

## DIVISION 2. DEDICATION AND ACCEPTANCE of Streets

### Sec. 14-51. Accepted town streets and roads.

A list of the streets and roads of the town as of the effective date of the ordinance from which this section was derived is on file in the town clerk's office.  
(Ord. of 2-27-89, § 3)

### Sec. 14-52. ~~Requirements for streets and ways accepted by the town.~~ Purpose for Acceptance of Streets.

The Town may accept a street for the public benefit, including but not limited to public safety, provision of town services and ?????

~~Any private way proposed for acceptance by the town as a street must be designed and constructed in accordance with the street design standards contained in section 14-59.~~  
(Ord. of 2-27-89, § 4.1)

### ~~Sec. 14-53. Conditions for acceptance.~~

~~A private way shall be considered for acceptance as a street by the town council only upon the following conditions:~~

- ~~(1) The owner shall give the town a warrantee deed with a metes and bounds description of the property being offered to the town for acceptance as a street;~~
  - ~~(2) A plan of the street shall be recorded at the county registry of deeds within thirty (30) days of its acceptance and at the expense of the person proposing the street.~~
- ~~(Ord. of 2-27-89, § 4.2(a), (b))~~

### Sec. 14-53. Street design standards.

Streets proposed for acceptance by the town shall be designed and built in accordance with the subdivision ordinance's street construction standards which are in effect at the time such street acceptance is proposed or in accordance with a subdivision design approved by the planning board after May 30, 1984. *How does this statement work in relationship to waivers that the PB might grant?*  
(Ord. of 2-27-89, § 7)

Secs. 14-60-14-65. Reserved.

### Sec. 14-54. Application required, ~~contents.~~ ments

(a) (a) An original application plus three hard copies for acceptance of the proposed street shall be submitted for approval to the ~~town council~~ Community Development Department upon a form to be prescribed by the ~~director of public works~~ Community Development Director. The application shall be accompanied by electronic files of all submittal items. ~~by a plan, profile and cross section of the proposed street as follows:~~

- (1) (1) A plot plan drawn to a scale of forty (40) feet to one (1) inch or a scale acceptable to the ~~D~~irector of Parks and ~~p~~ublic Works and be on one (1) or more sheets of paper not exceeding twenty-four (24) inches by thirty-six (36) inches in size. Plans submitted to and accepted by the planning board after May 30, 1984 for subdivision approval shall be considered acceptable for

the above requirements, after being updated to reflect as-built conditions.  
Ord. of 2-27-89, § 4.2(c)) The plans shall show at a minimum,;

- a. the north point, the north arrow
- b. title block with ownership,
- c. date of Planning Board approval, revision dates and other pertinent information
- d. the location and ownership of all adjoining lots of land,
- e. right-of-way widths,
- f. passageways and easements;
- g. streetlights and electric lines,
- h. underground utilities,
- i. boundary monuments including type;
- j. waterways,
- k. cuts and fills associated with the street, both within and outside of the right-of-way,
- l. topography, and
- m. natural and manmade drainage courses with contours at not greater than two-foot intervals,
- n. all angles, bearings and radii necessary for the plotting of the streets and lots and their reproduction on the ground,
- o. the distance to the nearest established street or way, together with the stations of their sidelines;

(2) (2)–A profile of the proposed street drawn to a horizontal scale of forty (40) feet to one (1) inch and vertical scale of four (4) feet to one (1) inch. The profile shall show the profile of the centerline of the proposed street and the grades thereof as well as culvert, water and sewer mains;

(3) (3)–A cross section of the proposed street drawn to a horizontal scale of five (5) feet to one (1) inch and a vertical scale of one (1) foot to one (1) inch;

(4) (4)–The location, size, materials and conditions of the existing and proposed water and/or sewer mains, storm drains, sanitary sewers, gas mains, culverts, underdrains and the location of all underground and overhead utilities.

(5) Proposed warranty deed describing the right-of-way, all necessary easements, and paper street connections to other properties

(b) Application fees as approved by the Town Council. See Planning Fee Schedule

(c) Proposed performance guarantee as required under Section 14-57.

(d) Sign-off from current property owners is the request is from the developer. If the request is from a homeowner's association it should include a affidavit from the secretary that the signatory has authority to represent the association.

~~(b) Plans submitted to and accepted by the planning board after May 30, 1984 for subdivision approval shall be considered acceptable for the above requirements, after being updated to reflect as-built conditions.  
(Ord. of 2-27-89, § 4.2(c))~~

**Sec. 14-55. Review by Town Staff**~~Report by town personnel.~~

The ~~public works director~~Parks and Public Works Director and the ~~town planner~~Community Development Director shall give written reports to the ~~town c~~Council on

the proposed street which shall include information on how the street meets the standards in this article and information on whether the street's acceptance:

- (1) Is in conformance with the town's comprehensive plan as well as other adopted plans that address desired street patterns and connectivity;
- (2) Will cause an undue burden on the ability of the town to provide adequate municipal services relative to public streets;
- (3) Will require expenditures by the town for upgrading or extending water and/or sewer mains, storm drains, sanitary sewers, gas mains, culverts, underdrains and all underground and overhead utilities;
- (4) Will result in town liability for damage to private property such as, but not limited to, walks, fences, lawns and other items that encroach on the proposed street way.  
(Ord. of 2-27-89, § 4.3)

Sec. 14-56. ~~Findings~~ Minimum thresholds required.

