

CHAPTER 400
GRAY STREET CONSTRUCTION ORDINANCE

Adopted- June 3, 2003
Effective Date- July 3, 2003
Amended March 16, 2004
Effective Date April 15, 2004

PART 1 INTRODUCTION AND GENERAL RULES

Section 1.1 Purpose :

The Purpose of this ordinance is to promote public health, safety, and welfare for the residents of the Town of Gray by establishing construction standards for public and private streets, roads, highways, avenues, boulevards, ways, lanes, alleys, driveways, etc.

Section 1.2 Effective Date :

The effective date of this revision of this Ordinance shall be July 3, 2003.

Section 1.3 Administration :

1.3.1 For purposes of the administration of this Ordinance, all applications for construction of public and private streets, roads, highways, avenues, boulevards, ways, lanes, alleys, driveways, etc. shall be submitted to the Code Enforcement Officer.

1.3.1.A Exception :

For streets that are part of an application for a subdivision, the Code Enforcement Officer shall administer only the technical aspects of the construction of the streets in coordination with the Planning Board in accordance with Section 3.2.2.1 of this Ordinance.

1.3.1.B Pre-Application Conference :

The applicant shall arrange with the Code Enforcement Officer to schedule a pre-application conference with the Code Enforcement Officer and the Town Engineer. An application will not be considered to be complete until a pre-application conference has been conducted with the Code Enforcement Officer and the Town Engineer.

1.3.2 The procedures and the schedule for review of proposed new construction, lengthening, or modification of streets shall be as follows :

1.3.2.A Complete Application. Within ten (10) working days from the date of receipt of an application, the Code Enforcement Officer shall notify the applicant in writing that either the application is complete or, if not complete, the specific additional material needed to make it complete. A determination by the Code Enforcement Officer that the application is complete in no way commits or

binds the Town of Gray as to the adequacy of the application to meet the requirements of this Ordinance.

1.3.2.A.1 Within five (5) working days from the date of determining that an application is complete, the Code Enforcement Officer shall forward the application to the Town Engineer to begin the process of considering whether to grant or deny approval of the application.

1.3.2.A.2 The Code Enforcement Officer shall also forward copies of the application to the Town Manager, the Public Works Director, and the Fire Chief for their information. If any of those individuals wish to offer unsolicited comments on the application to the Town Engineer, their comments are to be delivered to the Town Engineer within ten (10) working days of their receipt of a copy of the application.

1.3.2.A.3 In consideration of the purpose of this Ordinance as stated in Section 1.1 Purpose, it shall be entirely at the discretion of the Town Engineer to choose whether or not to request comments on the application from the Town Manager, the Public Works Director, or the Fire Chief.

1.3.2.A.4 In consideration of the purpose of this Ordinance as stated in Section 1.1 Purpose, it shall be entirely at the discretion of the Town Engineer whether or not to hold a Public Hearing on the application. If the Town Engineer decides to hold a Public Hearing, the hearing must be held within thirty (30) working days of having received a complete application from the Code Enforcement Officer and the Town Engineer shall cause notice of the date, time, and place of such hearing to be given to the applicant and all abutting property owners and to be published in a newspaper of general circulation in the Town of Gray at least seven (7) days prior to the hearing.

1.3.2.B Application Approval. Within thirty (30) working days of a Public Hearing, or within forty-five (45) working days of having received a complete application, or within such other time limit as may be mutually agreed to, the Town Engineer shall grant or deny approval on such terms and conditions as may be deemed advisable to satisfy this Ordinance and to preserve the public health, safety, and welfare. In all instances, the burden of proof shall rest upon the applicant. In issuing the decision, the Town Engineer shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance. If the Town Engineer finds that the application does not meet the provisions of this Ordinance, the Town Engineer shall provide a written statement of the exact reasons for the negative finding.

1.3.2.C The decision of the Town Engineer shall be delivered to the Code Enforcement Officer within five (5) working days of the decision. The Code Enforcement Officer will forward the information to the applicant within ten (10) working days of receipt from the Town Engineer.

1.3.3 Building permits that are associated with any new construction of public or

private streets shall not be issued until the Code Enforcement Officer has determined that the applicants street construction application is complete in accordance with Section 1.3.2.A of this Ordinance.

1.3.3.A The applicant may choose to begin street construction as soon as the Code Enforcement Officer has determined that the applicants street construction application is complete and one or more building permits have been issued; with the caution of Section 1.3.3.B below. Before beginning work on a street, the applicant is required to participate in a pre-construction meeting with the Town Engineer, the Public Works Director, the Code Enforcement officer, and other Town Staff as may be appropriate. Upon notification by the applicant, the Town Engineer will arrange for the pre-construction meeting to be held within five (5) working days.

1.3.3.B Any street construction work that the applicant may choose to begin before the formal approval of the applicant's street construction application shall be entirely at the applicant's own risk. The Town of Gray shall not be liable for any costs if the applicant's street construction application is not finally approved upon full and proper consideration and review. Notification that an application is complete is not assurance of approval.

1.3.4 Certificates of occupancy that are associated with any new construction of public streets, private streets, or private driveways shall not be issued until either the construction of the streets or driveways is completed or the applicant has provided an acceptable form of surety to cover the estimated cost to complete the construction. The estimated cost to complete the construction shall be determined on the basis of usual and customary costs for similar construction.

