

November 2, 2016

Mr. Tony Plante  
Town Manager of Windham  
8 School Road  
Windham, ME 04062

Request for Road Acceptance Phase III &IV Sebago Heights

Dear Mr. Plante,

Sebago Heights, LLC is formally requesting the Town of Windham accept Phase III and Phase IV of Sebago Heights as public ways. The infrastructure was completed by R.J. Grondin Construction according to the plans approved by the Windham Planning Board for a public street design. Gorrill Palmer Engineers have reviewed every portion of the construction and their comments have been addressed, with the exception of some minor maintenance suggestions; which are being completed by November 10. Appropriate areas have been vegetated, and any areas of sparse vegetation shall be re-done this coming spring. We understand the Town of Windham will require an approximately \$220,000 maintenance bond for a period of (1) year from the date of acceptance.

For the benefit and ease of plowing for the Windham Public Works Department; Sebago Heights is agreeable to the terms of the "Council Policy Regarding Extension of Winter Maintenance on Public Easements" for the plowing of Phase V (final phase). Upon acceptance, Sebago Heights shall deposit approximately \$1,350 for its prorated share of services for Phase V.

Attached are the following documents:

- 1.) Executed Release Form
- 2.) Easement deed for Phase V
- 3.) Easement deed for Phase IV (Phase III has been previously submitted)
- 4.) Maine Revenue Services Tax Declaration

We are hoping to be placed on the next available council agenda to discuss this issue. Thank you in advance for attending to this matter.

Sincerely,



Gregory T. McCormack  
Sebago Heights, LLC

cc: Gorrill Palmer  
Amanda Lessard  
Doug Fortier  
Dustin Roma  
Robert Grondin  
Ray Lessard



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RETTD

MAINE REVENUE SERVICES  
REAL ESTATE TRANSFER TAX  
DECLARATION

TITLE 36, M.R.S.A. SECTIONS 4641-4641N

PLEASE TYPE OR PRINT CLEARLY

DO NOT USE RED INK!

## 1. COUNTY

CUMBERLAND

## 2. MUNICIPALITY/TOWNSHIP

WINDHAM

BOOK/PAGE—REGISTRY USE ONLY

3. GRANTEE/ PURCHASER		3a) Name (LAST, FIRST, MI) <b>TOWN OF WINDHAM</b>	3b) SSN or Federal ID <b>01-6000440</b>				
		3c) Name (LAST, FIRST, MI)	3d) SSN or Federal ID				
		3e) Mailing Address 8 SCHOOL ROAD	3g) State 3h) Zip Code ME 04062				
		3f) City WINDHAM					
4. GRANTOR/ SELLER		4a) Name (LAST, FIRST, MI) <b>SEBAGO HEIGHTS, LLC</b>	4b) SSN or Federal ID <b>20-0764929</b>				
		4c) Name (LAST, FIRST, MI)	4d) SSN or Federal ID				
		4e) Mailing Address 97A EXCHANGE STREET, SUITE 304	4g) State 4h) Zip Code ME 04101				
4f) City PORTLAND							
5. PROPERTY		5a) Map N/A	Block	Lot	Sub-Lot	Check any that apply:	5b) Type of property—Enter the code number that best describes the property being sold. (See instructions)
		5c) Physical Location				<input checked="" type="checkbox"/> No tax maps exist	5d) Acreage:
					<input type="checkbox"/> Multiple parcels		
					<input type="checkbox"/> Portion of parcel		
6. TRANSFER TAX		6a) Purchase Price (If the transfer is a gift, enter "0") 6a \$ <b>0 .00</b>					
		6b) Fair Market Value (enter a value only if you entered "0" in 6a) or if 6a) was of nominal value) 6b \$ <b>0 .00</b>					
		6c) Exemption claim – <input checked="" type="checkbox"/> Check the box if either grantor or grantee is claiming exemption from transfer tax and explain. Conveyance of roadway with no consideration.					
7. DATE OF TRANSFER (MM-DD-YYYY)		8. WARNING TO BUYER—If the property is classified as Farmland, Open Space or Tree Growth, a Substantial financial penalty could be triggered by development, subdivision, partition or change in use. <input type="checkbox"/> CLASSIFIED					
MONTH DAY YEAR							
9. SPECIAL CIRCUMSTANCES—Were there any special circumstances in the transfer which suggest that the price paid was either more or less than its fair market value? If yes, check the box and explain:		10. INCOME TAX WITHHELD—Buyer(s) not required to withhold Maine income tax because:					
No monetary consideration for conveyance.		<input type="checkbox"/> Seller has qualified as a Maine resident <input type="checkbox"/> A waiver has been received from the State Tax Assessor <input checked="" type="checkbox"/> Consideration for the property is less than \$50,000					
11. OATH		Aware of penalties as set forth by Title 36 §4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below:					
		Grantee _____	Date _____	Grantor _____	Date _____		
		Grantee _____	Date _____	Grantor _____	Date _____		
12. PREPARER		Name of Preparer Jensen Baird Gardner & Henry	Phone Number (207) 775-7271				
		Mailing Address P.O. Box 4510 Portland, ME 04112	E-Mail Address				

# EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, THAT **SEBAGO HEIGHTS, LLC**, a Maine limited liability company with a place of business at Portland, County of Cumberland and State of Maine, in consideration of one dollar and other valuable consideration paid by **TOWN OF WINDHAM**, a municipal corporation, whose mailing address is: 8 School Road, Windham, ME 04062, receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto the said **TOWN OF WINDHAM**, its successors and assigns forever, a perpetual easement and right of way for ingress and egress, and all purposes of a public way, in and to those portions of the following described parcels of land located in the Town of Windham, County of Cumberland and State of Maine,

The portion of Harvest Hill Road, so-called, located in Phase 5 of Sebago Heights, as depicted on the plan entitled "Second Amended Subdivision Plan of Sebago Heights (Phases 3, 4 & 5), Pipeline Road, Windham, Maine, prepared by Sebago Technics, Inc., dated July 6, 2007, as approved by the Windham Planning Board on July 9, 2012, and duly recorded in the Cumberland County Registry of Deeds in Plan Book 212, Page 217 (the "Plan").

Being a portion of the premises conveyed to the Grantor herein by warranty deed of Stanley Quinn, Jr. dated December 23, 2005 and recorded in said Registry of Deed in Book 23574, Page 238, and by quitclaim deed of Patricia Quinn dated December 27, 2005 and recorded in said Registry of Deeds in Book 23574, Page 233.

IN WITNESS WHEREOF, the said **SEBAGO HEIGHTS, LLC** has hereunto set its hand and seal this \_\_\_\_\_ day of the month of \_\_\_\_\_, 2016.

SIGNED, SEALED and DELIVERED  
in presence of:

**SEBAGO HEIGHTS, LLC**

By: \_\_\_\_\_  
Its \_\_\_\_\_

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_, 2016

Personally appeared the above named \_\_\_\_\_, Member of  
**SEBAGO HEIGHTS, LLC** and acknowledged the foregoing instrument to be h\_\_ free act and  
deed in h\_\_ said capacity, and the free act and deed of **SEBAGO HEIGHTS, LLC**.

Before me,

Notary Public

Print Name \_\_\_\_\_

Commission Expires \_\_\_\_\_

**Town of Windham**  
**Release Form**  
**Permission to Enter Road and Release of Liability**

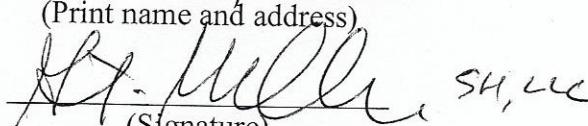
In consideration and acknowledgment of the terms of the "Council Policy Regarding the Extension of Winter Maintenance on Public Easements" (hereinafter referred to as "Policy"), a copy of which is attached, as approved by the Windham Town Council on December 13, 1994, and as may be revised; I/We the undersigned hereby grant permission for the Town to enter upon a section of

