



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, January 29, 2019

7:00 PM

Council Chambers

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WCCG TV-7 Now on Channel 1303

#### I. Roll Call of Members.

**Present:** 6 - David Nadeau, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman and Rebecca Cummings

**Absent:** 1 - Clayton Haskell

#### II. Pledge of Allegiance.

Council Vice Chair Cummings led the assembly in the Pledge of Allegiance.

#### III. PUBLIC HEARINGS.

##### [CD 19-026](#)

To receive comment on a proposed "Moratorium Ordinance on Subdivisions in the Farm Zone," which would prohibit location of new subdivisions and addition of more than two lots to pending and existing subdivisions in the Farm Zone.

**Attachments:** [Moratorium on Subdivisions in Rural Zone](#)

[TC memo\\_LRPC work plan\\_01-04-19](#)

[Jim Cummings - Email Correspondence to Council](#)

*Don Gerrish Interim Town Manager gave a brief recap/summary of how they came about with proposing a Moratorium Ordinance on Subdivisions in the Farm Zone. He noted that there are seven subdivisions before the Planning Board at this time, and if passed tonight as presented, two would be able to go forward and five would not, as they do not meet the threshold in the Moratorium. If they wanted to pass this and include those other five, so they can go forward, he has some proposed language that would allow them to do that.*

*Those in favor of enacting a Moratorium:*

*Michelle Elaine Newton, Cobb Farm Road*

*Jeanne Rhein, Chute Road, and she also handed out two packets to the Council*

*Sarah Bronson, Johnson Road*

*Rosie Hartzler, Beach Road*

*Some of the reasons why they were for enacting a moratorium were unprecedented growth, environmental impacts on our watersheds, more kids in the school system, wildlife impact, wetlands, need to protect and preserve open space, and consider putting caps on annual building permits. Need to follow the strategies that have been laid out in the Comp Plan.*

*Those not in favor of enacting a Moratorium:*

*Jim Cummings, Windham*

*Larry Eliason, Colby Drive*

*Some reasons for opposing the Moratorium were: It is not an "emergency" situation, you have other choices other than enacting a Moratorium, planned development, farm land is the majority of Windham and kids growing up here will need a place to build a house, do not want to restrict farmers from being able to sell their land, concerned about the impact it will have on business owners, property owners, builders and developers, another "not in my backyard" effort, feels it is another black eye for Windham.*

*Those who were conflicted or on the fence:*

*Holly Tubbs*

*Elaine Pollock, Gentle Breeze*

*Public hearing closed at 7:54 p.m.*

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

##### 19-010

To adopt an ordinance establishing a "Moratorium Ordinance on Subdivisions in the Farm Zone," which would prohibit the location of new subdivisions and addition of more than two lots to pending and existing subdivisions in the Farm Zone. (The request for reconsideration of the amended moratorium is sponsored by Councilor Cummings.)

**Attachments:** [19-010 CoverSheet](#)

[Attorney Langsdorf - Opinion on Motion for Reconsideration](#)

[Moratorium on Subdivisions in Rural Zone 2019-01-29 revised](#)

[Moratorium on Subdivisions in Rural Zone](#)

[TC memo\\_LRPC work plan\\_01-04-19](#)

[Jim Cummings - Email Correspondence to Council](#)

[K Grondin Correspondence to Council](#)

[Interim Planning Dir. - Applications impacted by moratorium](#)

[S Daigle Correspondence to Council](#)

*The following people got up and spoke during public comment:*

*Tom Bartell*

*Jim Cummings*

*Elaine Pollock*

*Rosie Hartzler*

*Sarah Bronson*

*Jeannie Rhein*

*Michelle Elaine Newton*

*Council Comment:*

*Don Gerrish Interim Manager explained what the 61st day meant on the third page of the moratorium.*

*Amanda Lessard discussed what is happening with the Long Range Planning Committee.*

*All six Councilors gave their opinions and views on why there were for or against the Moratorium:*

*Councilor Nadeau moved to amend the moratorium to strike the wording "a minor subdivision down through "as pending" and add the wording: "the Planning Board has reviewed a Sketch Plan application as set forth in Sections 906 and 907 of the Land Use Ordinance", second by Councilor Chapman.*

*Vote on amendment: 4-2 (Cummings & Nangle) Passes*

*Vote on motion as amended: 3-3 (Cummings, Nangle, Maxfield) - Fails*

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

**In Favor:** 3 - Councilor Nadeau, Councilor Muir and Councilor Chapman

**Opposed:** 3 - Councilor Nangle, Councilor Maxfield and Vice Chair Cummings

**Absent:** 1 - Council Chair Haskell

[19-008](#) To adopt council goals for 2019.

**Attachments:** [19-008 CoverSheet](#)

[DG Memo re Revised Goals](#)

[Council Goals - REVISED 1.24.2019](#)

[Draft Council Goals 2019 - Don](#)

[Councilor Individual Goals Compiled](#)

[Growth Impacts to Town Services - by Dept](#)

*Councilor Nadeau asked that Section 2 be revised so that the nitrate plan that they have in place applies to all watersheds. The Manager said they will do that and will bring it back to them.*

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

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

**Absent:** 1 - Council Chair Haskell

## V. ADJOURN.

**A motion was made by Councilor Chapman, seconded by Councilor Nangle, that they be adjourned. The motion carried by the following vote at 9:40 p.m.**

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

**Absent:** 1 - Council Chair Haskell

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM