

Windham Planning Board
Minutes of the November 25, 2024 Public Hearing for:

Ord Amend – Auto Sales

Steve Puleo explained the amendments were intended to correct definitions of Retail Sales, Automotive and Retail Sales, Outdoor and to coordinate the performance standards with those changes.

- The amendment would remove Recreational Sales as a use under Retail Sales, Automotive and change it to a principal use under Retail Sales, Outdoor.
- Trailers were included as a use under recreational vehicles.
- Planning Board review and authority would be added to make it a principal use for major site plan application review.
- Removing recreational vehicles and trailers from the definition of Retail Sales, Automotive would make the town consistent with the State's definition of automobile sales.
- Would the Board consider defining Automobile and Light Truck, because a definition for those didn't currently exist in the ordinance?

Public Comment

There was no public comment. Public comment was closed.

Board Comment

- The Board should adopt Automobile and Light Truck statutory definitions.
- Permitting should travel with the land because it had a certain value to ownership.
- Vehicular Passageway should be defined.
- How did the ordinance distinguish between accessory and principal use? Was it clear enough to applicants?
- It was fine to allow motorhome vehicles in the C-3 zone.
- It should be defined that you couldn't put vehicle sales in vehicular travel lanes or preapproved parking spots.
- In general, everything that related to approvals should be kept in section 800, and not spread throughout the ordinance. If something had to be included in section 805 regarding classification of projects, the determination should be included in section 805 and not from section 500.
- Why was retail being inserted; were they not concerned with wholesale? Why not just call it Sales?
- The State's definition of automobile sales could simply be referenced in the town's ordinance, rather than including it word for word.

- Should rear setback be included in the amendment to Outdoor Sales in section 500?
- The Outdoor Sales approval should go with the applicant, in the event that a future owner wanted to sell something different.
- It was the Planning Department, not the Planning Board which accepted the application.

Board recommendations were:

- Define Automobile/Light Truck as stated in the State's statute.
- Define Vehicle Travel Way.
- Allow the approval to run only with the applicant, not the land.
- Change section E, relative to Planning Board to Planning Department.
- Link the applicability standard for Major Development by adding Principal Retail Outdoor Sales to the applicability standard in Article 8.
- Strike the word Retail.
- Suggest an amendment to Retail Sales to include Wholesale sales.
- Strike motorhome from the Outdoor Sales definition.
- Simplify the list under the definition of Outdoor Sales.
- Add rear setback to the amendment to Outdoor sales in section 500.

Kathleen Brown made a motion to recommend with comments approval of the proposed amendments to the Code of the Town of Windham Chapter 120 Land Use Ordinance modifies Article 3 Definitions of retail sales, automotive sales, and retail sales, outdoor. The proposal amends Article 5 Performance Standards, Retail sales, outdoor to address recreational vehicles outdoor display and sales areas.

Seconded by Shonn Moulton.

Vote: All in favor.