

**Town of Windham, ME
Board of Appeals
Thursday- September 5, 2019
Windham Town Office- Council Chambers
7:00 P.M.**

Call to Order: Quorum Met

Roll Call and Declaration of Quorum

Present Board Members: Marge Govoni, Chair, Jim Cobb Vice Chair, Chuck Fleck Jr, Christopher McDonald

Present Staff Members: Christopher Hanson, Director of Zoning & Code Enforcement

Additional Present: None

Minutes: May 2, 2019

MOTION: To approve minutes- made by Jim Cobb and seconded by Christopher McDonald.
Approved 3 Abstained 1

Public Hearing

**19-02 Conditional Use Expansion of a Kennel-Minor to Kennel-Major at 8 Cartland Rd. Map 9 Lot 25A
Farm Residential Zone (FR)**

Applicants: Mike and Tina Constantine

Public Hearing was opened. No one present.

Public Hearing was closed.

MOTION: To approve application- made by Chuck Fleck Jr. seconded by Christopher McDonald.

Conditions:

1. Only 20% of the dwelling unit can be used. Any additional use of space will be subject to the Code Enforcement inspections and approval.
2. Breeding will require a separate license and subject to Code Enforcement Inspections.
3. This approval remains with the current applicant, new approval will need to be reviewed should another person or entity take over space.
4. The approval is based upon any plans, sketches, drawings, or other supporting materials presented by the applicant and all representations made by the applicant at the Board of Appeals hearing on the application, as well as any conditions placed by the Board of Appeals on

the approval. No change shall be made from the application, supporting materials, representations or conditions of approval with the prior approval by the Board of Appeals of an amendment to this approval or a new approval.

All-In-Favor 4-0

MOTION: To Adjourn

All-in-Favor 4-0

Respectfully Submitted,

Kelsey Luce



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Agenda Zoning Board of Appeals

Wednesday, January 6, 2021

7:00 AM

Site Walk- Not Televised

[ZBA 20-006](#)

The Board of Appeals Members will be meeting on-site starting at 7:00am for inspection Wednesday, January 6, 2021.

Site Walk- Not Televised

**APPLICATION FOR APPEAL
TO WINDHAM ZONING BOARD OF APPEALS
LAND USE APPLICATION**

Fee Paid
CK# 1752
Amt: \$ 400.00
Date: Nov. 11, 2020
(check date)

APPLICANT

NAME: LEE'S FAMILY TRAILER ACQUISITIONS, LLC
ADDRESS: 480 ROOSEVELT TRAIL, WINDHAM, ME 04062
TELEPHONE: 892 - 8308

OWNER

NAME: SAME AS APPLICANT
ADDRESS: _____
TELEPHONE: _____

ADDRESS OF PROPERTY OR LOCATION 480 ROOSEVELT TRAIL
MAP # 15 LOT # 1-A PROPERTY IS ZONED C-3
LOT WIDTH: 394 FT LOT DEPTH: 764 FT LOT AREA: 16.7 AC sq. ft.
EXISTING USE OF PROPERTY: RETAIL SALES, AUTOMOBILE SALES

TYPE OF APPLICATION

 X Variance from Ordinance
 Conditional Use
 Appeal from decision of Code Enforcement Officer
 Home Occupation 2

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 :)

EXPANSION OF AN EXISTING NON-CONFORMING USE TO ALLOW FOR ADDITIONAL
PARKING AREAS FOR RECREATION VEHICLES AND TRAILERS. SEE COVER LETTER
FOR ADDITIONAL INFORMATION

Why is Board of Appeals approval required?

EXPANSION OF AN EXISTING NON-CONFORMING USE

Amount of variance required, if any: _____ ft.

TYPE OF SEWAGE DISPOSAL SYSTEM: Present _____ Proposed _____

STRUCTURAL DIMENSIONS: (Exterior length and width)

Existing: _____ ft. By _____ ft. Number of Stories _____
Proposed: _____ ft. By _____ ft. Number of Stories _____

NUMBER OF ROOMS IN PROPOSED STRUCTURE: _____

IS ADDITIONAL PLUMBING CONTEMPLATED? Yes _____ No x

If yes, please describe: _____

IF REQUIRED, HAS PLANNING BOARD APPROVAL BEEN OBTAINED?

Yes _____ No x Not Required _____

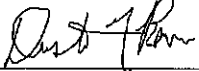
A location map and a scaled site plan must accompany this application. The site plan must show dimensions of the property, location of all buildings, yards, parking spaces and septic systems, and all existing and proposed setbacks.

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  Date 11-11-2020

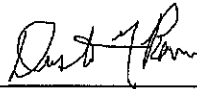
Statement to Town of Windham Board of Appeals

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*** _____



Date 11-11-2020



December 22, 2020

Marge Govoni, Chair
Town of Windham Zoning Board of Appeals
8 School Road
Windham, ME 04062

**Re: Application for Expansion of an Existing Non-Conforming Use
Lee's Family Trailer Property
Lee's Family Trailer Acquisitions, LLC – Applicant**

Dear Marge:

On behalf of Lee's Family Trailer Acquisitions, LLC we have prepared the enclosed application for approval to expand an existing non-conforming use related to the Lee's Family Trailer Sales property located at 480 Roosevelt Trail and identified as lot 1A on Windham Assessor's Map 15. The property is located in the Commercial 3 Zoning District. The property received Site Plan approval from the Windham Planning Board in 1993 for the current use, which was identified on the plan as "Trailer Sales and Service Use". The Town currently defines the use on the property as meeting the definition of "Retail Sales, Automobile Sales", which is not an allowed or conditional use in the Commercial-3 Zoning District. The use became non-conforming when the Town revised the land use ordinance to create the definition of a "Retail Sales, Automobile Sales" use and to exclude it from the Commercial-3 Zoning District.

In 2017 the Zoning Board of Appeals approved a request to expand the use by 65,775 square feet into an adjacent parcel that would be merged with the subject parcel. This constituted a 28% expansion based on the existing use area at the time of 236,500 square feet. The business has continued to grow at a steady pace and the owner needs additional space to store duplicate models and units that require service. The current proposal is to build out an additional 170,500 square feet of area as gravel and stone surface parking on the rear land. The 170,500 square feet of expansion, when combined with the previously approved 65,775 square foot expansion, would constitute just below a 100% expansion totaling 236,275 square feet of expanded non-conforming use. It is our understanding that Chapter 200 of the Windham Land Use Ordinance gives authority to the Zoning Board of Appeals to authorize up to 100% expansion of an existing non-conforming use.

The enclosed Site Plan depicts the existing buildings, vehicle parking areas, inventory display areas, existing septic systems and the required property setbacks. The Site Plan also depicts the previously approved expansion area and proposed additional expansion area. There are no additional buildings proposed to be constructed at this time.

The site improvements will require an amendment to the Site Plan approvals that were granted by the Planning Board in 2017. The project had been approved in 2017 as a subdivision but the owner did not proceed with construction of the road or the lot splits, and the subdivision

expired in November 2020. The project will also require the Stormwater Permit approved by the Maine DEP to be amended and replaced by a new Site Law Permit that we have already been coordinating with Maine DEP.

The owner has done some preliminary earthwork and grading on the property, which the Town Code Enforcement Officer has determined must cease until the required permits have been granted by the Town. The limits of site grading have been shown on the attached plan, including areas where fill will be removed in order to construct a proposed stormwater pond.

The following outlines how the specific approval criteria have been addressed with this application:

1. Property Value. The proposed use will not depreciate the economic value of surrounding properties.

Response: The proposed expansion will fit in with the surrounding uses that include Tractor Supply Company, which sells trailers, and the commercial uses on Danielle Drive. The abutting properties to the rear are generally undeveloped and will not be negatively impacted by the proposed development.

2. Wildlife Habitat. 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.

Response: The proposed expansion will occur over an area that was previously approved by the Maine DEP and the Windham Planning Board for a multi-lot business park. As part of the approval process for the business park, the MDEP and Town made findings that the land disturbance would not have negative impacts on any sensitive wildlife areas. We have included a "Beginning with Habitat" map from MDIFW which shows there are no mapped critical wildlife habitat areas within the project area.

3. Botanical Species. 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.

Response: The proposed expansion will occur over an area that was previously approved by the Maine DEP and the Windham Planning Board for a multi-lot business park. As part of the approval process for the business park, the MDEP and Town made findings that the land disturbance would not have negative impacts on any sensitive botanical areas.

4. Potable Water. The proposed use has access to potable water. The proposed use will not burden either a groundwater aquifer or public water system.

Response: The existing facility has public water service from the Portland Water District. The proposed expansion will not need any additional water service and it will not increase the demand for potable water.

