

Town of Windham

Parks and Recreation

8 School Road

Windham, ME 04062

Linda J. Brooks, Director

WINDHAM

PARKS & RECREATION

ljbrooks@windhammaine.us

phone 207.892.1905

To: Windham Board of Appeals
Town of Windham, Maine

Re: Application for Approval of Outdoor Recreation Facility – Forbes Lane and Misty Drive

Dear Members of the Board of Appeals:

On behalf of the Windham Parks and Recreation Department, I am pleased to submit this application for approval of a proposed park to be developed on the municipal property located at Forbes Lane and Misty Drive. The proposed use is an outdoor recreation facility within the Medium Density Residential (MDR) District.

The Parks and Recreation Department is seeking approval to establish this park in order to provide accessible recreational opportunities, preserve open space, and enhance the quality of life for residents in the surrounding neighborhoods and throughout the community. The selected site is well-suited for recreational use due to its location within an established residential area and its accessibility to nearby residents. Development of the property as a public park is consistent with the Town's commitment to promoting healthy lifestyles, encouraging outdoor activity, and providing equitable access to recreational amenities.

The proposed park will be designed and operated in a manner that is compatible with the surrounding residential uses. The Department will consider site design, buffering, and hours of operation to minimize impacts on neighboring properties while maximizing community benefit. The facility will serve as a public resource and will be maintained by the Parks and Recreation Department to ensure it remains safe, attractive, and accessible.

We respectfully request the Board of Appeals' review and approval of this application. Thank you for your consideration of this request. Please contact me if additional information is needed or if there are questions regarding the proposed development.

Sincerely,



Linda J. Brooks

Parks and Recreation Director

**APPLICATION FOR APPEAL
TO WINDHAM ZONING BOARD OF APPEALS**

Fee Paid \$400.00 CK # _____ CASH _____ CHARGE _____ DATE _____

APPLICANT

NAME: Town of Windham - Parks & Recreation Dept.
ADDRESS: 8 School Road Windham
TELEPHONE: 207-892-1905

OWNER

NAME: Town of Windham
ADDRESS: 8 School Road Windham
TELEPHONE: 207-892-1907

ADDRESS OF PROPERTY OR LOCATION 67 Forbes Lane; Misty Dr.
MAP # 19B-19C LOT # 32/21-5 PROPERTY IS ZONED _____

Forbes Lane: → LOT WIDTH: _____ LOT DEPTH: _____ LOT AREA: _____ sq. ft.
213' wide
132' deep
35,246.0077 sq ft

Misty Drive:
250' wide
181' deep
22,613.6077 sq ft

EXISTING USE OF PROPERTY: Vacant lots in Varney Mill Subdivision

TYPE OF APPLICATION

_____	Expansion of a Non-Conforming Use
_____	Variance from Ordinance
_____	Conditional Use
_____	Appeal from decision of Code Enforcement Officer
_____	Home Occupation 2

PROPOSED USE: Please describe in detail what you wish to do and what the use of any proposed structures will be. (Attach a letter of explanation if necessary :)

see attached

Why is Board of Appeals approval required?

It is required because Recreation facility, outdoor is a conditional use in the Medium Density Residential (RM) District.

Amount of variance required, if any: N/A ft.

TYPE OF SEWAGE DISPOSAL SYSTEM: Present N/A Proposed N/A

STRUCTURAL DIMENSIONS: (Exterior length and width)

Existing: _____ ft. By _____ ft. Number of Stories _____

Proposed: _____ ft. By _____ ft. Number of Stories _____

NUMBER OF ROOMS IN PROPOSED STRUCTURE: N/A

IS ADDITIONAL PLUMBING CONTEMPLATED? Yes _____ No ✓

If yes, please describe: _____

IF REQUIRED, HAS PLANNING BOARD APPROVAL BEEN OBTAINED?

Yes _____ No _____ Not Required ✓

A location map and a scaled site plan must accompany this application. The site plan must show dimensions of the property, location of all buildings, yards, parking spaces and septic systems, and all existing and proposed setbacks.

An application fee of \$400.00 for residential appeals as well as for non-residential or multi-family is required upon application submission. *If the Code Enforcement Office determines that ordinary and customary expenses associated with review of the development are higher than the \$400.00 fee, then the applicant shall be billed and shall pay to the Town prior to the final approval said expenses, including, but not limited to cost associated with notification of abutters, advertising of public meetings, and all the time dedicated to review of the development.*

NOTE: Applicant or his/her representatives must attend board meetings. If a request is needed to be tabled, the applicant or his/her representative must attend meeting to ask to be tabled. (11/21/91).

