

Tammy Hodgman

From: Tony Plante
Sent: Friday, February 23, 2018 10:07 AM
To: Tammy Hodgman
Subject: FW: Private roads

Please add to Council Correspondence. Thanks.

Tony Plante, Town Manager
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From: Amanda L. Lessard
Sent: Friday, February 23, 2018 8:20 AM
To: Ben Smith; Tony Plante; Jonathan R. Earle; Christopher S. Hanson
Subject: FW: Private roads

FYI

From: Mike Devoid [<mailto:Devoid1933@hotmail.com>]
Sent: Thursday, February 22, 2018 10:28 PM
To: Jarrod Maxfield; Donna Chapman; Bob Muir; Rebecca Cummings; Tim E. Nangle; Dennis Welch; Clayton Haskell; Amanda L. Lessard
Subject: Private roads

Dear council members and planning board members;

I ask that you please take the time to read this in it's entirety as I believe I have tried to hit many ideas, topics and bring forth possible solutions and potential problems. First I want to thank you all for the time reading this as well as your time that you give to the town. I want to thank you for finally after a long battle and debates on implementing rules for private roads to as some said "stop the bleeding". Now is the process of assessing the other injuries and the potential impacts of the private roads. I feel I have thought this through in several ways and will present them herein. I have a degree in Civil Engineering specializing in Geotechnical Engineering and have worked many projects from bridges (such as Veterans Memorial Bridge Portland), commercial wind turbine sites from mountains to building the roads to placing and anchoring the towers to commercial developments for the past 10 years. I also work as a full time firefighter so I understand the importance and procedures of fighting fires and the resources needed as well as medical needs and limits of such apparatus to be able to access dwellings.

First off private roads were meant for seasonal use much like many camps I have been to up north. You snowmobile in to the camp in the winter, nobody goes up during mud season and touch up the road in the summer to hang out at the lake or the wilderness, and limited use during hunting season. The town should be managing the roads, police, fire, ems, finances, code enforcement etc. Not many people understand the true cost of buying, moving and spreading materials thus you have "experts" doing this. Would the town expect these private road associations to build, and fund their own schools, police departments or fire departments? If somebody wants to build a road; build it to town standards to give it to the town, now the town can collect these property taxes for the 25-40 years to be able to save for the rebuilding of the road. Since if the road is not given to the town to save even with a road built to standard in 25-40 years we are going to be doing the same thing of who is going to fix this dilapidated road. Do you really think that homeowners are going to have the fore thought to put money away for the next 25-40 years to have \$1million sitting in an account to reclaim and repave a road? This is why the town has town plans and strategies. Each road association is acting as mini government to fix and maintain a road with many people that do not understand the costs or planning needed to keep up when we already have a department that is paid to know these items. The town appears to be using these private roads as big tax income without much most. It is short sighted for a town that wants a future. I know it is not realistic to take all the roads over now but as ones become up to standards take them over to be able to have roads that can be sustained. I would rather pay higher taxes and not have a road association as again it is a tough battle to improve the roads when so many people do not understand what it costs to move dirt.

Whenever standards get implemented it is always a controversy that some hate and others like. I just have a hard time why rules for roads are treated so differently than any other rules in town. If I have a home and I change its use to a boarding house I have to follow the rules for now not when my home was build. Also, if I have a 3 bedroom home and I put an addition on I have to prove my septic can handle the increase load and is to current code. Why if I add a dwelling to existing road due I not have to meet the existing code for the road as the road should have to be able to handle the new loads and I am changing its use from a 3 dwelling service to a 4 dwelling service increasing traffic by 33%. Do this 2 more times now I have doubled the traffic that was meant to be on that road.

