




Town of Falmouth  
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## Memorandum

**Date:** August 20, 2014  
**To:** Falmouth Town Council  
**From:** Jay Reynolds, Public Works Director   
**Cc:** Nathan A. Poore, Town Manager  
**Re:** Application for Street Acceptance – Farm Gate Road

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An application has been received by both Tidewater, LLC and JCAP Properties Inc., represented by Fay, Spoffard, and Thorndike (FST), for street acceptance of Farm Gate Road. Farm Gate Road is located off Clearwater Drive and Lunt Road. The street totals 2,575 feet in length and serves 16 lots total.

The roadway consists of two separate subdivisions, constructed by different developers. Approximately 1,855 feet of Farm Gate Road, from Clearwater Drive, was developed by Tidewater, LLC as part of the Tidewater Farm Subdivision. The Tidewater Farm Subdivision was approved by the Planning Board in 2005. Additional streets within the subdivision, such as Heron Point Road and Marigold Lane, are not part of this application for acceptance. The remaining 720 feet of Farm Gate Road, ending at Lunt Road, was developed by Dianne Catalano as part of a 6-lot subdivision. This project was approved by the Planning Board in 2006. The Catalano Subdivision was later transferred in fee to JCAP Properties, Inc.

Both projects were substantially constructed in 2006. The developers worked with the Town Engineer in 2013 in order to complete both projects in accordance with their respective approved subdivision plans. At this time, all required site work has now been completed to the Town's satisfaction and both performance guarantees have been released by the Town.

The application has been reviewed by key Town staff in accordance with chapter 14, Article II, sections 14-60 through 14-65 of the Town code of ordinances.

Initial items submitted with the application included the following:

- Application fees,
- Proof of ownership (fee/title),
- Verification that all site improvements are complete,
- Proof that the roads have endured two winter/frost cycles without any damage.

Subsequent submittals were reviewed by the Community Development Director, the Police Chief, the Fire Chief, the Wastewater Superintendent, the Public Works Director, and the Town's legal representation (Jenson, Baird, Gardner, and Henry).

Staff reviews included, but were not limited to, the following:

- **Deed:** The warranty deed and transfer tax declaration documents have been reviewed, revised, and subsequently approved by the Town's attorney.
- **Street Plan Recorded:** Recordable as-builts (mylars) have been submitted for recording at the Registry within 30 (thirty) days of the date of acceptance.
- **Easements:** Due to design changes after approval, a pump station was installed as part of the Tidewater Farm project. During the street acceptance review, it was realized that a wastewater pumping station was not originally proposed required approval from the planning board. This amendment was approved by the planning board on March 4, 2014 and an easement to the benefit of the Town has been prepared.
- **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.
- **Street Connectivity Policy:** Farm Gate Road as presented for acceptance provides connectivity between Lunt Rd and Clearwater Drive. The benefits of connectivity in this area include giving residents an option of direction of travel, loops for snowplowing, more efficient waste collection, reduction in time for emergency response depending on the location of the emergency, access if one route is blocked, and connectivity and shortened travel times to commercial services by vehicle, bicycle or car. This street meets all of the desired goals in the policy.
- **E-911 Addressing:** All existing lots with frontage or access off of Farm Gate have been assigned street addressing in accordance with Section 14, Street Addressing Ordinance.
- **Occupancy (minimum thresholds required):** One hundred percent of the residential lots on Farm Gate Road have received Certificates of Occupancy. There is one commercial site that fronts the street that is currently undeveloped.
- **Street Lights:** Street lights have been installed as required. The ownership and maintenance of street lighting will be the responsibility of the Tidewater Farm homeowner's association. A light pole agreement is enclosed.
- **Public Safety:** Some minor site features were noted in the review of the street. These features included the following:
  - A "no through trucks" sign was removed.
  - A compliant speed limit sign was installed.
  - An ADA sidewalk ramp was upgraded and brought into compliance.

- Confirmation that the 'Farm Gate' is for aesthetic purposes and cannot be closed to block roadway access.

**Remaining Items:** There are a few remaining items to be completed prior to a Council order to accept the street. They are as follows:

- **Real Estate Transfer:** The real estate transfer tax declarations need to be finalized prior to being signed.
- **Light Pole Agreement:** The light pole agreement will need to be signed by all parties.
- **Defect Guarantee:** A defect guarantee in the amount of \$17,875.00 needs to be submitted to the Town.
- **Title Insurance:** Copies of title insurance need to be submitted.

**Attachments:**

- Warranty Deeds
- Subdivision Plans
- Draft Sewer Easement
- Draft Light Pole Agreement
- Chapter 14, Article II, sections 14-60 through 14-65 of the Town code of ordinances.