

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: October 18, 2017

TO: Windham Town Council
THROUGH: Tony Plante, Town Manager
FROM: Amanda Lessard, Planner *AWL*
Cc: Ben Smith, Director of Planning
Chris Hanson, Director of Code Enforcement
Dustin Roma, P.E., DM Roma Consulting Engineers
RE: Zone Change Application – River Road, Tax Map 5 Lot 1-1
Planning Board Meeting – November 13, 2017

The Planning Department has received the attached zoning amendment request to rezone a portion of a 5.98 acre undeveloped property on River Road, identified on Tax Map 5; Lot 1-1. The property is located in South Windham, between Route 202 and Gambo Road. The request is to change the zoning for a portion of the property from Farm Residential (FR) to Medium-Density Residential (RM). Currently the front 300 feet of the parcel is zoned RM and the rear of the parcel is zoned FR.

The purpose of the zone change request is to allow for a multifamily residential development with the ability to locate the dwellings set back further from River Road. Please note that the current application is for the rezoning of property only. The development that the applicant is proposing would also require subdivision approval.

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.” 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 and is scheduled for the Board’s meeting on November 13, 2017.

Following review and recommendation by the Planning Board, these items will appear on a future Town Council agenda for discussion and a public hearing before it is ultimately accepted or rejected.



October 10, 2017

Amanda Lessard, Town Planner
Town of Windham
8 School Road
Windham, ME 04062

**Re: Application for Zone Change
Tax Map 5, Lot 1-1**

Dear Amanda:

On behalf of Bryan Mills, we have prepared the enclosed application, maps and supporting documents to request a Zone Change for property identified on Tax Map 5 as Lot 1-1. This property has an address of 0 River Road and is currently undeveloped. The land was previously designed and approved as a 4-lot residential subdivision, but the subdivision approvals were formally vacated by the Windham Planning Board (see attached approved Subdivision Plan and Vacancy/Termination Order). The property is approximately 7.4 acres and consists of open field land.

The property is currently bisected by a zone line which designates a 300-foot deep portion of the property closest to River Road as Medium Density Residential Zone (RM Zone). The rear 440-foot deep portion of the parcel is designated as Farm Residential Zone (FR Zone). Our request is to rezone the rear portion of the property from FR Zone to RM Zone so that the entire 7.4-acre parcel is located in the RM Zone. This property is located on the fringe of the South Windham Growth Area as identified on the Future Land Use Map contained in Windham's 2017 Comprehensive Plan. As shown on the attached Zoning Map, the property is surrounded by a large mass of property that is zoned RM, so the zone change will not negatively impact the general character of the neighborhood.

The purpose of the rezone request is to allow for the development of a multifamily residential use project with access to a public water main in River Road. The landowner intends to develop the parcel as a condominium development with the residential units set back from River Road. The current zoning would require the residential dwellings to be clustered close to River Road, which is not a desirable condition. The FR Zone does not allow for the construction of new 2-family or multifamily dwellings.

The rezone would be consistent with the Town's Comprehensive Plan and would allow the property to be developed utilizing best practices. We look forward to discussing this further with the Planning Department and the Town Council and would like to be placed on a Council Agenda to answer any questions. Upon your review of this information, please let us know if you have any questions or require any additional information.

Sincerely,

DM ROMA CONSULTING ENGINEERS

Dustin M. Roma

Dustin M. Roma, P.E.
President

TOWN OF WINDHAM ZONE CHANGE APPLICATION

The original signed copy of this application must be accompanied by the required application fee, along with fifteen (15) copies of any and all plans, maps, drawings, and any related information which shall be printed or reproduced on paper. Applications must be submitted to the Town of Windham Planning Department. The Town Council Chair and Vice-Chair shall place the request on the Town Council's agenda at their discretion.

