

February 3, 2021

Mary Roux Train/Heidi Zachau Donnelly
Owners/Teachers
Windsor Hill Primary School
207-232-7316
maryrouxtrain@gmail.com

Dear Town of Falmouth,

Please accept this letter and application as a formal request by Windsor Hill Primary School to amend the West Falmouth Crossing Development's Zoning Ordinance to include Private School as a permanent use for the specific parcel of land located at 46 Leighton Road and owned by John and Jana Bagshaw of Bagshaw Realty LLC.

Please do not hesitate to reach out with any questions you may have regarding this request and application.

Sincerely,

Mary Roux Train

Submittal Requirements for Ordinance Amendment Requests
Initial Town Council Meeting
(Refer to Code of Ordinances CH. II-22)

Name of Requestor: Heidi Zachau Donnelly and Mary Roux Train Phone # 207 232-7316
Mailing Address: 15 Carriage Hill North Yarmouth ME 04097
Email Address: maryrouxtrain@gmail.com

Name of Property Owner (If different): Bagshaw Realty LLC Phone # 207 838-5231
Mailing Address: 72 Gray Rd. Falmouth, ME
Email Address: johnbagshaw@yahoo.com

Street Address of parcel(s) for which the amendment is being requested:

46 Leighton Rd.

Tax map/lot # of parcel(s) for which the amendment is being requested: 371 R05-044-008

Existing zoning district of parcel(s) for which the amendment is being requested: WFCMPD

Proposed zoning district of parcel(s) for which the amendment is being requested: WFCMPD

All requests must include the following information¹:

- 1. Payment of application fee.² (Refer to Land Use Fee Schedule)
- 2. Documentation of right, title or interest in property. (e.g. deeds, leases, purchase and sales agreements, written permission from property owner, etc.)
- 3. Plot plan including the following:
 - a. Title, north arrow, scale, and date.
 - b. Adjacent streets.
 - c. Property boundaries, street addresses, tax map/lot numbers, and owners of the subject and abutting properties.
 - d. Existing zoning designations and boundaries for subject and abutting properties.
 - e. Surrounding land uses in the vicinity of the subject property.
 - f. Existing site conditions and site improvements on the subject and abutting properties including buildings, driveways, parking areas, etc.

¹ If a submittal requirement is believed to be not applicable, requestors may indicate "N/A" but must include a narrative justification as to why the submittal requirement is not applicable.

² Application fees are nonrefundable. The payment of application fees does not obligate the Town Council to approve a request for an ordinance amendment and should not be construed as a commitment to amend the ordinance.

4. Narrative description of property to be rezoned including description of any existing deed restrictions, covenants, and easements.
5. Narrative description of the ordinance amendment request including:
- a. How the proposed request is consistent with the Comprehensive Plan and other adopted Town plans/policies;
 - b. How the request is consistent with allowed and established nearby land use patterns and not incompatible with adjacent land uses;
 - c. Explanation of why current zoning does not allow desired outcome;
 - d. Description of the property's unique conditions that warrant a deviation from the Town's ordinances;
 - e. Anticipated impacts of the proposed request on adjacent and nearby properties and on the overall Town. Without limitation, types of impacts frequently associated with development include noise, traffic, light, air quality, water quality, stormwater, and drainage.¹
 - f. Proposed ways to mitigate negative impacts of the request.
6. Description of public benefit of the proposed ordinance amendment.
7. Description of public outreach/engagement undertaken to engage and solicit feedback from abutting and nearby property owners and a summary of information gained from those efforts. (See bullets below for additional information on public engagement.)
8. (Optional) Type of ordinance amendment remedy being requested, if known. (e.g. contract zone, map amendment, text amendment, map and text amendment)
9. (Optional) Any other information to help support the request.

Please be aware of the following:

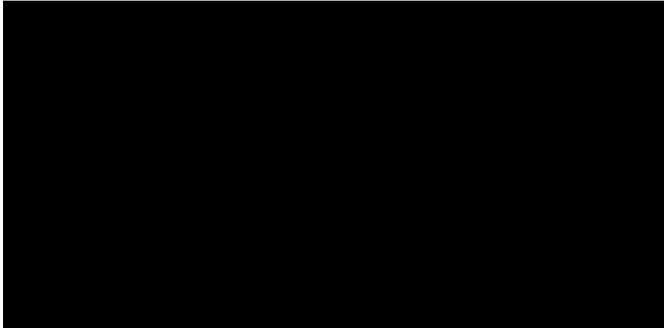
- Noncompliance with these requirements will cause a request to be withheld and not considered. If omissions and/or errors are discovered at any time during the review process, the request may be rejected or withheld until sufficient information is provided.
- The ordinance amendment process generally takes several months from the time the requestor submits a request to the time approval is considered by the Town Council. Complex amendment requests may require more time. In addition to the requirements of the Falmouth Code of Ordinances, the ordinance amendment process is governed by requirements in the Town Charter and State law. These requirements will always need to be reviewed and adhered to for any given ordinance amendment request.

¹ Heightened attention will be given to requests proposing non-residential uses in residential areas and to requests that would allow development adjacent to sensitive land uses. (e.g. schools, sensitive environmental areas, etc.)

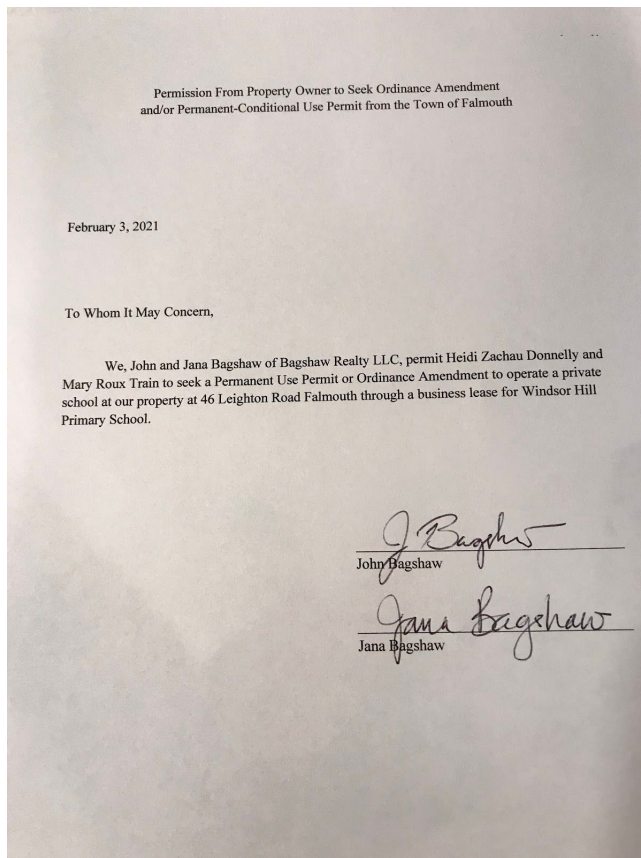
Ordinance Amendment Request

submitted by Mary Roux Train & Heidi Zachau Donnelly on behalf of Windsor Hill Primary School to the Town of Falmouth on February 4, 2021

