

# **ROAD, DRIVEWAY, AND ENTRANCE ORDINANCE**

**NEWCASTLE, MAINE**

ADOPTED: [DATE] - UPDATED: SEPTEMBER 27 2020

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# ARTICLE 1

## GENERAL

### 1. ROAD, DRIVEWAY, AND ENTRANCE ORDINANCE

#### A. PURPOSE

1. To provide for the review of driveways, roads, and entrances onto a public way.
2. To enforce compliance with sound construction and design practices.
3. To ensure that traffic safety, drainage, and public improvements are not adversely affected.
4. To ensure convenient and safe emergency vehicle access to all buildings and structures.

#### B. APPLICABILITY

1. Unless otherwise specified, this Ordinance is applicable throughout the Town of Newcastle.
2. All departments, boards, and authorities of the Town of Newcastle must comply with the procedural requirements of this Ordinance.
3. Real property used or occupied by the Town of Newcastle is exempt from the standards of this Ordinance.
4. Real property used or occupied by the State of Maine is exempt from the standards of this Ordinance.
5. This Ordinance shall apply to each new driveway, entrance, private or public road, that connects to a public way, and shall also apply to the alteration, enlargement, re-construction of or discontinuance of a nonconforming driveway, entrance, or private or public road on or after effective date of this Ordinance.
6. If a permit or approval is required under this Ordinance, no earth moving or construction may occur prior to obtaining that permit or approval.
7. No driveway, entrance, private or public road, contemplated by this Ordinance may be undertaken unless in conformity with this Ordinance.

### 2. INSTRUCTIONS

#### A. TITLE

1. This Ordinance is known as the "Road, Driveways, and Entrances Ordinance" and may also be cited and referred to as "the Roads Ordinance."

#### B. MEANING & PURPOSE

1. Words, phrases, and terms used in this Ordinance are defined in Definitions or within the Articles that contain standards associated with the term.
2. Words, phrases, or terms not defined in this Ordinance must be accorded their commonly accepted meanings as defined in the most recent edition of the Webster's Unabridged Dictionary.
3. The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
4. The words "must," "will," and "may not" are mandatory and when used require compliance with standards, regulations, and requirements of the Ordinance.
5. The words "may" and "should" are permissive.
6. The word "description" is synonymous with "definition" when used in this Ordinance.
7. The term "Permitted" describes the condition where a specific standard, use, or activity described in this Ordinance is permissible. Acquisition of a permit is mandatory prior to enacting anything noted as "Permitted" in this Ordinance.

#### C. ORGANIZATIONAL STRUCTURE

1. The burden is on the applicant for complying with all the terms of this Ordinance.
2. All of the terms of this Ordinance are legally binding, whether or not they are numbered. Purpose and Applicability sections are binding regulations.
3. Descriptions provided within this Ordinance are considered to be definitions and are legally binding.

### 3. AUTHORITY & COMPLIANCE

#### A. AUTHORITY

1. This Ordinance is adopted under the authority granted by Article [REFERENCE TO VOTE].

#### B. COMPLIANCE

1. No driveway, entrance or approach or other improvement within the limits of the right-of-way for any public or approved private road may be constructed, altered or relocated except in accordance with this Ordinance.
2. This Ordinance allows waivers from the standards of this Ordinance as explicitly authorized by the standards within this Ordinance if the Permitting Authority determines that:
  - a. Allowance of the waiver is consistent with the purpose of this Ordinance; and
  - b. The waiver does not exceed the allowed metric variations or qualitative criteria described in the section where the waiver is authorized.
3. Allowance of a waiver under this Ordinance is considered an integral part of the application of this Ordinance and is not considered the granting of a variance, as that term is defined under Maine law.

