

March 20, 2004

Annual Town Meeting

Article 54; To see if the Inhabitants of the Town will vote to amend page 13 of the Road Ordinance which was enacted November 08, 1993, under heading of B. DRAINAGE: Paragraph 4; sentence 2 to read "Driveway culverts shall be a minimum of 12" in diameter." AND sentence 4 to read "Reinforced concrete pipe and plastic (ADS) pipe may be substituted for corrugated metal pipe (CMP)." AND to adjust the accompanying graph.

On a motion by Roger W. Huff, seconded by Luke Goodblood, sentence #2 under B. DRAINAGE, paragraph #4 will read - "Driveway culverts shall be a minimum of 15" in diameter." AND sentence #4 be accepted as presented, AND to adjust the accompanying graph.

Accepted as presented. Majority hand vote.

Burnham Road Ordinance Amendment

Annual Town Meeting

March 20, 2004

Article 54.

Attest a true copy,

Cassini Mitchell, Town Clerk

erosion and sedimentation control plan shall be prepared in accordance with Best Management Practices of the *Maine Erosion and Sedimentation Control Handbook for Construction*, Cumberland County Soil and Water Conservation District, March 1991.

B. Drainage:

1. The applicant shall submit evidence demonstrating that the drainage system has sufficient capacity to handle the storm events specified below:

Driveway Culvert: 10-year flood

Roadway Cross-Culvert: 50-year flood, with impacts of 100-year flood checked

Closed System: 10-year, 5 minute duration

Open Channel: 50-year flood

Where necessary, the applicant shall employ the use of stormwater detention systems to maintain natural or existing stormwater runoff rates. Calculations and designs shall be performed by professionals experienced in hydrology and storm water management.

2. Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches shall be properly stabilized so that the potential for unreasonable erosion does not exist. The lining of drainage ditches will be based on the maximum gradient of the channel or ditch and flow velocity. Ditch lining will be designed in accordance with Best Management Practices of the *Maine Erosion and Sedimentation Control Handbook for Construction*, Cumberland County Soil and Water Conservation District, March 1991.

Storm drainage pipes shall conform to the requirements of MDOT materials specifications, Section 706 for non-metallic pipe and Section 707 for metallic pipe. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with at least a fifty year life shall be used.

4. Culvert sizes shall be determined on the basis of estimated runoff from the total areas served. Driveway culverts shall be a minimum of 15" in diameter. Cross culverts shall be a minimum of 10" in diameter and meet the requirements in the table below. Reinforced concrete pipe may be substituted for corrugated metal pipe (CMP).

Inside Diameter	Galvanized CMP	Aluminum Coated CMP or Polymer Coated CMP	Corrugated Aluminum Alloy Pipe
15"	14 ga.	16 ga.	14 ga.
18", 21", 24"	12 ga.	16 ga.	14 ga.
27", 30", 33"	12 ga.	16 ga.	12 ga.
36"	12 ga.	16 ga.	14 ga.
42"	10 ga.	12 ga.	12 ga.
48"	10 ga.	12 ga.	12 ga.
54"	8 ga.	10 ga.	12 ga.
60"	8 ga.	10 ga.	12 ga.

"BURNHAM ROAD ORDINANCE"

Town of Burnham, Maine

Enacted November 8, 1993

Special Town Meeting

Certified by Candace Mitchell
Name

Town Clerk
Title



Affix seal

BURNHAM ROAD ORDINANCE

Enacted at Town Meeting of November 8, 1993

SECTION 1. TITLE

This Ordinance shall be known and cited as the Burnham Road Ordinance and will be herein after referred to as "this Ordinance".

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to and is consistent with the following: the enabling provisions of Article VIII, part 2, §1 of the Maine Constitution and Title 30-A MRSA §3001 ("Home Rule" Authority), Title 30-A MRSA §4311 et seq. (Comprehensive Planning and Land Use Regulation, or "Growth Management" Act), Title 30-A MRSA §4401 et seq. (Subdivision Law), Title 23 MRSA §3025 (Dedication and Acceptance), Title 23 MRSA §704 (Driveway Permit Authority), Title 23 MRSA §3253 (Ditches and Culverts) and the Town of Burnham Comprehensive Plan (adopted 9/12/92; amended 5/19/93).

SECTION 3. PURPOSE

The construction of roads can have a major effect upon safety, municipal services, and the environment of the Town. The design and construction of roads may also affect erosion and water quality, the severity of periodic flooding, fire protection, housing affordability, safety conditions, traffic congestion, the visual character of the Town, the future use of surrounding land, and maintenance requirements.

Burnham's tax burden is high. In order to protect existing taxpayers from an unreasonable increase in new road maintenance costs, roads that may be eventually accepted by the Town must be well-built. The standards in this Ordinance are designed to ensure that roads to be offered for Town acceptance are well constructed.

Burnham does not wish to discourage the building of roads and is sensitive to the costs involved. Roads provide valuable access to back land and reduce the development pressure on existing road frontage. The Town, wishing to keep regulation to a minimum and respect individual choice and privacy, is not proposing construction standards for private roads. The Town does, however, have two major public interests in the location and design of public road access points, including driveways: traffic safety and road drainage. As such, this Ordinance contains a Road Access Permit System to ensure safety for the traveling public and proper culvert installation along public roads.

All proposed roads, both public and private, will be required to demonstrate that there are adequate provisions for erosion control and stormwater management to prevent damage to surrounding properties and water bodies. Roads proposed as part of subdivisions will also be reviewed for potential traffic impact, as required by State statute.

