

## Tammy Hodgman

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**From:** Robert J. Burns  
**Sent:** Wednesday, October 22, 2025 9:42 PM  
**To:** Tammy Hodgman  
**Subject:** FW: Upcoming Town Council Meeting...Item to discuss Viola Lane  
**Attachments:** viola dr.xlsx

Tammy,

Please attach this email to the Viola Lane item on the next agenda.

Thanks,

**Robert Burns**

Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)

Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns  
**Sent:** Wednesday, October 22, 2025 9:39 PM  
**To:** 'Matt Dibiase' <mdibiase@portlandvolvo.com>; 'markcobb8616@gmail.com' <markcobb8616@gmail.com>; 'Melissa Carey' <melissacarey1013@gmail.com>  
**Cc:** Barry A. Tibbetts <batibbetts@windhammaine.us>; 'stephentewalt@gmail.com' <stephentewalt@gmail.com>; 'rod.tewalt@gmail.com' <rod.tewalt@gmail.com>; 'john.d.carey5@gmail.com' <john.d.carey5@gmail.com>; 'ldibirn@gmail.com' <ldibirn@gmail.com>; 'wilkins.devon@gmail.com' <wilkins.devon@gmail.com>; 'hankfarrah77@gmail.com' <hankfarrah77@gmail.com>; 'amandamariefarrah@gmail.com' <amandamariefarrah@gmail.com>; 'sandra.haskell19@gmail.com' <sandra.haskell19@gmail.com>; 'laurie.gagnon63@yahoo.com' <laurie.gagnon63@yahoo.com>; 'lgagnon@southportland.org' <lgagnon@southportland.org>; 'Angela Cobb' <angela.cobb99@gmail.com>; 'sjrallis5@gmail.com' <sjrallis5@gmail.com>; Mark T. Arienti <mtarienti@windhammaine.us>; 'McDonnell Brothers' <mbchmaine@gmail.com>; Tammy Hodgman <tahodgman@windhammaine.us>  
**Subject:** Upcoming Town Council Meeting...Item to discuss Viola Lane

Folks,

I've been unable to coordinate a meeting as described earlier and have decided to present the issue to the full Town Council at the next meeting. The Town attorney will be present for any legal clarifications. Please see the following:

### Council Meeting

The Town Council will be discussing the status of Viola Lane and its potential for public road acceptance at its next meeting to be held at 6:00pm on October 28, 2025 at Town Hall in the Council Chambers.

As a reminder I have included a link below to the October 8, 2024 Town Council meeting where Viola Lane was last discussed:

[https://windhamweb.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=1068](https://windhamweb.granicus.com/MediaPlayer.php?view_id=2&clip_id=1068)

Select the article CD 24-197 Ruby Meadows Subdivision and Viola Lane to proceed directly to the item discussed.

In the discussion Councilor Nadeau indicated that a Homeowners Association (HOA) needs to be created and Councilor Morrison mentioned that all items must be correct prior to acceptance of the road.

I anticipate the Town Council will be considering an order requiring the HOA to be incorporated prior to November 25<sup>th</sup>, 2025, which if completed, would allow for public acceptance of Viola Lane to be considered at the Town Council meeting on that date. Regardless, the Town Council ultimately retains the discretion to choose not to accept Viola Lane if it feels that doing so is not in the best interests of the Town.

Should the Town Council decide to not accept Viola Lane as a public road, the road will remain private, residents' escrowed funds will be reimbursed and the road will not be plowed by the Town. A reconsideration of this item would not be able to occur for one calendar year after a failed vote unless a vote to reconsider was to occur. Should this occur, and an HOA has not been established, the road would be maintained by a statutory road association, under 23 M.R.S. § 3101.

#### Public Road Acceptance Process

Should an HOA be formed, and the Town Council chooses to accept Viola Lane, the following would still need to occur:

- 1) The Right of Way Deed for Viola Lane must be recorded. The Town's Attorney Perkins Thompson currently has the deed and will be able to record it prior to acceptance.
- 2) The homeowners would need to supply a one year maintenance bond equal to 10% of the total cost of construction of Viola Lane. Funds currently exist in the escrow to cover this requirement.
- 3) As built plans of Viola Lane must be created. The Town Engineer will complete this assignment prior to road acceptance.
- 4) The Town Engineer will complete an inspection of the road at the end of the one-year maintenance bond period before the bond can be released.

#### Construction Work Remaining for Viola Lane

Assuming road acceptance occurs at the next Town Council meeting on November 25<sup>th</sup>, 2025 the funds in the escrow account will be utilized to pay for the remaining surface pavement layer and gravel road shouldering that will be conducted during the construction season of 2026.

#### Stormwater Requirements

The stormwater pond on Viola Lane will need to be annually inspected by a certified stormwater inspector and a report submitted to the Town. This requirement is independent of the status of Viola Lane. Any maintenance recommended will be the responsibility of the HOA. Please keep in mind, however, that should an HOA not be formed, individual property owners within the Ruby Meadows Subdivision would remain responsible for completing these requirements.

