

**ARTICLE IV**

**TOWN OF LEEDS**

**STREET CONSTRUCTION ORDINANCE**

**Adopted: December 14, 1991**

**Amended: March 6, 1993**

**Amended: June 7, 2003**

**Amended: June 4, 2005**



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## ARTICLE IV

### TOWN OF LEEDS STREET CONSTRUCTION ORDINANCE

#### **SECTION 1. Statement of Purpose** (Amended 7 June 2003)

The purpose of this Ordinance is to promote the health, safety and public welfare of the residents of Leeds through establishing minimum construction standards for streets, roads and driveways.

#### **SECTION 2. Authority, Administration and Effective Date**

- A. Authority: This Ordinance is enacted pursuant to and consistent with Article VIII-A, Part 2, Section 1 of the State of Maine Constitution and Title 30-A, M.R.S.A. Section 3001 (Home Rule).
- B. Administration: This Ordinance shall be administered by the Planning Board with assistance from the Road Commissioner.
- C. Effective Date: The effective date of this Ordinance is December 14, 1991, which was the date of adoption by the Town Meeting.

#### **SECTION 3. Applicability** (Amended 7 June 2003)

- A. New Construction: This Ordinance shall apply to the construction of all new streets within the Town whether public or private and common driveways. No street shall be accepted by the Town unless it meets the provisions of this Ordinance relating to standards for public streets.
- B. Alterations: Alterations, widening and improvements shall be consistent with Section 7., Street Construction Standards of this Ordinance. (The Town of Leeds shall be exempt from the provisions of this Ordinance when the Town undertakes alterations, widening and improvements.)
- C. Higher Design and Construction Standard: Nothing in this Ordinance shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods or higher quality materials.

D. Family Developments: Streets contained within a family development shall be exempt from the provisions of this Ordinance provided that the minimum right-of-way width contained in Section 7.1. and the following are met.

1. All state and federal laws shall be complied with by the owner.
2. The Road Commissioner and/or Code Enforcement Officer shall approve the entrance location to a public street and assures that unsafe conditions will not exist.
3. Should more than two lots be sold in the family development during any five (5) year period, the road shall conform to all provisions of this Ordinance.
4. No streets constructed under this exemption shall be accepted as a public road unless it meets all standards for public acceptance.

#### **SECTION 4. Application Procedures**

Prior to the construction of any new street, common driveway or the reconstruction or lengthening of an existing street, four copies of the application and plans shall be submitted to the Board at least one week prior to a scheduled meeting of the Board with the following information in the application.

##### A. Submission Requirements

1. The name(s) of the applicant(s);
2. The name(s) of the owner(s) on record of the land upon which the proposed street is to be located;
3. A statement of any legal encumbrances on the land upon which the proposed street is to be located;
4. The anticipated starting and completion dates of each major phase of street construction;
5. A statement indicating the nature and volume of traffic expressed in Average Daily Traffic expected to use the proposed street; and
6. A statement of the technical and financial capacity of the applicant to carry out the project.

B. Plans: The plans and illustrations submitted as part of the application shall be prepared by a Professional Engineer to include the following information.

1. Detailed construction drawings showing a plan view, profile and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than 50 feet. The vertical scale of the profile shall be one inch equals no more than 5 feet. The plans shall include the following information:
2. Date, scale and north point indicate magnetic or true and date read.
3. The starting and ending point with relation to established roads, streets or ways and any planned or anticipated future extensions of the streets. (All terminal points and the center line alignment shall be identified by survey stationings.)
4. The roadway and roadway limits in relation to existing buildings and established landmarks.
5. Dimensions, both lineal and angular, necessary for locating boundaries and necessary for locating subdivisions, lots, easements and building lines.
6. The lots, if any, as laid out and numbered on said street, showing the names of all owners of abutting property.
7. All natural waterways and watercourses in or on land contiguous to the said streets or ways.
8. The kind, size, location, profile and cross section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways.
9. A soil erosion and sedimentation control plan showing interim and final control provisions.
10. Curve data for all horizontal and vertical curves shall be the centerline radius, arc length, beginning of curve and end of curve points.
11. All centerline gradients shall be shown and expressed as a percent.
12. All curve and property line radii of intersections.
13. The limits and location of any proposed sidewalks and curbing.
14. The location of all existing and proposed overhead and underground utilities, to include, but not limited to, the following: (NOTE: When a location, in the case of any underground utility, is an approximate, it shall be noted on the plan as such.)

- a. storm drains;
- b. telephone line poles or underground vaults;
- c. electrical powerline poles or underground vaults;
- d. street lights.

