

TOWN OF MONMOUTH
STREET AND ROAD ORDINANCE

May 1996

TOWN OF MONMOUTH
PROPOSED
STREET AND ROAD ORDINANCE

SECTION 1. GENERAL PROVISIONS

1.1 Title

This Ordinance shall be known and may be cited as the Town of Monmouth Street and Road Ordinance" and will be referred to herein as "this Ordinance."

1.2 Legal Authority

This Ordinance has been prepared and enacted in accordance with the provisions of Title 30-A, Maine Revised Statutes Annotated (M R.S.A.), Section 3001, Home Rule; and Title 23, M R S.A., 3021 et. seq. and 3382.

1.3 Purposes

The purposes of this Ordinance are to promote and protect the health, safety and welfare of the Town and its residents; and to set forth minimum standards and clear procedures for street and road design and construction, provision of vehicular access points, and excavation of streets or public ways in the Town of Monmouth in order to ensure safe and convenient circulation, prevent hazards to traffic and pedestrians and avoid traffic congestion.

1.4 Applicability

The provisions of this Ordinance shall apply to all public streets and roads and all streets and roads proposed for public acceptance, and all access points to public streets and roads from projects requiring site plan or subdivision review within the Town of Monmouth.

Please note: Compliance with the standards contained in this Ordinance shall not constitute acceptance of the road, which occurs only if the road is accepted by majority vote at the Annual Town Meeting.

1.5 Repeal of Prior Ordinance

The Street Design and Construction Standards Ordinance for the Town of Monmouth, adopted November 6, 1904, and any amendments to it, are repealed and replaced, herein, upon the adoption of this ordinance.

1.6 Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

1.7 Validity and Severability

Should any provision or section of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other provision or section of this Ordinance.

1.8 Amendments

This Ordinance may be amended by a majority vote of the Town at a Town Meeting In accordance with Title 30-A, M.R.S.A.. Section 3002, Enactment of Ordinances and Section 3004, Revision o' Ordinances.

1.9 Effective Date

This Ordinance shall take effect and be in force from the date of its adoption by a majority vote of the Town at a Town Meeting.

SECTION 2. DESIGN AND CONSTRUCTION STANDARDS

2.1 Purpose

The purpose of this Section is to set out the standards and procedures for the acceptance of a street or road by the Town of Monmouth. This Ordinance provides assurance that any street which is offered to the Town as a public way is safe and well constructed. The standards will reduce the Town's future maintenance costs. The voters at Town Meeting will be provided evidence and assurance that the street or road was or will be properly constructed before they vote to accept or reject it. This Section also provides standards which serve as goals for the reconstruction of existing town roads.

2.2 Applicability

A. New Town Ways. This Ordinance shall apply to the construction of all streets and roads which the Town is asked to accept as town ways after the enactment of this Ordinance.

B. Subdivisions. This Ordinance shall apply to the design and construction of all streets and roads which are part of subdivision proposals.

C. Alteration. Alterations, widening and improvements shall be consistent with this Ordinance. The Town of Monmouth shall comply to the fullest extent possible with the provisions of this Ordinance when the Town undertakes alterations, widening or Improvements. Any such modifications undertaken by the Town should at least maintain existing standards.

D. Minimum Standards. Nothing in this Ordinance shall be construed to prevent the design and construction of streets which meet higher standards or use improved methods or materials of equivalent or higher quality. The determination of the acceptability of other standards or materials shall be made by the Board of Selectpersons with the advice of the Road Commissioner.

2.3 Design Standards

All proposed town ways and streets or roads within proposed subdivisions shall be designed and constructed to meet the following standards, according to type:

	Road Design Standards	
	Collector	Local
Minimum Right-of-Way Width	60'	50'
Minimum Pavement/Travel Way Width	24'	20'
Minimum Shoulder Width	4'	4'
Maximum Grade	10%	10%
Maximum Grade within 50' of Intersections	3%	3%
Minimum Angle of Intersections	75"	60°
Minimum Sight Distance at Intersections	-	-

1 Except In those instances when the Planning Board determines that consideration of phosphorus export warrants a reduction of the required width of shoulders to 2' and only when safety can be assured.

