

Town of Windham

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**Comprehensive Plan Review Team #14
RSU Superintendents Office Building,
1st Floor Conference Room (School Road Entrance)
7:00 PM, Thursday, January 28, 2016**

AGENDA

1. Public Comment/Review Team Comments from the Public
 - a. Photo Contest is on!
2. Summary of last meeting: November 19, 2015
 - a. Existing Land Use discussion
3. Review of draft Inventory Chapters
 - a. Revisions not complete:
 1. Recreation, Parks & Open Space
 2. Agriculture & Forestry
 3. Public Facilities & Services
 4. Water & Natural Resources
 5. Housing
 - b. Revisions complete for this meeting:
 1. None
 - c. New chapter for this meeting
 1. Existing Land Use
4. Future Land Use Map discussion
5. Upcoming meetings:
 - a. Review Team – February 25: Future Land Use & Plan Summary and Prioritization discussion
 - b. Review Team – March 24: Plan Summary and Prioritization & Action Plan

Comprehensive Plan Review Team Meeting Schedule (v. 1-15-16)

Meeting #12	October 22, 2015	Fiscal Capacity & Capital Investment Plan
Meeting #13	November 19, 2015	Existing Land Use
Meeting #14	December 17, 2015	Future Land Use CANCELED
Meeting #14	January 28, 2016	Existing Land Use & Future Land Use
Meeting #15	February 25, 2016	Future Land Use
Meeting #16	March 24, 2016	Summary & Prioritization of Policies and Strategies
Meeting #17	April 28, 2016	Summary & Prioritization of Policies and Strategies
Meeting #18	May 26, 2016	Action Plan: Implimentation Strategy & Benchmarks
Meeting #19	June 23, 2016	1st Draft Complete - community presentation event
	July - September 2016	Public Review and Comment
	September & October 2016	Revisions based on community and state feedback
Meeting #20	October 27, 2016	Review Team Feedback on Revisions
Meeting #21	November 17, 2016	Review Team Feedback on Revisions
Meeting #22	December 15, 2016	2nd Draft Complete - community presentation event
		Send to Town Council!

**Comprehensive Master Plan
Review Team
November 19, 2015 Meeting**

Team Members present were: Patrick Corey, Dave Tobin, Frayla Schoenfeld, Sparky Hurgin, and Allen Phinney.

Planning Director, Ben Smith, was also present.

Process

What is the final product going to look like

- An executive summary of the Comp Plan that captures the spirit of this work was requested because it would be a lot to ask for the average person to wade through all of these inventory chapters.
- A 20-30 page highlights of Plan would be included.

Maps

Land Use Map – This map was broken out into what uses the State looking for so comparisons of properties could be made.

2015 Measels Map – This map showed the approximate locations of all primary structures in the Town.

Map showing development in the last 10 years from 2005 to 2015.

- They showed growth was not occurring in areas that the previous Comp Plan designated as growth areas.
 - Growth areas had been designated as such because of the availability of public water.
 - Of 718 structures, 237 (33%) were in a growth area, 481 were not. The actual number in the growth area was probably less than 33% because the Presumpscot corridor and transitional areas had been included in the calculation, although they were not designated growth areas.
 - There was no correlation between growth areas and where growth was actually occurring.
 - 19% of Windham's geographic area was in commercial zones, economic development, industrial, medium density residential and village commercial.
 - 81 % was farm, farm residential and low density residential.
 - 85% of growth between 2001 and 2013 was in three zones, farm, farm residential, and industrial. 15% was in a growth area.
 - 37% of development had occurred in subdivisions. The remainder was on a lot by lot basis.
- Where should growth be focused? Growth areas had been laid out. Some changes had been made to zoning districts so they were closer to what was allowed in growth areas but it hadn't worked.
- What tools should be used to focus growth?
- Currently growth areas were not that different from other areas. There was not infrastructure to accommodate growth. There was nothing special to attract people to the growth areas.

Upcoming Review Team Meetings:

- December 17, 2015: Future Land Use
- January 28, 2016: Future Land Use

Existing Land Use

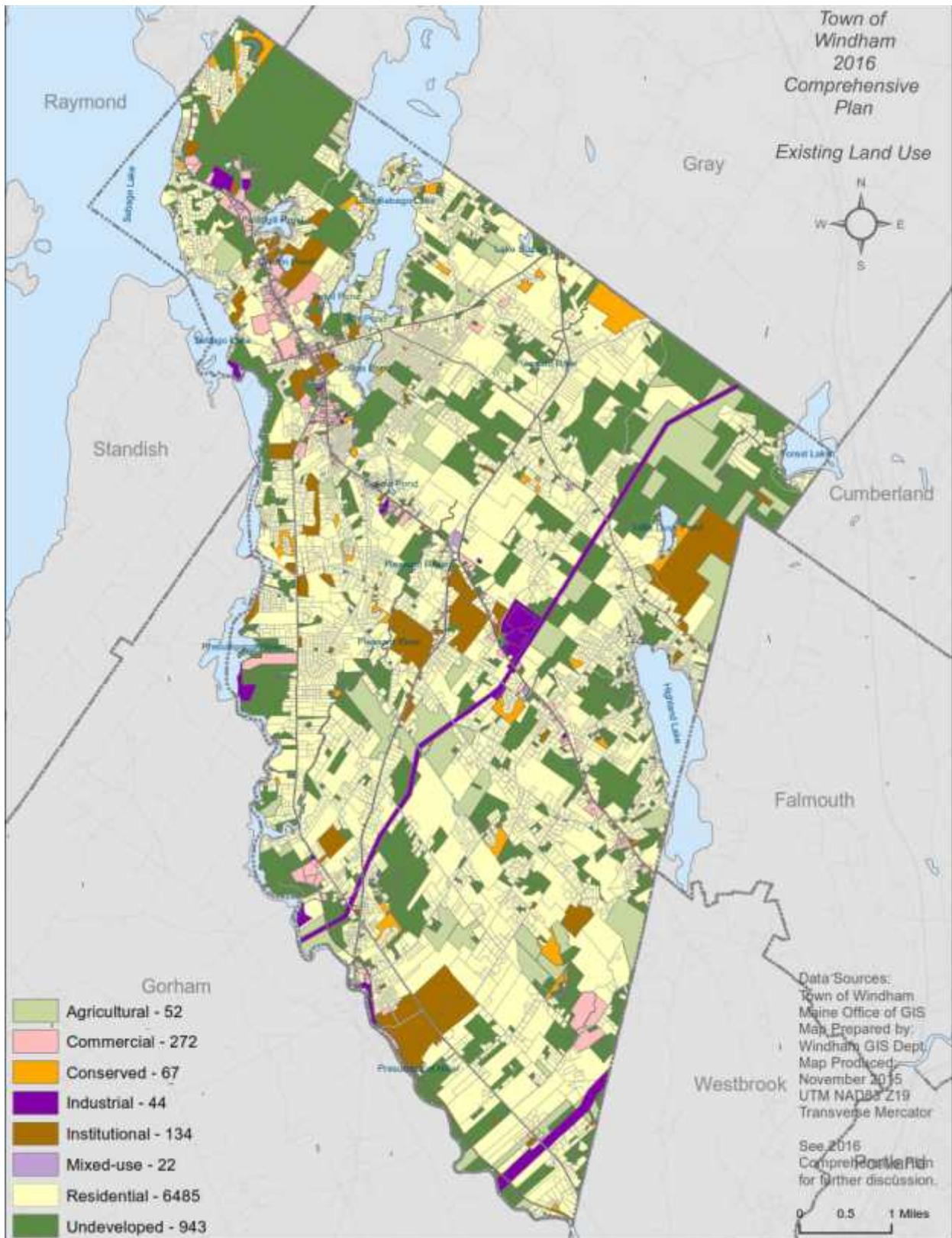
Conditions & Trends

Current Land Use Snapshot

Before further describing the findings from the Existing Land Use map, it is important to note that these land use classifications are based on the information in the town's assessing database. Home businesses are generally classified as Residential, so this map likely understates the level of commercial activities in Windham when it comes to things like home based businesses and offices. Agricultural land is mapped based on the business taxes paid by these properties. There may be other agricultural operations in Windham that might be not be classified as agricultural even though there may be animals being raised on the property, for example. Also note that properties enrolled in the tree-growth or farmland current use tax programs are considered agricultural properties by the Town, though one might consider these properties undeveloped pastureland or woodlots. In summary, individual properties can often be used in a combination of ways, residential and commercial, agricultural and undeveloped, conserved and agriculture, and many more variations. Certain assumptions have been made to put each of these properties in a defined category for clarity in mapping and analysis.

Much of the Town's land is associated with homes and residential uses. Of the Town's 8,019 parcels, 6,485 are house lots or land with multifamily buildings. This represents XXXX acres which is approximately XX% of the Town's land area. These parcels range from small lots in South Windham Village and existing neighborhoods to large lots with a single house on them. These residential properties are the most common land use in Windham, when counted by either total acres or number of parcels.

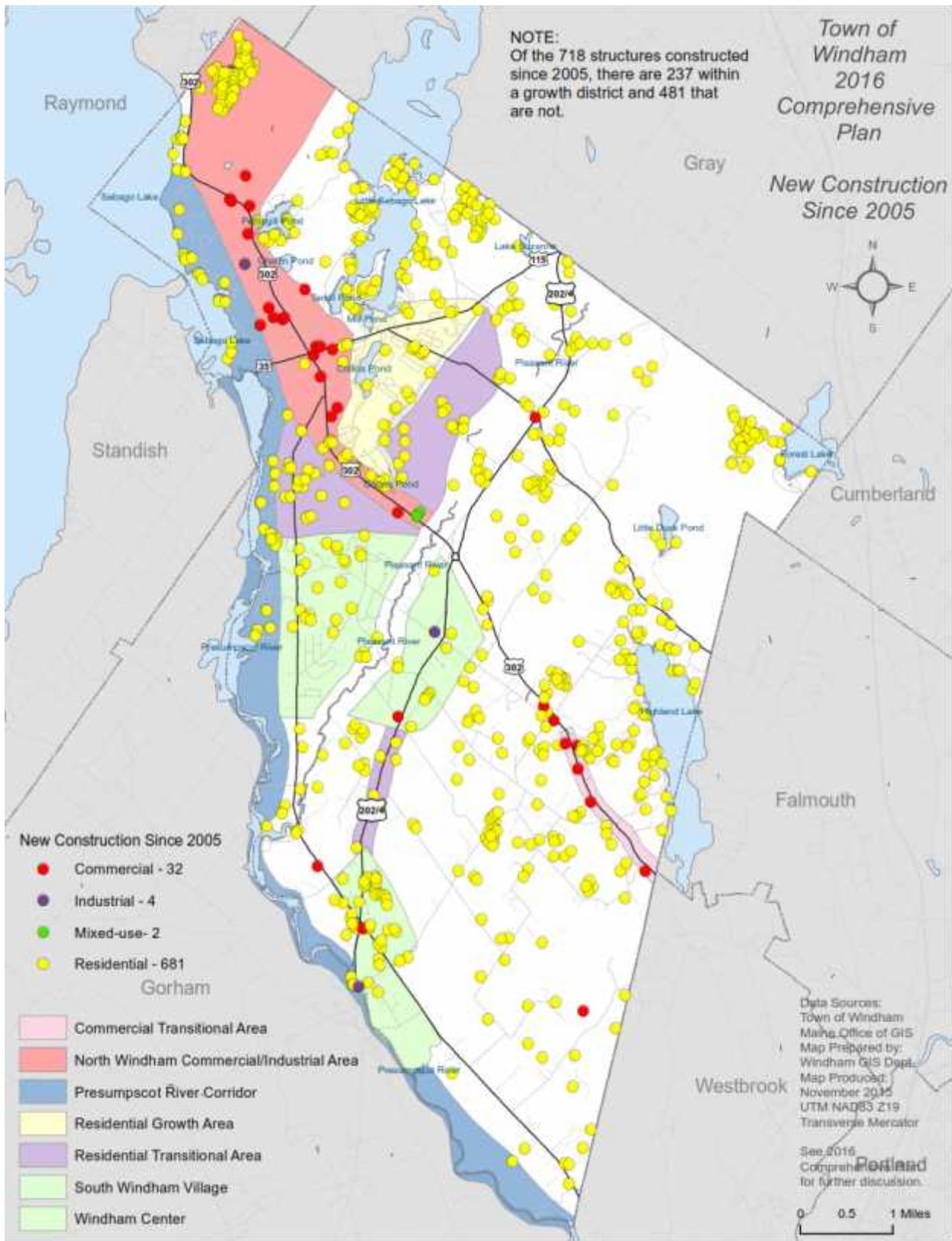
Commercial properties make account for only X% of the Town's land area. A first glance at Figure 1 – Windham Land Use Map, 2015, one might note that many of these properties are on or near Route 302 between River Road and Enterprise Drive, the area we consider North Windham. This really is the center of Windham's higher intensity commercial activities as described in the Economy Chapter. However, there are a number of commercial uses in South Windham as well as a large number of small commercial properties along Route 302 all the way from the Westbrook line north to North Windham. It is difficult to pick out any discernable pattern in this commercial land use in Figure 1, but there are small clusters of commercial properties in the vicinity of Pope Road and Route 302 and the Route 302/Route 202 rotary.



Recent Development Trends, 2005 – 2015

In the ten year period from 2005 to 2015, there were about 681 residential dwelling units added in Windham. The location of these units is shown in Figure 2 - New Construction 2005-2015. Though generally dispersed from one end of town to the other, several clusters of new residential development emerge. There are clear clusters of new housing associated with the Sebago Heights Subdivision near the town line with Raymond, the development on Cross Ridge Road and associated roads between Little Sebago Lake and Gray, and the development on James Way and associate roads near Forest Lake. More generally, there seem to be less concentrated areas of new development as houses continue to be built on roads around Highland and Little Sebago Lakes, and in the southern part of Windham in the areas around Chute Road and the River Road/Route 202 intersection.

Most new commercial development was spread through the North Windham area between the River Road and Enterprise Drive. A handful of new buildings were constructed along Route 302 between the Route 302/202 rotary and River Road, and from the Westbrook town line to Albion Road.



State and Local Land Use Regulations

The subsections that follow are an inventory of municipal land use regulations that shape development patterns in the community.

Zoning – Chapter 140 Land Use Ordinance, Section 400

Windham has adopted a zoning ordinance to regulate the location of various uses and to regulate the size of residential house lots. The zoning ordinance is Section 400 of the Land Use Regulation Ordinance. Each zoning district, its purpose as listed in the Intent section of the ordinance, and summary of lot dimensional standards for each district follows in the list below.

- Farm District
 - The Farm district is intended primarily for rural and residential land uses. Development is restricted in order to protect farmlands, woodlands, open space, wildlife habitat and scenic areas.
 - Minimum lot size: 80,000 square feet (30,000 square feet in a cluster subdivision).
- Farm-Residential District
 - The Town, as a rapidly growing community, recognizes that certain areas of the town will experience residential growth while the basic rural agricultural orientation remains. It is the intent of this chapter to allow these uses to coexist and develop harmoniously.
 - Minimum lot size: 50,000 square feet (20,000 square feet in a cluster subdivision).
- Light-Density Residential
 - It is the intent of this district to ensure the proper development of residential areas by encouraging the formation of community units while developing, protecting, and preserving open spaces.
 - Minimum lot size: 40,000 square feet (20,000 square feet in a cluster subdivision).
- Medium-Density Residential
 - It is the intent of this ordinance to assure the proper development of residential areas by encouraging the formation of community units while developing and preserving open space.
 - Minimum lot size: 20,000 square feet for lots on public water or 30,000 square feet for lots on wells (20,000 square feet for lots in a cluster subdivision).
- Commercial District I
 - To provide general retail sales, services and business space within the Town of Windham in locations capable of conveniently servicing community-wide and/or regional trade areas, with safe, well-regulated automobile access and pedestrian access where appropriate.
 - Minimum lot size: None for a commercial lot, but must get a state waiver for lots less than 20,000 square feet
 - Minimum lot frontage: 100 feet

- Commercial District II
 - The intent of this district is to provide for a mixed commercial and residential zone as a buffer zone between the Commercial District I and the abutting residential areas.
 - Minimum lot size: 40,000 square feet for residential lot or none for commercial lot, but must get a state waiver for lots less than 20,000 square feet
 - Minimum frontage: 150 feet.
- Commercial District III
 - The intent of the Commercial III is to provide areas for a mixture of light, low-traffic generating commercial uses and single-family housing.
 - Minimum lot size: 80,000 square feet for a residential lot, or 20,000 for a commercial lot.
 - Minimum lot frontage: 200 feet for a residential lot or 100 feet for a commercial lot.
- Industrial District
 - The intent of this district is to provide districts within the Town of Windham for manufacturing, processing, treatment, research, warehousing, storage and distribution.
 - Minimum lot size: 20,000 square feet
 - Minimum lot frontage: 100 feet
- Enterprise Development District
 - The intent of this district is to provide a unique area within the Town of Windham to allow manufacturing, processing, treatment, warehousing, storage, research and distribution with safe well-regulated vehicle access located off a major street which can conform to the performance standards set forth in this section and in all other applicable ordinance of the Town of Windham.
 - Minimum lot size: None
 - Minimum lot frontage: 100 feet
- Village Commercial District
 - The intent of the Village Commercial District is to serve as a primarily residential area with a mix of stores, services and commercial enterprises. Growth, at a village scale, is to be well planned in this area of town served by public water and sewer.
 - Minimum lot size: 5,000 square feet for lots connected to public water & sewer or 20,000 square feet for lots served by wells or private septic systems

Overlay zoning districts establish additional standards or uses for a defined geographic area “over” the zoning districts described above. There are five overlay zones in Windham, as follows:

- Aquifer Protection Overlay District Zone A and Aquifer Protection Overlay District Zone B
 - These areas limit uses and establish limits on impervious surface area in the vicinity of Chaffin Pond.
- Manufactured Housing Park Overlay District
 - These areas designate areas in the community where Manufactured Housing Parks may be located.

- Roosevelt Trail Business and Professional Office Overlay Zone
 - The purpose of this overlay district is to allow business offices and personal service businesses within the portions of the Medium Residential, Farm and Farm Residential Zoning Districts that are located on Roosevelt Trail between the Pleasant River and Page Road.
- Retirement Community and Care Facility Overlay Zone
 - The intent of this overlay zone is to provide areas in Windham here housing for older persons can be provided at higher residential densities. This overlay zone includes properties over 200,000 square feet in size and a portion of the lot must be within 500 feet of Route 302, 202, 115 or 35.

The Town also has the ability to create contract zones for individual properties for reasons such as the unusual nature or unique locations of the property or development proposed. These contract zones establish conditions or standards that apply to a specific property and not the other surrounding similarly zoned properties. Windham has three contract zones:

- Village at Little Falls Contract Zone
 - Allows higher density residential development for the Keddy Mill in South Windham
- Windham Center Contract Zone
 - Established to allow commercial reuse of an abandoned commercial building in the Farm zone. This is now the Southern Maine Renewable Fuels building across from the Windham Community Garden on Route 202.
- Mallison Falls Contact Zone
 - Established to allow higher density residential development for the Robinson Mill in South Windham.

Subdivision Review – Chapter 140 Land Use Ordinance, Section 900

The state defines a subdivision as the creation of three or more lots from a single property within a five-year period, with the exemption of certain specific types of lot divisions. The Windham Planning Board reviews all subdivisions in Town, to ensure that they meet state and local requirements.

Major Subdivisions are defined as 5 or more lots and have a higher level of review than Minor Subdivisions (4 or fewer lots) based on the amount of development area and potential impacts of the development on the surrounding area.

Site Plan Review – Chapter 140 Land Use Ordinance Section 800

The requires review non-residential development with a building area of 2,000 square feet or more, and the disturbance of an area of soils over 25,000 square feet. These uses must meet development standards related to traffic safety, stormwater quality, and in certain areas of the community, design standards, among other requirements.

Minor Site Plans are reviewed by the Staff Review Committee, and are defined new nonresidential construction with an area of 2,000 square feet up to 5,000 square feet and establishment of a new nonresidential use involving the development of between 25,000 square feet up to one acre of land.

This could be a land associated with parking areas, gravel pits, wood processing, or other uses where no buildings are proposed. Major Site Plans are reviewed by the Planning Board, and are defined as new nonresidential construction with an area of 5,000 square feet or more or the establishment of a new nonresidential use with development of over one acre of land.

Shoreland Zoning Chapter 199 & Floodplain Management Chapter 98

Windham's Shoreland Zoning ordinance regulates the types and intensities of development near the Town's lakes, ponds, rivers and streams. This ordinance applies to development within 250 feet from the edge of a lake, pond or river and 100 feet on either side of defined streams. Note that not every stream in town is included in this zoning, so people who propose development in the vicinity of a stream or brook must verify if the stream in question is included or not.

The Floodplain Management Ordinance is required for residents in the Town to participate in the National Flood Insurance Program, administered by the Federal Emergency Management Agency (FEMA). The intent of the ordinance is to reduce issues associated with development in flood prone areas, as mapped by FEMA.

Analysis

Municipal Capacity to Administer Land Use Regulations

The Town does have adequate capacity to administer the existing Land Use regulations. The Planning Board is staffed by a full time Planner, who works with developers to ensure they understand local requirements and with the Planning Board by reviewing applications and providing recommendations to the Planning Board during the development review process.

The Town also has three full time Code Enforcement officers on staff, which includes the Director of Code Enforcement. The Code Enforcement department issues all permits associated with development, including building permits, certificates of occupancy, shoreland zoning permits, and flood hazard development permits.

How Development is happening

Growth Areas versus Rural Areas

The 2003 Comprehensive Plan called for growth areas, where new growth was to be encouraged and directed, and rural areas where limited new growth was called for, as required by the state.

The growth areas in that plan cover about 19% of the town, and are in the areas that are today zoned as:

- Commercial 1,
- Commercial 2
- Commercial 3,
- the Economic Development zone,
- Industrial zone,
- Medium Density Residential

- Village Commercial in the South Windham Village area.

The rural areas make up about 81% of the town's area, and are in the areas that are today zoned as:

- Farm
- Farm Residential
- Low Density Residential

Between 1993 and 2000, there were 845 dwelling units built in Windham. 184 (22%) were in growth areas and 661 (78%) were in rural areas. Between 2001 and 2013, there were 1,166 dwelling units built in Windham. 177 (15%) were in growth areas, and 989 (85%) were in rural areas. The location of new housing development is not impacted at all by the desire expressed in the 2003 Comprehensive Plan or the intent of our zoning ordinances.

