



November 15, 2021

Steve Puleo, Town Planner  
Town of Windham  
8 School Road  
Windham, ME 04062

**Re: Zone Change Request – Gunpowder Mill Road  
Sebago Realty, LLC - Applicant**

Dear Steve:

Enclosed please find an application for a request to rezone two parcels of land that are located on Gunpowder Mill Road. The properties are identified on Tax map 5 as lots 2 and 2C. The two properties have a total combined area of approximately 20.8 acres and are currently designated as being located in the Farm Residential Zoning District. The two properties that are requested to be rezoned are part of a small 5-lot island of properties that are set back from River Road and surrounded by 150+ properties zoned as Medium Density Residential around the intersection of River Road and Route 202, and Industrial-zoned land that is located off Gambo Road. Rezoning the property to Medium Density Residential would be more consistent with the land use patterns in the area.

The rezoning of the parcel to Medium Density Residential will also be working to accomplish the goals outlined in the Comprehensive Plan. We have attached an excerpt from the Future Land Use Map which shows the area surrounding the subject parcels to be located within the “*South Windham Growth Area*”. The Comprehensive Plan states that Growth Areas are “*parts of the community where most of Windham’s future growth is to be targeted and encouraged or incentivized*”. The Comprehensive Plan further states that the South Windham Growth Area is defined as the area that most people think of as the “Village” between the Presumpscot River and the properties on both sides of the Mountain Division Trail, and that “*Additional higher density residential development is appropriate in this area of Windham*”. The rezoning of the property to Medium Density Residential will allow for the property to developed with the potential for duplex and multi-family housing in addition to single-family housing and will continue to target growth in the designated growth areas, as opposed to the more rural areas of Windham. We understand that the Long Range Planning Committee has had preliminary discussions with the Town Council on a proposal to rezone several properties in this area of Town to be more consistent with the Medium Density Residential zoning standards, to achieve the objectives outlined in the Town’s Comprehensive Plan. We are currently working on development plans on the Gunpowder Mill Road properties and would like to design the project to be consistent with the Medium Density Residential Standards so that the project would be more in conformance with the standards that are intended to be put in place for these properties in the near future.

We would like to be placed on the next available agendas with the Planning Board and Town Council to discuss our request in more detail. 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

A handwritten signature in black ink, appearing to read "Dustin M. Roma".

Dustin M. Roma, P.E.  
President

# TOWN OF WINDHAM

## ZONE CHANGE APPLICATION

The original signed copy of this application must be accompanied by the required application fee, along with five (5) copies of any and all plans, maps, drawings, and any related information which shall be printed or reproduced on paper. Applications and application fee must be submitted to the Town of Windham Planning Department at least twenty-one (21) days prior to the meeting at which the applicant wishes to be heard by the Planning Board. The Planning Board will review the submitted information and make a recommendation to the Town Council. Section 107 of the Land Use Ordinance (page 1-3) states that, "After review and recommendation by the Planning Board, this chapter may be amended in accordance with the Town Charter."

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### Contact Information

#### 1. Applicant

Name: SEBAGO REALTY, LLC

Mailing Address: PO BOX 1116, WINDHAM, ME 04062

Telephone: 310 - 0506 E-mail: DUSTIN@DMROMA.COM

#### 2. Record owner of property

X (Check here if same as applicant)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Property Information

Property Address: 15 GUNPOWDER MILL ROAD

Assessor's Tax Map & Lot(s) #: Map: 5 Lot 2 & 2C

Property size (square feet & acres): 908,000 SF +/- (20.8 ACRES)

Current Zoning District:

FARM RESIDENTIAL

Requested Zoning District:

MEDIUM DENSITY RESIDENTIAL

Current use of the property:

VACANT LAND

Requested use of the property:

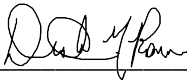
SINGLE FAMILY RESIDENTIAL & DUPLEX

### Required Attachments

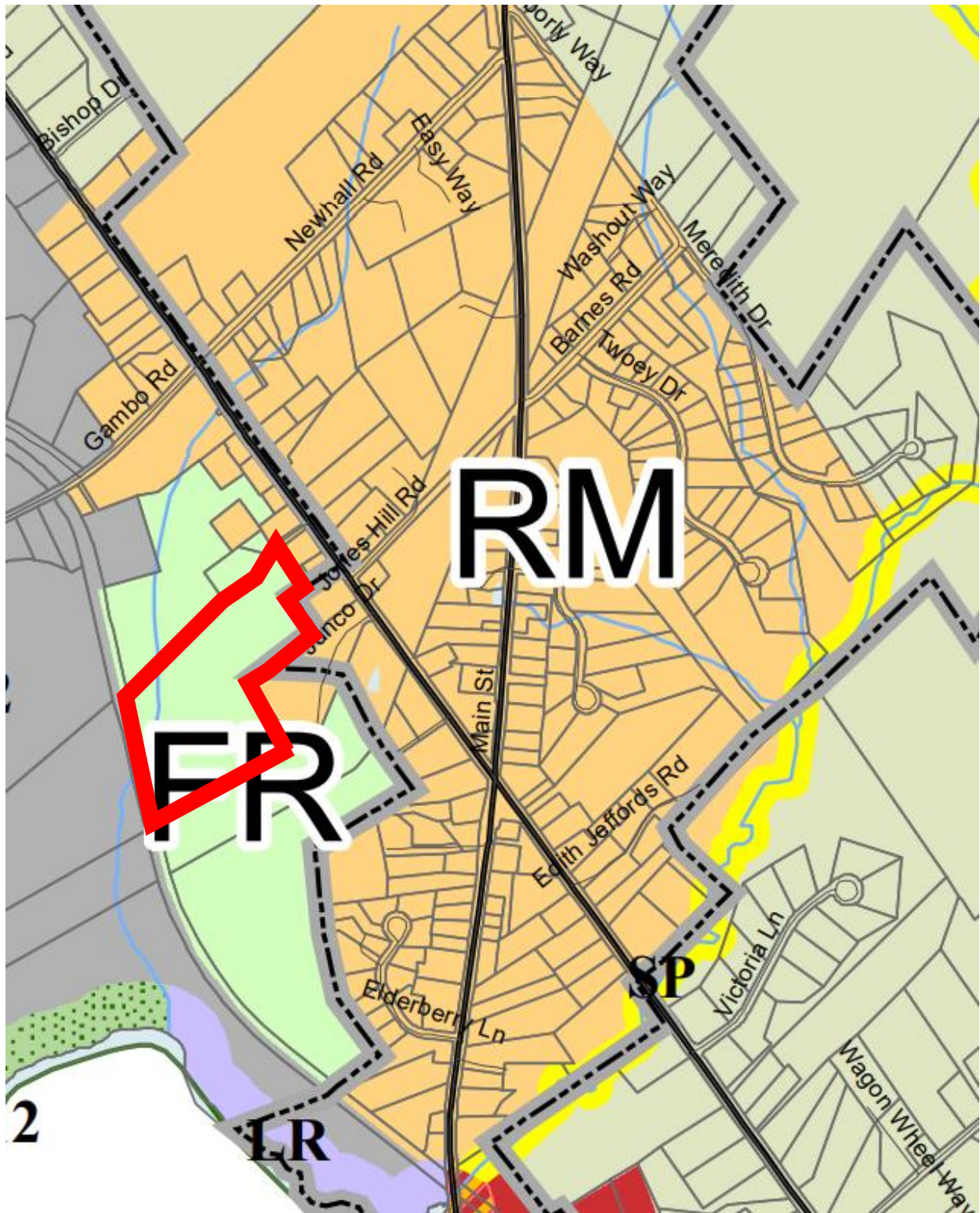
1. Application fee.
2. Evidence of right, title, or interest in the property.
3. An explanation of how rezoning the property in question would support the goals and objectives of the Town of Windham Comprehensive Plan.
4. A plan of the lot(s) proposed to be rezoned. This plan may be a Windham Tax Map or Survey conducted by a Maine Licensed Surveyor. At a minimum, the plan must contain the following:
  - a. Lot lines of the lot(s) proposed to be rezoned,
  - b. Approximate location, width, and purpose of easements or restrictions on the property (if applicable),
  - c. Streets on and adjacent to the lot(s),
  - d. Approximate location of existing buildings, structures, or other improvements to the site (if none, please note).
  - e. Major natural features of the site, approximated by the applicant, including wetlands, streams, ponds, floodplains, treelines, and other important natural features (if none, please note).

