

May 13, 2022

Limited Staff Report by Elaine Banta, Planning Assistant
PB2015-12, Arthur's Way, Covenant Swap for one Lot
Orleans Road Realty, LLC, Mark Smith, Agent

Planning Staff Comments:

Staff made efforts to obtain updated quotes on the remaining work based off the last ENG calculations. The DPW Director and others were contacted. The remaining two lots continue to appear to be sufficient surety to protect the Town's interest in the competition of the road.

Recommended Findings

1. The subject property is known as 12 Arthur's Way, Map 74 Parcels W4-8 and is a 40,005 square feet with typical frontage.
2. Arthur's Way is a ten (10) lot subdivision with eight (8) buildable lots and two (2) non-buildable lots approved in late 2015 (Plan Book 668 Page 22).
3. Two of the eight buildable lots remain under Planning Board Agreement and Covenant (Book 31262 Page 274): Lot 1 and Lot 8.
4. The agent/applicant proposes to Re-Covenant Lot 7 in exchange (swap) for Releasing Lot 8.
5. Lot 7 is also a 40,005 square feet and is a reduced frontage (panhandle) Lot, 15 Arthur's Way, Map 74 Parcels W4-7.
6. The Board of Health in December 2018 *approved relief* of the Shared Septic System and to install individual on-site septic systems based on the Phase 2 CWMP projection date.
7. The PB Rules and Regulations §400-18.G.(2) require a 50% contingency be added to the cost estimate of the incomplete site work as compared to the approved plan.
8. The application was presented to the Town and stamped in the Clerk on May 9, 2022 and administrative requirements have been met.

Recommended Conditions of Approval

Prior to full compliance and satisfaction of the certified as-built plan, any further requests for Lot Releases shall be in Passbook form of a value equal to 150% of the Town Engineer's cost estimate. The required improvements shall be completed in conformance with the approved plan pursuant to Planning Board Regulations prior to the final release of the funds.

Recommended Motion/Determination

Motion to grant release of Lot 8 from the Agreement and Covenant and to re-covenant Lot 7 as shown on the Lotting Plan for The Preserve and endorsed by the Planning Board on June 14, 2016.

Staff Notes:

- Approval requires the affirmative vote of a majority of the Planning Board (regular members) (4 votes).