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MEMO

DATE: September 23, 2022

TO: Windham Town Council
THROUGH: Barry Tibbetts, Town Manager
FROM: Amanda Lessard, Planning Director
Cc: Shawn Frank, P.E., Sebago Technics
Scott Smith, 322 Roosevelt Trail, LLC

RE: Proposed Contract Zone – 322 Roosevelt Trail. To permit Multifamily Dwellings and increase density.

Overview

322 Roosevelt Trail, LLC is requesting a contract zone for the Northeastern Motel property located at 322 Roosevelt Trail. The applicant would like to allow for the proposed redevelopment of the existing motel buildings into residential dwelling units. The 3.8 acre property is located on Route 302 and the northwest corner of Nash Road and identified on [Tax Map 12; Lot 58](#). Current zoning: [Farm District \(F\)](#) and [Retirement Community and Care Facility Overlay District \(RCCFO\)](#).

In order to achieve this vision for the property, 322 Roosevelt Trail, LLC is requesting the following changes to the zoning standards from the current Farm (F) zoning district standards:

- Allow Dwelling, Multifamily as a permitted use. Under current F zoning requirements multifamily dwellings are only allowed for the conversion of an existing dwelling or accessory building that was in existence prior to May 13, 1986 and no more than three (3) dwelling units may be created per lot.
- Allow up to 23 dwelling units on the property. Under current F zoning requirements, only 2 dwellings could be placed on this property. Retirement communities could have 33 dwelling units under the RCCFO standards.

The Northeastern Motel is a Nonconforming Use as defined in [Article 3](#) as a Motel (*A building or group of attached or detached buildings containing guest rooms or dwelling units most of which have separate outside entrances and parking spaces nearby intended to be used by automobile transients for compensation. See [Article 5, Performance Standards](#).*) is not a permitted use in the Farm District (F). The 9-unit motel (with attached owner's unit) building existed prior to the Town's adoption of zoning on July 8, 1976. On November 5, 1987, the Board of Appeals granted permission to expand the non-conforming use "Suburban Pines Motel" to double the size. The 13-unit adjacent building was constructed in 1988. At that time the motel was located on 18.4 acres. The Planning Board approved a subdivision of the property into 5 lots on April 23, 1990 (see attached Suburban Pines Motel Plan of Land recorded May 17, 1990 recorded in Plan Book 185 Page 22), that reduced the lot to its current configuration.



Aerial View of the subject parcel relative to surrounding properties and street network.

This is the second time a contract zone has been requested for this property. In 2016 the previous owner requested a contract zone to permit Motels and Multifamily Dwellings and increase density. On July 12, 2016 ([16-053](#)) the Town Council vote failed to send the application to the Planning Board for review and recommendation.

Contract Zoning Process

The process for review and approval of a contract zone is outlined in the Land Use Ordinance [§120-108 Conditional or contract zoning](#). Like other proposed ordinance changes, the process would require sending this request to the Planning Board for a public hearing and a recommendation would be sent back to the Town Council. Based on the requirements of the ordinance, the table below presents a potential timetable for the required meetings.

Table 1 - Contract Zone process						
	TC discussion	TC vote to refer to PB	PB discussion	PB public hearing & vote	TC discussion	TC public hearing & vote
Meeting #	1	2	3	4	5	6
potential date	27-Sept	11-Oct	24-Oct	14-Nov	22-Nov	13-Dec

The table above shows that there would be a minimum of six (6) meetings required, that could see this request ready for a Town Council vote as soon as December 13. This schedule represents the best-case scenario that allows for adequate time to meet legal advertising and public notice requirements related to this request.

Note that the timetable above is for the Contract Zone change request only. A change of the use from the existing motel use to a multifamily development, and to construct the addition to the existing building shown on the proposed contract zone plan, would require Planning Board review of a subdivision and site plan that would meet the Contract Zone and Site Plan Review and Subdivision Review requirements.

The application includes draft contract language outlining the agreement between the Town Council and 322 Roosevelt Trail, LLC. The Town Attorney will review the agreement if the Town Council votes to refer the application to the Planning Board for its review and recommendation.