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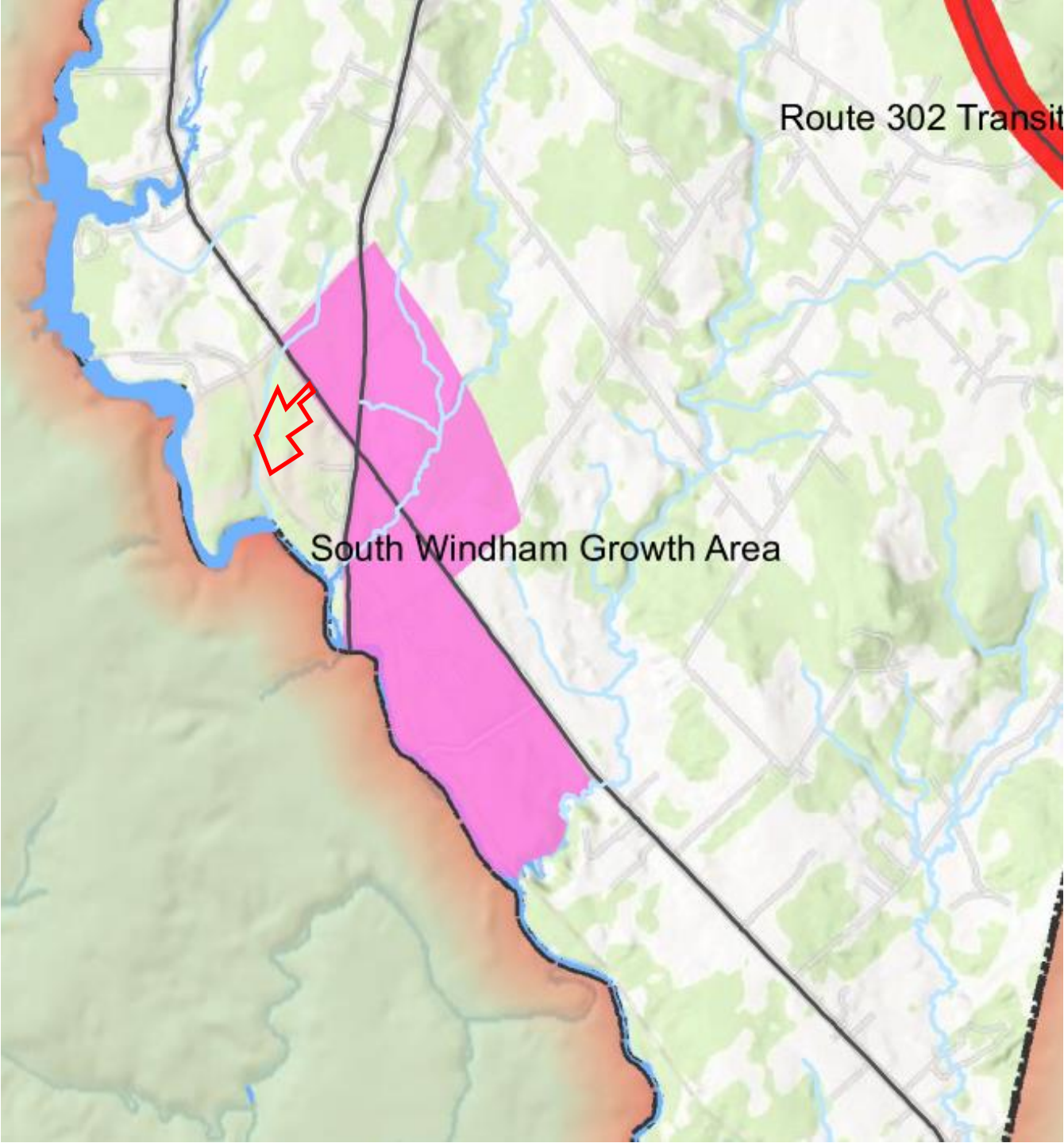
I certify all the information in this application form and accompanying materials is true and accurate to the best of my knowledge.

