



Town of Windham
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TOWN COUNCIL MEMORANDUM

DATE: October 16, 2024

TO: Windham Town Council

THROUGH: Barry Tibbetts, Town Manager

FROM: Steve Puleo, Planning Director

Cc: Robert Burns, Assistant Town Manager

Mark Arienti, Town Engineer

Brian Morin, Interim Director of Public Works

Zach Plourd, President of Durant Homestead Homeowner's Association

RE: Public Acceptance of Streets – #17-23: Pennywhistle Drive, Durant Homestead

Durant Homestead Lot Owners (HOA) is offering Pennywhistle Dive, a 2,300-foot-long road off Chute Road, to the town as a public street. This new street was built to serve the Durant Homestead subdivision, a 25-lot residential subdivision. The process for town acceptance of streets, according to [§120-911M\(6\)](#), outlines the submission requirements for offering streets. The process required as-built plans, an offer of cessation letter, a draft warranty deed transferring the road right-of-way (ROW), including the access easement for future road extensions through to an abutting property, the recorded subdivision plan showing the street, and a plan profile and cross-section of the street. According to the staff review, the application for public acceptance of streets is complete. It should be noted that all stormwater infrastructure, not the ROW shown in the approved plans, is completed and will be the responsibility of the HOA and not the Town of Windham. Upon acceptance of the street, the Town of Windham will accept responsibility for the stormwater management system within the ROW, per the DEP Site Location of Development Act permit (see attachment).

The owner shall warranty all public improvements for a period of one year from the date of acceptance in the form of a maintenance guarantee. The maintenance guarantee shall be 10% of the total construction costs of all required improvements to ensure there are no defects in the workmanship of the street. The owner proposes a \$70,000 cash maintenance guarantee to ensure that all materials used in the construction of the roadways, such as curbing, esplanades, sidewalks, storm drainage systems, any street lighting, tree plantings, and other public improvements in the right of way, are defect-free within one (1) year. The Director of Public Works or Town Engineer in accordance with [§120-911M\(6\)\(e\)\[2\]](#) shall re-inspect the ROW to verify the condition of the street before the release of the maintenance guarantee. With the Engineer's assessment, the staff recommends acceptance of the street as public way.

Attachments: Town Acceptance Application
Subdivision Location Map
Signed Durant Homestead Recorded Subdivision Plan
Letter of Cession from Durant Homestead HOA
Town Engineer's Right-of-Way Assessment
Unrecorded Warranty Deed of the Pennywhistle Drive
As-Built Plans – Durant Homestead Subdivision and Pennywhistle Drive
DEP Site Location Permit Order #L-23215-L3-D-N