I have attached the escrow balance sheet requested by Mr. Cobb to this email.

Thank you and I look forward to seeing you at the meeting.

**Robert Burns**

Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)  
Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns

**Sent:** Wednesday, October 15, 2025 9:16 PM

**To:** 'Matt Dibiase' <[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)>; 'markcobb8616@gmail.com' <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; 'stephentewalt@gmail.com' <[stephentewalt@gmail.com](mailto:stephentewalt@gmail.com)>; 'rod.tewalt@gmail.com' <[rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com)>; 'john.d.carey5@gmail.com' <[john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com)>; 'ldibirn@gmail.com' <[ldibirn@gmail.com](mailto:ldibirn@gmail.com)>; 'wilkins.devon@gmail.com' <[wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com)>; 'hankfarrah77@gmail.com' <[hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com)>; 'amandamariefarrah@gmail.com' <[amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com)>; 'sandra.haskell19@gmail.com' <[sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com)>; 'laurie.gagnon63@yahoo.com' <[laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com)>; 'lgagnon@southportland.org' <[lgagnon@southportland.org](mailto:lgagnon@southportland.org)>; 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; 'sjrallis5@gmail.com' <[sjrallis5@gmail.com](mailto:sjrallis5@gmail.com)>; Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>; Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Folks,

We will postpone the meeting Thursday to a date to be determined due to so many being unable to attend. I'll reach out soon.

Thanks,

**Robert Burns**

Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)

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Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns

**Sent:** Tuesday, October 14, 2025 5:48 PM

**To:** Matt Dibiase <[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)>; [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; [sjrallis5@gmail.com](mailto:sjrallis5@gmail.com); Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>; Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Hello folks,

In the last several weeks I have been working with Matt Dibiase in regards to the need for a Homeowners Association and the culmination of the public road acceptance process. I have arranged a meeting for this Thursday afternoon at 5:00pm at Town Hall Council Chambers. Present will be the Town Attorney and two Town Councilors.

My goal is to review what is completed and what remains to be before the road can be accepted.

Thank you,

**Robert Burns**

Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)

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Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Matt DiBiase <[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)>

**Sent:** Thursday, June 12, 2025 4:18 PM

**To:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>; [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; [sjrallis5@gmail.com](mailto:sjrallis5@gmail.com); Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>; Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>

**Subject:** Re: Viola Lane Follow-Up 3rd attempt

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**Warning: Unusual sender** <[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Hi Bob,

All good! Thanks for letting us know!

Matt

Matt DiBiase

General Manager

Office: (207) 883-5568 Ext. 1013

[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)

**Portland Volvo Cars**

9 U.S. Route 1

Scarborough, ME 04074

[www.portlandvolvo.com](http://www.portlandvolvo.com)

**V O L V O**

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**From:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>

**Sent:** Thursday, June 12, 2025 2:50 PM

**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com) <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com) <[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)>; Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>;

[stephentewalt@gmail.com](mailto:stephentewalt@gmail.com) <[stephentewalt@gmail.com](mailto:stephentewalt@gmail.com)>; [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com) <[rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com)>;  
[john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com) <[john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com)>; [ldibirn@gmail.com](mailto:ldibirn@gmail.com) <[ldibirn@gmail.com](mailto:ldibirn@gmail.com)>;  
[wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com) <[wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com)>; [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com) <[hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com)>;  
[amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com) <[amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com)>; [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com)  
<[sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com)>; [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com) <[laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com)>;  
[lgagnon@southportland.org](mailto:lgagnon@southportland.org) <[lgagnon@southportland.org](mailto:lgagnon@southportland.org)>; 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>;  
[sjrallis5@gmail.com](mailto:sjrallis5@gmail.com) <[sjrallis5@gmail.com](mailto:sjrallis5@gmail.com)>; Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers'  
<[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>; Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

And I was just informed that the gravel road grading will now occur on Monday June 16<sup>th</sup>...paving will occur in the days following as soon as possible.

Thanks,

**Robert Burns**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)  
Town of Windham | Office of the Town Manager  
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Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns

**Sent:** Thursday, June 12, 2025 2:41 PM

**To:** 'markcobb8616@gmail.com' <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>  
**Cc:** 'mdibiase@portlandvolvo.com' <[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)>; Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>;  
'stephentewalt@gmail.com' <[stephentewalt@gmail.com](mailto:stephentewalt@gmail.com)>; 'rod.tewalt@gmail.com' <[rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com)>;  
'john.d.carey5@gmail.com' <[john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com)>; 'ldibirn@gmail.com' <[ldibirn@gmail.com](mailto:ldibirn@gmail.com)>;  
'wilkins.devon@gmail.com' <[wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com)>; 'hankfarrah77@gmail.com' <[hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com)>;  
'amandamariefarrah@gmail.com' <[amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com)>; 'sandra.haskell19@gmail.com'  
<[sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com)>; 'laurie.gagnon63@yahoo.com' <[laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com)>;  
'lgagnon@southportland.org' <[lgagnon@southportland.org](mailto:lgagnon@southportland.org)>; 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>;  
'sjrallis5@gmail.com' <[sjrallis5@gmail.com](mailto:sjrallis5@gmail.com)>; Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers'  
<[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>; Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Folks,

More good news!