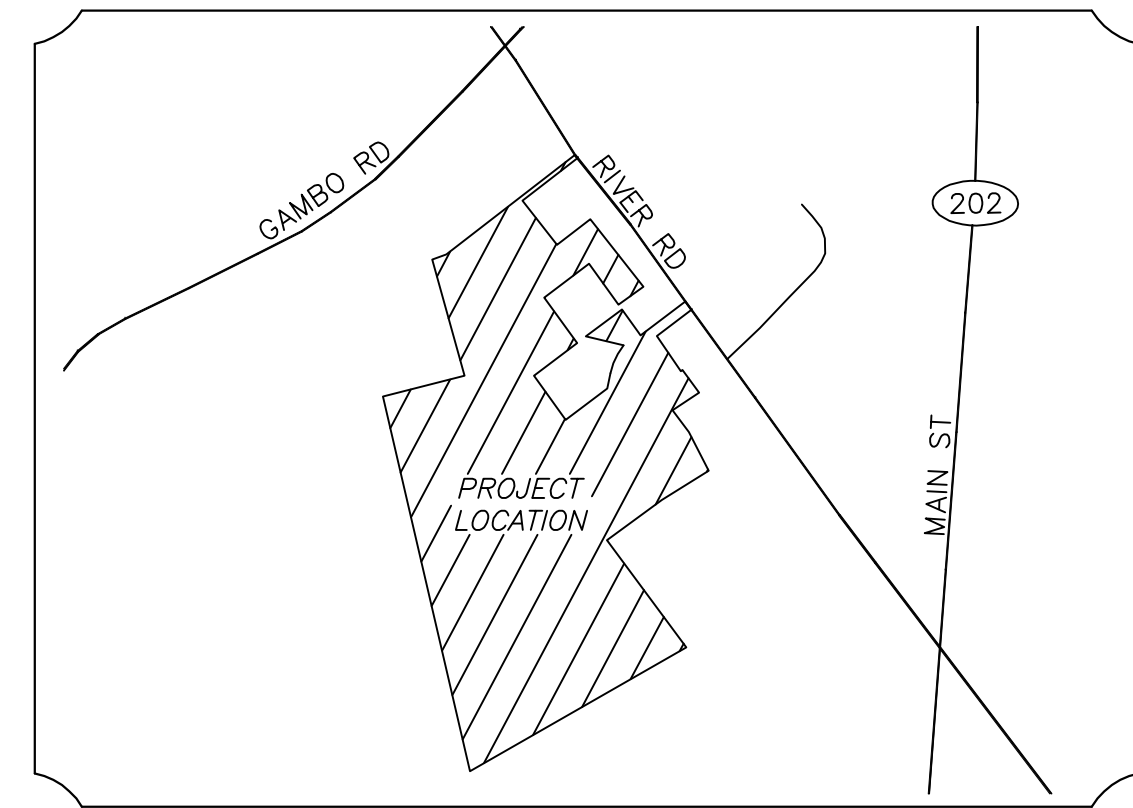
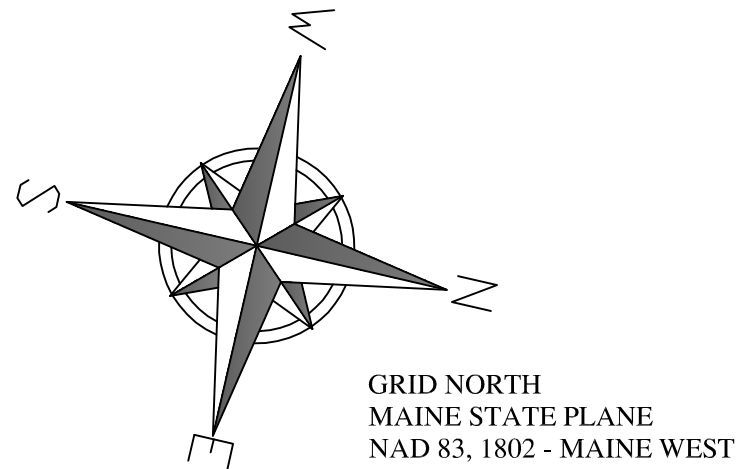
  
\_\_\_\_\_  
Signature

11-15-2021  
\_\_\_\_\_  
Date









LOCATION MAP  
(NOT TO SCALE)



PLAN REFERENCES:

(1) BOUNDARY SURVEY RIVER ROAD WINDHAM, ME. FOR: ROBERT H. TOMS & DONALD H. TOMS, DATED APRIL, 2008. PREPARED BY SURVEY, INC.

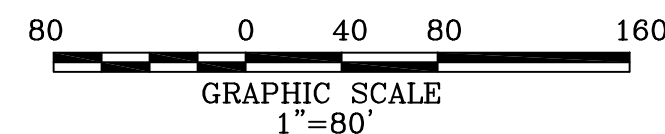
SURVEY NOTES:

(1) DEED REFERENCES:  
DEED BOOK 13039, PAGE 271 (ROBERT H. TOMS TO ROBERT H. TOMS & DONALD H. TOMS) AND DEED BOOK 36346 PAGE 73 (DEAN R. ERICKSON AND DEBORAH R. ERICKSON TO DONALD H. TOMS) CUMBERLAND COUNTY REGISTRY OF DEEDS (CCRD)

(2) TAX MAP REFERENCE:  
TOWN OF WINDHAM TAX MAP 5, LOT 2

(3) NORTH REFERENCE: MAINE STATE PLANE 1802 WEST ZONE

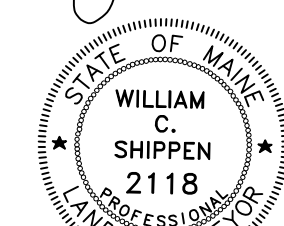
(4) BOUNDARIES HEREON REPRESENT A RETRACEMENT OF PLAN REF. 1.



