

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: January 20, 2021

TO: Windham Town Council

THROUGH: Barry Tibbetts, Town Manager

FROM: Amanda Lessard, Planning Director & Chris Hanson, Director of Code Enforcement and Zoning Administrator

RE: Chamberlain Estates Growth Permit Reserve Pool Request

Robie Holdings, LLC has submitted a request to the Town Council for the allocation of twenty (20) growth permits from the reserve pool in order to construct 20 duplex buildings (40 dwelling units) on a 14.16 acre parcel on Manchester Drive as shown on the attached Chamberlain Estates subdivision plan. The subdivision is currently under review with the Planning Board.

The Town Council adopted [Chapter 116 Growth Management Ordinance of the Town of Windham](#) on July 28, 2020. The Ordinance established an annual allocation of one hundred (100) growth permits per calendar year (83 single-family homes, 14 two-family dwellings, and 3 multi-family dwellings) that are prorated to nine (9) growth permits per calendar month. During each calendar year the Ordinance also limits the number of growth permits issued from the annual allocation within any one subdivision to no more than 20, and 15 to any one person, firm or corporation. To date for the 2021 calendar year, twelve (12) growth permit applications have been submitted and the nine (9) growth permits allowed for January have been issued. No growth permits have been issued to Robie Holdings, LLC in 2021.

The Growth Management Ordinance states that “the growth permits in the reserve pool are intended to allow the construction of housing that is not easily accommodated within the annual allocation or that could unreasonably reduce the availability of growth permits to other property owners because of the scale or type of development. Therefore, in considering requests for the eligibility of projects to receive growth permits from the reserve pool, the Town Council shall approve such requests only if it finds that the use of growth permits from the annual allocation may not permit the dwelling units to be constructed in a timely and efficient manner or that the use of the growth permits from the annual allocation may unreasonably reduce the availability of growth permits to other property owners due to the scale of the project and the number of permits available through the annual allocation.”

The Town Council shall determine that a subdivision is eligible to receive growth permits from the reserve pool only if it finds that at least one of the criteria listed in Section 7.e are met. Staff find that Chamberlain Estates meets the following two criteria:

- The dwelling units to which the growth permits may be allocated are part of an approved subdivision or other project and will be located in two-family, multifamily, or mixed-use buildings.
The dwelling units are part of an approved subdivision and will be located in two-family buildings.
- The dwelling units to which the growth permits may be allocated are in an area designated as a Growth Area in the Town of Windham Comprehensive Master Plan 2016 Update.
The dwelling units are located in the North Windham Growth Area.

The Growth Management Ordinance Section G.6 established a reserve pool of fifty (50) growth permits on the effective date of the ordinance. Any growth permits from the calendar year that are not issued shall be transferred to the reserve pool of growth permits. In 2020, thirty-seven (37) growth permits were issued, leaving sixty-three (63) to be transferred to the reserve pool. The balance of growth permits in the reserve pool is currently 113. Twenty (20) of those permits are reserved for affordable housing units.

If the Town Council determines the project is eligible to receive growth permits from the reserve pool, the record owner of the property shall apply for a growth permit for each dwelling unit in accordance with Ordinance.