



Planning & Development
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Memo

Date: October 27, 2022

To: Planning Board
Patrick Johnson

From: Michael Livingston, PE

Re: The Timbers Subdivision (Map 55, Lot 13-1 and 13-2) – Sample Deed/ Document Review

Background:

The Timbers subdivision consists of two lots. Lot 1 is a single family residential lot. Lot 2 is a multifamily residential lot with 9 dwellings to be rented to the public. The Ordinance requires a copy of deed restrictions intended to cover all or part of the lots in the subdivision. The Ordinance required documentation on the dedication and maintenance of common open space. The Ordinance requires documentation on the maintenance of common infrastructure such as the shared portion of Foliage Way.

Information Provided:

- Proposed Subdivision Plan – The Timbers - sheet S3
- Grading and Drainage Plan – The Timbers – sheet E1
- Sample Deed – lot 1

Review Comments:

- Deed form good.
- Good reference to Subdivision Plan
- Good description of access/utility easement
- Common maintenance or shared cost (if any) of Foliage Way needs to be addressed. If the owner of Lot 2 is responsible, the deed should state the Lot 1 owner may but is not obligated to contribute to the maintenance of Foliage Way.
- Access to the Open Space should include from Foliage Way and not just the 19.42 foot common boundary line.

Recommendations:

- Minor corrections to the sample deed are needed
- If the units on Lot 2 are divided into individual condominium units in the future, a subdivision amendment should be required to address common maintenance and Open Space responsibilities. A note should be added to the plan addressing this.