

October 6, 2025

Mr. Steve Puleo
Planning Director
Town of Windham
8 School Road
Windham, ME 04062

Subject: Plan Review Amendment

Windham Village Apartments – Windham, ME

**Cover Letter** 

Dear Steve:

**Windham Village Apartments, LLC.** has retained Gorrill Palmer to assist in the preparation of plans and permitting for the approved Major Site Plan and Subdivision project #23-18 – Windham Village Apartments. This project was approved at Windham's July 1, 2024, Planning Board meeting with a vote of 5 to 0.

On September 8<sup>th</sup>, 2025, the Planning Board approved the most recent amended subdivision application to revise the project to a condominium structure as well as minor parking lot updates and building elevation revisions.

We provide this letter to the Town requesting a plan amendment review relative to the performance guarantee required for the project. In accordance with Section 120-914A.(1)(d), the Applicant requests that in lieu of a performance guarantee for construction of the project improvements, no lot or parcel may be conveyed and no building permit for any building will be issued by CEO until the completion of all streets, utilities and other required improvements are completed.

In support of this application, we have also provided the following materials:

Attachment	Section
1	Application & Checklists
2	Title, Right, or Interest
3	Amended Subdivision and Site Plan

A check in the amount of \$600 for the amended plan review request has been dropped off at the Town for this application.

















## **CLOSURE**

As discussed with your office, an electronic version of this application is submitted for your review and approval. We look forward to continuing discussion of this project with you.

If you have any questions on the information being submitted, please contact our office.

Sincerely,

**GORRILL PALMER** 

Drew Gagnon, PE

xus landa

Service Line Leader – Land Development Phone 207-772-2515 x288 dgagnon@gorrillpalmer.com

c: Loni Graiver, Windham Village Apartments, LLC Angelo Coppola, Windham Village Apartments, LLC Peter Lavoie, Risbara Brothers Construction

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## **ATTACHMENT 1**

# **APPLICATION & CHECKLISTS**



#### **Town of Windham** Planning Department: 8 School Road Windham, Maine 04062 Tel: (207) 894-5960 ext. 2 Fax: (207) 892-1916 www.windhammaine.us

AMENDED SUBDIVISION APPLICATION										
FEES FOR AMENDED SUBDIVISION		APPLICATION FEE: \$350.00 (Each lot/Revision) REVIEW ESCROW: \$250.00		AMOUNT PAID:  \$  DATE:						
NAME OF ORIGINAL SUBDIVISION BEING REVISED OR AMENDED:		Windham Village Apartments			Office Use:			Office Stamp:		
PROPERTY	Parcel ID	Map#	70	Lot(s) #	1-A01	Zoning District(s)	C-1	Total Land Area SF	388,989 SF	
DESCRIPTION	Physical Address	770 Roos	sevelt Trail, Wir	ndham, N	ИЕ 04062	Watershed	Presumpsco	t River		
	Name	Windham Village Apartment, LLC			Name of Business	Windham Village Apartments, LLC				
PROPERTY OWNER'S INFORMATION	Phone	207-329-7355				Mailing	40 Farm Gate Road Falmouth, ME 04105			
	Fax or Cell					Address				
	Email Name					Name of				
APPLICANT'S INFORMATION (IF DIFFERENT FROM OWNER)	Phone					Business				
	Fax or Cell					Mailing Address				
	Email									
APPLICANT'S AGENT INFORMATION	Name	Drew Gagnon				Name of Business	Gorrill Palmer			
	Phone	207-772-2515				Mailing Address	300 Southborough Drive, Suite 200 South Portland, ME 04106			
	Fax or Cell	207-653-8748 dgagnon@gorrillpalmer.com								
	Email									

#### Existing Land Use (Use extra paper, if necessary):

Existing wooded abd meadow areas boardered by Tandberg Trail to the South and Manchester Drive to the West.

