

# M.L. ROGERS INC.

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434 Gray Road, Windham, ME 04062  
Phone: 892-4532 • Fax: 892-9668

## EARTHMOVERS

My name is Keith Elder and over the last few years have gained ownership of M.L. Rogers. Now my interest is in cleaning the back yard. Forever there have been box trailers used for storage sheds out back as well as other items stored uncovered. I would like to build a storage building that would allow me to empty and dispose of the trailers and keep items of value under cover. We have already used our 10% right to expand through Code Enforcement in the 1980's (sec 203.2.(a)). The only way for me to build a building is with the approval of the Board of Appeals (sec 203.2.(b)).

Thank you,

Keith Elder

# **M.L. ROGERS INC.**

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## **EARTHMOVERS**

I am Keith Elder and the principal owner of 434 Gray Rd. I give to Dustin Roma the right to represent me at the Windham Zoning Board of Appeals.

## *Statement to Town of Windham Board of Appeals*

I acknowledge submitting my application to the Board of Appeals and signing this statement that I the undersigned:

State the proposed plan is to scale and reflects the true representation of the proposal requested.

I further understand that if the Board finds that it does not, then the Board has the right to table my application until I have met the requirements.

Applicants  
Signature *RM 7962* Date *3-9-17*

APPLICATION FOR APPEAL  
TO WINDHAM ZONING BOARD OF APPEALS

Fee Paid \$400.00 CK # \_\_\_\_\_ CASH \_\_\_\_\_ CHARGE \_\_\_\_\_ DATE \_\_\_\_\_

APPLICANT

NAME: M. L. Rogers Inc.  
ADDRESS: 434 Gray Rd. Windham, ME 04062  
TELEPHONE: 892-4532

OWNER

NAME: Keth J. Elder  
ADDRESS: 9 Ethan Dr. Windham, ME 04062  
TELEPHONE: 712-2158

ADDRESS OF PROPERTY OR LOCATION 434 Gray Rd. Windham.  
MAP # 44 LOT # 17 PROPERTY IS ZONED F.R.  
LOT WIDTH: 352.53' LOT DEPTH: 350.51' LOT AREA: 114,036 sq. ft.  
EXISTING USE OF PROPERTY: Excavation company

TYPE OF APPLICATION

\_\_\_\_\_ Variance from Ordinance  
\_\_\_\_\_ Conditional Use  
\_\_\_\_\_ Appeal from decision of Code Enforcement Officer  
\_\_\_\_\_ Home Occupation 2  
\_\_\_\_\_ X Expansion of a Nonconforming Use

PROPOSED USE: Please describe in detail what you wish to do and what the use of any proposed structures will be. (Attach a letter of explanation if necessary :)

I would like to build a storage building to park equipment and supplies under cover. In doing this I would be able to remove sheds & trailers from my yard.

Why is Board of Appeals approval required?

434 Gray rd has already used its 10% expansion (sec. 203.2.(a)).

Amount of variance required, if any: - 0 - ft.

TYPE OF SEWAGE DISPOSAL SYSTEM: Present X Proposed \_\_\_\_\_

STRUCTURAL DIMENSIONS: (Exterior length and width)

Existing 68' 1/2 ft. By 80 ft. Number of Stories 1

Proposed 50' ft. By 100' ft. Number of Stories 1

NUMBER OF ROOMS IN PROPOSED STRUCTURE: open

IS ADDITIONAL PLUMBING CONTEMPLATED? Yes \_\_\_\_\_ No X

If yes, please describe: \_\_\_\_\_

IF REQUIRED, HAS PLANNING BOARD APPROVAL BEEN OBTAINED?

Yes \_\_\_\_\_ No \_\_\_\_\_ Not Required X

A location map and a scaled site plan must accompany this application. The site plan must show dimensions of the property, location of all buildings, yards, parking spaces and septic systems, and all existing and proposed setbacks.

