

Town of Windham

8 School Road
Windham, ME 04062

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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 1st 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)

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

(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 _____.

By: _____

(Print name and address)

(Signature)

By: _____

(Print name and address)

(Signature)