No proposed street may be accepted unless the town council finds, after a review of the information provided under section 14-55, that acceptance is in the public interest and:

- (1) For streets in residential developments, ~~until~~ Certificates of Occupancy have been issued for at least ~~twenty (20)~~ sixty (60) percent of the housing units, with rounding to occur to the next highest whole number. ~~or two (2) housing units, whichever number is greater;~~
- (2) For streets in commercial developments, ~~that~~ Certificates of Occupancy have been issued for commercial space square footage equal to the length of the street under consideration for acceptance times ten (10). In making this determination, the street length will be calculated as defined in the town's Subdivision Ordinance. Square footage of occupied space shall be calculated using gross floor area exclusive of cellar and bulk storage area. Gross floor area shall be defined as the sum, in square feet, of the total floor area of a building, as measured from the interior faces of the outside walls.  
(Ord. of 2-27-89, § 4.4; Ord. of 1-25-93)

~~Sec. 14-57. Acceptance of streets and ways required by the public interest.~~

~~Notwithstanding the provisions of any other section of this article, the town may at any time lay out and accept any street or way in the town as a public street whenever the public interest requires pursuant to authority granted under 23 M.R.S.A. §§ 3022 and 3023.  
(Ord. of 2-27-89, § 5)~~

Sec. 14-~~58~~57. Performance guarantee.

- (a) No proposed street shall be accepted until the town has been furnished with a performance guarantee providing that the developer or other persons applying for acceptance of the street will be responsible for a period of two (2) years from the date

of acceptance for repair of any defects or conditions of the street that are determined by the ~~director of public works~~ Director of Parks and Public Works to be unsatisfactory to the town and which arise out of failure of the developer or the applicants to design and construct the street to the specifications provided for in this article. The guarantee shall be in the amount of five thousand dollars (\$5,000.00) plus ~~one~~ five dollar (~~\$1~~5.00) per linear foot of street. This guarantee shall be in addition to and independent from any performance guarantee given to the town in connection with any sewers or subdivision.

- (b) A performance guarantee shall be tendered in the form of either a check payable to the town, a savings account passbook issued in the name of the town, an irrevocable letter of credit or a performance bond running to the town and issued by a surety company acceptable to the finance director. The type of performance guarantee acceptable to the town shall be determined by the finance director or the town manager. All performance guarantees shall be in a form satisfactory to the finance director, except that all performance guarantees shall be drafted such that the town shall receive written notice at least sixty (60) days prior to their expiration.
- (c) The town council may waive the required performance guarantee under the following conditions:
- (1) —The ~~road~~ street to be accepted has been constructed and in place for a minimum of two (2) years;
  - (2) The ~~road~~ street has been properly maintained since the time of construction; and,
  - (3) —There are no known ~~road~~ defects of the street system, including utility and stormwater structures, at the time of proposed acceptance as determined by the ~~town engineer~~ Parks and Public Works Department. The town may require escrow to cover the costs of independent testing of the street.
- (Ord. of 2-27-89, § 6.2; Ord. of 1-25-93)

**Sec. 14-59. Street design standards.**

~~Streets proposed for acceptance by the town shall be designed and built in accordance with the subdivision ordinance's street construction standards which are in effect at the time such street acceptance is proposed or in accordance with a subdivision design approved by the planning board after May 30, 1984.~~

~~(Ord. of 2-27-89, § 7)~~

~~Secs. 14-60-14-65. Reserved.~~

**Sec. 14-53. Documentation required upon acceptance.**

At such time as the Council accepts a street, the applicant shall produce the following documents within thirty (days) of the acceptance date:

- (1) A warranty deed with a metes and bounds description of the property being offered to the town for acceptance as a street and as approved by the town.
- (2) A copy of the plans of the street as recorded at the Cumberland County Registry of Deeds. Such plans shall be as required by the town and recording expenses shall be borne by the applicant. An electronic copy of all plans shall also be submitted.

(Ord. of 2-27-89, § 4.2(a), (b))

**Sec. 14-57. Acceptance of streets and ways required by the public interest.**

Notwithstanding the provisions of any other section of this article, the town may at any time lay out and accept any street or way in the town as a public street whenever the public interest requires pursuant to authority granted under 23 M.R.S.A. §§ 3022 and 3023.  
(Ord. of 2-27-89, § 5)