



Planning & Development
208 Sanford Road, Wells, Maine 04090

Phone: (207) 646-5187, Fax: (207) 646-7046

Website: www.wellstown.org

<i>Michael G. Livingston, Town Engineer/Planner</i>	mlivingston@wellstown.org
<i>Shannon M. L. Belanger, Assistant Planner</i>	sbelanger@wellstown.org

Memo

Date: November 17, 2022

To: Planning Board

From: Michael G. Livingston, Town Engineer/Planner

Re: Westhaven Preserve Subdivision – Tax Map 6, Lot 10
HOA and Sample Deed Document Review

Information Provided:

Westhaven Preserve Final Subdivision Plan, Sheet 2
Sample Deed (typ.)
Sample Deed (with ref to trail easement)
West Haven Preserve Declaration
Bylaws of West Haven Preserve
Private Way Maintenance Agreement

Comments:

- Sample Deed (typ.)
 - Quitclaim vs Warranty Deed – Either OK based on title or agreement between Grantor and Grantee
 - Current owner is Eastwood Estates LLC not Patco Construction, Inc. OK based on deed reference at the end stating from Eastwood Estates LLC
 - Restriction to be added that dug or driven point wells are prohibited
 - Good references to the recorded plan, to the recorded Declaration and to the Private Way Maintenance Agreement.
 - Good requirement to be a member of the HOA
- Sample Deed (with ref to trail easement)
 - Good, see comments above
 - In the underlined text, a reference to the recorded easement to the Town to be added
- Declaration
 - Good overall document
 - Pg. 5 reference to Patco only, should be an either or Eastwood Estates/Declarant
 - Pg. 6, good requirement for membership
 - Pg. 6 Obligations
 - Good references to road, drainage, common areas and Open Space
 - The buffers, signage and fencing should be added/noted

- States each lot responsible for 1/15th . Will the divided lot be participating or allowed to join the HOA at a later date?
 - Pg. 7 Road Maintenance – last comment above addressed, except it should state one lot, not two lots
 - Pg. 9 – good restrictions on parking in the roadway
- Bylaws
 - Good requirement for mandatory membership
 - Good time frame for establishing/initiating the HOA
 - Will the fee title be conveyed at the same time?
 - Will the HOA be established as a non-profit LLC? If not, what entity would be receiving the fee title?
 - Section 5 – Reference Declarant/Eastwood or Patco
 - Pg. 7 Good reference to the subdivision plan
- Private Road Maintenance Agreement – good, includes the divided lot which is not subject to the subdivision approval.
 - Good requirement to maintain insurance
 - Good parking restriction
 - Good statement on fee interest acceptance
 - Include Eastwood Estates and/or Patco
 - Needs to include statement, “Westhaven Lane, a private street, shall remain private to be maintained to Town standards and shall not be accepted or maintained by the Town.”
- Sample Easement Deed to the Town – see attached Trail Easement to be conveyed to the Town.