The applicant may provide surety in the form of cash, certified bank checks, insurance bonds, or irrevocable letters of credit all payable to the Town of Gray.

Any such surety shall be satisfactory to the Municipal Officers, the Town Engineer, and the Town Attorney as to sufficiency, manner of execution, and amount. The amount of surety shall be reduced incrementally upon recommendation of the Town Engineer or the Municipal Officers as construction progresses and shall be discharged completely within ten (10) working days after the Town Engineer certifies in writing that the construction is complete.

Section 1.4 Waivers

1.4.1 The Town Engineer, upon the concurrence of the Public Works Director, may

grant waivers to provide relief from one or more of the requirements of this Ordinance so that substantial justice may be done and the public interest secured where extraordinary and unnecessary hardships may result from strict compliance provided that such waivers will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or Zoning Ordinances.

1.4.2 The Town Engineer, upon the concurrence of the Public Works Director, may grant waivers to provide relief from one or more of the requirements of this Ordinance due to special circumstances of a particular plan or specifications if those requirements are not in the best interest of the public health, safety, or

general welfare, or are otherwise inappropriate in the particular circumstance presented.

1.4.3 If at any time before or during construction, it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable, consistent with the purpose of this Ordinance, to modify the location or design of the construction, the Town Engineer, upon the concurrence of the Public Works Director, may authorize such modifications provided that these modifications are within the spirit and intent of the original approval and do not amount to a waiver or substantial alteration of the function of any of the requirements imposed under either this Ordinance or the approval previously granted. The Town Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Code Enforcement Officer.

1.4.4 In granting waivers and modifications of the requirements of this Ordinance, the Town Engineer shall require such conditions as will nonetheless substantially secure the objectives of the requirements so varied or modified.

1.4.5 All such approved waivers and modifications of the requirements of this Ordinance shall be noted on "As Built" plans filed at the Town office.

Section 1.5 Appeals :

1.5.1 Decisions of the Planning Board under this Ordinance shall be appealed to the Superior Court in accordance with Rule 80 B of the Maine Rules of Civil Procedure.

1.5.2 Decisions of the Town Engineer or the Code Enforcement Officer under this Ordinance shall be appealed to the Zoning Board of Appeals and from the Zoning Board of Appeals to the Superior Court in accordance with Rule 80 B of the Maine Rules of Civil Procedure.

Section 1.6 Separability :

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

Section 1.7 Conflict With Other Ordinances :

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

Section 1.8 Special Requirement For Dead End Streets :

1.8.1 All new or extended public and private dead end streets shall include a

properly constructed turn around area at or near the end of the street.

1.8.1.A The design and the construction of a turn around area shall be suitable and appropriate for both of the following purposes :

1.8.1.A.1 The turn around of large vehicles such as, but not limited to, fire engines, school busses, and snow removal equipment.

1.8.1.A.2 The orderly and efficient clearing of snow from the travel ways and the deposition by snowplows of all the snow that may be reasonably anticipated to accumulate at the end of a dead end street throughout an entire a Winter.

For the portions of Section 1.8.1 that follow, all references to directions of travel and the terms "right" and "left" are to be interpreted with regard to facing the end of travel.

1.8.1.B Within an area that is designated as a turn-around :

1.8.1.B.1 The width of the travel way shall be not less than twenty-four (24) feet.

1.8.1.B.2 Junctions of the dead end street with branches of the turn-around shall have each corner rounded to provide a turning radius that forms a quarter circle of not less than a fifty (50) foot radius tangent to the edges of the travel ways.

Provisions for turn-arounds may be in any of the following forms :

1.8.1.C A dead end street may have a turn-around that is formed by a single side branch near the end of the street. For this case, the area that is designated as a turn-around shall be in the form of a "T" that consists of a section of the dead end street and the side branch.

1.8.1.C.1 The centerline of the travel way of the side branch shall be located a minimum distance of one-hundred (100) feet, but not more than one-hundred-fifty (150) feet, from the end of the travel way of the dead end street.

1.8.1.C.2 The travel way of the side branch shall extend for a minimum distance of one-hundred (100) feet from the centerline of the dead end street.

1.8.1.C.3 The area that is designated as the turn-around and that shall be constructed in accordance with Section 1.8.1.B of this Ordinance shall include the side branch and that portion of the dead end street that extends from a minimum distance of fifty (50) feet before the centerline of the side branch to a minimum distance of one-hundred (100) feet past the centerline of the side branch.

1.8.1.C.4 The preferred location of a single side branch shall be on the right hand side of the dead end street for convenience of snow removal. A single side branch may be located on the left hand side of the dead end street only under special circumstances and only upon the concurrence in writing of the Town Engineer and the Public Works Director.

1.8.1.D A dead end street may have a turn-around that is formed by double side branches near the end of the street. For this case, the area that is designated as a turn-around shall be in the form of a "+" that consists of a section

of the dead end street and side branches directly on opposite sides of the dead end street.