The right of any variance from the terms of this chapter granted by the Board of Appeals Shall expire if the work or change permitted under the variance is not begun within six (6) Months or substantially completed within one (1) year of the date of the vote by the Board.

I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND IN ITS SUPPLEMENTS IS TRUE AND CORRECT.

Applicant's Signature *Alida Brooks* Date 7.20.2026

Statement to Town of Windham Board of Appeals

I acknowledge submitting my application to the Board of Appeals and signing this statement that I the undersigned:

State the proposed plan is to scale and reflects the true representation of the proposal requested.

I further understand that if the Board finds that it does not, then the Board has the right to table my application until I have met the requirements.

Applicants

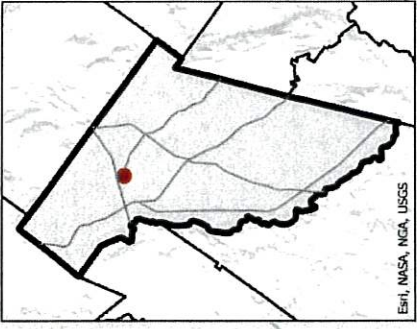
Signature Linda Brooks

Date 7.20.26

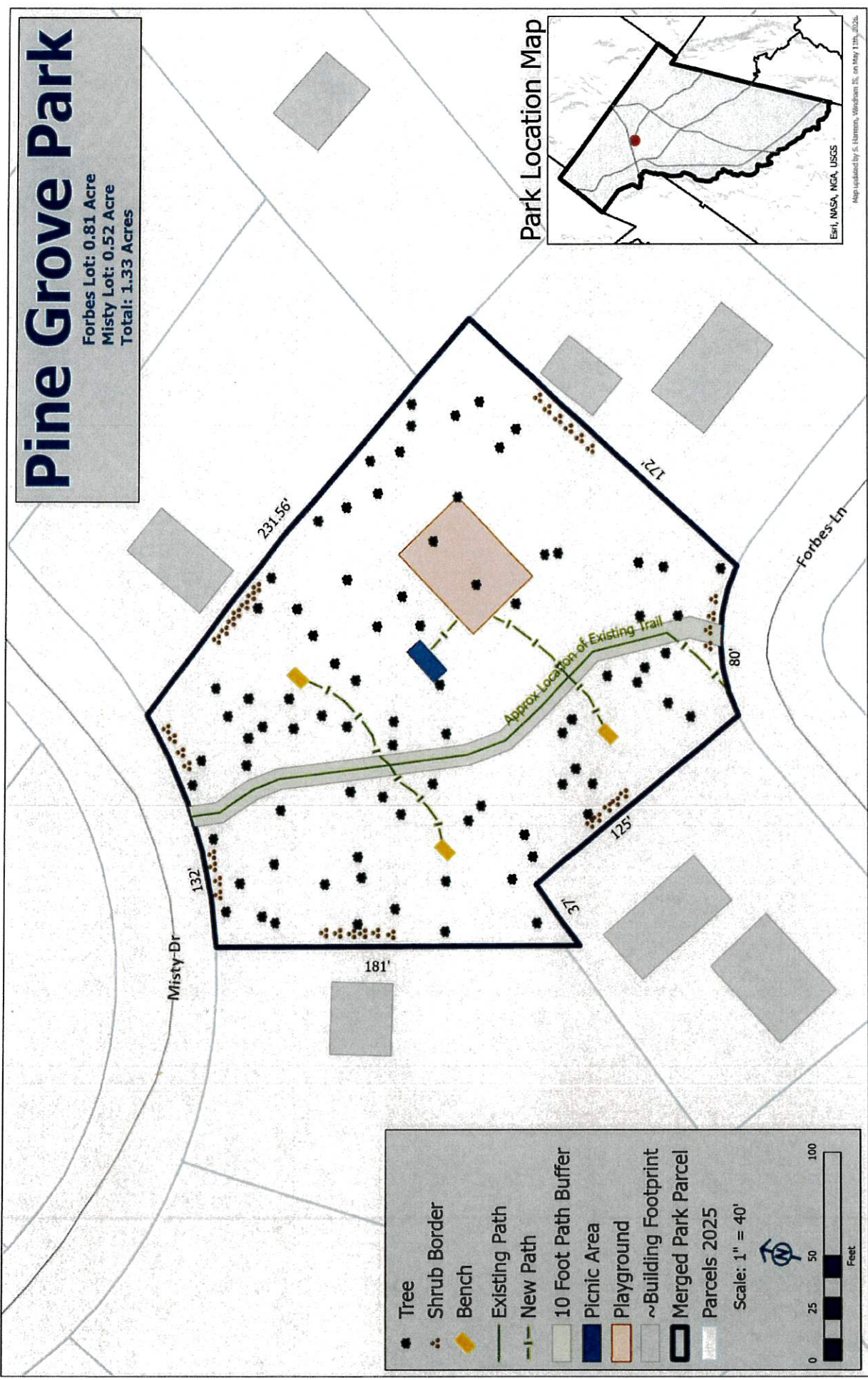
Pine Grove Park

Forbes Lot: 0.81 Acre
 Misty Lot: 0.52 Acre
 Total: 1.33 Acres

Park Location Map



Esri, NASA, NGA, USGS
 Map updated by S. Hansen, Version 1.0, on May 11th, 2025



Tree	Shrub Border	Bench	Existing Path	New Path	10 Foot Path Buffer	Picnic Area	Playground	~Building Footprint	Merged Park Parcel	Parcels 2025
•	••	◆	—	- - -	▬	■	■	■	▬	▬

Scale: 1" = 40'

0 25 50 100 Feet

Pine Grove Park Proposed Use