1. Payment of application fee (\$250)



2. Documentation of permission to lease property by owners:



3. Plot plan and surrounding area map

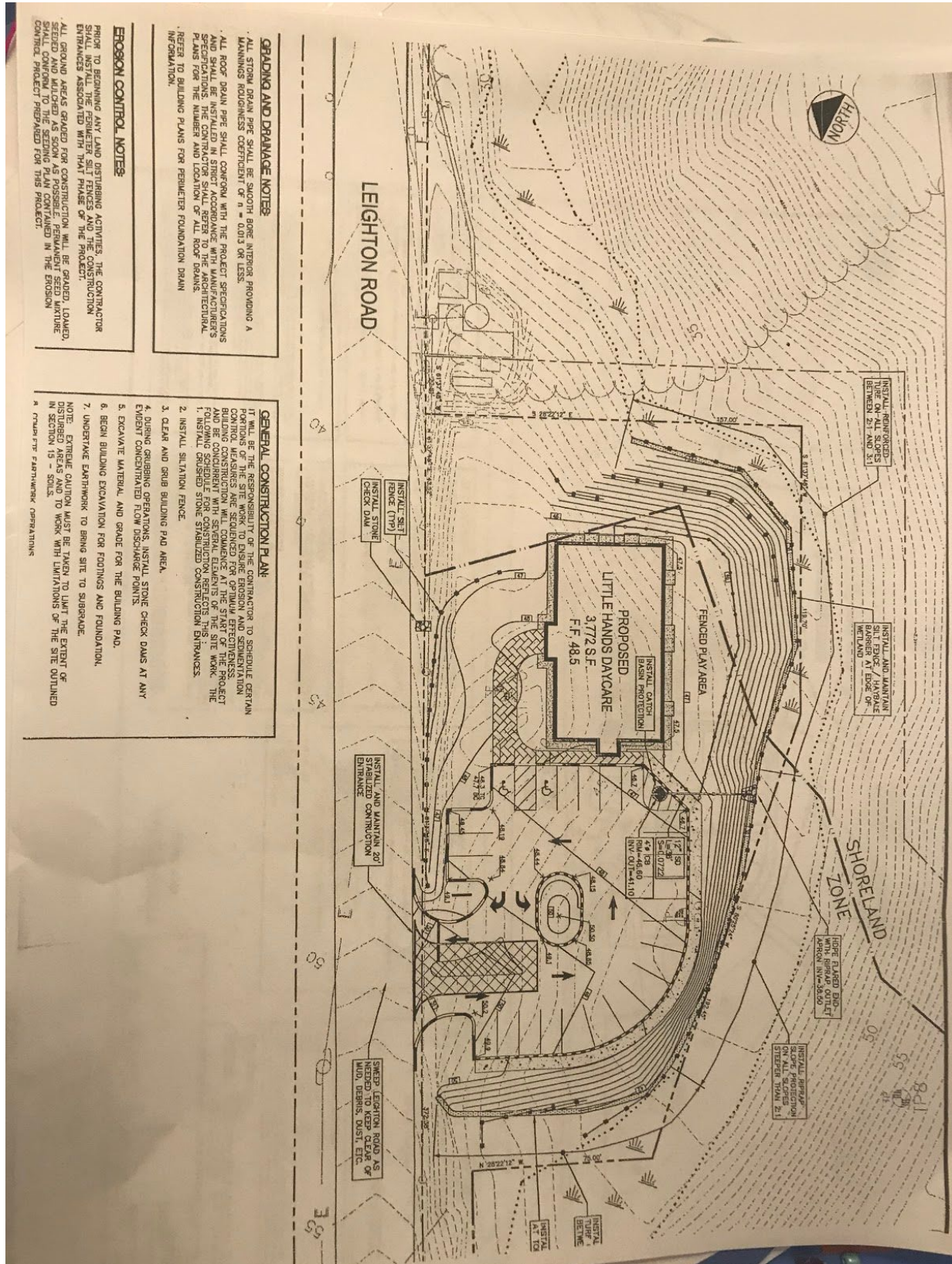
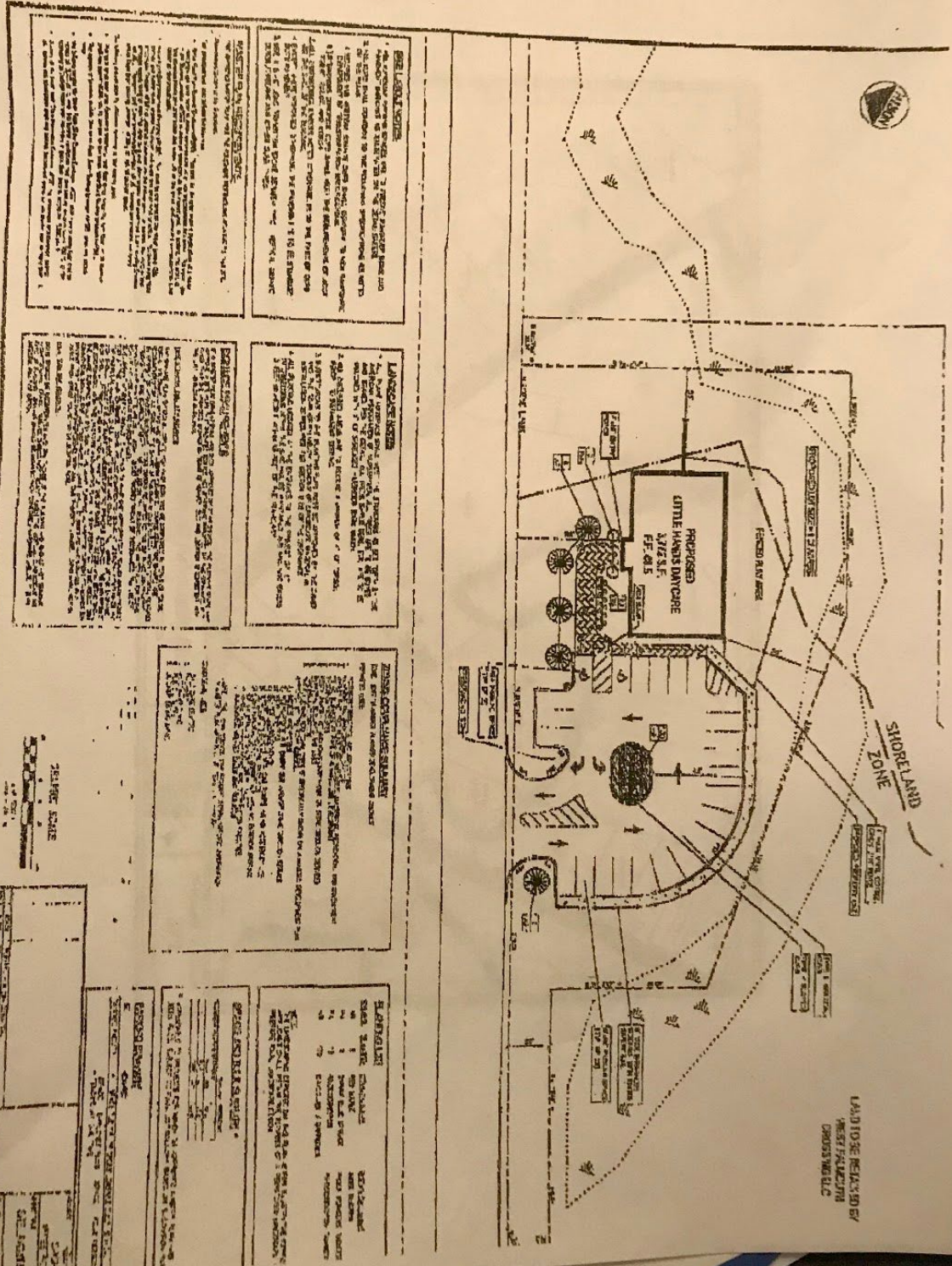


EXHIBIT A



LAD 1036 MAXIMUM
WEST 141/200
DROSSING LLC

GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. THE OWNER SHALL VERIFY THE ACCURACY OF ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES SHOWN ON THIS PLAN.
3. THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY.
5. THE OWNER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. THE OWNER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE SHOWN ON THIS PLAN.
7. THE OWNER SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS UNLESS OTHERWISE SHOWN ON THIS PLAN.
8. THE OWNER SHALL MAINTAIN ALL EXISTING FENCES AND BARRIERS UNLESS OTHERWISE SHOWN ON THIS PLAN.
9. THE OWNER SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPE UNLESS OTHERWISE SHOWN ON THIS PLAN.
10. THE OWNER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE SHOWN ON THIS PLAN.

PROPOSED LITTLE HAVEN FIRE STATION

The proposed Little Haven Fire Station is a large, rectangular building with a central circular area. The building is situated on a lot bounded by a street to the north and a storage area to the east. The plan shows the building's footprint, parking area, and surrounding infrastructure. The drawing includes various lines representing property boundaries, easements, and proposed infrastructure.

