



Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: 22-139

Agenda Date: 8/16/2022

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

Agenda Number:

I. Council Action Requested.

To accept the public easements for Johnson Road, Percy Hawkes Road, Buckfield Drive, Sabbady Point Road, Pride Lane, Outlet Cove Road, Mineral Spring Road and Wintergreen Circle, identified by the Town as Designated Private Ways, that have met the criteria set forth by private and special law L.D. 1975, for the purpose of the Town's continued winter maintenance services on the defined public easement area.

II. Basis for Council Action.

Council approval of this item is required because;

- a. Article II, Section 3(I) of the Charter authorizes the Council to "Exercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Town Meeting except as otherwise provided herein, and also exercise all the powers now or hereafter given by statute to municipal officers of towns";
- b. State statute L.D. 1975, Section 3 (1) states that the "council may identify a private way in the Town of Windham as a designated private way" if the Town has "performed winter maintenance on the private way if for at least 20 years prior to the effective date of this Act", June 17, 2021; and
- c. Chapter 204, Article 3, Section 204-34 (as amended May 24, 2022) states "beginning October 1, 2023, the Town will cease providing winter maintenance on designated private ways unless an association with authority over the private way or the owners of at least 67% of the owner(s) or abutter(s) of the designated private way or portion thereof have given and the Town has accepted a public easement over the private way or portion thereof."

III. Issue Summary.

- Johnson Road, Johnson Rd. Association, Inc. of Highland Lake, [Non-profit Corporation, but does not retain ownership of road; 74% of abutter signatures collected]
- Percy Hawkes Road, Highland Lake Corporation II, [Non-profit Corporation which has ownership of road]
- Buckfield Drive, Buckfield Drive Statutory Road Association, [80% of abutter signatures collected]
- Sabbady Point Road, Pride Lane & Outlet Cove Road, Sabbady Point Road Association, Inc. [Non-profit Corporation which has ownership of road]
- Mineral Spring Road & Wintergreen Circle, Sebago Mineral Spring Associates [Non-profit Corporation which has ownership of road]

Please refer to the attached easements.