private Roads ad hoc Committee.**

*Councilor Nangle said they are meeting tomorrow night. He said not having Jon Earle there is going to make things difficult. He has been instrumental in this process, and it is so disappointing to see the employees leaving so rapidly.*

## 8. Natural Resources Advisory Committee.

*Councilor Chapman said there will be some changes coming to that committee.*

*Marijuana Committee:*

*Councilor Nadeau said they had one meeting and they have had a lot of comments on it. He said observing the way things work, he said that committee is going to come back with one recommendation, and that will be to opt in and where you should opt in. They are following their charge and they will look at where the schools, etc. are and they will come back and tell you how far away things should be. They will also look at the zoning and will tell you where you should open the zoning up to allow it.*

## XIII. Agendas & Scheduling.

[CD 19-004](#)      Agenda Items Report

**Attachments:**    [Future Agenda Items Report](#)

*The following items/topics were suggested for upcoming agendas:*

*Look at the sign ordinance to see if there needs to be restrictions on the Cannabis Caregivers and what they can put on their signs.*

*A request to not have a vote on the same night as the discussion for a subdivision moratorium; the vote should be on another night.*

*An order at the next meeting to authorize the Town Manager to engage an engineer to give a layout on the whole cemetery property, laying out the lots, roads, etc.*

*Eliminate cluster subdivisions in Farm and Farm residential.*

*To have the Be the Influence Committee come before the Council, they have wanted to come for awhile.*

*ecoMaine will be coming in for a discussion.*

## XIV. ADJOURN.

**A motion was made by Councilor Nangle, seconded by Councilor Chapman, that they be adjourned. The motion carried by the following vote at 9:30 p.m.**

**In Favor:**    7 -    Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM