

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

Amnt: \$400
Paid: 7/23/21
CK #: 14305

APPLICANT

NAME: Port City Architecture - Curtis Robinson
ADDRESS: 65 Newbury Street, Portland, ME 04101
TELEPHONE: 207-761-9200

OWNER

NAME: Greg Bowers - CEO of Day One
ADDRESS: 86 Tandberg Trail, Windham ME 04062
TELEPHONE: 207-767-0991

ADDRESS OF PROPERTY OR LOCATION 86 Tandberg Trail
MAP # 67 LOT # 81 PROPERTY IS ZONED C-1
LOT WIDTH: 135' LOT DEPTH: 339' LOT AREA: _____ sq. ft.
EXISTING USE OF PROPERTY: business

TYPE OF APPLICATION

☒ 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 :)

Renovation to add Bedrooms for Alcohol & substance
abuse boys.

Why is Board of Appeals approval required?

Smart & day One have combined and would like to
further expand their program for their future.

Amount of variance required, if any: _____ ft.

TYPE OF SEWAGE DISPOSAL SYSTEM: Present Septic Proposed Septic
STRUCTURAL DIMENSIONS: (Exterior length and width)

Existing: 57'-0" ft. By 30'-4" ft. Number of Stories 2
Proposed: 57'-0" ft. By 30'-4" ft. Number of Stories 2

NUMBER OF ROOMS IN PROPOSED STRUCTURE: Existing
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.

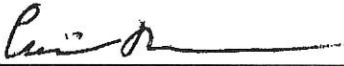
Applicant's Signature  Date 7/15/2021

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 7-15-2024



A better tomorrow starts **today.**

SUBSTANCE USE MENTAL HEALTH
OUTPATIENT RESIDENTIAL

Town of Windham
Board of Appeals
8 School Street
Windham ME, 04062

July 15, 2021

To Whom it May Concern,

Please accept this letter as Day One's authorization for Port City Architecture to file all required materials and exhibits concerning the zoning appeal of our property located at 86 Tandberg Trail. This letter will also give our permission for Port City Architecture to represent our interests in the matter of this filing.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Bowers", is written over the printed name.

Gregory Bowers
Chief Executive Officer



65 Newbury Street, Portland, ME 04101-4218 • Voice 207.761.9000 • www.portcityarch.com

Cover Letter

For Zoning Board of Appeals

July 15, 2021

Dear Board,

Thank you for the opportunity to present a change of use for 86 Tandberg Trail in Windham Maine. The site now is currently occupied by Day One/Smart Child and Family Services who merged in the fall of 2020. Smart Child and Family Services is a private rehab center who have been operating at 86 Tandberg Trail for over 25 years. Smart Child and Family Services specializes in the treatment of alcoholism, opioid addiction, mental health and substance abuse, dual diagnosis, and mental health and substance abuse.

The client is looking to renovate an existing portion of their building into a residential treatment program for teen boys. This new use would be considered "Other". 86 Tandberg Trail is located within the C-1 district. The permitted use above is not listed within the permitted uses in the C-1 district but as a conditional use. All other uses are not permitted within the C-1 district. In section 300 (Definitions) of Windham's code, it states that a "Boarding Home for Sheltered Care" is a group home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. This definition does not include facilities for the treatment of substance abuse. This facility is for the treatment of substance abuse, so because of this, it falls in the category use as "Other". The boys will be attending school at Gray/New Gloucester.

Thank you for your consideration,

Port City Architecture



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Review Criteria

For Zoning Board of Appeals

July 15, 2021

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

The property values around will not be affected. The renovated building's exterior will be repaired in any areas that need replacement, all new windows throughout, and repainted. This will make the tired looking façade more presentable to the street.

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.

The renovated building does not damage any wildlife habitat. An ADA ramp and deck will be added to the side of the building for access on existing asphalt paving and a small portion of lawn.

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.

The proposed use will not damage rare or endangered botanical species. We are trimming back the junipers on the front of the building to make them more presentable. No endangered biological species have been identified on site.

