



## Town of Windham

### Planning Department

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## PLANNING BOARD MEMO

DATE: May 15, 2023

TO: Windham Planning Board  
FROM: Amanda Lessard, Planning Director  
Cc: Steve Puleo, Town Planner  
Shawn Frank, P.E., Sebago Technics  
Scott Smith, 322 Roosevelt Trail, LLC

RE: #22-17 - 322 Roosevelt Trail Contract Zone. The proposed contract zone would permit multifamily dwellings and increase density standards. The property in question is located at 322 Roosevelt Trail, and identified on Tax Map: 12, Lot: 58, Zone: Farm (F).

Planning Board Meeting: May 22, 2023

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### Overview

At their meeting on September 27, 2022, the Town Council requested that the attached proposed contract zone application be forwarded to the Planning Board for review and recommendation as required by [Section 120-108](#) of the Land Use Ordinance.

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.

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.

### Contract Zone:

1. **Zoning Map Amendment:** The Town hereby amends the Zoning Map of the Town of Windham by adopting the zoning map change amendment shown on Exhibit A-1.
2. **322 Roosevelt Trail Contract Zoning District:** The Town hereby creates a 322 Roosevelt Trail Contract Zoning District as defined herein which shall apply to the Property. For the purposes of this Agreement, the 322 Roosevelt Trail Contract Zoning District means a residential development that involve the expansion and redevelopment of the Property and

the residential structure thereon for multifamily residential dwelling up to 23 long-term dwelling units. Said use of the Property will benefit the Town by providing quality affordable housing for the workforce and retirees in an area of the Town where residential use is preferred over commercial or other intensive non-residential uses. The Contract Zone is located on State Route 302, a transit route, that supports the transportation system along the main corridor in the Town. Furthermore, the Contract Zone will not result in a visual change that negatively affects the rural character of the Property of neighboring properties, and no expansion of municipal services is necessary as part of the re-zoning.

### 3. Comparison between the F District and Proposed Contract Zone:

<u>Section 120-406 – Farm District (F)</u>	<u>Attachment 11 - Appendix K, 322 Roosevelt Trail Contract Zone</u>
<u>Permitted uses</u>	<u>Permitted uses</u>
Agriculture	Dwelling, Multifamily
Agriculture, piggery	Home Occupation 1
Agriculture, poultry facility	Home Occupation 2
Building, accessory	Building, accessory
Campground, commercial	Use, accessory
Campground, personal	
Cemetery	
Child care, family home	
Contractor services, landscaping	
Contractor storage yard	
Dwelling, single-family detached	
Dwelling, two-family	
Dwelling, multifamily	
Farm enterprise	
Forestry	
Golf course	
Home occupation 1	
Home occupation 2	
Kennel, minor	
Medical marijuana registered caregiver	
Medical marijuana registered caregiver (home occupation)	
Mineral extraction	
Place of worship	
Public building	
Research laboratory	
Retail sales, nursery	
Riding stable	
Sawmill, permanent	
Sawmill, temporary	
Shipping container	

<b><u>Section 120-406 – Farm District (F)</u></b>	<b><u>Attachment 11 - Appendix K, 322 Roosevelt Trail Contract Zone</u></b>
Use, accessory	
Wireless telecommunications tower and facility	
<b><u>Conditional Uses</u></b>	
Assisted living facility.	None
Bed-and-breakfast Inn	
Boarding home for sheltered care.	
Kennel, major.	
Medical office.	
Nursing home.	
Public utility facility.	
Recreation facility, indoor.	
Recreation facility, outdoor.	
Retail sales, convenience.	
Rooming house.	
<b><u>Dimensional standards</u></b>	<b><u>Dimensional standards</u></b>
Minimum lot size: Standard 80,000 square feet <sup>[1]</sup>	Minimum lot size: 3.82 +/- acres
Net Residential Density: 60,000 SF <sup>[2]</sup>	Density: up to 23 long-term dwelling to be located in two (2) existing buildings, subject to expansion, as depicted on the Contract Zone hereto and incorporated herein as Exhibit B-1
Minimum frontage: Standard 200 feet <sup>[3]</sup>	Minimum frontage: 507.71 +/- feet
Minimum front setback: 40 feet <sup>[4]</sup>	Minimum front setback: 40 feet <sup>[7]</sup>
Minimum side setback: Standard 10 feet <sup>[5]</sup>	Minimum side setback: 10 feet
Minimum rear setback: Standard 10 feet <sup>[6]</sup>	Minimum rear setback: 10 feet
Maximum building height: 35 feet	Maximum building height: 35 feet except for the existing structure as depicted on “Exhibit B-1”
Maximum building coverage: 25%	Maximum building coverage: 25%