2 Maximum grades may exceed ten percent (10%) for short segments of less than two hundred feet (200') when the Planning Board determines that site considerations warrant an Increase

3 Street Intersection angles shall be as close to ninety degrees (90°) as feasible, but no less than the listed angle.

4 See standards for Sight Distances in Section 3, Street and Road Access Design, page 12.

Road Design Standards

	Street or Road Type	
	<u>Collector</u>	<u>Local</u>
Minimum Property Line radii at Intersections	10'	10'
Minimum Centerline Radii on Curves	100'	100'
Minimum Tangent between Reverse Curves	100'	100'
Roadway Crown	1/4"/ft.	1/4"/ft.
Shoulder Crown	3/4"/ft.	3/4"/ft.
Maximum Side Slopes	2:1	2:1

2.4 Construction Standards

All proposed town ways and streets or roads within proposed subdivisions shall be constructed to meet the following standards:

A. Minimum Requirements

<u>Street Materials</u>	Street or Road Type	
	<u>Collector</u>	<u>Local</u>
Gravel Base Course	21"	21"
Crushed Surface Gravel Course	3"	3"
Hot Bituminous Pavement		
Total Thickness	3 1/2"	2 1/2"
Base Course	2"	1 1/2"
Surface Course	1 1/2"	1"

B. Right-of-Way

1. The minimum right-of-way width shall be permanently marked with granite, concrete or similarly appropriate material furnished by the applicant. The cost of the placement of monuments and survey shall be paid by the applicant.
2. The entire width of the travel way, shoulders and drainage areas shall be cleared of all stumps, roots, bushes and perishable materials.
3. The travel way section shall be in the center of the right-of-way.

C. Road Base

1. General Aggregates for both, the base and surface courses shall consist of granular material containing hard durable particles with reasonable uniform distribution in size from the largest to the smallest particle. Materials that have abnormally high absorption characteristics or that break up when alternately frozen and thawed or wetted and dried shall not be used. The material passing a three-inch sieve shall contain not more than seven per cent (7%) passing a No. 200 sieve. Before depositing any fill in the road base, all topsoil, including all vegetation and tree stumps, shall be removed to a firm bedding or barrier.

2. Base Course. The base course shall not contain any rocks larger than six (6) inches in diameter. All base course material shall be free of vegetable matter, lumps or balls of clay and other deleterious substances.

3. Surface Course. The top three (3) inches shall consist of durable gravel or crushed

aggregate and contain no particles larger than one and one-half (1 1/2) inches in diameter.

D. Pavement. Pavement shall be two and one half (2-1/2) inches of compacted bituminous concrete. Pavement shall be placed in two layers, a one and one half (1-1/2) inch binder course with maximum aggregate size of three quarter (3/4) inch, and a one (1) Inch surface course with maximum aggregate size of one-half (1/2) inch. The pavement material, mix design and the material of application shall meet commonly accepted standards required in good engineering practice. In the case of subdivision roads, the Planning Board may delay or waive paving until the street or road is proposed for acceptance.

E. Drainage

1. Adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, under drain and/or storm water drainage systems. Storm sewer systems shall be installed when required by the Select persons or Planning Board In all proposed streets within the compact or built-up sections of the town and within all residential subdivisions. Culverts shall be not less than 15" in diameter. Catch basins shall be no less than 30" In diameter. All culverts shall be designed to accommodate at least the anticipated 25-year storm.
2. Where bridge structures or reinforced concrete box culverts are required to cross major streams, detailed design plans shall be submitted to the Planning Board for review at least 2 months in advance of anticipated construction of the structure to permit appropriate review. All bridges and reinforced concrete box culverts shall be designed to accommodate at least the anticipated 50-year storm.
3. Perforated under drain pipe of at least six Inches (6") diameter shall be Installed to properly drain all springs or areas where the ground water level is too high and would provide a hazard to the stability of the roadway base.

F. Slope Easements. Whenever the ratio of slopes for ditches, shoulders, grading and other purposes required by this Ordinance cannot be adhered to within the right-of-way limits, and grading or excavating is necessary beyond this width, the applicant shall secure sufficient slope easement deeds from abutting owners without cost or expense to the Town and such rights properly indemnifying the Town shall be presented and recorded prior to acceptance.

G. Sidewalks and Curbs. Sidewalks, where installed, shall be at least four (4) feet wide and shall have at least a twelve (12) inch gravel base course. Curbing, where installed, shall be quarried granite stone, precut Portland cement concrete, or machine formed bituminous hot mix and shall be installed on a properly compacted gravel base.

H. Dead-end Streets. All dead-end streets shall be constructed to provide an approved cul-de-sac or turn around at the closed end.

1. Cul-de-sacs on dead-end streets shall have a minimum right-of-way radius of 60 feet and shall meet the minimum requirements of Figure #1.
2. Turn Arounds on dead-end streets shall meet the minimum requirements of Figure #2 or #3.

I. Erosion Control

1. Erosion and sediment shall be controlled in accordance with the standards and

specifications of the *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices* (Cumberland County SWCD and Maine DEP, March 1991).

2. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater. They shall be stabilized by seeding, sodding, paving, or stone lining.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. The developer shall maintain all components of the erosion and sediment control and storm water management systems

5. Stabilization Timelines

a. In general, all activities regulated by these standards shall be conducted after March 1st and before October 30th. All other times will require special permission from the Town.

b. Disturbed soil shall be stabilized within one (1) week from the time it was last actively worked using temporary or permanent measures such as placement of riprap, sod, mulch or erosion control blankets or other comparable measures.

c. In all cases within the shore land zones, permanent stabilization shall occur within nine (9) months of the initial date of exposure.

d. Permanent re-vegetation of all disturbed areas, using native plant material where possible, shall occur within thirty (30) days from the time when last actively worked, for spring and summer activities, by October 21st; for fall and winter activities, by June 15th: except where precluded by type of disturbance (e.g., riprap, road surfaces, etc.). The vegetation cover shall be maintained.

6. If mulch is likely to be moved because of steep slopes or wind exposure, it shall be anchored with netting, peg and twine or other suitable methods and shall be maintained until a catch of vegetation is established over the entire disturbed area.

7. Mulch or other temporary erosion control measures shall be maintained until the site is permanently stabilized with vegetation or other permanent control measures.

2.5 Administration

A. Requirements

1. General. The Board of Select persons shall not lay out a street or road as a town way, nor shall it submit any article requesting the acceptance of a street or road as a town way to a Town Meeting unless it has been designed and constructed in accordance with the provisions of this Ordinance, or unless the Select persons have received from the petitioners adequate assurances that the street or road will be so constructed.

2. Subdivisions. The Planning Board shall not approve any subdivision plan unless proposed streets or roads are designed and constructed in accordance with this Ordinance, or the Planning Board has received adequate assurances that proposed streets or roads will be so constructed. The Planning Board is not precluded by this Ordinance from adopting additional or

more restrictive regulations governing a specific street or road design and construction within a subdivision, pursuant to the Town's Subdivision Ordinance and the State Subdivision Law, Title 30-A, M.R.S.A., Section 4401 et seq.

B. Submissions

Persons (other than applicants for subdivision approval) petitioning for the laying out of a town way or dedicating a street in fee to the Town for acceptance as a town way shall submit the following information and attachments to the Board of Select persons:

1. Application Form. The application for acceptance shall be made on a form prescribed by the Town Manager and shall include the following information:

- a. The name(s) of the applicant(s).
- b. The name(s) of the owner(s) of record of the land.
- c. The name(s), registration number(s) and seal(s) of the registered surveyor and/or engineer.
- d. A statement of any legal encumbrances on the property upon which the proposed town way is located.
- e. The book and page numbers as registered in the Kennebec County Registry of Deeds and the map and lot numbers as located on the property maps of the Town of Monmouth of the property involved.
- f. The anticipated starting and completion dates of each major phase of construction.

2. Fees.

a. Application Review Fee. A non-refundable fee of three hundred dollars (\$300), payable to the Town of Monmouth, shall accompany the application to cover administrative costs.

b. Additional Fees. In addition to the application fee, there shall be a payment of one thousand dollars (\$1,000) for each mile of roadway, or portion thereof proposed for acceptance. This portion of the fees shall be known as the Street and Road Review Escrow Account. The monies shall be made by check payable to the Town of Monmouth and shall be deposited in a special bank account which is separate and distinct from all other municipal bank accounts. These funds or portions thereof may, from time to time, be used by the Town for purposes which relate to the review of an application. Such services may include, but need not be limited to, clerical costs, code enforcement services, consulting engineering fees, attorney fees, and recording fees. All such fees must relate to the review of the application for acceptance pursuant to the standards of the Monmouth Street and Road Ordinance, and in addition, may be used for the conducting of public hearings related to the review of the application.