It is the purpose of this Ordinance to promote the health, safety and general welfare of Burnham residents by (a) setting standards for the design and construction of public roads, (b) prohibiting the creation of unsafe access points to public roads, (c) minimizing environmental disturbances caused by road construction, and (d) ensuring that purchasers of lots served by private roads understand that the Town will not be responsible for maintaining those roads.

SECTION 4. APPLICABILITY

The appropriate provisions of the Ordinance apply to all construction, reconstruction, alteration, widening or lengthening of any road or bridge within the Town of Burnham begun on or after November 8, 1993 and to any driveway connection or culvert placement along a public road on or after that date. No such construction may begin without issuance of either a Road Access Permit from the Road Commissioner and/ or Road Construction permit from the Planning Board. No culvert may be installed to service a permanent driveway accessing a public road by other than the Road Commissioner or designee.

Note: Access to and culvert placements along private roads are not regulated under this Ordinance. See Burnham Road Inventory in Appendix A for road classifications.

The Board of Selectmen shall not lay out or propose for Town acceptance any road that has not received a Certificate of Compliance with the provisions of this Ordinance. This applies to new roads, existing private or discontinued roads and extensions to existing roads.

Logging roads, and woodlot entrances, and other such off-road corridors that access a public road must comply with Section 5.C. of the Ordinance. If a culvert is required, the procedure outlined in Section 12.A. applies.

The provisions of this Ordinance shall serve as a guide to, but shall not be binding upon, any State, county, or municipal body or authority, which may lay out, alter, widen or improve any public way or bridge in accordance with applicable statutes.

Nothing in this Ordinance shall be construed to prevent the design and construction of roads that meet higher standards, use improved methods, or employ higher construction materials than those required herein.

SECTION 5. ADMINISTRATION AND FEES

The Road Commissioner shall administer the permitting portions of this Ordinance related to driveways and culverts. The Road Commissioner and Planning Board shall jointly administer the permitting portions of this Ordinance related to roads and bridges. The Code Enforcement Officer shall administer all of the enforcement for this Ordinance. The Administrative Assistant shall be responsible for accepting applications and fees and mailing out permits. The Selectmen shall act for the Road Commissioner or the Code Enforcement Officer in the case of a vacancy or unavailability of over 2 weeks from the filing of an application.

A. Driveways and Culverts:

Any person wishing to develop a driveway from a public road (including State and State-aid roads) must first obtain a Road Access permit from the Road Commissioner, beginning with contacting the Town Office for an application form and the Road Commissioner for a site visit appointment. During the site visit, the Road Commissioner will evaluate the request to determine culvert needs and compliance with the sight distance requirements of this Ordinance. The Road Commissioner shall record his or her findings on the application form and issue the permit if all provisions of this Ordinance are met. The Road Commissioner will deliver the application and permit to the Administrative Assistant, who shall mail a copy of the permit to the applicant and file the original. No permit shall be issued until any applicable fees are paid to the Administrative Assistant. *Note: Any person wishing to develop a driveway from the Troy Road, the Lower Horseback Road or Routes 11 & 100 must obtain a Driveway Entrance Permit from the Maine Department of Transportation (MDOT).*

B. Roads and Bridges:

Prior to the start of construction, reconstruction, alterations, widening or lengthening of any road or bridge, an application shall be submitted to the Burnham Planning Board accompanied by a fee of \$100.00. Additional fees may be charged if the Board requires assistance of a professional engineer or other expert. The costs of technical assistance to the Board shall be paid in full by the applicant, as outlined in Section 7. No expertise shall be hired at the expense of the applicant until the applicant has either consented in writing or been given an opportunity to be heard on the subject.

If the road being reviewed is an element of a subdivision application, then the Board may waive the application fee. Fees charged are designed to cover the costs incurred in the Planning Board review.

C. TEMPORARY ROADS AND DRIVEWAYS; FARM AND OFF-ROAD VEHICLE ACCESSWAYS:

A person wishing to build a temporary logging road, a field or woodlot entrance, or other such off-road corridor that accesses a public road must receive a Road Access Permit from the Road Commissioner. The Road Commissioner shall examine the road access site and determine whether or not a culvert is required. Accessways meeting the above useage classifications, with or without a culvert, may be approved by the Road Commissioner without a fee. The Road Commissioner shall grant the permit if the integrity of the public road drainage system will be maintained and the proposed accessway will not create an obviously hazardous intersection.

The Road Commissioner, in consultation with the applicant, shall determine whether the planned usage qualifies for a temporary classification. If the Road Commissioner does not feel that the road will be temporary as defined in Section 20 of this Ordinance, he or she will make a sight distance determination and review the application for a regular Road Access permit. Culverts for temporary roads may be provided and installed by the user, under the supervision of the Road Commissioner. They may be removed at the end of use, with the drainageway to be restored to its pre-road use, as determined by the Road Commissioner.

At the end of the twelve-month usage period, the Town Office shall send the applicant a reminder of the expiration date of the permit. If the applicant has not completed needed usage of the accessway, he or she may apply for up to a 90-day extension from the Road Commissioner. The Road Commissioner may grant such a request if the applicant can show good cause (e.g. weather constraints during the permit period). Usage beyond this period will be presumed to require the issuance of an regular Road Access Permit. If the applicant disagrees with the determination of the Road Commissioner, he or she may appeal the decision to or request a variance from the Board of Appeals.