[1] Conservation subdivision on public water or not: 30,000 square feet; Country subdivision: six (6) acres; Rooming house four (4) acres.

[2] Country subdivision: 250,000 square feet, see [Section 120-541](#) for Net Residential Density Performance Standards

[3] Conservation subdivision: 100 feet; Conservation Subdivision w/ cul-de sac: 50 feet

[4] Conservation subdivision: 25 feet; Nonresidential use: landscaped buffer strip: 15 feet

[5] Conservation subdivision: 10 feet

[6] Conservation subdivision: 10 feet

[7] Per District Performance Standards 1. and landscaping buffer consists of planting strip of trees and/or shrubs.

#### 4. Prohibited Uses

Uses that are not expressly enumerated herein as either Permitted Uses or Conditional Uses are prohibited.

#### 5. District Performance Standards

- a. Buffer Strip, landscape/streetscape landscaping: A reasonable attempt to screen the project with buffering measures installed between the street right-of-way and the buildings and parking at 322 Roosevelt Trail. The primary purpose of the buffering is to limit and soften views to and from Roosevelt Trail. Screening shall consist of a

planting strip of trees, shrubs, perennials, erratic placement, mounding, or a combination thereof in an aesthetically pleasing arrangement in the location shown on “Exhibit B-1”. Selected vegetation shall be non-invasive and the property owners responsible for maintaining the buffer in good condition. The final screening plan shall be determined by the Planning Board per the site plan and subdivision review.

The buffer strip standards of [Section 120-511](#) of the Land Use Ordinance.

- b. Curb cuts and driveway openings: The curb cuts and driveway opening shall be satisfied existing and as depicted on the Existing Conditions Plan attached hereto and incorporated herein as “Exhibit B-2” and shall not exceed forty feet (40’) in width.

The curb cut standards of [Section 120-522](#) of the Land Use Ordinance, with the exception of [Subsection 120-522B](#) shall apply.

- c. Parking and loading: The project shall include a minimum of one (1) parking space per dwelling unit. Parking layout and design shall be satisfied by existing condition as depicted on “Exhibit B-1” and a parking stall shall be nine feet (9’) by eighteen feet (18’) in size.

Parking for any nonresidential uses shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

The parking and loading standards of [Section 120-542](#) of Land Use Ordinance.

- d. Solid waste dumpster: Any permanent solid waste dumpster shall meet the standards of [Section 120-554](#) of the Land Use Ordinance.
- e. Site plan review and approval authority shall be with the Planning Board in accordance with the application and review requirements established by [Article 8](#) of the Land Use Ordinance.
- f. Subdivision review and approval shall be with the Planning Board in accordance with the application and review requirements and procedures established by [Article 9](#) of the Land Use Ordinance.
- g. Three (3) overhead utility connections, as depicted on Exhibit B-1, shall be permitted.