Finding that development is occurring in a way that does not meeting the goals of the community is a disheartening situation. The discrepancy between statements in the 2003 Plan about where new housing should be located and where it is actually being built can at least partly be explained by the these two theories:

- Designated Growth Areas aren't effectively taking the majority of the community's development.
 - There is not enough infrastructure in the growth areas to support the majority of new dwelling units being built in Windham.
 - Infrastructure required for growth areas should include public water and the means to get past the state mandated minimum lot size of 20,000 square feet per dwelling on a private subsurface wastewater disposal system (septic systems). This might be a traditional public sewer like in South Windham, a shared septic system like the ones serving development at the end of Hunt's Drive or in the Heritage Lane subdivision. A small scale wastewater treatment system that can serve a neighborhood or two or three neighborhoods might also be an option in certain parts of town.
- Designated Rural Areas are not adequately protecting less developed areas in the community or protecting Windham's rural characteristics.
 - Minimum lot sizes in the parts of town designated for rural-scale development are too small to keep these areas from receiving most of the new development in Windham.
 - Not enough of the development in these areas is occurring as cluster subdivisions, which are designed to create small residential areas while conserving land for the community.

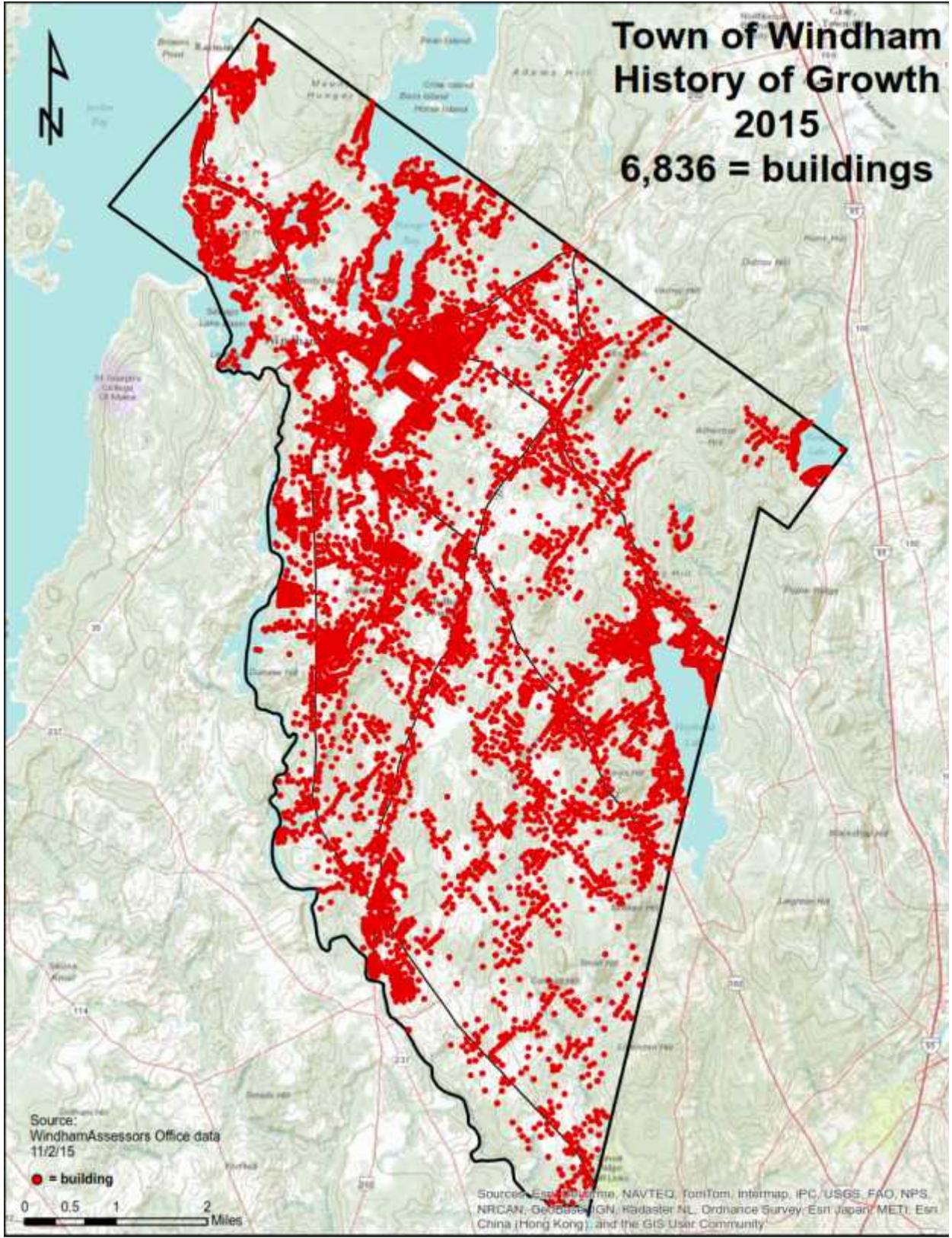
Subdivision Development versus Lot-by-lot Development