SECTION 6. APPLICATION REQUIREMENTS

A. Driveway:

The application from will indicate all needed data, including applicant name and proof of land ownership, tax map/lot number, driveway use (e.g. residence, business), number of principal structures or lots served, expected driveway length, estimated traffic type (e.g. car, truck) and average number of vehicle trips per day, proposed location in distance from side property lines at road right-of-way line, and findings from the Road Commissioner regarding size/length of culvert required and compliance with the sight distance standards in this Ordinance.

B. Private Road:

The applicant shall provide all information required for a driveway under Section 6.A. above plus the following:

- a. The proposed name of the road.
- b. A statement of any legal encumbrances on the land upon which the proposed road is located.
- c. The person who will legally own the road and right-of-way after construction and how this will be legally recorded.
- d. A map of the property with the proposed road and right-of-way drawn to scale. The distance between the proposed right-of-way and property lines should be indicated as accurately as possible.
- e. A description of and map showing any related creation of new lots.
- f. A description of erosion and sedimentation control measures to be employed during and following construction.
- g. A description of stormwater management and drainageway provisions.
- h. Certification of intent to include a statement such as the following in the deed covenant attached to any lot accessed by the proposed road: "This road shall be privately owned and maintained by the owners of (insert Town property map identification). If emergency services are to be delivered, it shall be the responsibility of the owners to maintain the road in condition accessible by emergency vehicles."

C. Bridge:

Plans for any bridge shall be prepared by a Maine Registered Professional Engineer. If there is any doubt as to the adequacy of the design or materials proposed, the Board may hire expertise at the applicant's expense to offer a consulting opinion.

Stream crossings must meet the appropriate State and federal requirements administered by the Maine Department of Environmental Protection and the Army Corps of Engineers.

D. Road to be offered to Town:

For a road that is to be offered to the Town for acceptance, the applicant shall provide two copies of the following information to the Town Office staff during normal business hours at least seven (7) days prior to the Board meeting at which its consideration is desired, together with the fee of \$100 described in Section 5.

1. General Information:

- a. The name(s) of the applicant(s).
- b. The name(s) of the owner(s) of record of the land upon which the proposed road is located.
- c. A statement of any legal encumbrances on the land upon which the proposed road is located.
- d. Information regarding the current status of the road, if any, and whether or not the road will be dedicated as a public road.
- e. The anticipated starting and completion dates of each phase of road construction.
- f. A statement indicating the nature and volume of traffic expressed in average daily traffic (ADT) expected to use the proposed road.
- g. A description of erosion and sedimentation control measures to be employed during and following construction.
- h. The proposed name of the road.

- i. Type and amount of performance guarantee proposed to satisfy requirements of Section 6.D.3.
- j. Certification of intent to include a statement such as the following in the deed covenant attached to any lot accessed by the proposed road:
"This road shall be privately owned and maintained by the owners of lots (*insert Town property map identification*) until the road has been determined to meet the standards of the Burnham Road Ordinance and the voters of the Town of Burnham have voted to accept it as a Town way."
- k. Any other relevant narrative information available to supplement the application produced on 8-1/2"x11" paper.

2. Graphical Plan Data:

- a. The scale of the plan. All road plans and profile drawings shall be drawn to within the range of 1"=20'-50' horizontal and 1"=5'-10' vertical. Cross-sections shall be at an appropriate scale for readability.
- b. The direction of magnetic north.
- c. The starting and ending point of proposed roads, including relation to established roads and any potential extensions. (All terminal points and the centerline alignment shall be identified by survey stationing.)
- d. The proposed roadway and right-of-way limits, including relation to existing structures and established landmarks within 100' of the centerline of the proposed road.
- e. The names of each new proposed road.
- f. Dimensions, both lineal and angular, necessary for locating boundaries, subdivisions, lots and easements, as well as location of placement of boundary and survey monuments.
- g. The lots as laid out and numbered prior to and following construction, showing the names and addresses of the owners of all abutting property.
- h. All natural waterways and watercourses in or on land contiguous to the proposed roadway.
- i. The kind, size, location, profile and cross section of all existing and proposed drainage structures and their relationship to the existing natural waterways.
- j. Illustration of soil sedimentation and erosion control plan showing temporary and permanent control measures.
- k. Curve data for all vertical and horizontal curves, including centerline radius, arc length, and points of curvature.
- l. All centerline gradients.
- m. All curve and property line radii of intersections.
- n. The limits, location and design of any proposed sidewalks and/or curbing.
- o. The location of each existing and/or proposed driveway connecting with the proposed road.
- p. The location and size of all existing and proposed overhead and underground utilities.
- q. A statement such as the following on the plot plan: "This road shall be privately owned and maintained by the owners of lots (*insert Town property map identification*) until the road has been determined to meet the standards of the Burnham Road Ordinance and the voters of the Town of Burnham have voted to accept it as a Town way."

3. Performance Guarantee:

With submittal of the Road Construction Permit application for a road to be offered to the Town, the applicant shall 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. The guarantee will contain a construction schedule, cost estimates for each phase of construction taking into account inflation, provisions for inspections of each phase of construction, provision for release and part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction. The conditions and amount of performance guarantee shall be determined by the Planning Board with the advice of the Road Commissioner and Board of Selectmen.

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. For any account opened by the developer, the municipality shall be named 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 except for any portion of the interest earned which was needed, in addition to the principal of the escrow account, to pay for completion of the required improvements.

b. A performance bond payable to the town issued by a surety company and approved by the Board of Selectmen. Such 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 municipality. The bond documents must specifically reference the project for which approval is sought.

c. An irrevocable letter of credit from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate. The letter should indicate that funds have been set aside for construction of the road in question and that funds may not be used for any other project or loan.

d. A conditional agreement with the Town endorsed in writing that no lot in the subdivision may be sold and that no permit may be issued by a Town official for any type of land use activity on a lot accessed by the road in question until a Certificate of Compliance is issued by the Planning Board.

