



Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: 25-003

Agenda Date: 1/14/2025

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

I. Council Action Requested.

To accept the public turnaround easements for Fern Drive, a street identified by the Town as a Designated Private Way that has met the criteria set forth by private and special law L.D. 1975, for the purpose of the Town's continued winter maintenance services.

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 that "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.

The turnaround area for Fern Drive is physically on three privately owned parcels. The owners of said parcels worked with Town Engineer Mark Arienti and provided the attached easements collectively for this turnaround area.