Firstly, The courts approved the transfer of ownership of our right of way to the town and now the deed for the right of way for Viola Lane is in our attorney's possession...to be recorded at the registry of deeds by them pronto!

Secondly, Shaw Brothers will be grading your roadway tomorrow (Friday June 13<sup>th</sup>) with base paving following in the very near future...I'll update you on the date as soon as I have it.

After the roadway is base paved, we will work to advance Viola Lane for official public street acceptance to the Town Council!

Thank you,

**Robert Burns**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)  
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8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)  
Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns

**Sent:** Wednesday, May 7, 2025 3:10 PM

**To:** 'markcobb8616@gmail.com' <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>  
**Cc:** 'mdibiase@portlandvolvo.com' <[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)>; Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; 'stephentewalt@gmail.com' <[stephentewalt@gmail.com](mailto:stephentewalt@gmail.com)>; 'rod.tewalt@gmail.com' <[rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com)>; 'john.d.carey5@gmail.com' <[john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com)>; 'ldibirn@gmail.com' <[ldibirn@gmail.com](mailto:ldibirn@gmail.com)>; 'wilkins.devon@gmail.com' <[wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com)>; 'hankfarrah77@gmail.com' <[hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com)>; 'amandamariefarrah@gmail.com' <[amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com)>; 'sandra.haskell19@gmail.com' <[sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com)>; 'laurie.gagnon63@yahoo.com' <[laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com)>; 'lgagnon@southportland.org' <[lgagnon@southportland.org](mailto:lgagnon@southportland.org)>; 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; 'sjrallis5@gmail.com' <[sjrallis5@gmail.com](mailto:sjrallis5@gmail.com)>; Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>; Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Folks,

Just a bit of positive news...the receivership has filed the roadway deed transaction with the court as of yesterday! Our attorney believes we will likely have the deed by the end of the month. We have reached out to Shaw Brothers to advise them as well...hopefully they will be able to quickly start construction after the deed is recorded. We will advise you as soon as we know more.

Thanks,

**Robert Burns**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)  
Town of Windham | Office of the Town Manager  
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Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns

**Sent:** Friday, April 4, 2025 11:19 AM

**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>  
**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; [sjrallis5@gmail.com](mailto:sjrallis5@gmail.com); Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>; Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>  
**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Folks,

We have received all 10 of your payments. Thank you for your quick action. I will advise you as soon as we have the deeded right of way in our hands and recorded, at which time our contractor can proceed with grading/graveling and paving. We will give you as much advance notice as possible on contractor activities because it will likely cause some travelling inconvenience when it is proceeding.

Thank you,

**Robert Burns**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)  
Town of Windham | Office of the Town Manager  
8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)  
Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns

**Sent:** Monday, March 17, 2025 8:41 AM

**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; [sirallis5@gmail.com](mailto:sirallis5@gmail.com); Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>; Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

All,

Thank you for your patience while we have continued to work on this project. The Town's attorney has been working on the obtaining of the Viola Lane right of way deed for the Town and that is progressing well. This is the first step in your road becoming a Town road. The road will not be an official town road until the improvements remaining are completed and the Town Council officially accepts the road as a town road at a future town meeting. As you will recall, the Town Council straw poll was unanimous in the road being accepted by them upon the roadway construction being finished.

Below is the estimated cost to finish the roadway construction:

**Ruby Meadows Subdivision**

**Required Construction to Complete**

|                                  | Units | Quantity | Current Unit Cost | Notes | All Plan-Required Items | HOA Re |
|----------------------------------|-------|----------|-------------------|-------|-------------------------|--------|
| Surface Gravel                   | CY    | 148      | 50                | a     | \$ 7,400                | \$     |
| Fine Grade                       | SY    | 2733     | 3                 | a     | \$ 8,199                | \$     |
| Base/Binder Pavement (19 mm)     | tons  | 384      | 95                | a     | \$ 36,576               | \$     |
| Surface Course Pavement (9.5 mm) | tons  | 231      | 102               | a     | \$ 23,631               | \$     |
| Driveway & Road Butt Joints      | SY    | 19       | 95                | a     | \$ 1,805.00             | \$     |
|                                  |       |          |                   |       |                         |        |
| <b>Total Revised Cost</b>        |       |          |                   |       | \$ 77,611               | \$     |
| <b>Add 10% Contingency</b>       |       |          |                   |       | \$ 85,372.4             | \$     |

Notes:

- (a) Shaw Brothers 2024 Contract with Town
- (b) Estimate from original Performance Guarantee Estimate
- (c) Town Engineer Estimate

The Town agreed to put the \$30,203.76 in legal proceeds from the lawsuit against CRC, LLC towards this construction leaving a total required to complete the roadway as \$55,168.64 or \$5,516.86 per lot. This \$5,516.86 per lot is what each homeowner will need to provide to the Town for completion of the roadway. The Town has established an escrow account and the funds will be placed there and remain in the escrow until the right of way deed is received. We believe this deed will be received in the coming month. Once the deed is recorded, the Town will utilize the funds to have our contractors complete the construction. We anticipate this work to be conducted this summer after all funds are received and the Town Council acceptance of the roadway to follow immediately after at a Town Council meeting.

