

Sabattus, Maine – Code of Ordinances

STREET CONSTRUCTION ORDINANCE

Section 1. State of Purpose

The purpose of this ordinance is to promote the health, safety, and public welfare of the residents of Sabattus through establishing minimum construction standards for streets.

Section 2. Authority, Administration, and Effective Date

Authority: This ordinance is enacted pursuant to and consistent with Article VII-A of the State of Maine Constitution and Title 30-A, MRSA Section 3001.

Administration: This ordinance will be administered by the Planning Board.

Effective Date. The effective date of this ordinance is July 31, 1996, which is 30 days after the adoption of this ordinance at Town Meeting. Adoption of this ordinance will repeal any previously adopted road construction and acceptance standards. It does not affect any new road or changes to an existing road that has been reviewed and approved by the Planning Board and recorded at the Androscoggin County Registry of Deeds prior to the effective date of this ordinance.

Section 3. Applicability

- A. *New Construction:* This ordinance will apply to the construction of all new streets within the town whether public, private or common drive. No Streets will be accepted as a town way unless they meet the provisions of this ordinance. Final acceptance of a proposed road will occur only after an affirmative vote at a Town Meeting.
- B. *Alterations:* Alterations, widening, and improvements will be consistent with Section 7. Street Construction Standards of this ordinance.
- C. No Building permits will be issued on streets, roads, discontinued roads, or unmaintained roads, unless they meet the minimum road design standards for a common drive.
- D. *Higher Design and Construction Standard:* Nothing in this ordinance will be construed to prevent the design and construction of streets which meet higher standards, use improved methods, or higher quality materials.

Sabattus, Maine – Code of Ordinances

Section 4. Application Procedures

Prior to the construction any new street or the reconstruction or lengthening of an existing street, the applicant will request to be placed on the Planning Board's agenda by writing to the Chairman with their intentions. The letter must be received by the Chairman at least ten (10) working days before that month's meeting.

Ten copies of the completed application form, required plans and related information will be submitted to the Code Enforcement Officer with the required fees, no later than the first day of the month in which the meeting will be held. The Codes Enforcement Officer will forward one copy to the Chairman and each member of the Planning Board.

A. Submission Requirements:

1. The name(s) of the applicant(s);
2. The name(s) of the owner(s) on record of the land upon which the proposed street is to be located;
3. A statement of any legal encumbrances of the land upon which the proposed street is to be located;
4. The anticipated starting and completion date of each major phase of street construction; and
5. A statement indicating the nature and volume of traffic expressed in Average Daily Traffic expected to use the proposed street.

B. *Plans*: The plans and illustrations submitted as part of the application will be prepared by a Registered Land Surveyor or Professional Engineer to include the following information.

1. The scale of the plan. (All streets and roadway plans and profile drawings will be drawn to a scale 1" = 50' horizontal and 1" = 10' vertical;
2. The direction of magnetic north;
3. A plan profile and typical cross section views of all proposed streets;
4. The starting and ending point with relation to established roads, streets, or ways and any planned or anticipated future extensions of the streets. (All terminal points and the center line alignment will be identified by survey stationing.);
5. The roadway and roadway limits with relation to existing buildings and established landmarks;
6. Dimensions, both lineal and angular, necessary for locating boundaries and necessary for locating subdivisions, lots, easements, and building lines;