EXISTING DRIVEWAYS

The existing driveways are shown as solid lines on the plan. They provide access to the property from the street and connect to various areas of the site. The drawing shows the layout and location of these driveways.

EXISTING DRIVE

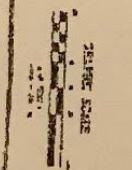
The existing drive is shown as a solid line on the plan. It runs along the southern boundary of the property and provides access to the storage area. The drawing shows the layout and location of this drive.

EXISTING DRIVE

The existing drive is shown as a solid line on the plan. It runs along the eastern boundary of the property and provides access to the roadside service area. The drawing shows the layout and location of this drive.

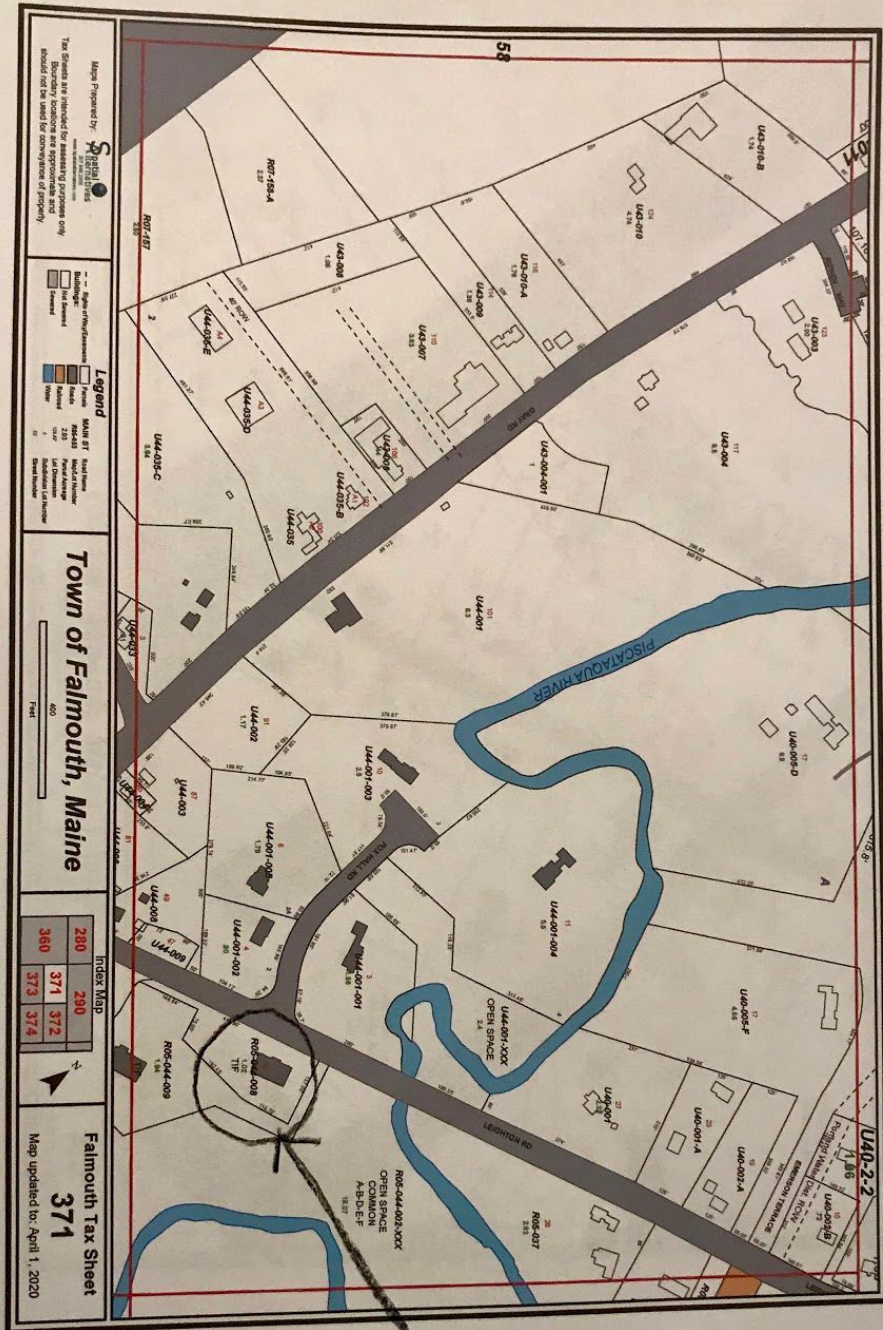
EXISTING SIDEWALK

The existing sidewalk is shown as a solid line on the plan. It runs along the northern boundary of the property and provides access to the parking area. The drawing shows the layout and location of this sidewalk.