#### C. RELATIONSHIP TO OTHER STANDARDS

1. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
2. Where the standards of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements, covenants, or agreements, the provision of this Ordinance must apply.
3. The standards of this Ordinance must take precedence over those of other codes, ordinances, regulations, and standards that may be in conflict with this Ordinance.
4. All development activity must comply with relevant Federal and State law and regulations. Where there is a conflict between this Ordinance and the standards of a Federal or State Law, Federal or State Law supersedes the standards of this Ordinance.

# ARTICLE 2

## STANDARDS

### 1. ENTRANCES

#### A. PURPOSE

1. To provide standards for the safe transition of vehicles at the point of intersection where roads, driveways, and parking lots meet a public way.

#### B. APPLICABILITY

1. Applies to any new access to a lot from a public way, utilizing a driveway, private road, public road, or parking lot.

#### C. GENERAL

1. An entrance onto existing state-aid or state highways must be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the permitting authority at the time of application review.
2. Entrance standards shall apply to the first 20 ft of the road, driveway, or parking lot, that intersects the public way.

#### D. DESIGN

1. All entrances shall be designed and constructed in accordance with the latest Maine Department of Transportation's Manual for Standard Specifications.
2. Entrances shall be constructed to prevent water run-off onto the adjacent traveled way.
  - a. Public Roads and Private Roads shall be sloped no greater than 3% above or below the adjacent traveled way for first 20 ft of the entrance.
  - b. If the Permitting Authority determines that an entrance culvert is necessary, the applicant shall bear the burden of the cost for the culvert installation, which shall be constructed to the standards of this ordinance.
3. Entrances shall intersect the adjacent traveled way at a horizontal angle of 90 degrees.
  - a. Proposed horizontal angles of intersection less than 90 and greater than 75 degrees may;
    - i. Be permitted via Special Permit, and
    - ii. Shall not be permitted less than 75 degrees
  - b. Entrances shall have an unobstructed view to and of the adjacent traveled way, and shall be wide enough to allow emergency vehicles to enter from either direction.
  - c. Entrances shall have a 35 ft radius along the edge of intersection between the entrance and adjacent traveled way.

4. No part of the entrance shall extend beyond the property lot frontage.
5. Entrance side slopes and banks shall not be steeper than horizontal to vertical ratio of 2:1.

#### E. LOCATION

1. All entrances shall be so located such that vehicles approaching or using the entrance;
  - a. Shall be able to obtain unobstructed sight distance in both directions along the adjacent traveled way in accordance with Table 1.1 Sight Distance.
  - b. Shall be able to maneuver safely without interference with traffic.
2. Entrances shall not be constructed within the following distance of an intersection;
  - a. 75 ft of an un-signalized intersection
  - b. 125 ft of a signalized intersection.

#### F. SIGHT DISTANCE

1. Entrances shall be placed such that an exiting vehicle has an unobstructed view in both directions along the adjacent traveled way according to Table 1.1 Sight Distance.
2. Sight distance shall be measured as follows;
  - a. From a point of origin 4 ft above ground, 10 ft from the edge of the shoulder of the adjacent traveled way, at the horizontal center of the proposed entrance.
  - b. To a point 4 ft above ground, measured in a straight line along the traveled way, farthest from the point of origin that can be seen without obstruction.

**TABLE 2.1 SIGHT DISTANCE**

SPEED (MPH)	SIGHT DISTANCE (FT)
20	155
25	200
30	250
35	305
40	360
45	425
50	570
60	645

## 2. DRIVEWAYS & ROADS

### A. PURPOSE

1. To provide standards for vehicular access to lots.

### B. APPLICABILITY

1. Applies to the design, location, and construction of new driveways, and public and private roads.
2. Applies to new roads, and existing roads, that undergo substantial reconstruction.
3. Does not apply to the general maintenance of roads or driveways.

### C. DRIVEWAYS

1. Driveways shall have no design or construction standards, but shall comply with all Entrance standards.
2. Shared Driveways may provide access in whole or in part on or across from an abutting lot or lots, provided that an access easement exists between all owners.

### D. ROADS

1. Public and Private roads shall be designed so that they shall provide safe vehicular travel. The arrangement, character, extent, width, grade and location of all roads shall be considered in their relation to existing or planned roads, topographical conditions, public convenience, and appropriate relation to the proposed use of the land to be served by such roads. Road grades shall conform as closely as possible to the original topography within the limits of this Ordinance.
2. Public and Private roads shall remove stumps and rocks over 6 inches in diameter which will be less than 18 inches below the finished top.
3. All newly constructed roads shall remain private, to be maintained by the developer or the abutting lot owners. Roads shall not be accepted or maintained by the Town until they meet the Public Road construction standards of this Ordinance at the time of the request to become a Municipal Road.
  - a. The cost of such improvements shall not be borne by the Town.
  - b. No road shall be accepted as a Municipal Road or maintained by the Town without a formal vote to accept the road at Annual Town Meeting.
4. Public and Private Roads shall provide and maintain adequate access for emergency vehicles including fire apparatus, ambulance, and police.
5. Public or Private Roads may be constructed as dead end roads with the following provisions;
  - a. Dead end roads that exceed 150 feet in length shall construct and maintain a "Hammerhead" style turnaround at the end of the roadway.
  - b. The permitting authority may require the reservation of a 20 foot wide easement at the end of the road, in line with the road, to provide continuation of pedestrian traffic or utilities.
  - c. The permitting authority may require the reservation

of a 50 foot wide easement at the end of the road, in line with the road, to provide continuation of the road.

6. Public and Private Roads shall be constructed so that all changes in grade shall be connected by vertical curves in order to provide a minimum stopping sight distance of 150 feet.

### E. WATER MANAGEMENT

1. Public and Private Roads shall be designed to provide for the conveyance, control or disposal of surface waters including but not limited to the installation of ditches, culverts, catch basins and piping systems.
2. Culverts are required for the proper movement and removal of water adjacent to roads to ensure safe travel conditions and protect the integrity of the road surface and subsystem. Culverts shall have the following standards;
  - a. Culverts must extend beyond the combined width of the traveled way and shoulders by 18 inches on both sides.
  - b. Culvert diameter shall be a minimum of 15 inches and placed at stream bed level over a prepared base.
  - c. Culverts shall be constructed to enable unobstructed fish passage in either direction.
3. Ditches shall be designed and maintained with flow lines that are 2 ft below the sub-grade breakpoint.
  - a. Ditches and embankments shall be seeded with erosion control landscaping.

**TABLE 2.2 ROAD AND DRIVEWAY STANDARDS**

DESIGN STANDARDS	PUBLIC ROAD	PRIVATE ROAD	DRIVEWAY
Min Right of way width	50 ft	50 ft	n/a
Min Traveled way width	20 ft	12 ft	n/a
Min Cleared width	32 ft	22 ft	n/a
Min Width of shoulders	5 ft	3 ft	n/a
Min Grade	.5 %	.5 %	n/a
Max Grade	8 %	10 %	n/a
Min Centerline Radius	150 ft	150 ft	n/a
Roadway Crown	¼" / ft	¼" / ft	n/a
Min Angle of Road Intersection	75°	75°	n/a
Max Grade within 75' of Intersection	2 %	n/a	n/a
Min Curb Radii at Intersections	15 ft	15 ft	n/a
Min ROW Radii at Intersections	10 ft	10 ft	n/a
<b>ROAD CONSTRUCTION</b>			
Aggregate sub-base course	18"	12"	n/a
Crushed Aggregate base course	3"	3"	n/a
<b>HOT BITUMINOUS PAVEMENT</b>			
Total HBP Thickness	2½"	n/a	n/a
Base Course	1½"	n/a	n/a
Surface Course	1"	n/a	n/a