The Forbes Lane Neighborhood Park Ad Hoc Committee recommended that the two Town-owned lots in the Forbes Lane/Misty Drive area be developed as a small neighborhood “pocket park” called Pine Grove Park rather than used for more intensive development. The committee’s vision is to preserve the wooded character of the property while creating a modest recreational space and pedestrian connection for nearby residents.

Key Recommended Uses

- Neighborhood park and green space focused on nature, walking, and casual community gathering.
- Walking and biking connectivity between the Forbes Lane and Misty Drive neighborhoods through a primary pathway crossing the site.
- Limited recreational amenities, including:
 - 3 park benches scattered around park; 2 log-style benches near playground equipment
 - 3 picnic tables (1 ADA compliant bench)
 - A swing set
 - Low-profile natural play features for children
 - Informational signage
- Environmental stewardship, including removal of hazardous trees, preservation of healthy trees, restoration of disturbed areas, and long-term woodland management.

Design Principles

- Preserve the site’s forested, natural character.
- Maintain buffers and vegetation screening to respect neighboring homes.
- Use a natural wood-chip trail surface and keep improvements modest in scale.
- No designated on-site parking is proposed.

The committee concluded that the Town-owned parcels should serve as a community park and pathway corridor connecting neighborhoods, providing passive recreation, children’s play opportunities, and gathering space while retaining the property’s natural woodland setting. The recommendation was presented to the Windham Town Council on May 12, 2026.

Conditional Use Review criteria:

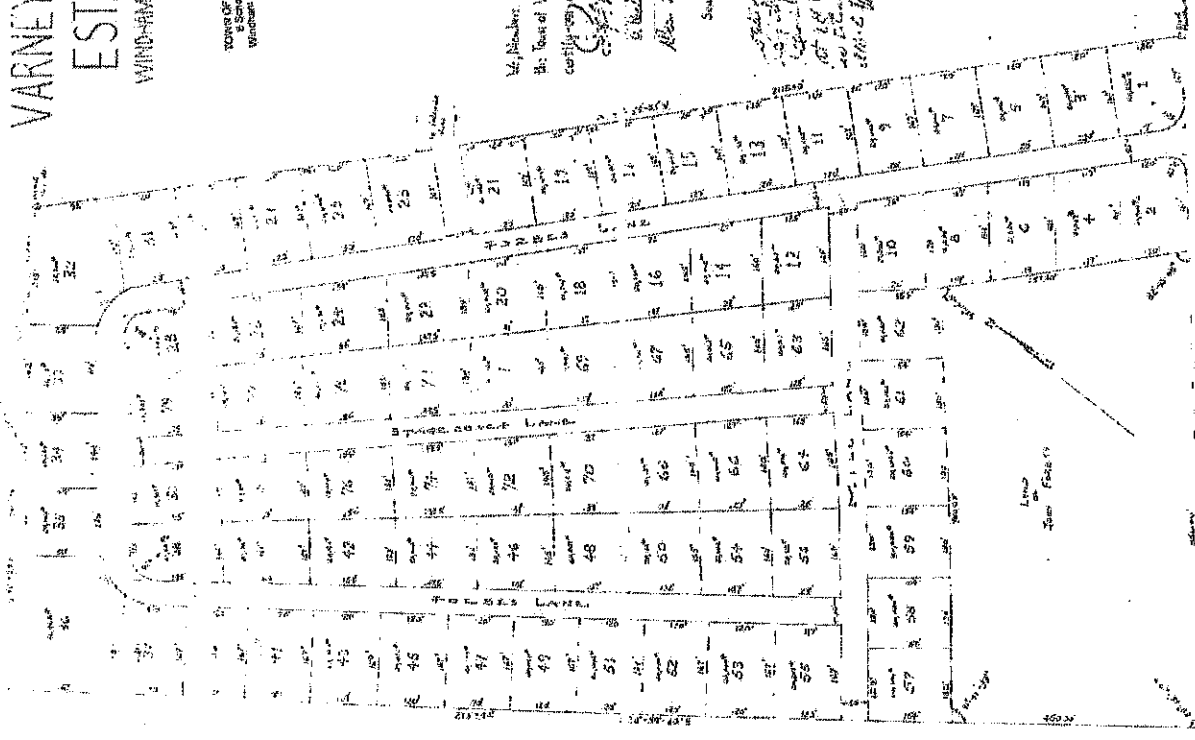
(1) Property value. The proposed use will not depreciate the economic value of surrounding properties. The properties are proposed to continue their long-standing outdoor recreational use. The Forbes Lane and Misty Drive parcels are identified on the 1977 Tall Pines Park Subdivision Plan as “reserved for play area”.

(2) Wildlife habitat. There has been no significant wildlife habitat or spawning grounds identified by the Maine Department of Inland Fisheries and Wildlife or by the Town of Windham’s Comprehensive Plan on this proposed park property.

- (3) Botanical species. There have not been any rare or endangered botanical species as identified by the Maine Department of Agriculture, Conservation and Forestry or by the Town of Windham's Comprehensive Plan on this proposed park property.
- (4) Potable water. There is no impact on the groundwater aquifer or public water system as no utilities are proposed to serve the park.
- (5) Sewage disposal. There is no impact on the groundwater aquifer or public water system as no sewage disposal is proposed to serve the park.
- (6) Traffic. Sight distance for both park entrances at Forbes Lane and Misty Drive as established by current Maine DOT Highway Entrance and Driveway Rules are not applicable to this use as no vehicular driveway entrances are proposed as part of this project.
- (7) Public safety. The proposed use will not overburden police, fire and rescue services, as determined by response time, accessibility to the site of the proposed use, and numbers and types of emergency personnel and equipment presently serving the community. Additionally, it has been determined that building a park on this vacant property may enhance public safety and reduce illegal activity that may have taken place previously.
- (8) Vibration. The proposed use will not produce inherently and recurrently generated vibrations that exceed a peak particle velocity greater than 2.0 at the closest protected structure, as defined by the Maine Department of Environmental Protection.
- (9) Noise. The proposed use shall meet the noise standards in § 120-812S of Article 8, Site Plan Review. Additionally, as defined in Chapter § 150-8 of the Parks Ordinance, park hours are open only from dawn to dusk.
- (10) Off-street parking – There are no dedicated off-street parking spaces for this park, as the park users are intended to be neighbors who will visit the park by walking or riding bicycles. On-street parking is permitted on Misty Drive and Forbes Lane.
- (11) Odors. The proposed use will not emit noxious or odorous matter in such quantities as to be offensive at the lot boundaries.
- (12) Air pollution. – The outdoor recreation use will not produce the emission of dust or other form of air pollution.
- (13) Water pollution. –No private sewage disposal is proposed for the recreation use so there will be no impact to any water supply.
- (14) Erosion and sediment control. The proposed use will not cause water pollution, sedimentation, or erosion, nor contaminate any water supply, nor reduce the capacity of the land to hold water, so that a dangerous or unhealthy condition may result.
- (15) Hazardous material. The proposed use will not utilize or store hazardous materials on site and will not result in the discharge across the boundaries of the lot.
- (16) Zoning district and performance standards. The proposed use meets the applicable zoning district standards in Article 4 and the applicable performance standards of Article 5.
- (17) Solid waste management. – This park, as is the case with other parks in Windham, will be Carry-In/Carry-Out of all trash.
- (18) Use specific standards. The proposed use complies with all other performance standards within this Article 5, specific to the proposed conditional use.

