

PLANNING BOARD MEMO

DATE: July 3, 2025

TO: Planning Board
FROM: Steve Puleo, Director of Planning
Cc: Amanda Lessard, Senior Planner/Project Manager

RE: #25-14 Land Use Ordinance Amendments to Article 9 Subdivision Review - Occupancy of Dwellings

Planning Board Meeting – July 14, 2025

Overview

At its [July 2nd](#) meeting, the Council Ordinance Committee reviewed staff's proposal to modify the street access standards required under the current Land Use Ordinance. As written, the regulations require developers to complete final surface pavement on streets that provide access to residential units, extending back to the public way, prior to the issuance of occupancy permits. This requirement has proven burdensome and costly, particularly for multifamily developments, it prevents units from being occupied while the site is still under construction.

The Town is proposing an amendment to Chapter 120, Land Use Ordinance (LUO), Article 9 Subdivision [§120-915C](#), to limit occupancy of dwellings accessed on streets designed with a paved surface until the street upon which the unit is accessed is completed at least with the base course of pavement and dwellings accessed on streets designed with a gravel surface until the street upon which the unit is accessed is completed at least with the base course of crushed aggregate, in accordance with Table 4 in [Attachment 2, Appendix B, Street Design and Construction Standards](#).

Summary of Amendment to Chapter 120, Land Use Ordinance – Article 9, Subdivision Review

- To ensure minimum street construction requirements for all housing types.
- Street completion standards occupancy certification for pave and gravel streets.
- Promotes fairness, safety, and consistency in enforcement of occupancy standards.
- Enhance public safety and emergency access by ensuring adequate infrastructure before structures are occupancy.
- Supports coordinated development timing for infrastructure and housing construction.
- Ensure compliance with the Comprehensive Plan.
- Minimum Street Construction Requirement
 - [§120, 915C\(1\)](#), Allows issuance of occupancy permits for multi-family structures once base, course bituminous pavement is installed, per Table 4 in Appendix B, Street Design and Construction Standards.
 - [§120, 915C\(2\)](#), Suggested additional amendment to align occupancy standards with street type, not housing type.
 - Construction must conform to Table 4 in Appendix B – Street Design and Construction Standards.

Zoning Amendment Process

There are no specific standards in the Town ordinance by which to judge the proposed zoning change, but State statute requires all proposed zoning to be consistent with the goals and objectives of the [Comprehensive Plan](#).

The process for amending the Land Use Ordinance is outlined in [§120-107](#) of the Windham Code. In accordance with this process, the Planning Board is scheduled to hold a public hearing on the proposed amendments at its July 28th meeting. Following public hearing and Board discussion, the Planning Board may vote on a recommendation to the Town Council, using a motion similar to the following:

MOTION: To [recommend/recommend with comments not recommend] approval of the proposed amendments to Chapter 120, Article 9 (Subdivision Review) of the Land Use Ordinance, related to limit occupancy of dwellings accessed on streets designed with a paved surface until the street upon which the unit is accessed is completed at least with the base course of pavement and dwellings accessed on streets designed with a gravel surface until the street upon which the unit is accessed is completed at least with the base course of crushed aggregate.