1.8.1.D.1 The centerline of the travel ways of the side branches shall be located a minimum distance of fifty (50) feet, but not more than one-hundred (100) feet, from the end of the travel way of the dead end street.

1.8.1.D.2 The travel ways of the side branches shall extend for a minimum distance of one-hundred (100) feet from the centerline of the dead end street.

1.8.1.D.3 The area that is designated as the turn-around and that shall be constructed in accordance with Section 1.8.1.B of this Ordinance shall include the side branches and that portion of the dead end street that extends from a minimum distance of fifty (50) feet before the centerline of the side branches to a minimum distance of fifty (50) feet past the center-line of the side branches.

1.8.1.E A street that may otherwise be a dead end street may terminate in a loop or circular travel way that may have an irregular shape.

1.8.1.E.1 Curves shall have a minimum centerline turning radius of not less than one hundred fifty (150) feet .

1.8.1.E.2 The connection of a loop or circular travel way with the dead end street must include a straight section that is perpendicular to the dead end street on the right hand side of the dead end street. The straight section and the associated portion of the dead end street shall be designated as a turn-around and shall be constructed to the same dimensions as in Sections 1.8.1.C.2 and 1.8.1.C.3 of this Ordinance.

1.8.1.E.3 Smaller cul-de-sacs shall not be allowed.

1.8.2 Driveway access from turn-arounds shall not interfere with or otherwise disrupt the orderly and efficient clearing of snow from the travel ways. In order to provide for driveway access, the design of a turn-around may be augmented with additional space for the deposition of snow. Locations of driveway access shall be determined only upon the concurrence in writing of the Town Engineer and the Public Works Director.

Section 1.9 Definitions :

Unless specifically defined herein, all words and terms in this Ordinance shall have their usual and customary dictionary definitions.

1.9.1 Applicant : An applicant is anyone whose name appears in the section "Names of applicants." on an application for the construction or lengthening of a public street, a private street, or a driveway.

1.9.2 Driveway : A driveway is a private way that provides access for vehicles from a street to parking areas for not more than two (2) of the following in any combination or mix that does not constitute a subdivision :

lots, dwelling units, cottages, camps, churches, clubs, fields, business establishments, etcetera.

A driveway is not a street.

1.9.3 Entranceway : An entranceway is similar to a driveway, but it provides access for vehicles from a street to a parking area for more than two (2) lots, dwelling units, cottages, camps, churches, clubs, fields, business establishments, etcetera. An entranceway may be a public or a private street.

1.9.4 Parking Space : A parking space is the space for parking vehicles.

1.9.5 Sight Line : Sight lines are lines of visibility for both pedestrians and vehicular traffic.

1.9.6 Street : A street is any way that is intended for vehicular travel and may be called a street, road, highway, avenue, boulevard, way, lane, alley, etcetera.

1.9.6.1 Arterial Street : Arterial streets are streets where volumes of traffic are typically more than 5,000 vehicles per day. Route 100, Route 26, Route 202, Route 115, Route 4 are examples of arterial streets.

1.9.6.2 Collector Street : Collector streets are streets where volumes of traffic typically range from 500 to 5,000 vehicles per day. Brown Street, Cambell Shore Road, Center Road, Mountain View Road, Ramsdell Road, Totten Road, and Whitney Road are examples of collector streets.

1.9.6.3 Sub-Collector Street : A sub-collector street is a street where the volume of traffic is typically 250 to 500 vehicles per day.

1.9.6.4 Minor Street : A minor street is a street where the volume of traffic is typically less than 250 vehicles per day.

1.9.6.5 Private Street : A private street is any street that is not a public street or a driveway.

1.9.6.6 Public Street : A public street is a Federal or State Highway or a street that has been accepted by the Town Council for upkeep and maintenance by the Town of Gray.

1.9.6.7 Dead End Street : A dead end street is any public or private street that is closed at one end and does not provide for through travel between other streets.

1.9.7 Subgrade Level : The subgrade level is at the bottom of the sub-base course gravel.

1.9.8 Town Engineer : The Town Engineer shall be understood to mean the duly appointed engineer for the Town of Gray or any other qualified street construction engineer appointed by the Municipal Officers to undertake the duties prescribed by this Ordinance.

1.9.9 Travel Way : The travel way is the portion of the street for the movement of vehicles, exclusive of shoulders.

1.9.10 Turn-around : A turn-around is an area at the end of a dead end street that provides adequate maneuvering space for large vehicles to turn around.

Section 1.10 Preparation for Public and Private Streets

1.10.1 Before rough grading begins, all areas needed for the right of way on a proposed public street shall be cleared of all trees and brush not intended for preservation and of all stumps, roots, and other objectionable materials. Any

trees or other vegetation in the right of way that will shade the travel way during the cold months of the year are to be removed. For any private street, the clearing within the right of way shall be to the extent needed to meet the standards of Table 4.1 or 4.2 below. In all cases where the right of way impacts phosphorous sensitive areas, the applicant along with the Town Engineer may adjust the final clearing requirements.

1.10.2 Trees not intended for preservation, stumps, and other organic materials shall be removed to a depth of two (2) feet below the subgrade level. Stumps or other substantial parts of trees shall not be buried or included in any street construction materials.

