

Windham planners pan fees

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WINDHAM - The Windham Planning Board has recommended that the Town Council not institute proposed impact fees on future residential and commercial development.

At a council meeting on Tuesday, board member Ryan McDonald said that the proposed fees in the works for almost two years, did not comply with state statute, and that affected developers and homeowners could easily argue that the fees were unfair.

“We didn’t feel that it was usable,” McDonald said, while discussing a proposed impact fee on future development along a section of Route 302. “We didn’t feel it was compliant with various aspects of the state statute, or what’s required for an impact fee to be valid.”

“We didn’t feel it was very useful as it was currently written,” McDonald added.

In the fall, the council voted to send two sets of proposed land use ordinance amendments to the Planning Board for review.

One of the proposals involved changes that would allow the town to raise \$300,000 in impact fees on future development along a stretch of Route 302 that extends from the Whites Bridge and Anglers roads intersection to Mineral Spring Road. The fees, which would only apply to future development that generated new traffic along that stretch of Route 302, would fund a small portion of a \$2.875 million project that would realign Anglers Road with Whites Bridge Road and construct a new center left-turn lane in the same area. The Maine Department of Transportation would provide \$1.65 million toward the construction.

The other set of proposed ordinance amendments would institute a recreation impact fee on all new residential development in town, in order to “provide recreation facilities sufficient to maintain the current level of service,” according to the study conducted by New Gloucester-based BCM Planning. Under the proposed amendment, the town, which has fielded complaints from sports groups wanting more town-owned fields, would likely assess a \$1,080 one-time fee on a new single, detached home, an \$800 fee on a new townhouse, and a \$400 fee on a new accessory apartment, according to the study.

From 1980 to 2010, Windham’s population has grown from 11,282 to 17,001, while housing units have increased from 4,469 to 7,136, with the strongest growth in both categories taking place in the 2000s, according to the BCM study. The study projected that there will be 8,834 total housing units and 20,366 people in Windham by 2030.

In a memo to the council, Planning Director Ben Smith wrote that the Planning Board, which voted 3-2 not to recommend the proposed residential impact fee, had determined that the fee was unfair to future residents.

“The rationale for the vote seemed revolved around concerns about the accuracy and fairness of the estimates used in calculating the fee, and around the idea that if all the entire community benefits from the acquisition and development of new facilities, the entire community should shoulder the associated costs, rather than leaving all or most of that responsibility to future residents,” Smith wrote.

In response to McDonald's criticism, Councilor Matt Noel said that the impact fees are meant to maintain the town's level of services as future commercial and residential development places new burdens on the town's resources and infrastructure.

Councilor Dave Nadeau said that in the past, the town's taxpayers have paid for improvements demanded by developers, which was, he said, "definitely not the fair way to do it."

"The problem was that what we've done in the past is sit here idly and not look at doing anything, and then when the developer comes in, have them say, 'Whoop, here's the problem, you've got to fix this,' " Nadeau said.

But the Planning Board's arguments seemed to resonate with councilors Donna Chapman and Roy Moore, who both expressed skepticism about the proposed fees.

"The way these impact fees were written, a hotel wants to come into town, it's got 100 rooms, you're going to pay \$23,000 up front," Chapman said, referring to the Route 302 impact fee. "Do we really want to stagnate development even more with some of these impact fees? I think we have to align with reality in this economy. And looking at those numbers, I don't agree with it, and I'm not going to support it."

Moore said that the impact fees were a means of avoiding raising property taxes.

"In summation, we're going to pass impact fees onto future development and developers," he said. "We're not going to talk about raising taxes because that's a difficult thing."

Moore noted that he did not want to see his taxes "go up a dollar."

According to Town Manager Tony Plante, the council will hold a public hearing on the proposed impact fees on Feb. 25.