Contact Information

1. Applicant

Name: BRYAN MILLS

Mailing Address: 13 VICTORIA LANE, WINDHAM, ME 04062

Telephone: (207) 939 - 7472 Fax:

E-mail: BUCKNICO03@YAHOO.COM

2. Record owner of property

(Check here if same as applicant)

Name: _____

Mailing Address:

Telephone:

Fax:

E-mail:

Property Information

Property Address:

0 RIVER ROAD

Assessor's Tax Map & Lot(s) #:

Map: 5 Lot 1-1

Property size (square feet):

322,512 SF 7.4 ACRES

Current Zoning District:

MEDIUM DENSITY RESIDENTIAL (RM)
FARM RESIDENTIAL (FR)

Requested Zoning District:

MEDIUM DENSITY RESIDENTIAL (RM)

Current use of the property:

VACANT LAND

Requested use of the property:

RESIDENTIAL, MULTIFAMILY

Required Attachments

1. Evidence of right, title, or interest in the property.
2. An explanation of how rezoning the property in question would support the goals and objectives of the Town of Windham Comprehensive Plan.
3. A plan of the lot(s) proposed to be rezoned. This plan may be a Windham Tax Map *or* Survey conducted by a Maine Licensed Surveyor. At a minimum, the plan must contain the following:
 - a. Lot lines of the lot(s) proposed to be rezoned,
 - b. Approximate location, width, and purpose of easements or restrictions on the property (if applicable),
 - c. Streets on and adjacent to the lot(s),
 - d. Approximate location of existing buildings, structures, or other improvements to the site (if none, please note).
 - e. Major natural features of the site, approximated by the applicant, including wetlands, streams, ponds, floodplains, treelines, and other important natural features (if none, please note).

I certify all the information in this application form and accompanying materials is true and accurate to the best of my knowledge.

Dustin M Roma

Signature AUTHORIZED AGENT

OCTOBER 10, 2017

Date

WARRANTY DEED

Maine Statutory Short Form

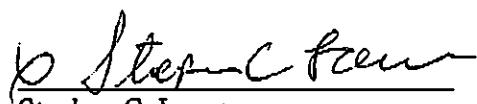
DLN: 1001740015128

KNOW ALL MEN BY THESE PRESENTS, That We, STEPHEN C. LOURA an individual with a mailing address of 429 River Road, Windham, ME 04062 and RICHARD L. PLUMMER, an individual with a mailing address of 183 Varney Mill road, Windham, ME 04062 (hereinafter "Grantors"), for consideration paid, grant to R. BRYAN MILLS an individual with a mailing address of 13 Victoria Lane, Windham, ME 04062 (hereinafter "Grantee"), with WARRANTY COVENANTS, the land in the Town of Windham, County of Cumberland, and State of Maine, described as follows:

See attached Exhibit A.

WITNESS our hands and seals this 12th day of the month of July, 2017.

SIGNED, SEALED AND DELIVERED in the presence of:


Stephen C. Loura


Richard L. Plummer

July 12th, 2017

Then personally appeared the above-named Stephen C. Loura and Richard L. Plummer and acknowledged the foregoing instrument to be their free act and deed.

Before me,

~~Notary Public~~

Print Name

REBEKAH MAYER
Notary Public, State of Maine
My Comm Expires Jan 20, 2023

EXHIBIT A

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

Beginning at a point located at the southeasterly corner of land recently conveyed to Jennifer Libby by deed dated January 21, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32039, Page 238, and thence traveling along River Road in a southerly direction for a distance of approximately one hundred fifty-nine and fifty-eight tenths (159.58) feet to a monument;

Thence, S20°55'56"W a distance of six hundred fifty and eighteen hundredths (650.18) feet to an iron pipe or rod;

Thence, S60°36'03"W a distance of one hundred eighty-two and two tenths (182.20) feet to an iron pipe or rod;

Thence, N36°07'33"W a distance of four hundred seventy-four and forty-seven hundredths (474.47) to an iron pipe or rod along land now or formerly of Donald Toms as set forth in CCRD Book 13039, Page 271;

Thence, N54°06'44"E a distance of two hundred forty-three (243) feet along land of said Toms to an iron pipe or rod;

Thence, N58°21'23"E a distance off one hundred ninety-six and six tenths (196.60) feet along land of said Toms to an iron pipe rod located at the southwesterly corner of land of said Libby;

Thence, traveling along the southern border of said Libby N41°12'54"E a distance of two hundred ninety and sixty-four tenths (290.64) feet to the point of beginning.