Sabattus, Maine – Code of Ordinances

7. The lots, if any, as laid out and numbered on said street showing the names of all owners of abutting property;
 8. All natural waterways and watercourses in or on land contiguous to the said streets or ways;
 9. The kind, size, location, profile, and cross-section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways;
 10. A soil erosion and sedimentation control plan showing interim and final control provisions;
 11. Curve data for all horizontal and vertical curves will be the center line radius, arc length, beginning of curve, and end of curve points;
 12. All center line gradients will be shown and expressed as a percent;
 13. All curve, property lines and radii or intersections;
 14. The limits and location of any proposed sidewalks and curbing;
 15. The location of all existing and proposed underground utilities to include, but not limited to, the following: (Note: When a location, in the case of any underground utility, is an approximate, it will be noted on the plan as such.)
 - a. Storm drains;
 - b. Telephone lines or underground vaults;
 - c. Electrical power lines or underground vaults;
 - d. Public water supply lines.
 - e. Sanitary sewer lines.
 16. The name(s) or each proposed new road or street laid out in accordance with the requirements set forth in the Sabattus Street Naming Ordinance.
- C. Upon receipt of plans for a proposed public street, the Planning Board will forward one copy to the Municipal Officers and one copy to the Road Commissioner for review and comment. Plans for streets which are not proposed to be accepted by the municipality will be sent to the Road Commissioner for review and comment.
- D. Streets within proposed subdivisions: Streets proposed as part of a subdivision as defined in the Town of Sabattus' Subdivision Ordinance shall be submitted to the Planning Board as an integral part of the Subdivision Application. Plans will conform to the provisions of this Ordinance as well as that required by the Town of Sabattus' Subdivision Ordinance.

Sabattus, Maine – Code of Ordinances

E. *Application Fee*: An application fee as listed in the Town of Sabattus Fee Schedule will be paid to the Town of Sabattus upon submission of an application. The Planning Board will have the authority to review and revise the application fee. The application fee will be waived if the street is being reviewed as an element of the Subdivision Application.

F. *Application Review*:

1. *Compete Application*: Within thirty (30) days from the date of receipt, the Planning Board will notify the applicant in writing either that the application is compete, or if incomplete, the specific additional material needed to make them complete.

Determination by the Planning Board that the application is complete in no way commits or binds the Planning Board as to the adequacy of the application to meet the requirements of this ordinance.

2. *Application Approval*: The Planning Board will, within thirty (30) days of a public hearing or within sixty (60) days of having received the completed application or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this ordinance and to preserve the public health, safety, and general welfare. In all instances, the burden of proof will be upon the applicant. In issuing its decision, the Planning Board will make a written finding of fact establishing that the application does or does not meet the provisions of this ordinance.

3. *Public Hearing*: The Planning Board may hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete application has been received and will cause notice of the date, time, and place of such hearing to be given to the applicant, all property owners abutting the proposed street, and published in a newspaper or general circulation in Sabattus as least two (2) times; the date of the first publication will be at least seven (7) days prior to the hearing.

Section 5. Public Acceptance of Streets

The approval by the Planning Board of a proposed public street will not be deemed to constitute or be evidence of any acceptance by the Municipality of the Street. Final acceptance of the proposed public street will be by an affirmative vote at a Town Meeting.

Sabattus, Maine – Code of Ordinances

Section 6. Street Design Standards

- A. These design standards will be met by all streets and will control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
- B. Streets will be designed to discourage through traffic within a residential subdivision and must be a minimum of one thousand feet in length to be presented to the Town for acceptance as a Town Way.
- C. The character, extent, width, and grade of all streets will be considered in their relation to existing or planned streets.
- D. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this ordinance) or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan will indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes”. Land reserved for such purposes may not be included in computing lot area or setback requirements.
- E. Any common drive serving four dwelling units or less that is being used to meet the town’s road frontage requirement must be inspected by the Code Enforcement Officer. It does not require pavement or approval by the Planning Board. The road surface and other factors applicable to the road, must be visible if it is to be inspected.
- F. Privately-Owned Roads: Where streets are to remain privately owned roads, the recorded plan must be annotated to indicate this status.
- G. All privately owned roads will remain private roads to be maintained by the developer or the Home Owners Association and will not be accepted or maintained by the Town of Sabattus unless they meet the provisions set forth in this ordinance.
- H. For all new privately-owned roads the developer will form a Home Owners’ Association for the street maintenance and be placed on the recorded plan.
- I. For all new privately-owned roads, the home owners will present the Code Enforcement Officer with a signed maintenance agreement before permits may be issued. The following design standards apply according to street classification:

Sabattus, Maine – Code of Ordinances

ROAD DESIGN STANDARDS

ROAD TYPE	MINOR	MAJOR	PRIVATE MINOR	PRIVATE MAJOR	COMMON DRIVE
Ave. Daily Traffic	0 – 250	251 +	0 - 250	251 +	0 - 100+
Right-of Way Width	50 feet	60 feet	50 feet	50 feet	50 feet
Minimum Pavement	20 feet	22 feet	20 feet	20 feet	N/A
Minimum Grave Width	26 feet	30 feet	26 feet	26 feet	18 feet
Minimum Shoulder Width	3 feet	4 feet	3 feet	3 feet	N/A
Minimum Aggregate Subbase Required Compacted	22 inches	24 inches	18 inches	18 inches	18 inches
Minimum Hot Bituminous Pavement	2" base 1" surface	2" base 1" surface	N/A	2" base	N/A
Minimum Roadway Crown	1/4" /ft	1/4" /ft	1/4" /ft	1/4" /ft	1/2" /ft
Minimum Grade	5%	5%	5%	5%	N/A
Minimum angles at intersection	75	90	75	90	75
Minimum Center Line Radius for Curves	150 ft	220 ft	150 ft	220 ft	150
Minimum Tangent Length Between Curves	100 ft	100 ft	100 ft	100 ft	50

J. The centerline of the roadway will be the centerline of the right-of-way.

K. Dead-end streets will be constructed to provide a Cul-de-sac turnaround with the following requirements for a radius: 65 feet to property lines and 50 feet to the edge of pavement from center. Dead-end streets may provide a permanent “Hammerhead” or “T” type turnaround in lieu of the cul-de-sac. Such turnarounds will be a minimum of 65 feet in length from property line to property line and 50 feet in

Sabattus, Maine – Code of Ordinances

width. The pavement will be 50 feet in length from the edge of the property line and 20 feet in width and have 3 foot gravel shoulders.

Sabattus, Maine – Code of Ordinances

L. Grades, Intersection, and Sight Distances

1. Where new street intersections or driveways are proposed, sight distances, as measured along the road onto which traffic will be turning, will be based upon the posted speed limit and conform to the table below:

Posted Speed Limit	Sight Distance
25 Mph	250 feet
30 Mph	300 feet
35 Mph	350 feet
40 Mph	400 feet
45 Mph	450 feet
50 Mph	500 feet
55 Mph	550 feet

Where necessary, corner lots will be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

2. Cross (four cornered) street intersections will be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. The posted speed limit will affect the minimum sight distance and the area to be cleared.

M. Sidewalks, where installed, shall be at least five (5) feet wide and meet these minimum requirements:

1. Bituminous Sidewalks

- a. The gravel aggregate sub-base course will be no less than twelve (12) inches thick.
- b. The Portland Cement concrete will be reinforced with six-inch-square, number 10 wire mesh and will be no less than Six (6) inches thick.

N. Curbing, where installed, shall be quarried granite stone, pre-cut Portland Cement Concrete, or a machine formed bituminous hot mix and shall be installed on a properly compacted base.

O. Road and driveway culvert sizes will be determined on the basis of the estimated runoff from the total land area served.

Sabattus, Maine – Code of Ordinances

Section 7. Street Construction Standards

A. Preparation:

1. After the clearing and grading has started on the traveled way, the side lines of the new road will be staked or flagged at 100 foot intervals.
2. Before grading is started, the developer will present the Planning Board with a Street Construction Plan. This plan will establish phases for the removal of all stumps, roots, brush, rocks larger than 6" in diameter, and organic material not suitable for a Road Base. Consideration must be given to preventing erosion. Each phase must be inspected by the Road Commissioner or his designee and/or a member of the planning board who has been designated to do this function by the Planning Board. A record of this inspection must be made and a copy provided to the developer.
3. Road and driveway culvert sizes will be determined on the basis of estimated runoff from the total area served. Minimum culvert size shall be 12" in diameter and the culvert shall be either aluminum coated or aluminum-zinc coated corrugated metal pipe. Aluminum coated is preferred.
4. Side slopes, whenever possible, will be no steeper than a slope of three feet horizontal to one foot vertical, and will be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.
5. All underground utilities will be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections will be installed to the edge of the right of way prior to paving.

