



October 18, 2021

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

**Re: Minor Subdivision Plan Application
68 High Street
James Cummings - Applicant**

Dear Steve:

We received your review comments in a memo dated October 12, 2021 for the above referenced project and we offer the following response:

Town Planner Comments:

- Missing financial capacity for the project
 - Response: The applicant has already purchased the land and intends to only sell lots. Since there is no infrastructure to build out, it seems like Financial Capacity is not applicable in this situation. The applicant has completed many projects in Windham and surrounding communities and we can provide a general financial capacity letter if the Town feels it is necessary.
- Missing drainage to the Town for the stormwater outfall on Lot #2.
 - Response: We have proposed a drainage easement to be placed on Lot #2 and have added the depiction of the easement to the revised plans.
- Missing PWD "Ability to Serve" letter for the proposed single-family and duplex buildings.
 - Response: Attached is an email from Portland Water District indicating they have the ability to serve the project. We expect the official "Ability to Serve" letter to be issued within the next day or two.
- Missing deed for the conveyance of the existing two-unit (Lot #1)
 - Response: Attached is the deed for the conveyance of Lot 1. We have also added the deed reference to the Subdivision Plan.
- Please provide a Land Surveyor Stamp on the proposed subdivision recording plan.
 - Response: The professional land surveyor Bill Shippen will provide a stamp on the Final Subdivision Plan to be signed and recorded.

Town Engineer Comments:

- The plans do not seem to include proposed grading of the site particularly on the side and rear of the buildings where the slopes are quite steep. In addition, details on the provision of erosion control for at and around the outfall of the exiting culvert at the rear of Lot 2.
 - Response: The applicant only intends to sell the lots and is not proposing to build the houses or complete the sitework. When we have designed single-family and duplex lots with other projects in Windham, it has been customary to show intended driveway locations and general house footprints but we typically do not provide complete grading plans for individual lots as part of Subdivision approval. We showed the location of driveways and potential building footprints to show how a building could potentially be

located on the lot and to coordinate utility services, but the ultimate grading and site layout will be based on what is proposed by the new lot owner and their builder.

- Response: Regarding the existing culvert outfall, we have proposed to build a riprap plunge pool at the pipe outfall to help control peak velocities and rates of stormwater runoff from the culvert and fix the erosion problems that have been identified in this location as being a recurring maintenance issue for the Town.
- For the same culvert referenced above, a drainage easement should be granted to the Town to allow for maintenance of the culvert, if needed, on the subdivision's property. Also, the subdivision plan states that stormwater runoff from the driveways will flow into the street where it will go into the Town drainage system. Generally the Town requires developments to manage runoff on site. The applicant should consider pervious pavers of equivalent that would allow for this.
 - Response: We have depicted a proposed culvert easement on the attached revised plans. As stated above, we are proposing to install a riprap plunge pool at the culvert outfall to help manage stormwater runoff for this project and the watershed that already drains to this area. The plunge pool will be a significant improvement to the overall drainage system and will adequately accommodate the small amount of additional runoff that will be generated from three short driveways, which creates a total of approximately 1,200 square feet of impervious surface for all three driveways combined. It is our opinion that directing the new runoff to the existing catch basins and installing the plunge pool would be a better alternative than infiltrating the runoff from the driveways and leaving the existing storm drain outfall without the plunge pool.
- Per Windham's Land Use Ordinance Section 911.J.6, all subdivisions regardless of size require that a stormwater management plan shall be submitted that complies with Section 4E Flooding Standard of the DEP Chapter 500 Stormwater Management.
 - Response: The new roof area will drain to roofline drip edges that will adequately manage the runoff from the buildings without causing potential for increased rates of peak stormwater flow leaving the property. The construction of the plunge pool will reduce the flow velocities that drain through the property and therefore reduce the peak rate of runoff. It is difficult to quantify the actual anticipated peak flow rate reduction, but plunge pools have been an appropriate solution for similar drainage circumstances.
- Roof Drip Edge Filters are proposed. The plans should show the location of these including the discharge point for the underdrain/foundation drain.
 - Response: The roof drip edge locations will be dependent upon the architecture of the houses and the geometry of the rooflines. We would suggest that a Condition of Approval be added that states that all buildings shall require roofline drip edges and that the location of the drip edges shall be approved by the Town during the Building Permit Review process.
- The Site Plan should show proposed landscaping.
 - Response: This project is being reviewed as a Minor Subdivision and not a Site Plan, so we have not proposed any landscaping.