We will not expend any of the escrow monies until the right of way deed is recorded. This is to ensure that your money is only expended once we know there is a definite clear path to public road acceptance.

We will receive your funds at Town Hall in the Manager's office starting today. Personal checks are acceptable. Please feel free to contact me with any further questions.

Thank you,

**Robert Burns**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)

Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

---

**From:** Robert J. Burns

**Sent:** Monday, October 7, 2024 4:23 PM

**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com);

[rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com);

[hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com);

[laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>;

[sjrallis5@gmail.com](mailto:sjrallis5@gmail.com); Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

All,

Tomorrow evening the Town Council will conduct a "straw poll" vote on their support of acceptance of Viola Lane as a public way assuming the road improvements are completed prior to this acceptance. The meeting begins at 6:00pm and we will be encouraging the Town Council to take this item out of order and discuss it early in the meeting if any of you choose to attend in person for your convenience.

Thank you,

**Robert Burns**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)

Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns

**Sent:** Tuesday, September 24, 2024 4:54 PM

**To:** 'markcobb8616@gmail.com' <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

Cc: 'mdibiase@portlandvolvo.com' <[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)>; Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; 'stephentewalt@gmail.com' <[stephentewalt@gmail.com](mailto:stephentewalt@gmail.com)>; 'rod.tewalt@gmail.com' <[rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com)>; 'john.d.carey5@gmail.com' <[john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com)>; 'ldibirn@gmail.com' <[ldibirn@gmail.com](mailto:ldibirn@gmail.com)>; 'wilkins.devon@gmail.com' <[wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com)>; 'hankfarrah77@gmail.com' <[hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com)>; 'amandamariefarrah@gmail.com' <[amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com)>; 'sandra.haskell19@gmail.com' <[sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com)>; 'laurie.gagnon63@yahoo.com' <[laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com)>; 'lgagnon@southportland.org' <[lgagnon@southportland.org](mailto:lgagnon@southportland.org)>; 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; 'sjrallis5@gmail.com' <[sjrallis5@gmail.com](mailto:sjrallis5@gmail.com)>; Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

All,

Please see the agenda for tomorrow's meeting and the memorandum from the Town Attorney. We'll see you tomorrow at 5:00pm in the Town Council Chambers.

Thank you,

**Robert Burns**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)

Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns

**Sent:** Thursday, September 19, 2024 4:42 PM

**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; [sjrallis5@gmail.com](mailto:sjrallis5@gmail.com); Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Mr. Cobb,

I'm sorry you and your wife can't make the meeting. I will forward out an agenda to all early next week. Please see my answers to your questions below:

1. **Where will this money be utilized on Viola lane and how exactly?** The Town Manager intends to recommend to the Town Council that the funds secured in these proceeds be transferred to your homeowner's association once you complete the registration of it with the State. I have attached your "Declaration of Rights, Restrictions, Covenants & Easements" for Ruby Meadows, which is referenced in your deeds. Please see Article 6 Homeowner's Association on page 9. The HOA would utilize the funds along with additionally needed funds to improve the road to the town standard as detailed in the subdivision plans.
2. **Has the Town's actions now prevented the home owners on the road from taking any legal action of their own?** Per the Town Attorney, the home owners are still able to take legal action on their own.

3. **Who owns the road legally at the register of deeds and/or any place it is recorded once the settlement is signed for and received?** Per the Town Attorney, the road is legally owned by CRC, LLC. The receivership in charge of the bankruptcy proceedings is agreeable to a transfer of the right of way but a motion will need to be filed with the court first. Once the HOA is created, the Town Manager intends to have the Town Attorney file that motion.
4. **What is the exact amount of money coming to the project focusing on Viola Lane?** Once the HOA is formed the Town Manager will recommend that the full \$30,203.76 be transferred to the HOA.
5. **Will the town be accepting the road if it is paved and meets the paving requirements outlined in the original development agreement?** Town staff cannot guarantee the outcome on the road acceptance as this is a Town Council action. However, the Town Council has historically accepted roads meeting Town standard as public roads, so this is a very likely outcome.
6. **Will the town be plowing the road this winter 2024-2025?** If an HOA is created and the HOA indicates that they will proceed with the improvements necessary to bring Viola Lane to the Town standard the Town Manager has indicated that he will instruct the road to be plowed by the Town.

