

**PLANNING AND ZONING  
WINDHAM, CT**

**MEETING MINUTES  
November 8, 2012**

The Windham Planning and Zoning Commission held a working meeting in the Town Hall, members present were Jean Chaine, Dan Lien, Juan Montalvo and Paula Stahl. Town staff present: James Finger, Matt Vertefeuille.

The meeting was called to order at 7:06 P.M.

**D) Regulations on Non-conforming**

The chair opened the discussion by asking the members how the town should address the enlargement of a non-conforming use or a non-conforming building. Jean Chaine said that he called two former ZC members to learn the history of the 1996 revisions and found that they had two very different interpretation of the actual regulations. Town staff also agreed that the current language is not clear and could be interpreted in different ways.

After much discussion, the members felt that the following concepts should be included in a draft of proposed regulations.

- a. a non-conforming use could be expanded a total of 25% with no time limit. The 25% would be based on the square footage of buildings and or land at the time the use became non-conforming. The expansion could be for the same use, or for use that was more conforming, but not for a different non-conforming use. The examples used during discussion was: if in a zone where vehicular related activities was not permitted: an existing gas station could expand the number of pumps by 25% but could not add a repair facility. Because the PZC can add conditions prior to approving any special permit, such as requiring a buffer to the neighboring property, the process for approval should be with the PZC.

Members felt that this should only be given to the property owner of record at the time the use was made or declared non-conforming. That question will be posed to the town attorney as there may be legal constraints.

- b. a non-conforming use could change to a more conforming use. Because the PZC can add conditions prior to approving any special permit, such as requiring a buffer to the neighboring property, the process for approval should be with the PZC.
- c. a non-conforming building could expand based on current zoning regulations, or request a variance from the ZBA.
- d. a non-conforming accessory structure, other than signage, could expand by a total of 25% with no time limit.
- e. a non-conforming sign or sign structure could not be expanded or enlarged.

The Chair will draft possible regulation revisions for a future PZC meeting.

The meeting was adjourned at 8:37 P.M.

Respectfully submitted,  
Paula Stahl