B. Bases and Pavement Specifications:

1. Base Material: This material will meet Maine Department of Transportation (MDOT) standard Specification #703.06 (B) Type D for the entire 22" or 24" fill thickness. Depth of fill material will be as measured after compaction. For 22" of material, compaction will occur after each 11" lift. For 24" of material, compaction is required after each 12" lift. All aggregate subbase material will be free of rocks or rock particles which exceed six (6) inches in diameter. Roads that are not compacted in accordance with this section will not be paved until they:
 - a. Remain unpaved and allowed to compact naturally for a minimum of eighteen (18) months.
 - b. Are tested by an independent testing company, selected by the Town of Sabattus, at the developer's expense to ensure it meets a ninety (90) percent compaction rate. Testing intervals will be determined by the Road Commissioner and the Testing Company, but must be at least one test per one hundred linear feet.

Sabattus, Maine – Code of Ordinances

2. Pavements:

- a. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15th and November 15th, provided the air temperature in the shade at the paving location is 35 degrees Fahrenheit or higher and the surface to be paved is not frozen or unreasonable wet.
- b. Minimum standards for the surface binder of pavement shall be the MDOT specifications for plant mix for grade C or D with an aggregate size no greater than 3/4 inch and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15th and October 15th, provided the air temperature in the shade at the paving location is 50 degrees Fahrenheit or higher.

Section 8. Additional Improvements and Requirements

- A. *Erosion Control*: The procedures outlined in the erosion and sedimentation control plan will be implemented during the site preparation, construction, and clean up stages.
- B. *Cleanup*: Following street construction, the developer or contractor will conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site will be indicated on the Plan and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
- C. *Street Names, Signs, and Lighting*: Streets which join and are in alignment with streets of butting or neighboring properties will bear the same name. Names of new streets will not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and will be subject to approval of the Planning Board. The developer will reimburse the Municipality for the cost of installing street name, traffic safety, and control signs.

Section 9. Performance Guarantees

- A. *Types of Guarantees*: With submittal of the application for street approval, the applicant will provide one of the following performance guarantees for an amount adequate to cover the total construction costs 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 Sabattus or a savings account or certificate or certificate of deposit naming the Town as owner for the establishment of an escrow account;

Sabattus, Maine – Code of Ordinances

2. A performance bond payable to the Town issued by a surety company approved by the Municipal Officers;
3. An irrevocable letter of credit from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate approved by the Municipal Officers; or
4. 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 a performance guarantee will be determined by the Planning Board with the advice of the Road Commissioner and Municipal Officers.

- B. *Contents of Guarantee:* The performance guarantee will 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 developer will be in default, and the town will have access to the funds to finish construction.
- C. *Escrow Account:* A cash contribution to the establishment of an escrow account will be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For an account opened by the subdivider, the municipality will be named as owner or co-owner, and the consent of the municipality will be required for a withdrawal. Any interest earned on the escrow account will be returned to the applicant except for any portion of the interest earned which was needed in addition to the principle of the escrow account to pay for completion of the required improvements.
- D. *Performance Bond:* A performance bond will 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 municipality. The bond documents will specifically reference the project for which approval is sought.
- E. *Letter of Credit:* An irrevocable letter of credit from a bank or other lending institution will indicate that funds have been set aside for the construction of the street and may not be used for any other project or loan.
- F. *Release of Guarantee:* Prior to the release of any part of the performance guarantee, the Planning Board will determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- G. *Default:* If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Code Enforcement Officer will so report in writing to the Municipal Officers, the Planning Board, and the subdivider or builder. The Municipal Officers will take any steps necessary to preserve the town's rights.