Harvest Hill Road, Thrush Terrace; Phase II Sebago Heights  
(Print road name and description of section to be included)

in order to provide winter maintenance services. I/We represent that I/we, or a representative road association of which I am a member, owns, manages and controls said road, and that I/we do hereby recognize that the Town's responsibilities are limited to the conditions of said "Policy", including the right to terminate winter maintenance services at any time, to hold the Town harmless regarding any liability contention, to recognize that this document is not a contract between the Town of Windham and the undersigned, to maintain the roadway in good repair and free of visual obstructions, and to acknowledge that in allowing access for winter maintenance, there is no presumption in any way of its acceptance as a public way by the Town of Windham.

This form is simply an inducement to the Town of Windham to provide winter maintenance services for said road section in accordance with the conditions and stipulations of the "Policy".

I/we have read this document carefully, and sign it voluntarily with full knowledge of its significance on this date of Nov 2, 2016.

By: Gregory T. McCormick  
97A Exchange St. Suite 304  
Portland, Maine 04101  
(Print name and address)  
  
(Signature)

By: \_\_\_\_\_  
\_\_\_\_\_  
(Print name and address)  
\_\_\_\_\_

# Town of Windham

8 School Road  
Windham, ME 04062

voice 207.892.1907

fax 207.892.1910

## **Council Policy Regarding the Extension of Winter Maintenance on Public Easements**

**PURPOSE:** This policy shall apply to roadways considered for winter maintenance by the Town Council on or after the date of its adoption.

**POLICY:** Snow removal and ice control services may be provided by the Town of Windham or its agents when **each** of the following criteria are met:

1. A. A public easement has been granted by deed, and accepted by the Town, **or**  
B. 100% of the owners along the roadway have signed a release form, copy attached;
2. The section of road being considered has been through the Town's subdivision review process and approved by the Planning Board, as long as the Planning Board has not stipulated any conditions contrary to such maintenance;
3. The owners of the right of way agree to hold the Town harmless for any damages that may be caused in the process of providing winter maintenance;
4. There exists an identified right of way of at least 50 feet in width;
5. The traveled portion of the road is at least 22 feet in width;
6. The traveled surface is in good repair with an adequate gravel base, as defined in the Town's Subdivision Ordinance as "minor road standards";
7. There are no trees or other visual obstructions which would obstruct a plow with a wing;
8. There is an average of one dwelling every 300 lineal feet of roadway, and there are at least five separate dwellings served;
9. There is a suitable turnaround;
10. The Town Council finds that snow removal serves a public purpose.

### **NOTES:**

- A. This policy may be modified at any time by the Town Council
- B. The above criteria will not apply to public easements, which are provided winter maintenance by the Town prior to the adoption of this updated policy.
- C. Requests for consideration under this policy shall be made, in writing, prior to September 1<sup>st</sup> of each year in order to be considered for winter maintenance during the upcoming winter season.
- D. For the 1994-95 winter season, requests will be received until December 29, 1994.
- E. In allowing public access for snow plowing, there shall be no presumption in any way of its acceptance as a public way by the Town of Windham.

(Approved December 13, 1994)

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- I spoke with Doug Fortier yesterday, and as part of the Phase 4 street acceptance application we would also like to ask the Town Council to include Phase 5 in the Town's contract for winter maintenance for the 16-17 season. It will be much easier for the plow trucks to just continue through the loop of Harvest Hill Rd rather than having to make two long dead-end hammerhead turnarounds, and Phase 5 is all base paved at this point. We understand that the Town's contract price for winter maintenance for 16-17 is \$4,700 per mile, which comes out to approximately \$1,350 for the 1,500 linear feet of Phase 5, which Sebago Heights, LLC will contribute if the Council requires it.

Thanks, please let us know if you have any questions and what additional information you need from us so that we can get to the Council. If you need any hard copies of the attached plan for review, just let me know.

**Dustin M. Roma, P.E.**

**DM ROMA**  
CONSULTING ENGINEERS

59 Harvest Hill Rd, Windham, ME 04062  
P: (207) 310-0506

GTM