



Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: 26-011

Agenda Date: 1/27/2026

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

Agenda Number:

I. Council Action Requested.

The Town Council has the following recommendations for Maine LD 1829 implementation and legislative refinement.

WHEREAS, The Town of Windham recognizes that Maine faces a significant housing shortage that affects residents, workers, families, and the overall economic vitality of our communities; and

WHEREAS, the Maine Legislature enacted LD 1829 in June of 2025 with the stated intent of building housing for Maine families and attracting workers to Maine businesses by expanding allowable housing density statewide; and

WHEREAS, the Town of Windham has already demonstrated being part of the solution to Maine's housing shortage with progressive zoning practices and acknowledges efforts to remove barriers that increase housing supply and affordability in other Towns and Cities within Maine with restrictive zoning practices; and

WHEREAS, while the Town of Windham acknowledges the State's goals of increasing housing supply, the implementation requirements of LD 1829 present critical challenges that threaten our ability to manage growth responsibly and maintain the quality of life our residents expect; and

WHEREAS, the Town of Windham has been a regional leader in housing production, with a rate of growth averaging 130 housing units per year over the last 10 years and with well over 800 housing units (including 66 affordable units) in the pipeline with estimated completion dates ranging in the next one to three years, yet LD 1829 treats all municipalities the same regardless of their demonstrated commitment to housing production; and

WHEREAS, the mandated density increase under LD 1829 exceeds the capacity of exiting municipal infrastructure to support new growth, including water systems, sewer systems, stormwater management, transportation networks, and schools, requiring capital investments that exceed local budget capacity and will require state financial support; and

WHEREAS, LD 1829 encourages growth outside of growth areas if served by water and sewer, but planning best practices have established that new growth should be

encouraged for growth areas, and areas of natural and rural value should be preserved; and

WHEREAS, the prohibition on growth caps in designated growth areas eliminates a critical tool that municipalities have use to align development with infrastructure capacity and comprehensive planning; and

WHEREAS, experience with previous housing density legislation (LD 2003) demonstrates that increased density alone does not guarantee affordable housing outcomes, with multiple communities reporting that new development has produced expensive market-rate housing rather than workforce or affordable units; and

WHEREAS, LD 1829 requires repeated ordinance revisions and mandatory planning board training, imposing significant administrative and financial burdens on municipalities, particularly smaller and rural communities that rely on volunteer planning boards and lack dedicated professional planning staff; and

WHEREAS, restrictions on impact fees under LD 1498 prevent municipalities from funding the broader infrastructure upgrades necessary to support growth mandated by LD 1829, making it even more challenging for local taxpayers to support needed infrastructure; and

WHEREAS, the Town of Windham has since 1965 developed its comprehensive plan through extensive community engagement to reflect local priorities, environmental constraints, and a vision for the community's future and LD 1829's one-size-fits-all approach undermines this locally driven planning process and the principles of home rule; and

WHEREAS, the Town of Windham completed a Town-wide survey in early 2025 where 67.3% of residents felt multi-family housing development was too fast and 45.3% felt single-family housing development was too fast, resulting in an overall 56.5% of respondents feeling dissatisfied with how well the Town is managing residential growth.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Windham, Maine hereby:

1. Expresses significant concern regarding the challenges LD 1829 presents to responsible growth management, infrastructure planning, and comprehensive planning.
2. Calls upon the Maine Legislature to repeal LD 1829 or delay its implementation until corrective legislation is in place that;
 - Creates a dedicated, multi-year state infrastructure funding program to support municipalities experiencing mandated growth;
 - Allows municipalities that meet growth requirements under the Growth Management Act to continue employing reasonable growth management tools;
 - Clarifies the interaction between LD 1829's growth cap prohibition and the Rate of Growth law to prevent unintended sprawl in rural areas;
 - Remove the lot size and density mandates for areas outside designated growth areas that are serviced by water and sewer and water;

- Strengthens affordability requirements that result in increasing deed restricted affordable and workforce housing;
- Revises impact fee restrictions to allow municipalities to fund necessary infrastructure improvements;
- Provides adequate funding for technical assistance and capacity building for municipalities and regional planning organizations;
- Provides Maine State Housing Authority with proper authority and funding to support affordable and workforce housing projects without local financial support; and
- Ensures protection of our rural farmlands and conserves our environment.

3. Requests that the Legislature work in partnership with municipalities, regional planning organizations, and municipal associations to refine the law, enhance state-municipal communications, and ensure that housing policy achieves affordability goals while respecting local planning authority and infrastructure constraints;
4. Directs the Town Manager to forward copies of this resolution to the Governor, Speaker of the House and State Legislators and Representatives.
5. Implores other municipalities to express similar sentiments to protect home rule authority.

II. Basis for Council Action.

Council approval of this item is required because;

- a. Pursuant to Article II, Section 3(l) of the Charter, the Town Council shall "[e]xercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Town Meeting except as otherwise provided herein, and also exercise all the powers now or hereafter given by statute to municipal officers of towns"

III. Issue Summary.