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

The existing building is already on Portland Water District. The proposed use has access to potable water. The proposed use will not burden the public water system.

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: (a) The existing sewage system has adequate capacity for the proposed use, or (b) The existing system will be improved, or a new system will be installed to provide adequate waste disposal capacity.

We are in the process of having the septic field accessed for capability with the proposed use and increase of occupant load. The owner will update the existing system as needed to provide adequate waste disposal capacity.

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

This is an existing driveway to the road. We will not be changing the street accessway.

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.

The proposed use will not increase the need for police, fire and rescue services as this is an existing business with adequate access for emergency personnel.



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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.

The proposed use will not produce inherently and recurrently generated vibrations because there is no equipment which will produce vibrations.

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

The proposed use will meet all noise standards.

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

This project will eliminate 8 existing offices while only requiring a maximum of 3 staff. The boys are not allowed vehicles which will eliminate 5 spaces required. We will re-stripe the parking lot to meet the ordinance of the town. The proposed use exceeds required off-street parking and loading requirements.

11. Odors. The proposed use will not emit noxious or odorous matter in such quantities as to be offensive at the lot boundaries. Town of Windham Land Use Ordinance Sec. 500 Performance Standards 5 - 13

As this is housing, the proposed use will not emit any noxious or odorous matter.

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.

As this is housing, the proposed use will not emit any 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.

As this is housing, the proposed use will not have any water pollution.

14. Erosion and Sediment 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.

As this is housing and a renovation, the proposed use does not cause any erosion or sediment control.

15. Hazardous Material. No use shall 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.

As this is housing, the proposed use has no hazardous materials associated.



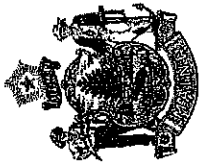
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16. Zoning District and Performance Standards. The proposed use meets the applicable zoning district standards in Section 400 and the applicable performance standards of Section 500.

The proposed use meets all applicable zoning and performance standards.

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.

The proposed use will provide adequate disposal of solid wastes. There are existing dumpsters for trash and recycle on site and these will accommodate any new waste requirements.



State of Maine

Department of Health and Human Services

This is to certify that

DAY ONE

is hereby licensed to operate a

SUBSTANCE ABUSE AGENCY

in accordance with Maine State Law 14-118 CMR Chapter 5.

Deep

Outpatient Care

Residential Programs - Alcohol & Drug

License SAA221141 is in effect from 08/12/2020 to 08/11/2022.

Print Date: 12/23/2020

License Number: SAA221141

Jeanne M. Lambrew, Commissioner

A handwritten signature in cursive script, reading "Jeanne M. Lambrew".

52978

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, THAT I, DARLENE S. PARVIN, in consideration of One Dollar (\$1.00) and other valuable considerations, paid by SOUTHERN MAINE ALTERNATIVE TO RESIDENTIAL TREATMENT, a Maine non-profit corporation, with a mailing address of P.O. Box 56, South Windham, Maine 04082, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said, SOUTHERN MAINE ALTERNATIVE TO RESIDENTIAL TREATMENT, its successors and assigns forever,

See Exhibit A

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said SOUTHERN MAINE ALTERNATIVE TO RESIDENTIAL TREATMENT, its successors and assigns, to their own use and behoof forever.

AND I do covenant with the said Grantee, its successors and assigns, that I am lawfully seized in fee of the premises, that they are free of all encumbrances; that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my successors shall and will warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I the said DARLENE S. PARVIN have hereunto set my hand and seal this 21 day of August, 1996.

Signed, Sealed and Delivered
in presence of

Samuel M. Green
Witness

Darlene S. Parvin
DARLENE S. PARVIN

STATE OF MAINE
COUNTY OF CUMBERLAND SS.