3. Plans. The plans and illustrations submitted, as part of the application shall be drawn on sheets not smaller than 11" by 17" nor larger than 24" by 36" and shall include the following

- a. Plan, profile and typical cross section of the street or roadway, drawn to a scale 1"=20'-50'horizontal and 1"=5'-10'vertical.
- b. The direction of magnetic north and true north.
- c. The starting and ending points of the street(s) proposed for acceptance with relation to established streets, roads or ways. All terminal points and centerline alignment shall be identified by survey stationing.
- d. The name(s) of each proposed street or road, which shall be consistent with the road naming procedures of the State 911 system.
- e. The travel way limits with relation to existing buildings and established landmarks.

- f. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements, and building lines.
- g. The lots as laid out and numbered on said street, showing the names and frontage of all owners of abutting property.
- h. All natural waterways and watercourses in or on land contiguous to the said streets or ways.
- i. The kind, size, location, profile and cross section of all existing and proposed drainage structures and their relationship to the existing natural waterways.
- j. Complete curve data, which shall be indicated for all horizontal and vertical curves.
- k. All center gradients.
- l. The turning radii at all intersections.
- m. The limits and location of all proposed sidewalks and curbing.
- n. The location of all existing and proposed overhead and underground utilities, to include but not be limited, to the following:
 - I. Public water supply lines, if any.
 - II. Sanitary sewer lines, if any.
 - III. Electrical power line poles or underground vaults.
 - IV. Telephone line poles or underground vaults.
 - V. Fire hydrants, if any.
 - VI. Street lights, if any.
- o. The location of right-of-way control survey monuments.
- p. Slope easements.

4. Subdivision Applicants. Applicants for subdivision approval shall submit to the Planning Board all information concerning proposed streets required in subsections 2.5 B. 2 and 3 above as an integral part of their applications and plans, and such additional information as required by the Town of Monmouth Subdivision Ordinance.

C. Procedures

1. Laying Out of Town Ways. The Board of Select persons or its agent may upon petition lay out town ways in accordance with Title 23, M.P.S.A., Sections 3021 et. seq. The petitioners shall submit to the Select persons an application in accordance with subsection 2.5 of this Ordinance.

2. Application Review. The Select persons shall, after receipt of an application for street or road acceptance, notify the Town Manager, Code Enforcement Officer, Planning Board, Road Commissioner, Public Works Director, Police Department, Fire Department, Water Association, Sanitary District and Superintendent of Schools, requesting their review and written comment. The Planning Board, after receipt of an application for subdivision approval that includes proposed streets or roads, shall notify the Town Manager, Code Enforcement Officer, Planning Board, Road Commissioner, Public Works Director, Police Department, Fire Department, Water Association, Sanitary District and Superintendent of Schools, requesting their review and written comment.

3. Public Notice and Hearing.

a. After the Select persons have determined that a complete application has been filed, they shall notify in writing the applicant and all property owners within 1,000 feet of the boundaries of the proposed street, and shall publish a notice in the *Kennebec Journal* and *Lewiston Sun Journal*. Property owners shall be determined by the Town's tax records and maps. Said written notice shall briefly describe the proposed street; state where the application may be inspected; and give notice that requests for a public hearing must be filed in writing to the Board of Select persons within ten (10) days from the date of

the notice.

b. Within twenty (20) days of the public notice, the Board of Select persons shall determine whether it shall hold a public hearing on an application. The decision to hold a public hearing is discretionary. A decision not to hold a public hearing shall not be made within fifteen (15) days of the public notice in order to permit a review of requests for a hearing.

c. In the event that the Board of Select persons determines to hold a public hearing, it shall hold such a hearing within thirty (30) days, and shall cause written notice of the date, time and place of the hearing to be given to the applicant and all parties who requested a public hearing in writing, and in addition shall cause a notice to be published in the *Kennebec Journal* and *Lewiston Sun Journal* at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

4. Inspections During Construction. The Road Commissioner or a representative or other agent of the Board of Select persons shall make periodic inspections of streets and roads during construction to insure that they are constructed in conformance with standards of this Ordinance. He/she shall report to the Select persons on construction progress when requested.

