

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: June 13, 2016

TO: Windham Town Council
THROUGH: Tony Plante, Town Manager
FROM: Amanda Lessard, Planner *AL*
Cc: Ben Smith, Planning Director
Dave Fowler, Matt Hancock International LLC

RE: Zoning Map Amendment Request – Matt Hancock International LLC, Tax Map 6; Lot 25
Retirement Community and Care Facility Overlay District (RCCFO)

The Planning Department has received a zoning amendment request to rezone a 65.57 acre undeveloped property at 60 Chute Road, identified on Tax Map 6; Lot 25. The request is to extend the Retirement Community and Care Facility Overlay District (RCCFO) to include this property.

The intent of the RCCFO District is to provide areas in the Town of Windham where housing for older persons can be provided at higher residential densities. The RCCFO includes land adjacent to arterial roadways. The proximity to arterial roads is intended to provide housing for older persons suitable access to commercial establishments and public safety services. The zoning map depicts the RCCFO district to include parcels that are approximately 5 acres or greater within 1,000 feet on either side of Route 302, Route 202, Route 115, and Route 35.

Zoning Amendment Process

If the Town Council chooses to start this request through the zoning amendment process, the Planning Board will review the submitted information and make a recommendation to the Town Council. A public hearing will be part of the Planning Board's review.

The recommendation from the Planning Board will be sent back to the Town Council for final action. Only the Town Council can make changes to the zoning map or zoning standards.

There are no specific standards in the Town ordinance by which to judge the proposed zoning change. Section 107 of the Land Use Ordinance (page 1-3) states that, "After review and recommendation by the Planning Board, this chapter may be amended in accordance with the Town Charter." That being said, State statute requires all proposed zoning changes and zoning map amendments to be consistent with the goals and objectives of the Comprehensive Plan.

From: David Fowler <DFowler@summitnaturalgas.com>
Sent: Wednesday, May 25, 2016 1:08 PM
To: Amanda L. Lessard
Cc: Matt Hancock
Subject: Retirement Community & Care Facility Overlay District
Attachments: future land use map.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Amanda,

Please accept this email as an official request to amend the Retirement Community & Care Facility Overlay District to include 60 Chute Rd. Tax Map 6, Block 25, which is owned by Matt Hancock International LLC. The current overlay boundary stops at the back of the property so it would just be a matter of extending the existing boundary to include our lot. With the increase in Maine's aging population comes a demand for more senior living accommodations. 60 Chute Rd has all the attributes needed for a successful project that will provide the seniors of Windham another viable housing option.