If you are going to continue with private roads for development then it should be mirroring that of a subdivision standards and your existing road standards that you already in place such as: Road lengths, hammerhead turn around requirements, number of lots to be paved, number of lots for 2 street connections, available water for fire suppression. See subdivision standards for what should be the future of private roads. I know there is talk about the proposed to allow 200' every 5 years but what is 200' of road to standard at the dead end of 2 miles of subpar road going to do? And it will only get longer increased traffic with no aid to the beginning of the road. If we are going this route I would say that a 4:1 ratio would be good. Every foot of road extension they would need to upgrade 4 feet. This would at least make some headway for improving the road. Also, who pays/checks/enforces when a road that has 10 homes becomes 11 to go from gravel road to pavement requirement? This should trigger the full upgrade and it should be 10 homes on that road network, meaning the number of homes accessed by a single point or the town will end up with lots of roads with 10 homes make a turn change the road name 10 homes and so on. Same thing when a road goes from 30 to 31 homes who pays/checks/enforces to now have the road need a second means of egress. This is a safety thing not have 1 line or tree trap more than 30 homes at a time. Even at the rate we are going any new dwelling on an existing private road should be improving their frontage time 4. Also, on this notion of allowing shorter expansions what is the length limit? Again long term 200 feet every 5 years means 2 homes (both sides of street) every 5 years. what is the limits the town going to stop people to follow the road standards when that gravel road has 10 homes of when the road reaches 30 homes that house 31 needs to build a second street entrance.

I feel that would be a compromise again in reading the road standards and what "grandfathering" means by 95% of all other municipalities there should not have been a need for all this work on private roads and years

of debates. "Grandfather clause"-n. 1) a clause in a statute or zoning ordinance (particularly a city ordinance) which permits the operator of a business or a land owner to be exempt from restrictions on use if the business or property continues to be used as it was when the law was adopted. Upon passage of the statute or regulation, the specific property may be referred to as "grandfathered in. Thus when you add dwellings to the road it is not grandfathered it is changing its use from a X number dwelling road to a Y number dwelling road and when the road has over 10 dwellings now it needs the pavement as required by the already existing road standards and over 30 needs 2 street connections. The most unclear part appears to be that the road standards of number of dwellings should clear up that it is for the street network not just the street to prevent many short streets run together to keep numbers to a gravel road but still have 40 homes with a single access and gravel. When coming up with rules the town needs people to think how somebody could drive a bus through a loophole.

Yes it is the bad apples that force the rules for some that where playing nice but in the end what is best for the town and that is sustainable roads, neighborhoods. Recapping, I think private roads for this town was for when it had camps on the private roads not homes. If the town reads the definition of grandfathering for roads the same as any other rule in this town the problem fixes itself with the rules for road standards from 2009 and the new rules on private roads passed last year are repetitive. If this is not possible as I know people are elected and this may not be favored by people that have been here for generations and know many in town then I would say a compromise of the every 1ft of road improve 4 feet to get the building permit and no more than 200' every 5 years. But, it should also stop with the limits as stated before of hammerhead turn arounds every 1000', once 10 dwellings #11 needs to improve all the way, as well as when dwelling 31 goes in a second egress would be required. These are the standards that have been in place it should be enforced. As noted before the dwellings should be counted for the network not necessarily number of dwellings on the street name.

Also contractors that are clearly avoiding subdivision building these developments around the loopholes should be put on a permit black list until they can prove that they are not instead of the town trying to prove they are. Today 2/22/18 the developer that has build over 30 homes (James way, Bruschi Rd and Atlantic Drive) had over 50 dump truck come in and has destroyed the road before the town of Cumberland posts Goose Pond Road (our only savior to our road is your neighboring town has to manage your problems to poor private roads and continued growth without improvements). He has caused significant damage to the road today and we in the association have nothing we can do Dan Foster owns the land the road is on, does not pay dues, destroys the road and the town keeps giving him permits. Though to improve the road as an association when the town is increasing its traffic on it with new homes faster then we can fix the damage from the previous year's damage from him building.

I have done lots of title research for the homes for the James Way, Bruschi Road and Atlantic Drive area and Dan Foster has clearly violated the state's subdivisions statues several times yet continued permits are given to him. It gets frustrating. I try to go to some meetings but I also work just about 2 full time jobs that includes nights, weekends holidays. I can be a great source of information of you need more information or clarification.

Please do not allow developers to continue to take advantage of the town and even more leave your citizens holding the bag anymore and stand tall to them.

Thank you,

Michael Devoid

Atlantic Drive

