

AMENDMENT TO ARTICLE X, MISCELLANEOUS ORDINANCES, OF THE TOWN OF WISCASSET ORDINANCES

Be it hereby proposed, by the Town of Wiscasset, Maine, as recommended by the Wiscasset Ordinance Review Committee, that Article X, Miscellaneous, Article VII Subdivision Ordinance, and Glossary, of the Town of Wiscasset Ordinances be amended as follows to enact the Road Ordinance:

Article X, Section 14 ROAD ORDINANCE

1. Applicability

A. New Construction, expansion or lengthening:

- (1) These provisions shall apply to the construction, expansion and lengthening of all roads and driveways within the Town of Wiscasset but shall not apply to roads constructed and used for the purpose of forest and natural resource management. Such roads must satisfy the design and construction standards of this ordinance before they may be used for other purposes such as residential development.
- (2) A new road may be accepted by the Town of Wiscasset only if it fully satisfies all municipal road design and construction standards in Section 3 and, in addition, is proposed and approved for acceptance by the Town Meeting.
- (3) A driveway need only meet the requirements of section 3.I.

B. Alterations: Alterations and widening shall be consistent with Section 3.

2. Application Procedures

An application for the construction, expansion, or lengthening of any road shall be submitted to the Planning Board at least 10 (ten) days prior to a scheduled meeting of the Planning Board. Ten (10) copies of the complete application including maps and drawings and any attachments are required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). The application shall also include one 11" x 17" copy of each plan. The application and accompanying materials shall include the following information:

A. Submission Requirements

- (1) Names of applicants, owners of land for the location of the proposed road or, in the event of an existing road, the name of the existing road.

- (2) A statement of any legal encumbrances on the land for the location of the proposed road.
- (3) The anticipated starting and completion dates of each major phase of construction.
- (4) A statement indicating the nature and volume of traffic anticipated on an average daily basis.

B. Plans

Detailed construction drawings shall be submitted showing a plan view, profile and typical cross-section of the proposed roads and existing roads within 300 feet of any proposed intersection. The plans shall include the following information:

- (1) Date, scale and magnetic or true north point.
- (2) Intersections of the proposed road with existing roads.
- (3) Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks and curbs.
- (4) Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. Such structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer.
- (5) Complete curve data shall be indicated for all horizontal and vertical curves.
- (6) Turning radii at all intersections.
- (7) Centerline gradients.
- (8) Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting and cable television.
- (9) Location, width, typical cross-section, grades and profiles of all proposed roads and sidewalks.
- (10) A soil erosion and sedimentation control plan in conformance with the requirements of Article VII.3.B(3)(b)(5).
- (11) For roads to be located within the watershed of a great pond, a phosphorous impact plan as further described in Article VII.3.B(2)(b)(24) and Article VII.5.A(15).
- (12) For a road which is to remain private a plan setting forth how the road and associated drainage structures are to be maintained. Responsibility for road maintenance may

be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots which utilize the private road for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Planning Board review. This documentation must address specific maintenance activities such as summer and winter maintenance, long term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.

(13) Locations of wetlands, streams, floodplains and shoreland zones.

(14) Proposed turnaround, if applicable.

C. Municipal Review

Upon receipt of plans for all proposed roads or lengthening, expansion or improvement of an existing road, the Planning Board shall forward copies to the Road Commissioner, Fire Chief, Police Chief and the Town's consulting engineer at the applicant's expense, if any, for review and comment. For proposed public roads or for lengthening, expansion or improvement of existing public roads, a copy shall also be forwarded to the Board of Selectmen. Where the applicant proposes alterations within existing public roads, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation (MDOT), as appropriate.

D. Subdivisions

Plans for a road proposed as part of a subdivision shall be submitted to the Planning Board as an integral part of the subdivision application. The subdivision application and plans shall conform to the full provisions of this section as well as Article VII.

The road giving access to the subdivision, and neighboring roads which can be expected to carry traffic to and from the subdivision, shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed subdivision. See section 3.E, Road Design Standards.

