

Town of Alna Road Ordinance

1. Purpose

The purpose of this ordinance is to promote public health, safety and welfare for the residents of the Town of Alna by establishing construction standards for public ways and private roads serving subdivisions. This Ordinance does not apply to private driveways or to vehicle ways used for forestry or recreational purposes where a residential dwelling unit is not being serviced.

2. Administration and Effective Date

2.1 Administration: As it applies to private roads, this ordinance shall be administered by the Planning Board. As it applies to public roads, this ordinance shall be administered by the Road Commissioner.

2.2 Effective Date: The effective date of this ordinance shall be March 29, 2008.

3. Applicability

3.1 New Construction: This ordinance shall apply to the construction and lengthening of all Public and Private Subdivision Roads within the Town. A private road may be eligible to be accepted by the Town of Alna only if it fully meets the design standards for public roads in Section 5 of this Ordinance.

3.2 This Ordinance supersedes Section VIII of the Alna Subdivision and Site Plan Review Ordinance in effective as of the effective date of this Ordinance, and shall be applied in substitution thereof.

4. Definitions

4.1 Public Arterial Road. A major roadway serving long distance traffic through and between municipalities and carrying traffic to major centers of activity.

4.2 Public Collector Road. A principal roadway which conveys traffic between arterial roads.

4.3 Private Subdivision Road. Roads that are included in any application for, or are intended to serve, any subdivision requiring Planning Board approval under the provisions of the Alna Subdivision and Site Review Ordinance, or a successor Ordinance.

4.4 Private Road means and includes such private ways, roads and other rights-of-way that serve more than two residences or lots and are in existence as of the effective date of this Ordinance, or which are subsequently created or evolve by accretion outside of the jurisdiction of the Subdivision and Site Review Ordinance, or a successor Ordinance.

4.5 Private Driveway. A Private Driveway is a way that:

1. Provides access to no more than two residences or lots;
2. Originates at a public road; and
3. Is developed within a 50-foot right of way.

5. Application Procedures

Plans for a road proposed as part of a subdivision as defined in the Subdivision Ordinance shall be submitted to the Board as an integral part of the subdivision application. The subdivision application and plans shall conform to the full provisions of this Ordinance and the Subdivision Ordinance, except as provided in Section 3.2 above.

The application shall include the following information:

5.1 Submission Requirements

- A. Names of applicants and owners of land for the location of the proposed road or, in the event of an existing road, the name of the existing road.
- B. A statement of any existing or proposed legal encumbrances on the land for the location of the proposed road.
- C. The anticipated starting and completion dates of each major phase of construction.
- D. A statement indicating the nature and volume of traffic anticipated on an average daily basis.
- E. 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 intersection. The plans shall include the following information:
 1. Project Name, 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 (e.g., ditches and culverts) and their relationship to the existing natural waterways, and proposed drainage ways and existing structures.. Such

structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer and shall meet the minimum stormwater design and construction standards of the State of Maine.

5. Turning radii at all intersections.
 6. Centerline gradients.
 7. Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting and cable television.
- F. An erosion and sedimentation control plan for the road construction activity.
- G. The application shall include 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 that utilize the private road for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for 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.

5.2 Municipal Review

Upon receipt of application materials for a proposed Private Subdivision Road or lengthening of an existing approved Subdivision Road, the Planning Board shall forward copies to the Road Commissioner and the Town's consulting engineer (see Section 4.6.A.), if any, for review and comment. For proposed public roads or for lengthening of existing public roads, the Road Commissioner shall provide plans to the Board of Selectmen and the Planning Board. 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. 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.

5.3 Application Fee

The fee schedule for review of road plans shall be established by the Board of Selectmen.

5.4 Engineering Review

- A. Prior to the approval of plans for any road, the Planning Board, or the Road commissioner, as applicable, shall determine to its satisfaction, which may include reliance upon the report of a qualified firm or individual (“Consulting Engineer”) retained by the town and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements set forth in this ordinance.
- B. Except for a road or road extension proposed by the Town or the State, all reasonable costs of retaining such a qualified firm or individual shall be borne by the applicant, unless the Planning Board, for reasons enumerated, determines otherwise.

5.5 Application Review

The following schedule shall apply for review of a new road or lengthening of an existing road:

- A. Complete Application. Within 30 days from the date of receipt of an application, the Board shall notify the applicant in writing that either the application is complete or, if incomplete, the specific additional material needed to make it complete. A determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Ordinance.
- B. Application Approval. Within 30 days of a Public Hearing, or within 60 days of having received the complete application, or within such other time limit as may be mutually agreed to, the Board shall grant or deny approval on such terms and conditions as it may deem advisable to satisfy this Ordinance and to preserve the public health, safety and welfare. In all instances, the burden of proof shall rest upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance.
- C. Public Hearing. The Board may hold a Public Hearing within 30 days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time and place of such hearing to be given to the applicant and all property owners abutting the proposed road, to be published in a newspaper of

general circulation in the Town of Alna at least 7 days prior to the hearing.

5.6 Acceptance of Public Road

Approval by the Board of a proposed road shall not be deemed to constitute nor be evidence of acceptance by the Town of Alna of said road. Acceptance of a road as public shall be by affirmative vote at a Town Meeting.

6. Road Design Standards

These design standards shall be met by all proposed roads and alterations to existing roads.

6.1 Through Traffic

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

6.2 Existing Narrow Roads

Where a subdivision borders an existing narrow road not meeting the width standards of this Ordinance, the plan shall indicate reserve 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 other town ordinances.

6.3 Two Road Connections

Any proposed road or lengthening or alteration to an existing road which, on the basis of a specific development proposal or on the basis of available road frontage, could generate more than 200 vehicle trips per day shall have at least two road connections with existing public roads, roads shown on an Official Map (if any), or roads on an approved subdivision plan for which performance guarantees have been filed and accepted. The applicant may agree in writing, subject to Board approval, to limit development to less 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.

6.4 Road Design Standards

A. The following standards apply to new public and private roads:

Description	Type of Road			
	Arterial	Collector	Subdivision Road ⁽¹⁾	Private Driveway
Minimum Right-of way Width	80'	60'	50'	50'
Minimum Travel Way Width	44'	22'	18'	N/A
Sidewalk Width	N/A	N/A	N/A	N/A
Minimum Grade	.5%	.5%	.5%	N/A
Maximum Grade	5%	6%	10%	12%
Minimum Centerline Radius	500'	230'	150'	N/A
Minimum Tangent between Curves of reverse alignment	200'	100'	N/A	N/A
Roadway Crown	¼"/ft	¼"/ft	¼"/ft	N/A
Minimum Angle of Road Intersections(2)	90°	90°	75°	75°
Maximum Grade within 75 ft. of Intersection	2%	2%	N/A	
Minimum Curb Radii at Intersections	30'	20'	15'	N/A
Minimum ROW Radii at Intersections	20'	10'	10'	10'
Minimum Width of Shoulders (each side)	5'	5'	3'	N/A
(1)	A private road which will serve fewer than 4 residences shall have a minimum travel way of 12 feet with two-2 foot shoulders and a maximum grade of 12%. A private road which will serve 4-10 residences will have a minimum travel way of 16 feet with two 3-foot shoulders and a maximum road grade of 12%.			
(2)	Road intersection angles shall be as close to 90° as feasible but no less than the listed angle.			

6.5. Dead End Roads

In addition to the design standards above, a turn-around for dead end roads proposed as public ways may be required by the board. The Board may require the reservation of a 20-foot easement to provide continuation of pedestrian traffic or utilities to the next adjacent public or private road. The Board may also require the reservation of a 50-foot easement to provide continuation of the road where future subdivision is possible.

6.6 Grades, Intersections and Sight Distances

- A. Grades of all roads shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.
- B. All changes in grade shall be connected by vertical curves 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 foot.

- C. 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. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curblineline 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.

Posted Speed Limit (mph)	25	30	35	40	45	50
Sight Distance (ft)	250	300	350	400	450	500

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility and such clearances shall be maintained in the future.

- D. Cross (four-cornered) road intersections shall be avoided insofar as possible.

6.7 Sidewalks

If sidewalks exist on the project site or adjacent properties or if significant pedestrian traffic is present or anticipated in the future, the Planning Board may require the installation of sidewalks that meet the following minimum requirements:

- A. Bituminous Sidewalks. The crushed aggregate base course shall be no less than 8 inches thick. The hot bituminous pavement surface course shall be no less than 2 inches after compaction.
- B. 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.

