

## ARTICLE 5

### Performance Standards

The following standards are applicable in all zoning districts within this chapter. A performance standard shall not be applicable to uses that lawfully existed prior to enactment of the performance standard, except that it may be applied within the context of an application for a building permit or expansion or change of use.

...

**§ 120-555. Streets.** [Amended 4-27-2010 by Order 10-075; 10-10-2017 by Order 17-161;<sup>194</sup> 20-2018 by Order 18-049]

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**§120-555C(8)(g)** Connection requirements. The following standards determine the number of connections a private road must have with an existing local street. The cumulative number of lots or dwelling units created through the addition of lots or dwelling units to an existing subdivision shall be included in the minimum number of required street connections. When determining the number of dwelling units, the Code Enforcement Officer shall not include permitted accessory apartments

| Number of Lots or Dwelling Units | Minimum Connections |
|----------------------------------|---------------------|
| Lots: 30 or fewer                | 1                   |
| Lots: 31 or more                 | 2                   |
| Units: 30 or fewer               | 1                   |
| Units: 31 or more                | 2                   |

[1] Street connection separation requirements. Private roads with two or more connections to an existing public street shall be separated according to the standards in Table 2 of Article 9, Subdivision Review.

...

## ARTICLE 8

**§ 120-812. Performance standards and approval criteria.** [Amended 4-27-2010 by Order 10-075; 3-8-2011 by Order 11-03; 8-25-2015 by Order 15-122; 5-22-2018 by Order 18-905; 6-12-2018 by Order 18-099; 3-26-2019 by Order 19-020; 4-9-2019 by Order 19-053; 6-16-2022 by Order No. 22-108; 5-23-2023 by Order No. 23-092; 12-12-2024 by Order No. 24-173; 4-29-2025 by Order No. 25-043]

The following criteria shall be used by the Planning Board or Staff Review Committee in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board or Staff Review Committee determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who shall produce evidence sufficient to warrant a finding that all applicable criteria have been met.

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#### B. Vehicular traffic.

(4) Internal vehicular circulation. The layout of the site shall provide for the safe

movement of passenger, service, and emergency vehicles through the site.

...

...

**§120-814. Multifamily development standards. [Added 3-28-2023 by Order No. 23-041<sup>42</sup>]**

The purpose of this section is to establish design standards and guidelines that will apply to multifamily development.

...

**§120-814B(6)**. Access drive standards. Multifamily developments in which the property will be held in common ownership shall be served by an access drive. Access drives shall remain private and shall not be maintained or repaired by the Town. Access drives shall meet the following standards:

(a) C1 and C2 Districts.

- [1] Design standards. Access drives shall be designed to conform to the standards for commercial street, curbed lane or residential street standards.
- [2] Rights-of-way. The minimum right-of-way width for a commercial street, curbed lane or residential street in Appendix B is not applicable to an access drive. When the Planning Board determines that a right-of-way is required to connect to a surrounding street, an existing right-of-way on an abutting property, or to provide continuation of the road to allow for connectivity with expected future development, a public access easement across the access drive shall be offered to the Town in order to comply with the Article 4, Block Standards.
- [3] Setbacks. There shall be no required setback between an access drive and a structure.

(b) Other districts. **[1]** Design standards. Access drives shall be designed to conform to the standards for “major private roads” in these regulations, including the standards contained in Table 3, Table 4, and the applicable cross sections in **Appendix B** Street Standards.

- [2]** Rights-of-way. The minimum right-of-way width for a "major private " in Table 3 of **Appendix B** is not applicable to an access drive.
- [3]** Setbacks. There shall be no minimum setback required between an access drive and a structure.

...

**§ 120-911. Performance and design standards. [Amended 4-27-2010 by Order 10-075; 5-10-2011 by Order 11-070; 7-24-2012 by Order 12-091; 12-16-2014 by Order 14-491; 2-28-2017 by Order 17-038; 10-10-2017 by Order 17-161; 5-22-2018 by Order 18-905; 1-15-2019 by Order 18-257; 6-9-2020 by Order 20-140; 6-16-2022 by Order No. 22-108; 7-12-2022 by Order No. 22-127; 3-28-2023 by Order No. 23-041; 5-23-2023 by Order No. 23-092; 4-29-**

**2025 by Order No. 25-043]**

The performance and design standards in this section are intended to clarify and expand upon the statutory review criteria found in § 120-902. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

...

§ 120-911M(5)(b). Street design standards

- [7] Street connection requirements. The following standards determine the number of connections a residential subdivision street must have with an existing public street. The cumulative number of lots or dwelling units created through the addition of lots or dwelling units to an existing subdivision shall be included in the minimum number of required street connections.

| Number of Lots or Dwelling Units | Minimum Connections |
|----------------------------------|---------------------|
| Lots: 30 or fewer                | 1                   |
| Lots: 31 or more                 | 2                   |
| Units: 30 or fewer               | 1                   |
| Units: 31 or more                | 2                   |

- [a] Street connection separation requirements. Subdivisions with two or more connections to an existing public street shall be separated according to the standards in Table 2 [see Table 2 in § 120-911M(4)<sup>64</sup>]

LAND USE

Page 1.

ARTICLE 5  
Performance Standards

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...

§ 120-555. Streets. [Amended 4-27-2010 by Order 10-075; 10-10-2017 by Order 17-161;<sup>19</sup>4-20-2018 by Order 18-049]

...