E. Application Fee

The application to construct, expand, lengthen or improve a road shall be accompanied by a fee as established in the Town Fee Schedule as revised from time to time by the Board of Selectmen and payable by check to the Town of Wiscasset, Maine with a note indicating the specific purpose of the fee. The application shall not be placed on the agenda for a Planning Board meeting until such fee has been paid.

F. Application Review

The schedule for review of a road or lengthening of an existing road proposed as part of a subdivision shall be as described in Article VII. For all other proposed roads or lengthening of existing roads, the following shall apply.

- (1) At its first meeting following submission of the application, the Planning Board shall review the application and determine whether it is complete, including receipt of all

fees, and hear any request for waivers pursuant to Section 8. If the application is incomplete, the Planning Board shall inform the applicant of the specific additional material needed to complete the application. The Planning Board shall review the additional material at its next regularly scheduled meeting if it is submitted by the close of business on the Monday prior to said meeting and determine whether the application is then complete.

- (2) If the application is determined to be complete, the Planning Board shall instruct the applicant to notify abutting property owners by Certified Mail of the pending application. This notice shall indicate the time, date and place of the Planning Board consideration of the application. The Planning Board shall also determine whether to hold a public hearing on the application. If a public hearing is held, it shall take place within thirty (30) days of the Planning Board's determination that the application is complete. This deadline may be extended by mutual agreement of the Planning Board and the applicant, either in writing or orally, on the record at a public meeting.

Notice of the time, place and date of such hearing shall be sent by the applicant not less than ten (10) days before the hearing to the town and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Wiscasset. Notice shall also be published by the town at the applicant's expense in a newspaper of general circulation in the Town of Wiscasset at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.

- (3) Within sixty (60) days of the completed application being placed on the Planning Board agenda if no public hearing is held, the Planning Board shall reach a decision on the application and shall inform, in writing, the applicant, the Code Enforcement Office and municipal officers of its decision and the reason thereof. This time period may be extended by written mutual agreement of the Planning Board and the applicant. If a public hearing is held, a decision shall be made no later than the next regularly scheduled Planning Board meeting following the hearing.

G. Acceptance of Public Road

Approval by the Planning Board of a proposed public road shall not be deemed to constitute nor be evidence of acceptance by the Town of said road. Acceptance of a road as a Public Road requires an affirmative vote of acceptance by a Town Meeting. A note to this effect shall be on the final plan(s).

3. Road Design Standards

These design standards shall be met by all proposed roads and the expansion or lengthening of existing roads.

A. Through Traffic

Roads shall be designed to discourage through traffic on minor roads within a subdivision.

B. Location Within Right-of-Way

Every traveled way shall be centered in the right-of-way. The Planning Board may waive this requirement in writing if it finds that physical conditions prevent the traveled way from being centered in the right-of-way.

C. Existing Narrow Roads

- (1) Where a subdivision borders an existing narrow road not meeting the width standards of 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 of a 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 of the Zoning Ordinance.
- (2) If the existing public right-of-way is less than 50 feet, the improved right-of-way shall include easements widened to a minimum of 50 feet at the expense of the applicant.

D. Two Road Connections

Two road connections are required for any proposed road or lengthening or expansion of an existing road that could result in more than 200 vehicle trips per day due to a specific development proposal or on the basis of the amount of available road frontage. Such road connections shall be with existing public roads, roads shown on an Official Map, or roads on an approved subdivision plan for which performance guarantees have been filed and accepted. The applicant may agree in writing, subject to Planning Board approval, to limit the scope of the development to ensure that there will be fewer than 200 vehicle trips per day until such time as a second road connection is developed. For purposes of computing vehicle trips per day, the applicant shall use the latest edition of "Trip Generation" published by the Institute of Transportation Engineers.

E. Road Design Standards

The standards applicable to new public and private roads are presented below. In addition to these design standards, the design of the turn-around for dead end roads shall be approved by the Road Commissioner and Fire Chief. Such turn-around shall be capable of accommodating the largest emergency vehicle requiring access. The Planning Board may require the reservation of a 20-foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Planning Board may also require the reservation of a 50-foot easement in line with the road to provide continuation of the road where future subdivision is possible. At no time shall a turn-around be incorporated into a private driveway, road or other access.