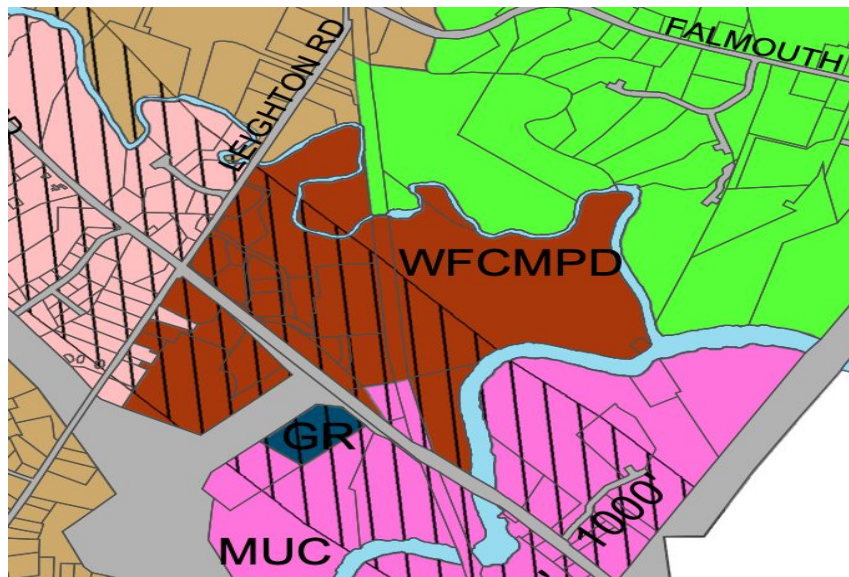
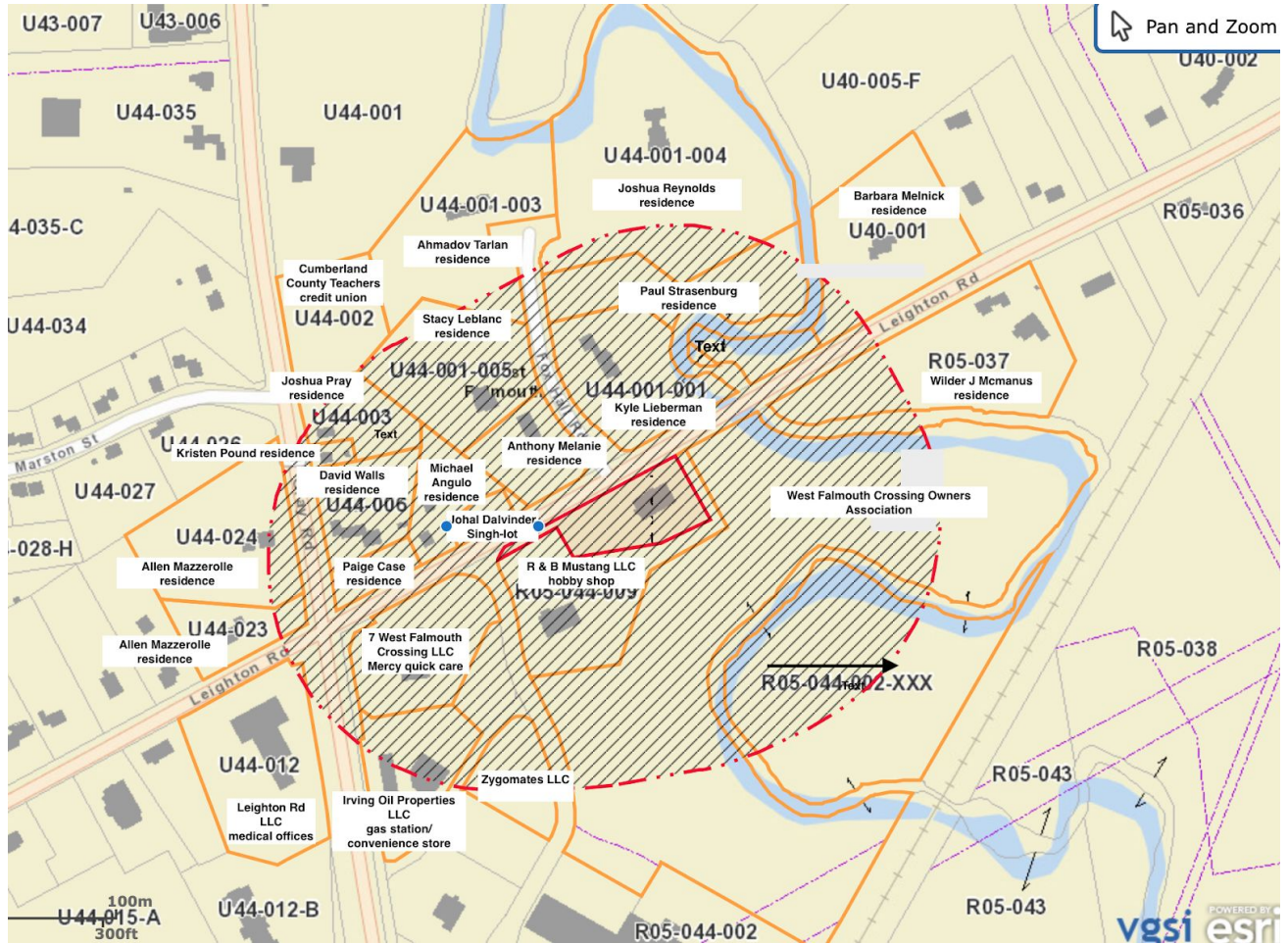
NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	09/20/02
2	REVISED PLAN	09/20/02
3	FINAL PLAN	09/20/02

DESIGNED BY: [Name]
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 09/20/02



46 Leigh
 Road

3. Lot #, owners, land uses surrounding 46 Leighton Road (500ft radius)



Abutting Properties for
46 LEIGHTON RD FALMOUTH, ME
R05/ 44/ 8/ /
(500 Feet)

Location:
R05/ 37/ / /
26 LEIGHTON RD
Owner:
MCMANUS WILDER J &
MCMANUS TRAVIS J
26 LEIGHTON RD
FALMOUTH, ME 04105

Location:
R05/ 44/ 7/ /
75 GRAY RD
Owner:
7 WEST FALMOUTH CROSSING LLC
PO BOX 759
SACO, ME 04072

