

# Town of Windham

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## MEMO

DATE: January 4, 2019  
TO: Windham Town Council  
FROM: Thomas Bartell, Executive Director, WEDC  
RE: Options for Construction Services use in C3 Zone

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In early 2016 the Windham Economic Development Corporation proposed changes to the permitted uses in Windham's Commercial Districts. At various times throughout 2016 the Town Council discussed and voted on these proposals, some were approved, some were approved with modifications suggested by the Planning Board, and some were not approved. Construction Services in the C3 Zone was not approved by the Town Council.

Since the end of 2016 WEDC has continued to receive complaints from C3 property owners and their brokers, and design engineers about the restrictions on the types of businesses allowed, and not allowed in the C3 Zone. The Construction Services Use as defined in the Land Use Ordinance was too broadly defined and its exclusion from the C3 Zone excluded many low impact businesses from operating in the zone.

The C3 Zone is described as "The intent of the Commercial District III is to provide areas for a mixture of light, low-traffic generating commercial uses and single-family housing."

During 2018, the WEDC has been working with Town Staff to redefine the business types listed in the Construction Services Use definition and to discuss ways to have most of those business types as permitted uses in the C3 Zone. Late in 2018 WEDC engaged North Star Planning to further refine our ideas, and to put into ordinance form any proposed changes. That process is ongoing. Also, in late 2018, property owners and business owners located in, or wanting to locate in the C3 Zone have come to the Town Council and during Public Discussion asked for the Town Council to amend the C3 Zone to allow Construction Services as currently defined in the Land Use Ordinance.

The WEDC asks the Windham Town Council to discuss the property and business owners' request to amend the C3 Zone to permit Construction Services as defined, and if lacking consensus to do so, to discuss the alternatives as listed below. The Town Council's decision will

provide the WEDC and Town Staff with the directions necessary to bring this issue to a conclusion. We suggest the following possible outcomes and we ask that the Town Council come to consensus on one of these options:

1. Amend C3 to allow Construction Services as a Permitted Use; or
  - a. Amend C3 to allow Construction Services as a Conditional Use (as recommended by PB 2016); or
  - b. Amend C3 to allow Construction Services as a Permitted Use and add Use Standards regarding site design and/or operational restrictions, etc.; or
2. Redefine Construction Services into less broad categories and allow in proper zones (please see draft definitions and zoning proposals attached); or
3. Do not make a change to current zoning

Thank you for your consideration of this request. The WEDC looks forward to working with the Windham Town Council to continue to bring positive change to Windham's economic environment.