5. Performance Guarantees. If the street or road offered for acceptance has not been completed, adequate assurances of completion must be provided, as follows:

a. Types of Guarantees. With submittal of the application for acceptance, the applicant shall provide one of the following performance guarantees for an amount, determined by a professional engineer or estimator, adequate to cover the total construction costs of all requirements for street or road grading, filling, paving, erosion controls, sidewalks, storm drainage and utilities, as specified in the application, 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 of Monmouth or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
2. An irrevocable letter of credit from a financial institution establishing funding for the construction of the road, from which the town may draw if construction is inadequate, approved by the Board of Select persons, or Town Manager; or
3. Any combination of the two methods described above.

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 applicant, and a date after which the applicant 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 town, the direct deposit into a saving account, or the purchase of a certificate of deposit. For any account opened by the applicant, the town shall be named as owner or co-owner, and the consent of the town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

d. 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 road

and may not be used for any other project or loan.

e. Release of Guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part based upon the inspection report of the Code Enforcement Officer and whatever other agencies and departments may be involved, that the proposed road meets or exceeds the design and construction requirements for that portion of the road for which the release was requested.

f. Default. If, upon inspection, the Code Enforcement Officer or other Agent of the town finds that any portion of the road has not been constructed in accordance with the plans and specifications filed as part of the application, he/she shall so report in writing to the Board of Selectpersons and the applicant. The Board of Selectpersons shall take any steps necessary to preserve the town's rights.

6. Waiver and Modification A variation in the strict application of the standards outlined in this Section may be granted by the Planning Board if it determines that topography, soil conditions, traffic volumes and/or special project design features warrant such variation provided that public convenience, safety, health and welfare will not be affected adversely and the general intent of the standards are not violated.

7. Acceptance at Annual Town Meeting. At such time as the applicant has complied with the standards and procedures of this Ordinance to the satisfaction of the Board of Selectpersons, the Board may place an article requesting acceptance on the warrant for the next Annual Town Meeting. No street or road will be accepted until it is presented to the Town at the Annual Town Meeting and voted on affirmatively by a majority of the voters present, and the acceptance shall not become final until a deed for the title in fee simple to the property on which the street is located and slope easement deeds have been delivered to the Town and recorded in the Kennebec County Registry of Deeds in accordance with Title 23, MRSA, Section 3024.

8. Enforcement

a. No person, firm, corporation or other legal entity may construct or begin to construct any street, road or way within the Town of Monmouth which is meant for acceptance by the Town without conforming to the provisions and standards of this Ordinance.

b. Any street, road or way which has been constructed without approval in accordance with the provisions and standards of this Ordinance shall not be considered for acceptance by the Town of Monmouth until it has been reconstructed or improved in conformance with the standards set forth in this Ordinance.

SECTION 3. STREET AND ROAD ACCESS DESIGN

3.1 Purpose

The purpose of this Section is to provide for vehicular access to public ways from sites and for circulation upon sites in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within developments, to avoid traffic congestion on any street or road, and to provide safe and convenient circulation on public streets and roads and within developments.

3.2 Applicability

This Section shall apply to applications for site plan review and subdivision approval.

3.3 Access Design Standards

A. General

1. Subdivision Access to Arterials. Where a subdivision abuts an existing arterial highway, no lot may have vehicular access directly onto that arterial, except when the Planning Board determines that the configuration and/or the natural features of a specific site warrant a waiver of this standard. In all subdivisions, any lot facing onto a previously existing public street or road shall have street frontage of not less than two hundred (200) feet in areas not served by public water or sewer and one hundred fifty (150) feet in areas served by public water and sewer. Those distances may be reduced to one hundred fifty (150) and one hundred (100) feet, respectively, if the lots access onto Internal subdivision streets rather than onto existing public streets and roads.
2. Site plan and Subdivision Development access. Provision shall be made for vehicular access to the development and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation shall also conform to the following design criteria and standards:
 - a. The vehicular access to the development shall be arranged to avoid traffic use of local residential streets where practicable.
 - b. Where a site has frontage on two or more streets, the access to the site shall be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
 - c. The street giving access to the site and neighboring streets which can be expected to carry traffic to and from the development shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. No development shall reduce the street's Level of Service to "D" or below as determined by using the capacity analysis procedures set forth in the *1985 Highway Capacity Manual, Special Report 209*, as published by the Transportation Research Board and as hereafter amended. Intersections on major access routes to the site within one-half mile of any entrance road which are functioning at a Level of Service (LOS) of "C" or better prior to development will function at a minimum LOS of "C" after development. If any Intersection is functioning at an LOS of "D" or lower prior to development, the project will not reduce that level of service.
 - d. Where necessary to safeguard against hazards to traffic and pedestrians and / or to avoid traffic congestion. provision shall be made for turning lanes, traffic directional Islands, frontage roads, sidewalks, bicycle paths, driveways and traffic controls within existing public streets and roads.