15. The location of significant view locations as identified in the Comprehensive Plan.

16. The name(s) of each proposed new road or street.

- C. Upon receipt of plans for a proposed public street, the Board shall forward one copy to the Municipal Officers, Road Commissioner and Fire Chief for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Road Commissioner and Fire Chief for review and comment.
- D. Streets Within Proposed Subdivisions: Streets proposed as part of a subdivision as defined in the Town of Leeds' Subdivision Ordinance shall be submitted to the Planning Board as an integral part of the Subdivision Application. Plans shall conform to the provisions of this Ordinance and the Town of Leeds Subdivision Ordinance.
- E. Application Fee: An application fee of \$50 shall be paid to the Town of Leeds upon submission of an application. The Selectmen shall have the authority to review and revise the application fee after conducting a public hearing. The application fee shall be waived if the street is being reviewed as an element of a Subdivision Application.
- F. Submission Waivers: The Planning Board may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety and welfare of the waiver would not adversely affect the abutting landowners or the general health, safety and welfare of the Town.

## **SECTION 5. Application Review**

- A. Complete Application: Within 30 days from the date of receipt, the Board shall notify the applicant in writing either that the application is complete, or if incomplete, the specific additional material needed to make the application complete. Determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Ordinance.

- B. Application Approval: The Board shall, within 30 days of a public hearing, or within 60 days of having received the completed application or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this Ordinance and to preserve the public health, safety and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance.
- C. Public Hearing: The Board may hold a public hearing within 30 days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time and place of such hearing to be given to the applicant, all property owners abutting the proposed street and published in a newspaper of general circulation in Leeds at least two times the date of the first publication shall be at least seven days prior to the hearing.

## **SECTION 6. Public Acceptance of Streets**

- A. The approval by the Planning Board of a proposed public street shall not be deemed to constitute or be evidence of any acceptance by the municipality of the street. Final acceptance of a proposed public street shall be by an affirmative vote of a Town Meeting.
- B. Where the proposed streets are to remain privately-owned, the following words shall appear on the recorded plan. "All roads shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

## **SECTION 7. Street Design Standards**

- A. These design standards shall be met by all streets and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts and other appurtenances.
- B. Streets shall be designed to discourage through traffic within a residential subdivision.
- C. The character, extent, width and grade of all streets shall be considered in their relation to existing or planned streets.
- D. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this Ordinance), or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements.

- E. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the plan and in the deeds of any lot with frontage on the arterial street.
- F. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- G. Unpaved privately-owned streets shall not serve more than eight dwelling units.
- H. When a street will be constructed or altered, suitable shoulders and/or turnouts shall be provided at significant view locations.
- I. The following design standards apply according to street classification.

Description	Arterial	Collector	Minor <sup>1</sup>	Privately Owned Street <sup>1</sup>	Industrial/ Commercial	Mobile Home Park <sup>5</sup>
Minimum right-of-way width	80 feet	60 feet	50 feet	50 feet	60 feet	23 feet
Minimum pavement width/travelway width	44 feet	24 feet	22 feet	20 feet	30 feet	20 feet
Sidewalk width	8 feet	5 feet	5 feet	5 feet	8 feet	n/a
Minimum grade	.5 percent	.5 percent	.5 percent	.5 percent	.5 percent	.5 percent
Maximum grade <sup>2</sup>	5 percent	6 percent	12 percent	12 percent	5 percent	10 percent
Minimum centerline radius	500 feet	280 feet	280 feet	175 feet	400 feet	150 feet
Minimum tangent between curves of reverse alignment	300 feet	200 feet	100 feet	100 feet	300 feet	100 feet
Roadway crown	1/4"/ft.	1/4"/ft.	1/4"/ft.	1/4"/ft.	1/4"/ft.	1/4"/ft.
Minimum Angle of street intersections <sup>4</sup>	90 degrees		90 degrees		75 degrees	75 degrees 90 degrees 75 degrees
Maximum grade within 75 ft. of intersection	3 percent	3 percent	3 percent	3 percent	3 percent	3 percent
Minimum curb radii at intersections	30 feet	25 feet	20 feet	20 feet	30 feet	30 feet
Minimum r-o-w radii at intersections	20 feet	10 feet	10 feet	10 feet	20 feet	10 feet
Minimum width of shoulders (each side)	5 feet	3 feet	3 feet	3 feet	5 feet	n/a

<sup>1</sup>Minor Streets located in the General Residential District as defined in the Town of Leeds Zoning Ordinance may reduce minimum pavement width to 18 feet.