CERTIFICATION:

I CERTIFY THAT THIS SURVEY CONFORMS TO THE STANDARDS OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS AND IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION & BELIEF.

WILLIAM C. SHIPPEN P.L.S. 2118



FOR:

**DUSTIN ROMA**  
PO BOX 1116  
WINDHAM, MAINE 04062  
(CLIENT)

SURVEY BY:

**SURVEY, INC.**  
P.O. BOX 210  
WINDHAM, ME 04062  
(207) 892-2556  
INFO@SURVEYINCORPORATED.COM

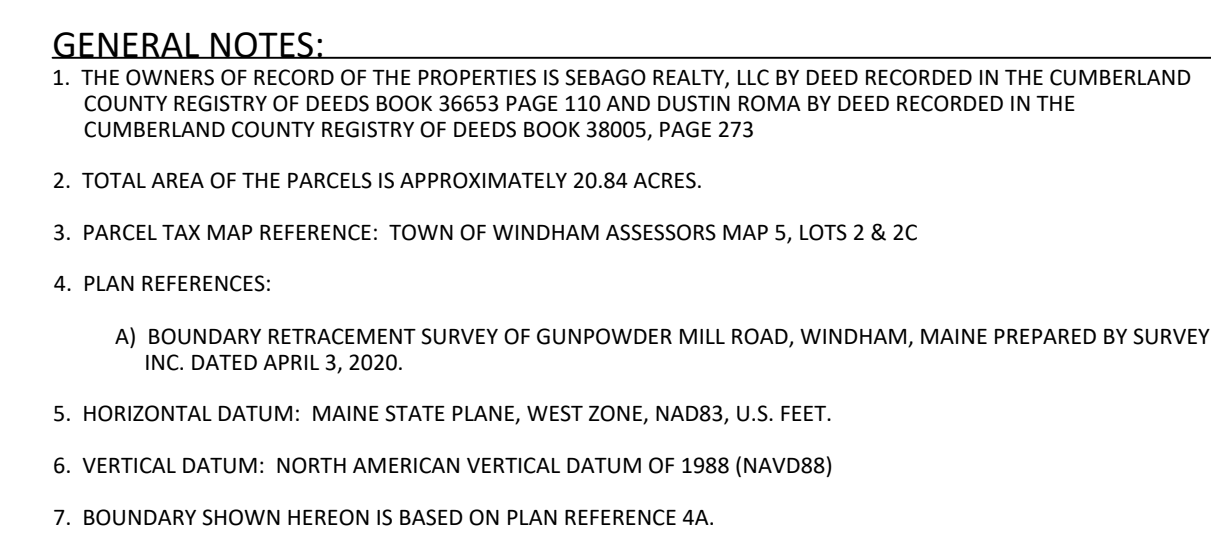
DWN: DRR

DATE: JANUARY 2020  
REV: APRIL 3, 2020 DIMENSION PROPOSED CONVEYANCE

CHK: WCS

JOB NO. 19210





**DM ROMA**  
CONSULTING ENGINEERS  
P.O. BOX 1116  
WINDHAM, ME 04062  
(207) 310 - 0506

[illegible]

**REZONING MAP**

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**GUNPOWDER MILL ROAD**  
GUNPOWDER MILL ROAD  
WINDHAM, MAINE

FOR:  
**SEBAGO REALTY, LLC**  
PO BOX 1116  
WINDHAM, ME 04092

18016 JOB NUMBER:
1" = 80' SCALE:
11-15-2021 DATE:
SHEET 1 OF 1
S-1

**WARRANTY DEED**  
(Maine Statutory Short Form)

**DONALD H. TOMS** of Windham, Maine, for consideration paid, hereby **GRANTS** to **SEBAGO REALTY, LLC**, a Maine limited liability company with a mailing address of P.O. Box 1116, Windham, ME 04062, with **WARRANTY COVENANTS**, a certain lot or parcel of land situated at or near River Road and Gunpowder Mill Road in the Town of Windham, County of Cumberland, and State of Maine, as more fully described in **EXHIBIT A** attached hereto and incorporated herein by reference.

Also hereby conveying all rights and appurtenances thereto.

Meaning and intending to convey a portion of the premises conveyed to the Grantor herein by deed of Robert H. Toms to Robert H. Toms (deceased November 4, 1997) and Donald H. Toms as joint tenants dated April 16, 1997, and recorded in the Cumberland County Registry of Deeds in Book 13039, Page 271, and by deed of Dean R. Erickson and Deborah R. Erickson to Donald H. Toms dated March 2, 2009 and recorded in said Registry in Book 36346, Page 73.