Said property being the property which was known as the Alexander Estates Subdivision as set forth on the Minor Subdivision Plan of Alexander Estates Subdivision recorded at the CCRD in Plan Book 207, Page 341. See also Vacancy and Termination Order Minor Subdivision Plan Alexander Estates Subdivision recorded at CCRD in Book 32174, Page 235.

Said land being a portion of the same premises conveyed to Alexander M. Peters and Lydia R. Peters by Alexander M. Peters, also known as Alexander Petris, by deed dated October 4, 1989 and recorded in the Cumberland County Registry of Deeds in Book 8936, Page 87. Meaning and intending to convey and hereby conveying the same property conveyed to the Grantors herein by Deed of Distribution of Timothy R. Dolby Personal Representative of the Estate of Lydia R. Peters dated June 24, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32426, Page 10.

Preparer of deed does not certify title.

**VACANCY AND TERMINATION ORDER
MINOR SUBDIVISION PLAN
ALEXANDER ESTATES SUBDIVISION**

Locus: **430 River Road, Windham, Maine**
(CCRD Plan Book 207, Page 341)

Tax Map/Lot: **Windham Tax Map 5, Lot 1, Sublots 1-4**

Owner: **Estate of Lydia Peters, PO Box 117, Windham, ME 04062**
Timothy R. Dolby is the Personal Representative of
The Estate of Lydia R. Peters

WHEREAS, Timothy R. Dolby is the Personal Representative of the Estate of Lydia R. Peters, the record owner above described parcels of land that make up the subdivision known as Alexander Estates Subdivision (CCRD Plan Book 207, Page 341 See also CCRD Book 30757, Page 226) which was granted approval by the Town of Windham Planning Board on June 11, 2007; and

WHEREAS, the owner of the above described subdivision lands desires to revoke the dedication of the land and vacate said subdivision and therefore remove the entire land from subdivision; and

WHEREAS, the owner and dedicator of the above described subdivision lands has not commenced any substantial construction on the project or its infrastructure; and

WHEREAS, the Town of Windham Planning Board, after due consideration of the request of the dedicator, Estate of Lydia Peters; to revoke the dedication of said land and vacate any dedication thereof, does not have any objection to the request for an amendment of said plan;

NOW THEREFORE, based upon the facts as presented to the Town of Windham Planning Board by the owner and dedicator of the subdivision, Timothy R. Dolby, Personal Representative in the Estate of Lydia R. Peters.

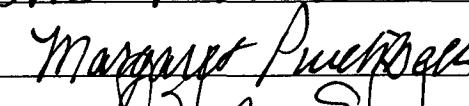
IT IS ORDERED HEREWITHE that the previously approved subdivision known as Alexander Estates Subdivision be amended as being **VACATED AND TERMINATED** and the recorded **Subdivision Plan for Alexander Estates, River Road, Windham, Maine** for record owner **Estate of Lydia R. Peters** as drawn by Sebago Technics, One Cabot Street, Westbrook, Maine 04092, dated August 9, 2006 and having a Windham Planning Board approval date of June 11, 2007 and recorded in the **Cumberland County Registry of Deeds in Plan Book 207**,

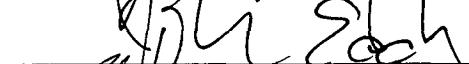
Page 341; is hereby **VACATED** and is hereafter considered **NULL AND VOID**. In as much as this Vacancy and Termination Order is to service as the amendment to the above cited recorded subdivision plot plan, the fully executed original document is to be recorded by the dedicator within ten (10) days of the execution hereof.