Thank you,

**Robert Burns**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)  
 Town of Windham | Office of the Town Manager  
 8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)  
 Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com) <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>

**Sent:** Tuesday, September 17, 2024 12:21 PM

**To:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrar77@gmail.com](mailto:hankfarrar77@gmail.com); [amandamariefarrar@gmail.com](mailto:amandamariefarrar@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; [sjrallis5@gmail.com](mailto:sjrallis5@gmail.com); Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Mr Burns,

Thank you for your email, my wife and I have a previously scheduled engagement that night and cannot attend. I do not speak for all of the residents on this road but we are more than happy to get the information the town is wanting to share by email in writing? Can you tell me right away with this settlement where ownership of the road is going to be transferred to with the towns agreement with the courts?

I assume the other topics you will be sharing are.

1. Where will this money be utilized on Viola lane and how exactly?
2. Has the Towns actions now prevented the home owners on the road from taking any legal action of their own?

3. Who owns the road legally at the register of deeds and/or any place it is recorded once the settlement is signed for and received?
4. What is the exact amount of money coming to the project focusing on Viola Lane?
5. Will the town be accepting the road if it is paved and meets the paving requirements outlined in the original development agreement?
6. Will the town be plowing the road this winter 2024-2025?

I am sure others have more (questions/topics) they might expect the town to cover on their presentation to us all but these were highlights I can think of. Again I would be happy to have them submitted in writing here in this email if that is agreeable by all?

Mark Cobb  
3 Viola Lane  
Windham, ME 04062  
207-892-5795 Phone

---

**From:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>  
**Sent:** Monday, September 16, 2024 3:52 PM  
**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>  
**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; [sjrallis5@gmail.com](mailto:sjrallis5@gmail.com); Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>  
**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Mr. Cobb and Viola Lane Residents,

Thanks again for your patience on this process. My understanding from our attorney is that the Court overruled the Town's objection to the receivership's position. In discussion with our attorney we have decided to accept this answer and end our legal proceedings. At this time the Town is to receive \$30,203.76 from the receivership. We would like to meet with you folks on Wednesday September 25<sup>th</sup> at 5:00pm in the Town Council Chambers at Town Hall to discuss next steps including your creation of a homeowners association. Please advise if you are unable to attend.

Thank you,

**Robert Burns**  
Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)  
Town of Windham | Office of the Town Manager  
8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)  
Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com) <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>  
**Sent:** Wednesday, August 21, 2024 3:07 PM

**To:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>  
**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com);  
[rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com);  
[hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com);  
[laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>;  
[sjrallis5@gmail.com](mailto:sjrallis5@gmail.com); Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>; 'McDonnell Brothers' <[mbchmaine@gmail.com](mailto:mbchmaine@gmail.com)>  
**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Bob,

Can you tell me what the outcome was the other day in court on our case?

Thank you

Mark Cobb  
3 Viola Lane  
Windham, ME 04062  
207-892-5795 Phone

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**From:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>  
**Sent:** Monday, August 5, 2024 5:07 PM  
**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>  
**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com);  
[rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com);  
[hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com);  
[laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>;  
[sjrallis5@gmail.com](mailto:sjrallis5@gmail.com); Mark T. Arienti <[mtarienti@windhammaine.us](mailto:mtarienti@windhammaine.us)>  
**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Mr. Cobb,

I have no information to suggest that the Town Engineer waived the construction of the three “bioretention cells” (one adjacent to Albion Road, two adjacent to Pope Road) after a thorough file review and conversations with the Director of Planning and the Town Engineer. As the cells are part of a Maine DEP permit and on the approved Town subdivision plan, they were intended be constructed per the plan requirements. I have to assume at this point the funds that we are likely to receive from the CRC receivership will not completely cover the finished construction of the roadway per the plan detail, so no funds would be left to construct the cells. I do not know how MDEP deals with defunct builders and their creditors, but have asked the Town’s attorney for their input on this question. I’ll let you know when I finally hear from them.

Our attorney has filed the objections with the court and the receivership has responded, now we wait for a court date.

Thank you,

**Robert Burns**  
Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)  
Town of Windham | Office of the Town Manager  
8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)  
Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com) <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>  
**Sent:** Monday, August 5, 2024 8:49 AM  
**To:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>  
**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; [sjrallis5@gmail.com](mailto:sjrallis5@gmail.com)  
**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Robert,

Any chance you have an answer on the detention ponds yet?

Thank you

Mark Cobb  
3 Viola Lane  
Windham, ME 04062  
207-892-5795 Phone

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**From:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>  
**Sent:** Monday, July 1, 2024 4:52 PM  
**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>  
**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; [sjrallis5@gmail.com](mailto:sjrallis5@gmail.com)  
**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Mark,

My apologies on the delay. The Town will be making the decision on the settlement and on how the funds will be utilized within your subdivision. In regards to the second question I hope to have an answer for you shortly once I learn more from the Town Engineer on this matter.