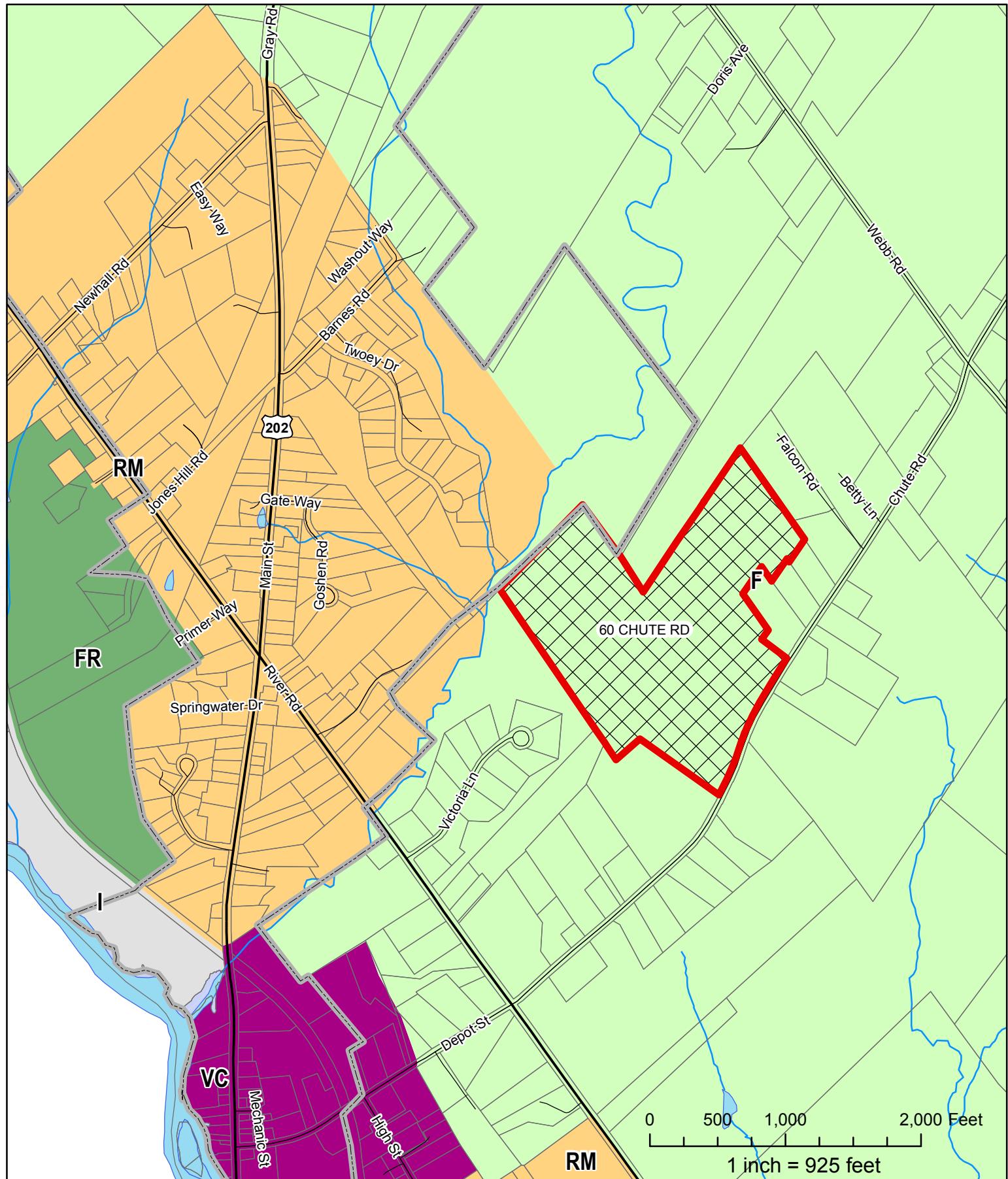
As outlined in Windham's Comprehensive Plan dated August, 2003, Land Use Goals, Primary Objective #5, indicates the South Windham area that includes this parcel be designated as a growth area that compliments Gorham's adjacent growth area. I have attached the map of the Comprehensive Master Plan Future Land Use for reference. While the Economic Development Goals outlined in the Comprehensive Plan are not specific to this particular request we feel it certainly meets the intent of the Economic Goals as well

It is my understanding that this request will go before the City Council who will determine whether it be considered by the Planning Board. I will make myself available for any meetings in the event there are questions or concerns.

Thank you for your consideration.

Regards,

Dave Fowler
Representative
Matt Hancock International LLC
PO Box 295
Casco ME 04015
207-461-0666