1.10.3 All rocks, or boulders, exceeding eight (8) inches in any dimension shall be removed down to subgrade level unless otherwise approved in writing by the Town Engineer and the Public Works Director.

1.10.4 Bases

1.10.4.A Aggregate sub-base course crushed gravel shall not contain particles of rock exceeding six (6) inches in any dimension and shall meet the requirements of Maine Department of Transportation (MDOT) Specification Section 703.06.a Type D.

1.10.4.B Aggregate base course crushed gravel shall not contain particles of rock that will not pass through a three-quarters (3/4) inch square sieve and shall meet the requirements of MDOT Specification Section 703.06.A Type A.

Section 1.11 Sight Line Distances

All public and private streets shall be designed in profile and grading and located to provide minimum sight line distances that will satisfy the requirements of one of the following :

1.11.A Ten (10) feet for each mile per hour of posted speed limit or of allowable speed.

1.11.B MDOT Standard for Highways, Driveways, and Entrance Rules Section 17-229 Chapter 299.

1.11.1 The measurement of sight line distances shall be from a point at a distance

of ten (10) feet from the edge of the travel way at a height of three and one half (3.5) feet above the level of the surface of the travel way to the top of an object four and one quarter (4.25) feet above the surface of the travel way.

1.11.2 Intersections and Curves : Where it is necessary to achieve minimum sight line distances at intersections for public streets, private streets, and driveways, or around curves for public streets and private streets, portions of the right of way as well as portions of abutting lots under the control of the applicant shall be cleared of all growth (except isolated trees) and obstructions above the level that is three (3) feet higher than the center line of the public street. If directed by the Town Engineer, ground shall be excavated to achieve visibility.

Section 1.12 Treatment of Street Edges and Right Of Ways

1.12.1 Rights of ways shall be cleared as per subsections 1.10 and 2.6.

1.12.3 Large trees maintained along travel ways and associated sub-structures shall be pruned of overhanging branches to a height of sixteen (16) feet.

Section 1.13 Banking or Tilt

Unless design speeds suggest otherwise, public and private streets shall be sufficiently close to level from side to side such that, under normal circumstances, rain water or melt water will not flow across the finished crown from one side of the street to the other side. Construction shall generally cause water to flow from the middle toward the sides and into ditches. A minimum crown of one-quarter (1/4) inch per foot for paved streets and one-half (1/2) inch per foot for unpaved streets shall be maintained from the centerline to the edge of the travel way and the shoulder on each side.

Section 1.14 Arterial Streets

Arterial streets shall be built to Maine Department of Transportation specifications.

PART 2 PUBLIC STREET STANDARDS

Part 2 of this ordinance shall apply to the construction or major modification of all public streets within the Town of Gray, but not for maintenance and minor modifications. For a street to be accepted by the Town Council as a public street, it must meet the full provisions of Part 2 of this Ordinance unless waivers are granted in accordance with Section 1.4 of this Ordinance.

Section 2.1 Design and Construction Standards

2.1.1 All new or modified public streets constructed after the date of adoption of this ordinance shall meet the street construction standards of Table 2.1 unless waivers are granted in accordance with Section 1.4 of this Ordinance.

2.1.2 If a private street that is proposed for acceptance as a public street does not meet the minimum standards of Table 2.1, including the width of right-of-way, that street must be improved to meet the requirements before being accepted as a public street unless waivers are granted in accordance with Section 1.4 of this Ordinance.

2.1.3 All changes of centerline grade shall be connected by vertical tangent curves that provide for clear visibility to satisfy the requirements of Section 1.11 of this Ordinance.

Table 2.1 Public Street Construction Standards

<u>Item</u>	<u>Collector Streets</u>	<u>Sub-collector Streets</u>	<u>Minor Streets</u>
A. Minimum width	60	60	60 feet

of right of way			
B. Minimum grade	0.5	0.5	0.5 percent
C. Maximum Grade	10	10	10 *percent
D. Maximum grade within 30 feet of an intersection	5	5	5 percent
E. Minimum angle of intersection	75	75	75 degrees
F. Width of shoulders on each side	4	4**	4** feet
G. Minimum combined width of shoulders plus ditches on each side for snow removal	8	6	6 feet
H. Minimum centerline radii on curves	300	150	150 feet
J. Minimum travel way : Width	22	20	20 feet
Aggregate Sub-base course Gravel	18	15	15 inches
Aggregate Upper base-crushed gravel	3	3	3 inches
Bituminous Paving	4	3	3 inches
Minimum crown per foot	¼	¼	¼ inch
K. Sidewalks where required or if installed : Minimum width	5	5	5 feet
Aggregate Sub-base course gravel	8	8	8 inches
Aggregate Upper base-crushed gravel	2	2	2 inches
Bituminous paving if used	2	2	2 inches

L. Minimum Radii : Radii at 90 degree intersections	50	40	25 feet
Radii at less than 90 degree intersections	50	40	30 feet
M. Minimum diameter of culverts	15	15	15 inches
Culverts must be suitable in size and number to provide adequate drainage in accordance with Section 2.1.8 of this Ordinance.			
N. Minimum Distance Between street intersections : Same side	200	200	200 feet
Opposite Side	200	200	200 feet

O. Vertical curve parameter K values :
 Sag - To be supplied by Town Engineer
 Crest - To be supplied by Town Engineer

*Except where the Town Engineer provides a waiver
 **minimum four foot paved shoulders on one side of the street and two feet on the other

2.1.4 Intersections of public streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) public streets intersect at an angle smaller than seventy-five (75) degrees. To this end, where one public street approaches another between seventy-five and ninety (90) degrees, one or both streets shall be curved approaching the intersection. Any variation of an intersection angle from ninety (90) degrees shall be approved by the Town Engineer only upon a review of evidence submitted by the applicant that demonstrates that a lesser angle is necessary.

