

MEMORANDUM

TO: Tom Bartell, Executive Director, WEDC

CC: Amanda Lessard, Planner

From: Ben Smith, AICP, North Star Planning 

RE: Proposed C-3 Zoning District Changes – Contractor Services, Heavy Construction & Contractor Storage Yards

Date: February 21, 2019

In addition to the relatively straight forward change to add Construction Services as a Permitted Use to the Commercial 3 (C-3) zoning district, WEDC is suggesting another option for the Town Council to consider. This option involves differentiating between lower impact uses involving storage of materials and offices for contractors and tradespeople and the higher impact uses involving large vehicles and the outdoor storage of materials and equipment. These proposed changes represent an alternative approach to rezoning for the building trades and landscaping businesses in the C-3 zone, but also a more comprehensive approach based on the potential level of impact of these uses on surrounding properties across all zoning districts in town.

Issue

The Town Council has been asked by the public to consider allowing Contractor Services in the C-3 district. This is a simple change to the permitted uses in a single zoning district, as shown below, without any other changes to definitions or performance standards. In this table, P = permitted use, C = conditional use, and X = use not permitted.

Current Uses										
	F	FR	RL	RM	C-1	C-2	C-3	I	ED	VC
Construction Services	X	X	X	X	P	X	X	X	P	P
Service Business, Landscaping	P	C	X	X	P	X	P	X	X	X

The appeal of such a straight-forward change is in the simplicity of changing the Construction Services X in C-3 to a P. However, there is a wide range of business types that meet the current definition of Construction Services.

Proposed Changes

A more fine-grained approach to this change could allow for the establishment of new contractor businesses, offices and indoor storage in areas zoned as C-3, while separating out the higher impact uses associated with larger trucks, off-road construction vehicles and outdoor storage. See the proposed use table below.

Proposed Uses										
	F	FR	RL	RM	C-1	C-2	C-3	I	ED	VC
Contractor Services	P	C	X	X	P	P	P	P	P	P
Contractor Services, Landscaping	P	C	X	X	P	P	P	P	P	P
Contractor Storage Yard	C	X	X	X	X	C	P	P	P	X
Heavy Construction Services	C	X	X	X	X	X	X	P	P	X

This approach would involve the replacement of the existing Construction Services and Service Business, Landscaping uses in the Windham ordinances with newly defined uses for Contractor Services, Contractor Services, Landscaping, Contractor Storage Yard and Heavy Construction Services.

As a starting point for Town Council and Planning Board discussion, the proposed changes in definitions, performance standards and the list of permitted uses would allow offices and indoor storage for tradespeople as well as outdoor storage areas that meet clear standards in the C-3 zone. However, Heavy Construction, which would include uses like paving or earth moving operations that are characterized by heavy trucks, would not be allowed.

Note that the more fine-grained definitions and performance standards could also make the proposed changes to other zoning districts reasonable to consider as well. For example, in the Farm (F) zone, Contractor Services and Contractor Services, Landscaping are shown as permitted uses in the Proposed Use table. Construction Services are not allowed in the F zone today.

Please refer to the proposed definitions and performance standards below in conjunction with the proposed use changes referenced above. Together, these proposed changes represent an alternative approach to rezoning for the building trades and landscaping businesses in the C-3 zone, but also a more comprehensive approach based on the potential impact of these uses across all zoning districts in town.

Current Definitions

Construction Services. The performance of work or the furnishing of supplies to members of the building trades which requires the storage of materials and/or the location of commercial vehicles on the property of the construction services business. This includes, but is not limited to, plumbing, painting, building, well drilling, carpentry, masonry, or electrical installation.

Service Business, Landscaping. The business location of a person engaged in the commercial practice of landscaping and who performs or furnishes the labor, and/or materials necessary to maintain or beautify land by contract or consent of the landowner, including, but not limited to; lawn care, planting, care of trees and shrubs, and winter maintenance services such as snow plowing.

Proposed Definitions (to replace Construction Services and Service Business, Landscaping)

Contractor Services. A business engaged in the construction, renovation, maintenance or repair of residential or commercial buildings and structures, including building systems exterior to those buildings or structures. Such businesses include, but are not limited to plumbing, painting, building, well drilling, carpentry, masonry, electrical, roofing, heating, cooling and ventilation systems, and siding. This use includes indoor repair, maintenance, or storage of contractor's vehicles, machinery, equipment or materials and space for the contractor's business office.

Contractor Services, Landscaping. A business engaged in the decorative and functional alteration, planting and maintenance of residential and commercial grounds, including winter maintenance, like snow plowing and shoveling services. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage or irrigation) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

Contractor Storage Yard. A portion of a lot or parcel used for the outdoor storage of equipment, vehicles, machinery, or materials used by and accessory to onsite Contractor Services or Contractor Services, Landscaping, or Heavy Construction Services.

Heavy Construction Services. A business engaged in the construction and maintenance of infrastructure, including road and utility construction or paving. This use is characterized by specialized heavy equipment, including graders, loaders, backhoes, dump trucks, cement mixers, etc. This use includes indoor repair, maintenance, or storage of contractor's vehicles, machinery, equipment or materials and space for the contractor's business office.



































