



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

3 North Lowell Road Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

[www.WindhamNewHampshire.com](http://www.WindhamNewHampshire.com)

### **SECTION 620 MARKET SQUARE OVERLAY DISTRICT**

#### **620.1 PURPOSE AND LOCATION:**

The Market Square Overlay District is intended as a walkable, mixed-use center that has retail, office, restaurants, commercial, limited residential and public space components that enhance the quality of community life in the Town.

The Market Square Overlay District location boundary is depicted on the adopted District Map. All development applications must be for a project with a minimum lot size of 50 contiguous acres located within the adopted District boundaries.

**620.2 USES PERMITTED:** Subject to Site Plan approval as provided by the Windham Site Plan Regulations.

**620.2.1** Retail Sales

**620.2.2** Hotels & Inns

**620.2.3** Restaurants, including outside dining areas

**620.2.4** Offices

**620.2.5** Personal Service Establishments

**620.2.6** Theaters, bowling alleys, skating rinks, clubs, and museums

**620.2.7** Telephone exchange buildings, radio stations, television stations, PWSF towers, PWSF mounts and Broadcast Antenna Structures, and other utility structures subject to the provisions of Section 701.3.

**620.2.8** Banks and ATMs

**620.2.9** Multi-unit housing structures for ownership or lease. Structures may have up to twelve (12) units and no more than two (2) bedrooms per unit is allowed but only up to 10% of the total sqft of the development application.

**620.2.10** Assisted living facilities and adult day care facilities

**620.2.11** Child day care and learning centers

**620.2.12** Medical Clinics and offices

**620.2.13** Health and fitness clubs

**620.2.14** Outside activities and entertainment, such as farmers markets, concerts, festivals, etc. that are temporary in nature and is in accordance with Section 302.4 of the Site Plan Regulations

**620.2.15** Accessory buildings and uses

### **Section 620.3 DESIGN CRITERIA**

**620.3.1** There shall be seventy-five (75') of lot frontage required on a Class V or better road. For the purposes of this subsection, frontage along Interstate 93 shall not be counted;

**620.3.2** There shall be no front, side or rear lot line setback requirements except that there shall be a 50-foot setback from the zoning district boundary. The Planning Board shall consult with the Windham Fire Department and the Windham Police Department in determining the proper location, citing and separation of proposed structures so as to insure that proper emergency access is incorporated into the design of the site;

**620.3.3** The maximum building coverage is 70%

**620.3.4** The Applicant must demonstrate, to the satisfaction of the Planning Board, that there are adequate utilities, parking, water supply, and sewage disposal capacity – either on-site or available to the site – to safely support the use(s) proposed for the subject site.

**620.3.4.1** Where an applicant is proposing or contemplating the use of cooperative agreements, easements, covenants, or other such legal contracts, copies of all such documents shall be submitted to the Planning Board for its review and approval. Any such documents shall also be reviewed by Town Counsel to ensure legal form, ownership, and enforceability

**620.3.4.2** All utilities shall be located underground, except where specifically exempted by the Planning Board.

**620.3.5** Shared parking facilities and driveways shall be provided and the parking space requirements outlined in the Site Plan Regulations may be reduced where shared parking is designed to maximize complimentary uses and it has been demonstrated to the Planning Board that sufficient parking will be available when it is needed;

**620.3.6** Public and private roads and driveways within this district should be designed to include traffic calming techniques (e.g. speed reduction measures);

**620.3.7** The mixed use of buildings is encouraged – for example retail uses on the first floor, and office uses on the second floor – provided the nature and operation of the uses are sufficiently complimentary so as not to conflict.

**620.3.8** Open squares or plazas, and pedestrian walkways, shall be provided for each central development area. An open common area for public use shall be a minimum of 10,000 contiguous square feet. The Planning Board shall require pedestrian and bicycle access and circulation as an integral element of the design of any site. Where deemed appropriate, the Planning Board may require the

Applicant to provide for the extension of pedestrian/bicycle access ways to the property lines, and the interconnection of access ways with those on adjacent parcels. All open squares, plazas, pedestrian walkways and bicycle paths may be used to satisfy minimum open space requirements;

**620.3.9** No drive-thru facilities are allowed in the Market Square District.

**620.3.10** Individual owner occupied/rental units within the property shall not exceed 25,000 square feet per owner/tenant. A Conditional Use Permit may be granted to modify the square foot limitation in accordance with the following criteria

**620.3.10.1** Providing pedestrian and/or bicycle access ways from the property along existing roads to other like infrastructure and/or amenities, i.e., Town Hall, Library, etc.;

**620.3.10.2** Providing additional open space in an amount equal to 25% of the increase in square footage requested;

**620.3.10.3** Installing and utilizing alternative energy sources on the site, such as solar, wind, geothermal, to provide no less than 15% of the estimated energy required; or

**620.3.10.4** Providing community amenities, such as meeting, performance or office space, for the Town Departments, SAU and/or affiliated Boards and Committees

**620.3.11** Signage for the development, including the height and location of wall signs, freestanding signs, and directional signs, shall be reviewed and approved by the Planning Board in accordance with the requirements outlined in the Design Regulations.

**620.3.11.1** The provisions of Sections 706.3, 706.5, and 706.7 of the Sign Ordinance apply to the Market Square Overlay District

Other Amendments to the Zoning Ordinance that would be required as part of this proposal are listed below. **Bold and Underline** is new language to be added and ~~**bold with strikethrough**~~ is existing language to be deleted.

**301. Establishment of Districts:**

For the purposes of this Ordinance, the Town of Windham is divided into the following types of districts:

**301.18 Market Square Overlay District**

**701. Height Regulations**

701.3 PWSF Towers, as defined in RSA 12-K:2(XXIV), PWSF Mounts, as defined in RSA 12-K:2(XX), and Broadcast Antenna Structures, as defined in Section 200 are permitted in the Business Commercial A, Limited Industrial, **Market Square Overlay District**, and Professional, Business, and Technology Zoning Districts subject to the following:

**710.3 Height of Fences**

710.3.3 Unless otherwise approved through Site Plan Review by the Planning Board, the height of fences in the Commercial Business A, Commercial Business B, Gateway, Neighborhood Business, **Market Square Overlay District**, Professional Business and Technology, Limited Industrial Districts, and any other location where a commercial use legally exists as the primary use, shall be a maximum of eight feet (8') in height, unless the property is a residential use. In the case that the property is used as a residence, the fence must abide by the requirements of 710.3.1.