

LEGAL REVIEW REQUEST

DATE: June 8, 2026
TO: Ben McCall, Town Attorney
FROM: Steve Puleo, Director of Planning
RE: Transition from Street Connection Matrix to Fire Protection and Life Safety Review Criteria (Articles 8 & 9 Amendments)

Purpose

This memorandum provides a summary of the proposed ordinance amendments to Chapter 120 (Land Use Ordinance), specifically the transition from the existing street connection matrix approach to a Fire Protection and Life Safety review framework embedded within Article 8 (Site Plan Review) and Article 9 (Subdivision Review). It also documents input received from Windham Fire-Rescue leadership and outlines the technical basis supporting this policy shift.

Background and Existing Standard

The current subdivision standard in §120-911 includes a street connection matrix used to determine when multiple street connections are required based on the number of dwelling units. Staff and the Fire Department have identified that this approach is:

- Ambiguous and difficult to apply consistently across different project types and site conditions; and
- Potentially in conflict with other ordinance provisions due to oversimplification of project variables and assumptions regarding dwelling unit equivalency.

Accordingly, the proposed amendments remove this matrix (see §120-911M(5)(b)[7]) and replace it with a more flexible, performance-based review standard.

Proposed Framework: Fire Protection and Life Safety Review

The proposed amendments establish a coordinated framework requiring both Site Plan and Subdivision applications to demonstrate compliance with Fire Protection and Life Safety criteria, informed by Fire Department review.

Key Elements of the New Standard

Under revised §120-812 (Site Plan Review) and §120-911 (Subdivision Review):

- Applications must include a Fire Protection Plan for developments involving three or more dwelling units and all relevant nonresidential projects.
- Fire protection review is conducted by Windham Fire-Rescue using best practices, MUBEC, and NFPA standards, as well as local ordinance requirements.

Review criteria explicitly include:

- Fire department access and operational access to buildings;
- Street connectivity and emergency access resiliency;

- Road length and dead-end limitations with appropriate turnarounds;
- Water supply and fire flow requirements;
- Building access and fire lanes;
- Turning radii for apparatus;
- Life safety considerations and site layout; and
- Infrastructure phasing to ensure early installation of critical fire protection systems.

Additionally, the Planning Board is authorized to condition approval where Fire-Rescue determines that additional measures are necessary to ensure adequate emergency access and firefighting capability.

Fire Department Analysis and Rationale

Windham Fire-Rescue provided draft analytical input supporting this transition toward a performance-based framework. This analysis emphasizes:

- The need to evaluate each project on a case-by-case basis, considering topography, development intensity, apparatus capabilities, and emergency response needs.
- Limitations of relying on fixed thresholds (e.g., dwelling unit counts) that do not account for real-world operational constraints.
- The importance of redundancy and resiliency, particularly secondary access in the event of obstructions (e.g., downed trees or power lines) that could restrict emergency access or evacuation routes.

Critical operational considerations governing emergency response effectiveness, including:

- Water supply availability in non-hydrant areas;
- Road length and apparatus turnaround capability;
- Building access limitations based on hose reach and aerial ladder capabilities; and
- Turning radii and maneuverability for fire apparatus.

The Fire Department also emphasized that key infrastructure—particularly water supply systems—should be installed early in project phasing, as delays can significantly impact emergency response capability.

Fire Department Comments

The proposed amendments have been reviewed by both the Fire Chief and Deputy Fire Chief, who support the transition to this framework.

Turning Radius Standard

Deputy Fire Chief John K. Wescott provided specific input regarding access design standards, noting that:

- A 15-foot turning radius for minor private road driveway access is not feasible for modern apparatus;
- Even an 18-foot radius remains inadequate for larger equipment; and
- A minimum 25-foot turning radius, consistent with major private road standards, is recommended.

This recommendation has been incorporated into the proposed amendments and related Appendix B adjustments.

Overall Support for Ordinance Direction

- Deputy Fire Chief John K. Wescott confirmed that the Fire Department is good with the proposals and does not recommend additional changes at this time.
- Fire Chief Brent J. Libby similarly indicated support, noting the amendments should result in a smoother process for everyone.
- Assistant Town Manager has comment is the staff redline version of the amendments.

Planning Rationale

From a planning and regulatory standpoint, this shift:

- Aligns regulatory review with performance-based public safety outcomes rather than prescriptive thresholds;
- Enhances coordination between Planning and Fire-Rescue during application review;
- Improves legal defensibility by tying decisions directly to NFPA standards, MUBEC, and professional judgment; and
- Provides flexibility to address complex site conditions, varying development types, and evolving emergency response capabilities.

Summary

The proposed amendments eliminate the existing street connection matrix and replace it with a comprehensive Fire Protection and Life Safety review embedded in Articles 8 and 9. This approach is supported by Fire Department analysis and leadership, reflects operational realities, and provides a more consistent, defensible framework for evaluating emergency access, infrastructure, and public safety in new development.