Sabattus, Maine – Code of Ordinances

Section 10. Inspection

- A. *Notification of Construction:* At least five (5) days prior to commencing street construction or alteration of roads, the applicant will notify the Code Enforcement Officer in writing of the time when he proposes to commence construction so that the municipal officers can cause inspection to be made to assure that all municipal specification and requirements will be met during the construction. The area to be inspected must be visible at time of inspection. Snow cover or other factors that prevent or impede the inspector from doing a thorough inspection must be eliminated prior to the inspection.
- B. *Noncompliance With Plan:* If it is found upon inspection the improvement (s) is not being or has not been constructed in accordance with the approved plans and specifications, the inspector will so report to the Municipal Officer and Planning Board. The Municipal Officers will then notify the applicant, and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security, or bond.
- C. *Modification During Construction:* If at any time before or during the construction of the street, 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 street, the appointed inspector may, upon approval of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval. The appointed inspector will issue any authorization under this section in writing and will transmit a copy of such authorization to the Planning Board at its next regular meeting.
- D. *Inspection Fee:* The Planning Board may assess the applicant a fee to cover the costs of construction inspections.

Section 11. Variances and Waivers

- A. Where the Planning Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of this ordinance in order to provide relief from the hardship in question and to permit a more practical and economical development provided, however, that the public health, safety, and welfare will not be compromised and further provided that the waivers in question will not have the effect of nullifying the effect of this ordinance.
- B. In granting waivers to any provision of this ordinance in accordance with Section 12.A, the Planning Board will require such conditions as that will assure the objectives of this ordinance are met.

Sabattus, Maine – Code of Ordinances

Section 12. Separability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct, and independent provision and such holding will not affect the validity of the remaining portions thereof.

Section 13. Appeals

An appeal may be taken within 30 days from the Planning Board's decision on the application, by any party to Superior Court in accordance with Rule 80B. Of the Maine Rules of Civil Procedure.

Section 14. Amendments

A. *Initiation of Amendments:* An amendment to this ordinance may be initiated by:

1. The Planning Board, provided a majority of the Board has so voted;
2. Request of the Municipal Officers; or
3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last Gubernatorial Election.

B. The Planning Board will hold a public hearing on the proposed amendment. Notification of the hearing will be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.

C. *Adoption of Amendment:* An amendment of this Ordinance will be adopted by a majority vote of the Board of Selectmen.

Section 15. Definitions

In this ordinance, the following terms have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Terms not defined will have their customary dictionary meaning.

Privately Owned Street - A Street which is not intended to be dedicated as a town way.

Street - Public and private ways such as alleys, avenues, highways, roads and other rights-of-ways, as well as areas on a subdivision plan designated as rights-of-ways for vehicular access, other than driveways, farm roads or logging roads.

Arterial Street - A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

Sabattus, Maine – Code of Ordinances

Major Street - A street which serves as a feeder to arterial streets and collector or traffic from minor streets and has an average weekly traffic level of 250 or more per day.

Existing Public Street - Road which are maintained by the Town of Sabattus and the State of Maine.

Industrial or Commercial Street - A street servicing industrial or commercial uses.

Minor Street - A street whose sole function is to provide access to abutting properties that will generate an average weekly traffic level of less than 250 per day.

Reconstructed - Reconstructed means the rebuilding of a road or section of a road to improve its serviceability.

Repair - Repair means to take necessary action to fix normal damage or storm damage.

Reserve Frontage Street - A street which provides residential frontage other than that on a through traffic street.

Common Drive - A vehicle access way serving four dwelling units or less that does not need Planning Board approval.

Private Minor Street - A street that cannot be presented to the town for acceptance as a Town Way and whose sole function is to provide access to abutting properties that will generate less than 250 average weekly traffic trips.

Private Major Street - A street that cannot be presented to the town for acceptance as a Town Way but which serves as a feeder to arterial streets and collector of traffic from Minor Streets. Average Weekly Trip Generation is 250 or greater.

Appendices:

Appendix 1 - Cul-De-Sac Turn

Appendix 2 - "T" Turn Around

Appendix 3 - Hammer Head Turn Around

Appendix 4 - Typical Cross-Section

Accepted:

Original Adoption:

Revision Dates:
