

## **DIVISION 2. DEDICATION AND ACCEPTANCE**

### **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.**

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. 14-54. Application required, contents.**

(a) An application for acceptance of the proposed street shall be submitted for approval to the town council upon a form to be prescribed by the director of public works. The application shall be accompanied by a plan, profile and cross section of the proposed street as follows:

(1) A plot plan drawn to a scale of forty (40) feet to one (1) inch or a scale acceptable to the director of public works and be on one (1) or more sheets of paper not exceeding twenty-four (24) inches by thirty-six (36) inches in size. The plan shall show the north point, the location and ownership of all adjoining lots of land, right-of-way widths, passageways, streetlights and electric lines, boundary monuments, waterways, topography and natural drainage courses with contour at not greater than two-foot intervals, all angles, bearings and radii necessary for the plotting of the streets and lots and their reproduction on the ground, the distance to the nearest established street or way, together with the stations of their sidelines;

(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;

(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) 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.

(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. Report by town personnel.**

The public works director and the town planner shall give written reports to the town 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;
  - (2) Will cause an undue burden on the ability of the town to provide adequate municipal services;
  - (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 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) percent of the housing units 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. 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 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 dollar (\$1.00) 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 to be accepted has been constructed and in place for a minimum of two (2) years;

(2) The road has been properly maintained since the time of construction; and,

(3) There are no known road defects at the time of proposed acceptance as determined by the town engineer.

(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.