



**Town of Windham**  
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**MEMO**

**DATE:** July 29, 2021

**TO:** Windham Planning Board  
**FROM:** Amanda Lessard, Planning Director  
**Cc:** Steve Puleo, Planner  
 Long Range Planning Committee

**RE:** Land Use Ordinance Amendments: Proposed Affordable Housing Standards  
 Planning Board Meeting & Public Hearing – August 9, 2021

At their meeting on June 22, 2021, the Town Council voted to forward the enclosed proposed ordinance changes to the Board for review and recommendation. The proposed amendments to the Land Use Ordinance, Sections 300 Definitions, 400 Zoning Districts and 500 Performance Standards, creates Affordable Housing Standards to apply in growth areas (Commercial 1 (C-1), Commercial 2 (C-2), Medium-Density Residential (RM), Village Commercial (VC) and Windham Center (WC) Districts) on properties served by public water.

These recommendations were drafted by the Long Range Planning Committee to address the 2017 Comprehensive Plan Housing Goal 2.a to encourage the development of affordable/workforce housing. The proposed standards allow increases in density and height, and decreases in lot size, frontage and setback. All units must meet the US Department of Housing and Urban Development Median Family Income Standard and maintain affordability for 10 years (ownership) or 30 years (rental units).

Following discussion of the proposed amendment at the July 26, 2021 Planning Board meeting, the Board requested additional information related to qualifying incomes. The proposed amendment defines Affordable Housing for households with annual incomes no greater than 120% of the most recently published Median Family Income for the Portland, Maine Metropolitan Statistical Area, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (HUD). From HUD’s Office of Policy Development and Research (<https://www.huduser.gov/portal/datasets/il.html>) Portland Area Median Income (AMI):

2020 Income Limits – Portland HUD Metro Area by Household Size

AMI	1	2	3	4	5	6
100%	\$70,630	\$80,720	\$90,810	\$100,900	108,972	\$117,044
120%	\$84,756	\$96,864	\$108,972	\$121,080	\$130,767	\$140,453

## Summary of Proposed Ordinance Changes:

### Section 300 Definition

- Add Affordable Housing

### Section 400 District Standards

- Affordable Housing developments are eligible for increases in residential density and building height and reductions in setbacks and frontage identified in Section 500 if the development meets the applicable criteria in the following Districts:
  - Section 406.D Medium-Density Residential District (RM)
  - Section 406.E Commercial District I (C1)
  - Section 406.F Commercial District II (C2)
  - Section 406.J Village Commercial District (VC)
  - Section 406.K Windham Center District (WC)

### Section 500 Performance Standards

- Add Section 502 Affordable Housing
  - Applicable in subdivisions connected to a public water supply containing only affordable housing
  - Private Septic
    - Net Residential Density – 5,000 sf
    - Building height increase 20%
    - Setbacks, lot size and lot frontage decrease 20%
  - Public Sewer
    - Net Residential Density – 2,000 sf
    - Building height increase 33 1/3%
    - Setbacks, lot size and lot frontage decrease 33 1/3%
  - Affordability Maintained
    - 10 years ownership units, 30 years rental units
    - Affordability noted on recorded subdivision plan
    - Must demonstrate method of guaranteeing affordability to Planning Board
      - Document guarantying affordability recoded at Registry of Deeds
      - Annual documentation of rental unit affordability provided to Town

## Zoning Amendment Process

The Planning Board must hold a public hearing prior to making a recommendation on this item to the Town Council. The Town Council will need to hold a public hearing and vote on the proposed changes to the Land Use Ordinance for the changes to be officially approved.

A public hearing is scheduled for the August 9, 2021 Planning Board meeting. After the public hearing and discussion by the Board, the Planning Board may vote on a recommendation to the Town Council similar to the following:

**MOTION:** To (**recommend/recommend with comments/not recommend**) approval of the proposed amendments to the Land Use Ordinance related to Affordable Housing standards.