

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

MEMORANDUM

DATE: August 23, 2021

TO: Barry Tibbetts, Town Manager
FROM: Mark Arienti, Town Engineer
Cc: Steve Puleo, Planner
Amanda Lessard, Planning Director
Doug Fortier, Public Works Director
Mark Curtis, Gorham Sand & Gravel

RE: Public Acceptance of Streets – Abenaki Drive

STJ Inc. is offering for public acceptance Abenaki Drive in the River Road Subdivision off River Road between Park Road and Presumpscot Road. Abenaki Drive serves eight (8) lots and is approximately 600-ft long with a hammerhead turnaround at the end. Abenaki Drive is shown relative to the subdivision on the attached approved subdivision plans. As part of the subdivision approval, the Planning Board granted the following two (2) waivers from the public street standard: Section 911.M.5.b.5.ii Cul-de-sac Requirement and Section 911.M.5.b.6 Sidewalk or Widened Paved Shoulder. Based on inspections by Town staff, all work within the right-of-way on the approved plans has been completed in accordance with the approved subdivision plans. However, based on inspection by Public Works staff following completion of construction, it was noted that due to the location of homes and associated driveways constructed at the end of the road and off to both sides of the hammerhead, winter maintenance of the road when snowplowing is required will be extremely problematic since no space has been provided to place snow without blocking each of the driveways.

The process and submission requirements for offering streets for public acceptance are in Section 911.M.6 of Windham's Subdivision Ordinance and include but are not limited to as-built plans and a deed transferring the road right-of-way. Based on staff review, the requirements for application for public acceptance of streets have been submitted.

It should be noted that all stormwater facilities, including filter basins, culverts and swales not within the right-of-way will remain the responsibility of the owner (developer or Homeowner's Association once it's transferred).

The owner warrants all public improvements for a period of one year from the date of acceptance and posts a maintenance guarantee per the subdivision regulations. The 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.

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.