

ORDINANCE
STANDISH TOWN COUNCIL

DATE: November 14, 2023
ORDER NUMBER: 97-23

SUBMITTED BY: Deakin

TITLE: AMENDMENTS TO STANDISH TOWN CODE, CHAPTER 252, STREETS AND SIDEWALKS, ARTICLE III, CONSTRUCTION AND ACCEPTANCE

The Town of Standish hereby ordains the following amendments to Chapter 252, Streets and Sidewalks, Article III, Construction and Acceptance (Additions are underlined and deletions are struck out):

**CHAPTER 252 – STREETS AND SIDEWALKS
ARTICLE III CONSTRUCTION AND ACCEPTANCE**

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§ 252-22. Performance Guaranty.

A. Purpose. A performance guaranty shall be provided to insure the completion, proper installation and maintenance of all improvements, facilities and services necessary to provide transportation, drainage, utilities or similar essential services and facilities to a project, including, but not limited to, road construction, storm drainage, utilities, fire ponds, roadway monumentation, street trees and any required landscaping (hereinafter "Essential Iimprovements").

B. Form of performance guaranty:

(1) Before releasing or recording of the final plan, the applicant shall furnish to the Finance Director one of the following forms of performance guaranty:

(a) Certified check made payable solely to the Town of Standish; ~~or~~

(b) Savings account passbook issued solely in the name of the Town of Standish;

(c) A surety bond issued by a surety company licensed to do business in the State of Maine, which must be approved as to form and enforceability by the Finance Director and Town Attorney; or

(d) An irrevocable letter of credit, in which the Town is named as beneficiary, issued by a state or federally chartered financial institution reasonably acceptable to the Town, which must be approved as to form and enforceability by the Finance Director and Town Attorney.

(2) With respect to subdivision projects only, in lieu of the furnishing of a performance guaranty before the recording of the final plan, the Planning Board may accept the agreement of the subdivider that no lot or parcel of land may be conveyed, and no building permit for any building or portion of the development shall be issued by the Code Enforcement Officer, until the completion of all Essential Improvements. Such agreement shall be acknowledged by a note on the final subdivision plan that provides as follows:

"In lieu of a performance guaranty for the construction of the project improvements, no lot or parcel of land may be conveyed, and no building permit for any building or any portion of the development shall be issued by the Code Enforcement Officer, until the completion of all streets, utilities and other essential improvements in accordance with this plan and all applicable laws, ordinances and standards. If the applicant wishes to convey a lot prior to all project improvements being completed in accordance with this plan and all applicable laws, ordinances and standards, a performance guaranty equal to 110% of the cost of the remaining improvements shall first be submitted to the Director of Public Works and approved as to form and enforceability by the Finance Director and

Town Attorney approved by the Director of Public Works, in consultation with the Town Planner, and submitted to the Finance Director."

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C. Amount of performance guaranty. The amount of such performance guaranty (the "stated amount") shall be approved by the Director of Public Works, in consultation with the Town Planner, and shall be in an amount at least equal to 110% of the total cost of furnishing, installing, connecting and completing all of the Essential Improvements specified in the final plan and shall be conditioned on the completion of all such Essential Improvements within two years of the date of the Finance Director's approval of the performance guaranty~~such certified check or savings account passbook.~~

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E. Phasing of development. At the time of approval of the final plan, the Planning Board may approve the construction of a subdivision in specifically identified phases and allow the applicant to furnish separate performance guaranties for each phase and any associated off-site improvements prior to the commencement of construction of each phase, provided that the performance guaranty furnished for any individual phase must secure the construction of all required improvements within such phase and any associated off-site improvements, plus any improvements located in other phases that are necessary in order for the phase being constructed to comply with the requirements of this article or Chapter 181, Land Use, should subsequent phases not be constructed. The applicant must furnish a performance guaranty for specific phases in accordance with this article. All improvements within the first phase must be completed within two years of the date of the date of the Finance Director's approval of the performance guaranty~~certified check or savings account passbook.~~ Each subsequent phase must be completed within subsequent two-year periods of the date of the Finance Director's approval of the performance guaranty~~such certified check or savings account passbook.~~

APPROVED 1/9/24 DISAPPROVED _____

ROLL CALL	YEA	NAY	ABSTAIN
DEAKIN	✓		
GABA	✓		
GARDNER	✓		
LECLERC	✓		
MACRI	<u>Excused</u>		
POMERLEAU	✓		
WATSON	✓		

CLERK/SECRETARY Mindy Green
COUNCIL CHAIR Robert J. Drake

Proposed Timeline:
Introduction: 11/14/2023
First reading: 12/12/2023
Planning Board Public Hearing – Not required
Public Hearing: 1/9/2024