

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMO

DATE: December 2, 2016

TO: Tony Plante, Town Manager
FROM: Amanda Lessard, Planner *AL*
Cc: Ben Smith, Planning Director
Jon Earle, Town Engineer
Doug Fortier, Public Works Director
Stanley Rintz, Chute Road South Homeowners Association
RE: Public Acceptance of Streets – Susans Ways, Georges Lane

The Chute Road South Homeowners Association is offering for public acceptance the streets in the Chute Road South Subdivision, located off Chute Road, near the intersection with Swett Road. These streets, Susans Way and Georges Lane, serve fourteen (14) lots.

The process and submission requirements for offering streets for public acceptance are on pages 9-64 through 9-66 of the subdivision ordinance. Based on Planning 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:

- Performance Guarantee required
According to the subdivision ordinance, the owner shall warranty all public improvements for a period of one year from the date of acceptance. As noted in the letter from the Homeowners Association, arrangements have been made for a Letter of Credit. Staff has received confirmation from Gorham Savings Bank that a Letter of Credit will be provided following acceptance.
- Infrastructure condition
As noted in the Engineer's field report dated November 18, 2016, there is sediment buildup in several catch basins. Staff believes that infrastructure should be in like new condition when accepted by the Town. The Homeowners Association has scheduled the catch basins to be cleaned. The report also noted a shoulder area that requires additional loam material and a section of damaged curbing that should be repaired. The Town is currently holding a performance guarantee for the developer, Diversified Properties, Inc. The Developer has agreed to pay the Town for the cost of making these repairs.

- 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 consulting 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 consulting engineer after completion of construction based on review and observation of construction by the Town's consulting engineer. 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. At the conclusion of the one-year warranty period, the owner shall request the Town's consulting engineer to prepare a second written report of investigation prior to the release of the improvements guarantee.
 - (2) 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:
 - (3) The applicant shall submit a complete set of as-built plans of the street proposed for acceptance showing all works of man,
 - (4) 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.
 - (5) 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.

- (6) 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.