Thank you,

**Robert Burns**  
Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)  
Town of Windham | Office of the Town Manager  
8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)  
Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com) <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>  
**Sent:** Friday, June 28, 2024 5:46 PM  
**To:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); 'Angela Cobb' <[angela.cobb99@gmail.com](mailto:angela.cobb99@gmail.com)>; [sjralis5@gmail.com](mailto:sjralis5@gmail.com)

**Subject:** RE: Viola Lane Follow-Up 3rd attempt

Robert is there a reason you wont respond to this email? This is the 3<sup>rd</sup> time I have sent it and its only 2 questions? 2 questions that are of much importance to us all.

Thanks for the update Robert,

Can you tell us

1. Will the homeowners be making any decision regarding any settlement or will the town be making that decision?
2. Upon some research of the subdivision and all the issues there has been some talk that the remaining detention ponds did not actually need to be installed? That the Engineer waived them during the construction phase, can you find out if there is documentation one way or the other on those remaining detention ponds.

Thank you

Mark Cobb  
3 Viola Lane  
Windham, ME 04062  
207-892-5795 Phone

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**From:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>

**Sent:** Monday, June 10, 2024 5:21 PM

**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); [sjralis5@gmail.com](mailto:sjralis5@gmail.com)

**Subject:** RE: Viola Lane Follow-Up

Folks,

There has been some activity from the receivership with their counsel making a proposal to our attorney. We discussed this with him last week and their counsel is offering a "motion to approve distribution" of 25.85% of the claims against CRC,LLC. His recommendation is to oppose this motion as he feels we have a good case to be awarded more. At a minimum he feels that by opposing we have no risk of receiving less than the 25.85% of the \$116,099 or \$30,011. I'll continue to keep you posted as this develops further.

Thanks,

**Robert Burns**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)

Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns

**Sent:** Monday, May 20, 2024 5:37 PM

**To:** 'markcobb8616@gmail.com' <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com);

[rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com);

[hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com);

[laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); [sjralliss@gmail.com](mailto:sjralliss@gmail.com)

**Subject:** RE: Viola Lane Follow-Up

Folks,

On Friday we received notice from our attorney that the Court entered the final judgement our attorney has been waiting on. His next steps are to request writs of execution from the Court and record one in the appropriate registry of deeds, thereby attempting to secure the judgment with a lien on CRC's real estate. Once that is accomplished, he will look to file a motion with the receivership court asking the judge to compel the receiver to pay the judgment. I have attached the final judgement document.

Unfortunately this is a long drawn out process. I am glad we are one step closer to a decision. I will continue to update you on any developments with the court case.

Thank you,

**Robert Burns, PE**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)

Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com) <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>

**Sent:** Monday, May 20, 2024 5:22 PM

**To:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>; 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com);

[rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com);

[hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com);

[laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); [sjralliss@gmail.com](mailto:sjralliss@gmail.com)

**Subject:** RE: Viola Lane Follow-Up

**Robert,**

**I thought I would check in for an update? By your words its now been around a month and a half. Your last email said**

"The most recent update that I have for you is from April 4<sup>th</sup> from our attorney. The docket number is CV-21-345. The case is pending in the Cumberland County Superior Court but reportedly the docket is not available online. The Town attorney has filed a Motion for Entry of Final Judgment, so once that is granted he will

request to writ of execution which will then allow him to attempt to enforce the judgment against the receivership assets.”

**These cases cant just go on forever, there must be some idea of when the courts will rule on this motion and how long the Writ will take to file and then enforce that judgment?**

**I am not sure I have ever seen a case that I have followed ever drag quite as slowly as this one, doesn't it seem odd to the town as well?**

**Thanks**

Mark Cobb  
3 Viola Lane  
Windham, ME 04062  
207-892-5795 Phone

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**From:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>  
**Sent:** Wednesday, April 24, 2024 8:46 AM  
**To:** Melissa Carey <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>; [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)  
**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); [sjralliss@gmail.com](mailto:sjralliss@gmail.com)  
**Subject:** RE: Viola Lane Follow-Up

Folks,

I didn't respond to the 4<sup>th</sup> question, but I'm working on an answer...

Thanks,

**Robert Burns, PE**  
Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)  
Town of Windham | Office of the Town Manager  
8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)  
Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Robert J. Burns  
**Sent:** Tuesday, April 23, 2024 5:32 PM  
**To:** Melissa Carey <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>; [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)  
**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org); [sjralliss@gmail.com](mailto:sjralliss@gmail.com)  
**Subject:** RE: Viola Lane Follow-Up

Thanks for the emails folks. I've answered your questions to the best of my ability below:

- **Can you tell us what the initial amount was required by the town as a letter of credit when the project was approved (was that the \$326,700) and also provide us with the documentation (schedule) showing the approved reductions in that 1<sup>st</sup> amount and who approved them that have now gotten us to the amount to collect in the bankruptcy of \$116,099.00?**

The amount of the performance guarantee in the form of a letter of credit was \$326,698.90 (say \$326,700) approved by the Town Manager on December 20, 2018. Two reductions were issued, leaving \$169,642 remaining in the letter of credit. A third reduction was requested in the amount of \$52,516 but does not appear to have been released, although the work was completed according to the engineer.