Current Performance Standards

None for either Construction Services or Service Business, Landscaping.

Proposed Performance Standards

5XX Contractor Services.

- A. Type of Contractor Vehicles. Contractor Services uses are limited to single unit, dual axle vehicles only. These vehicles types are classified by the Federal Highway Administration as Class 1-5 vehicles. See table below.



































Class 1 Motorcycles		Class 7 Four or more axle, single unit	
Class 2 Passenger cars			
			
		Class 8 Four or less axle, single trailer	
			
Class 3 Four tire, single unit		Class 9 5-Axle tractor semitrailer	
			
			
Class 4 Buses		Class 10 Six or more axle, single trailer	
			
		Class 11 Five or less axle, multi trailer	
Class 5 Two axle, six tire, single unit		Class 12 Six axle, multi-trailer	
			
		Class 13 Seven or more axle, multi-trailer	
Class 6 Three axle, single unit			
			
			

Federal Highway Administration Vehicle Classification Table

- B. Storage of Materials. Machinery, trailers, equipment and materials must be stored indoors (see 5XX. Contractor Storage Yard for standards related to outdoor storage).
- C. Lighting. Lighting may be used which serves security, safety and operational needs.
- All lighting shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.
 - All lighting shall be designed and directed to minimize light levels at the property line.
 - The Code Enforcement Officer may require a lighting plan or lighting details when areas to be illuminated are near property lines. Such information may become a condition on a building permit or certificate of occupancy.

5XX Contractor Services, Landscaping.

- A. Type of Contractor Vehicles. Contractor Services uses are limited to single unit, dual axle vehicles only. These vehicles types are classified by the Federal Highway Administration as Class 1-5 vehicles. See table below.

Class 1 Motorcycles		Class 7 Four or more axle, single unit	
Class 2 Passenger cars			
			
		Class 8 Four or less axle, single trailer	
			
Class 3 Four tire, single unit			
			
		Class 9 5-Axle tractor semitrailer	
Class 4 Buses		Class 10 Six or more axle, single trailer	
			
		Class 11 Five or less axle, multi trailer	
Class 5 Two axle, six tire, single unit		Class 12 Six axle, multi-trailer	
			
		Class 13 Seven or more axle, multi-trailer	
Class 6 Three axle, single unit			
			
			

Federal Highway Administration Vehicle Classification Table



































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 - All lighting shall be designed and directed to minimize light levels at the property line.
 - The Code Enforcement Officer may require a lighting plan or lighting details when areas to be illuminated are near property lines. Such information may become a condition on a building permit or certificate of occupancy.

5XX Contractor Storage Yard

- A. Visual Screening. All stockpiled materials, including sand, gravel, crushed rock, topsoil, mulch and other similar materials, as well as outdoor storage areas for equipment and Heavy Construction Service vehicles must be screened from abutting properties and public rights-of-way with 6-foot opaque fencing or screened with well-maintained evergreen vegetation a minimum of 6-feet high at the time of planting.
 - a. Fencing or landscaping requirements may be reduced by the review authority where the Contractor Storage Yard is adequately screened through existing vegetated areas, the position of buildings on-site, or by using a site's topography to minimize view of the Contractor Storage Yard from abutting properties and public rights-of-way.
- B. Solid Waste and Recycling. All dumpsters or similar large collection receptacles for waste materials and recyclables must be located on level compacted gravel or pavement. These receptacles shall be screened from view with opaque fencing or landscaping.
- C. Lighting. Lighting may be used which serves security, safety and operational needs.
 - d. All lighting shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

5XX Heavy Construction Services

- A. Type of Vehicles. Heavy Construction Services uses may include multi-axle vehicles, such as three and four axle dump trucks, cement mixers, multi-unit vehicles and other heavy vehicles. These vehicles types are classified by the Federal Highway Administration as Class 6-13 vehicles. See table below.

Class 1 Motorcycles		Class 7 Four or more axle, single unit	
Class 2 Passenger cars		Class 8 Four or less axle, single trailer	
			
			
			
Class 3 Four tire, single unit		Class 9 5-Axle tractor semitrailer	
			
			
Class 4 Buses		Class 10 Six or more axle, single trailer	
			
		Class 11 Five or less axle, multi trailer	
Class 5 Two axle, six tire, single unit		Class 12 Six axle, multi-trailer	
			
		Class 13 Seven or more axle, multi-trailer	
Class 6 Three axle, single unit			
			
			

Federal Highway Administration Vehicle Classification Table

- B. Storage of materials and vehicles. All Heavy Construction Services vehicles, trailers, machinery, equipment and materials must be stored indoors (see 5XX. Contractor Storage Yard for standards related to outdoor storage).
- C. Lighting. Lighting may be used which serves security, safety and operational needs.
- All lighting shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.
 - All lighting shall be designed and directed to minimize light levels at the property line.
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