Town of Windham

Meeting Minutes - Draft

Planning Board

Monday, January 22, 2018   **7:00 PM**   **Council Chambers**

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1 Call To Order

2 Roll Call and Declaration of Quorum

> *The meeting was called to order by Chair, David Douglass. Other members present were: Keith Elder, Bill Walker, Nick Kalogerakis, and welcome to new member, Griffin Bourassa.*
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> *Planner, Amanda Lessard, and Planning Director, Ben Smith, were also present.*

3   [PB 18-007]   Approval of Minutes: January 8, 2018

Attachments: Minutes 1-8-18 - draft

> *Bill Walker made a motion to accept the minutes of the January 8, 2018 meeting.*
>
> *Seconded by Keith Elder.*
>
> *Vote: All in favor.*

Continuing Business

4   [PB 17-106]   Discussion of 21st Century Downtown Master Plan and North Windham Zoning Ordinance Changes

Attachments: PB packet_NW zoning_12-07-17

> *Discussion of 21st Century Downtown Master Plan and North Windham Zoning Ordinance Changes*
>
> *Ben Smith explained the town had been working toward implementation of the 21st Century Downtown Plan. Town Council wanted the Planning Board to consider having the use of form based code at the same time as conventional zoning.*
> *•   Form based code was a way to regulate land use.*
> *•   The proposed map for form based code would change the existing map. Existing districts would remain and new zoning districts would be added as "character districts" which would appear as circles on the zoning map.*
> *•   Character districts were neighborhood or downtown districts that would be designed to be walkable areas with a mix of residential and commercial activities in each district. Each neighborhood would have standards with permitted building types. In some places there would be a zero setback.*
> *•   Achievement of the 21st Century Downtown Plan would be accomplished over many*

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years of redevelopment, new development, and infill development.
• *The town had been working toward the Plan in the form of infrastructure improvements to roadways and with broadband and wastewater initiatives.*
• *Form based code focused on how buildings looked and were placed on a property in relation to each other and the street with less emphasis on the construction of a building for a specific use.*
• *Using both types of codes would allow time to work out any rough edges and create a fit for North Windham.*
• *The use of form based code would require additional training for town staff and Board members.*
• *Parking requirements would be eliminated.*

The Board commented:
• *With a zero setback would public ways be redefined?*
• *What code would apply where there was a conflict between the form based code and the building code?*
• *Was there a sunset time for the experiment?*
• *It seemed like the form based code would require more staff review time.*
• *Street trees would die from road salt; other street amenities should be considered.*
• *How would snow removal work with street trees?*
• *If developers chose not to create parking would it negatively impact travel ways and abutting buildings?*
• *This would create a cookie cutter look. There would be no individuality.*
• *Would the town be able to afford the additional staff and maintenance this would require?*
• *What about public transportation and people who don't want to walk in winter weather?*
• *The taxes to support this wouldn't come only from North Windham.*
• *There was no sewer to handle the increased density.*

New Business

5   [PB 18-008](#)   Amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed Amendment to Section 550 Street Standards to exempt new private roads of a certain length from street network upgrades.

Attachments: [PB_Packet_Private Road Exemption_01-18-18](#)

Amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed Amendment to Section 550 Street Standards to exempt new private roads of a certain length from street network upgrades.

Ben Smith explained the Town Council had adopted private road standards which required upgrades to a private road network, beginning from the nearest public road, if someone wanted to create an additional lot on any private road.
• *State law allowed property owners certain exemptions for the division of their properties. The town's ordinance was currently restrictive and cost prohibitive in that respect.*
• *The town's intent was to prevent the continued unorganized development of private roads from getting worse.*
• *Property owners had said it would be cost prohibitive to have any development of their property if they were required to do those upgrades and that it would prevent their children/relatives from being able to build a home on a gift lot.*
• *In response, Town Council sought to allow some people impacted by the ordinance*

to create lots without the need to upgrade an entire private road network.

•   The proposed exemption was that new private roads or extensions of existing private roads or private ways would be exempt from the requirement to upgrade if the cumulative length of the new road or road extension was not greater than the length of the required frontage in the applicable zoning district within a five-year period. The new road or road extension would still need to meet the road standards requirements.

•   Road construction would require a permit.

•   The intent of the exemption was tied to road length, not the configuration of any lots that may be created.

The Board commented:

•   Be sure the requirement to extend the road was only for the length of the required frontage and not for the length of the required frontage plus 50 feet for the required hammer-head.

•   Concern was expressed that gift lots could take advantage of the exemption but then may be sold without the requirement to upgrade the road, resulting in slow sprawl and removing teeth from the ordinance. Provision should be made to require the road upgrades if the lot was sold for profit.

•   State law allowed that division of properties.

•   The bigger concern had been the development of 20 houses on a private road with no review.

6 Adjournment

Bill Walker made a motion to adjourn.

Seconded by Keith Elder.

Vote: All in favor.