#### The Amendment includes:

Provide a narrative description of the proposed changes to the approved plan (Use extra paper, if necessary):

- Splitting the project into 3 phases. The areas will be condo lots, not subdivided lots.
- Minor revisions to parking and dumpster locations based on the phases
- One phase turning apartments to condos (48 total). The rest remain apartments.
- Each phase has appropriate parking
- Condo buildings will be white with black trim. Revised elevations are in the file.
- Applicant intends to construct the infrastructure up front, but phase the building portion as shown in the application.

### Provide a narrative description of construction constraints (wetlands, shoreland zone, flood plain, non- conformance, etc. Use extra paper, if necessary):

No wetlands exist on site. The site is mostly sand and existing topography generally slopes slightly towards Tandberg Trail. The site is not within the shoreland zone or a flood plain.

### AMENDED SUBDIVISION REVIEW APPLICATION REQUIREMENTS

Section 120-913 of the Land Use Ordinance

The submission shall contain, three (3) copies of following information, including full plan sets. Along with one (1) electronic version of the entire submission.

#### The Subdivision Plan document/map:

A) Plan size:

24" X 36"

B) Plan Scale:

No greater 1":100'

C) Title block:

Applicant's name and address

- Name of preparer of plans with professional information
- Parcel's tax map identification (map and lot) and street address, if

available

- Complete application submission deadline: three (3) weeks prior to the desired Planning Board or Staff Review Committee meeting.
  - 3 copies of application and plans
  - Application Payment and Review Escrow
- Contact information:

Windham Planning Department Steve Puleo, Planning Director Amanda Lessard. Senior Planner (207) 894-5960, ext. 2 sipuleo@windhammaine.us allessard@windhammaine.us

## APPLICANT/PLANNER'S CHECKLIST FOR AMENDED SUBDIVISIONS

The following checklist only includes items required by Windham's LAND USE ORDINANCE, <u>Section 120-913</u> for revisions to approved plans.

Please refer to <u>Section 120-910</u> for submission requirements for new developments, and <u>Section 120-911</u> for subdivision performance and design standards to determine additional information that may be required to support the application.

SUBMITTALS THAT THE TOWN PLANNER DEEMS
INCOMPELTE IN CONTENT WILL NOT BE SCHEDULED FOR
PLANNING BOARD REVIEW.

<u>Per SECTION 120-913B(4)</u>, the Board's scope of review shall be limited to those portion of the plan which are proposed to be changed.

Submission Requirements:	Applicant	Staff
Completed Application form	X	
Evidence of right, title, or interest in the property	X	
Evidence of payment of fees	X	
Original Subdivision Plan	X	
Proposed Amended Subdivision Plan. The revised plan shall indicate that it is a revision of a previously approved and recorded plan and shall show the title of subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds	X	
Any additional supporting information to allow the Planning Board to make a determination that the proposed revisions meet the standards of Article 9 Section 120-911 of the Land Use Ordinance and the criteria of the state statute		

The undersigned hereby makes an application to the Town of Windham for approval of the proposed project and declares the foregoing to be true and accurate to the best of his/her knowledge.

Down Cappe	10-6-25
APPLICANT OR AGENT'S SIGNATURE	DATE
Drew Gagnon	
DI FASE TYDE OR DRINT THE NAME	

AGENT AUTHORIZATION						
APPLICANT/ OWNER	Name	Loni Gravier				
•	Physical	770 Roosevelt Trail, Windham, ME 04062			Мар	70
	Address					1A
	Name	Drew Gagnon				
APPLICANT'S AGENT INFORMATION	Phone	772-2515		Gorrill Palmer 300 Southborough Drive, Suite 200 South Portland, ME 04106		
	Fax/Cell	207-653-8748	Business Name & Mailing Address			
	Email	dgagnon@gorrillpalmer.com				

Said agent(s) may represent me/us before Windham Town officers and the Windham Planning Board to expedite and complete the approval of the proposed development for this parcel.

