

ROAD ORDINANCE

OF THE TOWN OF SOUTHWEST HARBOR

Approved 05/08/90  
Amended 05/05/97  
Amended 5/5/09

Attest a true copy

---

Beatrice D. Grinnell  
Town Clerk

# INDEX

	PAGE
SECTION I. AUTHORITY	1
SECTION II. DEFINITION OF ROAD	1
SECTION III. DEFINITION OF TOWN ROAD CLASSIFICATION	1
SECTION IV. CONDITIONS OF ACCEPTANCE	1
SECTION V. PETITION AND APPLICATION TO LAY-OUT A ROAD	2
SECTION VI. APPLICATION REQUIREMENTS	3
SECTION VII. ROAD DESIGN STANDARDS	4
SECTION VIII. ROAD CONSTRUCTION STANDARDS	6
SECTION IX. STORM DRAINAGE DESIGN STANDARDS	7
SECTION X. STORM DRAINAGE CONSTRUCTION STANDARDS	8
SECTION XI. ADDITIONAL IMPROVEMENTS AND REQUIREMENTS	8
SECTION XII. PERFORMANCE BOND	9
SECTION XIII. VARIANCE AND WAIVER	10
SECTION XIV. APPEALS	10
SECTION XV. SEVERABILITY	10
SECTION XVI. REPEAL	10

# ROAD ORDINANCE OF THE TOWN OF SOUTHWEST HARBOR

## SECTION I: AUTHORITY

This Ordinance shall be entitled "Road Ordinance of the Town of Southwest Harbor" and is enacted pursuant to Title 30-A M.R.S.A. Section 3001.

## SECTION II: DEFINITION OF ROAD

For the purpose of this Ordinance a road is defined to be: a route or tract consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

## SECTION III: DEFINITION OF TOWN ROAD CLASSIFICATION

- A. Arterial – a major traffic way for travel between and through the Town (Example: Route 102 and 102A)
- B. Collector – "collects" the traffic to and from the arterial roads to local access ways. (Example: Freeman Ridge Road)
- C. Local – affords direct access to homes or places of business; designed to discourage through traffic.
- D. Classification Determination – The classification of proposed Town Way shall be made by the Planning Board after its consideration of land use and the Comprehensive Plan of the Town. Said determination may be made prior to the formal application to the Board of Selectmen, after submission of all information that may be required.

## SECTION IV: CONDITIONS OF ACCEPTANCE

### A. General

The Board of Selectmen shall not lay out a road as a Town Way, nor shall it submit a warrant containing an article to a Town meeting for the purpose of acceptance of a road as a Town Way until and unless the road has been designed and constructed in accordance with the provisions of this Ordinance.

### B. Subdivision

The Planning Board shall not approve any subdivision plan containing a road proposed to be a Town Way unless the proposed the proposed road is designed and constructed in accordance with this Ordinance. The Planning board is not precluded by this Ordinance from adopting additional or more stringent regulations governing road design and construction within subdivisions pursuant to Title 30 – A M.R.S.A. Sections 4401-4407.

C. Design and Construction Plans

1. Plans and illustrations submitted shall be designed and prepared by a professional engineer registered in the State of Maine.
2. utilities shall be installed prior to the final road construction phase so as to prevent re-excavation of the finished road.
3. Prior to the commencement of each major phase of construction, the CEO shall be notified for inspection.
4. Upon completion of road construction and prior to a vote by the Board of Selectmen to submit a proposed Town Way to a Town Meeting, a written certification signed by a professional engineer registered in the State of Maine, shall be submitted to the Board of Selectmen at the expenses of the applicant, certifying that the proposed Town Way meets or exceeds the design and construction requirements set forth herein. "As built" plans shall be submitted to the Town.