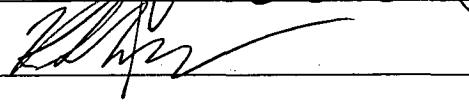
Dated: MARCH 23, 2015

TOWN OF WINDHAM PLANNING BOARD


James M. Hanson Chairperson


Margaret Pinchbeck

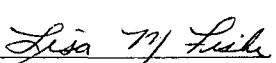

John Eddy

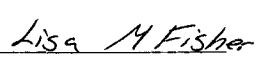

Keith Elder

STATE OF MAINE
CUMBERLAND, SS

March 23, 2015

Personally appeared the above named
David Douglass, James Hanscom, Margaret Pinchbeck, John Eddy and
Keith Elder
in his/her capacity as Planning Board member(s) for the Town of Windham and acknowledged the foregoing instrument to be his/her/their free act and deed in his/her/their capacity and the free act and deed of said municipality.


Lisa M. Fisher
Notary Public


Lisa M. Fisher
Printed Name

Commission Expires: July 30, 2016

Received
Recorded Register of Deeds
Apr 01, 2015 11:57:45A
Cumberland County
Nancy A. Lane


SEAL

RIVER RD

Location RIVER RD**Mblu** 5/ 1/ 1/ /**Acct#** L4973R**Owner** LOURA STEPHEN C & PLUMMER R L**Assessment** \$71,600**PID** 9233**Building Count** 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$0	\$71,600	\$71,600

Owner of Record

Owner LOURA STEPHEN C & PLUMMER R L**Sale Price** \$0**Co-Owner** C/O R BRYAN MILLS 7/17**Certificate****Address** 13 VICTORIA LANE
WINDHAM, ME 04062**Book & Page** 32426/ 10**Sale Date** 06/24/2015**Instrument** ES

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LOURA STEPHEN C & PLUMMER R L	\$0		32426/ 10	ES	06/24/2015
PETERS LYDIA R - HEIRS OF	\$0		8936/ 87	DE	12/07/2012
PETERS LYDIA R	\$0		8936/ 87		09/28/1989

Building Information

Building 1 : Section 1**Year Built:**

Living Area: 0

Replacement Cost: \$0

Building Percent

Good:

Replacement Cost

Less Depreciation: \$0

Building Attributes	
Field	Description
Style	Vacant Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Building Photo

(http://images.vgsi.com/photos/WindhamMEPhotos//default.jpg)

Building Layout

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Land**Land Use**

Use Code 1300
Description UNDEV LOT
Zone FR
Neighborhood 001
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 5.98
Frontage
Depth
Assessed Value \$71,600