§ 120-555C(8)(g) Connection requirements. ~~The following standards determine the number of connections a private road must have with an existing local street. The cumulative number of lots or dwelling units created through the addition of lots or dwelling units to an existing subdivision shall be included in the minimum number of required street connections. When determining the number of dwelling units, the Code Enforcement Officer shall not include permitted accessory apartments. Private roads with two or more connections to an existing public street shall be separated according to the standards in Table 2 of Article 9, Subdivision Review.~~

| Number of Lots or Dwelling Units | Minimum Connections |
|----------------------------------|---------------------|
| <del>Lots: 30 or fewer</del>     | <del>1</del>        |
| <del>Lots: 31 or more</del>      | <del>2</del>        |
| <del>Units: 30 or fewer</del>    | <del>1</del>        |
| <del>Units: 31 or more</del>     | <del>2</del>        |

~~[1] Street connection separation requirements. Private roads with two or more connections to an existing public street shall be separated according to the standards in Table 2 of Article 9, Subdivision Review.~~

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§ 120-555C(8)(i) Fire safety. Applications shall be reviewed by the Fire Chief or their designee for consistency with Chapter 70 (Fire Prevention and Life Safety), who shall certify the application's compliance with the same prior to the issuance of any permits.

ARTICLE 8

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§ 120-812. Performance standards and approval criteria. [Amended 4-27-2010 by Order 10-075; 3-8-2011 by Order 11-03; 8-25-2015 by Order 15-122; 5-22-2018 by Order 18-905; 6-12-2018 by Order 18-099; 3-26-2019 by Order 19-020; 4-9-2019 by Order 19-053; 6-16-2022 by Order No. 22-108; 5-23-2023 by Order No. 23-092; 12-12-2024 by Order No. 24-173; 4-29-2025 by Order No. 25-043]

The following criteria shall be used by the Planning Board or Staff Review Committee in

I:\Planning\Planning Board\2026\Ordinances & Zone Changes\25-26\_Art8&9\_AmendStreetConnections&AccessDrive\25-26\_RDLN\_LUO\_Art589-AmendStreetConnections&AccessDrive\_(DW rev'd 2026.06.13).docx

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**Commented [BM1]:** Just a general comment: this is how I would suggest the entire sent of amendments be managed. The Town already has the authority to require amendments to proposed plans in order to comply with NFPA 1 and 101. Calling for a separate "fire prevention plan" feels like overkill to me, particularly given that all of the pertinent information will already be part of the subdivision or site plan.

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reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board or Staff Review Committee determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who shall produce evidence sufficient to warrant a finding that all applicable criteria have been met.

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B. Vehicular traffic.

- (4) Internal vehicular circulation. The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles through the site.

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(c) Emergency Response. The development shall be constructed consistent with Chapter 70 (Fire Prevention and Life Safety) of the Town Code, as well as all fire and life safety codes adopted by, or enforceable by, the Windham Fire-Rescue Department. All submitted site plan applications shall be reviewed by the Fire Chief or their designee for consistency with these standards, with particular attention given to emergency vehicle access, the adequacy of areas for the safe entry, maneuvering and turnaround of emergency vehicles, the size and location of fire lanes, the length of dead end roads, and the number of provided street connections.. Following this review, the Fire Chief shall either certify the development's compliance with Chapter 70, or else submit a list of required amendments.

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**§120-814. Multifamily development standards. [Added 3-28-2023 by Order No. 23-041<sup>42</sup>]**

The purpose of this section is to establish design standards and guidelines that will apply to multifamily development.

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§120-814B(6). Access drive standards. Multifamily developments in which the property will be held in common ownership shall be served by an access drive. Access drives shall remain private and shall not be maintained or repaired by the Town. Access drives shall meet the following standards:

- (a) C1 and C2 Districts.
- [1] Design standards. Access drives shall be designed to conform to the standards for commercial street, curbed lane or residential street standards.
  - [2] Rights-of-way. The minimum right-of-way width for a commercial street, curbed lane or residential street in Appendix B is not applicable to an access drive. When the Planning Board determines that a right-of-way is required to connect to a surrounding street, an existing right-of-way on an abutting property, or to provide continuation of the road to allow for connectivity with expected future development, a public access easement across the access drive shall be offered to the Town in order to comply with the Article 4, Block Standards.
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structure.

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(b) Other districts.

- [1] Design standards. Access drives shall be designed to conform to the standards for ~~“major private roads”~~ the applicable private street standard in these regulations, including the standards contained in Appendix B Table 3, Table 4, ~~and the applicable cross sections in Appendix B Street Standards.~~ Access drives constructed to the “minor private street” standard shall also include the hot bituminous pavement required for a “major private roadstreet”.
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**§ 120-911. Performance and design standards.** [Amended 4-27-2010 by Order 10-075; 5-10-2011 by Order 11-070; 7-24-2012 by Order 12-091; 12-16-2014 by Order 14-491; 2-28-2017 by Order 17-038; 10-10-2017 by Order 17-161; 5-22-2018 by Order 18-905; 1-15-2019 by Order 18-257; 6-9-2020 by Order 20-140; 6-16-2022 by Order No. 22-108; 7-12-2022 by Order No. 22-127; 3-28-2023 by Order No. 23-041; 5-23-2023 by Order No. 23-092; 4-29-2025 by Order No. 25-043]

The performance and design standards in this section are intended to clarify and expand upon the statutory review criteria found in § 120-902. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

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§ 120-911M(5)(b). Street design standards

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[+]  
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#### § 120-911O Fire protection

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**Commented [BM2]:** This should be its own performance standard.

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