

Town of Windham

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MEMO

DATE: January 4, 2019

TO: Windham Town Council

THROUGH: Don Gerrish, Interim Town Manager

FROM: Amanda Lessard, Planner *AL*

Cc: Long Range Planning Committee

RE: Tools to Discourage Development in Rural Areas

On December 18, 2018, the Town Council discussed concerns associated with residential growth in Town. Staff presented a summary of building permits issued, lots created, and subdivision applications under Planning Board review in 2018; a map and data from the 2016 Comprehensive Plan Update that shows that the majority of development has occurred in rural areas; tools to limit or discourage development in rural areas; and the work plan for the Long Range Planning Committee (LRPC) that was approved by the Town Council on September 25, 2018. After discussing these growth concerns the Town Council directed staff to determine if the LRPC could complete its work on zoning ordinance and zoning map amendments for the Farm (F) and Farm Residential (FR) Zoning Districts more quickly or make specific recommendations that could be considered before all work was completed.

At the LRPC meeting on December 19, 2019 the Committee discussed the status of the F/FR zoning amendments and could not commit to completing the work any faster than the 9-12 months identified in the attached work plan. The Committee wants to take whatever time is necessary to follow through with the process described in the attached F/FR scope of work and public participation plan and is currently working on Tasks 2.2 and 2.3 following the November 2018 public workshops.

As discussed at the Council meetings on September 18, 2018 and December 18, 2018 there are a number of tools that the Town Council could consider to limit or discourage development in rural areas. These include, in order of the time required to implement:

- F/FR Zoning Ordinance & Map Amendments (9-12 months)
 - o *Included in the LRPC work plan approved 9/25/2018. Includes a thorough review of dimensional standards, permitted uses and performance standards.*
- Open Space Plan (6-9 months)
 - o *Included in the LRPC work plan approved 9/25/2018. Will identify the properties and areas of Windham that should be targeted for protection or acquisition.*
- Growth Management Ordinance (2-3 months)

- *Staff could draft an ordinance pursuant to 30-A MRSA §4360 which sets the number of building or development permits for new residential dwellings at 105% or more of the mean number of permits issued for new residential dwellings within the Town during the 10 years immediately prior to the year in which the number is calculated. Based on the building permit data presented on 12/18/2018, the average number of permits issued for the last 10 years is 77, so the minimum permit cap would be 80. This total could also be limited by zoning district.*
- *Impact Fees (1-2 months)*
 - *Included in the LRPC work plan approved 9/25/2018. A recommendation from the LRPC for School and Open Space Impact Fees is expected at the end of January.*
- *Moratorium on Subdivision Development (Immediately)*
 - *A moratorium on new subdivision applications in the Farm zoning district could be adopted immediately to prevent any additional development while the Town prepares and adopts amendments to the Land Use Ordinance. A draft moratorium is attached for Council discussion.*

MEMORANDUM

TO: Amanda Lessard, Planner

CC: Tony Plante, Town Manager
Long Range Planning Committee (LRPC)

From: Ben Smith, AICP, North Star Planning 

RE: LRPC Recommendations – Comprehensive Plan Implementation

Date: September 19, 2018

The LRPC is requesting authorization to proceed with work to implement portions of the Comprehensive Plan Update by undertaking a zoning ordinance update for the Farm and Farm Residential Zoning District, develop an Open Space Plan, and to draft ordinance language for an Open Space Impact Fee. These efforts all focus on growth issues in Rural Windham. The LRPC also seeks Council approval at this time to develop a district plan for South Windham to look at zoning, transportation and infrastructure issues in South Windham, though this would follow work on the Rural Area issues as time allows.

Overview

Following discussion of the trends and implications of growth in the Rural Areas identified in the 2017 Comprehensive Plan at the Town Council meeting on September 18, the LRPC has further refined its recommended work plan for Council consideration.

The LRPC would like to request authorization from the Council to commence work on the following projects. Authorization would mean agreement on the need for this work and to further develop timelines, public participation plans and expected outcomes and deliverables for Council consideration, the authorization to convene public meetings on behalf of the town and ultimately it would mean a reasonable commitment on the Council's part to discuss and implement key recommendations of this work and direct other responsible parties to do the same.

Zoning Ordinance and Zoning Map amendments for the Farm and Farm Residential Zoning Districts.

These two zoning districts generally correspond to the Rural Area of Windham identified in the Future Land Use Map. A thorough review of dimensional standards, permitted uses and performance standards in light of development trends is an important step in moving toward the vision described in the Comprehensive Plan.