60 Chute Road Zoning

Legend



RCCF - Retirement Community & Care Facility Overlay

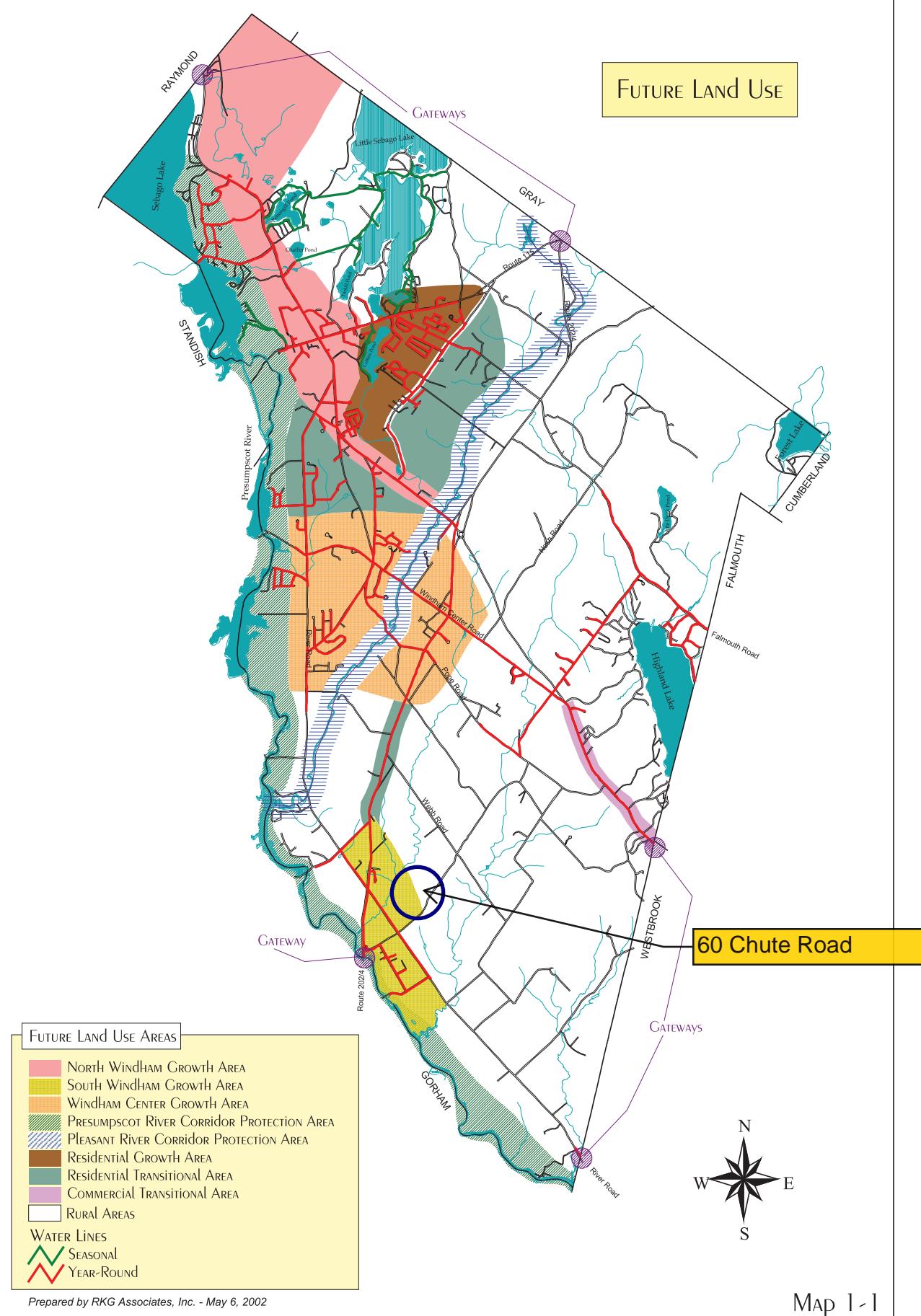


Map 6 Lot 25



COMPREHENSIVE MASTER PLAN

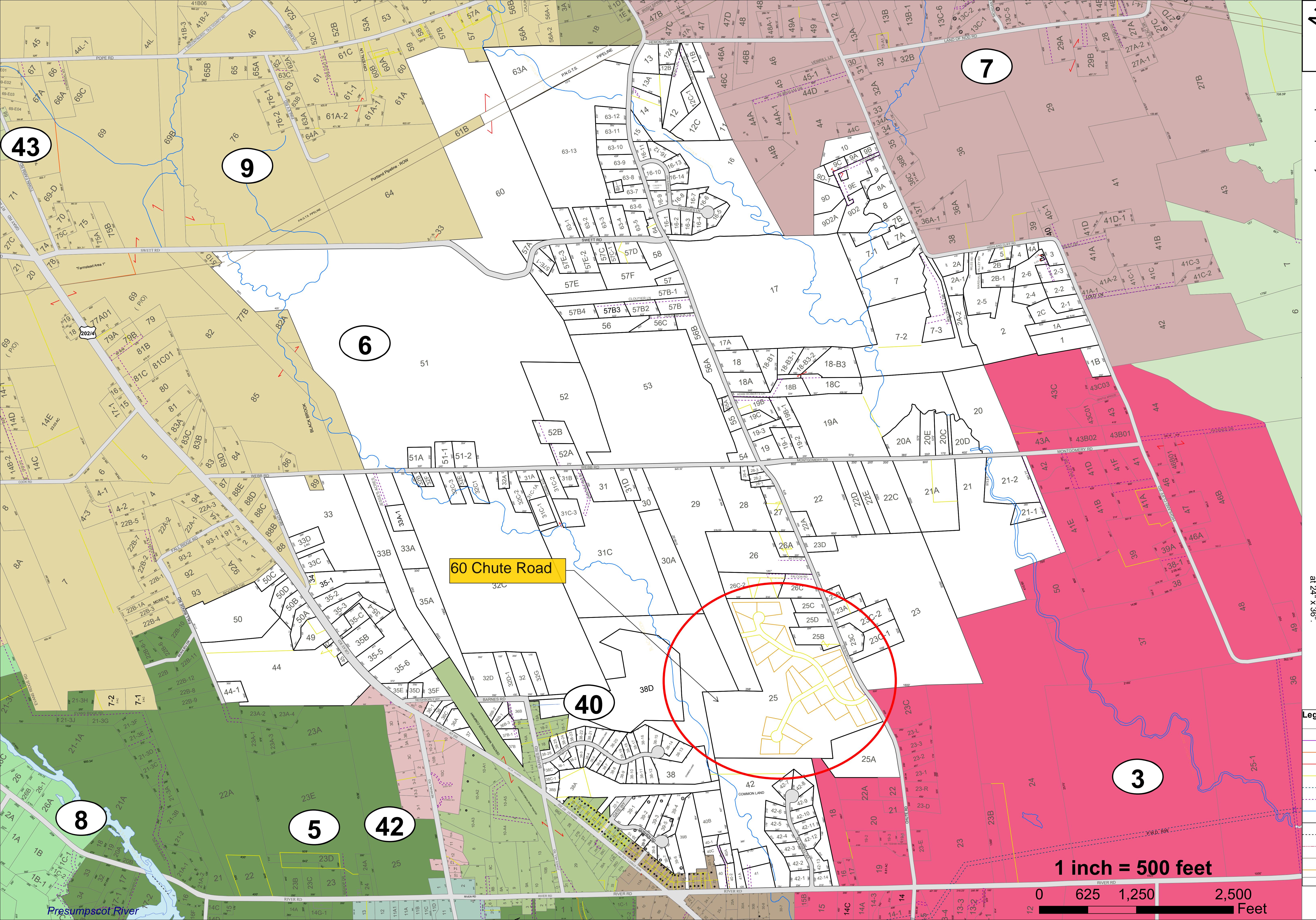
Town of Windham, Maine



TOWN OF WINDHAM, MAINE 2015 PROPERTY MAPS

THESE MAPS ARE FOR ASSESSMENT PURPOSES ONLY AND ARE NOT FOR CONVEYANCE.
These Tax Maps are based on original maps compiled by James W. Sewall Co.

SOURCES:
Windham Tax Assessor's Office
Completion Date: April 1, 2015
UTM NAD83 Z19N
Prepared by: Windham GIS Dept.
Scale is based on printing at 24" x 36".

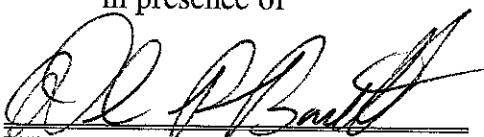


**DEED OF SALE BY PERSONAL REPRESENTATIVE
(TESTATE)
Maine Statutory Short Form**

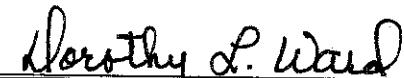