VARNEY MILL ESTATES WINDHAM, MAINE

TOWN OF WINDHAM
School Road
Windham, ME 05087

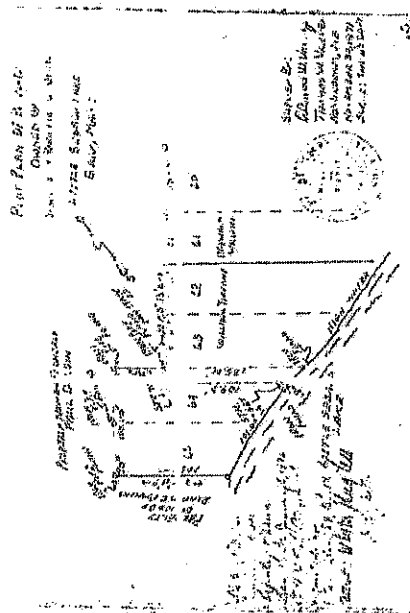


We, the undersigned, being the legal heirs and assigns of the late John Varney, do hereby certify that the above is a true and correct copy of the original plat of the Varney Mill Estates, as the same appears of record in the office of the Register of Deeds for the County of Windham, Maine.

Witness my hand and seal this 1st day of May, 1900.

Sealed 1-1000

Prepared by
John Varney, Jr.



075728

WARRANTY DEED

all
19C-21-5

Unit 2

KNOW ALL MEN BY THESE PRESENTS, THAT TALL PINES PARK, INC., a Maine corporation with a place of business in Windham, County of Cumberland, State of Maine in consideration of one dollar and other valuable consideration paid by TOWN OF WINDHAM, a municipal corporation, whose mailing address is: 8 School Road, Windham, Maine 04062 the receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto the said TOWN OF WINDHAM, its successors and assigns forever,

13500-159

A certain lot or parcel of land situated in the Town of Windham, County of Cumberland and State of Maine and being Lot 5 as shown on Plan of Tall Pines Park prepared for George and Esther Staples dated June 1977 and recorded in the Cumberland County Registry of Deeds in Plan Book 117, Page 2.

★ The purpose of this deed is convey the lot reserved for a play area in said subdivision and this conveyance is made subject to the rights of the lot owners therein.

Being a portion of the premises conveyed to Tall Pines Park, Inc. by George W. Staples, et al by deed dated December 30, 1977 and recorded in Cumberland County Registry of Deeds in Book 4156, Page 250.

TO HAVE AND TO HOLD, the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said TOWN OF WINDHAM, its successors and assigns, to its and their use and behoof forever.

AND it does COVENANT with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the premises, that they are free of all encumbrances, that it has good right

to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors shall and will warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said TALL PINES PARK, INC., as Grantor has hereunto set its hand and seal this 30th day of the month of July, 1997.

SIGNED, SEALED and DELIVERED
in presence of:

Patience C. Holmes

TALL PINES PARK, INC.

By: Kenneth M. Cole III
Its President

STATE OF MAINE
Cumberland, SS

July 30, 1997

Then personally appeared the above named Kenneth M. Cole III President of Tall Pines Park, Inc. and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Tall Pines Park, Inc.

Before me,

Patience C. Holmes

Notary Public

SACHS D. HOLMES

NOTARY PUBLIC, MAINE

MY COMMISSION EXPIRES MAY 5, 1998

OK

RECEIVED
RECORDED REGISTRY OF DEEDS

1997 DEC 17 AM 10:47

CUMBERLAND COUNTY

John B. O'Brien

DOC :364 BK:39054 PG:97

RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS

01/04/2022, 08:41:52A

Register of Deeds Jessica M. Spaulding E-RECORDED

DLN: 1002240178552

WARRANTY DEED

Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS that I, **Mark S. Plummer** of Portland, County of Cumberland and State of Maine, for consideration paid, grant to the **Town of Windham**, a Maine Body Politic, with **WARRANTY COVENANTS**, the real property situated in Windham, County of Cumberland, and State of Maine, bounded and described as follows:

A certain lot or parcel of land with the buildings thereon situated in Windham, Cumberland County and State of Maine, and being lot numbered thirty-two (32) as delineated on a plan entitled Varney Mill Estates, Windham, Maine, prepared by Richard A. Monthorne, Reg. P.E., dated November 1971 and recorded in the Cumberland County Registry of Deeds in Plan Book 89, Page 17, together with a right of way, in common with the owners of all other lots on said plan, in and over all of the streets and ways and delineated on said plan.