### **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](#). This section authorizes the Town to approve a contract zone for a specific property or properties based on “...the unusual nature or unique location of the development proposed.” Like other proposed ordinance changes, the process requires the Planning Board to hold a public hearing and to make a recommendation to the Town Council. In accordance



with [§120-108D\(4\)](#) the Planning Board's recommendation to the Council shall address the proposal's conformance with the Town's Comprehensive Plan, how the change establishes a rezoned area that is consistent with the existing and permitted uses within the original zoning district, and shall include all proposed conditions and restrictions, including those recommended by the Planning Board.

The application includes draft contract language outlining the agreement between the Town Council and 322 Roosevelt Trail, LLC. The revise the draft and has been reviewed by the Town Attorney prior to the Planning Board's public hearing and vote on a recommendation.

### **Zoning Amendment Process**

There are no specific standards in the Town ordinance by which to judge the proposed zoning change, but State statute requires all proposed zoning to be consistent with the goals and objectives of the Comprehensive Plan. The Comprehensive Plan recommends lists core values to include increasing housing diversity while maintaining rural character in the Town's designated growth areas as described in the Town of [Windham 2017 Comprehensive Plan Update](#). The zoning change would change the zoning map to reflect the new zoning designation.

**MOTION:** To (**recommend/recommend with comments/not recommend**) approve the proposed amendments to the Land Use Ordinance, Chapter 120 of the Code of the Town of Windham, [Section120-402](#) Location of districts; Land Use Map, changing the zoning district for the property located at 322 Roosevelt Trail from the Farm District to the 322 Roosevelt Trail Contract Zone of the parcel identified as Assessor's Tax Map 12, Lot: 58, in the Farm (F) District.

WINDHAM CODE

Exhibit A  
[The Property]

Doc# 24572 Bk:34047 Pg: 213

Received  
Recorded Register of Deeds  
Jun 01 2017 10:34:47A  
Cumberland County  
Nancy A. Lane

**WARRANTY DEED**  
Maine Statutory Short Form

MAINE REAL ESTATE TAX PAID

**SARONIS CORP.**, a Maine Corporation with a place of business at 322 Roosevelt Trail, Windham ME 04062, for consideration paid, **grants with Warranty Covenants to 322 ROOSEVELT TRAIL, LLC**, with a place of business at 963 Main Street, Westbrook ME 04092, a certain lot or parcel of land with any buildings thereon, situated in Windham, County of Cumberland, and State of Maine, being further described as follows:

A certain lot or parcel of land, with the buildings thereon, situated on the southwesterly side of Roosevelt Trail (also known as U.S. Route 302) and the northwesterly side of the Nash Road, in the Town of Windham, County of Cumberland, and State of Maine, and being shown as "Lot 1. Area = 166,502 sq. ft" on plan entitled "Standard Boundary Survey Plan of Land Suburban Pines Motel, U.S. Route 302 and Nash Road, Windham, Maine made for V.P. Associates, 547 Main Street, Westbrook, Maine," dated September 1, 1989, prepared by James C. Lauzier, RLS, Land Surveying Consultants, P.O. Box 234, So. Windham, Maine and recorded in the Cumberland County Registry of Deeds in Plan Book 185, Page 22.

Grantor received title to the above premises by deed of Marguerite L. Potter dated January 13, 2004 and recorded in the Cumberland County Registry of Deeds in Book 20768 Page 172 on January 14, 2004.

WITNESS, my hand this 31<sup>st</sup> day of May, 2017.

Saronis Corp.

Witness

*By:*

Grantor - Peter Gionis, President Saronis Corp.

State of Maine  
Cumberland, SS

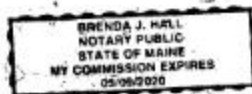
Personally appeared before me Peter Gionis in his capacity as President of Saronis Corp., acknowledged the foregoing instrument to be his free act and deed, and subscribed his name above.

Before me,

Date 5-31-17

*Brenda J. Hall*  
Notary Public/Attorney

*Brenda J. Hall*  
Print Name or Stamp



# WINDHAM LAND USE ORDINANCE

## Exhibit A-1 [Amended Zoning Map]