KNOW ALL PERSONS BY THESE PRESENTS, that **Dorothy L. Ward**, duly appointed and acting Personal Representative of the estate of **Edith M. Durant**, deceased (testate), as shown by the probate records of the Cumberland County Probate Court and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid, grants to **Matt Hancock International, LLC, of Casco, County of Cumberland and State of Maine**, with a mailing address of P.O. Box 299, Casco, ME 04015 the real property on Chute Road, Town of Windham, County of Cumberland and State of Maine, as more fully described in Exhibit A attached hereto and fully incorporated herein by reference.

WITNESS her hand and seal this 3rd day of March, 2006.

Signed, Sealed and Delivered
in presence of



Witness



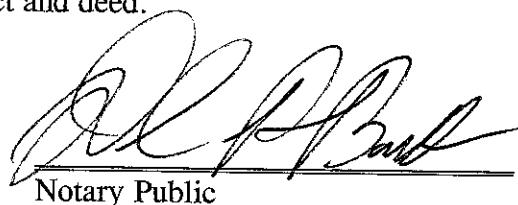
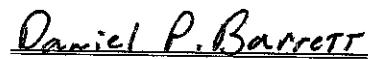
Dorothy L. Ward
Estate of Edith M. Durant
Dorothy L. Ward, Personal Representative

STATE OF MAINE,
Cumberland , ss.

