

TOWN OF OTISFIELD  
NEW ROAD CONSTRUCTION ORDINANCE

SECTION I. Statement of Purpose

The purpose of this "New Road Construction Ordinance" (the "Ordinance") is to promote the health, safety, and public welfare of the residents of Otisfield through establishing minimum construction standards for new roads, streets, and other public and private ways.

SECTION II. Authority, Administration, and Effective Date

A. AUTHORITY: This Ordinance is enacted pursuant to and consistent with Article VIII-A of the State of Maine Constitution, and with Title 30-A, M.R.S.A., Section 3001, et seq.

B. ADMINISTRATION: This Ordinance shall be administered by the Planning Board of the Town of Otisfield with the input of the Road Commissioner and/or a Maine licensed professional engineer employed by the Town, and the Code Enforcement Officer.

C. EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ROAD ORDINANCE SPECIFICATIONS: The effective date of this Ordinance is March 5, 2005. This Ordinance repeals and replaces all previously enacted road construction and road standard ordinances.

SECTION III. Applicability

A. CONSTRUCTION: This Ordinance shall apply to the construction of all new roads or streets within the Town whether public or private. No road or street, whether new or existing, shall be accepted as a Town way unless it meets the provisions of this ordinance.

B. HIGHER DESIGN AND CONSTRUCTION STANDARD: Nothing in this Ordinance shall be construed to prevent the design and construction of streets or roads which meet higher standards, use improved methods, or use higher quality materials.

SECTION IV. Application Procedures

Prior to the construction of any new road or street, an application shall be submitted to the Town of Otisfield Planning Board and Code Enforcement Officer with the following information:

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 or road is to be located
3. A statement of any legal encumbrances on the land upon which the proposed street or road is to be located, and a deed to the street or road in favor of the Town with a metes and bounds description of the street or road and an attached plan of the street or road prepared by a Maine licensed professional land surveyor and/or a Maine licensed professional engineer.
4. The anticipated starting and completion dates of each major phase of construction
5. A statement indicating the nature and volume of traffic expressed in average daily traffic (ADT) expected to use the proposed street or road
6. Appropriate nonrefundable application fee

B. PLANS

The plans and illustrations submitted as part of the application shall be prepared by a Maine licensed professional land surveyor and/or a Maine licensed professional engineer to include the following information:

1. The scale of the plan. ( All street and roadway plan and profile drawings shall be drawn to a scale not to exceed 1 in = 50ft horizontal and 1in = 5ft vertical)
2. True or magnetic north meridian arrow
3. A plan with topography before and after for a distance of 100ft beyond the right of way, a profile, and typical cross section views of all proposed streets or roads
4. The starting and ending point with relation to established roads, streets, or ways and any planned or anticipated future extensions of same roads, streets, or ways. (All terminal points and the center line alignment shall be identified by survey stationing.)
5. The roadway and roadway limits with relation to existing buildings and established landmarks
6. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements, and building lines
7. The lots, if any, as laid out and numbered on said street, road, or way showing the names of all owners of abutting property
8. All natural waterways and watercourses in or on land contiguous to said road, street or way
9. The kind, size, location, planned profile, and cross section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways

10. The soil erosion and sedimentation control plan showing interim and final control provisions
11. Curve data for all horizontal and vertical curves shall be the central angle, center line radius, arc length, beginning of curve and end of curve points
12. All center line gradients shall be shown and expressed as a percent
13. All curve and property line radii of intersections
14. The limits and location of any proposed sidewalks and curbing
15. 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 location, it shall be noted on the plan as such.)
  - a. storm drains
  - b. telephone line poles or underground vaults
  - c. electrical power line poles or underground vaults
  - d. street lights
  - e. public water supply lines
  - f. sanitary sewer lines
  - g. gas mains
16. The names of each proposed road, street, or way (NOTE: See Section VIII C)
17. Monuments (NOTE: See Section VIII D)

C. REVIEW AND COMMENT

Upon receipt of an application and plans for a proposed public street, road or way, the Planning Board shall forward one copy each to the Board of Selectmen, the Road Commissioner, the Code Enforcement Officer, and the Fire Chief for review and comment. Plans for a street, road or way which are not proposed to be accepted by the Town of Otisfield shall also be sent to each of the following: The Board of Selectmen, the Road Commissioner, the Code Enforcement Officer, and the Fire Chief, for review and comment. The deed to the proposed street, road, or way shall be sent to the Town attorney for review and comment.