<sup>2</sup>Maximum grade may be exceeded for a length of 100 feet or less.

<sup>3</sup>Gravel surfaces shall have a minimum crown of 3/4 inch per foot of lane width.

<sup>4</sup>Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

<sup>5</sup>Streets in Mobile Home Parks must also comply with the standards set forth in the Town of Leeds Subdivision Ordinance.

- J. The centerline of the roadway shall be the centerline of the right-of-way.
- K. Deadend Streets: In addition to the design standards above, deadend streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line: 60 feet; outer edge of pavement: 50 feet. The Board may require the reservation of a 20 foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a 60 foot easement in line with the street to provide continuation of the road where future subdivision is possible.

L. Grades, Intersections and Sight Distance

- 1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
- 2. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance (ft.)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3.5 feet and the height of object at 4.25 feet.

- 3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curblines or edge of with the height of the eye 3.5 feet, to the top of an object 4.25 feet above the pavement.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance		250	300	350	400	450	500 550

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

- 4. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the comprehensive plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

M. Sidewalks: Where the Planning Board requires the installation of sidewalks, they shall meet these minimum requirements.

1. Bituminous Sidewalks

- a. The subbase aggregate course shall be no less than 12 inches thick after compaction.
- b. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.

2. Portland Cement Concrete Sidewalks

- a. The subbase aggregate shall be no less than 12 inches thick after compaction.
- b. The Portland Cement concrete shall be reinforced with 6 inch square, number 10 wire mesh and shall be no less than 4 inches thick.

**SECTION 8. Street Construction Standards**

A. Minimum thickness of material shall meet the specifications in the table below, after compaction.

## MINIMUM REQUIREMENTS

	Arterial	Collector	Minor	Privately Owned Street	Industrial Commercial	Mobile Home Parks
Aggregate subbase course (max. sized stone 6") -With subbase gravel -Without subbase gravel	20" 24"	15" 18"	15" 18"	15" 18"	20" 24"	15" 18"
Crushed Aggregate Base Course (if necessary)	4"	3"	3"	3"	4"	3"
Hot Bituminous Pavement(1) - Total Thickness - Surface Course - Base Course	3" 1 1/4" 1 3/4"	3" 1 1/4" 1 3/4"	2 1/2" 3/4" 1 3/4"	2 1/2"(1) 3/4" 1 3/4"	4" 1 1/4" 2 3/4"	2 1/2" 3/4" 1 3/4"
(1) When paved						

### B. Preparation

1. Before any clearing has started on the right-of-way, the centerline and side lines of the new road shall be staked or flagged at 50 foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled ways, shoulders, sidewalks, drainageways and utilities shall be cleared of all stumps, roots, brush and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
3. All organic materials shall be removed to a depth of 2 feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of 2 feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of 2 feet below the subgrade and replaced with material meeting the specifications for gravel aggregate subbase below; or a MDOT approved stabilization geotextile may be used.
4. Except in a ledge cut, side slopes shall be not steeper than a slope of 3 feet horizontal to 1 foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the Erosion and Sedimentation Control Plan.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

## C. Bases and Pavement

### 1. Bases

- a. The Aggregate Subbase Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements.

Sieve Designation	Percentage of Weight Passing Square Mesh Sieves
1/4 inch	5 - 70%
No. 40	0 - 30%
No. 200	0 - 7%

- b. If the Aggregate Subbase Course is found to be not fine-gradeable because of large stones, then a minimum of 3 inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45 - 70%
1/4 inch	30 - 55%
No. 40	0 - 20%
No. 200	0 - 5%

Aggregate for the base shall contain no particles of rock exceeding 2 inches in any dimension.

### 2. Pavement Joints.

- a. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

### 3. Pavements.

- a. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by

weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

- b. Minimum standards for the surface layer of pavement shall be the MDOT specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

4. Surface Gravel

Privately-owned streets serving eight or less dwelling units need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than 2 inches in size and meet the following gradation:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
2 inch	95 - 100%
1/2 inch	30 - 65%
No. 200	7 - 12%

**SECTION 9. Common Driveways (Amended 7 June 2003)**

A. Common Driveways

- 1. Common driveways may serve two single-family dwelling units. The Road Commissioner and/or Code Enforcement Officer shall review and approve all plans for common driveways.
- 2. The following design and construction standards shall apply to common driveways.

