

TOWN COUNCIL MEMO

DATE: July 2, 2025

TO: Town Council

Through: Bob Burns, Town Manager

FROM: Steve Puleo, Director of Planning

Cc: Barry Tibbitts, Project Manager

RE: Discussion Item: 25, 14 , Amendments to the Code of the Town of Windham, Chapter 120, Article 9 Subdivision Review to Amendment to Street Access Standards for Single, family, Duplex (Two, units), and Multi, family for Occupancy of the Structures.

Council Meeting – July 8, 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 multi, family developments, as it prevents units from being occupied while the site is still under construction. The proposed amendment to Chapter 120, Land Use Ordinance, specifically Article 9 Subdivision Review, would revise [§120, 915C\(1\)](#) to allow occupancy of multi, family structures once a base course of bituminous pavement has been installed, in accordance with Table 4 in in [Attachment 2 , Appendix B, Street Design and Construction Standards](#).

During its discussion with staff, the Committee suggested that [§120, 915C\(2\)](#) should also be amended to ensure consistency between street type and associated street construction requirements. The conversation focused on the challenges of mixed housing developments, specifically sites that include both multi, family and duplex structures, and the potential damage to finished surface pavement caused by heavy construction equipment. The Committee emphasized that occupancy standards should be based on the type of street required, rather than the type of housing. In response, staff are proposing that certificates of occupancy be issued in accordance with the required street design: developments requiring paved streets must be completed to base, course bituminous pavement, while those requiring gravel streets must be completed to a base, course of crushed aggregate.

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

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 and provide a recommendation. Following that, the land use recommendation could be considered by the Town Council at its August 12th meeting. Per the Town Charter, the Council must hold a public hearing and vote on the proposed amendments. If approved, the changes to the Land Use Ordinance will take effect 30 days after the Council's vote.

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](#).

Recommendation

The staff is requesting that the Town Council refer proposed amendments to Article 9, Subdivision Review of Chapter 120, Land Use Ordinance (LUO) to the Planning Board for a land use recommendation and the Town Attorney for legal consistency. These amendments would require developers to meet a minimum street improvement standard before occupancy certificates can be issued for single, family, duplex (two, unit), and multi, family residential structures.