



**Town of Windham**  
**Planning Department**  
8 School Road  
Windham, Maine 04062  
Tel: (207) 894-5960 ext. 2  
Fax: (207) 892-1916  
[www.windhammaine.us](http://www.windhammaine.us)

## TOWN COUNCIL MEMORANDUM

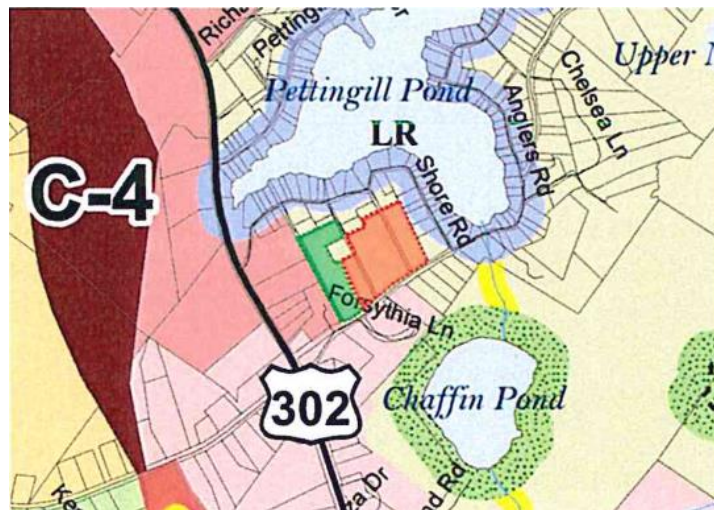
DATE: October 31, 2023

TO: Windham Town Council  
THROUGH: Barry Tibbetts, Town Manager  
FROM: Steve Puleo, Town Planner  
CC: Amanda Lessard, Planning Director  
Windham Planning Board

RE: Planning Board Recommendation - #23-33 – Zone Change Request – To Rezone a Portion of Land at 919 Roosevelt Trail from Farm (F) District to Commercial IV (C-4) District and add “Place of Worship” as a permitted use in the C-4 District

---

At the Planning Board’s meeting of [October 23, 2023](#) the Board held a public hearing on the attached proposed map amendment to rezone a portion of a 10.7-acre portion of the Roman Catholic Church property located at 919 Roosevelt Trail from Farm (F) District to Commercial IV (C-4) and adding “Place of Worship” as a permitted use in the C-4 District.



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

The applicant will retain 3.7 acres, which is used as a parking lot for the Our Lady of Perpetual Help Church. The request also includes adding, as permitted use in C-4 District “Place of Worship”. The agent, Developers Collaborative (DC) Predevelopment, LLC, intends to purchase approximately a 7.0-acre portion of the lot purposed to be rezoned for the development of an affordable multi-family senior housing complex, including parking, utilities, stormwater management facilities, and landscape improvements.

The Town’s Comprehensive Plan adopted June 13, 2017 and the Future Land Use Map (pages 12 and 13) shows the North Windham Growth Area boundary, which encompasses the entire property holdings of the Roman Catholic Church and the entire Pettingill Pond area. In the comprehensive planning process, mapping where growth and changes are desired and where they are not desired is a central component. Growth Areas are the parts of the community where most of Windham’s future growth is to be targeted and encouraged or incentive. It is also where most of the investment in new community

infrastructure and facilities should be located. The Rural Areas are places where future development is to be directed away. The C-4 District will help transition to more intensive land uses from rural areas of town.



★ Site of proposed zone change from Farm to C4

The Planning Department received 38 written comments and 18 members of the public provided comments at the Planning Board’s public hearing held on October 23, 2023.

**PUBLIC COMMENTS SUMMARY:** As mentioned above, both the written comments and public comments provided at Planning Board hearing were consistent and were based on seven issues of concerns as such as:

- 1) Anglers Road: Residents who are part of the private portion of Anglers Road and Mt. Hunger Shore Road are concerned about the increased traffic on the road. They feel the potential residential development will lead to deterioration of the road surface, speeding issues, littering (unknown waste, furniture, etc.), and other nuisances. The town’s public works maintains a winter maintenance program with the Angler Road Association through a maintenance easement with the town.
- 2) Water Quality: Residents are concerned about any future construction on the approximately seven-acre portion of the land area planned for rezoning’s possible impact on the water quality of Pettingill Pond. The residents claim that none of the properties along Shore Road, Spear Avenue, Summer Avenue, or Howard Avenue have a connection to the Portland Water District’s (PWD) public water supply. They indicated that they have either privately drilled water wells or "direct point" source wells on their property near Pettingill Pond.
  - a. The residents feel that the Aquifer Protection Overlay District B (APB) should restrict the uses of the land to the protection of well water supplies.
  - b. Clearing of the land area vegetation for the development will lead to stormwater runoff, which could negatively affect Pettingill Pond water quality.
  - c. The North Windham Wastewater Facility construction plans do not intend to provide a collection system for the treatment of sanitary waste from future residential projects in this area of town. Residents are concerned about the groundwater quality and the potential impact of a large on-site wastewater disposal field on their wells.
- 3) Future Development: Residents are concerned that the possible multifamily residential development is not compatible with a single-family neighborhood. Since the development of Anglers Common, there has been more trash and debris found along the road’s ROW, causing the area to look unsightly and messy. They expressed that a large, affordable residential development along with a potential 24-unit condominium development on the corner will cause

increased trash and debris along Anglers Road. Any type of commercial development allowed in the C-4 will not be compatible with the neighborhood. The RSU school bus picks up the children at the corner of Anglers Road and Route 302 from Shore Road, Anglers Road, and the Mt. Hunger Shore Road residences.