The process to reduce a performance guarantee starts at the request of the developer and then the Town Engineer inspects the subdivision and recommends the reduction amount based on their assessment of work completed, if any, to the Planning Department who in turn recommends or does not recommend the reduction to the Town Manager. The Town Manager is the final approval in the performance guarantee reduction process.

In the preparation of the sight draft with the Town attorney the engineer's estimate to complete the work was recalculated as of October 2020 and was determined to be \$116,099. This is the amount CRC, LLC refused to honor with payment and is the reason the Town was forced to file suit.

- **Mark posed a question about the lawyer fees you mentioned previously— in the meeting you made it clear that the fees were very minimal and now they've seemed to increase? Has something changed? Please explain further.**

At this point in time the Town has expended just over \$20,000 with its Town Attorney after efforts failed in mediation with CRC, LLC.

- **Following that, have there been any updates or progress made since we last met in March? Any updates from the lawyer would be appreciated.**

The most recent update that I have for you is from April 4<sup>th</sup> from our attorney. The docket number is CV-21-345. The case is pending in the Cumberland County Superior Court but reportedly the docket is not available online. The Town attorney has filed a Motion for Entry of Final Judgment, so once that is granted he will request to writ of execution which will then allow him to attempt to enforce the judgment against the receivership assets.

- **If we were to establish an HOA, would it only be for the members of Viola Lane? I.e. all other homes and the previous plans associated with the private home owners NOT on Viola Lane would no longer be included in our HOA and paving plans moving forward?**

- **If so, would the Town Engineer meet with the members of Viola Lane ONLY to create a new plan to get our road specifically up to town standards and accepted as a town road?**

The Town Engineer, the Planning Department and the Town Manager's Office can help you in this capacity.

Thank you,

Robert Burns, PE  
 Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)  
 Town of Windham | Office of the Town Manager  
 8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)  
 Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Melissa Carey <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Sent:** Tuesday, April 23, 2024 12:13 PM

**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)

**Cc:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>; Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>; [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com); [sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org)

**Subject:** Re: Viola Lane Follow-Up

Mr. Burns,

Following up again, as I have not seen a response to the following questions posed on 4/12/2024 & 4/15/2024.

- Can you tell us what the initial amount was required by the town as a letter of credit when the project was approved (was that the \$326,700) and also provide us with the documentation (schedule) **showing the approved reductions** in that 1<sup>st</sup> amount **and who approved them** that have now gotten us to the amount to collect in the bankruptcy of \$116,099.00?
- Mark posed a question about the lawyer fees you mentioned previously— in the meeting you made it clear that the fees were very minimal and now they've seemed to increase? Has something changed? Please explain further.
- Following that, have there been any updates or progress made since we last met in March? Any updates from the lawyer would be appreciated.
- If we were to establish an HOA, would it only be for the members of Viola Lane? I.e. all other homes and the previous plans associated with the private home owners NOT on Viola Lane would no longer be included in our HOA and paving plans moving forward?
- If so, would the Town Engineer meet with the members of Viola Lane ONLY to create a new plan to get our road specifically up to town standards and accepted as a town road?

We are really interested in moving things along much quicker with Spring here, so if you could find a moment to provide answers in a more expedited manner or direct us to someone who might be able to, we would greatly appreciate it.

Thank you

On Fri, Apr 12, 2024 at 9:04 AM <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)> wrote:

Answers I am waiting on also.

I know we expected an update from the attorney following the meeting?

Mark Cobb  
3 Viola Lane  
Windham, ME 04062  
207-892-5795 Phone

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**From:** [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com) <[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)>

**Sent:** Friday, April 12, 2024 8:54 AM

**To:** 'Melissa Carey' <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>; [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com); 'Robert J. Burns' <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>; 'Barry A. Tibbetts' <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>

**Cc:** [stephentewalt@gmail.com](mailto:stephentewalt@gmail.com); [rod.tewalt@gmail.com](mailto:rod.tewalt@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [john.d.carey5@gmail.com](mailto:john.d.carey5@gmail.com); [ldibirn@gmail.com](mailto:ldibirn@gmail.com); [wilkins.devon@gmail.com](mailto:wilkins.devon@gmail.com); [hankfarrah77@gmail.com](mailto:hankfarrah77@gmail.com); [amandamariefarrah@gmail.com](mailto:amandamariefarrah@gmail.com);

[sandra.haskell19@gmail.com](mailto:sandra.haskell19@gmail.com); [laurie.gagnon63@yahoo.com](mailto:laurie.gagnon63@yahoo.com); [lgagnon@southportland.org](mailto:lgagnon@southportland.org)

**Subject:** RE: Viola Lane Follow-Up

Hello everyone,

Can we please respond to *ALL* on this email chain?

I thought that's why we collected everyone's email address at the last meeting with the town.

