

# Town of Windham

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## MEMO

DATE: December 11, 2018

TO: Don Gerrish, Interim Town Manager  
FROM: Amanda Lessard, Planner *AL*  
Cc: Doug Fortier, Public Works Director  
Jon Earle, Town Engineer  
Robert Grondin, RJGF, LLC  
  
RE: Public Acceptance of Streets – Enterprise Drive

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RJGF, LLC, is offering for public acceptance the remainder of the streets in Phase 1A of the Quarry Ridge Business Park Subdivision, located off Roosevelt Trail (Route 302) in North Windham. The portion of Enterprise Drive from Route 302 to just south of Bedrock Terrace was conveyed to the Town in October 2002.

The street is shown relative to the subdivision on the attached As-Built Plans and Exhibit B of the attached deed description.

The Town's consulting engineers conducted inspections during construction of the roadway. Final paving was completed in July 2015. Town Engineer Jon Earle has confirmed that all the required improved covered under the performance guarantee have been completed in accordance with the approved subdivision plan and that catch basins have been cleaned as recommended by the Public Works Director.

The process and submission requirements for offering streets for public acceptance are on pages 9-64 through 9-67 of the subdivision ordinance. Based on staff review, the application for public acceptance of Phase 1A streets is complete, and is being forwarded to the Town Manager's office for placement on an upcoming Town Council agenda.

- b) Underdrain. The Planning Board or Director of Public Works, or his designee, may require the installation of underdrain and catchbasins on the curbed side of a street. The required use of underdrain shall be made on a case-by-case basis due to poor soil conditions, the height of the water table, or where the bottom of drainage ditches is above the lowest point of the roadway subbase layer.
- c) Drainage Ditches. Drainage ditches must be at least as deep as the lowest point of the road subbase.

## 6. *Process for Town Acceptance of Streets*

A street constructed on private lands by the owner, developer, or association thereof and not dedicated for public travel prior to October 22, 2009, may be laid out and offered for acceptance as a public street by the Town Council. For the Town Council to accept a public street the procedures and conditions of this section must be met. In the event that all procedures and conditions are met, the Town Council reserves the right to reject any street offered for public acceptance.

- (a) The street proposed for acceptance shall be constructed, or improved, to the standards for the construction of a public street.
- (b) The owner(s) shall give the Town a deed to the property within the boundaries of the right-of-way at the time of its acceptance by the Town, a separate deed to areas reserved for the future development of streets, and separate easements for the provision of street stub hammerheads. (*See Subsec. 911.M.3 General Internal Subdivision Street Standards*)
- (c) A plan of said street or way shall be recorded in the Cumberland County Registry of Deeds at the time of its acceptance.
- (d) A petition for the acceptance of said street shall be submitted to the Town Council upon a form to be prescribed by the Town Attorney. Said petition shall be accompanied by a plan, profile and cross section of said street as follows:
  - (1) A plan drawn when practical to a scale of 50 feet to 1 inch, and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. Said plan shall show the North point, the location and ownership of all adjoining lots of land, underground utilities, passageways, street lights and electric lines, boundary monuments, water ways, topography and natural drainage courses with contours at 2 foot intervals (or lesser intervals approved by the Planning Board), all angles, bearing and radii necessary for the plotting of said street and lots and their reproduction on the ground.

- (2) A profile of said street or way drawn to a horizontal scale of 50 feet to 1 inch, and a vertical scale of 5 feet to 1 inch, or other suitable engineering scale as required by the Town's consulting engineer.
  - (3) Said profile shall show the profile of the centerline of said street and the proposed grades thereof. Specific cross sections shall be submitted as required by the Town's consulting engineer. Any buildings abutting on said street shall be shown on said profile.
  - (4) A typical cross section of said street drawn to a horizontal scale of 5 feet to 1 inch and a vertical scale of 5 feet to 1 inch.
  - (5) The location and size of the proposed water and/or sewer mains in accordance with these regulations.
  - (6) The location and size of all culverts, storm drains, catch basins and manholes.
- (e) Streets Offered for Acceptance
- (1) Streets to be offered to the Town for acceptance must have a written report of investigation prepared by the Town's consulting engineer after completion of construction based on review and observation of construction by the Town's consulting engineer. The owner shall warranty all public improvements for a period of one year from the date of acceptance and post a maintenance guarantee per the subdivision regulations. At the conclusion of the one-year warranty period, the owner shall request the Town's consulting engineer to prepare a second written report of investigation prior to the release of the improvements guarantee.
  - (2) No street shall be placed on the Town Council's agenda for consideration or accepted by the Town Council until the following tasks have been completed:
  - (3) The applicant shall submit a complete set of as-built plans of the street proposed for acceptance showing all works of man,
  - (4) The Town's consulting Engineer shall have made an investigation thereof, and shall have reported to the Planning Department their recommendations in writing with respect thereto. Such investigation may include a minimum of the results of at least one core sample and may include more than one core sample for each road proposed for acceptance as a public way with the core sample and reports paid for by the applicant.
  - (5) The surface pavement shall not be placed until the base paving has gone through at-least one complete winter. The application of a tack coat and/or shim coat to the base may be required by the Town, when necessary, to insure the appropriate bonding between base and final surface coats of pavement.

- (6) Notwithstanding the provisions of any other Section thereof, the Town may at any time lay out and accept any street or way in the Town of Windham, Maine, as a public street of said Town whenever the general public interest so requires. The cost of said street or way may be borne by said Town or may be borne by another party.
- (f) Provisions for Streets that are Offered for Acceptance but Not Accepted.
  - (1) Any subdivision application that includes the creation of one or more public streets must provide draft homeowners association documents to the Planning Board. The association documents shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision street(s) should they not be accepted by the Town Council.
  - (2) The homeowners association documents shall be in a form acceptable to the Town Attorney.
  - (3) The homeowners association documents shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date that the Board votes to approve the subdivision.

## 912 Final Approval and Filing

- A. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and Section 900 of the Land Use Ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan.
  - 1. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- B. The applicant shall record and file the plan as follows:
  - 1. The mylar(s) of an approved subdivision shall include the signed stamp of the licensed professional who prepared the plans.
  - 2. Major Subdivisions must resubmitt the application's GIS data if revisions have been made during the Preliminary Plan or Final Plan review phase. The revised date must in the format required for Preliminary Plan submissions and all revisions made to the plan following the Preliminary Plan submission must be included.
    - (a) The Planning Board shall not sign any mylars until the GIS data has been resubmitted.