5. Sewage Disposal. The proposed use has adequate capacity to dispose of sewage waste. A change from one use to another use must show that either the existing sewage system has adequate capacity for the proposed use or the existing sewage system will be improved (or a new system will be installed) to provide adequate waste disposal capacity.

Response: The existing facility has a properly functioning wastewater disposal field on the property. There is no anticipated need for an expansion to the facility as a result of the parking area expansion.

6. Traffic. The proposed use has adequate sight distance as established by current Maine DOT Highway Entrance and Driveway rules.

Response: The proposed expansion will be accessed internally from the existing facility and will have a secondary access from the existing cul-de-sac at the end of Danielle Drive. Sight distance is adequate at the existing site entrances and the proposed entrance on Danielle Drive.

7. Public Safety. The proposed use 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.

Response: The current facility is extremely congested with very narrow travel corridors between the trailers. If a customer were to need emergency attention, it may be difficult to access in the site's current condition. Under the proposed expansion, there will be much better opportunity to maintain adequate drive aisles for improved access by emergency vehicles, and there will also be a secondary entrance constructed on Danielle Drive.

8. Vibration. The proposed use 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.

Response: The proposed expansion is not expected to generate any discernable vibrations beyond what is already being generated at the facility.

9. Noise. The proposed use shall meet the noise standards in Section 812.S of the Site Plan Review Ordinance.

Response: The proposed expansion is not expected to generate any significant changes to noise beyond what is already being generated at the facility. The use is a relatively low noise generator.

10. *Off-Street Parking and Loading.* The proposed use meets the parking and loading standards of Section 812.C Site Plan Review.

Response: The primary objective of the proposed expansion is to significantly improve the parking and loading area available to the project.

11. *Odors.* The proposed use will not emit noxious or odorous matter in such quantities as to be offensive at the lot boundaries.

Response: The proposed expansion and associated use is not expected to generate any significant odors.

12. *Air Pollution.* No emission of dust or other form of air pollution is 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 emission, 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.

Response: The proposed expansion and associated use is not expected to generate any significant air pollution.

13. *Water Pollution.* No discharge at any point into any private sewage disposal system or stream or into the ground of any materials in such nature or temperature as to contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements is permitted.

Response: A stormwater treatment filter basin was constructed as part of the 2017 use expansion. Additional stormwater ponds will be constructed to provide water quality treatment for the developed area of the site. The proposed improvements will be required to meet the treatment standards of the Maine DEP and must receive a Site Law Permit from the Maine DEP and Site Plan approval from the Windham Planning Board.

14. *Erosion and Sedimentation Control.* 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.

Response: A site-specific erosion and sedimentation control plan will be prepared and implemented as part of the MDEP Permit and Town Site Plan Approval process. The erosion controls will be inspected by the Town Engineer or his designee while the project is under construction.

15. *Hazardous Material.* No use shall for any period of time discharge across the boundaries of the lot wherein it is located toxic or noxious matter in concentrations so that a dangerous or unhealthy condition may result.

Response: There is no proposed hazardous material use associated with the proposed facility expansion.

16. Zoning District and Performance Standards. The proposed use meets the applicable zoning district standards in Section 400 and the applicable performance standards of Section 500.

Response: The project will be in compliance with all applicable Section 400 and Section 500 standards, as determined by the Planning Board and Code Enforcement Office.

17. Solid Waste Management. The proposed use shall provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

Response: The proposed expansion is not expected to generate significant amounts of additional solid waste beyond what is already being generated at the facility. The owner has a contract with a licensed waste hauler to perform solid waste removal at the facility.

Upon your review of this information, please let us know if you have any questions or require any additional information.

Sincerely,

DM ROMA CONSULTING ENGINEERS

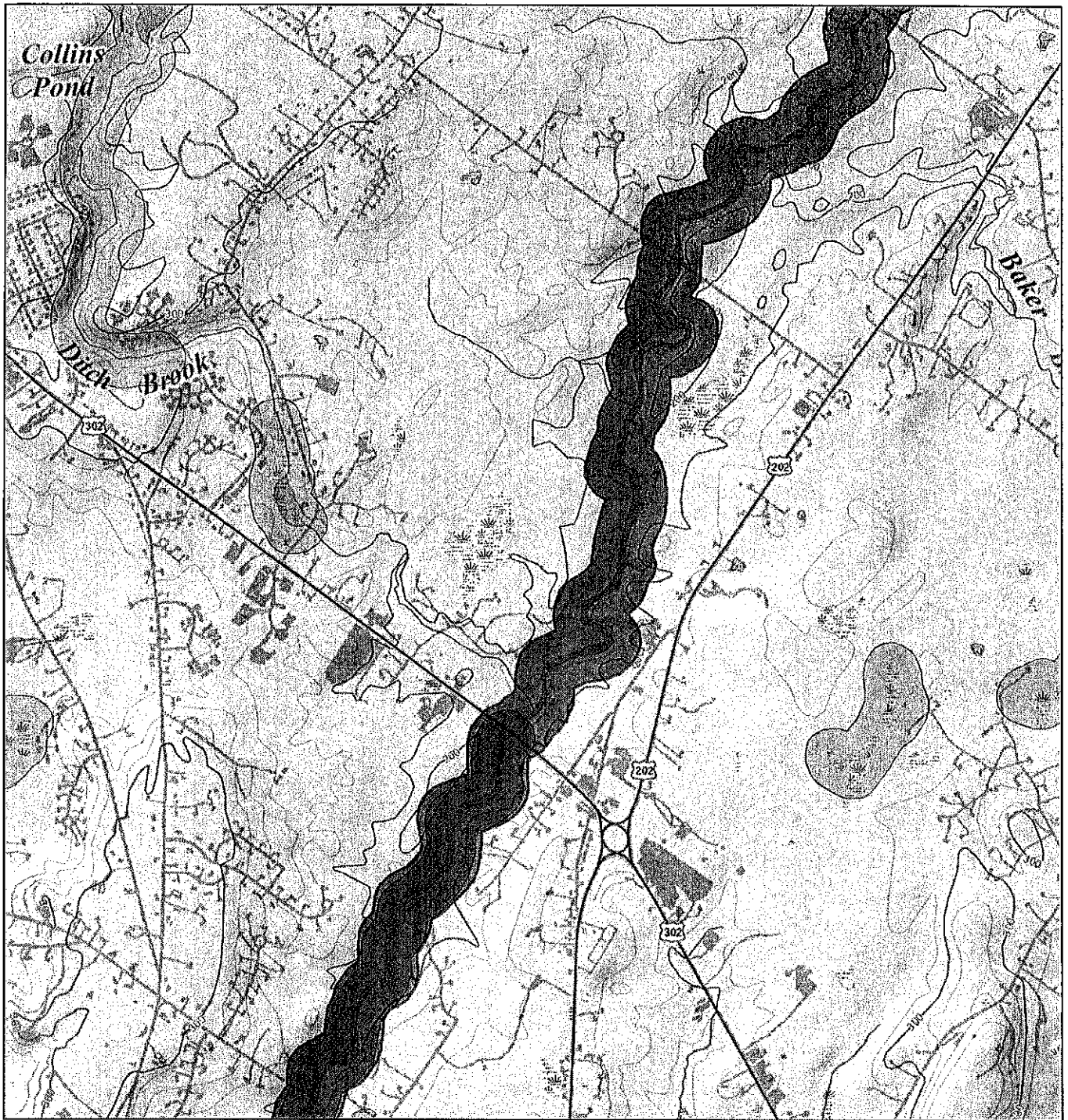
Dustin Roma

Dustin M. Roma, P.E.
President

Cc: Dan Craffey, Lee's Family Trailer Acquisitions LLC

Enc.

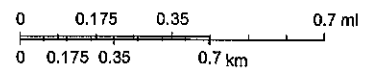
Beginning With Habitat



July 3, 2017

- ETSC Animal Habitat Buffers
- Inland Wading Bird and Waterfowl Habitat

1:18,056



**TOWN OF WINDHAM
ZONING BOARD OF APPEALS
NOTICE OF DECISION**

Date: **May 4, 2017**

Moose Landing North, LLC
P.O. Box 177
Naples, ME 04055

04-17 – Moose Landing North Recreation Vehicle Lot – Requesting an expansion of a Non-Conforming Use. Zone is C-3 (Commercial 3 Zone) Map 15 Lot 2, for 0 Roosevelt Tr.