March 3 , 2006

Then personally appeared the above named Dorothy L. Ward in her said capacity and acknowledged the foregoing instrument to be her free act and deed.

Before me,


Notary Public

Type or Print Name

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated on the northwesterly side of Chute Road, so-called, in the Town of Windham, County of Cumberland, State of Maine being more particularly bounded and described as follows:

Beginning at a 5/8 inch iron rod capped, "1313", found on the apparent northwesterly right-of-way limit of said Chute Road at the southeasterly corner of a parcel of land conveyed from Dorothy L. Ward to Ingrid D. Sardinha by a deed dated October 18, 1996 and recorded in Book 12779, page 133 at the Cumberland County Registry of Deeds. Said rebar being located about 0.5 miles from the intersection of said Chute Road with River Road, so-called. Said rebar also being located about twenty-two (22) feet northwesterly from the center of said Chute Road at a point about sixty-seven (67) feet northeasterly of Central Maine Power Co. utility pole #17. Said rebar also marking the Point of Beginning of the first parcel of land conveyed from Edith M. Durant to Reginald I. and Edith M. Durant by a deed dated February 6, 1978 and recorded in Book 4172, page 331 at the Cumberland County Registry of Deeds.

Thence from the Point of Beginning North 53 degrees, 49 minutes, 04 seconds West, along land now or formerly of Ingrid Sardinha (Book 12779, page 131), a distance of two hundred fifty-three and sixty-three hundredths (253.63) feet to a 5/8 inch rebar capped, "1313".

Thence North 36 degrees, 08 minutes, 20 seconds East, along land now or formerly of Ingrid Sardinha (Book 12779, page 131), a distance of eighty-two and thirty-nine hundredths (82.39) feet to a 5/8 inch rebar capped, "1313".

Thence North 35 degrees, 53 minutes, 43 seconds West, along land now or formerly of Ingrid Sardinha (Book 12779, page 131), a distance of three hundred twenty-six and ninety-one hundredths (326.91) feet to a point to be marked with a 5/8 inch rebar.

Thence North 33 degrees, 31 minutes, 45 seconds East, along land now or formerly of Ingrid Sardinha (Book 12779, page 132), a distance of two hundred forty-three and zero hundredths (243.00) feet to a 5/8 inch rebar capped, "1313".

Thence South 35 degrees, 52 minutes, 57 seconds East, along land now or formerly of Ingrid Sardinha (Book 12779, page 133), a distance of one hundred twenty-nine and twenty-three hundredths (129.23) feet to a 5/8 inch rebar capped, "1313".

Thence North 33 degrees, 16 minutes, 47 seconds East, along land now or formerly of Paul and Sheila Blanchard (Book 18397, page 115), a distance of two hundred and twenty-five hundredths (200.25) feet to a 5/8 inch rebar capped, "1313".

Thence South 35 degrees, 46 minutes, 41 seconds East, along land now or formerly of Paul and Sheila Blanchard (Book 18397, page 115), a distance of twenty-nine and seventy-eight hundredths (29.78) feet to a 5/8 inch rebar capped, 1313".

Thence North 33 degrees, 16 minutes, 47 seconds East, along land now or formerly of Christopher and Lori Lord (Book 8550, page 072), a distance of two hundred and zero hundredths (200.00) feet to a point to be marked with a 5/8 inch rebar.

Thence North 35 degrees, 52 minutes, 17 seconds West, along land now or formerly of John C. Jordan (Book 10519, page 343), and land now or formerly of Michael Eichhorn (Book 15892, pages 317 & 319) a distance of eight hundred twenty-six and seventy-two hundredths (826.72) feet to a 5/8 inch rebar found on the easterly line of land now or formerly of Fred Staples (Book 20767, page 229).

Thence South 32 degrees, 56 minutes, 30 seconds West, along land now or formerly of Fred Staples (Book 20767, page 229), a distance of eighty-two and seventy-four hundredths (82.74) feet to a two inch iron pipe.

Thence South 32 degrees, 55 minutes, 28 seconds West, along land now or formerly of Fred Staples (Book 20767, page 229), a distance of three hundred and twenty-four hundredths (300.24) feet to a 1-1/2-inch iron pipe.

Thence South 32 degrees, 54 minutes, 55 seconds West, along land now or formerly of Fred Staples (Book 20767, page 229), a distance of two hundred ninety-nine and ninety-three hundredths (299.93) feet to a 1-1/4 inch iron pipe.