SECTION 7. REVIEW PROCEDURE

A. Road Access Permit for Road:

Upon finding by the Road Commissioner that the sight distance requirements have been met, the Planning Board will issue a Road Access Permit. Before construction may begin on a road, however, a Road Construction Permit must also be awarded.

If the sight distance requirements have not been met, the Road Commissioner shall attend the meeting and discuss his or her findings with the Board. Obstacles to achieving the required sight distance and options for addressing the shortcomings will be examined. If necessary, the Planning Board will schedule a site visit to evaluate the hazards that would be created by granting the permit, considering the degree of use of the driveway or road. In this case the permit may be granted at the site visit. If necessary, the Board may make a final decision at its next regular meeting.

B. Road or Bridge Construction Permit:

The Planning Board, upon receipt of a road application, shall notify in writing the Selectmen, Road Commissioner, Fire Chief, and all property owners within 1,000 feet of the boundaries of the proposed road. The notice will also be posted at the Municipal Building. Said written notice shall briefly describe the proposed road, state where the application may be inspected, announce the date, time and place the Planning Board will begin its review of the application, and give notice that requests for a public hearing must be filed in writing to the Planning Board within ten (10) days of the date of the notice. At or before its next meeting, the Planning Board shall decide, at its discretion, whether or not to hold a public hearing on the application.

The Road Commissioner and Fire Chief shall inspect the plans, visit the site, and offer their comments either in writing or verbally at the Planning Board review meeting (or public hearing if one is scheduled), which both shall attend. The Road Commissioner will advise the Board on all aspects of the application, including but not limited to any area in which the standards within this Ordinance are not likely to be met, or may be adequate for the situation. The Fire Chief will specifically comment on the adequacy of the road for emergency services.

If, during review of the application, the Planning Board feels that it needs to have the benefit of professional assistance to verify drainage calculations or conducts other analysis necessary to assist the Board in determining whether the applicant has complied with the requirements of this Ordinance, the Board will discuss this need with the applicant, make a cost estimate, and obtain written agreement to accept the bill for the work. The Board will confer with the Board of Selectmen to contract for the work with a firm of the Town's choosing. The application may be tabled while the professional analysis is being completed. If the applicant so requests, the Board will consider the ability of the contractor to deliver a rapid response in its selection process. The application review will be continued as soon as the hired information is available. A decision on the application will be made within 90 days of receipt of all necessary information. The Town will hire and pay for the professional assistance and bill the applicant for the same amount. No construction may commence until any such bill has been paid by the applicant.

SECTION 8. CONDITIONS FOR PERMIT APPROVAL

A. Road Access Permit

Upon finding by the Road Commissioner that the site distance requirements have been met, the Road Commissioner (in the case of a driveway) or the Planning Board (in the case of a road) will issue a Road Access Permit.

In the case that the required sight distance cannot be met, if the Road Commissioner or said Board, as appropriate, finds that locating the driveway or road at the safest possible point with all reasonable efforts made to maximize sight distance provides a reasonably safe access, the Road Commissioner or Planning Board may grant the Road Access Permit by special exception, noting relevant findings.

If the Road Commissioner or Planning Board finds that granting the permit would create a hazard for the traveling public, however, he/she/it may deny the permit even if there is no alternative for vehicular access to the parcel. In such cases, the applicant is advised to approach owners of neighboring parcels to identify willingness to sell land or grant an easement for access to the applicant's parcel.

If the applicant is unsuccessful in finding alternate access, he or she may appeal the decision or request a variance from the Board of Appeals, as outlined in Section 17.

B. Private Road Construction Permit:

The Planning Board will review the application, including evidence, that the applicant has the legal right to construct the road on the property proposed. The Board must find that adequate erosion control and stormwater management elements will be employed. The standards in Section 11 of this Ordinance shall be deemed to be adequate compliance. The Road Construction Permit may be issued, with the effective date set for when the applicant return copies of certified deed covenants to the Town Office containing establishment of the right-of-way and the statement committing lot owners to road maintenance as worded in Section 6.8. Proof must be shown that deed language has been attached for each lot to be accessed by the proposed road. Upon receipt of this information, the Town Office staff shall certify the effective date of the permit. If a Road Access Permit has also been obtained, and the road is not part of a proposed subdivision, construction may begin. If the road is part of a subdivision, construction may not begin until the subdivision is approved. Any bill owed for the Town's professional assistance must be paid prior to final Road Construction Permit approval.

C. Bridge Construction Permit:

The Planning Board will review the application and engineered plans. All relevant portions of the review standards of this Ordinance will be applied, including plans for erosion control. Applicants will have to demonstrate that they have obtained the appropriate State and/or federal permits, if applicable. If the Board is not satisfied with the bridge design, the engineer that designed it may be required to come to a Board meeting and answer questions. If the Board feels the need for its own technical advice, it may hire it with the applicant approval at applicants expense, as outlined in Section 7. Once satisfied that the bridge will be safely designed, the Board will issue a Construction Permit.

D. Public Road Construction Permit:

The Planning Board will review the application, taking all comments into consideration. If the proposed road is planned to meet the appropriate design and construction standards within Sections 9, 10, and 11 of this Ordinance, the Planning Board will issue a construction permit. The following procedures apply during and after issuance of a construction permit for roads to be offered for Town acceptance:

1. Inspection: The permit will indicate when the Road Commissioner or designee is to be contacted to inspect the work. Normally inspection shall be done at the following intervals:

1. Prior to the clearing of the right-of-way;
2. After excavation for the subbase and prior to installment of the subbase;
3. After installation of subbase and prior to the placement of the base course;
4. After installation of the base course and prior to installation of the finish course; and
5. After installation of the finish course.