Location:
U44/ 4/ / /
85 GRAY RD
Owner:
POUND KRISTEN C
85 GRAY RD
FALMOUTH, ME 04105

Location:
U44/ 8/ / /
49 LEIGHTON RD
Owner:
ANGULO MICHAEL S &
ANGULO SATORIA P
95 LONGWOODS RD
FALMOUTH, ME 04105

Location:
U44/ 23/ / /
59 LEIGHTON RD
Owner:
MAZEROLLE ALLEN P
82 GRAY RD
FALMOUTH, ME 04105

Location:
U44/ 1/ 4/ /
9 FOX HALL RD
Owner:
REYNOLDS JOSHUA
AMIN ADRIAN
9 FOX HALL RD
FALMOUTH, ME 04105

Location:
R05/ 44/ 9/ /
65 GRAY RD EXIT #53
Owner:
R & B MUSTANG LLC
29 TWIN SPRINGS
STANDISH, ME 04084

Location:
U44/ 1/ 0/ XXX/
FOX HALL RD
Owner:
STRASENBURG PAUL H.
281 BRIDGE ST
WESTBROOK, ME 04092

Location:
R05/ 44/ 3/ /
GRAY RD EXIT #53
Owner:
ZYGOMATES LLC
74 GRAY RD
FALMOUTH, ME 04105

Location:
U40/ 1/ / /
27 LEIGHTON RD
Owner:
MELNICK BARBARA L &
MELNICK HARVEY
27 LEIGHTON RD
FALMOUTH, ME 04105

Location:
U44/ 6/ / /
81 GRAY RD
Owner:
WALLS DAVID M &
WALLS SOKKONG
81 GRAY RD
FALMOUTH, ME 04105

Location:
U44/ 9/ / /
47 LEIGHTON RD
Owner:
JOHAL DALVINDER SINGH &
JOHAL TANYA KAUR
18 EDEN LN
OLD ORCHARD BEACH, ME 04064

Location:
U44/ 24/ / /
82 GRAY RD
Owner:
MAZEROLLE ALLEN
82 GRAY RD
FALMOUTH, ME 04105

Location:
U44/ 1/ 2/ /
4 FOX HALL RD
Owner:
ANTHONY MELANIE
4 FOX HALL RD
FALMOUTH, ME 04105

Location:
U44/ 1/ 5/ /
6 FOX HALL RD
Owner:
LEBLANC STACY E &
SALVO KEVIN T
6 FOX HALL RD
FALMOUTH, ME 04105

Location:
R05/ 44/ 2/ XXX/
GRAY RD
Owner:
WEST FALMOUTH CROSSING OWNERS
ASSOC
C/O GUARDIAN PROPERTY SERVICES
211 MARGINAL WAY #233
PORTLAND, ME 04101

Location:
R05/ 44/ 6/ /
65 GRAY RD
Owner:
IRVING OIL PROPERTIES LLC
ATTN CORPORATE REAL ESTATE
P O BOX 868
CALAIS, ME 04619