- 4) Road and Sidewalk Improvements: Residents trying to get on Route 302 feel the intersection at Shore Road and Roosevelt Trail is dangerous and impossible to make a left to travel southbound on Route 302 because of the two northbound travel lanes. The signal at Whites Bridge Road, Anglers Road, and Roosevelt Trail at times is unsafe, with traffic headed northbound during peak hours. The installation of the bypass roads planned for North Windham may help, but the public felt that until these two road projects are complete, as well as the public sewer connection, this property should not be allowed to be developed. The residents were concerned that there were limited sidewalks on Anglers Road and no sidewalk connection between the portion of North Windham and the retail areas, and walking a lot along the edge of Anglers Road and Roosevelt Trail would be hazardous.
- 5) Loss of Trees: The loss of trees required for a big multifamily building would allow property owners along Shore Road and on the pond to hear Route 302 traffic noise. The proposed four-story structure would be an "eyesore" and contribute to light pollution on the pond and adjacent homes.
- 6) Support of the Zone Change Request: Parishioners of Our Lady of Perpetual Help Church supported the zoning change by investing in the land as a source of funding needed to rebuild the church and sanctuary. The applicant testified that an affordable 55+ community would be one of the only types of residential developments in the area that has reasonable walkable access to the North Windham retail area.
  - a. The applicant stated that the church had purchased the undeveloped land as an investment that could be used for church improvements. They are concerned that the church structure may need to be constructed due to the foundation sinking.
  - b. The church's finance director responded to a public statement that the church property does not pay property taxes to the town. He corrected the comment that the church does pay property taxes for the rectory building.

**BOARD COMMENTS SUMMARY:** The Board deliberated after the staff review of the Planning Board memo and public comments of the hearing. The following are summaries of their discussion:

- 1) The board members discussed all proposed uses that would be allowed if the 55+ residential development fails to apply or get approved. The Board, in general, felt that the site is not very good for commercial types such as retail, restaurants, commercial service businesses, etc due to the existing residential neighborhoods and environmental concerns.
- 2) The board discussed how the land use ordinance would require the developer to meet performance standards of [Articles 4 Zoning District](#), [5 Performance Standards](#), and [8 Site Plan Review](#).
  - a. One board member asked what the purposes of the Aquifer Overlay District B is for. Staff informed the board the purpose of the aquifer overlay district is to protect Chaffin Pond when it was used as drinking water supply.
  - b. The board further discussed the site plan review standards, per [§120-812](#), and explained that traffic, stormwater, and wastewater standards are under the Planning Board's review authority. The site plan review standards would apply to a single structure multifamily building, or any commercial development proposed found in either the Farm District or C-4 District. If there is a commercial development, the [§120-813](#) Commercial District Design standard would apply. In the C-4 district, nonresidential uses also include a 50-foot buffer from the district boundary with a residential zoning district.

- c. Multifamily development standards found in [§120-814](#), which are part of the site plan review, will apply and provide significant open space and architectural standards more than Article 9 subdivision, but were concerned with the overall height of the building. The additional district buffer would help if the development was not residential. Any development of the site may include upgrading Anglers Road, such as aggregating the existing lot of the Pettingill Shore subdivision recorded in 1927, a conservation subdivision, or a commercial development, as permitted by the zoning district.
- 3) The board discussed their understanding that all zone changes shall be consistent with the town's Comprehensive Plan because this area is included in the North Windham Growth Area. To be consistent with the plan, both the Commercial IV (C-4) and Medium Density Residential (RM) districts are considered growth area districts. The comprehensive plan identified growth areas, proximity to infrastructure, changes in economic development patterns, protecting water quality during and after development occurs, and the town's housing needs and demands. The relationship between all these competing interests is not clear, and data may not be readily available. If the zoning remains, the town shall revise its comprehensive plan to be consistent with the town's ordinances, as required by the state.

Following discussion of the proposed changes, the Board made the following motion:

To not recommend approval of the proposed amendments to the Land Use Ordinance, Chapter 120 of the Code of the Town of Windham, [§120-402](#) Location of districts and Land Use Map to change the zoning district for the portion of 919 Roosevelt Trail property which is located in Farm (F) District to Commercial IV (C-4), and as identified as Tax Map 80, Lot 58 and add "Place of Worship" as a permitted use in §120-411.1 with the comments:

- Rezoning needs to happen to be consistent with the Comprehensive Plan. Given the existing residential development and environmental concerns, RM is preferred over C-4.
- There may be a need to reevaluate the growth area boundary instead of rezoning to fit the growth area.
- The Board supports adding "place of worship" as a permitted use in C4.

Rick Yost made the motion, and Shonn Moulton seconded the motion.

By a Board vote of 7-0, the amended recommendation was approved.