Road Design Standards

| Description | Type of Road | | | | | |
|--|--------------|-----------|-------|------------------------------------|-------------------------------------|-----------------------------|
| | Arterial | Collector | Minor | Private Road >10 dwelling units | Private Road 4-10 dwelling units | Private Road <4 dwelling |
| units | | | | | | |
| Minimum Right-of way Width | 80' | 60' | 50' | 50' | 50' | 50' |
| Minimum Traveled Way Width | 32' | 24' | 20' | 20' | 18' | 14' |
| Sidewalk Width | N/A | N/A | N/A | N/A | N/A | N/A |
| Minimum Grade | .5% | .5% | .5% | .5% | .5% | .5% |
| Maximum Grade | 5% | 6% | 8% | 10% | 12% | 12% |
| Minimum Centerline Radius | 500' | 230' | 150' | 150' | 150' | 150' |
| Minimum Tangent between Curves of reverse alignment | 200' | 100' | 50' | N/A | N/A | N/A |
| Roadway Crown | ¼"/ft | ¼"/ft | ¼"/ft | ¼"/ft | ¼"/ft | ¼"/ft |
| Minimum Angle of Road Intersections ⁽¹⁾ | 90° | 90° | 75° | 75° | 75° | 75° |
| Maximum Grade within 75 ft. of Intersection | 2% | 2% | 2% | N/A | N/A | N/A |

F. Grades, Intersections and Sight Distances

- (1) Grades of all roads 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 road 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 3½ feet and the height of object at 4½ feet.

- (3) Where new road 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.
- (4) Sight distances shall be measured from the driver’s seat of a vehicle resting on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of pavement, with the height of the eye 3½ feet, to the top of an object 4½ feet above the pavement. Required sight distances may be reduced upon recommendation of the Road Commissioner if he determines that the reduction will not significantly impact public safety, the sight distance is maximized to the greatest extent possible, and there is no feasible alternative location. In making this determination, the Road Commissioner may consult the Maine Department of Transportation. The Road Commissioner’s determination shall be in writing.

| | | | | | | | | |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|
| Posted speed (mph) | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 |
| Sight distance (ft) | 155 | 200 | 250 | 305 | 360 | 425 | 495 | 570 |

- (5) The Planning Board may require up to 50% greater sight distances when at least 30% of the traffic using the driveway will be vehicles that have a greater length, width or

turning radius and/or lesser acceleration capacity than standard passenger vehicles or small trucks. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

- (6) Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important intersections. A minimum distance of 200 feet shall be maintained between centerlines of side roads.
- (7) The minimum spacing between new roads, and existing intersections shall be 100 feet for un-signalized intersections and 125 feet for signalized intersections.

G. Road Construction Standards

- (1) The following are minimum thicknesses after compaction.

| Road Materials | Minimum Requirements | | | |
|---|----------------------|-----------|-------|--------------|
| | Arterial | Collector | Minor | Private Road |
| Aggregate Sub-base Course (maximum sized stone 4") | 18" | 18" | 18" | 12" |
| Crushed Aggregate Base Course | 4" | 3" | 3" | 3" |
| Hot Bituminous Pavement | | | | |
| Total Thickness | 3¼" | 2½" | 2½" | |
| Surface Course | 1½" | 1" | 1" | |
| Base Course | 1¾" | 1½" | 1½" | |

- (2) Bases and Pavements

- (a) The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The gradation of the part that passes a 4 inch square sieve shall meet the following grading requirements:

| Sieve Designation | Percentage by Weight Passing Square Mesh Sieves |
|-------------------|--|
| ¼ inch | 25-70% |
| No. 40 | 0-30% |
| No. 200 | 0-7% |

- (b) Aggregate for the sub-base shall contain no particles of rock exceeding 6 inches in any dimension. The aggregate base course shall be sand or gravel of hard

durable particles free from vegetative matter, lumps, 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 |
|-------------------|--|
| ½ inch | 45-70% |
| ¼ inch | 30-55% |
| No. 40 | 0-20% |
| No. 200 | 0-5% |

- (c) Aggregate for the base shall contain no particles of rock exceeding 2 inches in any dimension.
- (d) Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even vertical joint.
- (e) Pavements. Minimum standards for the base layer of pavement shall be the MDOT specification for plant mix grade B. Minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C.