SECTION V: PETITION AND APPLICATION TO LAY OUT A ROAD

A. The Board of Selectmen or its agent may on petition and application, lay out a road.

B. The following procedure shall be followed:

1. Petition and Application – Any resident of Southwest Harbor may petition the Board of Selectmen to lay-out, alter, widen, or extend either an existing or proposed Town Way. The petition is necessary to give the Board of Selectmen jurisdiction. In addition to the petition, an application shall also be submitted in accordance with Section V of this Ordinance.
2. Notice of Proposed Location – The Board of Selectmen must post notice of their intention to locate a proposed Town Way. The officers may locate the Way personally or by agent. Notice must be posted for 7 days in 3 locations including the vicinity of the proposed Way and 2 public places in the Town (The Clark Point Post Office and the Manset Post Office). The Town shall cause this information to be published twice in a newspaper of general circulation within the Town. A fee of \$50.00 will be charged to the applicant to cover this cost.
3. Location and Determining the Town Way – At the time and place designated in the notice the Board of Selectmen must meet to locate the proposed town Way. The Selectmen may also meet at the road informally and prior to posting the notice. The Board of selectmen may be represented by an agent at the formal meeting if the acts of the agent are ratified by them. The Board of Selectmen and their agent are not bound by the description in the petition but may adopt measures suitable to attaining the goals sought by the petition. The Board of Selectmen must determine whether the road is to be proposed as a Town Way.
4. Return and Recording – The Board of Selectmen must make written return of their proceeding containing the bounds and measurements of the proposed Town Way and the damage allowed to each person for land taken. The return should also show that notice was properly posted and that the road was determined to be a proposed Town

- Way. In order for the proposed Town Way to be legally established the return must be filed with the Town Clerk.
5. Warrant – After the proposed Town Way has been located and the return has been filed, a warrant article shall be filed, such form to be determined by the Board of Selectmen.
  6. Report for Acceptance by the Town - At the town Meeting legally called for the purpose of accepting the proposed Town Way, the Board of Selectmen shall make their report. A majority of the legally established voters of the Town of Southwest Harbor shall either accept or reject the proposed Town Way.

## SECTION VI: APPLICATION REQUIREMENTS

### A. Application Form

1. Applicant's name, address, telephone number and the date.
2. Names of the owners of record of the land upon which the proposed Town Way is located.
3. A statement of any legal encumbrance on the land upon which the proposed Town Way is located.
4. The anticipated beginnings and ending dates of each major phase of the proposed Town Way construction.
5. A plan view, centerline view, and typical cross-section view of the proposed Town Way.

### B. Information to be included on the Plans

1. date, scale of the plan, and direction of magnetic north;
2. beginning and ending points of the proposed Town Way (s);
3. complete curve data, centerline gradients, and turning radii at intersections and termini of the proposed Town Way.
4. limits and location of any proposed sidewalks and curbing;
5. existing buildings and established landmarks placed in relation to the proposed Town Way(s);
6. dimensions (both linear and angular) necessary to locate subdivisions, lot easements, and building lines;
7. lots as laid out and numbered on the proposed Town Way, showing the names of all owners of abutting property;
8. all natural waterways on land contiguous to the road;

9. kind, size, location, profile, and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways;
10. location of any existing and proposed overhead and underground utilities, to include but not limited to the following:

- water supply
- sanitary sewer system
- street lights
- fire hydrants
- electric power line poles or underground vaults
- telephone line poles or underground vaults

- C. Subdivision Application – Subdivider shall submit to the Planning Board all information concerning proposed town Ways required in paragraphs A and B above as an integral part of their plot plan and application for subdivision approval as required by the Planning Board if the subdivision contains roads proposed as Town Ways.
- D. Review and Comment – The Board of Selectmen shall after receipt of the application and petition to lay out a road for acceptance as a Town Way notify the Planning Board for its review and written comment. Upon receiving notification, the Planning Board shall confirm in writing the classification of the proposed Town Way. The Planning Board, after receipt of an application for subdivision approval which includes proposed town Ways, shall notify the Board of Selectmen requesting their review and written comment.

## SECTION VII: ROAD DESIGN STANDARDS

All proposed Town Ways shall be designed and constructed to meet the design standards of this section and the minimum standards of MDOT. Any proposed arterial Town Ways or additions to the arterial Town Ways shall be designed to the Maine State specifications.

### A. Town Road Standards

	<u>Collector</u>	<u>Local</u>
Minimum right-of-way width	50'	50'
Minimum pavement width	24'	18'
Sidewalk width (when applicable)	5'	5'

The centerline of the road shall be the centerline of the right-of-way.

\*The Planning Board may reduce this requirement if space is unavailable.

### B. Design Specifications

Minimum grade	.5%
Maximum grade	10%
Minimum centerline radius	200'
Minimum tangent between curves of Reverse alignment	200'
Roadway crown	1/4" per foot
Minimum angle of street intersection	60 degrees
Maximum grade at intersection (within 50' of intersection)	3%
Minimum width of shoulders (each side)	3
Minimum sight distances	200'

Minimum radii of intersection	
Pavement width 24' or greater	30'
Pavement width less than 24'	15'

C. Dead –end Roads

Standards as listed under paragraph A shall be applicable to dead-end proposed Town Ways. In addition, they shall be constructed with either a turning circle or a hammerhead. A hammerhead may be used for road lengths up to 800'. A road longer than 800' must have a turning circle.