D. STREETS WITHIN PROPOSED SUBDIVISION

Streets, roads or ways proposed as part of a subdivision as defined in the Subdivision Ordinance of the Town of Otisfield shall be submitted to the Planning Board as an integral part of the subdivision application. Plans shall conform to the provisions of the ordinance as well as those required by the Subdivision Ordinance of the Town of Otisfield

## E. APPLICATION AND REVIEW FEES

1. The nonrefundable application fee of \$ \_\_\_\_\_ shall be paid to the Town of Otisfield upon submission of an application. The Board of Selectmen shall have the authority to review and revise the application fee. The application fee shall be waived if the street, road, or way, is being reviewed as an element of a subdivision application.
2. A Design Review and Inspection Fee shall be paid to the Town of Otisfield upon submission of an application. The fee shall be for the amount of two (2) percent of the estimated costs of the construction and improvements to be for the design and inspection of the same by a licensed professional engineer in the State of Maine of the Town's choosing. If upon satisfactory (to the Town) completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within thirty (30) days. If the inspection account shall be drawn down by eighty (80) percent, the applicant shall deposit an additional one (1) percent of the estimated cost of construction and improvements.

## F. APPLICATION REVIEW

1. Complete Application: Within thirty (30) days from the date of receipt, the Planning 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 Planning 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.
2. Application approval: The Planning Board shall, within thirty (30) days of a public hearing, or within sixty (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 Planning Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance.
3. Public Hearing: The Planning Board may hold such public hearing within thirty (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 owners of abutting property, published in a newspaper of general circulation in the Town of Otisfield at least one (1) time: the date of the first publication shall be at least seven (7) days prior to the hearing.

## SECTION V. Public Acceptance of Streets

The approval by the Planning Board of a proposed public road, street, or way, shall not be deemed to constitute or be evidence of any acceptance by the Town of Otisfield. Final acceptance of a proposed public way shall be by an affirmative vote at the Town of Otisfield Annual Meeting.

## SECTION VI. 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. These design standards shall be in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991 or newer.
- 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. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town of Otisfield
- E. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicated 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 Realignment (Widening) Purposes". Land reserved for such purposes may not be included in computing lot area or setback requirements.
- F. 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 owner and shall not be accepted or maintained by the Town of Otisfield."
- G. Any privately owned street serving four dwellings units or less will not require pavement
- H. Driveways off any Town way need a Road Opening Permit. Anyone installing a driveway or entrance along a State highway must get a permit from the Maine DOT. All new residential dwellings in a new major subdivision must have paved driveways.
- I. The following design standards apply according to street classification:

## STREET DESIGN STANDARDS

Description	TYPE OF STREET			
	Arterial	Collector	Private/Minor	Industrial/Comm.
Minimum ROW width	80ft	60ft	60ft	60ft
Minimum traveled width	44ft	24 ft	20ft	30ft
Minimum width of				
Shoulders (each side)	5ft	3ft	3ft	5ft
Sidewalk width*	8ft	5ft	5ft	8ft
Minimum Grade	.5%	.5%	.5%	.5%
Maximum Grade+	5%	6%	10%	5%
Minimum centerline radius				
Without super elevation	500ft	280ft	280ft	400ft
With super elevation	350ft	175ft	175ft	300ft
Roadway Crown++	1/4in per ft	1/4in per ft	1/4in per ft	1/4in per ft +++
Minimum angle of street				
Intersections++++	90 degrees	90 degrees	90 degrees	90 degrees
Maximum grade within 75ft				
Of intersection	3%	3%	3%	3%
Minimum curb radii				
At intersections	30ft	25ft	20ft	30ft++++
Minimum ROW radii				
At intersections	20ft	10ft	10ft	20ft
Minimum sub base				
(MDOT 703.06 Type B)	18in	18in.	18in.	18in.
Minimum base				
MDOT 703.06 Type A	3in.	3in.	3in.	3in.