2.1.5 Cross (four-corner) public street intersections shall be aligned on opposite sides of the through street insofar as possible. If it is not possible to align the intersecting streets, a distance of at least two hundred (200) feet shall be maintained between centerlines of offset intersecting public streets.

2.1.6 Public street intersections and curves shall be designed to permit adequate visibility for both pedestrians and vehicular traffic in accordance with Section 1.11 of this Ordinance.

2.1.7 All public streets shall have suitable drainage facilities to provide for adequate removal of storm water to prevent flooding and erosion.

2.1.8 Curbs, and gutters shall be required on all public streets within urban

areas as defined by the Maine Department of Transportation and may be required at the discretion of the Town Engineer in other areas.

2.1.9 Where curbs and gutters are not required, stabilized shoulders and proper drainage shall be the responsibility of the applicant in compliance with the requirements of this Ordinance.

2.1.10 Shoulders shall be suitable for intermittent or occasional use by vehicles of all types that may be reasonably expected to use the travel way of the street.

2.1.11 The final grade level of ditch bottoms along a public street shall be a minimum of six (6) inches below the subgrade level of the street.

2.1.12 All new public streets constructed after the date of adoption of this ordinance shall not be isolated from existing public streets by intervening private streets. That is, new public streets must either intersect existing public streets or there shall be a continuous path from a new public street through other new public streets to one or more existing public streets.

Section 2.2 Application Procedures

Prior to the construction or modification of any public street, an application shall be submitted to the Code Enforcement Officer. The application shall include the following information :

2.2.1 Submission Requirements :

2.2.1.A Names of applicants.

2.2.1.B Right, title, and interest of the applicant to land for the proposed construction or modification of a public street.

2.2.1.C A statement of any legal encumbrances on the land for the location of a proposed public street.

2.2.1.D The anticipated starting and completion dates of each major phase of construction of a proposed public street.

2.2.1.E A statement indicating the nature and volume of traffic anticipated on an average daily basis of a proposed public street.

2.2.1.F An estimated cost of the construction of the proposed public street.

2.2.2 Plans

Detailed construction drawings shall be submitted showing a plan view, profile and typical cross-section of a proposed public street. The Plans shall include the following information :

2.2.2.A Date, scale, and magnetic or true North.

2.2.2.B Intersections of the proposed public street with existing streets.

2.2.2.C Right-of-way limits of the proposed public street and the existing streets including edge of pavement, edge of shoulder, sidewalks, and curbs.

2.2.2.D Kind, size, location, material, profile, and cross-section of all existing and proposed drainage ways and structures and their location with respect to the existing natural waterways. Such structures shall be designed and sized in accordance with a stormwater management plan prepared by a qualified registered Professional Engineer and shall meet the minimum stormwater design and construction standards in Section 2.5.

2.2.2.E Complete curve data shall be indicated for all horizontal and vertical curves.

2.2.2.F Turning radii at all intersections.

2.2.2.G Centerline gradients.

2.2.2.H Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting, and cable television.

2.2.2.I A soil erosion and sedimentation control plan showing interim and final control provisions.

2.2.2.J For public streets that are to be located within the watershed of a great pond, a phosphorous impact plan in conformance with the recommendations presented in Phosphorous Control in Lake Watersheds published by Maine Department of Environmental Protection.

2.2.4 Application Fee

The fee schedule for review of plans for a new public street or an alteration of an existing public street shall be established by the Town Council.

2.2.5 Application Review

The schedule for review of proposed new public streets or lengthening or improvement of existing public streets, shall be in accordance with Section 1.3.2 of this Ordinance.

2.2.6 Acceptance of a Public Street

Approval by the Town Engineer of a proposed public street shall not be deemed to constitute nor be evidence of acceptance by the Town of said public street.

Before the process of acceptance of a public street begins, the street must satisfy Section 2.1.1 or Section 2.1.2 of this Ordinance, must have been properly inspected, and must have gone through one Winter and Spring season before any Town Council action for acceptance. Final acceptance of a public street shall be only by affirmative vote of the Town Council.

2.2.6.1 The owner(s) shall give the Town a deed to the property within the boundaries of the street at the time of its acceptance by the Town and a separate deed to areas reserved for future development of streets.

2.2.6.2 A plan of said street or way shall be recorded in the Cumberland County Registry of Deeds at the time of its acceptance.