Turning Circle

Hammerhead

Outer edge of pavement	50' radius	Edge of hammerhead	60' across
Inner edge of pavement	30' radius	Edges of hammerhead	20' across

D. Grades, Intersections, and sight Distances

1. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining grade standards.
2. All changes in grade shall be connected by vertical curves so that clear visibility shall be provided for distances as specified in above standards.
3. Intersections of roads shall be at angles as close to 90 degrees as possible and in no case shall 2 roads intersect at an angle smaller than 60 degrees. To this end, where one road approaches another, between 60 – 90 degrees, the new road should be curved approaching the intersection.
4. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan, or at important traffic intersections. A minimum distance of at least 200 feet shall be maintained between center lines of offsetting intersecting roads.
5. Road intersections and cures shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow 25 foot sight lines between intersecting roads shall be cleared of all growth (except isolated trees) and obstructions above the level 3' higher than the center-line of the road. If directed, ground shall be excavated to achieve visibility.

E. Sidewalks (where installed)

1. Bituminous or concrete sidewalk
  - a. The aggregate sub-base course shall be 12" thickness.
  - b. The maximum size stone shall not be longer than 4".
  - c. The hot bituminous pavement surface shall be a 2" thickness, after compaction; the concrete paved surface shall be 4:.
2. Curbing shall be quarried granite stone, bituminous asphalt, or concrete, and shall be installed on a thoroughly compacted gravel base of 6" minimum. The Town prefers quarried granite.

F. Ditch Relief (cross drainage)

Culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Road Grade (Percent)	Spacing (Feet)
0 – 2	250
3 – 5	200-135
6 – 10	100 – 80
11 – 15	80 – 60
16 – 20	60 – 45
21 +	40

b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

SECTION VIII: ROAD CONSTRUCTION STANDARDS

A. Minimum Thickness of materials After Compaction

<u>Road Materials</u>	<u>Minimum Requirements</u>
Aggregate sub-base	18"
Crushed aggregate base course	3"
Hot bituminous pavement (after compaction)	
Thickness (total)	3/4"
Base course	1 1/4 "

B. Preparation

1. Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush and other objectionable material.
2. Tree stumps and other organic materials shall be removed to a depth of 2' below the sub-grade of the roadway. Rock and boulders, when encountered, shall be sacrificed to sub-grade. Soils which are designated as being not suitable for roadways by the Soils Map shall be removed from the road site to a depth of two feet below the sub-

grade, and shall be replaced where necessary with materials meeting the specifications for gravel sub-base.

3. All side slopes shall not be steeper than a slope of 3' horizontal to 1' vertical, graded, loamed, (3" compacted) and seeded according to the specifications of an erosion and sedimentation control plan.

#### C. Bases and Pavement

##### 1. Bases

- a. Aggregate sub-base shall not contain particles of rock exceeding 5" in any dimension.
- b. Aggregate base shall not contain particles of rock that will not pass the 2" square sieve.

##### 2. Pavement

- a. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even, vertical joint.
- b. Minimum standards for the base course of hot bituminous pavement shall meet the MDOT specifications for plant mix grade B with an aggregate size no more than ¾" maximum.
- c. Minimum standards for the surface course of hot bituminous pavement (grading C-1) shall meet the MDOT specifications of plant mix grade C with an aggregate six 1/1" maximum.

##### 3. Curbs and gutters

- a. Road curbs and gutters shall be installed as required by the Board of Selectmen.
- b. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board of Selectmen.

#### SECTION IX: STORM DRAINAGE DESIGN STANDARDS

A. Adequate provision shall be made for disposal of all storm water collected in roads and areas tributary to the road system and underground water through ditches, culverts, under-drain and/or storm water drainage systems.

1. All storm water systems shall be designed to meet the criteria of a twenty-five year storm based on rainfall data from weather bureau records at the reporting station closest to Southwest Harbor.
2. Appropriate conveyances for outlets to drainage systems must be provided.
3. The minimum pipe size for any storm drainage pipe shall be 15". The Road Foreman may at his discretion change the pipe size due to unusual circumstances. Maximum

trench width at the pipe crown shall be 2:1. Pipe shall be bedded in a fine granular material whenever possible.