+ Maximum grade may be exceeded for a length of 100ft or less

++ Roadway crown is per foot of lane width

+++ Gravel surfaces shall have a minimum crown of 3/4 in per ft of lane width

++++ Street intersection angles shall be as close to 90 degrees as feasible but no less than the listed angle

+++++ Should be based on turning radii of expected commercial vehicles, but no less than 30ft.

\* If required by subdivision ordinance

1. MDOT specifications will be used to establish material quality specifications. These material thicknesses presume a suitable native soil below sub-grade. Fine-grained soils having a California Bearing Ratio of less than fifteen (15) percent will generally require additional sub-base material.
2. Culvert sizes to be determined based on hydrologic computations performed by a licensed professional engineer in the State of Maine
3. A diagram and chart for cross sections of the roads for each of the categories is included in Attachment A.

Note: For street definitions see Section XVI

J. TRIP GENERATION RATES

The following chart shall be used to determine the anticipated average daily traffic (ADT) levels of proposed residential development.

Housing Types	Average weekday trip generation
Single family detached	10 trips per dwelling unit
Duplex (twin) Multiplex	
Townhouses, etc.	8 trips per dwelling unit
Apartment	8 trips per dwelling unit
Mobile Home	8 trips per dwelling unit
Retirement Village	3.5 trips per dwelling unit

K. The centerline of the roadway shall be the centerline of the right-of-way

L. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: 65ft to property lines and 50ft to the edge of pavement. Dead-end streets may provide a permanent “T” turn-around in lieu of a cul-de-sac. Such turn-arounds shall be a minimum of 50ft in length, in each direction, from the centerline of entrance road and 30ft in width.

- a. All roads constructed within a subdivision shall have either one entrance/exit with a looped interior road or two entrances/exits with a U shaped road within the interior. A cul-de-sac or “T” turn around is not to be used.

M. GRADES, INTERSECTIONS, AND SIGHT DISTANCES

- a. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
- b. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.
- c. 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:

<u>Posted Speed Limit</u>	<u>Sight Distance</u>
25mph	250ft
30mph	300ft
35mph	350ft
40mph	400ft
45mph	450ft
55mph	550ft

- d. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.
- e. 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 250 ft shall be maintained between centerlines of side streets.

## SECTION VII. Street Construction Standards

### A. PREPARATION

1. Before any clearing has started on the traveled way, the centerline and side lines of the new road shall be staked or flagged at 50ft intervals
2. Before grading is started the entire Right-of-way, width necessary for travel way, shoulders, sidewalks, drainage ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps protruding above the natural profile of the land shall be removed from the travel way, shoulders, sidewalks and drainage ways
3. All organic materials shall be removed to a depth of two (2) feet below the sub grade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the sub grade 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 two (2) feet below the sub- grade and replaced with material meeting the specifications for gravel aggregate sub- base below. In lieu of removal of all organic material, engineering fabric (geo-textile) may be used to stabilize the road base.
4. Side slopes shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical. Ditch slopes shall be no steeper than a slope of two (2) feet horizontal to one (1) foot vertical. All disturbed areas shall be stabilized structurally or vegetatively in compliance with the appropriate Best Management Practice 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.

## B. BASES AND PAVEMENT SPECIFICATIONS

### 1. Base material

All aggregate sub base and base material shall be free of rocks or rock particles which exceed the applicable MDOT specifications of four (4) inches in diameter if not specified. It shall provide good drainage. Depth of fill material will be as measured after compaction. For eighteen (18) inches of material, compaction shall occur after each nine (9) inch lift. For twenty- four (24) inches of material, compaction is required after each twelve (12) inch lift.

2. All base and sub base materials will be placed at a moisture content to achieve the desired compaction. Compact all base and sub base material to at least ninety (90) percent of the maximum density as determined in accordance with ASTM D698. Determine in place density using ASTM D 1556 or D 2022 or other method determined by the Planning Board. The Board shall determine the frequency of in-place testing required.