2.2.6.3 A petition for the acceptance of said street or way shall be submitted to the Town Council upon a form to be prescribed by the Town Attorney. Said petition shall be accompanied by a plan, profile and cross section of said street or way as follows:

a) A plan drawn when practical to a scale of 50 feet to 1 inch, and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size or in digital format as prescribed by the Town Planning Board.

b) A profile of said street or way drawn to a horizontal scale of 50 feet to 1 inch and a vertical scale of 5 feet to 1 inch.

c) A typical cross section of said street or way, drawn to a horizontal scale of 5 ft. to 1 inch and a vertical scale of 5 ft. to 1 inch.

2.2.6.4 Streets Offered for Acceptance:

- a) Streets to be offered to the town for acceptance must have a written report of inspection prepared by the Town Engineer that affirms compliance with the standards required in Table 2.1 at the completion of construction. Final Certification by the Town Engineer shall be done only after the time period stipulated in 2.26 above. Both reports shall accompany the petition.
- b) No street or way shall be accepted by the Town Council until the Planning Board and the Town Engineer shall have made a careful investigation thereof, and shall have reported to the Town Council their recommendations in writing. Such results shall include at a minimum of one core sample for the road proposed.
- c) No street or way may be accepted unless the Town Council finds that the acceptance is in the public interest. In cases of subdivisions, at least 75% of the housing units on that street or within that subdivision phase must have received their certificates of occupancy before any acceptance by the Town Council.

Section 2.3 Layout

2.3.1 Proposed public streets shall conform, as far as practical, to the Comprehensive Plan or policy statement as may have been adopted, in whole or in part.

2.3.2 The arrangement, character, extent, width, grade, and location of all public streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of public streets shall conform in general to the terrain and as closely as possible to the original topography.

2.3.3 In the case of dead end public streets the Town Engineer may require the reservation of a twenty (20) foot wide easement in the line of the public street on land under the control of the applicant to provide continuation of pedestrian traffic or utilities to another street.

2.3.4 Reserve strips controlling access to public streets shall be prohibited except where the Town has definite control of the reserve strips under conditions approved by the Town.

2.3.5 In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated by the Town Officials, a public street right-of-way and/or pavement width shall be increased by such amount on each side as may be necessary to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. In no case shall a public street in a commercial zone or business district have a right-of-way width less than sixty (60) feet nor have less than two (2) ten (10) foot wide travel lanes and two (2) eight (8) foot wide parking lanes.

2.3.6 Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

2.3.7 Minor public streets shall be so laid out that their use by through traffic will be in conformance with the Towns Comprehensive Plan and current Planning Standards.

2.3.8 The distance between two accesses to a tract of land on a public street shall be a minimum of two-hundred (200) feet or double the lot frontage required for the zoning district, whichever is less.

Section 2.4 Subsurface Soils

The applicant shall be required to investigate and determine the classifications and the types of the subsurface soils. If in the opinion of the Town Engineer, unsuitable subsurface soils are encountered during construction, the applicant shall be required to excavate and remove the unsuitable material and replace it with suitable granular material complying with ASTM D2487 soil classification groups or other as determined by the Town Engineer.

Section 2.5 Storm Drainage Design and Construction Standards

An adequate piped storm drainage system including appurtenances such as catch basins and manholes shall be provided for proper drainage of storm water collected in public streets and areas tributary to the public street system.

Appropriate conveyances for outlets to drainage systems must be provided. A minimum easement width of thirty (30) feet is required along the centerline of any pipe system or drainage course. If ponding will occur at culvert inlets or if permanent erosion control measures extend outside of the right of way, then easements on abutting property are required.

2.5.1 Design Standards

2.5.1.A All storm water systems for public streets shall be designed to meet the criteria of a ten-year storm based on rainfall data from the National Weather Service in Gray. Flows shall be computed by a method acceptable to the Town Engineer. Design computations of flows shall be submitted for approval.

2.5.1.B Upstream drainage shall be accommodated by an adequately sized system for existing conditions and an estimation of future potential development in the upstream drainage area or tributary areas.

2.5.1.C Existing downstream drainage facilities shall be studied to determine the effect of development on downstream drainage. The applicant shall demonstrate to the satisfaction of the Town Engineer that the storm drainage will not, in any way, overload existing downstream drainage systems.

2.5.1.D No storm water shall be permitted to drain across a public street or across an intersection.

2.5.1.E Design standards for drainage systems shall be approved by the Town Engineer. The minimum diameter for any storm drainage pipe shall be twelve (12) inches for enclosed drains and fifteen (15) inches for culverts.

2.5.2 Storm Drain Construction Materials

The following materials shall be utilized for storm drain construction :

2.5.2.A Reinforced Concrete Pipe : Reinforced Concrete Pipe shall meet the

requirements of ASTM Designation C-76. Pipe classes shall be as required to meet soil and traffic loads with a factor of safety of 1.2 on the 0.01 inch crack strength with a class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved preformed plastic joining material such as "Remnek."

2.5.2.B Polyethylene : Polyethylene pipe shall meet the requirements of of ASTM Designation D-3350 standard specification.

2.5.2.C Polyvinyl Chloride : PVC Gravity Sewer Pipe is acceptable and shall meet the requirements of ASTM Designations to a maximum of D-3034-73-SDR 35.

2.5.2.D Underdrain Pipe : Underdrain pipe may be polyvinyl chloride or corrugated polyethylene meeting similar requirements to that of standard drainpipe.