This will be a difficult and demanding undertaking with a high level of public interest. It will have direct implications on about 65% of Windham's land area and where the vast majority of Windham residents live. Though the scope of work and public participation plan will need to be developed at the start of this process, it is likely a recommended timeline will involve multiple public meetings over a period of 9-12 months before it is ready for Council action.

Open Space Plan for Windham

The purpose of this effort will be to identify the properties and areas of Windham that should be targeted for protection or acquisition. This plan will help the Town with proactive efforts with individual landowners and 3rd party partners in conservation and will assist the Town to take advantage of opportunities when they are presented. Even though this effort will likely include a review of properties that are outside of the identified Rural Areas, most of the focus should be on directing growth away from Rural Windham and to preserve important places with high scenic, historic, environmental or potential recreational value.

The recommended timeline for this major planning effort will involve several public meetings and coordination with outside stakeholders over a period of perhaps 6-9 months.

Recommendations on Impact Fees for Open Space and Schools.

The LRPC would like to look further into what these impact fees would look like, from the a technical standpoint of the ordinance language and the formulas to calculate fees, but also from the standpoint of making judgements on what reasonable needs are and to develop a closer relationship between the Town and the RSU regarding facilities planning and budgeting.

An Open Space impact fee should be relatively simple to develop over a period of 2-3 months, while a School impact fee will require more coordination with the RSU on facilities planning and might take 3-5 months to bring back to the Council.

District plan focusing on land use, transportation and economic development for South Windham.

Finally, this planning effort is included because even though it does not appear to currently be a high Council priority, this effort might reasonably be able to commence this fiscal year depending on progress and actual authorization for the recommended work above.

This effort could be thought of as a 21st Century Plan for South Windham. A district plan for this important Growth Area from the Comprehensive Plan would represent the first focused planning effort for this part of town since the Revitalization Plan for South Windham and Little Falls in 1998. The expected outcomes of this district plan would be specific zoning recommendations along with transportation and other infrastructure improvements to improve the quality of place, increase the number of jobs based in the area and increase and diversify the number of housing options available in South Windham. Other individual ongoing town efforts, like sewer and road improvements, reuse of public structures and properties and setting the stage for the eventual redevelopment of the Keddy Mill site would be wrapped into the integrated planning effort.

This important planning effort would certainly involve multiple public meetings, perhaps over about 9 months.

Rural Windham Zoning Changes – Plan to Plan

Task 1 – Groundwork and Kickoff Activities

Task 1.1 – LRPC approval of project plan (10/17)

Products = Project Work Plan

Task 1.2 – ID local Stakeholder Groups

- Who else should be at the table during LRPC meetings as invited guests?
- Who should be consulted during the ordinance drafting process?

Task 1.3 – Existing Document review - Comprehensive Plan and existing ordinance and map

- How well does the existing ordinance meet the vision of the plan?
- How well does the zoning match the future land use plan?
 - Assumption – there should be no F or FR zoning in Growth Areas and most of the Rural Areas should be F or FR

Products = Plan and ordinance summaries

Task 1.5 – Public Workshops #1 and #2

Products = Workshop summary documents

Task 1.6 – Potential Stakeholder Group meetings for input (depending on attendance at Public Workshops)

Task 2 – Ordinance Drafting and Review

Task 2.1 – LRPC Review Map

- Beyond the Growth and Rural areas, discussions about whether and where existing F and FR zones be combined?
- Does Windham need another zone or two in the Rural Areas to meet the goals of the plan and address new public input?

Task 2.2 – LRPC Review Ordinance – uses, standards, dimensional requirements

- Once the geographies of the Rural zoning are established, more time needs to be spend on the regulations

Task 2.3 – Draft ordinance and map changes

Product = Ordinance Draft #1

Task 2.3 – Official Family meeting #1 to Review Ordinance Draft with staff, individual Boards, Committees and Commissions

- Review for enforceability, practicality, consistency

Task 2.4 – Stakeholder Group meetings

- Review for alignment with rural goals and reasonable amounts of development

Task 2.5 – Public Workshop #3 to review draft changes to Map and Ordinances

- Review for alignment with rural goals and reasonable amounts of development

Task 2.6 – Final Draft proposed changes based on feedback in Tasks 2.3-2.5

Product = Ordinance Draft #2

Task 3 – Formal Adoption Process and Ongoing Support

Task 3.1 – Planning Board Discussion and Public Hearing

Task 3.2 – Town Council Discussion and Public Hearing