Being the same lands and premises conveyed to Mark S. Plummer by deed of F.S. Plummer Co., Inc., dated April 24, 2020 and recorded in the Cumberland County Registry of Deeds in Book 36628, Page 1, as corrected and confirmed by a Corrective and Confirmatory Deed from F.S. Plummer, Co., Inc. to be dated of even date herewith and recorded prior hereto in said Registry.

WITNESS my hand this 30th day of December, 2021.

Witness

John M. Kiric, III

Mark S. Plummer
Mark S. Plummer

STATE OF MAINE

COUNTY OF CUMBERLAND, ss

December 30, 2021

Personally appeared the above-named Mark S. Plummer and acknowledged the foregoing instrument to be his free act and deed.

Before me,

John M. Kiric, III
Notary Public or Attorney at Law

JOHN M. KIRIC, III
ATTORNEY AT LAW
BAR # 9577



100 feet Abutters List Report

Windham, ME

July 22, 2026

Subject Property:

Parcel Number: 19C021005000
CAMA Number: 19C-021-005-000
Property Address: MISTY DR

Mailing Address: TOWN OF WINDHAM TALL PINES PARK
PLAY AREA
8 SCHOOL ROAD
WINDHAM, ME 04062

Abutters:

Parcel Number: 19B032000000
CAMA Number: 19B-032-000-000
Property Address: 67 FORBES LN

Mailing Address: TOWN OF WINDHAM VARNEY MILL
ESTATES
8 SCHOOL RD
WINDHAM, ME 04062

Parcel Number: 19B033000000
CAMA Number: 19B-033-000-000
Property Address: 71 FORBES LN

Mailing Address: WINTER STEPHAN A & WINTER
MELINDA A
71 FORBES LANE
WINDHAM, ME 04062

Parcel Number: 19C021004000
CAMA Number: 19C-021-004-000
Property Address: 29 MISTY DR

Mailing Address: CONLEY LISA ANN
29 MISTY DR
WINDHAM, ME 04062

Parcel Number: 19C021006000
CAMA Number: 19C-021-006-000
Property Address: 25 MISTY DR

Mailing Address: WASSON ROBERT & WASSON OLIVIA
25 MISTY DR
WINDHAM, ME 04062

Parcel Number: 19C021017000
CAMA Number: 19C-021-017-000
Property Address: 15 ERIC RD

Mailing Address: HADZIABULIC AMER
15 ERIC RD
WINDHAM, ME 04062

Parcel Number: 19C021018000
CAMA Number: 19C-021-018-000
Property Address: 24 MISTY DR

