



Town of Falmouth Community Development Department
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Memorandum

Date: May 10, 2010
To: Town Council
From: Ordinance Committee
Cc: Nathan A. Poore, Town Manager
Parks and Public Works; Fire and Police
Re: Presentation of revised Street Acceptance Ordinance and Policy
Amendment to Planning Fee Schedule

The Ordinance Committee has met several times this spring to consider the work accomplished by the previous Ordinance Committee and to address the issues that have arisen during the review of several applications before the Council, as well as review the street connectivity policy that was drafted by last year's Committee.

At our April 26th meeting we reviewed both the draft ordinance and policy and are presenting to the Council for discussion both documents.

The original work of the Ordinance Committee to redraft the existing street acceptance ordinance focused on the following:

- Modernize language
- Reflect current administrative organization
- Organize and clarify the ordinance
- Create a procedural section to guide both the applicant and the town in the process of submitting, reviewing and considering applications.
- Include all relevant departments in the review of streets for acceptance (added fire and Police)
- Increase thresholds for occupancy prior to acceptance
- Specify that the application process is administered by the Parks and Public Works Department.
- Add statement on effect of connectivity in the review of streets
- Require applicant to declare any private improvements within the ROW
- Require copies of any DEP permits in place for stormwater improvements

The current Committee has made the following changes to the draft language:

- Require establishment of right/title/interest in the ROW and completion of all improvements required by the Planning Board approval prior to application submittal.
- Require two freeze/thaw cycles to be completed for the completed street prior to application submittal
- Allow for a development to apply under the same application.
- Specify May 23, 2005 as the cutoff date for when connectivity will be a criteria for considering streets for acceptance (This is the date when the Council passed a policy putting the public on notice that the lack of connectivity may be cause for not accepting streets)
- Require a digital copy of plans as part of the submission
- Require applicant to submit all documents related to any easements or restrictions on the ROW
- Revise defect guarantee to allow a certified bank check or letter of credit.
- Remove waiver provision for defect guarantee
- Reduce threshold requirements for occupancy from 75 to 65%
- Require certain items to be submitted prior to Council order
 - executed legal documents
 - title insurance
 - recordable mylars

In keeping with current practice to adopt fees in a fee schedule, the following amendments would take place to the Planning Fee Schedule.

- Set application fees for street acceptance at \$500 plus \$0.50 per linear foot of road.
- Require an escrow to be collected in an amount estimated by staff to cover inspection, testing, legal fees and recording.
- Defect guarantee - \$5,000 plus \$5.00 per linear foot of road.