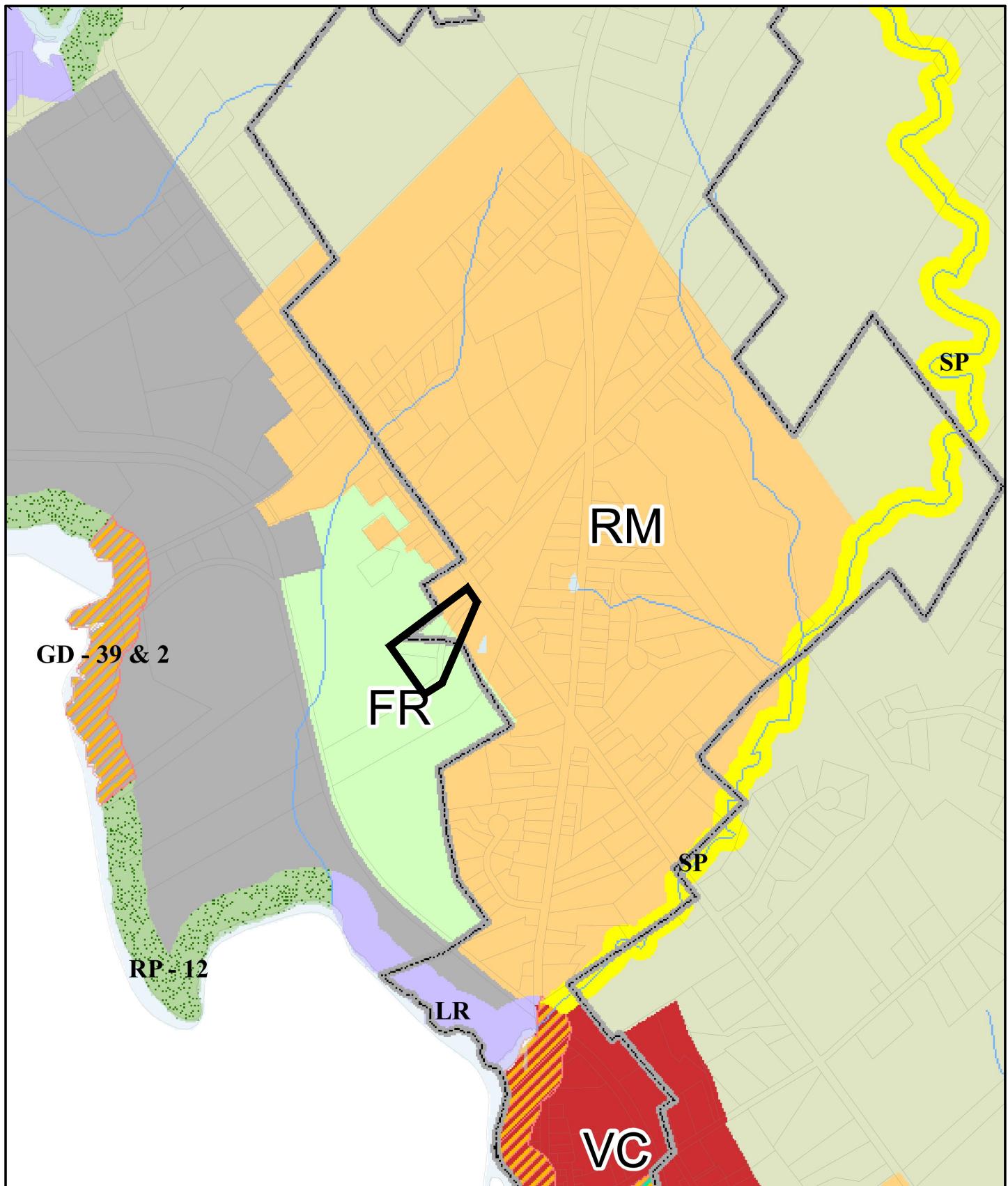
Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$0	\$71,600	\$71,600
2015	\$0	\$69,900	\$69,900
2014	\$0	\$10,400	\$10,400

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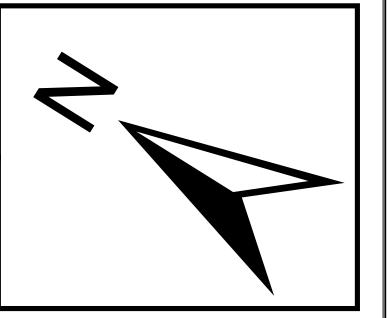


WINDHAM MUNICIPAL ZONING MAP

SCALE: 1"=1,000'
DATE: 10-9-2017
JOB NUMBER: 17057

DM ROMA
CONSULTING ENGINEERS

59 HARVEST HILL RD
WINDHAM, ME 04062
(207) 310 - 0506



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.

TOWN OF WINDHAM CUMBERLAND COUNTY, MAINE 2016 PROPERTY MAPS

SOURCES:
Windham Tax Assessor's Office
Completion Date: April 1, 2016
UTM NAD83 Z19N
Prepared by: Windham GIS Dept.
Scale is based on printing at 24" x 36".

Gorham

1 inch = 400 feet

0 500 1,000 2,000
Feet

Map 5

Legend
Cemetery
Condominium
Farmstead
Hook
Old Property Lines
PWD ROW Easement
ROW Easement
Streams
Subdivision Number
Tie Line
Town Line
Utility
Vacated Subdivision
Subject Map

