

**TOWN OF OLD ORCHARD BEACH
TOWN COUNCIL WORKSHOP
Tuesday, November 27, 2017
TOWN HALL CHAMBERS
6:30 p.m.**

A Town Council Workshop of the Old Orchard Beach Town Council was held on Tuesday, November 27, 2018. Chair Thornton opened the meeting at 6:30p.m.

The following were in attendance:

**Chair Joseph Thornton
Councilor Kenneth Blow
Councilor Michael Tousignant
Town Manager Larry Mead
Megan McLaughlin – Associate Planner**

Absent: **Assistant Town Manager V. Louise Reid
Councilor Jay Kelley
Vice Chair Shawn O'Neill**

A Workshop was held to discuss the possible acceptance of streets within the Town of Old Orchard Beach.

Castle Estates: Subdivision off of Cascade Road [Camelot Circle and King Phillip Drive about 4,000 LF. This is fully developed except for one lot owned by Charlene Lopresti right next to Cascade Road. The roads fully meet the Town standards and the Subdivision is of high quality and very well done. The Town is still waiting on the Home Owners Association (HOA) to finalize the needed paperwork regarding transfer of title to the Town. A Homeowner Association is a legal entity created to manage and maintain the common areas of a community. Typically these "common areas" consist of things like pools, clubhouses, landscaping, parks, streets and roads .HOAs can consist of single family homes, condominiums, or town homes and are typically setup by the original developer of the community with a set of rules called "Declaration of Covenants, Conditions, and Restrictions" otherwise known as "CC&Rs". One of the primary functions of the HOA is enforce and ensure that these "CC&Rs" are adhered to by the individual homeowners. The guiding principles of these regulations are normally to help maintain property values and the quality of life within the community.

Homewood Boulevard: This development is an extension of a 1960's approved subdivision. It extended Homewood Boulevard past Poplar Street and added two new streets; Kapock and Juniper, about 3,500 total linear feet. The total number of lots is 53. At this stage there have only been eight structures constructed out of the 53 (5 are currently occupied). Staff does not believe it is appropriate to accept the streets with such a small percentage of lots developed because future construction will put significant stress on the road surface and significant stress

on the bituminous curbing. The developer disagrees. Our ordinance does not specify any percentage of development that should be done before acceptance but it gives the Council complete discretion to decide whether to accept a street or not. It was noted that the Association is formed but that it is hard for the Developer because he does not own all of the lots so even if he created a road, stormwater association, not everyone would participate. That's why the Developer wants the Town to take it over so the Town would be one owner instead of multiple. Council had concerns about setting up an escrow, how do we know what the cost of resurfacing is going to be 10-15 years from now. It was unknown when the work would be done and Councilor Tousignant asked what went into the initial staff review.

Birkdale Circle: This is a 30 year old Subdivision. The streets and infrastructure have remained private. There are 30 homes. The streets total about 2,200 lf. The HOA has been responsible for all infrastructures. There has been no municipal trash collection. The Subdivision was approved by the Planning Board to be private streets and the construction did not meet municipal standards of 30 years ago. The roads are in fair condition but are 30 years old now and will need paving going forward. Sewer pipes are in fair condition but the pump station is not to municipal standards. Staff has concerns about the undersized streets as it relates to snow removal. One of the issues here is whether the Town should accept streets that were built at less than municipal standards so that the developer had lower cost at the time of development rather than building up to the municipal standard from the start. The question was asked why the roads weren't built to municipal standards in the 90's when it was built. A resident of 5 Birkdale said they plow and pick up trash on Knoll the street right next door but they're tax payers and don't get the same services. A road assessment was completed showing its fair/good. However, DPW has concerns with the narrow roads in terms of snow removal and storage locations. It was developed as a private development that doesn't meet Town standards. The Pump Station and sewer are on private property. Question was whether or not the homes would be valued less if they're on private vs. public land. It was noted that this would depend on the market. Councilor Blow sad the roads are at less of a standard then than they would be for something built today.

There was an interest to negotiate with the Town and have trash pickup but not plow. Council felt that there could be room for negotiation but wanted time to think it over. This item will be revisited after the Council researches/follows up likely in the beginning of January.

Fern Park Avenue: The section of Fern Park Avenue beyond Echo Ave (about 300 lf) was never accepted by the Town. There are two homes on this stretch of road. Both homeowners [Jean LeClerc and Timothy Clemens] want the Town to accept this portion of Fern Park Ave. The story here is that in 1983 when the Ballpark was under development then Town Manager Jerome Plante approached the property owner {Crowley} about the Town getting an easement on this section of street in order to put a sewer line from the Ballpark to Fern Park Ave. Mr. LeClerc was just then building his home. The arrangement supposedly was that in return for allowing the sewer line to go in the Town would take responsibility for the future

maintenance of this section of street. There was in fact a maintenance easement from Crowley to the Town recorded in the registry of deeds. However the Town Council never followed through to accept the street. Apparently since that time the Town has done some drainage work on this section of street and the sewer line was put in to the Ballpark. It may be that the Town in fact constructed this section of street back in the early 80's when the Ballpark was being constructed. The Town has been plowing the road since the 80's but has never done any repaving since that time. This portion of road was not constructed with an adequate base and the road is in such poor condition that an overlay would not suffice. It would need to be rebuilt. Town currently doesn't tax 106-1-24 parcel, common area where the paved road exists to the 2 lots. There is an easement for the sewer and road that the Town should accept. Will the HOA transfer ownership to the Town? Shorewood Drive (Association road) which is a public street was accepted with only base paving – same situation as this. Estimate is \$25,000 to repave for 2 houses which seems like a lot but is the right thing to do because of the situation. The Town has been plowing/maintaining the road for years. Plan is to approach the HOA to turn the easement into ownership of the property, if they do not want to change to ownership then accept the easement and keep it the way it is.

**Street
Acceptance
Ordinance**

When a developer, private property owner, neighborhood association, or other entity chooses to offer a road to the Town for acceptance, the applicant needs to adhere to the guidelines set forth in this ordinance.

**Application
Fees**

Street acceptance applications must be submitted with the appropriate fees.

**Street
Connectivity
Policy**

Council resolution to further promote street interconnectivity and discourage public dead-end streets.

What is a public way?

A public way is a street; road, drive, lane, etc. laid out by a registered land surveyor and dedicated to public use. The Town, by a vote of the Council has accepted responsibility and liability for maintenance of this public way in perpetuity.

What is a private way?

A private way is a street, road, drive, lane, etc., serving several homes that have not been formally accepted by the Town Council. Until such acceptance, the Town is not responsible for maintenance, drainage, snow removal, street sweeping,

traffic enforcement, etc. This cost and the liability belongs to the residents along the way or the owner of the way.

How do I get my private way converted to a public way?

The Town of Old Orchard Beach has a Street Acceptance process that can be initiated by residents living on a private way.

The property owners, abutters or homeowner's Associations along the private way submit a petition containing signatures from a majority of the owners to the Planning Office and then to Council requesting that their street be considered for acceptance.

Respectfully Submitted,

**V. Louise Reid
Town Council Secretary**

I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of four (4) pages is a copy of the original Minutes of the Town Council Workshop of November 27, 2018.