H. Adequate Access

The road providing access to development and any other road that can be expected to carry traffic for development shall have adequate traffic carrying capacity to accommodate the proposed use. The road shall be improved as necessary to accommodate the traffic requirements of the development at the expense of the applicant. See Section 3.E, Road Standards.

I. Driveways

(1) Driveway openings.

- (a) Before construction begins, an approved road entrance permit shall be obtained from the municipal offices. Failure to do so shall result in fines, plus the required permit cost or removal of the driveway and/or cost of upgrading the area to meet the town's ordinances.
- (b) Driveways should intersect a public way at an angle of as near to 90° as the site conditions will permit, and in no case shall the entrance be less than 60°. The sight distance standards in Section 3.F(4) shall apply to driveway openings.
- (c) Along Route 1 between the Woolwich town line and Bradford Road direct access to Route 1 shall be limited to no more than one accessway per property unless adjacent properties share an accessway in which case a property may have one dedicated access and one shared access to Route 1.

- (2) Area of a driveway. Driveways entering or crossing a gravel shoulder of a paved way shall be paved from the edge of the travel lane pavement, crossing the shoulder to a minimum distance of two feet into the driveway beyond (inward of) the shoulder.
 - (a) Driveway openings into any way shall have a culvert or other approved method necessary to maintain roadside drainage, if appropriate.
 - (b) No single dwelling shall have a driveway width exceeding 20 feet where it enters a public way.
 - (c) No commercial structure shall have a driveway width where it enters a public way that exceeds the requirements of Article VIII, Section 9.B(2)(h).
 - (d) All driveways shall enter a public way at the level of the edge of the traveled way and shall have a minimum negative slope of 6% to the outer edge of the right-of-way, whichever is greater.
- (3) Existing rights-of-way. Where an existing right-of-way is less than the required width, new, additional extensions of the right-of-way shall meet the requirements herein.
- (4) Culverts. Whenever the Public Works Department or the Board of Selectmen deems it necessary that a culvert be installed at a driveway or road entrance to a public way, the property owner shall, at his/her expense, install an approved culvert under the supervision and direction of the Road Commissioner, after which, and with all other requirements met, such culvert shall be maintained by the town.
- (5) Driveway setback from intersections. The minimum setback for driveways is 50 feet for un-signalized intersections and 150 feet for signalized intersections except that at no time will a driveway be located on the radius of the two intersecting roadways.

J. Sidewalks

Any new sidewalk constructed shall comply with the Americans with Disabilities Act and meet the following minimum requirements:

- (1) Bituminous Sidewalks. The crushed aggregate base course shall be no less than 6 inches thick. The hot bituminous pavement surface course shall be no less than 2 inches after compaction.
- (2) Portland Cement Concrete Sidewalks. The sand base shall be at least 6 inches thick. The Portland cement concrete shall be 4 inches thick and be reinforced with 6-inch square, no. 10 wire mesh.
- (3) Brick Sidewalks and Concrete Pavers. Base course shall be a 6" aggregate subbase 4" maximum course gravel. A minimum of 1" pavement and 1" minimum of sand shall be used.

Reconstruction of existing public sidewalks shall be at the Road Commissioner's discretion.

4. Additional Improvements and Requirements

A. Erosion Control

The procedures outlined in the erosion and sedimentation control plan shall be implemented during site preparation, construction and cleanup stages.

B. Cleanup

Following road construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plans and be suitably covered with fill and topsoil, limed, fertilized and seeded.

C. Road Names, Signs and Lighting

Names for all new roads and extensions of existing roads shall be approved by the 911 Addressing Officer. The developer shall reimburse the town for the costs of installing road name, traffic safety and control signs. Road lighting shall be installed as approved by the Planning Board.

5. Certification of Construction

As-built plans for proposed public ways shall be submitted to the Board of Selectmen. Upon completion of road construction and prior to a vote by the Board of Selectmen to submit a proposed public way to the legislative body, a written certification signed by a registered professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this ordinance.