### 3. Pavements

a. Base mix: A 2 inch depth of grade B base mix is required with an aggregate size no more than  $\frac{3}{4}$  inch maximum, and a liquid asphalt content between 5.2% and 6% by weight.

b. Surface mix: A 1 inch layer of mix is required for grade C or grade D with an aggregate size no greater than  $\frac{1}{2}$  inch and a liquid asphalt content between 6.0% and 7.0% by weight

## SECTION VIII. Additional Improvements and Requirements

- A. EROSION CONTROL: The procedures outlined in the erosion and sedimentation control plan shall be implemented before and during, the site preparation, during construction, and during clean-up stages.
- B. CLEANUP: 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 of Otisfield. They shall be subject to the approval of the Board of Selectmen for the Town of Otisfield. The developer shall reimburse the Town of Otisfield for the costs of installing street-name, traffic-safety, and control signs. Street lighting shall be installed as approved by the Planning Board.
- D. MONUMENTS: At least one sideline of any proposed roadway will be monumented with either iron pins, concrete, or granite monuments at all angle points and points of curvature.

## SECTION IX. Certification of Construction

Upon completion of street construction and prior to a vote by the Town of Otisfield Selectmen to submit a proposed public way to the Annual Town Meeting, a written certification signed by a licensed professional engineer registered in the State of Maine shall be submitted to the Board of Selectmen at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of these regulations. "As built" plans shall be submitted to the Board of Selectmen.

## SECTION X. Performance Guarantees

Performance guarantees shall be as specified in the Town of Otisfield Subdivision Ordinance. (See Article 13, Performance Guarantee.)

## SECTION XI. Inspection

- A. Notification of Construction: At least five (5) days prior to commencing street construction or alteration of roads, the applicant shall:
1. Notify the Code Enforcement Officer in writing of the time when (s) he proposes to commence construction so that the Planning Board can arrange for inspection to be made. The inspecting official shall assure that all Town specifications, requirements, and conditions of approval shall be met during the construction and shall assure the satisfactory completion of improvements required by the Planning Board
- B. Noncompliance With Plan: Upon finding the improvements have not been constructed in accordance with the approved plans and specifications, the inspector shall so report in writing to the Board of Selectmen, Planning Board, Code Enforcement Officer, and applicant. The Board of Selectmen shall take any steps necessary to assure compliance with the approved Plans.
- C. Modification During Construction: If at any time it appears necessary or desirable to modify the required improvements before or during construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden crops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board of Selectmen, Planning Board, and Code Enforcement Officer. Revised plans shall be filed with the Planning Board for the record. For major modifications, such as relocation of rights-of-way, changes in grade by more than 1%, etc. the applicant shall submit to the Planning Board an amended application for review and approval.

## SECTION XII. Modification of Road Specifications

- A. Where the Planning Board finds extraordinary and unnecessary hardships may result from the strict compliance with these standards, it may vary these standards so that substantial justice may be done and the public interest served.
- B. In granting modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements modified.

## SECTION XIII. 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 XIV. Appeals

An appeal may be taken within thirty (30) days from the Board's decision on the Application by any aggrieved party to Superior Court in accordance with Rule 80 B of the Maine Rules of Civil Procedure.

## SECTION XV. 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 Board of Selectmen; or
  3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the Town of Otisfield at the last gubernatorial election.
- 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 Town of Otisfield at least seven (7) days prior to the hearing.
- C. Adoption of Amendment: An amendment of this Ordinance shall be adopted by majority vote of a Town Meeting.

SECTION XVI. Definitions

Access: See Right of Way

Arterial street: A major thoroughfare, which serves as a traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: Powhatan Road, Bolsters Mills Road, Gore Road, State Route 121, and State Route 117.

Average daily traffic: A traffic count of vehicles anticipated for weekdays based on the number of dwelling units in residential developments. (See chart, page 6.)