Thence South 32 degrees, 55 minutes, 22 seconds West, along land now or formerly of Fred Staples (Book 20767, page 229), a distance of three hundred and twelve hundredths (300.12) feet to a one inch iron pipe.

Thence South 32 degrees, 55 minutes, 45 seconds West, along land now or formerly of Fred Staples (Book 20767, page 229), a distance of three hundred one and twelve hundredths (301.12) feet to a point at or near the end of a stonewall. Said point to be marked with a 5/8 inch rebar.

Thence North 37 degrees, 05 minutes, 36 seconds West, along land now or formerly of Fred Staples (Book 20767, page 229), and along the center of said stonewall, a distance of one hundred forty-seven and seventy-five hundredths (147.75) feet to a point at the end of said stonewall.

Thence North 35 degrees, 19 minutes, 55 seconds West, along land now or formerly of Fred Staples (Book 20767, page 229), a distance of one hundred fifty and eighty-four hundredths (150.84) feet to a 1-1/4 inch iron pipe.

Thence North 36 degrees, 12 minutes, 13 seconds West, along land now or formerly of Phyllis Colby (Book 1971, page 111), a distance of four hundred seventy and forty-eight hundredths (470.48) feet to a point to be marked with a 5/8 inch rebar.

Thence South 45 degrees, 37 minutes, 55 seconds West, along land now or formerly of Phyllis Colby (Book 1971, page 111), a distance of eight hundred sixty-two and ninety-four hundredths (862.94) feet to the center of a 4 inch by 6 inch stone monument.

Thence South 35 degrees, 53 minutes, 03 seconds East, along land now or formerly of Colebrook Corp. (Book 18946, page 340), a distance of one thousand two hundred eighty-three and ninety-eight hundredths (1283.98) feet to a drill hole in a field stone.

Thence South 32 degrees, 42 minutes, 25 seconds East, along land now or formerly of Clifford Plummer (Book 2570, page 108), a distance of two hundred fifty-seven and seventy-one hundredths (257.71) feet to a 3/4 inch iron pipe.

Thence North 47 degrees, 06 minutes, 34 seconds East, along land now or formerly of Elizabeth Dube (Book 6230, page 231), a distance of two hundred thirty-five and seventy-three hundredths (235.73) feet to a 1-1/2 inch iron pipe.

Thence South 55 degrees, 38 minutes, 38 seconds East, along land now or formerly of Elizabeth Dube (Book 6230, page 231), a distance of seven hundred fifteen and eighty-nine hundredths (715.89) feet to a 3/4 inch iron rod found on the apparent northwesterly right-of-way limit of said Chute Road.

Thence North 25 degrees, 42 minutes, 17 seconds East, along the apparent northwesterly right-of-way limit of said Chute Road a distance of two hundred sixteen and forty-seven hundredths (216.47) feet to a point.

Thence North 18 degrees, 51 minutes, 58 seconds East, along the apparent northwesterly right-of-way limit of said Chute Road a distance of three hundred forty-six and fifty-one hundredths (346.51) feet to a point.

Thence North 31 degrees, 25 minutes, 30 seconds East, along the apparent northwesterly right-of-way limit of said Chute Road a distance of five hundred sixty-one and fifty-nine hundredths (561.59) feet to a 5/8 inch rebar capped, "1313" and the Point of Beginning.

All bearings are referenced to Maine State Grid West Zone NAD-83. Magnetic declination in 2006 being about 16 degrees, 12 minutes west.

All rebars to be set, will be capped, "PLS 1271".

The above-described parcel of land is subject to easements granted to Central Maine Power Company and New England Telephone and Telegraph. Said easements being recorded at the Cumberland County Registry of Deeds in Book 6884, Page 233 and Book 6103, Page 183, respectively.

Meaning and intending to convey a portion and only a portion of those premises conveyed to Reginald I. Durant and Edith M. Durant as joint tenants by Edith M. Durant by deed dated February 6, 1978 and recorded in the Cumberland County Registry of Deeds in Book 4172, Page 331. Said Edith M. Durant was the surviving joint tenant. Also conveying a portion of those premises conveyed to Edith M. Durant by Dorothy Ward by deed dated October 17, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12779, Page 132.

Received
Recorded Register of Deeds
Mar 03, 2006 09:34:35A
Cumberland County
John B O'Brien