- B. Upstream drainage shall be accommodated by an adequately sized system for existing conditions and future potential development in the upstream drainage area or areas tributary to the proposed Town Way. The adequacy of the proposed system(s) shall be determined by the Board of Selectmen or their authorized representative.
- C. Existing or future downstream drainage requirements shall be studied to determine the effect of proposed drainage. The applicant shall demonstrate to the satisfaction of the Town that the storm drainage will not, in any way, overload existing or future storm drainage systems downstream from the proposed road.
- D. Where open ditches, channels, streams, or natural drainage courses are used either to collect or discharge storm water, adequately sized perpetual easements shall be provided, and appropriate erosion control measures taken. No storm water will be permitted to drain across a road or across an intersection.
- E. Where subsurface soils are of the nature to require an under-drainage system, under-drains shall be installed to properly drain all springs or areas where the ground water level is too high and would cause a hazard to the stability of the roadway base.

#### SECTION X: STORM DRAINAGE CONSTRUCTION STANDARDS

- A. All materials utilized for storm drain construction shall be in conformity with State of Maine Specifications for Highways and Bridges, Revision 1968.
- B. General construction requirements:
  - 1. Trenching shall be accomplished in accordance with all appropriate state and federal safety requirements.
  - 2. Drain alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board of Selectmen.
  - 3. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. In straight runs, manholes shall be placed at a maximum of 400' intervals.
  - 4. Where necessary, drain outlets shall be terminated in an end wall of concrete construction, or shall be rip rapped to prevent erosion or other appropriate measures taken. Facilities for energy dissipation shall be provided where necessary.

#### SECTION XI: ADDITIONAL IMPROVEMENTS AND REQUIREMENTS

- A. Soils
  - 1. Grades or roads shall conform as closely as possible to the original topography. Where soils and ground water investigations reveal conditions which are marginal for road construction, or where soils are shown to be poor or very poor for road location on the Soils Map, the

2. Topsoil shall be considered to be a part of the development and as such shall not be removed from the site but should be used instead for final landscaping of the roadway.

B. Landscaping

1. Planted Strip Areas

- a. Base material shall be removed prior to replacement of topsoil – 3” of compacted topsoil (loam) free of stones over 1” in diameter, sods and clay.
  - b. Planted strips to be limed at the rate of 10 lbs/100 sq. ft. and fertilized at the rate of 2 lbs. of a 10-10-10 fertilizer/100sq. ft. or equivalent and seeded according to the specifications of the Hancock County soil Conservation Office.
2. When required by the board of Selectmen or their designated representative, trees shall be planted in the strip of all new roads.
- a. 40-60- intervals: birch, beech, linden, oak, pine, maple, and basswood
  - b. less than 50’ intervals: Hawthorn, flowering crabapple, etc.

C. Sight Vision

The line shall be unobstructed at intersections, for a distance of 5’ from the right-of-way.

D. Erosion Control

Procedures shall be undertaken, both during preparatory, construction and cleaning stages, to prevent soil erosion and water pollutions. A plan shall be prepared meeting the standards of the Hancock County Soil and Water District.

E. Clean-up

Following road construction, the developer and contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way.

F. Monuments

Monuments shall be set at all road corners and at angle points and angle points of curve in each road.

G. Road Name

Roads which form an extension to existing road of abutting or neighboring properties shall bear the same name. names of new roads shall not duplicate, n or bear phonetic resemblance to the names of existing roads within the Town and shall be subject to the approval of the Board of Selectmen.

## SECTION XII: PERFORMANCE BOND

At the time of the submission of the application, the applicant may be requested to submit a performance bond.

### SECTION XIII: VARIANCE AND WAIVER

- A. In its review of proposed roads, the Board of Selectmen may vary or waive those requirements herein which are unnecessary.
- B. Where extraordinary and unnecessary hardship may result, or due to special circumstances, those roads existing prior to the acceptance of this Ordinance may have certain requirements of this Ordinance varied and/or waived by the Board of Selectmen, subject to appropriate conditions.
- C. In granting variances and/or waivers, the Board of Selectmen shall require such conditions as will, in its judgment, secure substantially, the objectives of the requirements so varied or waived.

### SECTION XIV: APPEALS

Any person aggrieved by a decision of the Board of Selectmen or pursuant to the Ordinance may file an appeal to the Board of Appeals within 30 days of a written notice of denial.

### SECTION XV: SEVERABILITY

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

### SECTION XVI: REPEAL

- A. All provisions of prior ordinances of the Town that are inconsistent with this Ordinance are hereby repealed; however, nothing in this Ordinance shall be construed to prevent the application of more stringent standards in the design or construction of roads or the use of improved methods or higher quality materials. The determination of the acceptability of other standards, methods, or materials shall be made by the Board of Selectmen.
- B. This Road Design Ordinance hereby makes void the “STREET DESIGN AND CONSTRUCTION STANDARDS ORDINANCE FOR THE TOWN OF SOUTHWEST HARBOR”, effective July 1, 1985.