

# Town of Windham

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## MEMO

DATE: December 15, 2017

TO: Tony Plante, Town Manager  
FROM: Amanda Lessard, Planner *AL*  
Cc: Ben Smith, Planning Director  
Doug Fortier, Public Works Director  
Jon Earle, Town Engineer  
Susan Duchaine, Design Dwellings, Inc.

RE: Public Acceptance of Streets – Twoey Drive and “Future R.O.W.”

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Design Dwellings, Inc. and Susan Duchaine, LLC are offering for public acceptance the streets in the Valley View Subdivision, located off Barnes Road. The street, Twoey Drive, serves twenty-six (26) lots. A right-of-way to provide connectivity to future development is also offered to the Town.

Twoey Drive and “Future R.O.W.” are shown relative to the subdivision on the attached approved subdivision plans and the As-Built Plans.

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 streets is complete, and is being forwarded to the Town Manager’s office for placement on an upcoming Town Council agenda.

Please note the following items:

- **Infrastructure condition**  
As noted in the Gorrill-Palmer field report dated July 12, 2017, there is sediment buildup in several catch basins. Staff believes that infrastructure should be in like new condition when accepted by the Town. In an email dated December 11, 2017 Gorrill-Palmer confirmed that the catch basins have been cleaned.
- **Stormwater facilities maintenance**  
It is also noted in the Gorrill-Palmer field report that there are maintenance issues related to underdrain soil filters #1 and #2. In an email dated December 11, 2017, Gorrill-Palmer confirmed that the underdrain soil filters were mowed, but that underdrain soil filter #2 does not appear to be draining properly. In accordance with the subdivision’s stormwater maintenance plan approved as part of both the Maine DEP Stormwater Permit and the Town subdivision approval, the Developer is responsible for maintenance of the stormwater facilities. The Town would not be responsible for stormwater maintenance if Twoey Drive is accepted as a public street.

- e) All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Sewer and/or water service connections shall be installed at least two (2) feet beyond the edge of the right-of-way prior to paving. Temporary markers shall be placed to aid in the location of service stubs until connection is made to the building.
- (ii) Bases and Pavement.
- a) Subbase and Base Courses. The aggregate subbase course and base course shall meet the specifications of Table 4 in Appendix B (*See Appendix B Street Design and Construction Standards*). All aggregate base and subbase construction shall comply with Maine DOT Specification Section 304 – Aggregate Base and Subbase Course.
  - b) Pavements. The base layer and surface layer shall meet the specifications of Table 4 in Appendix B (*See Appendix B Street Design and Construction Standards*). All paving work shall comply with Maine DOT Specification Section 401 – Hot Mix Asphalt Pavements.
  - c) Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint. A twelve (12) inch ship lap shall be required where the surface course overlays the base course.
- (iii) Subsurface Roadway Drainage
- a) Geotextile Fabric. The Planning Board or Director of Public Works, or his designee, may require the use of geotextile fabric on a case-by-case basis due to poor soil conditions or the height of the water table.
  - 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 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 Engineer after completion of construction based on review and observation of construction by the Town's Engineer.
- (2) 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. This maintenance guarantee shall ensure the workmanship and the durability of all materials used in the construction of the roadways, curbing, esplanades, sidewalks, sanitary sewerage systems, storm drainage systems, street lighting, tree planting, and other public improvements located within the right-of-way which may become defective within the one (1) year period, all as determined by the Public Works Director or Town Engineer in accordance with Section 911.M.6. The amount of the maintenance guarantee shall be 10% of the total construction costs of all required improvements.
- (3) At the conclusion of the one-year warranty period, the owner shall request the Town's engineer to prepare a second written report of investigation prior to the release of the improvements guarantee.
- (4) 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:
- (5) The applicant shall submit a complete set of as-built plans of the street proposed for acceptance showing all works of man,
- (6) 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.
- (7) 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.
- (8) 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.
  3. One (1) original mylar of the signed plan shall be retained by the Board as part of its permanent records.
  4. One (1) original mylar of the signed plan shall be recorded in the Registry of Deeds.
    - (a) Within seven (7) days of recording, the applicant shall provide the Town with a copy of the recorded plan. No site work shall commence, or building permits issued, prior to the Town's receipt of a copy of the recorded plan.