Mailing Address: REED KENNETH B & REED CARRIE E
24 MISTY DRIVE
WINDHAM, ME 04062



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7/22/2026

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Misty Dr

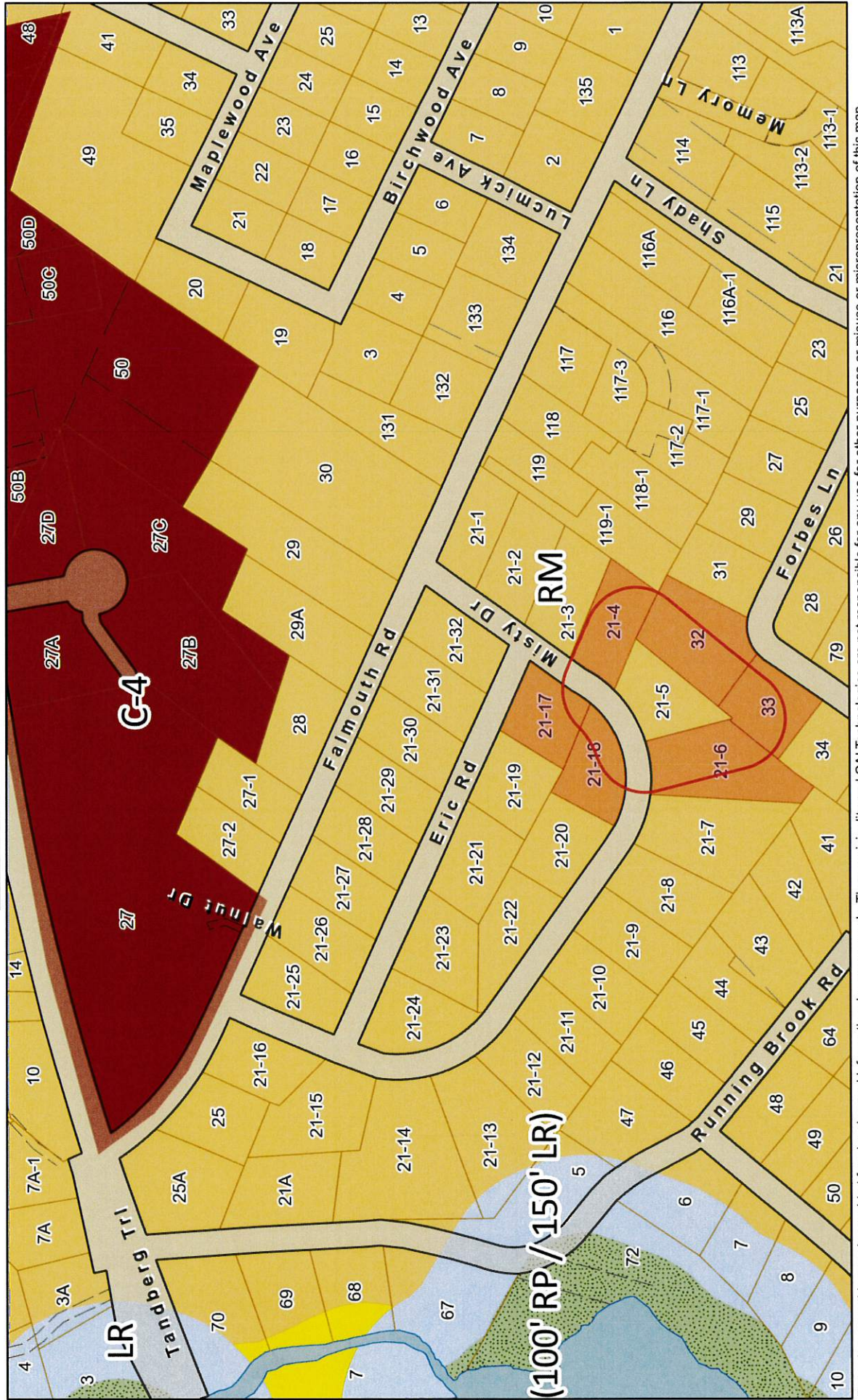
Town of Windham, ME

1 inch = 272 Feet

July 27, 2026



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100 feet Abutters List Report

Windham, ME
July 22, 2026

Subject Property:

Parcel Number: 19B032000000
CAMA Number: 19B-032-000-000
Property Address: 67 FORBES LN

Mailing Address: TOWN OF WINDHAM VARNEY MILL
ESTATES
8 SCHOOL RD
WINDHAM, ME 04062

Abutters:

Parcel Number: 19B028000000
CAMA Number: 19B-028-000-000
Property Address: 72 FORBES LN

Mailing Address: BOES RONALD J & BOES BARBARA
PO BOX 1594
WINDHAM, ME 04062-1594

Parcel Number: 19B031000000
CAMA Number: 19B-031-000-000
Property Address: 65 FORBES LN

Mailing Address: COTE MARY T (MALONEY)
65 FORBES LN
WINDHAM, ME 04062

Parcel Number: 19B033000000
CAMA Number: 19B-033-000-000
Property Address: 71 FORBES LN

Mailing Address: WINTER STEPHAN A & WINTER
MELINDA A
71 FORBES LANE
WINDHAM, ME 04062

Parcel Number: 19B118001000
CAMA Number: 19B-118-001-000
Property Address: 512 FALMOUTH RD

Mailing Address: PARENTEAU MARSHALL
512 FALMOUTH RD
WINDHAM, ME 04062

Parcel Number: 19B119001000
CAMA Number: 19B-119-001-000
Property Address: 516 FALMOUTH RD

Mailing Address: DUGAN MICHAEL W
516 FALMOUTH RD
WINDHAM, ME 04062

Parcel Number: 19C021004000
CAMA Number: 19C-021-004-000
Property Address: 29 MISTY DR

Mailing Address: CONLEY LISA ANN
29 MISTY DR
WINDHAM, ME 04062

Parcel Number: 19C021005000
CAMA Number: 19C-021-005-000
Property Address: MISTY DR

