

DATE: June 24, 2025

TO: Windham Town Council
THROUGH: Bob Burns, Town Manager
FROM: Steve Puleo, Director Planning
CC: Barry Tibbetts, Project Manager
Amanda Lessard, Senior Planner/Project Manager

RE: #25-15 Land Use Ordinance Amendments to Article 12 North Windham Sidewalk Impact Fee, Appendix E Methodology, and Master Fee Schedule

Council Ordinance Committee Meeting of July 2, 2025

Overview

The staff proposes to address the Town's concerns about funding the constructing of public sidewalks to accommodate safe pedestrian movements around Town. The North Windham sidewalk impact fee ([§ 120-1202](#)) of the Land Use Ordinance (LUO) is the only area of Windham where a sidewalk impact fee is required. By using the existing ordinance and modifying the name of the impact fee, the proposed amendments will allow Windham to create additional impact fee areas based on studies, or Capital Improvement Plans (CIP) establish a fair reason impact fee structure. Other amendments will increase in the linear foot cost, expanding the applicability of impacts to both non-residential and residential developments, including adding C-1N zoning district in North Windham Sidewalk Impact Fee area, and any clarifications to the methodology used in [Appendix E\[1\]](#). Finally, the amendments will use the existing 2013 sidewalk linear foot construction cost to determine the cost per plus an inflation cost methodology which is supported by the statutory authority under Maine law. The LUO amendments will require public hearings before the Planning Board and the Town Council.

Background

The North Windham Sidewalk Impact Fee Methodology ([Appendix E\[1\]](#)) was established in 2013 using the. The fee is calculated as:

$$\text{5 feet of sidewalk} \times (\text{GFA} \div 100) \times \$35 \text{ (plus ENR)}$$

This fee currently applies only within the North Windham C-1 and C-1N zoning districts. Since its adoption, construction costs have increased significantly, and development outside North Windham continues to generate pedestrian infrastructure needs. The existing fee no longer reflects the true cost of sidewalk construction or the broader geographic impact of development. [Appendix E\[1\]](#) assumes that every 100 square feet of new development generates the need for 5 linear feet of sidewalk. The original \$35 per foot estimate was based on 2013 costs. The updated methodology uses current regional bid data, MaineDOT estimates. The revised cost of \$114 per linear foot plus an inflation adjustments via the [ENR Construction Cost Index](#) includes excavation, base preparation, a 5-foot-wide sidewalk, ADA-compliant ramps, slip-form concrete curbing, and limited drainage improvements. This figure represents a conservative midpoint within the \$95 to \$145 per foot range and ensures the fee remains technically and legally defensible.

Summary of the Proposed Chapter 120 Land Use Ordinance Amendment

Article 12 Impact Fees

- [§120-1202](#): Strike North from the ordinance title.
- [§120-1202A](#): Amending this section to align with the Town's 21st Century Downtown Plan and are based on the methodology dated May 14, 2013 (Appendix E2). Targeted sidewalk construction areas include Roosevelt Trail (Route 302) from Brookhaven Drive to the Raymond town line, Tandberg Trail (Routes 35 and 115), River Road, and Manchester Drive.
- [§120-1202B](#): As development increases, so does pedestrian activity, creating more potential conflicts with vehicles and bicyclists. To improve safety and walkability, the Town's 21st Century Downtown Plan recommends expanding the sidewalk network along major roads.
- [§120-1202C](#): Added nonresidential and residential developments and includes, per [§120-410.1F\(7\)](#) the C-1N district standards requirement.
- [§120-1202D](#): The sidewalk impact fee in North Windham is calculated using a base formula that charges five linear feet of sidewalk per 100 square feet of gross floor area (or a property's total road frontage, whichever is greater), multiplied by the per-linear-foot rate set by the Town Council in the Master Fee Schedule. This fee is based on the 2013 North Windham Sidewalk Impact Fee Methodology and reflects average construction costs, including curbing and drainage improvements as determined by the Director of Public Works or designee. The fee is adjusted over time based on changes in the ENR Construction Cost Index (from June 2013 to June 2025 would be [base fee x 1.45]).
- [§120-1202E](#): Impact fees collected within the North Windham Commercial 1 (C-1) and Commercial 1 North (C-1N) Zoning Districts are to be spent within one areas roadway including Roosevelt Trail (from Brookhaven Drive to the Raymond line, Tandberg Trail, River Road, and Manchester Drive Fees must be used for sidewalk construction in the area where they are collected. All qualifying development projects must pay the sidewalk impact fee, with payment obligations continuing for future development until the total fee equals the property's frontage length multiplied by the per-linear-foot sidewalk rate. If a sidewalk already exists along part of a property's frontage, the fee applies only to the remaining frontage.
- [§120-1202F](#): Struck North.
- [§120-1202G](#): The sunset of North Windham Sidewalk Impact Fee will remain in effect until the Town collects \$3.0 million (adjusted for construction cost inflation) within the designated fee area or until July 1, 2036—whichever occurs first—unless the Town Council votes to extend the deadline.

[Appendix E Methodology](#): Change the Base Fee from \$35 to \$114 plus ENR Construction cost index. No changes proposed.

[Master Fee Schedule](#):

1200 - Impact Fees*Sidewalk Impact Fee [Effective 6/7/2013] [5 feet of sidewalk x (GFA/100)] [x (\$114 per foot)(ENR Construction Cost Index)]

Legal Authority

Under 30-A M.R.S. § 4354, municipalities are authorized to assess impact fees for off-site improvements such as sidewalks, provided the fees are reasonably related to the developer's

share of the capital cost. The proposed changes meet this legal standard and are consistent with Maine law.

Zoning Amendment Process

As required by [§ 120-107](#) of the Land Use Ordinance, the proposed amendment could be referred to the Planning Board for review and recommendation.

Process

To implement these changes, the following process is recommended:

- A legal review should be conducted to ensure compliance with state law after soliciting input from the Ordinance Committee.
- The Planning Board holds a workshop and then a land use recommendation public hearing. Makes a recommendation to the Town Council
- The Town Council should conduct a review of the LUO amendments and master fee update as a Council discussion item. Then schedule a public hearing and consider formal adoption of the revised ordinance and fee structure.
- If adopted, ordinance and fee schedule will be updated accordingly. The adopted ordinance will go into effect 30 days after the approval by the Town Council.
- Planning and Finance staff will manage ongoing administration of the fee, including indexing and capital tracking.