Thank you

Matt

**Matt DiBiase**

General Manager

Office: (207) 883-5568 Ext. 1013

[mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com)



**PORTLAND  
VOLVO CARS**

A Passion for  
Exceptional  
Service

---

**From:** Melissa Carey <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Sent:** Friday, April 12, 2024 4:46 AM

**To:** [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)

**Cc:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>; [mdibiase@portlandvolvo.com](mailto:mdibiase@portlandvolvo.com); Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>

**Subject:** Re: Viola Lane Follow-Up

Hi Robert,

Thanks for your answers to my initial follow-up questions. There are a few points that I'd like further clarity on if that's alright?

1. Mark posed a question about the lawyer fees you mentioned above— in the meeting you made it clear that the fees were very minimal and now they've seemed to increase? Has something changed in the case? Please explain further.
2. Following that, have there been any updates or progress made since we last met? Any updates from the lawyer would be appreciated.
3. If we were to establish an HOA, would it only be for the members of Viola Lane? I.e. all other homes and the previous plans associated with the private home owners NOT on Viola Lane would no longer be included in our HOA and paving plans moving forward?
4. If so, would the Town Engineer meet with the members of Viola Lane ONLY to create a new plan to get our road specially up to town standards and accepted as a town road?

Thanks so much for all your time and efforts,

Melissa Carey

17 Viola

Sent from my iPhone

On Apr 3, 2024, at 8:31 PM, [markcobb8616@gmail.com](mailto:markcobb8616@gmail.com) wrote:

Robert,

In our meeting you said legal fees had not even reached \$5000.00 and the attorney was very reasonable? What has changed? I'm confused with that change in that now?

Mark Cobb  
3 Viola Lane  
Windham, ME 04062  
207-892-5795 Phone

---

**From:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>  
**Sent:** Wednesday, April 3, 2024 6:12 PM  
**To:** Melissa Carey <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>  
**Cc:** markcobb8616 <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>; Barry A. Tibbetts <[batibbetts@windhammaine.us](mailto:batibbetts@windhammaine.us)>  
**Subject:** RE: Viola Lane Follow-Up

Melissa,

Thanks for the reminder! I apologize about the delay.

Firstly, I recommend you consult with an attorney that will represent you and your interests in this matter. Having stated that, here are my responses to your questions...

1. do we need to form an HOA in order for the road to be paved (and paid for by the members of Viola Lane)? Or can we choose to go about that as we wish?  
I think if your end goal is to have the road become a public road, you will have to establish the HOA. This will allow the right-of-way ownership to be properly transferred (deeded) to the HOA and then the HOA can ultimately deed it to the Town once the road is fully built as planned should the Town Council vote to accept it as a town road.
2. Are there any formal processes/requirements that we need to go through before having the road paved ourselves? You should instruct the paving contractor to meet with the Town Engineer to review the work they will perform and the materials that are to be used to ensure they meet Town standards. We did discuss the potential use of the Town's hired contractor to perform the paving. This would ensure the work meets Town standards. The HOA would contract directly with the contractor but get the advantage of the Town's paving price. Preparation work to the gravel road will likely be needed prior to paving.
3. If we were to pay to pave the road before the court comes to a decision, would the town reimburse us with the funds received by the court?

The town desires to turn over funds received to the HOA to afford the complete construction of the subdivision as designed. Legal fees with the Town Attorney are accumulating and may reach a point where they also need to be covered in part or in full.

Please let me know if you have any other questions.

Thanks,

**Robert Burns, PE**

Assistant Town Manager | [rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)

Ph. 207.892.1907 Ext. 1129 | Fax 207.892-1910

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**From:** Melissa Carey <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)>

**Sent:** Tuesday, April 2, 2024 7:34 PM

**To:** Robert J. Burns <[rjburns@windhammaine.us](mailto:rjburns@windhammaine.us)>

**Cc:** markcobb8616 <[markcobb8616@gmail.com](mailto:markcobb8616@gmail.com)>

**Subject:** Re: Viola Lane Follow-Up

Hello Robert,

I hope you had a nice Easter holiday.

Sending a gentle reminder regarding the questions I posed below following our discussion last Thursday concerning Viola Lane.

Thanks in advance,

Melissa Carey

17 Viola

Sent from my iPhone

On Mar 28, 2024, at 7:42 PM, Melissa Carey <[melissacarey1013@gmail.com](mailto:melissacarey1013@gmail.com)> wrote:

Hi Robert,

Thanks for taking the time to meet with us this evening. I had to scoot out early due to having a toddler at home, but I did have a few additional questions for you.

Based on our meeting today it seems like we are still waiting on the courts, but in the meantime:

1. do we need to form an HOA in order for the road to be paved (and paid for by the members of Viola Lane)? Or can we choose to go about that as we wish?
2. Are there any formal processes/requirements that we need to go through before having the road paved ourselves?
3. If we were to pay to pave the road before the court comes to a decision, would the town reimburse us with the funds received by the court?

Thanks again for all your efforts and for taking the time to meet with us.

Cc'ing Mark, as I'm unsure if these questions have already been addressed.

Thanks,  
Melissa Carey  
17 Viola

Sent from my iPhone