6.8 Road Construction Standards

A. The following are minimum thicknesses after compaction.

Road Materials	Minimum Requirements		
	Arterial	Collector	Private Subdivision
Aggregate Sub-base Course (maximum sized stone 4")	18"	18"	18"
Crushed Aggregate Base Course	4"	3"	3"
Hot Bituminous Pavement			Optional, but if paved:
Total Thickness	3¾"	2½"	2½"
Surface Course	1½"	1"	1"
Base Course	1¾"	1½"	1½"

B. Bases and Pavements

1. Bases. 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. Aggregate for the base shall contain no particles of rock exceeding 2 inches in any dimension.
2. 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.
3. 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.

7. Additional Improvements and Requirements

7.1 Erosion Control

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

7.2 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.

7.3 Road Names, Signs and Lighting

All new roads and extensions of existing roads shall be named in accordance with the requirements of the Road Commissioner of the Town of Alna. The developer shall reimburse the town for the costs of installing road name, traffic safety and control signs. Road lighting may be required, and shall be installed as approved by the Planning Board, in consultation with the Road Commissioner. Excess lighting is discouraged.

- 7.4 In the case of a private road, the Applicant shall provide documentation demonstrating that a road association has been formed which will have the legal obligation and an appropriate funding mechanism to assume all road maintenance and upkeep responsibilities from the Applicant. Documentation shall include articles or incorporation, bylaws and evidence of a funding mechanism sufficient to assume anticipated obligations.

8. Certification of Construction

Prior to submitting an article to Town Meeting proposing acceptance of a Private Road as a Town Road, the Board of Selectmen may require a set of as-built plans. In such cases, written certification, obtained at the expense of the applicant and signed by a registered professional engineer, shall be submitted to the municipal officers, certifying that the proposed town public way meets or exceeds the design and construction requirements of this ordinance.

9. Performance Guarantees

The Planning Board at its discretion may require the filing of a Performance Guarantee with the Town of Alna by the applicant.

- 9.1 With submittal of the application, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:
- A. Either a certified check payable to the town or a savings account or certificate of deposit naming the town as owner, for the establishment of an escrow account;
 - B. A performance bond payable to the town issued by a surety company, approved by the Selectmen;
 - C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the development, from which the town

may draw if construction is inadequate, approved by the Selectmen;
or

D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed. The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Road Commissioner, Selectmen, and/or municipal attorney.

- 9.2 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 developer, and a date after which the applicant will be in default and the town shall have access to the funds to finish construction.
- 9.3 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 savings 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.
- 9.4 A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the town. The bond documents shall specifically reference the development for which approval is sought.
- 9.5 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 development and may not be used for any other project or loan.
- 9.6 The Planning Board at its discretion may provide for the applicant to enter into a binding agreement with the town in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the plan on the condition that no more than four lots may be sold or built upon until either:

- A. It is certified by the Planning Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance and the regulations of the appropriate utilities; or
- B. A performance guarantee, acceptable to the town, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the plan that is recorded at the Registry of Deeds.
- C. Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of a qualified individual retained by the town and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the development for which the release is requested.
- D. If upon inspection, a qualified individual retained by the town finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the code enforcement officer, the Selectmen, the Planning Board, and the applicant or builder. The Selectmen shall take any steps necessary to preserve the town's rights

10. Inspection

- A. Notification of Construction: At least 5 days prior to commencing construction or expansion of a road, the applicant shall notify the Road Commissioner 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 that the road has not been constructed in accordance with approved plans and specifications, the inspector shall so report to the Board of Selectmen, in the case of a Public Road, and the Planning Board, in the case of a Subdivision Road.. 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 law, the guarantee, security or bond.

- C. Modification during Construction: If at any time before or during construction of the road it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of the road, the appointed inspector may authorize modifications provided such modifications are within the spirit and intent of the Board's approval. The appointed inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board

11. Waivers

- A. Where the 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, this Ordinance, or any other ordinances of the Town of Alna.
- B. Where the Board makes written Findings of Fact that, due to special circumstances, the provision of certain required improvements is inappropriate, it may waive or modify the requirement for such improvements, subject to appropriate conditions.
- C. In granting waivers to any of these standards, the Board shall require such conditions as will assure the objectives of this ordinance are met
- D. When the Board grants a waiver to any of the standards of this ordinance, the Final Road Plan shall indicate the waivers granted and the date on which they were granted.

12. Separability

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

13. Appeals

Any party aggrieved by a decision of the Board under this ordinance may appeal the decision to Superior Court as provided by law within thirty (30) days of the date of the decision.

14. Conflict With Other Ordinances

This ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other rule, regulation, permit or provision of law. Whenever the requirements of this ordinance are in conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern.