

enacted

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124 - yes

101 - no

TOWN OF PROSPECT
ROAD ACCEPTANCE ORDINANCE

prepared by

PROSPECT PLANNING BOARD

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ROAD ACCEPTANCE ORDINANCE

TOWN OF PROSPECT

SECTION 1. Authority and Purpose

- 1.1 This Ordinance is adopted pursuant to and in accordance with the provisions of Title 30 MRSA § 1917 (Municipal Home Rule).
- 1.2 The purpose of this Ordinance is to assure public safety and general welfare through regulation of the design and construction of all roads proposed to be built within, and accepted by, the Town of Prospect. No road may be accepted by the legislative body unless it meets the requirements and standards of this Ordinance.
- 1.3 No road may be accepted as a town way unless the Town of Prospect receives title in fee simple.

SECTION 2. Title

This Ordinance shall be known and may be cited as the Road Acceptance Ordinance of the Town of Prospect, Maine.

SECTION 3. Administrative Procedures

- 3.1 No construction may commence on any road proposed to be built within the Town of Prospect which is intended for acceptance by the Town as a public road without the final approval of a design plan prepared, or approved by, a professional engineer registered to practice in the State of Maine.
- 3.2 Application for review of a road design plan shall be made to the Prospect Planning Board. The application shall be accompanied by a fee of \$40.00 payable by check to the Town of Prospect.
- 3.3 A pre-application meeting shall be held by the Planning Board with the applicant or his authorized agent. The applicant shall bring a sketch of the proposed road adequate to identify its location and extent. The Planning Board shall furnish the applicant with a copy of this Ordinance and shall classify the proposed road as minor, collector, or arterial. The general purpose of this pre-application meeting is to provide an opportunity for discussion of the proposed road and to outline information required of the applicant before the design plan review process may commence.

- 3.4 When the applicant has furnished the required information to the Planning Board, a dated receipt will be issued. The Planning Board will then forward one copy of the design plan to the Road Commissioner of the Town of Prospect. The Road Commissioner will review and comment on the design plan and return the plan and comments to the Planning Board within thirty (30) days.
- 3.5 When the design plan has been returned to the Planning Board from the Road Commissioner, the Planning Board will review and comment on the design plan at their next regularly scheduled meeting.
- 3.6 Following review of the design plan by both the Road Commissioner and the Planning Board, the Planning Board shall present the design plan, along with all review comments, to the municipal officers of the Town of Prospect for their consideration.
- 3.7 If the design plan is approved by the municipal officers, construction of the road may commence in accordance with the provisions of this Ordinance. If the design plan is not approved by the municipal officers, the applicant shall be notified in writing indicating specific reasons for the rejection. Design plan approval decisions shall be based upon the standards and requirements set forth in this Ordinance.
- 3.8 In no instance shall the review process exceed ninety (90) days from the date that a completed application is accepted by the Planning Board.
- 3.9 Approval of the applicant's design plan by the municipal officers shall not in any way mean or imply that the proposed road must be accepted by the Town. The authority to accept roads as public roads rests with the legislative body of the Town of Prospect. However, no road may be accepted by the legislative body unless it meets the requirements and standards of this Ordinance.

SECTION 4. Definitions

- 4.1 Road - A road means and includes such ways as alleys, avenues, boulevards, highways, roads, streets, and other rights-of-way intended for use of motorized vehicles.
- 4.2 Minor Road - A road which serves primarily as an access to abutting properties.
- 4.3 Collector Road - A road which connects one or more minor roads with an arterial road.
- 4.4 Arterial Road - A road which serves heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

- 4.5 Permanent Marker - Granite or concrete monument, iron pin, drill hole in ledge.

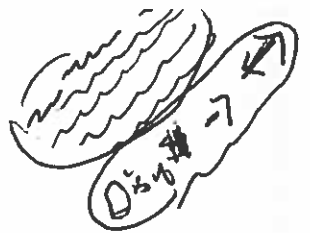
SECTION 5. Design Plan Information

- 5.1 A design plan will not be considered for review unless the information outlined in this section has been provided by the applicant.
- 5.2 The applicant shall furnish three (3) copies of a design plan of the proposed road drawn to a scale of 1" = not more than 100'. The design plan shall include, but is not limited to, the following information:
- a. Geographic location of the proposed road
 - b. Date, scale and north point
 - c. Road plan showing horizontal curves, roadway widths, right-of-way limits with monument locations, and all other normal plan details
 - d. Typical sections of the proposed road
 - e. Road profile including gradients, vertical curves and finished grade elevations
 - f. Cut and fill cross-sections
 - g. Location and size of culverts, bridges and other water diversions
 - h. Surface and subsurface storm water drainage
 - i. Registered professional engineer's stamp and signature
 - j. Geometric roadway design criteria
 - k. Any other information relating to the standards set out in this Ordinance requested by the Road Commissioner or the Planning Board during the course of their respective reviews

SECTION 6. General Considerations - Layout of Roads

- 6.1 All roads shall be designed so as to provide safe vehicular travel and, in the case of minor roads, shall be designed so as to discourage movement of through traffic.
- 6.2 All roads shall provide for the continuation of arterial and collector roads into adjoining unsubdivided land unless topographic or other factors make continuance impracticable or undesirable. Where a subdivision is served by a minor road, the Planning Board may require that a right-of-way for the minor road be projected to adjacent unsubdivided land when the Board finds that such a projected road would be in keeping with the land use goals for the area and with sound planning practice.

- 6.3 Dead end roads shall be avoided whenever possible. However, when it is necessary to construct a dead end road, a turn around will be provided. This turn around will be a cul-de-sac with a minimum inside pavement radius of fifty (50) feet. The construction specifications for construction of a cul-de-sac shall be the same as for construction of the road.
- 6.4 In an instance where a phased development project or the Comprehensive Plan calls for a road to be extended at some future date, a temporary cul-de-sac shall be constructed. In such instance, an easement shall be given to the Town of Prospect for the area involved beyond the fifty (50) foot right-of-way. Acceptance or rejection of such easement shall be decided by vote of the legislative body.
- 6.5 Intersections of roads shall be at angles as close to ninety (90) degrees as possible. In no case shall two roads intersect at an angle of less than sixty (60) degrees.
- 6.6 Where intersections with any numbered State highway are proposed, the Department of Transportation of the State of Maine shall be consulted. A letter of approval from the Department of Transportation shall accompany the final design plan to be presented to the municipal officers for consideration.
- 6.7 Reserve strips controlling access to roads shall be prohibited except where their control is definitely placed with the Town under conditions approved by the municipal officers.
- 6.8 Whenever possible, subdivisions containing fifteen (15) lots or more shall have at least two road connections with existing public roads or roads shown on the Official Road Map, if such exists, or roads on an approved Subdivision Plan.
- 6.9 Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the preliminary and the final plan, marked "Reserved for road realignment or widening purposes." Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Minimum Lot Size Ordinance and Regulations of the Town of Prospect.
- 6.10 A distance of at least two hundred feet shall be maintained between center-lines of offset intersecting streets.
- 6.11 Permanent markers meeting accepted professional surveying standards shall be installed at all road intersections, at all points of change of directions, or curvature of roads, and at other points where, in the opinion of the Planning Board, markers are necessary to determine the exact location of the road.



SECTION 7. Design and Construction Standards

- 7.1 All roads intended for acceptance by the Town as a public road shall be designed and constructed to meet the following standards for roads according to their classification as determined by the Planning Board.
- 7.2 Minimum right-of-way width for both collector and minor roads shall be fifty (50) feet. The center of the right-of-way shall also be the center of the road.
- 7.3 Grades of roads should conform as closely as possible to the original relief of the land.
- 7.4 All changes in grade shall be connected by vertical curves such as will provide clear visibility for a distance of two hundred (200) feet.
- 7.5 Grades for both collector and minor roads shall be a minimum of 0.5% and a maximum of 8%.
- 7.6 For a collector road intersection with an existing road the grade shall be no greater than 3% for a distance of seventy five (75) feet from the right-of-way of the existing road. For a minor road the distance shall be fifty (50) feet with a grade no greater than 3%.
- 7.7 Minimum centerline radius on curves shall be two hundred fifty (250) feet for collector roads and one hundred fifty (150) feet for minor roads.
- 7.8 Minimum tangent length between reverse curves shall be two hundred (200) feet for collector roads and one hundred (100) feet for minor roads.
- 7.9 Gravel base course thickness shall be a minimum of eighteen (18) inches on fill sections. A minimum of twenty four (24) inches of gravel base shall be used on cut sections of earth or ledge, except if the cut section is through existing clean, durable, well draining sand or gravel, the gravel base thickness may be reduced to eighteen (18) inches.
- 7.10 A one (1) inch leveling course of surface gravel shall be placed over the gravel base course for grading purposes.
- 7.11 Minimum pavement width shall be twenty (20) feet for collector roads and eighteen (18) feet for minor roads.
- 7.12 Pavement shall be two and one quarter ($2\frac{1}{4}$) inches of bituminous concrete for both collector and minor roads. Pavement shall be placed in two layers, a one and one half ($1\frac{1}{2}$) inch binder course with maximum aggregate size of three quarter ($\frac{3}{4}$) inch, and a three quarter ($\frac{3}{4}$) inch surface course with maximum aggregate size of one half ($\frac{1}{2}$) inch. The pavement material, mix design and the manner of application shall meet commonly accepted standards required in good engineering practice.

- 7.13 Minimum road crown from centerline to edge of pavement shall be four (4) inches for both collector and minor roads.
- 7.14 Minimum shoulder width on each side of road shall be two (2) feet for both collector and minor roads.
- 7.15 Minimum pavement edge radius at all intersections and cul-de-sacs shall be twenty (20) feet for both minor and collector roads.
- 7.16 In areas where fill is ten (10) feet or less, side slopes shall not be steeper than three (3) feet horizontal and one (1) foot vertical. Slopes in fill areas greater than ten (10) feet will require guard rails and shall be no steeper than two (2) feet horizontal and one (1) foot vertical. In-slopes and back-slopes in road areas susceptible to erosion, and in all lawn areas, shall be covered with two (2) inches of loam compacted, seeded, and adequately mulched. If the side slope extends outside the required right-of-way, the applicant shall expand the right-of-way to include the entire slope area.
- 7.17 All drainage pipes except subsurface storm drainage systems shall be new corrugated metal pipe with a minimum diameter of fifteen (15) inches. Larger size pipe will be required where the potential flow of water dictates. Culverts shall be installed below the gravel base and compacted with the same type material as contained in the surrounding sub-base. Culverts shall be of sufficient length to reach from the center of ditches on each side of the roadway. Driveway culverts shall be new corrugated metal pipe with a minimum diameter of fifteen (15) inches and a minimum length of twenty four (24) feet. Where the potential flow of water dictates, larger diameter culverts will be required.
- 7.18 Rights-of-way shall be cleared and grubbed. This shall consist of cutting and disposing of all trees, down timber, stubs, brush and bushes that interfere with excavation, embankment, clear vision or are otherwise considered objectionable within the right-of-way.
- 7.19 In fill areas of five (5) feet or less, measured from subgrade to old ground, all stumps, bushes and other objectionable material shall be removed and disposed of prior to the placing of fill.
- 7.20 Excavation shall consist of removing and satisfactorily disposing of all materials encountered within the limits of work. Suitable material taken from excavation may be used in fill areas. Suitable material shall mean excavation that is free from all stumps, roots, bushes, grass, turf or other objectionable material. In case the foundation material is soft or otherwise unsatisfactory, it may be necessary to excavate to a greater depth and backfill with a granular material.

- 7.21 The subgrade shall be compacted and shaped to provide proper drainage before the application of the gravel base. The subgrade, depending upon the thickness of gravel base course, shall be a minimum of thirty three (33) feet or thirty six (36) feet in width for collector roads and a minimum of thirty one (31) feet or thirty four (34) feet in width for minor roads.
- 7.22 The roadway area shall be brought to the grade shown on the plan, profile and cross-section, by suitable gravel. The gravel shall consist of hard, durable particles which are free from vegetable matter, lumps or balls of clay, and other deleterious substances. The gradation of the portion which will pass a three (3) inch sieve shall meet grading requirements which are commonly accepted as standard engineering practice in the State. Gravel shall not contain particles of rock which will not pass the six (6) inch square mesh sieve. This gravel base course shall be placed uniformly over the entire width of subgrade. The gravel base will have a minimum width of twenty four (24) feet consisting of a twenty (20) foot roadway and two two (2) foot wide shoulders for collector roads and a minimum width of twenty two (22) feet consisting of an eighteen (18) foot roadway and two two (2) foot wide shoulders for minor roads. All gravel base shall be placed in a minimum of two layers with the top layer not exceeding a compacted depth of nine (9) inches. The gravel base shall be thoroughly rolled one layer at a time.

SECTION 8. Utilities in Roads

The Planning Board shall, wherever possible, require any underground utilities to be placed in the road right-of-way between the paved roadway and the road right-of-way line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved. No town road shall be opened for the purpose of installing or repairing sewers, water, gas, or for any other purpose, unless the individual or corporation wishing to make such an opening shall first obtain from the Road Commissioner a permit to do so and agree to pay the full cost of repairing the damage to the road caused by such opening.