August 21, 1996

Then personally appeared the above named DARLENE S. PARVIN, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Luella R. Dix
Notary Public/Attorney-at-Law

Luella R. Dix
Printed Name

SEAL

MAINE REAL ESTATE TAX PAID

From: Becky Humphrey
Sent: Wednesday, July 14, 2021 3:09 PM
To: means@pwd.org <means@pwd.org>
Cc: 'curtis@portcityarch.com' <curtis@portcityarch.com>
Subject: 86 Tandberg Trail Windham ME 04084

ACCT 139416-03

Hello,

Per your voicemail I am sending this email to request an "Ability to Serve" letter.
We are changing use of a portion of the building at this location which is prompting the need for this letter.
The new service will be considered Boarding home for sheltered care from an 8 office commercial space.

Please contact me with any questions at 207-329-5250 at your earliest convenience. We have just learned of this need for submission to the Zoning Board.

Thank you very much.
Becky

Abutting Properties for
86 TANDBERG TR WINDHAM, ME 04062
67/ 81/ / /
(100 Feet)

Location:
67/ 5/ / /
89 TANDBERG TR
Owner:
KEC PROPERTIES LLC
C/O KEN CLARK
135 TRAILS END ROAD
WINDHAM, ME 04062

Location:
67/ 21/ / /
709 ROOSEVELT TR
Owner:
REGIONAL SCHOOL UNIT NO 14
MANCHESTER SCHL & LITTLE MEETNG
HSE
228 WINDHAM CENTER ROAD
WINDHAM, ME 04062

Location:
67/ 71/ A/ /
25 ABBY RD
Owner:
WEBSTER PAULA J
25 ABBY ROAD
WINDHAM, ME 04062

Location:
67/ 80/ 1/ /
1 BADGER RUN
Owner:
CARR J L LLC
272 SOUTH WITHAM RD
AUBURN, ME 04210