- e. Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street or road.
- f. Where topographic and other conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use when such access will facilitate fire protection services as approved by the Fire Chief; and / or will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

B. Sight Distances. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye three and fifty hundredths (3.50) feet to the top of an object four and twenty-five hundredths (4.25) feet above the pavement.

<u>Allowable Speed</u> (miles per hour)	<u>Required Sight Distance</u> (feet)
25	250
40	400
45	150
50	500
55	550

C. Driveway Entrance Near Intersecting Roads. Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.

D. Driveway Setback from Side Property Lines. No part of any driveway shall be located within ten (10) feet of a side property line. If there is an existing use or structure, the Planning Board may waive the 10 foot requirement. However, the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent sites.

E. Two-way Driveways. Where two (2) or more two-way driveways connect a single site to any one (1) road, a minimum clear distance of one hundred (100) feet measured along the right-of-way line shall separate the closest edges of any two (2) driveways. If one driveway is two-way and one is one-way, the minimum distance shall be seventy-five (75) feet.

F. Angles

1. Two-way Operation. Driveways used for two-way operation shall intersect the road at an angle as near ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees or more than 120 degrees.
2. One-way Operation. Driveways used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five (45) degrees with a road.

SECTION 4. EXCAVATION OF PUBLIC WAYS

4.1 Purpose

The purpose of this Section is to control all driveway entrances and excavation, backfill and surface procedures within any town right-of-way in order to prevent hazards and ensure safe traffic and pedestrian circulation.

4.2 Applicability

The requirements of this Ordinance shall apply to any driveway entrance or excavation and subsequent backfilling and resurfacing within any town right-of-way in Monmouth.

4.3 Standards

A. Opening Street. and Roads. At least one-way traffic shall be maintained at all times. Excessive size of excavation and excessive destruction of pavement will be avoided. All pavement shall be cut before excavation in such manner that the road surface will be exposed in a clean, sharp, straight edge. Trench sides will be shored so as to prevent any fallout from under the undisturbed pavement. Cutting the road surface will not be necessary before excavations of gravel streets and roads. All safety requirements necessary to perform the work in a safe, workmanlike manner will be followed.

B. Backfilling. Backfilling shall consist of placing suitable material in all spaces excavated and not occupied by drainage or other underground structures, up to three (3) inches from the existing surface. Backfill material shall consist of fine, readily compressible soil or granular material near optimum moisture content, and shall not contain large stones, frozen material or any other objectionable material. The final eighteen (18) inches of fill under road surfaces, shoulders or sidewalks shall consist of graded gravel to the specification of the Public Works Director. All material shall be distributed in not more than eight-inch (8") layers, and each layer compacted by approved compaction methods before another layer is placed. Water may be added only to improve mechanical compaction. Puddling or jetting will not be allowed. All sheeting and bracing material may be removed as the backfill operation is in progress.

C. Replacement of Surfaces. All surfaces shall be repaired with approved processed material to a compacted depth of three (3) inches, rounding about one (1) inch above the existing surfaces. Shoulders shall be brought level with existing grades with coarse gravel. Surfaces outside the travel way but within the right-of-way shall be filled to existing grade to match existing material. Lawn surfaces within the right-of-way shall be finished with six (6) inches of loam, raked, seeded and rolled. Surplus material shall be removed from the site and the area shall be left in a clean, presentable condition. After a satisfactory period of time has passed to allow for settlement, the permittee shall permanently repair the opening to the specifications of the Public Works Director.

D. Driveway Entrances. The establishment of new driveways or entrances within Town and State rights-of-way shall be reviewed by the Public Works Director to determine the need for and placement of drainage structures.

E. Maintenance of Traffic. The permittee shall provide all facilities and traffic controls needed per the U.S. Dept. of Transportation *Manual of Uniform Traffic Control Devices*, Part VI, 1988 Edition, Revision 3, Sept. 3, 1993, to allow safe conduct of the work while maintaining public use of the site, including, but not necessarily limited to warning signs, barricades, delineators, lights, cones, etc; and flaggers with appropriate signs and ability to direct traffic through the work site. Traffic control shall be the sole responsibility of the permittee.