Using the same data set as used for the map showing new construction between 2005-2015, we note that 270 of the 718 new units built (both commercial and residential) have been constructed in subdivisions. Another way of stating this finding is that 37% of new development is occurring in subdivisions reviewed and approved by the Planning Board. The remainder, which represents about 63% of the development in Windham during that time period, is occurring on a lot-by-lot basis.

Estimated land required to accommodate the next 10 years of Growth

The population projections in the Population & Demographics Chapter estimate that Windham's population will continue to grow for the next 10 years. The 2010 Census pegged Windham at a population of 17,001, and projections by Town staff and the state indicate that growth through 2030 could put Windham at somewhere in the neighborhood of 19,937 to 22,094 residents. The number of people per dwelling unit has been decreasing over the decades as also noted in that Chapter, and was most recently estimated to be 2.54 people per household. Using these numbers, Windham could reasonably need an additional 1,155 to 1,217 new dwelling units by 2030. This would give an average annual demand for permits of about 82 to 87 new permits annually. This is within the range of recent historical growth and represents continuing growth at a lower rate, which matches the guidance provided by the state.

Presuming about 80% of the future growth occurs in the lower density zoning districts (minimum lot size 80,000 square feet) and 20% occurs in the higher density zoning districts (minimum lot size 20,000 square feet), this new development will require 1,800 to 1,900 acres of land by 2030.



How might development be shaped in the future?

There are a number of ways that the Town could start to change the pattern of development to focus more growth in designated growth areas and minimize the amount of land in rural areas projected to be developed in the future.

From a regulatory standpoint, some interventions might be to change zoning and subdivision ordinances so that cluster subdivisions are required in the Rural Areas of town, designate Critical Rural Areas with minimum lot sizes or net densities higher than the existing Farm zone requirements, or change the minimum lot sizes or net densities in the existing zoning districts. New regulations related to the construction of private roads might also serve to keep future development closer to existing public roads and away from areas that are only served by private roads today. A transfer of development rights (TDR) or purchase of development rights (PDR) program would allow for developers to pay a fee for more density in Growth Areas in exchange for conservation of lands in the Rural Areas.

From a non-regulatory standpoint, some interventions might be to embark on a program to purchase development rights for key rural properties in the community, either on its own or in partnership with area non-profits or land trusts. The Town might also make targeted investments related to the provision of some type of wastewater treatment within the growth areas so that the existing Growth Areas could accept a higher proportion of the anticipated growth than otherwise could.

Note that there are many more ways to shape development from both the regulatory and non-regulatory perspective. Also, many of these ideas are not new to Windham and were included in the 2003 Comprehensive Plan as recommendations to explore.