SECTION 9. Construction Cleanup

After the construction has been completed, cleanup of the area shall include at least the following:

- 9.1 Pick up all debris left from clearing and selective cutting and thinning, such as sawed-off stumps, logs and brush.
- 9.2 Trim all branches overhanging the roadbed to sixteen (16) feet above the roadbed and shoulders.

- 9.3 Clean out sand and silt from all culverts.
- 9.4 Sod or riprap inlets of culverts and all slopes of ditches where there is a possibility of erosion.
- 9.5 Clean up all ditches and check for proper drainage.
- 9.6 Grade, compact and clean up all driveways, field and woods entrances.
- 9.7 Completion of any other items as may be found under Section 10 - Inspection.

SECTION 10. Inspection

- 10.1 Inspection of the construction of all roads shall be made during and after completion of construction.
- 10.2 Inspections shall be made by an Inspector designated by the municipal officers and may occur without prior notice at any time during the construction of any road. All inspection costs shall be borne by the applicant.
- 10.3 The Inspector shall report to the municipal officers upon completion of each inspection indicating whether or not construction is being carried out in accordance with the provisions of this Ordinance.
- 10.4 If construction practices are found to be at variance with either the approved design plan or the provisions of this Ordinance, the Inspector will immediately notify the applicant in writing, indicating what steps are necessary to bring the construction into conformity with the approved design plan and/or this Ordinance.
- 10.5 Upon completion of construction, the applicant shall notify the municipal officers that the project is ready for final inspection. The municipal officers will dispatch the Inspector to conduct a final inspection of the project and report his findings.
- 10.6 If the final inspection reveals that all of the requirements of this Ordinance have not been met, the Inspector shall so notify the applicant in writing as outlined in Section 10.4 above. When the applicant is again ready for final inspection, he shall proceed as in Section 10.5 above.
- 10.7 If the final inspection reveals that construction has been completed satisfactorily and in accordance with the provisions of this Ordinance, the Inspector shall so notify the applicant and the municipal officers in writing.

- 10.8 The municipal officers shall not present the completed road to the legislative body for consideration of acceptance until all fees and costs required of the applicant under this Ordinance have been received by the Town of Prospect. After satisfactory final inspection and receipt of all fees and costs the municipal officers shall, upon written request of the applicant, present the completed road to the legislative body for consideration of acceptance.

SECTION 11. Variances

- 11.1 Where strict conformity with the provisions of this Ordinance would cause undue hardship to the applicant, a design and/or construction plan substantially in conformity with this Ordinance may be approved by the municipal officers, provided that the spirit of this Ordinance and public convenience and welfare will not be adversely affected.
- 11.2 If a variance is requested by the applicant, the Road Commissioner and the Planning Board shall consider such request during the course of their respective reviews. Upon completion of the reviews, recommendations concerning the variance request shall be forwarded to the municipal officers for consideration along with the completed design plan.

SECTION 12. Amendments

This Ordinance may be amended, rescinded, or superseded by a two thirds majority vote of the legislative body of the Town of Prospect as provided by State law. The municipal officers shall transmit a record of any such changes so authorized to the Prospect Town Clerk in accordance with the provisions of Title 30 MRSA § 2153.

SECTION 13. Enforcement

- 13.1 No person, firm, corporation or other legal entity may construct or begin to construct any road or way within the Town of Prospect which is meant for acceptance by the Town of Prospect without conforming to the requirements of this Ordinance.
- 13.2 Any road or way which has been constructed without the approval of the municipal officers in accordance with the provisions of this Ordinance shall not be considered for acceptance by the Town of Prospect at any time.
- 13.3 Any acceptance of a road which does not meet the requirements and standards of this Ordinance is null and void.

SECTION 14. Adoption and Effective Date

14.1 This Ordinance shall become effective after having been passed by an affirmative vote of the legislative body of the Town of Prospect.

14.2 This Ordinance shall take effect upon the date of its approval by the legislative body of the Town of Prospect.

SECTION 15. Relation to Other Ordinances

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance, guideline, or code of the Town of Prospect or the State of Maine, the provision which establishes the higher standard or is the more restrictive in use shall apply.

SECTION 16. Separability and Filing

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance. A copy of this Ordinance shall be filed with the Prospect Town Clerk in accordance with the provisions of Title 30 MRSA § 2153.