



**Town of Windham**  
Office of the Town Manager  
8 School Road  
Windham, ME 04062

Barry A. Tibbetts, Town Manager  
batibbetts@windhammaine.us

207.892.1907 voice  
207.892.1910 fax

## MEMORANDUM

To : Town Council  
From : Barry Tibbetts  
Date : August 13, 2024  
Re : Growth Ordinance

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Per our growth ordinance we should review the ordinance standards every 3 years. Council members have been sharing some thoughts on the growth ordinance over the last few months. Those items along with staff input has brought a listing of potential changes to the Ordinance Committee.

There are a few key areas that may need to be amended. The following summary by our attorney captures those areas of the ordinance as discussed by the Ordinance Committee and staff.

- clarify the language on structure vs units,
- create a sunset provision on the pool growth permit availability, after 5 years unissued permits will be eliminated (current pool status is approx. 324 permits, this reflects carryforwards, replenishment and a few awards for adding to the pool)
- develop a ratio of building units to growth permits while incorporating the number of bedrooms in two categories (1- and 2-bedroom units and 3 and over units).
- Ratio would be 1 growth permit for 10 units (1 and 2 bedroom) and 1 growth permit for 5 units (3 bedroom)
  - o Examples
    - Project is 4 units consisting of 3 bedrooms equals 1 growth permit
    - Project is 6 units consisting of 3 bedrooms equals 2 growth permits
    - Project is 9 units consisting of 3 units – 3 bedroom and 6 units 1 and 2 bedroom equals 2 growth permits.
    - Project is 11 units consisting of 6 units -3 bedroom and 5 units 1 & 2 bedroom equals 3 growth permits.
    - Project is 21 units, consisting of 11 units – 3 bedroom and 10 units 1 & 2 bedroom equals 4 growth permits
    - Project is 33 units, consisting of 33 units at 1 & 2 bedroom equals 3 growth permits.
- the developer has the option to submit a design of what the structure may look like (final determination is the prevue of the Planning Board design standards)

The process for a submission to the Council for a growth permit will occur when the total number of units are over 20. The developer would first go to a sketch plan review process with staff, after that review if the total number of units exceeded 20 they proceed to the Council, if the Council was willing to extend the necessary growth permits, they would proceed to the PB for full review. If the Council is not in favor the developer can withdraw his project and redesign to meet the required threshold of being below 20 or change the total project based on Council comments. The Council has no jurisdiction on the PB design standards in looking at the availability of issuance a growth permit. This step being added in the process allows the developer to focus his investment for a final approval as to investing considerable "soft" expenses before even knowing if a growth permit would be available. Before the growth permit is issued the developer will need PB approval.