2.5.2.E Corrugated Metal Pipe : Corrugated Metal Pipe may be used in accordance with Maine Department of Transportation Standard Specifications.

2.5.2.F Manholes : Manholes shall be of precast concrete section construction. Precast sections shall meet the requirements of ASTM Designation C-478. Cones shall be truncated. Castings shall be of cast iron meeting Town of Gray standards. Brick inverts shall be shaped to the crown of the pipe for sizes up to eighteen (18) inches, and to spring line for larger pipes.

2.5.2.G Catch Basins : Catch Basins shall be of precast concrete construction. Castings shall be square cast iron as required for the particular inlet condition with the gratings perpendicular to the curb line. All catch basins shall be provided with a Type 1 curb face inlet and transition stones if necessary.

2.5.3 General Construction Requirements :

2.5.3.A All trenching shall be accomplished in accordance with all appropriate Federal and State safety requirements.

2.5.3.B Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet.

2.5.3.C Pipe shall be bedded in a granular material with a minimum depth of six (6) inches below the bottom of the pipe and extending to six (6) inches above the top of the pipe.

2.5.3.D Drain alignment shall be straight in both horizontal and vertical alignment.

2.5.3.E Manholes shall be provided at all changes in vertical and horizontal alignment, and at all junctions. On straight runs, manholes shall be placed at intervals of no more than three-hundred (300) feet.

2.5.3.F Catch basin leads shall enter the drainage system only at manholes. The difference in elevation between the inverts of the lead and the main drain shall not exceed twelve (12) inches.

2.5.3.G All drain outlets shall be riprapped to prevent erosion. Facilities for energy dissipation shall be provided.

2.5.3.H Underdrains shall be laid with perforation down with a backfill of three-quarter (3/4) inch crushed stone wrapped in a filter fabric envelope.

Section 2.6 Grading For Public Streets

All new, or modifications of existing, public streets shall be graded to the full width of the right of way in accordance with Sections 1.10, 1.11, , 2.1.7, and 2.3.2 of this Ordinance. Deviation from this requirement due to special topographical conditions will be allowed only with special approval of the Town Engineer and the Public Works Director.

2.6.1 All fill material used in the construction of embankments shall be of the quality to meet the standards for embankment construction, Section 203.09 through 203.16 of the Maine Department of Transportation Standard Specifications. Excess materials including organic materials, soft clays, wet and non-compatible materials, etcetera shall be removed from a public street site. The fill shall be spread in layers not to exceed twelve (12) inches loose and then compacted. The filling of utility trenches and other places shall be mechanically tamped.

2.6.2 All sideslopes shall be graded at a maximum slope of three (3) feet horizontal to one (1) foot vertical.

2.6.2.A All sideslopes shall be finished with loam or other suitable mixture to a minimum compacted depth of four (4) inches.

2.6.2.B All inslopes shall be seeded or planted as appropriate.

2.6.3 All backslopes shall be graded at a maximum slope of two (2) feet horizontal to one (1) foot vertical.

2.6.3.A All backslopes shall be finished with loam or other suitable mixture to a minimum compacted depth of four (4) inches.

2.6.3.B All backslopes shall be seeded or planted as appropriate.

2.6.4 All riprapped backslopes shall be graded at a maximum slope of one (1) foot horizontal to one (1) foot vertical.

2.6.5 All ledge cuts shall have a maximum slope of three (3) inches horizontal to one (1) foot vertical.

2.6.6 Ditches along streets shall be lined as necessary to assist in vegetative establishment and erosion control.

2.6.7 Erosion control mesh shall be installed on all slopes that are steeper than one (1) foot horizontal to three (3) feet vertical.

Section 2.7 Bases and Pavement

The appropriate sections of the Bases and Pavements Division of the Maine Department of Transportation Standard Specifications currently in effect shall be applicable to this section except as follows :

2.7.2 Pavement

2.7.2.A Where pavement being placed joins an existing pavement, the existing pavement shall first be cut along a smooth line to a neat, even, vertical joint with a tack coat of pavement emulsion to be applied before any pavement is installed. Broken or ragged edges or deviation from grade are not permitted.

2.7.2.B Grading for the base course of Hot Bituminous Pavement shall

meet MDOT Specifications.

2.7.2.C Grading for the surface course of Hot Bituminous Pavement shall meet MDOT Specifications.

Section 2.8 Curbing

Curbing shall be in accordance with Section 609 of the Maine Department of Transportation Standard Specifications except as follows :

2.8.A Curbing shall be limited to Type 1 (granite stone curbing) and Type 3 (bituminous concrete curbing), or other acceptable materials.

2.8.B Bituminous concrete curbing, or other acceptable material, shall have a minimum reveal of six (6) inches and shall be used only where it will not be subject to damage during removal of snow.

2.8.C All radii will be of Type 1 (granite stone curbing).

Section 2.9 Sidewalks

Sidewalks shall be installed at the expense of the applicant when a proposed public street abuts or fronts onto an arterial street or a collector street unless waived by the Town Engineer, and at such other locations as the Town Engineer deems necessary. The most recent revision of the Maine Department of Transportation Standard Specifications, shall be applicable to all sidewalks.

