



Town of Falmouth Community Development Department
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Memorandum

Date: January 4, 2010
To: Falmouth Town Council
From: Amanda L. Stearns, Community Development Director
Jay Reynolds, Interim Parks and Public Works Director
Cc: Nathan A. Poore, Town Manager
Re: Arborside Drive – Application for Street Acceptance
Wisteria Circle
Ledge Rock Circle

An application has been received by Arber Development Inc, represented by Andrew R. Berube, for street acceptance of Arborside Drive, Wisteria Circle and Ledge Rock Circle. These streets are located off Johnson Road approximately 725 east of Route One. The streets total 2,796 in length and serve 19 lots total.

Phase 1 was approved April 9, 2003 and Phase 2 approved January 3, 2006. Final street improvements were completed October 2009 with street light fixtures still outstanding.

Items submitted with the application include the approved subdivision plan, proposed deed and the as-builts of the road.

Deed: The deed transfers the built portion of the right-of-way in fee as well as the right-of-way off Wisteria Circle and off the end of Arborside Drive. It includes the access for stormwater structures and a reservation for the light poles.

Street Plan Recorded: Recordable as-builts (mylars) need to be submitted for recording at the Registry within 30 (thirty) days of the date of acceptance.

Conformance with Comprehensive Plan: The subdivision was considered in conformance with the Comprehensive Plan and no changes to the Plan have been made since that time.

Undue Burden on Provision of Municipal Services: Additional services required will be street plowing, sanding, stormwater system maintenance, and long-term repaving of the street. This project does not create an undue burden on the Town to provide services; however, the incremental acceptance of streets will result in operational and financial increases for the Town.

Expenditures for Utilities: It is not anticipated at this time that additional expenditures will have to be made to the road in the foreseeable future. Routine maintenance such as storm drain cleaning, pavement overlay and ditch cleaning is typically required in future years.

Street Lights: Street lights have been installed as required at the intersection of Johnson Road and Arborside Drive as well as four street lights installed within the subdivision. The fixtures are in place and a contract with CMP has been submitted for the operation of the lights.

Town Liability for Damage to Private Property: There are no known private improvements located in the right-of-way that would cause undue liability to the town.

Occupancy Requirements:

Arborside Drive – 1,610.62 feet, 9 lots total, 7 have Certificates of Occupancy (78%)

Wisteria Circle – 701.40 feet, 6 lots total, 3 have Certificates of Occupancy (50%)

Ledge Rock Circle – 483.98 feet, 4 lots total, 2 have Certificates of Occupancy (50%)

Performance Guarantee: The applicant has requested a waiver of the performance guarantee. The ordinance is not clear regarding how the performance guarantee is applied when multiple streets are submitted. If treated separately, each street would require the following guarantees: Arborside Drive (\$6,610.62), Wisteria Circle (\$5,701.40) and Ledge Rock Circle (\$5,483.98), a total of \$17,796.00. If all streets are grouped, the performance guarantee due would be \$7,796.00.

With regards to the waiver criteria, the majority of the road infrastructure and base pavement has been constructed and in place for over 2 years. The completion of the road (final paving, etc.) occurred in November of 2009.

Street Design Standards: The street was designed according to the street standards in place at the time of subdivision approval. No changes to those standards have occurred since the approval.

Should the Council consider street acceptance it is recommended that the following items be required to be submitted prior to an order on January 25.

1. recordable mylars for as-builts
2. performance guarantee if required
3. payment of legal and administrative services (out of pocket expenses)