2. Modification During Construction: If, at any time before or during the construction of the road, the applicant finds that modifications are necessary or preferable in the location or design of the road, the applicant shall contact the Road Commissioner and request approval for the change. The Road Commissioner will review the request and may approve minor changes that do not conflict with the requirements of this Ordinance. A written report describing any change must be presented by the Road Commissioner to the Planning Board at its next regular meeting. Any sub-substantial change will have to be approved by the

Planning Board. If an applicant does not wish to wait for the next regular meeting he or she may request that the Board hold an emergency meeting to hear the request. The applicant will bear the cost of such a meeting.

3. Noncompliance with Plan: If it is found upon inspection that the road has not been or is not being constructed in accordance with the approved plans and specifications, the inspector shall so report to the Board. The Board shall contact the applicant, and, if necessary, the bonding company, and shall take all steps to preserve the rights of the municipality under the guarantee, security, or bond. In addition, the Code Enforcement Officer may initiate legal proceedings as outlined in Section 14.

4. Certificate of Compliance: Once a road is completed, the applicant shall submit a written certification signed by a Professional Engineer registered in the State of Maine stating that the road as built meets or exceeds the design and construction requirements of this Ordinance.

If the Planning Board finds that the road meets the standards within this Ordinance, it shall issue a Certificate of Compliance, which releases the performance guarantee to the applicant. In the case of a subdivision, it is the applicant's responsibility to have the Certificate recorded at the Registry of Deeds as an attachment to the deed of each lot to clear the way for construction permits.

5. Town Acceptance: The approval of the Planning Board of a proposed road shall not be deemed to constitute or be evidence of any acceptance by the municipality of the road. Final acceptance by the municipality of a proposed public way shall be an affirmative vote at a town meeting, as outlined in Section 13.

SECTION 9. DESIGN REQUIREMENTS

A. Applicability: Roads to be offered to the Town for acceptance must meet the Design Requirements in this section. Driveways and roads to remain privately owned must meet the requirements for intersection sight distance. Private roads must also meet the Road Names and Signs, Right-of-Way, and Emergency Vehicle Turnaround.

B. Intersection Site Distance: When a driveway or road accesses an existing public road, the intersection shall be designed in profile and grading and be located to provide the required sight distance measured in each direction. Sight distances shall be measured from where the driver's seat of a vehicle would be situated twenty feet from the edge of the shoulder, with the height of the eye at 3 1/2 feet, to the top of an object at 4 1/2 feet above the pavement. A minimum sight distance of ten feet for every mile per hour of posted speed limit (e.g. 500 feet for 50 m.p.h.) is normally required.

If, due to unique circumstances of the land and existing conditions, this standard cannot be achieved, the applicant may request that the Road Commissioner or Board grant a special exception. The Road Commissioner or Board may issue a special exception permit if it finds that all of the following conditions are met: (1) that the intersection is designed in the safest possible manner; (2) that the road serves no more than ten primary structures; (3) that granting the permit will not result in the creation of a hazardous intersection. The Road Commissioner or Board may also, with the approval of the municipal officers, submit a request to MDOT to lower the speed limit along the main road if this seems to be the best solution to the problem.

C. Stopping Sight Distance: All changes in grade on the proposed road shall be connected by vertical curves such that the following stopping sight distance is achieved in relation to design speed: (design speed minus 10 in mph) times ten feet (e.g. 40 mph design speed minus 10 mph = 30 x 10 = 300 feet). Stopping sight distance shall be calculated with a height of eye at 3-1/2 feet and the height of object at 1/2 foot.

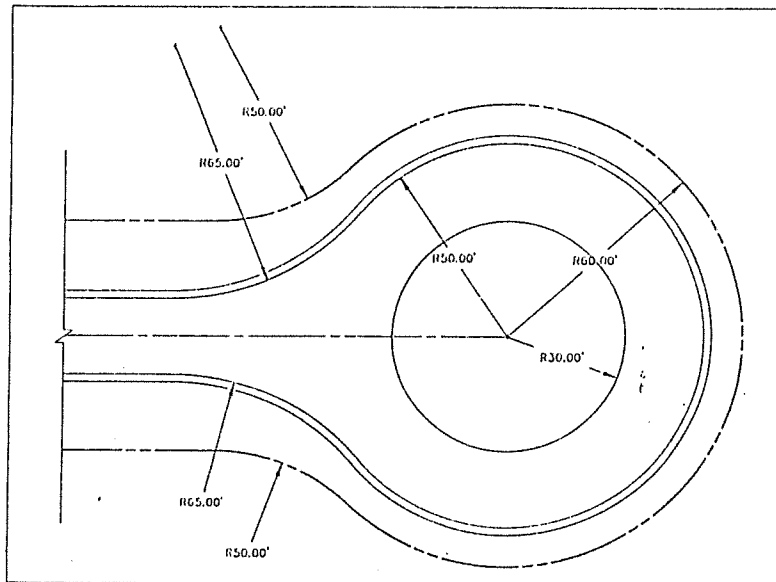
D. Road Names and Signs: Proposed road names shall be approved by the Planning Board and shall not be easily confused by spelling or phonetics with existing roads in Burnham. Roads that are extensions of existing roads will maintain the same name. The Planning Board may require the installation of safety and/or road name signs; the applicant will reimburse the Town for sign costs.