F. Insurance. The permittee or Contractor shall provide and maintain liability insurance coverage for Bodily Injury/Property Damage \$300,000 Combined Single Limit/\$600,000 Aggregate before the start of any work within the town way. Upon demand, a copy of the Certificate of Insurance on the Slandered Insurance Comprehensive Form shall be provided to the Public Works Department.

G. Winter Openings. No permits will be issued between November first and March fifteenth except on an emergency basis to be determined by the Town Manager or Board of Selectpersons.

H. Underground Installation of Utilities. Any underground installation within five (5) years of building and paving a street or road shall be outside of the paved area whenever feasible. Where pavement cuts are made the entire rebuilding may be requested of the responsible party and a sharing of the costs negotiated.

4.4 Administration

A. Permits Required.

1. No person or entity except the Town Manager or his/her agent shall make or cause to be made any excavation of tilling within a Town right-of-way or dig up the paved or gravel surface of any street or road until the required fee has been paid and a written permit received from the Town Manager, except in an emergency, in which case such permit shall be secured during the first business day after the street or road has been opened.
2. No person or entity shall establish a new driveway or entrance within a Town right-of-way until the required fee has been paid and a written permit received from the Town Manager.
3. Permits shall not be required on unaccepted streets or new street or road construction.
4. The Town Manager is authorized to issue excavation and entrance permits and shall keep a record of all permits granted, except for work done by town employees.
5. The permittee is responsible for obtaining any permits or approvals as may be necessary for the work from any agency or Town department also having jurisdiction over the work, including but not limited to the following: Clearance from Underground Facility Operators (per the Dig-Safe Law), Monmouth Sanitary District, and Monmouth Water Association.

B. Application. The application for a permit shall be made on a form prescribed by the Town Manager.

C. Fees. A fee, payable to the Town, shall be required for driveway entrances and openings made within the right-of-way of any accepted town way. The rate shall be set by the Board of Selectpersons and may be adjusted annually so long as such adjustment is made prior to the first of March. Such rate shall apply until further adjusted. The fee shall be set periodically and a schedule of such fees shall be kept in the Town Office.

D. Qualification of Permit Applicant. Before any excavation permit shall be issued, the permit applicant shall satisfy the Town Manager that the applicant possesses the financing, knowledge, skill, equipment and material to perform the complete scope of work.

E. Procedures.

1. Before any excavation permit shall be issued, an application form, sketch plan and time

schedule for any street or road opening shall be filed with, and approved by, the Town Manager.

2. The work in progress shall be open to the Town Manager and his/her designated inspector(s) for the purpose of inspecting and enforcing the provisions of this Ordinance.

3. Upon completion of any project, the Town Manager, or his/her designee, shall determine whether the work has been performed according to the standards set forth herein. The Town Manager shall determine if an adjustment, in the form of a refund or an additional amount, is due, based upon the rate schedule.

F. Inspection.

1. The Public Works Director shall be contacted by the permittee to inspect all work.

Inspection notification, at least 24 hours in advance, is required for the following phases of the work:

- a. Start of work;
- b. Prior to start of any back filling operations; and
- c. Prior to start of any paving operations.

2. Where the Public Works Director or authorized representative requires corrective work upon inspection, the permittee shall comply with all such direction prior to proceeding further on the project.

3. The determination as to acceptability of the work shall be at the sole discretion of the Public Works Director.

G. Guarantee.

1. The permittee is responsible for and agrees to guarantee all work is free from defects in workmanship or material for a period of six (6) months from the completion of the work. If any settlement, cracking, pavement deterioration or similar problem occurs, the permittee shall promptly repair such defect at no expense to the Town of Monmouth.

2. If the permittee fails to timely repair a defect, the Town of Monmouth reserves the right to cause the repairs to be made with all costs incurred to be at the expense of the permittee.

H. Compliance and Liability. Compliance with the terms and conditions of permits issued under this Section shall be the responsibility of the permit holder. The Town of Monmouth will not assume any liability for damages arising out of or resulting from a violation of the permit terms.

I. Violations. The permittee and any person not in compliance with the provisions of this Section shall be liable to the Town for all fees and expenses of repairs, and shall be subject to penalty provisions as prescribed in Title 30-A, M.R.S.A., Section 4452, Enforcement of Land Use Laws and Ordinances.