

TOWN COUNCIL MEMO

DATE: August 3, 2026
TO: Windham Town Council
THROUGH: Robert J. Burns, Town Manager
FROM: Stephen J. Puleo, Planning Director
Cc: Amanda Lessard, Assistant Town Manager
Natalie Thomsen, Town Planner
RE: #26-13 Chapter 120 Land Use Ordinance Amendments Articles 3, 4 and 9 to update Conservation Subdivision and Zoning Standards

Town Council Meeting of August 11, 2026

Overview

The proposed amendments update Article 3 definitions, Article 4 zoning district standards, and the Conservation Subdivision standards in Article 9, Section 120-911K. The amendments are intended to improve ordinance clarity, create a more predictable subdivision review process, preserve rural character and natural resources, and address zoning and subdivision standards in the Farm and Farm Residential districts.

The Planning Board held a public hearing on July 27, 2026 and voted to recommend approval of the proposed amendments with comments for Town Council consideration.

Purpose of the Amendment

- Preserve rural character, agricultural lands, natural resources, water resources, wildlife habitat, and connected open space.
- Clarify conservation subdivision requirements, including definitions for conservation subdivision building envelope, country subdivision, primary conservation resources, and secondary conservation resources.
- Correct density omissions in the Farm and Farm Residential zoning districts.
- Remove single-family-only limitations to comply with current State housing legislation.
- Clarify open space calculations by eliminating road rights-of-way from the minimum open space calculation.
- Provide clearer standards for limited alterations to natural resources where the conservation purpose of the subdivision is maintained.

Public Comments Received:

Robert and Lillian Moore, 82 Nash Road

Robert and Lillian Moore submitted written comments opposing the proposed ordinance changes. Their letter expressed concern that changes to the Farm Zone could increase multifamily development and reduce the peaceful rural character that influenced their decision to live in Windham. The comments emphasized protection of Farm zoning, wildlife, trees, and remaining rural land.

Dustin M. Roma, P.E., DM Roma Consulting Engineers

Dustin Roma submitted detailed written comments and also addressed the Planning Board during the public hearing. His comments generally supported the goal of preserving rural character and

natural resources, but recommended additional flexibility and clearer, more measurable standards to improve subdivision design and implementation.

Public Comment Summary Table

Topic	Public Comment Summary
Country Subdivisions	Mr. Roma recommended eliminating Country Subdivision provisions or removing them as the only alternative to Conservation Subdivision in the Farm and Farm Residential districts.
Conventional Subdivisions	Mr. Roma recommended allowing conventional subdivisions more broadly instead of limiting the option to parcels below proposed 5-acre and 8-acre thresholds.
Building Envelopes	Mr. Roma recommended clarifying that building envelopes regulate structure placement and should not be interpreted as a complete no-disturbance area for all site improvements.
Primary Conservation Areas	Mr. Roma recommended removing steep slopes from primary conservation areas and raised concern that resource buffers could overly expand the land classified as primary conservation area.
Secondary Conservation Areas	Mr. Roma raised concern that secondary conservation resources are broad, difficult to define, and difficult to apply with precise setbacks.
Alteration of Natural Resources	Mr. Roma stated that the proposed alteration limits may duplicate outside agency review and may require unnecessary waivers for projects already reviewed by DEP or the Army Corps.
Open Space Calculations	Mr. Roma questioned restrictions that prevent smaller or narrow open space areas from counting toward the required minimum open space.
Waiver Authority	Mr. Roma recommended retaining Planning Board waiver authority rather than making the minimum open space standard non-waivable.
Farm Zone Concerns	Robert and Lillian Moore opposed changes that they believe could reduce rural character, increase density, and affect wildlife, trees, and the Farm Zone setting.

Planning Board Comments

The Planning Board generally supported the effort to simplify and clarify the Conservation Subdivision ordinance. The Board discussion focused on open space, waiver authority, setbacks from water resources, the Country Subdivision option, and whether conventional subdivision review should be available for smaller parcels in the Farm and Farm Residential districts.

Open Space Standards

The Board was divided regarding the proposal to make minimum open space standards non-waivable. Some members supported a hard minimum to preserve the conservation purpose of the ordinance, while others expressed concern that removing waiver authority would limit the Board's ability to address unique site conditions and improve subdivision design.

Wetland and Stream Setbacks

Several Board members opposed reducing setbacks from streams, brooks, and freshwater wetlands from 100 feet to 75 feet. Members cited protection of lakes, watersheds, water quality, and the need to be cautious during a period of significant development pressure.

Steep Slopes and FEMA Floodplains

The Board appeared more comfortable treating steep slopes and FEMA floodplain areas differently from wetlands and streams. The discussion suggested that reduced setbacks may be appropriate for these resources while maintaining stronger standards for water resources.

Country Subdivisions

Several members questioned whether Country Subdivisions remain useful. The Board generally supported eliminating the Country Subdivision provisions because the tool appears to have been rarely used and may add unnecessary complexity.

Conventional Subdivision Thresholds

The Board expressed mixed views on the proposed allowance for conventional subdivisions on parcels under 8 acres in the Farm District and under 5 acres in the Farm Residential District. Some members understood the rationale for smaller parcels, while others preferred requiring all rural subdivisions to proceed as conservation subdivisions.

Planning Board Recommendation Table:

Issue	Proposed Amendment	Planning Board Comment	Recommendation / Direction
Minimum Open Space	Establish non-waivable minimum open space percentages.	Board divided. Some supported a hard minimum; others opposed limiting Board discretion.	No consensus. Forward concern to Council.
Wetlands and Streams	Reduce primary conservation resource setback from 100 feet to 75 feet.	Multiple members opposed reducing setbacks from freshwater wetlands, streams, and brooks.	Maintain 100-foot setback for wetlands and streams.
Steep Slopes and FEMA Floodplains	Reduce setback from 100 feet to 75 feet.	Members generally viewed these resources differently from wetlands and streams.	Consider 75-foot setback.

Issue	Proposed Amendment	Planning Board Comment	Recommendation / Direction
Country Subdivisions	Retain with revised lot size and density provisions.	Board questioned usefulness and noted few or no examples of use.	Eliminate Country Subdivision provisions.
Conventional Subdivision Thresholds	Allow conventional subdivisions under 5 acres in FR and under 8 acres in F.	Mixed opinions. Some supported flexibility; others preferred all rural subdivisions to remain conservation subdivisions.	Council consideration requested.
Waiver Authority	Restrict waivers below minimum open space.	Significant concern is that loss of waiver authority could limit better project design.	No consensus.
ROW Double Counting	Remove road rights-of-way from open space calculation.	Generally viewed as a helpful clarification that may reduce repeated waiver requests.	Retain amendment.
Overall Ordinance Rewrite	Clarify conservation subdivision definitions, standards, and process.	Board generally supported clearer and more predictable standards.	Support with comments.

Planning Board Action

After the public hearing and deliberation, the Planning Board voted to recommend approval of the proposed amendments to Chapter 120, Articles 3, 4, and 9, with comments for Town Council consideration. The principal comments were:

- Retain the 100-foot setback for streams, brooks, and freshwater wetlands.
- Consider reduced setbacks for steep slopes and FEMA floodplain areas.
- Eliminate the Country Subdivision option.
- Note that the Planning Board did not reach consensus on the proposed non-waivable minimum open space standard.
- Note mixed opinions on allowing conventional subdivision review below the proposed 5-acre and 8-acre thresholds.

Recommended Motion

~~Move to approve the proposed amendments to Chapter 120, Articles 3, 4, and 9, updating conservation subdivision standards, definitions, density requirements, open space calculations, and associated zoning standards.~~