Public Works Director Comments:

- The applicant should know we are planning on rebuilding High Street and sidewalk on the same side in 2022 as long as the budget is there so he would, should get his utilities in before we are there.
 - Response: We are coordinating the timing of construction with Portland Water District and appreciate being made aware of the Town's intentions to rebuild the road. We will

coordinate the removal and placement of curbing and sidewalk reconstruction with the Town project.

Environmental & Sustainability Coordinator Comments:

- He application narrative mentioned that stormwater runoff generated from the driveway would be directed towards the Town's stormwater system, which will outlet back onto the applicant's property via a Town outfall. How much extra flow will this generate? The outfall they intend to direct runoff is a hung culvert that flows regularly and has experienced erosion and sedimentation issues in the past. Additionally, due to the small sites and proximity to the Town's stormwater system, can it be outlined in the ESC plan that stormwater inlet protection is used for the adjacent High Street catch basins.
 - Response: As stated in the response to the Town Engineer's comments, the minor amount of additional flow generated from approximately 1,200 square feet of new pavement will be adequately accommodated by constructing a new riprap plunge pool at the outfall of the existing culvert. We have added the requirement for inlet protection for the existing catch basins in High Street, as requested.

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

dustin@dmroma.com

From: jp@dmroma.com
Sent: Thursday, October 14, 2021 8:44 AM
To: 'Adam Sellick'
Cc: dustin@dmroma.com
Subject: RE: 502483-HighSt-New Service Requests

Thank you Adam, I appreciate that your review considered PWD improvement projects and our scheduling needs. We will update and coordinate with our client regarding the spring High Street improvements.

J.P.



Mailing Address: Office Location:
P.O. Box 1116 2 Main Street, Suite 18-128
Windham, ME 04062 Biddeford, ME 04005

P: (760) 840-0997

From: Adam Sellick <asellick@pwd.org>
Sent: Thursday, October 14, 2021 7:52 AM
To: 'jp@dmroma.com' <jp@dmroma.com>
Subject: 502483-HighSt-New Service Requests

JP,

My name is Adam Sellick, and I am the Portland Water District engineer assigned to your project on High Street in Windham. I've reviewed the plans, everything looks good. Before I wrap up my review, I wanted to ask what the plan was in regard to construction on this project? The reason I ask is that the District is planning to perform a water main renewal in High Street next Spring. If your client was interested, we could plan on including these services in our project (additional costs associated to these services conveyed to the Developer).

If your client is hoping to have these services in this year, then you can disregard this. The big thing is that if they aren't installed this year, they'll need to be in before the renewal projects starts. We can't have new services going in while the main is out of services.

Please review this with your client and let me know how you'd like to proceed. Feel free to reach out if you have any questions. At this time, I don't have an exact timeframe for the renewal project, but I feel it's safe to assume it will be starting up first thing in the Spring.

Thank you!
Adam

Adam Sellick, E.I.
Associate Engineer
Portland Water District
225 Douglass Street

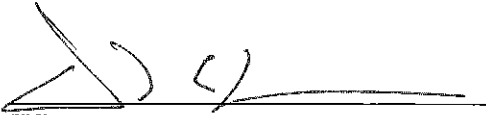
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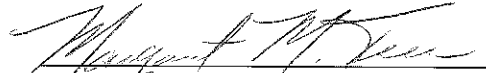
WARRANTY DEED

MARGARET M. TEER, an individual residing in Standish, Maine, with a mailing address of P.O. Box 326, Standish, ME 04084, for consideration paid, grants to **JAMES E. CUMMINGS**, an individual residing in Windham, Maine, with a mailing address of P.O. Box 957, Windham, ME 04062, with Warranty Covenants, in the land with any improvements thereon located in the Town of Windham, County of Cumberland and State of Maine, more particularly described on Exhibit A.