Minimum right-of-way width	50 feet
Minimum travel width	12 feet
Maximum grade	15 percent
Minimum angle of street intersections	75 percent
Minimum grade within 30 feet of intersections	3 percent
Minimum r/o/w radii at intersections	10 feet
Minimum thickness of common driveway material after compaction	15 inches

3. Erosion and Sedimentation Control: Adequate provisions shall be undertaken to minimize erosion and sedimentation.
4. Deeds to lots, proposed to be accessed by a common driveway, shall include a driveway maintenance agreement to be reviewed and approved by the Board.
5. New proposed common driveways shall meet the site distance requirements as specified in SECTION 7, L.3. of this article.

B. Private Driveways

1. Private driveways may serve only one dwelling unit. The Road Commissioner and/or Code Enforcement Officer shall review and approve all plans for private driveways.
2. Erosion and Sedimentation Control: Adequate provisions shall be undertaken to minimize erosion and sedimentation.
3. New Proposed driveways shall meet the sight distances requirements as specified in SECTION 7, L.3. of this article.

**SECTION 10. Additional Improvements and Requirements**

- A. Erosion and Sedimentation Control: The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction and clean-up stages.
- B. Clean-up: Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized and seeded.
- C. Street Names, Signs and Lighting: Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the town, and shall be subject to the approval of the Board after input from the Fire Chief. The developer shall install street name, traffic safety and control signs meeting Town specifications. Street lighting shall be installed as approved by the Board.

## **SECTION 11. Certification of Construction**

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the, certifying that the proposed way meets or the design and construction requirements of these built" plans shall be submitted to the Municipal Officers.

## **SECTION 12. Performance Guarantees (Amended 7 June 2003)**

- A. Types of Guarantees: With submittal of the application for a street approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs, taking into account the time-span of the construction schedule and the inflation rate for construction costs.
1. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
  2. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers;
  3. An irrevocable letter of credit from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate, approved by the Municipal Officers; or
  4. The Board, at its discretion, may permit for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the application on the condition that no lots may be sold or built upon until either:

- a. It is certified to the Board that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
  - b. A performance guarantee, acceptance acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.
- B. Contents of Guarantee: The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.
- C. Escrow Account: A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant except for any portion of the interest earned which was needed, in addition to the principle of the escrow account, to pay for completion of the required improvements.
- D. Performance Bond: A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the project for which approval is sought.
- E. Letter of Credit: An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the street and may not be used for any other project or loan.
- F. Release of Guarantee: Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- G. Default: If, upon inspection, it is found that any of the required improvements have not been constructed in accordance the plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take steps necessary to preserve the Town's rights.

- H. Privately-Owned Roads: Where streets are to remain privately-owned roads, the following words shall appear on the recorded plan. "All roads shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town".

### **SECTION 13. Inspection**

- A. Notification of Construction: At least 5 days prior to commencing street construction or alteration of roads, the applicant shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction so that the municipal officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction.
- B. Noncompliance with plan: If it is found, upon inspection, that the street or is not being or has not been constructed in accordance with the approved plans and specifications, the inspector shall so report to the municipal officers and Planning Board. The Municipal Officers shall then notify the applicant, and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security or bond.
- C. Modification During Construction: If at any time before or during the construction of the street it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of the street, the appointed inspector may, upon approval of the Board, authorize modifications provided these modifications are within the spirit and intent of the Board's approval. The appointed inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.
- D. Inspection Fee: The Board may assess the applicant a fee to cover the costs of construction inspection.

### **SECTION 14. Waivers**

- A. Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of ordinance in order to provide relief from the hardship in question, to permit a more practical and economical development or for family developments provided, however, that the public health, safety and welfare will not be comprised and further provided that the waivers in question will not have the effect of nullifying the effect of this Ordinance.
- B. In granting waivers to any provision of this Ordinance in accordance with Section

14.A., the Board shall require such conditions as that will assure the objectives of this Ordinance are met.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### **SECTION 15. Separability**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### **SECTION 16. Appeals**

An appeal maybe taken within 30 days from the Board's decision on the application, by any party to Superior Court in accordance with Rule 80B. of the Maine Rules of Civil Procedure.

#### **SECTION 17. Amendments**

- A. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
1. The Planning Board, provided a majority of the Board has so voted;
  2. Request of the Municipal Officers; or
  3. Written petition of at least 25 voters registered to vote in Leeds.
- B. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least ten (10) days prior to the hearing.
- C. Adoption of Amendment: An amendment of this Ordinance shall be adopted by a majority vote of the Town Meeting.

AMENDED: June 7, 2003

AMENDED: June 4, 2005