Joanne Mattiace made a motion to approve application:

Conditions:

- 1. This approval is based upon any plans, sketches, drawings or other supporting materials presented by the applicant and all representations made by the applicant at the Board of Appeals hearing on the application, as well as any conditions placed by the Board on the approval. No change shall be made from the application, supporting materials, representations or conditions of approval without the prior approval by the Board of Appeals of an amendment to this approval or a new approval.**
- 2. Approval goes with the property.**

Seconded by Jim Cobb

All in Favor 3-0

NOTE: This decision is subject to appeal within forty-five (45) days of the date of this decision.

Marge Govoni

**Chair Person – Marge Govoni
Windham Zoning Board of Appeal**

GENERAL NOTES:

1. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET
2. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
3. THE PROPERTIES ARE LOCATED IN THE C-3 COMMERCIAL DISTRICT.
4. SPACE AND BULK REQUIREMENTS: C-3 DISTRICT

MIN LOT SIZE:	80,000 SF
MIN STREET FRONTAGE:	100 FT (NON RESIDENTIAL)
MIN FRONT YARD:	60 FT (ARTERIAL)
MIN SIDE/REAR YARD:	10 FT
MIN LANDSCAPE BUFFER:	20 FT
MAX BUILDING HEIGHT:	NONE

5. PARCEL AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON PARCEL AND CONTOUR INFORMATION OBTAINED FROM PUBLIC GIS DATABASE AND A REVIEW OF AVAILABLE PUBLIC PLANS AND DEEDS. THIS IS NOT A BOUNDARY SURVEY.



EXISTING		PROPOSED
---	---	PROPERTY LINE/R.O.W.
---	---	ABUTTER PROPERTY LINE
---	---	SETBACK
---	---	EASEMENT LINE
---	---	CENTERLINE
---	---	BUILDING
---	---	EDGE OF PAVEMENT/CURB
---	---	EDGE OF GRAVEL
---	---	EDGE OF WETLANDS
---	---	CONTOUR LINE
---	---	CATCHBASIN
---	---	DRAINAGE MANHOLE
---	---	CULVERT/STORMDRAIN
---	---	SEWER MANHOLE
---	---	UTILITY POLE

[illegible]

SITE PLAN

SITE PLAN

LEE'S FAMILY TRAILER DISPLAY EXPANSION

WINDHAM, MAINE

FOR:
LEE'S FAMILY TRAILER ACQUISITIONS, LLC
480 ROOSEVELT TRAIL
WINDHAM, ME 04062

17011
JOB NUMBER:

1" = 60'

12-22-2020
DATE:

SHEET 1 OF 1

S-1

DM ROMA
CONSULTING ENGINEERS
59 HARVEST HILL RD
WINDHAM, ME 04062
(207) 310-0506

408 Roosevelt Tr Abutters Map



December 23, 2020

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Data and scale shown on this map are provided for planning and informational purposes only. Whitham, ME and Vision Government Solutions are not responsible for any use for other purposes or misuse or misrepresentation of this information. Powered by Esri Technology

15/ 1/ / /
STULTS WILLIAM E &
454 ROOSEVELT TR
WINDHAM, ME 04062

15/ 2/ / /
MOOSE LANDING NORTH LLC
480 ROOSEVELT TRAIL
WINDHAM, ME 04062

15/ 3/ 4/ /
CRAFFEY DANIEL P
PO BOX 177
NAPLES, ME 04055

15/ 3/ A/ /
COHEN SHAWN F &
498 ROOSEVELT TRAIL
WINDHAM, ME 04062

15/ 28/ C/ /
COTE PAUL E &
19 OAK RIDGE ROAD
CUMBERLAND, ME 04021

15/ 28/ D/ /
GREENE PERCY HEIRS OF
4 HARRIETT AVE
WINDHAM, ME 04062

47/ 7/ / /
PLUFF DAVID J - LIFE ESTATE
495 ROOSEVELT TRAIL
WINDHAM, ME 04062

47/ 8/ / /
CUMMINGS JAMES E
PO BOX 957
WINDHAM, ME 04062

47/ 9/ / /
BERZINIS REALTY LIMITED
483 ROOSEVELT TRAIL
WINDHAM, ME 04062

47/ 8/ A01/ /
RICE TERRY V JR
493 ROOSEVELT TRAIL
WINDHAM, ME 04062

15/ 2/ A/ /
SS REALTY LLC
132 SHEPPARD AVE W, STE 100
NORTH YORK, ON M2N 1M5

**480 Roosevelt Tr
Abutters**