



Robert Burns
Town Manager
rjburns@windhammaine.us
207.892.1907

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Speaker of the House
Room 303, State House
2 State House Station, Room 332
Augusta, ME 04333

Dear Mr. Speaker,

The Windham Town Council would like to convey our concerns regarding the impact of recent housing legislation enacted by the 132nd Maine Legislature. Several key bills—LD 1829, LD 2003 (2024), LD 997, LD 427, LD 1170, and LD 1498—have created challenges in Windham’s ability to manage growth, preserve community character, and maintain infrastructure integrity.

Prior to the passage of LD 1829, Windham was already a State leader in terms of residential development. Over the last 10 years Windham has averaged 112 dwelling units per year. In the next two to three years there will likely be the construction of up to 905 dwelling units that are either already approved or pending approval by our planning board.

While we recognize the intent of these laws to address housing affordability and supply statewide, they present significant challenges to municipalities like Windham. The most pressing concerns include:

➤LD 1829 – Loss of Local Control and Increased Density

- Prohibits growth caps, removing a key tool Windham has used to align development with infrastructure capacity and community character.
- Mandates minimum residential densities of up to four units per lot in growth areas, with reduced lot sizes (as small as 5,000 sq. ft.), overriding Windham’s zoning standards and vision for differentiated growth.
- Requires repeated ordinance revisions and planning board training, imposing administrative and financial burdens.
- There are concerns that municipalities will begin looking for loopholes to circumvent this law.
- We recommend a complete exemption from this law for towns that stay at 60% or greater of their minimum growth permit allocation. We are happy to discuss this concept further.

➤LD 997 – Residential Development in Commercial Zones

- Requires municipalities to allow residential uses in commercial districts, eliminating local discretion and potentially disrupting long-term economic development strategies.
- May lead to land use conflicts between residential and existing commercial or industrial operations.

➤ **LD 427 – Elimination of Parking Minimums**

- Restricts municipal authority to require minimum parking spaces for residential developments.
- In Windham's suburban context, this may result in overflow parking, traffic congestion, and safety concerns due to reliance on personal vehicles.
- Limits the Planning Board's ability to review small developments for cumulative impacts and environmental considerations.

➤ **LD 1170 – Expansion of Accessory Dwelling Units (ADUs)**

- Removes owner-occupancy requirements for ADUs and allows increased height bonuses for affordable housing developments.
- These provisions may lead to more intensive development than Windham's infrastructure and emergency services can reasonably support.

➤ **LD 1498 – Restrictions on Municipal Impact Fees**

- Limits the use of impact fees to improvements directly abutting the development and imposes a 180-day encumbrance timeline.
- These constraints hinder Windham's ability to fund broader infrastructure upgrades and align with long-term capital planning cycles.

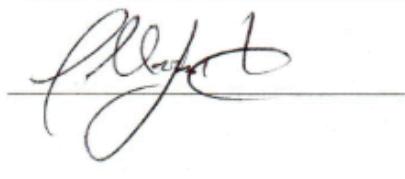
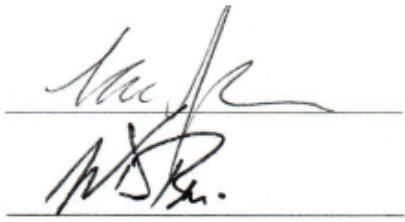
The Town Council remains committed to responsible growth and planning. We will continue to update ordinances, engage in rulemaking processes, and collaborate with other municipalities to advocate for local discretion and planning flexibility.

We appreciate your attention to these matters and welcome further dialogue to ensure that Windham's needs are considered in future legislative and regulatory efforts.

Respectfully,

Windham Town Council

Members of the Windham Town Council



Cc: Senator Tim Nangle
Representative Mark Cooper
Representative Barbara Bagshaw