

CURRENT ARTICLE:

ARTICLE 3.5 PERFORMANCE BOND

The Planning Board may accept a Performance Bond, in the form of a passbook savings deposit, in lieu of an applicant completing street construction and storm water and utility construction and other required improvements in conformance with the preceding provision and Article 4 and 5 of this regulation.

- A. Be reviewed and approved by the Planning Board Counsel as to proper legal form and enforceability;
- B. Be based on an estimate, prepared by appropriate experts of probable construction costs and cost of materials to conform with the Town's general standards for any construction improvements.
- C. Be in an amount estimated by the Planning Board as sufficient to secure to the Town of Kensington the satisfactory construction, installation and dedication of required improvements to meet the construction standards of this regulation.

When a Performance Bond has been posted and required improvements have not been completed within two (2) years from the date of final plat approval, the Board of Selectmen may declare the Bond in default, and require that all improvements be installed regardless of the extent of construction.

AMENDED ARTICLE:

ARTICLE 3.5 SECURITY

A. In lieu of an applicant completing street construction and storm water and utility construction and other required improvements in conformance with the preceding provision and Article 4 and 5 of this regulation, the Planning Board may accept one of the following forms of security:

- 1. Certified check or bank check properly endorsed to the Town of Kensington.
- 2. Irrevocable letter of credit submitted on the standard form approved by the Town (if other than the Town's approved form, the performance agreement shall be reviewed and approved by the Planning Board and Planning Board Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the applicant).

B. The amount of the security shall:

- 1. Be based on an estimate, prepared by appropriate experts of probable construction costs and cost of materials to conform with the town's general standards for any construction improvements.
- 2. Be based on an amount estimated by the Planning Board as sufficient to secure to the Town of Kensington the satisfactory construction, installation and dedication of required improvements to meet the construction standards of this regulation.

C. When security has been posted and required improvements have not been completed within two (2) years from the date of final plat approval, the Board of Selectmen may declare the developer in default, and require that all improvements be installed regardless of the extent of construction.