Meaning and intending to convey and hereby conveying the property described in the deed from Marsha Weeks Traill, duly appointed and acting Personal Representative of the Estate of Merrill T. Laskey to Margaret M. Teer, which deed is dated April 17, 2020, and recorded in the Cumberland County Registry of Deeds in Book 36620, Page 175.

IN WITNESS WHEREOF, the Grantor has executed this deed this 2nd day of July, 2021.

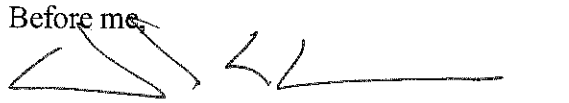

Witness



Margaret M. Teer

STATE OF MAINE
COUNTY OF CUMBERLAND, ss

Date: July 2, 2021

Then personally appeared the above-named Margaret M. Teer and acknowledged the foregoing instrument to be her free act and deed.

Before me

Notary Public


Printed Name
Commission Expires:

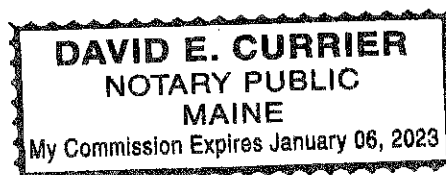


Exhibit A

Margaret M. Teer to James E. Cummings

Certain lots or parcels of land with any buildings thereon located in the Town of Windham, County of Cumberland and State of Maine being more particularly bounded and described as follows:

1. A certain lot or parcel of land with the buildings thereon situated in said Windham on the Westerly side of High Street, so-called, in Little Falls Village in said Windham. Said parcel of land contains eighty-one (81) square rods and $22\frac{1}{2}$ links and is bounded and described as follows, viz:

Beginning at the northeast corner of said lot at an iron post set in the ground thirteen (13) links westerly from the western end of a stone water course two (2) rods six (6) links southerly from the dwelling house formerly occupied by one Henry C. Boothby and running South $74\frac{1}{2}^{\circ}$ West twelve (12) rods two (2) links to a stake on the line of the Maine Central Railroad location; thence South $7\frac{1}{4}^{\circ}$ West on the line of the said Maine Central Railroad location six (6) rods and thirteen and one-half ($13\frac{1}{2}$) links to a stake; thence North $74\frac{1}{2}^{\circ}$ East fourteen (14) rods and fifteen and one-half ($15\frac{1}{2}$) links to a stake; thence North $15\frac{1}{2}^{\circ}$ West one hundred (100) feet to the point of beginning.

2. A certain lot or parcel of land, including any buildings thereon, situated on the westerly side of High Street in Windham, County of Cumberland and State of Maine, and more particularly described in a certain deed from Esther B. Brackett to Alice E. Grierson and Linnie Burnell, dated September 5, 1922 and recorded in the Cumberland County Registry of Deeds in Book 1112, Page 77.

3. Map 38, Lot 4 of the Property Maps of the Town of Windham, Maine, Cumberland County compiled by James W. Sewall Co., Old Town, Maine dated April 1964, said maps being filed for public inspection at the office of the assessor of the Town of Windham. Being the same property acquired from Luther Estes, Heirs by virtue of matured tax lien for the year 1964. Said liens being recorded in the Cumberland County Registry of Deeds in Book 2914, Page 553 on August 18, 1965.

After recording return to:
 Pearl Law Offices, LLC
 9391 Olde Eight Road
 Northfield, OH 44067
 File No. FS210750622

Parcel ID No.: 37/ 21

DLN:1002140164806

WARRANTY DEED

THIS INDENTURE made and entered into on this 22nd day of September, 2021 by and between **James E. Cummings, an individual**, of PO Box 957, Windham, ME 04062 hereinafter referred to as Grantor and **Cheata K. Chau, an unmarried person, as sole owner**, of 46 Wadsworth Avenue, Westbrook, ME 04092 hereinafter referred to as Grantee.