An application fee of \$400.00 for residential appeals as well as for non-residential or multi-family is required upon application submission. *If the Code Enforcement Office determines that ordinary and customary expenses associated with review of the development are higher than the \$400.00 fee, then the applicant shall be billed and shall pay to the Town prior to the final approval said expenses, including, but not limited to cost associated with notification of abutters, advertising of public meetings, and all the time dedicated to review of the development.*

NOTE: Applicant or his/her representatives must attend board meetings. If a request is needed to be tabled, the applicant or his/her representative must attend meeting to ask to be tabled. (11/21/91).

**The right of any variance from the terms of this chapter granted by the Board of Appeals Shall expire if the work or change permitted under the variance is not begun within six (6) Months or substantially completed within one (1) year of the date of the vote by the Board.**

***I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND IN ITS SUPPLEMENTS IS TRUE AND CORRECT.***

Applicant's Signature *W. J. Elder* Date *3-9-17*



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## EARTHMOVERS

### Conditional Use Questions

- 1) Property Value.  
Being able to store my assets under cover rather than the way it is **will not** depreciate the economic value of surrounding properties.
- 2) Wildlife Habitat.  
The existing area is already open and is presently used for storage. The proposed use **will not** damage significant wildlife habitat or spawning grounds identified by the Maine Department of Inland Fisheries and Wildlife or by the Town of Windham's Comprehensive Plan.
- 3) Botanical Species.  
The existing area is already open and is presently used for storage. The proposed use **will not** damage rare or endangered botanical species as identified by the Maine Department of Conservation or by the Town of Windham's Comprehensive Plan.
- 4) Potable Water.
  - a) There is presently town water at 434 Gray Rd. This use will not require potable water but the proposed use **has** access to potable
  - b) The existing area is an impermeable area. The proposed **use will not** burden either a groundwater aquifer or public water system.
- 5) Sewage Disposal.  
The proposed use **will not** have a need to dispose of sewage waste.
- 6) Traffic.  
There will be no additional traffic generated by the proposed use and the existing **has** adequate sight distance as established by current Maine DOT Highway Entrance and Driveway Rules. Sec. 500 Performance Standards Land Use Ordinance Town of Windham 5-10.
- 7) Public Safety.  
The proposed use will be accessed by the existing driveways and **will not** overburden police, fire and rescue services, as determined by response time, accessibility to the site of the proposed use, and numbers and types of emergency personnel and equipment presently serving the community.
- 8) Vibration.  
The use is for storage and **will not** produce inherently and recurrently generated vibrations that exceed a peak particle velocity greater than 2.0 at the closest "protected structure," as defined by the Maine Department of Environmental Protection.
- 9) Noise.  
The proposed use **shall** meet the noise standards in section 812.S. of the Site Plan Review Ordinance.
- 10) Off Street Parking and Loading.  
There will be **no** additional parking or loading added due to the proposed use.
- 11) Odors.  
The proposed use **will not** emit noxious or odorous matter in such quantities as to be offensive at the lot line
- 12) Air Pollution.  
Emissions of dust or other form of air pollution **will not** be permitted which can cause any damage to health to animals or vegetation, or other forms of property, or which can cause any excessive soiling at any point, and in no event any emissions, from any activity permitted composed of any solid or liquid particles in concentration exceeding three-tenths (0.3) grain per cubic foot of the conveying gas or air at any point.
- 13) Water Pollution.  
Discharge at any point into any private sewage disposal system or stream or into the ground of any materials in such a nature or temperature as to contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements **will not** be permitted.

14) Erosion and Sedimentation Control.

At the time of obtaining a building permit D. M. Roma will design to comply with The Town of Windham's Erosion and Sedimentation requirements. The proposed use **will not** cause water pollution, sedimentation, erosion, nor contaminate any water supply, nor reduce the capacity of the land to hold water, so that a dangerous or unhealthy condition may result.

15) Hazard Material.

This use **shall not** for any period of time discharge across the boundaries of the lot wherein it is located toxic and noxious matter in concentrations so that a dangerous or unhealthy condition may result.

16) Zoning District and Performance Standards.

The building will meet appropriate side and rear set backs therefore, the proposed use **will** meet the applicable zoning district standards in section 400 and the applicable performance standards of section 500. Town of Windham land Use Ordinance Sec.500 Performance Standards 5-11

17) Solid Waste Management.