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PLAY AREA
8 SCHOOL ROAD
WINDHAM, ME 04062

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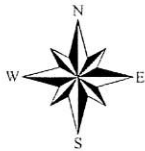


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7/22/2026

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67 Fobes abutters

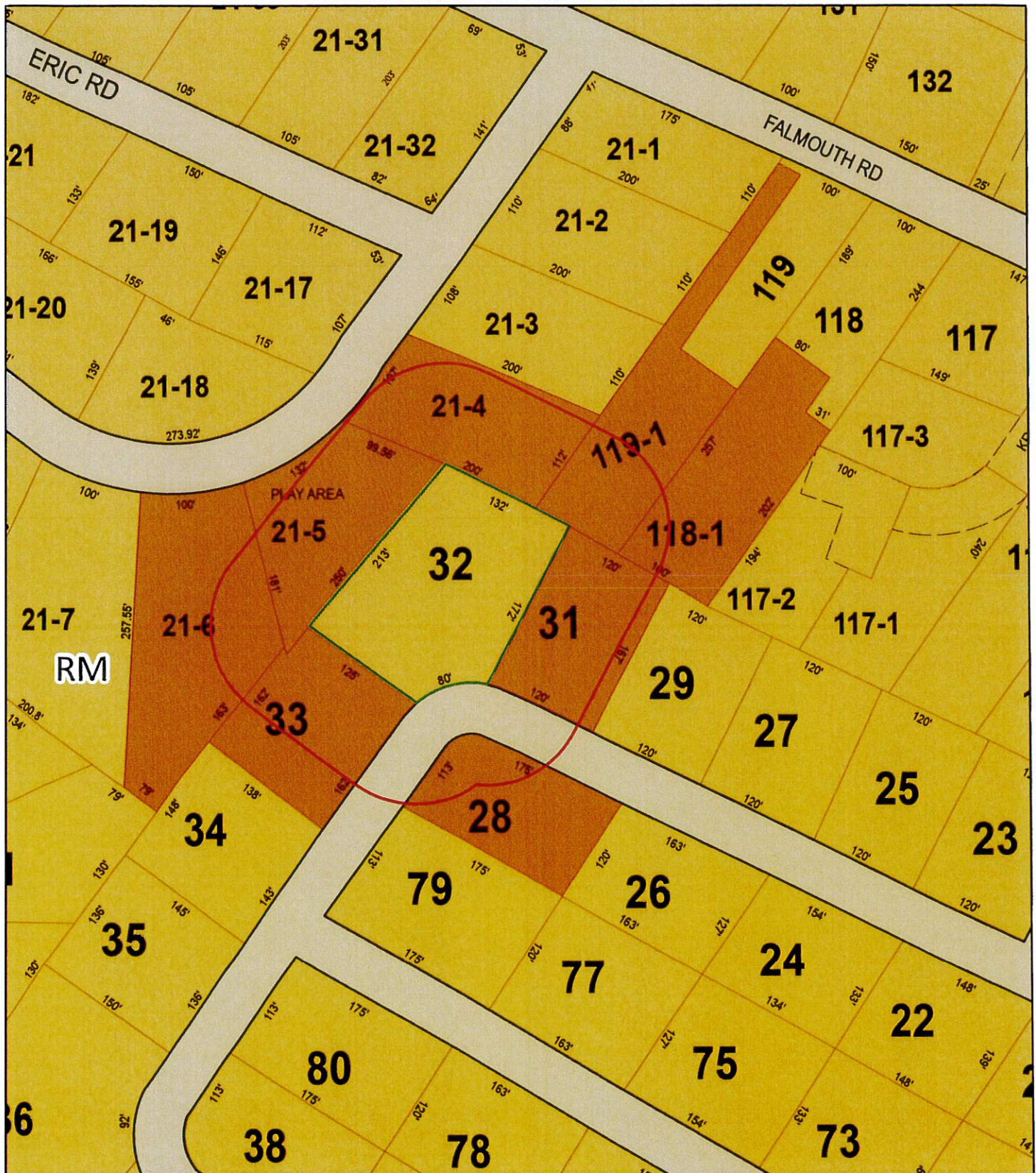
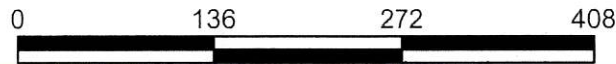
Town of Windham, ME

1 inch = 136 Feet



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July 27, 2026



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