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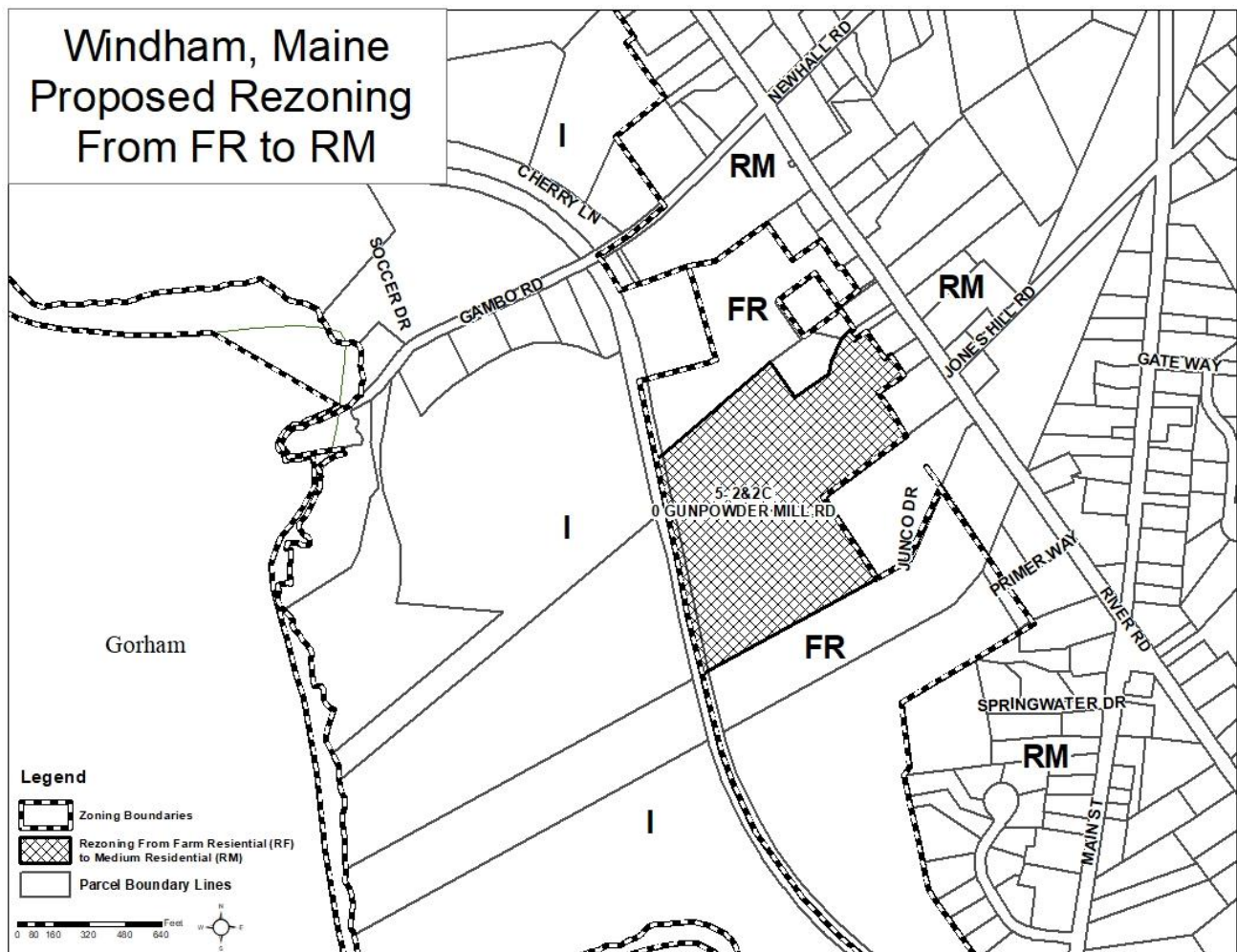
MEMO

DATE: December 9, 2021

TO: Windham Planning Board
FROM: Amanda Lessard, Planning Director
Cc: Dustin Roma, Sebago Realty, LLC
Steve Puleo, Town Planner

RE: 21-23: Request to Rezone Property from Farm Residential District (FR) to Medium-Density Residential District (RM) – Zone Change Review
Planning Board Meeting & Public Hearing: December 13, 2021

A public hearing is scheduled for the Planning Board meeting on December 13, 2021, for the attached zoning amendment request to rezone two (2) parcels on Gunpowder Mill Road, totaling approximately 20.8 acres, from Farm Residential (FR) to Medium-Density Residential (RM). The parcels are identified on Tax Map 5; Lot 2 (1.15 ac) and Lot 2C (19.69 ac). The property is located off River Road in South Windham, between Route 202 and Gambo Road. One of the property lines is the current zoning boundary between the FR and RM districts.



This is the second time a zone change has been requested for this property. In 2005 there was a request to change the zoning of this property from Industrial (I) to Medium-Density Residential (RM). The Town Council ultimately approved a zoning map amendment to the existing Farm Residential (FR) zone. More recently, the Town Council approved a zone change request on February 11, 2020 to amend the zoning map to allow the entire abutting parcel on Junco Drive to be zoned RM.

The Planning Board reviewed a sketch plan for a 15-lot conservation subdivision on a portion of Lot 2C at a meeting on September 27, 2021. The purpose of the zone change request is to allow for higher density residential development as exists in the area around the parcel and is envisioned for the South Windham Growth Area identified in the Comprehensive Plan. New Two-Family and Multifamily Dwellings are not permitted uses in the FR zone, while they are permitted in the RM zone, at a net residential density of 15,000 square feet per dwelling unit. If the property were zoned RM, based on the net area shown on that subdivision sketch plan, 42 dwelling units could potentially be allowed. Please note that the current application is for the rezoning of the property only any large development the applicant would propose would also require subdivision approval.

There are no specific standards in the Town ordinance by which to judge the proposed zoning change, but State statute requires all proposed zoning changes and zoning map amendments to be consistent with the goals and objectives of the Comprehensive Plan. The properties requested to be rezoned are just outside of the area identified on the Future Land Use Map as the South Windham Growth Area in the Town of Windham [2016 Comprehensive Plan Update](#). Growth Areas are the general areas of Windham that should be targeted for growth and additional higher density residential development was identified as appropriate in the South Windham Growth Area. The growth area boundary is not a hard line by which zoning district boundaries must strictly follow. The Board may also consider the surrounding existing development patterns and the current location of the RM and I district boundaries adjacent to these properties.

Planning Staff recognize that the rural zoning in this small area surrounded by higher density residential development and commercial/industrial land uses may not be appropriate, but note that the most appropriate zoning may also not be RM. The Town of Windham, in partnership with the Town of Gorham, is in the beginning stages of a year-long planning process to develop a master plan for the Little Falls/South Windham area. These parcels are in the study area. The final plan when completed at the end of 2022 is expected to include zoning recommendations to support strategies of the plan.

The Planning Board must hold a public hearing prior to making a recommendation on this item to the Town Council. The Town Council will need to vote on the proposed amendment to the zoning map for the changes to be officially approved. After the public hearing and discussion by the Board, the Planning Board may vote on a recommendation to the Town Council similar to the following:

MOTION: To (**recommend/recommend with comments/not recommend**) approval of the proposed zoning map amendment to rezone the property identified as Tax Map 5; Lots 2 and Lot 2C, from FR to RM.