The proposed use will not generate additional solid waste. Presently there is a weekly dumpster service therefore the proposed use **will** provide for adequate disposal of solid wastes. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.





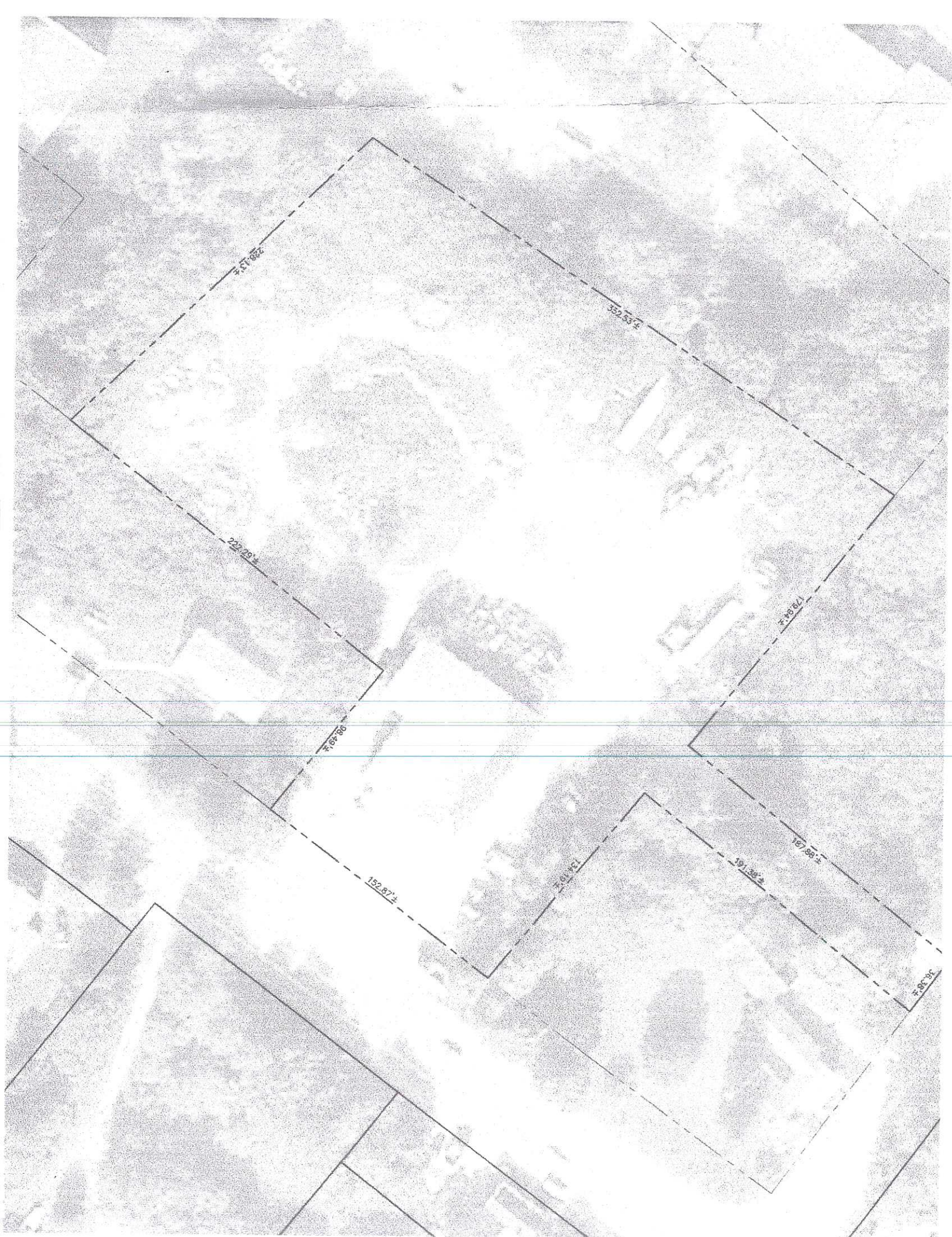
Google Earth

feet  
km



Google Earth









M.L Rogers  
434 Gray Rd.

Water Line

New Storage Building

Existing Septic

1" = 35'  
10' setbacks