	4-18-23
APPLICANT SIGNATURE	DATE
Loni Gravier PLEASE TYPE OR PRINT NAME HERE	
CO-APPLICANT SIGNATURE	<del>T</del>
PLEASE TYPE OR PRINT NAME HERE	
Dowland	4-18-23
APPLICANT'S AGENT SIGNATURE	DATE
Drew Gagnon	
PLEASE TYPE OR PRINT NAME HERE	

# **ATTACHMENT 2**

# TITLE, RIGHT, OR INTEREST

# SHORT FORM QUITCLAIM DEED WITH COVENANT DLN: 1002440279183

B33 WINDHAM II LLC, a Delaware limited liability company, whose mailing address is 601 Union Street, Suite 1115, Seattle Washington 98101 (the "Grantor"), FOR CONSIDERATION PAID, grants to WINDHAM VILLAGE APARTMENTS LLC, a Maine limited liability company, whose mailing address is 40 Farm Gate Road, Falmouth, Maine 04105 (the "Grantee"), with QUITCLAIM COVENANT, certain real property, together with any improvements thereon, situated in the Town of Windham, County of Cumberland and State of Maine, more particularly described on <a href="Exhibit A">Exhibit A</a> attached hereto and made a part hereof, subject to those matters set forth on <a href="Exhibit B">Exhibit B</a> attached hereto and made a part hereof.

IN WITNESS WHEREOF, Andy Chien has caused this instrument to be executed as the Managing Principal of B33 WINDHAM II LLC, a Delaware limited liability company, thereunto duly authorized, this and of June, 2024.

WITNESS:

**B33 WINDHAM II LLC,** 

a Delaware limited liability company

Name: Andy Chien

Title: Managing Principal

STATE OF <u>MASHING</u> TON

COUNTY OF <u>King</u> ) ss

244 June , 2024

PERSONALLY APPEARED the above-named Andy Chien, Managing Principal of B33 WINDHAM II LLC, a Delaware limited liabiltiy company, as aforesaid, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said limited liabiltiy company.

Before me,

Notary Public
Print Name: Annette Morecraft
Commission Expires: 9/17/2026

### EXHIBIT A

## **LEGAL DESCRIPTION**

A certain lot or parcel of land located in the Town of Windham, County of Cumberland and State of Maine, being more particularly described as follows:

**Proposed Lot 1** and **Proposed Lot 2** as depicted on subdivision plan titled "First Amended Subdivision Shaw's Commercial Subdivision: Windham Village Apartments, 770 Roosevelt Trail, Windham, Maine" made for Windham Village Apartments LLC by Owen Haskell, Inc., dated February 5, 2024 and recorded in the Cumberland County Registry of Deeds in Plan Book 224, Page 52.