E. Dimensional Standards for Public Roads:

- Minimum Right-of-Way Width: 50'
- Minimum Travel Surface Width: 20'
- Minimum Grade: .5%
- Maximum Grade: 10%; 3% within 75' of intersections
- Minimum Angle at Intersection: 60 degrees (as close to 90 deg. as feasible)
- Minimum Shoulder Width: 4'
- Minimum Road Crown: 1/4" per foot paved; 1/2" per foot gravel
- Minimum Property Line Radii at Intersection: 10'

F. Right-of-Way: The minimum right-of-way width shall be 50 feet, marked with permanent monuments furnished by the applicant. The roadway section will be in the middle of the right-of-way.

G. Dead-End Roads: Dead-end roads must have a cul-de-sac or turn-around sufficient for fire trucks and school buses (see diagram below). The following are sufficient radii: property line = 60'; outer edge of travel surface = 50'; inner edge of travel surface = 30'. A stand of trees may be maintained within the center of a cul-de-sac. The Board may require the reservation of up to a fifty foot easement in line with the road to provide continuation where future subdivision is possible. A lesser easement may be required to provide access for pedestrian traffic or utility continuation if appropriate.



Sample Cul-de-sac Design

H. Emergency Vehicle Turnaround: A flat, maintained and plowed turnaround for fire trucks and school buses must be available at any point more than one mile from an intersection or other turning opportunity. The Fire Chief, upon finding an adequate existing turnaround location, may grant a waiver from this requirement.

I. Industrial and Commercial Driveways and Access Roads: Industrial and commercial establishments with truck traffic shall design roads of sufficient width, turning radius and sight distance to accommodate anticipated traffic without interfering with through traffic. MDOT standards outlined in the *Highway Design Guide* (September 1990 or revisions thereof) will be used to evaluate sufficiency. Any turning lanes or other improvements required on the existing intersecting road will be built to MDOT *Highway Design Guide* standards at the expense of the applicant.

SECTION 10. CONSTRUCTION STANDARDS

A. Minimum Material Thickness after Compaction:

Aggregate sub-base course (maximum stone size of 6"):
with no base: 18"
with base course: 15"

Crushed aggregate base course (if necessary): 3"

Hot bituminous pavement surface course:

Total thickness: 3"

Surface course: 1-1/4" "C" Mix (see MDOT Specification 703.09)

Base course: 1-3/4" "B" Mix (see MDOT Specification 703.09)

B. Preparation:

1. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
2. Before grading is started, the area within the right-of-way necessary for construction of the traveled way, shoulders, drainage ways, and utilities shall be cleared of all stumps, roots, brush and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
3. All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the Waldo County Soil Conservation Service as not suitable for roadways, either the subsoil shall be removed from the road site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base, or a MDOT approved stabilization geotextile may be used.
4. Except in a ledge cut, crossing of a stream or wetland, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope of no steeper than four feet vertical to one foot horizontal is permitted.

C. Base Material:

1. The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. Aggregate for the sub-base shall contain no particles of rock exceeding six inches in either dimension. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements for MDOT Type "D" Aggregate (See MDOT Specification 703.06):

<u>Sieve Designation</u>	<u>% by weight passing square mesh sieve</u>
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-07%

2. If the aggregate sub-base course is found to be not fine-gradeable because of larger stones, then a minimum of three inches of aggregate base course shall be placed on top of the sub-base course. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. Aggregate for the base shall contain no particles of rock exceeding two inches in either dimension. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following requirements for MDOT Type "A" Aggregate (See MDOT Specification 703.06):

<u>Sieve Designation</u>	<u>% by weight passing square mesh sieve</u>
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-05%

D. Pavement: Pavement is required for the travel width of any road that is to be offered for Town acceptance.

1. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade 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 unreasonably wet.
2. Minimum standards for the surface binder of pavement shall be the MDOT specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum 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.
3. Where pavement joins existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even vertical joint.

SECTION 11. EROSION CONTROL AND DRAINAGE

A. Erosion and Sedimentation Control:

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

erosion and sedimentation control plan shall be prepared in accordance with Best Management Practices of the *Maine Erosion and Sedimentation Control Handbook for Construction*, Cumberland County Soil and Water Conservation District, March 1991.

B. Drainage:

1. The applicant shall submit evidence demonstrating that the drainage system has sufficient capacity to handle the storm events specified below:

Driveway Culvert: 10-year flood
 Roadway Cross-Culvert: 50-year flood, with impacts of 100-year flood checked
 Closed System: 10-year, 5 minute duration
 Open Channel: 50-year flood

Where necessary, the applicant shall employ the use of stormwater detention systems to maintain natural or existing stormwater runoff rates. Calculations and designs shall be performed by professionals experienced in hydrology and storm water management.

2. Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches shall be properly stabilized so that the potential for unreasonable erosion does not exist. The lining of drainage ditches will be based on the maximum gradient of the channel or ditch and flow velocity. Ditch lining will be designed in accordance with Best Management Practices of the *Maine Erosion and Sedimentation Control Handbook for Construction*, Cumberland County Soil and Water Conservation District, March 1991.
3. Storm drainage pipes shall conform to the requirements of MDOT materials specifications, Section 706 for non-metallic pipe and Section 707 for metallic pipe. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with at least a fifty year life shall be used.
4. Culvert sizes shall be determined on the basis of estimated runoff from the total areas served. Driveway culverts shall be a minimum of 15" in diameter. Cross culverts shall be a minimum of 18" in diameter and meet the requirements in the table below. Reinforced concrete pipe may be substituted for corrugated metal pipe (CMP).

