Referendum Question H: Drala Drive Road Acceptance

To see if the Town will vote to accept as a Town Way, Drala Drive, as depicted on a plan titled "Subdivision Plan Highland Rose", by Christopher Barstow Builder LLC, approved June 29, 2021 by the Kennebunk Planning Board and as recorded in the York County Registry of Deeds in Plan Book 416, Page 46 on July 2, 2021.

Town of Kennebunk, Maine

Christopher J. Osterrieder, P.E.
Director of Community Development // Town Engineer

MEMO

To: Heather Balser, Town Manager

From: Christopher J. Osterrieder, P.E.
Director of Community Development // Town Engineer

Date: March 22, 2024

Re: Drala Drive Application for Street Acceptance

The Highland Rose Homeowners Association has submitted and application for Street Acceptance for Drala Drive which is located off of Alfred Road. This is an amended application based on the recently adopted updates to the Street Design and Construction Standards Ordinance that was adopted at the March 5, 2024, Special Town Meeting. Drala Drive was proposed back in August of 2023 and the Select Board at the time elected not to advance this to the ballot.

The road meets all of the standards of the Street Design and Construction Standards ordinance and has not changed since the prior proposal. The application has been amended to address the new "public benefit" component of the application process.

The applicant has identified use of access to open space land that was created as part of the subdivision review process and subsequently transferred to the Kennebunk Land Trust as how it is addressing the public benefit component.

During the subdivision review process the applicant had identified the possibility of conveying the open space area (approximately 57 acres) to the Kennebunk Land Trust and the recorded subdivision plat (note #19) acknowledged those intentions, but that was not a condition of approval or a requirement of the subdivision. However, the open space provided is a requirement for subdivision, per Article 9 of the Zoning Ordinance. The land was ultimately conveyed to the Kennebunk Land Trust, however access to the back parcel was not part of the conveyance. The applicant notes in the application that since the road is currently private and owned by the Highland Rose Homeowners Association, there is some potential liability for the public to use that road and as such, access to the Kennebunk Land Trust parcel is currently unavailable.

The applicant has included a letter from the Kennebunk Land Trust stating their intentions to construct nature trails and paths to be enjoyed by the public, however that is unavailable due to limitations on access from Drala Drive.

The applicant is aware that this proposal requires the Select Board to hold a public hearing prior to determining whether to place it on the warrant for Town Meeting approval. Staff has reviewed this information and found it complete. The Board should review the application and if determined complete and worthy of advancement, a public hearing for April 9, 2024, could be held and the Board could then determine whether to send it to Town Meeting for consideration of acceptance.