6. Performance Guarantees

Performance guarantees shall be as described in Article VII Section 4.

7. Inspection

- A. Notification of Construction: At least 5 days prior to commencing construction or alteration of a road, the applicant shall notify the Code Enforcement Officer in writing of the proposed commencement date of construction. The Town shall cause inspection to be made either by a professional retained by the Town or, at the Town's discretion, by the applicant's engineer, in order to ensure that all municipal specifications and requirements shall be met during construction. If the Town retains a professional to inspect road construction, the applicant shall be assessed a fee to cover the costs of such inspection.
- B. Noncompliance with Plan: If it is found upon inspection of the improvements that they are not being or have not been constructed in accordance with approved plans and specifications, the inspector shall so report to the Board of Selectmen and the Planning Board. The Board of Selectmen 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: Minor changes in approved plans necessary to address unforeseen field conditions may be approved by the Code Enforcement Officer, provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. A request for a minor change to an approved plan shall be in writing to the Code Enforcement Officer. In making the determination to approve a minor change to an approved plan the Code Enforcement Officer shall consult with the Road Commissioner and Planning Board Chairman or the Chairman's designee. Any such change shall be endorsed in writing on the approved plan by the Code Enforcement Officer and reported to the Planning Board at its first meeting following endorsement of the change by the Code Enforcement Officer.

8. Waivers

- A. Where the Planning Board makes written findings of fact that there are special circumstances, it may waive portions of the submission requirements, the standards, or other requirements, to permit a more practical and economical development provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or this ordinance.
- B. Where the Planning Board makes written findings of fact that, due to special circumstances, the provision of certain required improvements is inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed road, it may waive or modify the requirement for such improvements, subject to appropriate conditions.
- C. In granting waivers to any of these standards, the Planning Board shall require such conditions as will assure the objectives of this ordinance are met.
- D. When the Planning Board grants a waiver to any of the standards of this ordinance, the Final Plan shall indicate the waivers granted.

9. Enforcement

- A. Notice of violations. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, s/he shall notify by certified mail the person responsible for such violation, indicating the nature of the violation and the state/local regulations regarding fines, and order the action necessary to correct it. S/he shall order discontinuance of the violations of this Ordinance.
- B. Legal action. When the above action does not result in the correction or abatement of the violations, the municipal officers may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.
- C. Fines. Any person being the owner or occupant of or having control or use of any premises, and any contractors, who violate a provision of this Ordinance, shall be guilty of a civil offense, and upon conviction, shall be punished by civil penalty of not more than \$2,500 and not less than \$100 for each offense (Title 30-A § 4452). Each day that such violation

continues after notification shall constitute a separate offense. In the event that the Code Enforcement Officer gives a violator a specific period of time in which to correct such offense, the number of offenses shall be calculated from the date of original notification.

D. Administrative consent agreement. In lieu of court, violations of this Ordinance may be resolved by administrative consent agreement executed by the violator and the Board of Selectmen. An administrative consent agreement shall require that:

- 1) The violation will be corrected in all respects;
- 2) The violator admits to the violation; and
- 3) The violator pays an appropriate monetary penalty of not less than \$100 and the Town's attorney's fees, and consultant fees, and costs.

Glossary Amendments:

ROAD: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles. [3-91]

Roads shall be classified as the following:

- Arterial Road- A road that is functionally classified by the Maine Department of Transportation as an arterial, with controlled access, traffic signals at important intersections and/or stop signs on side roads.
- Collector Road- A road that is functionally classified as a collector by the Maine Department of Transportation, and that collects traffic from local roads and connects with arterial roads.
- Minor Road- A public or private road, other than arterial or collector roads, primarily used for access to abutting properties.
- Private Road- A road serving more than two (2) dwelling units that is privately owned, built, and maintained, but not including a driveway.
- Public Road- A public easement or public way.

Public Easement- An easement held by the municipality for purposes of public access to land or water not otherwise connected to a public way, and includes the rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976, pursuant to 23 M.R.S.A. § 3012 (2).