Inside Diameter	Galvanized CMP	Aluminum Coated CMP or Polymer Coated CMP	Corrugated Aluminum Alloy Pipe
15"	14 ga.	16 ga.	14 ga.
18", 21", 24"	12 ga.	16 ga.	14 ga.
27", 30", 33"	12 ga.	16 ga.	12 ga.
36"	12 ga.	16 ga.	14 ga.
42"	10 ga.	12 ga.	12 ga.
48"	10 ga.	12 ga.	12 ga.
54"	8 ga.	10 ga.	12 ga.
60"	8 ga.	10 ga.	12 ga.

SECTION 12. CULVERT INSTALLATION

A. Driveways:

Regarding Town payment for driveway culvert installation, the Town Office staff will research to ensure that this is the first installation on that parcel. If this is the first culvert, the applicant will buy the culvert from the Town or another supplier at the specifications of the Road Commissioner. The Town will conduct and pay for the installation, including gravel and machine work. If the Town has already paid for an earlier culvert installation, the applicant will have to pay installation costs. All payments due the Town must be made prior to installation. The Town will pay the cost of both purchase and installation of replacement culverts.

B. Roads:

The road developer shall be responsible for installing and paying the costs of culvert installation. Specifications for materials shall meet those outlined in Section 11 of this Ordinance. Installation shall be performed according to instructions of the Road Commissioner, based upon site evaluation.

SECTION 13. TOWN ACCEPTANCE PROCEDURES

A person wishing to dedicate a road to the Town for acceptance must first obtain a Certificate of Compliance with the standards of this Ordinance from the Planning Board. The procedure is otherwise as directed in Title 23 MRS 3025. The person must file with the Board of Selectmen a written petition, agreement, deed, affidavit or other writing describing the property that the owner intends to dedicate to the municipality for highway purposes, and stating that the owner waives any claim for damages. If within a subdivision, the dedication must be recorded on the filed plan with the Registry of Deeds. The letter must indicate whether the dedication is for a full title or a public easement. After receiving a public dedication for a road that has been issued a Certificate of Compliance, the Selectmen shall prepare an appropriate warrant article for a town meeting asking whether the Town wishes to accept the dedication.

The Selectmen may also initiate a purchase and acceptance of a road it wishes to lay out as a town way, requiring the authorization of funds in addition to the acceptance at a town meeting.

SECTION 14. PRIVATE ROAD SERVICES

The Town cannot legally maintain private roads. Town services should not be expected to be delivered to homes and businesses situated on private roads. In the case of emergencies (fire, police, ambulance), service will be attempted but is dependent upon road condition and maintenance. Residents located on private roads are advised to maintain roads in passable condition for emergency vehicles; the Fire Chief may be contacted for advice on this subject. School bus pick-up is determined at the discretion of School Administrative District (SAD) #53.

SECTION 15. SEVERABILITY AND CONFLICT RESOLUTION

If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

SECTION 16. ENFORCEMENT AND PENALTIES

The Burnham Board of Selectmen and/or the Code Enforcement Officer shall enforce this Ordinance. Upon finding that any provision of this Ordinance or any condition of approval issued under this Ordinance is being violated, the Board of Selectmen and/or Code Enforcement Officer is/are authorized to institute legal or equitable proceedings to prevent further violations of this Ordinance.

Any person who violates the provisions of this Ordinance or the conditions of approval is liable for the penalties set forth in Title 30-A M.R.S.A. sec. 4452.

SECTION 17. APPEALS

An appeal may be taken or variance applied for within 90 days of the permit decision on the application of any party to the Board of Appeals. The Board of Appeals shall affirm the decision if it finds that proper procedures were followed and that provisions of this Ordinance were met. It shall reverse, modify or remand the appeal if it finds that the decision was clearly contrary to the Ordinance, if it finds that the decision was clearly contrary to the Ordinance, that due process was not followed, that the decision was unsupported by substantial evidence in the record, or that the decision was arbitrary and capricious. Minor flaws in process shall not be grounds for remanding the decision unless substantial harm can be demonstrated by the applicant. The Board of Appeals must rule within 60 days following receipt of the appeal.

SECTION 18. AMENDMENTS

This Ordinance may be amended by a majority vote of the legislative body. Amendments may be initiated by a majority vote of the Board of Selectmen or by request of the planning Board to the Board of Selectmen or upon petition of a number of registered voters equal to ten percent (10%) of the votes cast in the last gubernatorial election in Burnham. The Planning Board shall conduct a public hearing on any proposed amendment.

SECTION 19. EFFECTIVE DATE

The effective date of this Ordinance is November 8, 1993, the date of its enactment by the town.

SECTION 20. DEFINITIONS

Abutter - the owner of any property with one or more common boundaries, or directly across the road or stream from, the property involved in an application or appeal.

Applicant - person seeking permission from Town to undertake land use activity.

Average Daily Traffic - the average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Best Management Practice - a method of construction that effectively and efficiently prevents soil erosion.

Bridge - a structure designed to convey a road over a physical barrier or obstacle such as other roads, railroads or water, including culverts with a combined opening of 80 square feet or greater.

Construct - build, place, move upon, pave, grade or make other physical improvement operations on land, including excavation, fill, drainage, etc.

Culvert - a conduit for water placed under a road, driveway or other passageway. Multiple culverts with a combined opening of less than 80 square feet shall also be defined as culverts and those with a combined opening of 80 square feet or greater shall be defined as a bridge.

Density - the number of dwelling units per area of land.

