



Town of Falmouth Community Development Department
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Memorandum

Date: March 8, 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: Red Oak Drive – Application for Street Acceptance

An application has been received by Luke Huber, President of the Red Oak Ridge Homeowners Association, for street acceptance of Red Oak Drive. Red Oak Drive is a dead-end street located off Blackstrap Road approximately 1.4 miles south of Mountain Road. The street serves eleven lots and is approximately 1,800 feet long. The plan notes a 50 foot wide access easement for future connectivity over Lot 7 approximately 150 feet in length. The subdivision was approved August 5, 2003.

Items in the packet include the application, the approved subdivision plan, proposed deed, proposed light pole agreement and the as-builts of the road.

Deed: The deed transfers the built portion of the right-of-way in fee and references the easement held by the Developer for access over Lot 7. The description is in the deed but the easement has not been conveyed to the Town. *The deed needs to be amended to grant all easement rights in the access way across Lot 7 and grant the easement for access and maintenance rights in the drainage structures (on Lots 4, 5 & 6) to the town in general rather than the Fire Department.*

Title Search:

Plan Submittals: All plans submitted meet the ordinance requirements.

Street Plan Recorded: *Recordable as-builts need to be submitted prior to an order to be recorded 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. The 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: There are no expenditures needed for upgrading or extending any utilities as part of this project.

Street Lights: The subdivision plan calls for a street pole mounted fixture at the entrance to Blackstrap Road and a light pole and fixture at the end of the cul-de-sac. A light pole agreement has been submitted in an acceptable format.

Town Liability for Damage to Private Property: All private improvements have been removed from the right of way with the exception of mailboxes. The cul-de-sac center is undeveloped with natural tree cover. There are no known or foreseeable encroachments that would result in any Town liability for damages to private property.

Occupancy Requirements: The current occupancy of the subdivision is three of the eleven lots, 27.2%. A fourth home is under construction.

Performance Guarantee: The applicant has requested a waiver of the performance guarantee. The following information is pertinent to the Council's review of the waiver request:

- a. The performance guarantee amount is \$6,863.49 (\$5,000 plus one dollar per foot of road = \$1,863.49).
- b. The road work and final paving was done in August/September of 2008, which is less than the 2-year criteria stated in the ordinance.
- c. The road appears to have been properly maintained.
- d. A known defect, surface pavement cracking in one area, occurred in spring/summer of 2009. This was repaired by the applicant to staff's satisfaction, however, the cause of the pavement cracking was not specifically identified. Staff recommends that the Council retain a performance guarantee for this project.

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.

Actions Suggested:

1. Determine whether an easement of the paper street connector is adequate as fee has been conveyed out.
2. Determine whether or not the waiver of the performance guarantee is acceptable.
3. Determine if it is appropriate to schedule an order and if so, for what date.

Requirements for Order to be considered:

1. Deed corrections as noted and submittal of executed deed.
2. Executed Light Pole Agreement submitted.
3. Final mylars of the as-builts for recording.
4. Performance guarantee if required.