Location:
67/ 6/ A/ /
85 TANDBERG TR
Owner:
FORTIER CATHY L
85 TANDBERG TR
WINDHAM, ME 04062

Location:
67/ 69/ / /
27 ABBY RD
Owner:
ABBY HOLDINGS LLC
ABBY PROPERTIES LLC
391 ROOSEVELT TRAIL
WINDHAM, ME 04062

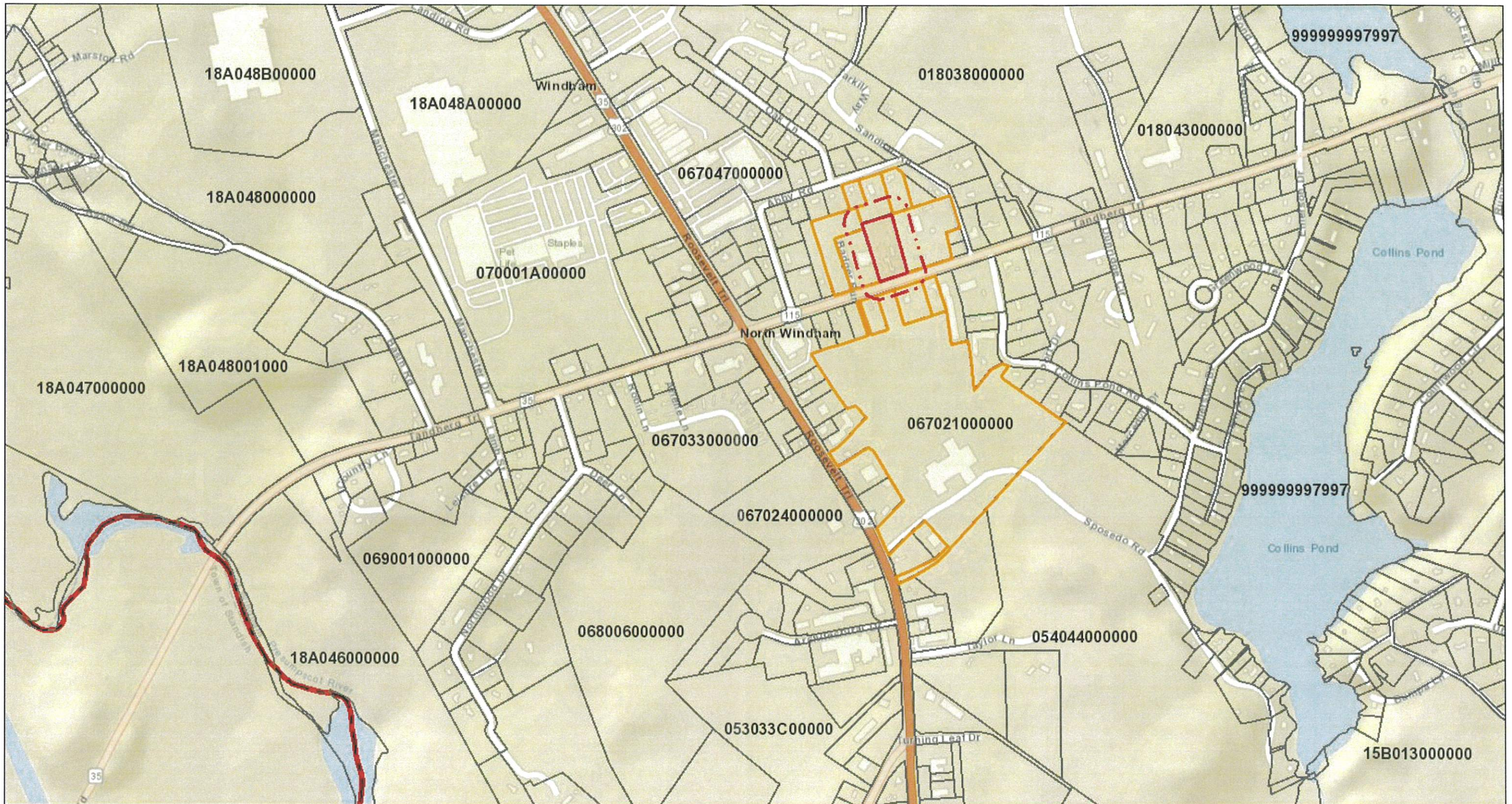
Location:
67/ 80/ / /
BADGER RUN
Owner:
CARR JEFFREY L
272 SOUTH WITHAM RD
AUBURN, ME 04210

Location:
67/ 7/ / /
81 TANDBERG TR
Owner:
BENNETT AARON S
1426 ISLINGTON ST
PORTSMOUTH, NH 03801-4238

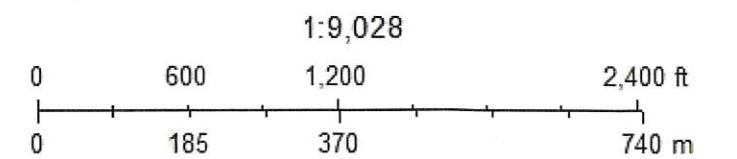
Location:
67/ 69/ A/ /
29 ABBY RD
Owner:
BUTLER DANIEL R
29 ABBY ROAD
WINDHAM, ME 04062

Location:
67/ 82/ / /
92 TANDBERG TR
Owner:
TKT HOLDING LLC
PO BOX 381
WINDHAM, ME 04062

86 Tandberg Trail



July 15, 2021





COPY

Permit Receipt

Receipt No.: 21-01385

received from

Owner
(Owner as Contractor)
Same As Applicant
Windham, ME 04062-0000

Receipt No.: 21-01385
Receipt Date: 07/23/2021
Receipt Time: 12:50 PM
Payment Method: Check
Payment Note: Porty City Architecture
14305
Project ID #: BOA-21-1710
Project Type: Board Of Appeals
Address: 86 Tandberg Tr

Transactions

Fee type	Account No.	Amount
Board of Appeals Fee	100032410	\$ 400.00

Amount Paid \$ 400.00

received by

Kelsey Ledoux
Code Enforcement

Account Summary

100032410 \$ 400.00