

Concerning PB 21-33 (34 and 35)

It's unfortunate that it was decided to address these three items (PB-21-33, 34 and 35) separately; when, much like the Trinity, the three, together, are really one. Many of us, if not all, received cards notifying us of the one believed to pertain to us; ours happened to be the Stream Protection District - last on the Agenda. However, our contention, that our interest shouldn't be restricted to whether or not it affects us, compelled me to look at the others. The fact that the packets include many of the same materials suggests that if one affects us, all do.

In the June 24, 2021 memo, the purpose of the proposed changes is to comply with the DEP minimum shoreland zoning requirements by adding... That sounds reasonable; but moving on:

Summary of proposed ordinance and map amendments:

#### Chapter 199 Shoreland Zoning

- Replace "Shoreland Zoning Map" with "Land Use Map" to be consistent with map terminology.... This just sounds like "housekeeping"; **but**, doesn't the Land Use Map potentially encompass more properties than just those presently in Shoreland Zoning, thereby subjecting them, also, to greater control than presently, as though in the Shoreland Zone, and not required at all to "comply with DEP minimums?"
- 199-13.A. (Resource Protection District): Addition to areas included in Resource Protection(RP) and other land areas designated as RP on the Windham Office Land Use Map. – NOTICE: it says, "Addition **to** areas...", not addition **of** areas –"**compliance**" or "**expansion**"? Or, possibly, "Open Space" one small bite at a time. "...as designated on Windham Office Land Use Map" that may again be amended at any time – just a tiny bite. Are we signing a blank check here?
- 199-15.Y (Animals in Shoreland Zone...) Delete "or 75 feet" and specify setback is from the high-water line of a waterbody.

*Once incorporated into the Land Use Map, this would seem to be "any water body what-so-ever": farm pond, stream, tiny trickle that's dry part of the year? Maybe that should be fine-tuned a bit.*

*And, why not delete the 100' feet since the 75 feet from the "high water line" seems the most used terminology throughout?*

- 199-17 Expand Shoreland Zone definition to include .... Is this Compliance with DEP or something else?
- Looking at the definition of Shoreland Zone Pg. 67 on the Shoreland Zoning Revised) – added "**or within an area as depicted on the Official Town of Windham Land Use Map as a General Development, Limited Residential, Resource Protection, or Stream Protection district.** That's alarmingly extensive in and of itself but then, add to that, the provision for additional amendments down the line; such as 199-13A 6 adding "Other land areas designated ...

There's much more but basically this admits to affecting somewhere between 650 and 700 properties which will be made non-conforming. As bad as this is, it's still grossly minimizing the true losses.

How many are larger farms that have been kept in the family forever with the expectation for their kids to remain and their plans for aging in place but in a smaller house? These were not in a Shoreland Zone but they may be now. One property? – not if fairness enters into it; and what about those who do only have one lot not under Shoreland Zoning (they have paid taxes as a lot but haven't yet built) Too bad, you snooze, you lose. Well, you may still be able to build a single family home as a Special Exception with the Planning Board.

Those that do have a house (or building?) beware. If you ever want to add on, you only get 30% (with an approved plan of course). Making do with a smaller house until you can afford to add on? A 1200 square foot house won't even get you a decent one-car garage, never mind that 600 square foot apartment "allotted by the Council" for your aging parents or grandparents. Those that already have a large house can add more; so, the smaller area you cover, the less can cover; the more you cover now, the more you can cover. How does that figure into run-off protection? It sounds much like pollution isn't pollution if you can afford the fines.

Fairer across the board, or, at least equally unfair, is Non-Conformance 199-12B 2 Repair and maintenance. Read it. Still think you've made the cut? In case a desired property has been missed, Non-Conformance 199-12B 6 adds, "**Other land areas** designated as Resource Protection on the Windham Official Land Use Map." "Other" can cover quite a territory. None of this addresses the substantial loss in actual monetary (appraisal) value of many thousands of dollars, once a property is made non-conforming. This was proven back with those properties made non-conforming by the "no backlots decree".

Please recommend that, we stick with only what is required to comply with the State. Any Incorporation, if recommended at all, of the Shoreland Map and Ordinance into the Land Use Map and Ordinance should strongly recommend inclusion of language to eliminate those many open-ended phrases and descriptions that presently exist and narrowing to only those properties actually in the Shoreland Zone. It would also be beneficial to consider a remedy for those instances where the Official Map differs from actuality, such as with certain stream depictions.

If we care so much about our waterways and wetlands, maybe we should fight less to cover them additional impervious materials – maybe ease up on the insisted pavement of every private road in Town.

Sincerely,

Bill and Lynda McDonald  
Nash Road area

P.S. The Windham Watershed Basemap looks as though there's no part of Windham that isn't included in some watershed. What are we supposed to gather from that?