Collector street: A street with average daily traffic of 250 vehicles per day or greater, or streets, which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Commercial or Industrial Street: Streets servicing industrial or commercial uses.

Driveway: A vehicular access way less than 500 feet long, serving two (2) lots or Less

Major road: A road, which has an average daily traffic count exceeding 250 vehicles.

Minor road: A road, which has an average daily traffic count of 250 vehicles or fewer.

Public Easement: A public easement is defined in 23 M.R.S.A. # 3021 as “an easement held by a municipality for purpose of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute” prior to July 29, 1976.

Privately way: Any way designed for private use and maintained by the property owner or group of property owners, and which is **not** an accepted Town road.

Public road: A way or public easement for highway purposes as defined in 23 MRSA 3021 held by any governmental body.

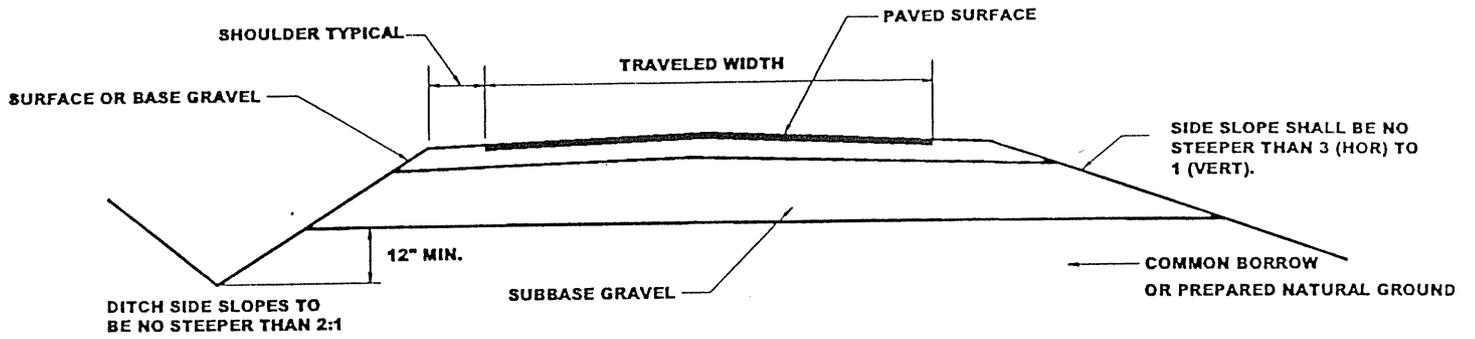
Right of Way: An area or strip of land less than fifty (50) feet wide described in a deed, and dedicated to the purpose of providing access to a parcel or parcels of land abutting it and indicating responsibility for maintaining said right of way.

Road: Any public or private way designed for vehicular access, other than driveways, farm roads, trails or logging roads. The term “road” includes the normal meaning conveyed by synonymous words including street, avenue, highway, lane, way, etc.

Street: Public and private ways such as alleys, avenues, boulevards, highways, and Roads

Town Way: A public road owned and maintained by the Town of Otisfield that is **not** a public easement.

## EXHIBIT A



Item	Collector	Private - Minor	Industrial - Commercial
Traveled Width	24 ft.	20 ft.	30 ft.
Subbase Gravel, Compacted Depth	18 in.	18 in.	18 in.
Base Gravel, Compacted Depth	3 in.	3 in.	3 in.
Shoulder Width	3 ft.	3 ft.	5 ft.
Shoulder Cross Slope	1/2" per ft.	1/2" per ft.	1/2" per ft.
Pavement Depth	3 in.	3 in.	3 in.
Paved Surface Cross Slope	1/4" per ft.	1/4" per ft.	1/4" per ft.
Gravel Surface Cross Slope*	Not allowed	1/2" per ft.	Not allowed
<p>All dimensions, except cross slope grades are the minimum required.            Cross slope grades shall be as specified.            Where any conflict exists between this table and the Street Design Standards table, the more stringent of the two shall apply.</p>			
<p>*Roads to remain Private do not require paving. All roads planned for town acceptance shall be paved with bituminous concrete as required by this ordinance.</p>			