# ARTICLE 3

## ADMINISTRATION

### A. GENERAL

1. No utility installations, no ditching, grading, or construction of Public and Private Roads, no grading of land or lots, and no construction of buildings shall be done on any part of the parcel until a Final Plat Plan has been approved, a permit has been granted and recorded in the Lincoln County Registry of Deeds.
2. Submitted plans for Public and Private Roads must be certified by applicant's engineer that they comply with the standards of this Ordinance and that the roads are constructed to appropriate standards.
  - a. There shall be at least one (1) on-site inspection by the Permitting Authority or their representative during construction, with the assistance of the applicant's engineer. Applicant's engineer shall certify completion and compliance with standards.
3. The Permitting Authority may require the Applicant to provide easements for drainage or other utilities to individual lots when necessary to insure those services can be provided within the subdivision.
4. The Road Commissioner shall prepare a statement summarizing the effect on public roads adjacent to or arterial to the project, including:
  - a. An estimate of increased traffic intensity levels and the maximum of traffic levels the road can safely handle;
  - b. The ability of the roads to handle increased traffic and emergency vehicles;
  - c. The adequacy of roadbed quality and width including adequacy of proposed drainage conduits;
  - d. The safety of all intersections, including grades and visibility at intersections; and
  - e. Possible improvements to the proposed design along with an estimate of the cost and benefits derived.
5. The application fee shall be the amount included in the Town's fee schedule. The Board of Selectmen shall determine the application fees based on the Town's average administrative cost to process permit and license applications. These costs shall reflect the Town's estimated costs associated with the permitted or licensed activity including the administrative time for processing the application, any required initial and follow-up inspections, legal and other professional fees and the cost for public notices.
6. The permit shall be valid for a period of twelve months from the date of original issue.
7. No entrance, approach or other improvement constructed

on the right of way shall be relocated or its dimensions altered without a Permit from the Town.

8. The applicant shall hold harmless the Town and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of a Permit.
9. A permit is not required for the replacement of an existing road culvert.
10. A permit is required for Substantial Reconstruction to a road.
  - a. The Road Commissioner shall determine if the proposed improvements are considered Substantial Reconstruction.
11. A permit is not required for General Maintenance of a road or driveway.

### B. APPEALS

1. Whenever a person shall deem themselves aggrieved by an order made by the Permitting Authority;
  - a. the person may file an appeal to the Board of Appeals within 10 days of the date of the order
  - b. and the person shall be afforded a hearing on the matter before the Board of Appeals
  - c. and, unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by the person.



# ARTICLE 4

## DEFINITIONS

### Driveway

A vehicular access-way serving two single family dwellings or one two-family dwelling or less.

### Earth-Moving

Any change to the ground caused by individuals or entities to improved or unimproved real estate including, but not limited to the clearing, excavation, processing, storing, adding or removing soil, gravel, earth, or rock or other mineral deposits, mining, filling, dredging, grading, paving, excavating, drilling, damming, diverting water, or any other activity that results in a change to the character, contours or topography of the property. Earth- Moving also includes alteration of a public or private right of way, road, or driveway.

### Entrance

The area of intersection where roads, driveways, and parking lots meet a public way.

### Forest Management Activities

Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

### General Maintenance

Activities related to the upkeep of a previously constructed vehicular access-way, including but not limited to; ditching, filling of pot holes, crack repair and sealing, grading of dirt roads and driveways, tree trimming, culvert replacement, shimming, and top coating.

### Land Management Road

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

### 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, excluding driveways as defined herein.

### Substantial Reconstruction

Improvements to a previously constructed vehicular access-way, including but not limited to; extensions to the length or width, the rip up and replacement of sub-surface road building materials for a length or section of the vehicular access-way that goes beyond activities associated with General Maintenance (see definition), the addition of sidewalks or wholesale rebuilding of pre-existing sidewalks, or a change from one permanent road surfacing material to another such as from dirt to asphalt, asphalt to concrete, or asphalt to dirt.