

# Town of Falmouth



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Date: November 21, 2013  
To: Nathan Poore, Town Manager  
From: Amanda L. Stearns, Community Development Director  
Re: Street Acceptance Overview

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## **Introduction**

This memo is being provided to assist in a Town Council discussion regarding street acceptance. Several property owners have approached the Town regarding applications for street acceptance and we anticipate they may submit applications to the Town Council, requesting street acceptance within the next few months.

The current ordinance and a connectivity policy were passed in 2010, the result of two years of study and drafting by a staff committee, the Ordinance Committee and the Council. The effort was the culmination of five years of Council discussion, including resolutions in 2005 and 2006 expressing the importance of updating the standards.

The method in which the Town chooses to address acceptance is one of petition. Some communities opt to have streets automatically become public if they meet certain standards. This method of application allows the Council to determine the public value to the Town of a particular street.

Private ways presented to the Council for street acceptance are typically streets that have been approved through the Planning Board subdivision process, however, any street may be presented for acceptance. There is no assumption that every street should be accepted as a public street.

## **Decision Options**

1. Approve the street as submitted.
2. Place conditions on the application and consider acceptance once the conditions are met, such as submittal of certain documents or corrections of certain improvements.
3. Deny the street as submitted. This could include postponing acceptance until some condition changes such as connectivity.

## **Major Policy Considerations for Street Acceptance**

1. Construction Quality and Design – Was the street designed and constructed in a quality manner such that the act of street acceptance would not burden the taxpayer with inordinate costs for maintenance and services?
2. Fiscal Responsibility – Would acceptance of the street create an undue burden on the town generally?
3. Connectivity – It was recognized during the development of the ordinance and emphasized in the Connectivity Policy that dead end streets are not ideal. It was

also recognized that all land lends itself to interconnectivity. The approval process contemplates that while vehicular interconnectivity is not always possible, other types of connections may have enough value to be accepted in lieu of interconnectivity. These might include paper street connections (right of ways that are not constructed) or trail connections with public access.

### **Elements of the Ordinance**

1. **Purpose** – The purpose stated is “...to promote the public benefit, including, but not limited to, public safety and provision of town services.”
2. **Procedures** –
  - a. Prior to filing an application the applicant must present proof to the Public Works Director that they have right/title/interest, all improvements required by the Planning Board have been constructed and all performance guarantees have been released, and the private way has been through 2 consecutive freeze/thaw cycles without damage.
  - b. Application is submitted and the Public Works Director review for completeness. Once complete, the application is reviewed by Community Development Director, Police Chief and Fire Chief.
  - c. At the Public Works Director request, the application is placed on a Council agenda by the Town Manager
  - d. If the Council determines that the private way will be accepted as a public street, an order will be scheduled at such time all documentation is in place.
3. **Standards** – The act of street acceptance is a legislative action, authorized by State law through 23 MRSA § 3022/3023. This allows the Council to approve any private way as a public street whenever public interest is demonstrated. The ordinance provides a list of standards to assist the Council and applicant in determining if the public benefit has been achieved.
  - a. Construction Standards – The Subdivision Ordinance, administered by the Planning Board provides the foundation for construction standards. The standards also include related drainage and drainage structures. The ordinance suggests the Council consider any deviation from the current standard and the built condition. The Planning Board may approve waivers to certain standards. When waivers to standards are approved the Board makes note that the waivers may make the road unacceptable for acceptance. The condition of the road when accepted should be excellent and not require maintenance for many years.
  - b. Public Service – The road should have the ability to accommodate services such as school bussing, trash pick-up, emergency services and plowing.
  - c. E911 – All properties should have street addressing that meets the E911 and local addressing standards and street addresses should be properly displayed.
  - d. Street Connectivity – Streets should provide interconnectivity to existing public streets (no dead end streets). Connectivity allows for:
    - i. Reduction of costs for town services such as waste collection, plowing and transit.

- ii. Shortening of emergency access response time and alternative routes.
- iii. Diffusion of traffic and reduced need for road improvements to accommodate increased traffic.
- iv. Connectivity between residential and commercial developments, reducing travel time and distance.
- v. Connectivity of neighborhoods for all travel modes.
- e. Occupancy
  - i. Residential streets must have 65% occupancy of approved units to be considered.
  - ii. Commercial streets must have 65% occupancy of lots or buildings, whichever is greater.

**Elements of the Connectivity Policy**

1. Ensure that residential and commercial developments will be connected to each other,
2. Encourage property owners to provide for street connections wherever possible,
3. Alert the public that the lack in interconnectivity with public streets may cause the street to not be considered for acceptance, and
4. Use the policy as a guide to assist the Council in determining the suitability of a street for acceptance.