

SUMMARY

Purpose

Summarize legal guidance (Atty. Ben McCall) and outline ordinance changes needed for Windham's Land Use Ordinance (Chapter 120) to comply with **LD 1829** by **July 1, 2026**, with note on pending corrective bill **LD 2173**.

What Must Change (Chapter 120, Arts. 1, 3, 4, 5, 8, 9)

- Define **ADU** allowances.
- Incorporate **state minimum density** and **minimum lot size** standards.
- Set limits on **dimensional standards** for multi-unit housing.
- **Exempt** ADUs and structures with **four (4) or fewer units** from Planning Board review **when unit count is the only trigger**; retain site plan review when objective thresholds apply.
- Adopt **affordable housing incentives**.
- Update **parking maximums** and allow **off-site parking**.
- Revise **subdivision** definition.
- Allow **residential uses** in applicable commercial districts within the **Designated Growth Area (DGA)**.

Site Plan & Review Thresholds

- **No Planning Board review** solely for 1–4 units.
- **Site plan** (Staff Review Committee or Planning Board) still applies if objective thresholds (disturbance, traffic, impervious area) are triggered.
- **5+ units**: full Planning Board review remains.

Growth Management Ordinance (Ch. 101)

- LD 1829 requires **exempting DGAs from growth permits**; amend **§101-6 (Exemptions)** by **July 1, 2026**.
- Windham's cap aligns with state expectations; **LD 2173** may adjust to **130% over five years** (monitor and adjust later if needed).

Key Legal Considerations

2.

- **LD 1829** is governing law; **LD 2173** is **not final** and **does not extend** the July 1 deadline.
- The Committee will **workshop** comments from the **Feb 17** public hearing and is **expected to report out around March 20**.

Risk if Delayed

- Adoption in **Aug–Sep 2026** creates **~2 months of noncompliance**.
- Staff would administer provisions preempted by state law; denials likely overturned on appeal.

Recommendations

- **Adopt LUO amendments before July 1, 2026** (do **not** use an emergency ordinance—auto-repeals in 61 days).
- **Direct staff & Town Attorney** to finalize language on district standards, ADUs, subdivision thresholds, site plan triggers, and parking.
- Continue core work now; shift broader attorney review **Apr 2026–Mar 2027** and pursue **MOCA Round 2** reimbursement (up to **\$10,000**).

Immediate Requests (Action Needed)

1. **Authorize legal review beginning after April 1, 2026** for the LD 1829 compliance package.
2. **Schedule a public hearing for April 13, 2026**, targeting **Council approval by May 26, 2026** to meet the **July 1** deadline.

Next Meeting Items (April 15)

- **Zoning Map change** (shoreland portion of **999 Roosevelt Trail: LR → GD**).
- **Residential & Non-Residential Blasting Ordinance** (draft).
- **Amendments to street connection requirements**.
(Note: Steve on vacation; Amanda to present.)