WITNESSETH: That the said Grantor, for and in consideration of the sum of FOUR HUNDRED THIRTY NINE THOUSAND AND 00/100 (\$439,000.00) DOLLARS, the receipt of which is hereby acknowledged, have this day given, granted, bargained, sold, conveyed and confirmed and do by these presents give, grant, bargain, sell, convey and confirm unto the said Grantee the following described real estate located in Cumberland County, Maine:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION.

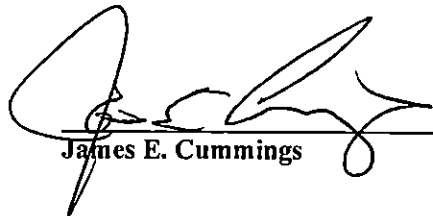
PROPERTY COMMONLY KNOWN AS: 68 High Street, Windham, ME 04062

This conveyance is subject to easements, covenants, conditions, restrictions, reservations, and limitations of record, if any.

TO HAVE AND TO HOLD the lot or parcel above described together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said Grantee and unto Grantee's heirs, administrators, successors or assigns, forever.

GRANTOR(S) hereby covenant with and represent unto the said Grantee(s) and unto her/his/their successors or assigns, that he/she/they is/are lawfully seized in fee simple of the lot or parcel of land above described; that the same is free from all liens and encumbrances except ad valorem taxes for the current tax year and subsequent years, restrictions, restrictive covenants and easements of record, if any; that he/she/they has/have a good and lawful right to sell and convey the same as aforesaid and that he/she/they will forever warrant and defend the title to same unto the said Grantee(s) and unto his/her/their successors or assigns, except as to said taxes, restrictions, restrictive covenants and easements of record, if any.

IN WITNESS WHEREOF, this Deed was executed by the undersigned on this the 22 day of September 2021.


James E. Cummings

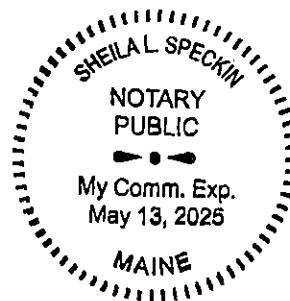
STATE OF ME
COUNTY OF Cumberland

The foregoing instrument was acknowledged before me this 22 day of September 2021 by James E. Cummings.


Notary Public Signature

Sheila L. Speckin
Printed Name of Notary Public

My commission expires: 5/13/25



No title exam performed by the preparer. Legal description and party's names provided by the party.

Survey, Inc.

P.O. Box 210

Windham, Maine 04062

(207) 892-2556

info@surveyincorporated.com

21-176

September 2, 2021

Exhibit A

Proposed 20,937 SF Parcel

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

Beginning on the southwesterly sideline of High Street at land now or formerly of Arnold P. Randall and Patricia A. Randall as described in a deed recorded in Book 3173 Page 635 in the Cumberland County Registry of Deeds;

Thence S 59° 36' 37" W, by and along land of Arnold P. Randall and Patricia A. Randall and land now or formerly of Wilfred M. Foster and Janet G. Foster as described in a deed recorded in Book 5041 Page 34 in the Cumberland County Registry of Deeds, a distance of 243.20 feet to land now or formerly of the State of Maine, formerly of the Maine Central Railroad;

Thence N 6° 20' 18" W, by and along land of the State of Maine, a distance of 85.31 feet;

Thence N 50° 51' 21" E a distance of 210.89 feet to the southwesterly sideline of High Street;

Thence S 30° 23' 23" E, by and along the southwesterly sideline of High Street, a distance of 110.00 feet to the Point of Beginning. The parcel contains approximately 20,937 square feet.

Bearings are Grid North.

Reference is made to a plan entitled "Boundary Survey Lot Split 68 High Street Windham, Maine for: James Cummings" dated September 2021 by Survey Inc.