#### EXHIBIT B

### PERMITTED EXCEPTIONS

- 1. Rights and easements granted to Central Maine Power Company and New England Telephone and Telegraph Company by C. Harlan Chaplin and Lottie M. Chaplin in an instrument dated November 17, 1971 and recorded in Book 3211, Page 575.
- 2. Rights and easements granted to Central Maine Power Company by George C. Shaw Company in an instrument dated November 20, 1978 and recorded in Book 4371, Page 163.
- 3. Terms and conditions in a Department of Environmental Site Location Order for Shaw's Realty Co affecting Shaw's Plaza dated January 30, 1979 and recorded in Book 4381, Page 328.
- 4. Taking for purposes of Land, drainage and grading rights described in Notice of Layout and Taking by The State of Maine Department of Transportation for State Highway "113" (State Route #35) dated April 30, 1986 and recorded in Book 7175, Page 195; as affected by that certain Supplemental Notice of Taking dated December 2, 1986 and recorded in Book 7532, Page 337.
- 5. Terms and conditions affecting rights and easements in a 50 foot wide strip reserved by Shaw's Realty Co., in a Deed The Howland Corporation dated February 27, 1987 and recorded in Book 7664, Page 246; as corrected and re-recorded in Deed July 31, 1987 and recorded in Book 7995, Page 319.
- 6. Covenants and agreements set forth in an Agreement and Deed of Easement between Shaw's Realty Co. and the Inhabitants of the Town of Windham dated March 11, 1987 and recorded in Book 8137, Page 273.
- 7. Terms and conditions and rights and easements as set forth in an Agreement and Deed of Easements between Shaw's Realty Co., and the Inhabitants of the Town of Windham dated June 27, 1985 and recorded in Book 8595, Page 30.
- 8. Terms and conditions and rights and easements as set for in a Deed to Standby Corp. III from J & L Associates, dated February 13, 1989 and recorded in Book 8696, Page 151.
- 9. Terms, conditions, rights and easements (other than the appurtenant rights and easements insured herein) set forth in a Deed from Shaw's Realty Co. to the Town of Windham dated November 20, 1995 and recorded in Book 12331, Page 88.
- 10. Rights and easements granted to C M P Natural Gas, LLC by Shaw's Realty Co. in an instrument dated August 23, 1999 and recorded in Book 15043, Page 311.
- 11. Terms, conditions, restrictions, dedications, easements, conveyances, Right of Ways, Boundary Lines, and Lot Lines shown on a plan entitled Relieve Road, Route 35, North Windham, Maine, by William J. Doucet, P.L.S. 2263, dated June 7, 1995, and revised through November 10, 1995 and recorded in Plan Book 196, Page 17, as affected by a Notice of Expiration of Subdivision Approval by the Town of Windham, dated February 8, 1999, and recorded in Book 14562, Page 334.
- 12. Terms, conditions, restrictions, dedications, easements, conveyances, encroachments, Right of Ways, Boundary Lines, and Lot Lines shown on a plan entitled Commercial Subdivision, route 35, North Windham, Maine, William J. Doucet, P.L.S. 2263, dated June 7, 1995, and revised through

RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS

07/10/2024, 11:59:11A

Register of Deeds Jessica M. Spaulding E-RECORDED

November 21, 1995 and recorded In Plan Book 196, Page 18, as affected by a Notice of Expiration of Subdivision Approval by the Town of Windham, dated February 8, 1999, and recorded in Book 14562, Page 334.

- 13. Terms and provisions of a Lease by and between California State Teachers' Retirement System, Landlord, and Shaw's Supermarkets, Inc., as Tenant, a Memorandum and Notice of which is dated as of June 1, 2000 and recorded on June 5, 2000 in Book 15511, Page 338.
- 14. Terms and provisions of a Lease by and between California State Teachers' Retirement System, Landlord, and Staples The Office Superstore East, Inc., as Tenant, a Memorandum of which is dated as of June 12, 2001 and recorded on July 3, 2001 in Book 16485, Page 92.
- 15. Terms, conditions, rights and easements (other than the appurtenant rights and easements insured herein) as set forth in that certain Easement Agreement, dated as of April 2, 2002, by and between California State Teachers' Retirement System, as Grantor, and Gorham Savings Bank, as Grantee, recorded on April 2, 2002 in Book 17490, Page 269.
- 16. Rights, easements, restrictions, terms and conditions as described in that certain Easement, dated as of December 9, 2002, by California State Teachers' Retirement System, as Grantor, and Maine Natural Gas Corporation, as grantee, recorded on December 30, 2002 in Book 18623, Page 164.
- 17. State of Maine Department of Environmental Protection Transfer Order dated August 16, 2011 and recorded in the Cumberland County Registry of Deeds in Book 28930, Page 24.
- 18. Notice of Layout and Taking by the State of Maine Department of Transportation against SP Windham Owner LLC, et al dated February 19, 2020 and recorded in the Cumberland County Registry of Deeds in Book 36541, Page 345.
- 19. Department Order in the Matter of Site Location of Development Act made by Department of Environmental Protection, State of Maine, dated July 26, 2021 and recorded July 30, 2021 in Book 38487, Page 107.
- 20. Conditions of Partial Transfer (approval) of Windham Village Apartments, LLC, Board Order #L-4332¬23-A-X, dated November 29, 2023, recorded November 30, 2023 in Book 40502 Page 162.
- 21. Plan for First Amended Shaw's Commercial Subdivision recorded February 15, 2024 in Plan Book 224, Page 52.