Driveway - a vehicular accessway serving one or two principal structures or lots.

Lot - an area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

MDOT specifications - Maine Department of Transportation publication, *Standards Specifications, Highways and Bridges, Revision of October 1990*.

Permanent - used for more than a twelve-month period.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Principal Structure - home, main ~~commercial~~ building or other central structure on the premises. Barns, garages, sheds and other accessory structures are not considered principal structures.

Private road - a privately-owned road over which neither the municipality nor the public has a right to travel by vehicle or on foot.

Public Easement - an easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way.

Public Road - a Town way or public easement for highway purposes as defined in 23 MRSA §3021. It is assumed in this Ordinance that the Town of Burnham would be responsible for maintaining any public road, regardless of State aid.

Right-of-way - all public or private roads, state and federal highways, public easements (formerly private ways), and land reserved for the purpose of public access, including utility rights-of-way.

Road - any public or private way designed for vehicular access, other than driveways, common or shared driveways, farm roads, trails or logging roads. The term "road" includes the normal meaning conveyed by synonymous words including street, avenue, highway, lane and way.

Sight Distance - the length of unobstructed view from a particular access point to the farthest visible point of reference on a roadway.

Subdivision - as defined in Title 30-A, MRSA §4401.

Temporary - designed for a limited purpose requiring no more than twelve months of usage to complete. Due to anticipated realistic constraints in road use (e.g. weather), the applicant and Road Commissioner may construct an interrupted twelve-month actual usage period that extends beyond a nominal consecutive twelve-month period. This shall be clearly stated in the permit, with the permit expiration date specified.

Waiver - a relaxation of requirements of this Ordinance allowed by the Planning Board as prescribed in this Ordinance. Waivers occur due to circumstances of a particular application that require adjustment in order to best accomplish the Town's objectives.

APPENDIX A

BURNHAM ROAD INVENTORY (Updated October 1993)

TOWN OF BURNHAM ROAD INVENTORY								
ROAD	LOCATION	MILES	FUNCTION CLASS	SURFACE	CONDITION	OWNER	MAIN-TENANCE	SNOW REMOVAL
Route 11/100	Burnham-Clinton TL to Burnham-Pittsfield TL	2.47	Collect.	Paved	Fair	State	State	State
Troy Road	Burnham-Route 100 to Burnham-Troy TL	6.13	Collect.	Paved	Fair	State	State	Town
Mount Rd.	Troy Rd. to Pittsfield	3.09	Local	Paved	Good	Town	Town	Town
L. Horseback Rd.	Troy Rd. to Unity	4.00	Collect.	Paved	Good (1)	State	State	Town
Horseback Rd.	Troy Rd. to Detroit	3.71	Local	Paved	Good	Town	Town	Town
Basford Rd.	Off Horseback to Detroit	.22	Local	Paved	Good	Town	Town	Town
Goodblood Rd.	Off Burnham/Troy Rd.	.11	Local	Paved	Good	Town	Town	Town
Whilton Road	Off Burnham/Troy Rd.	.43	Local	Paved	Good	Town	Town	Town
Whilton Rd. Ext.		.30	Private	Dirt	Fair	Private	Private	
Marcoux Rd.	Off Burnham/Troy Rd.	.14	Private	Dirt	Good	Town	Town	Town
Dodgo Road	Off Burnham/Troy Rd.	.34	Local	Paved	Good	Town	Town	Town
Cookson Road	Off Horseback Rd.	.27	Local	Paved	Good	Town	Town	Town
Roundy Road	Off Lower-Horseback	.00	Local	Dirt	Good	Private	Private	Private
Mills Road (Oak Knolls)	Off Burnham/Troy Rd.	.10	Local	Paved	Good	Town	Town	Town
Battle Street	Off Burnham/Troy Rd.	.27	Local	Paved	Good	Town	Town	Town
Morgan Road	Off Burnham/Troy Rd.	1.49	Local	Paved	Good	Town	Town	Town
Morgan Rd. Ext.	End of Tarred Morgan to Winnecook Rd.		Private	Dirt	Poor 4 w'd	Private	Private	
Perkins Road	Off Burnham/Troy Rd.	.30	Local	Paved	Good	Town	Town	Town
Perkins Rd. Ext. (Riverview Drive)			Private	Dirt	Good	Private	Private	Private
Garcelon Road	Burnham to Lake Rd.	1.30	Local	Paved	Good	Town	Town	Town
Lasselle Road	Burnham to Lake Rd.	1.56	Local	Paved	Good	Town	Town	Town
Johnson Flat Rd.	Route 100 to Clinton	.09	Local	Paved/Dirt	Fair (2)	Town	Town	Town
Winnecook Rd.	Burnham/Troy to Lower Horseback	5.73	Local	Paved	Good (3)	Town	Town	Town
Herbert Chaso Rd.	Off Burnham/Troy	.04	Local	Dirt	Good	Town	Town	Town
Doherty Road	Off Mount	.15	Private	Dirt	Good	Town	Town	Town
FR #30 to DeRosby House	Off Pond Road		Private	Dirt	Good	Town	Town	Town
FR #26 to L. Cookson	Off Pond Road		Private	Dirt	Good	Town	Town	Town
Pond Road	Lower-Horseback to Trap Road	2.9	Collect	Tar	Good to Fair	Town	Town	Town
All other FR to lake			Private	Dirt	Fair to Good	Private	Private	Private

- (1) One bad frost heave in spring between golf course and FR#31.
- (2) Lots of potholes; bad section at RR crossing.
- (3) Lots of bad curves.