Location:
U44/ 3/ / /
87 GRAY RD
Owner:
PRAY JOSHUA M &
STINNEFORD ALLISON J
87 GRAY RD
FALMOUTH, ME 04105

Location:
U44/ 7/ / /
51 LEIGHTON RD
Owner:
CASE PAIGE A
POMEROY BENJAMIN G
51 LEIGHTON RD
FALMOUTH, ME 04105

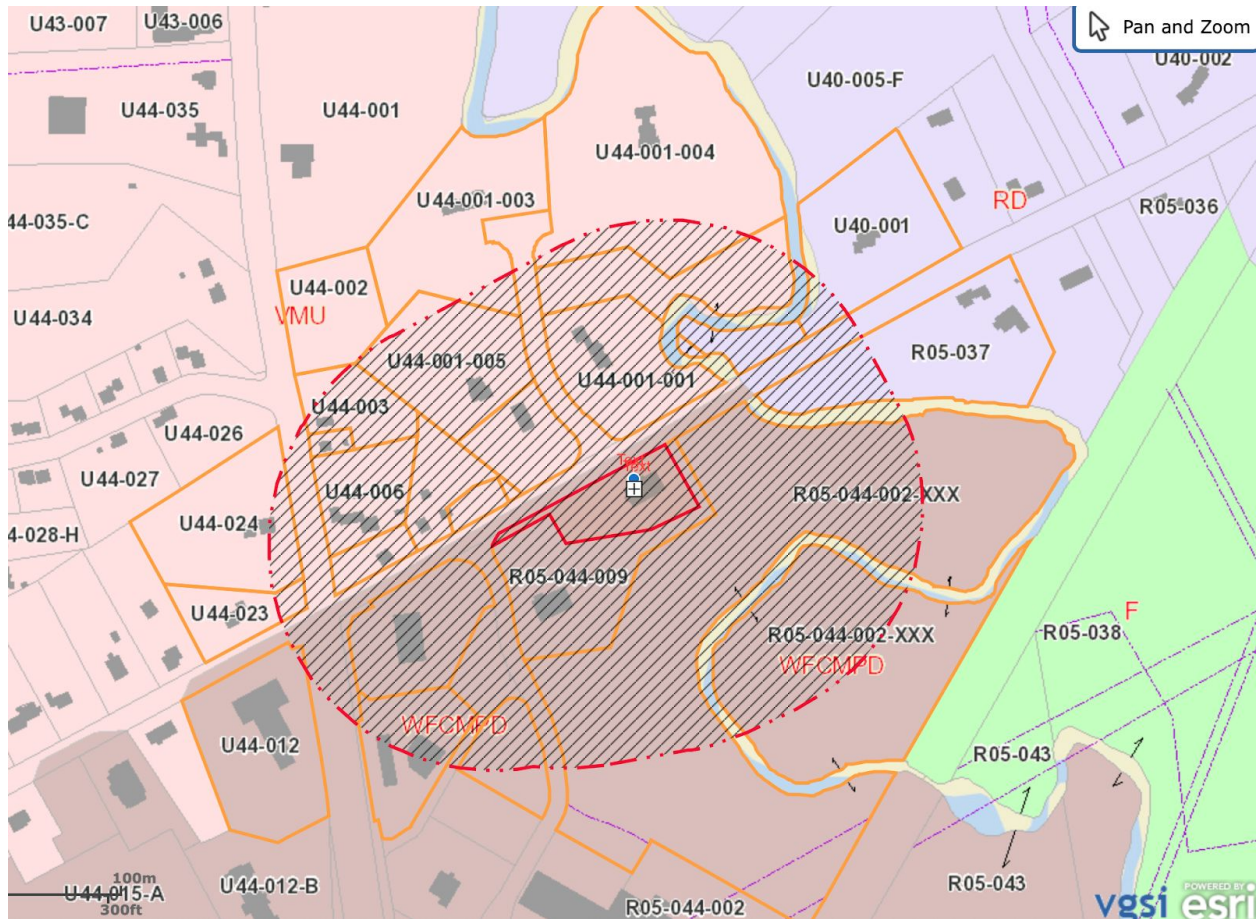
Location:
U44/ 12/ / /
74 GRAY RD
Owner:
LEIGHTON ROAD LLC
C/O DIRIGO MANAGEMENT
ONE CITY CENTER
PORTLAND, ME 04101

Location:
U44/ 1/ 1/ /
3 FOX HALL RD
Owner:
LIEBERMAN KYLE A &
LIEBERMAN KRISTINA
3 FOX HALL RD
FALMOUTH, ME 04105

Location:
U44/ 1/ 3/ /
10 FOX HALL RD
Owner:
AHMADOV TARLAN R &
AHMADOVA ZEMFIRA M
10 FOX HALL RD
FALMOUTH, ME 04105

Location:
U44/ 2/ / /
91 GRAY RD
Owner:
CUMBERLAND COUNTY TEACHERS
FEDERAL CREDIT UNION
101 GRAY RD
FALMOUTH, ME 04105

3. Zoning map of area surrounding 46 Leighton Road



4. Narrative Description of property to be rezoned:

The land parcel of the property abuts the wood in the West Falmouth Crossing Development area that includes numerous businesses including a large grocery store, bank, gas station, and hobby shop and in close proximity to Gray Road (route 100) and the Maine Turnpike.

The structure built at 46 Leighton Road was built as a small school building to operate a daycare center 17 years ago. It contains 2 classrooms, an office, 2 bathrooms, and a community space in the area of approximately 3800 square feet. The building is designed with an attractive school-like facade and well landscaped front entrance. The rear of the exterior has a fenced-in yard that is well-maintained with age-appropriate play structures. The side of the building provides a circular drive with ample parking.

[Link to current business website with photos](#)



5. Narrative Description of the ordinance amendment request:

- a. How is the proposed request consistent with the Comprehensive Plan and other adopted Town plans/policies?*

Windsor Hill Primary School shares the vision set forth by the Comprehensive Plan and will contribute to the town of Falmouth as part of “a desirable place to live, learn, play and do business.” Our program development as a small school for young children needing some transitional time and structure before entering a larger setting is in direct response to Falmouth’s desire to “[provide] for changing life stages among residents.”

Our particular business will also allow families to access a full business day with our school hours being consistent with the traditional business day of 8:30am-5:00pm which will be helpful to working families and allow Falmouth to

meet its goal of looking to the “constantly evolving needs and demands of the future,” and “allow it to continue to be a dynamic, aware, and forward looking community.” A transitional, or bridge, program like we plan to offer does not currently exist for families or in the State of Maine in the format we plan as we choose to pivot around societal needs for now, and for the future, as we hope Falmouth will do with us in allowing us to exist in the Town.

West Cumberland Crossing is a commercial hub that provides a range of services in a convenient location. We believe that Windsor Hill Primary School to be a proposed compatible use to the existing uses in this area and directly in line with businesses that are currently operating in the West Falmouth Crossing Development currently.

b. How is the request consistent with allowed and established nearby land use patterns and not incompatible with adjacent land uses?

West Falmouth Crossing, by definition, currently permits Commercial Schools and Daycare Centers with educational programming within the age-range of children that would be attending our school. The business plan we have outlined will service similar, or fewer, numbers of children than the current childcare and afterschool program at the property. We anticipate our impact to be smaller to the area.

c. Why does the current zoning not allow a desired outcome?

Windsor Hill Primary is essentially the same business model and age children in the program as the existing business in the 46 Leighton Road location. The only difference in our programming is that our educational programming is recognized by the State Department of Education because we, as owners and teachers, are State of Maine Certified and the education we will provide will be recognized by the State of Maine for fulfilling requirements mandated by legislation for certain aged children, making the need for a different license/permit other than a Childcare Center or Commercial School which are both currently permitted in this zoning area.

d. Description of properties unique conditions that warrant a deviation from the Town's ordinances:

This property was built as a small school. The owners are excited to keep it working as a small school in a lease agreement with Windsor Hill Primary School. It currently houses 2 classrooms, a multi-purpose room and fully equipped playground, as well as a small office space.

When the current program vacates to move into the addition in their larger building around the corner the space on Leighton Road will be leased and utilized for a different use. Many of the various uses already permitted by the Zoning Ordinance will require construction and renovation and may ultimately have a much larger negative impact to the West Falmouth Crossing Planned Development than we would have if allowed to lease there.

If Windsor Hill Primary School is allowed to amend the ordinance to include private schools it will allow for a simple, less intrusive, and familiar business to occupy and operate in that space without competing with, or duplicating, the surrounding businesses. We feel that Windsor Hill Primary School will become a nice complement to the commercial business area in West Falmouth if permitted to lease in that location.

e. What are the anticipated impacts of the proposed request on adjacent and nearby properties and on the overall Town?

The similarities of our business to the existing business in terms of business model, program design/structure, noise, and all usage effects, make it so we do not anticipate there to be any negative impacts to the surrounding area or to the Town as a whole based on our proposed request. Any impact will be the same or less based on the low numbers planned for enrollment.

6. Description of Public Benefit of Proposed Ordinance Amendment

Windsor Hill Primary School will be providing opportunities for young families to access educational programming that best fits their needs in a convenient location that acts as a bridge from childcare/preschool to public school. Families who choose Windsor Hill Primary may be needing a full work day

program to support their family needs at this unique developmental stage for their children. They may be looking for a small setting where there is limited exposure to a set number of peers and teachers for various reasons related to emotional and social needs, academic needs, or global health and wellness needs.

Our school will appeal to families seeking an academic foundational skills program that aligns directly with public school programming and supports the transition to the public schools while accounting for additional time for students who may need it for future success.

7. Description of Public Outreach

Windsor Hill Primary School mailed informational letters to surrounding businesses and residences on February 6th within the 500 foot radius outlined by the Town of Falmouth. In the letter, we have introduced our business, described the amendment we are requesting to the Zoning Ordinance, and invited anyone to contact us with questions and/or attend a ZOOM online meeting we will host on February 15th at 5:00pm. We hope to answer and address any and all concerns in a satisfactory way as they are presented to us from neighbors in the feedback formats described and we will continue to update our application document as we receive feedback from abutters.

Copy of letter included in application.



Dear Residents, Businesses and Landowners,

We would like to introduce ourselves as potential neighbors and business owners of Windsor Hill Primary School seeking to lease the building that is currently operating as Little Hands Preschool and Aftercare at 46 Leighton Road. The current occupants plan to relocate to their larger facility on Gray Road in the next few months and are actively looking to lease this structure to a new business.

Windsor Hill Primary is interested in leasing the small school that is currently located on the Leighton Road site. We plan to continue a similar operation as what has been functioning there for the past 17 years. As certified teachers, our program will be recognized by the State of Maine Department of Education and therefore requires a different license than a daycare center operating preschool and aftercare despite the similar use and population we will enroll.

We plan to make zero structural changes aside from signage and anticipate the usage and impact to be less than the current use due to a smaller number of children in attendance. Our business plan intends to provide a small student:teacher ratio for 5-7 year olds who may need a little more time to bridge from preschool into the larger public settings for learning.

You are receiving this letter as notification of our request to amend the Zoning Ordinance for the West Falmouth Crossing Master Plan Development to include Private Schools at 46 Leighton Road. Our request is to simply amend the zoning to include Private School as a permitted use. This change is being requested to amend the zoning ONLY for the specific parcel of land at 46 Leighton Road.

We plan to offer you an opportunity to ask questions and/or provide feedback for us related to the process of having the Zoning Ordinance amended in the way we have described for 46 Leighton Road. Should you desire to participate with questions and input based on your proximity to the location of 46 Leighton Road please plan to attend a ZOOM meeting online at 5:00pm on February 15, 2021 at the following:

<https://us04web.zoom.us/j/75310246345?pwd=MldSUDIYcFI2ODFrTlNmYSStESXlscz09>
Meeting ID: 753 1024 6345
Passcode: bqFFp0

You can also email us as owners of Windsor Hill Primary School.
Mary Roux Train maryrouxtrain@gmail.com Heidi Donnelly hzdannelly@gmail.com

Sincerely,

Mary Roux Train Heidi Zachau Donnelly

Update Regarding Property Abutters Feedback
2/18/21

Of the 26 property owners identified and notified in the public outreach as abutters within a 500 ft. radius, John and Jana Bagshaw, owners of 46 Leighton Rd. were the only people in attendance of the Zoom meeting in addition to the ordinance requestors. Letters were mailed 9 days prior to the scheduled meeting and contact information was included for Mary Train and Heidi Donnelly. In addition there was no response within 2 weeks to the invite to ask questions or comment via email should that have been preferred to meeting in the Zoom forum.

We feel it is reasonable to assume that due to lack of participation and the similar impact Windsor Hill Primary School would have on the abutting properties to the existing use, abutting property owners do not have concerns about the potential ordinance change impacting their rights as property owners. Feedback from John and Jana Bagshaw also reinforced this as they have not been made aware of any concern from abutters regarding their similar usage of 46 Leighton Rd. over the past 18 years.