WITNESS my hand and seal this 30<sup>th</sup> day of April, 2020.

Witness

Donald H. Toms

STATE OF MAINE  
COUNTY OF CUMBERLAND

April 30, 2020

Then personally appeared the above named Donald H. Toms and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public/Attorney at Law

Printed Name: Zachary Greenfield, Esq.

ME Bar #9638

MAINE REAL ESTATE TAX PAID



## **SCHEDULE A**

A certain parcel of land situated on the southwesterly side of River Road in the Town of Windham, County of Cumberland, State of Maine being bounded and described as follows:

Beginning on the southwesterly sideline of River Road at land now or formerly of Dean R. Erickson and Deborah R. Erickson as described in a deed recorded in Book 22018 Page 293 in the Cumberland County Registry of Deeds (CCRD);

Thence S 35° 55' 10" W, by and along the southwesterly sideline of River Road, a distance of 50.01 feet to land now or formerly of Segee Realty, LLC as described in deeds recorded in Book 32815 Page 20 and Book 32815 Page 22 CCRD;

Thence S 53° 27' 34" W, by and along land of Segee Realty LLC, a distance of 216.59 feet to a point of curvature;

Thence southerly, by and along a curve to the left, having a radius of 175.00 feet, an arc distance of 127.53 feet to a point of tangency;

Thence S 11° 42' 24" W a distance of 55.92 feet;

Thence S 53° 45' 07" E a distance of 327.27 feet to land now or formerly of Robert E. Libby and Jennifer L. Libby as described in a deed recorded in Book 32039 Page 238 CCRD;

Thence S 27° 05' 33" E, by and along land of Robert E. Libby and Jennifer L. Libby, a distance of 102.48 feet to land now or formerly of RMILLS, LLC, as described in a deed recorded in Book 34761 Page 152 CCRD;

Thence S 58° 21' 55" W, by and along land of RMILLS, LLC, a distance of 196.60 feet;

Thence S 54° 07' 16" W, by and along land of RMILLS, LLC, a distance of 243.00 feet;

Thence S 36° 07' 01" E, by and along land of RMILLS, LLC, a distance of 474.47 feet to land now or formerly of Central Maine Power Company as described in a deed recorded in Book 3020 Page 316 CCRD;

Thence S 60° 36' 35" W, by and along land of Central Maine Power Company, a distance of 888.01 feet to land now or formerly of the State of Maine as described in a deed recorded in Book 26022 Page 221 CCRD;

Thence N 12° 41' 18" W, by and along land of the State of Maine, a distance of 797.52 feet;  
Thence N 33° 14' 29" E a distance of 753.10 feet to land now or formerly of Raelene Loura as described in a deed recorded in Book 26271 Page 85 CCRD;

Thence S 35° 17' 55" E, by and along land of Raelene Loura, a distance of 194.36 feet;

Thence N 53° 28' 22" E, by and along land of Raelene Loura, a distance of 185.18 feet;

Thence N 11° 42' 24" E, by and along land of Raelene Loura, a distance of 55.92 feet to a point of curvature;

Thence northerly, by and along land of Raelene Loura and a curve concave to the right having a radius of 225.00 feet, an arc distance of 163.97 feet;

Thence N 53° 27' 34" E, by and along land of Dean R. Erickson and Deborah R. Erickson, a distance of 217.77 feet to the Point of Beginning.

The parcel contains approximately 19.69 acres.

Bearings are Grid North.

Reference is made to a plan entitled "Boundary Retracement Survey Gunpowder Mill Road Windham, Maine for: Dustin Roma" dated January 2020 Revised 4-3-20 by Survey Inc.

EXCEPTING AND RESERVING, however, an easement for egress and ingress by vehicle and by foot, and for the installation and maintenance of utilities, in common with the Grantee herein and other who may now have the right to use said parcel, or who may in the future be granted such right, over the following described parcel, which easement shall benefit certain abutting land retained by the Grantor, which said land is bounded on its northwesterly boundary by the southeasterly boundary of the following described right of way:

A certain parcel of land situated on the southwesterly side of River Road in the Town of Windham, County of Cumberland, State of Maine being bounded and described as follows:

Beginning on the southwesterly sideline of River Road at land now or formerly of Dean R. Erickson and Deborah R. Erickson as described in a deed recorded in Book 22018 Page 293 in the Cumberland County Registry of Deeds (CCRD);

Thence S 35° 55' 10" W, by and along the southwesterly sideline of River Road, a distance of 50.01 feet to land now or formerly of Segee Realty, LLC as described in deeds recorded in Book 32815 Page 20 and Book 32815 Page 22 CCRD;

Thence S 53° 27' 34" W, by and along land of Segee Realty LLC, a distance of 216.59 feet to a point of curvature;

Thence southerly, by and along a curve to the left, having a radius of 175.00 feet, an arc distance of 127.53 feet to a point of tangency;

Thence S 11° 42' 24" W a distance of 55.92 feet;

Thence N 78° 17' 36" W a distance of 50.00 feet to land now or formerly of Raelene Loura as described in a deed recorded in Book 26271 Page 85 CCRD;

Thence N 11° 42' 24" E, by and along land of Raelene Loura, a distance of 55.92 feet to a point of curvature;

Thence northerly, by and along land of Raelene Loura and a curve concave to the right having a radius of 225.00 feet, an arc distance of 163.97 feet to a point of tangency;

Thence N 53° 27' 34" E, by and along land of Dean R. Erickson and Deborah R. Erickson, a distance of 217.68 feet to the Point of Beginning.

Bearings are Grid North.

Reference is made to a plan entitled "Boundary Retracement Survey Gunpowder Mill Road Windham, Maine for: Dustin Roma" dated January 2020 by Survey Inc.

SUBJECT to and with the benefit of the following:

Easements and rights granted by instrument from Donald H. Toms to Raelene Loura dated July 15, 2008 and recorded in the Cumberland County Registry of Deeds in Book 26271, Page 85.

Notice of Taking by the State of Maine Dept. of Transportation dated July 15, 1998 and recorded in said Registry in Book 14055, Page 290.

Easements and rights granted by instrument from Robert H. Toms to Portland Water District dated October 11, 1972 and recorded in Book 3313, Page 253.

Easements and rights granted by instrument from Robert H. Toms to Charles E. Erickson, et al. dated May 9, 1972 and recorded in Book 3275, Page 53.

Easements and rights granted by instrument from Robert H. Toms to Charles E. Erickson, et al. dated January 24, 1985 and recorded in Book 6675, Page 196.

Easements and rights granted by instrument from Robert H. Toms to Dean R. Erickson and Deborah Erickson dated September 20, 1990 and recorded in Book 9356, Page 115.

Easement and rights granted by instrument from Robert H. Toms to Central Maine Power Company dated October 11, 1967 and recorded in Book 3020, Page 316.

Received  
Recorded Register of Deeds  
May 01, 2020 01:13:32P  
Cumberland County  
Nancy A. Lane

MAINE REAL ESTATE TAX-Paid

**WARRANTY DEED**  
(Maine Statutory Short Form)

**DLN: 1002140137892**

**DONALD H. TOMS** of Windham, Maine, for consideration paid, hereby **GRANTS** to **DUSTIN M. ROMA**, an individual with a mailing address of P.O. Box 1116, Windham, ME 04062, with **WARRANTY COVENANTS**, a certain lot or parcel of land situated at or near River Road and Gunpowder Mill Road in the Town of Windham, County of Cumberland, and State of Maine, as more fully described in **EXHIBIT A** attached hereto and incorporated herein by reference.

Also hereby conveying all rights and appurtenances thereto.

Meaning and intending to convey a portion of the premises conveyed to the Grantor herein by deed of Robert H. Toms to Robert H. Toms (deceased November 4, 1997) and Donald H. Toms as joint tenants dated April 16, 1997, and recorded in the Cumberland County Registry of Deeds in Book 13039, Page 271.

WITNESS my hand and seal this 31<sup>st</sup> day of March, 2021.

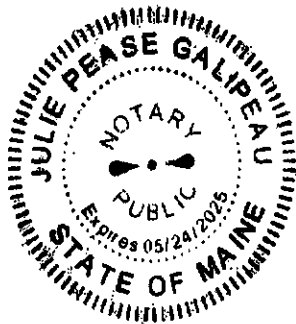
\_\_\_\_\_  
Witness

Donald H. Toms  
Donald H. Toms

STATE OF MAINE  
COUNTY OF CUMBERLAND

March 31, 2021

Then personally appeared the above named Donald H. Toms and acknowledged the foregoing instrument to be his free act and deed.



Before me,  
Julie Pease Galipeau  
Notary Public/Attorney at Law  
Printed Name: Julie Pease Galipeau  
Comm Exp 5/24/2025



**SCHEDULE A**

A certain parcel of land situated on the southeasterly side of Gunpowder Mill Road in the Town of Windham, County of Cumberland, State of Maine being bounded and described as follows:

Beginning on the southeasterly sideline of Gunpowder Mill Road at land now or formerly of Segee Realty LLC as described in a deed recorded in Book 32815 Page 22 in the Cumberland County Registry of Deeds (CCRD);

Thence S 34° 02' 26" E, by and along land of Segee Realty LLC, a distance of 152.30 feet;

Thence N 52° 49' 27" E, by and along land of Segee Realty LLC, a distance of 7.56 feet to other land now or formerly of Segee Realty LLC as described in a deed recorded in Book 32815 Page 20 CCRD;

Thence S 35° 15' 15" E, by and along land of Segee Realty LLC, a distance of 100.00 feet to land now or formerly of Robert Libby and Jennifer Libby as described in a deed recorded in Book 32039 Page 238 CCRD;

Thence S 56° 27' 32" W, by and along land of Robert Libby and Jennifer Libby, a distance of 113.35 feet;

Thence S 36° 15' 42" E, by and along land of Robert Libby and Jennifer Libby, a distance of 96.51 feet;

Thence S 27° 05' 33" E, by and along land of Robert Libby and Jennifer Libby, a distance of 52.39 feet;

Thence N 53° 45' 07" W a distance of 327.27 feet to the easterly sideline of Gunpowder Mill Road;

Thence N 11° 42' 24" E, by and along the easterly sideline of Gunpowder Mill Road, a distance of 55.92 feet to a point of curvature;

Thence northeasterly, by and along the southeasterly sideline of Gunpowder Mill Road, along a curve concave to the right having a radius of 175.00 feet, an arc distance of 127.53 to a point of tangency;

Thence N 53° 27' 34" E, by and along the southeasterly sideline of Gunpowder Mill Road, a distance of 62.18 feet to the Point of Beginning.

The parcel contains approximately 50,093 square feet.

TOGETHER WITH an easement for egress and ingress by vehicle and by foot, and for the installation and maintenance of utilities, in common with others who may now have the right to

use said parcel, or who may in the future be granted such right, over the following described parcel, which easement shall benefit and run with the parcel conveyed hereby, and which easement is bounded on its southeasterly boundary by the northwesterly boundary of the parcel conveyed hereby:

A certain parcel of land situated on the southwesterly side of River Road in the Town of Windham, County of Cumberland, State of Maine being bounded and described as follows:

Beginning on the southwesterly sideline of River Road at land now or formerly of Dean R. Erickson and Deborah R. Erickson as described in a deed recorded in Book 22018 Page 293 in the Cumberland County Registry of Deeds (CCRD);

Thence S 35° 55' 10" W, by and along the southwesterly sideline of River Road, a distance of 50.01 feet to land now or formerly of Segee Realty, LLC as described in deeds recorded in Book 32815 Page 20 and Book 32815 Page 22 CCRD;

Thence S 53° 27' 34" W, by and along land of Segee Realty LLC, a distance of 154.41 feet to the northeast corner of the parcel conveyed hereby;

Thence continuing S 53° 27' 34" W along the northwesterly boundary of the parcel conveyed hereby 62.18 feet to a point of curvature;

Thence southerly, by and along a curve to the left, having a radius of 175.00 feet, an arc distance of 127.53 feet to a point of tangency;

Thence S 11° 42' 24" W a distance of 55.92 feet;

Thence N 78° 17' 36" W a distance of 50.00 feet to land now or formerly of Raelene Loura as described in a deed recorded in Book 26271 Page 85 CCRD;

Thence N 11° 42' 24" E, by and along land of Raelene Loura, a distance of 55.92 feet to a point of curvature;

Thence northerly, by and along land of Raelene Loura and a curve concave to the right having a radius of 225.00 feet, an arc distance of 163.97 feet to a point of tangency;

Thence N 53° 27' 34" E, by and along land of Dean R. Erickson and Deborah R. Erickson, a distance of 217.68 feet to the Point of Beginning.

Bearings are Grid North.

Reference is made to a plan entitled "Plan of Lot Division Gunpowder Mill Road Property for: Sebago Realty, LLC" dated 7-22-2020 by DM Roma Consulting Engineers.

SUBJECT TO and with the benefit of the following:

Easements and rights granted by instrument from Donald H. Toms to Raelene Loura dated July 15, 2008 and recorded in the Cumberland County Registry of Deeds in Book 26271, Page 85.

Notice of Taking by the State of Maine Dept. of Transportation dated July 15, 1998 and recorded in said Registry in Book 14055, Page 290.

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Easements and rights granted by instrument from Robert H. Toms to Dean R. Erickson and Deborah Erickson dated September 20, 1990 and recorded in Book 9356, Page 115.

Easement and rights granted by instrument from Robert H. Toms to Central Maine Power Company dated October 11, 1967 and recorded in Book 3020, Page 316.