Section 2.10 Monuments

2.10.1 Stone survey marker monuments with metal caps shall be set at all street corners. Angle points and all points of curve in each public street shall be monumented per 2.10.3 below.

2.10.2 Each survey marker shall be set with the top between six (6) and twelve (12) inches above the finished grade except that the top shall be flush with the finished grade wherever it is located in an area to be plowed for removal of snow or is to be pavement, lawn, or a decorative planting area.

2.10.3 The preferred material for all monuments shall be rebar five-eighths (5/8) inch in diameter. Alternate acceptable materials for monuments shall be iron pipe five-eighths (5/8) inch in diameter and stone shafts (with metal caps) four (4) inches square.

2.10.4 All monuments are to be not less than thirty-six (36) inches in total length unless they are drilled at least three (3) inches into solid ledge or rock.

2.10.5 All monuments shall have the Surveyors identification suitably attached.

Section 2.11 Planting

2.11.1 All esplanade or planting strip areas at the sides of a public street shall have a covering of topsoil (loam) free of sods, clay, and stones more than one (1) inch in diameter. The layer of topsoil shall be at least three (3) inches deep after being compacted. Base material shall be removed prior to the placement of topsoil.

2.11.2 Planting strips are to be limed at the rate of thirty-three (33) pounds per thousand (1000) square feet and fertilized at the rate of nine (9) pounds of 10-10-10 fertilizer per thousand (1000) square feet or equivalent and seeded with a conservation mix endorsed by the Cumberland County Soil and Water Conservation District.

Section 2.12 Inspections

2.12.1 At least five (5) days prior to commencing construction for public streets the applicant shall pay an inspection fee equal to :

2.12.1.A Two (2) percent of the cost of the construction.

OR

2.12.1.B The estimated cost of inspection by the Town Engineer.

2.12.2 The inspection fee shall be payable to the Town of Gray stating the purpose of the fee. The applicant shall notify the Code Enforcement Officer in writing of the time when construction is proposed to commence so that inspection can be made to assure that all specifications and requirements will be met.

2.12.3 If upon inspection, it is found that any of the construction is not in accordance with the approved plans and specifications, the Town Engineer shall so report to the Code Enforcement Officer. The Code Enforcement Officer shall then notify the applicant and, if applicable, the bonding company, and take all necessary steps to preserve the rights of the Town of Gray under the conditions of the bond.

2.12.4 The applicant is required to provide for maintenance and for snow removal on the constructed public streets and sidewalks until they are accepted by the Town Council.

2.12.5 In accordance with Section 1.9.8 of this Ordinance, inspections may be performed by any duly appointed engineer for the Town of Gray or by any other qualified street construction engineer designated by the Municipal Officers to undertake the inspection duties prescribed by this Ordinance.

PART 3 STREETS ASSOCIATED WITH SUBDIVISIONS

Part 3 of this ordinance shall apply to all streets associated with proposed subdivisions within the Town of Gray.

Section 3.1 Streets In Proposed Subdivisions

All construction of streets associated with proposed subdivisions within the Town of Gray shall meet the applicable provisions of this Ordinance. Streets to be proposed for acceptance by the Town Council as public streets must meet all provisions of Part 2. Streets that are to be private streets must meet all provisions of Part 4.

Section 3.2 Application Procedures and Review

Proposals for construction of streets as part of a subdivision as defined in the Subdivision Ordinance shall be submitted to the Planning Board as an integral part of the subdivision application.

3.2.1 The Planning Board shall have responsibility for the approval of the layout and aesthetic design of all street construction associated with a subdivision and the responsibility for the approval of the accompanying public utilities.

3.2.2 The technical aspects of the construction of streets proposed within a subdivision application shall conform with the full provisions of this Street Construction Ordinance.

3.2.2.1 The parts of a subdivision application that are related to the technical aspects of the construction of streets shall be forwarded to the Code Enforcement Officer for administration of the construction of the streets in accordance with Section 1.3 of this Ordinance.

3.2.2.2 The procedures for application and the schedule for review of the technical aspects of the construction of proposed new streets or proposed lengthening or improvement of existing streets associated with a subdivision shall be as described in this Street Construction Ordinance.

Section 3.3 Subdivision and Railroad

Where a subdivision borders on or contains a railroad right-of-way the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for approach grades and future grade separations.

Section 3.4 Subdivision and Existing Narrow Street

Where a subdivision borders an existing narrow street that is below standards for a public street or where the Comprehensive Plan indicates plans for realignment or widening of a street that would require use of some of the land in the subdivision,

The subdivider shall be required to show areas for widening or realigning such streets on the plan, marked "Reserved for Realignment (or widening) Purposes". It shall be mandatory to indicate such reservation on the Plan when a proposed

widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.

Section 3.5 Subdivision and Arterial Street

Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require marginal access streets (streets parallel to arterial streets providing access to adjacent lots), reverse frontage, that is, frontage on a street other than the existing or proposed arterial street with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Section 3.6 Subdivision Requiring More Than One Street Connection

If feasible, wherever deemed necessary by the Planning Board for a particular subdivision and for any subdivision containing more than fourteen (14) lots, there shall be at least two (2) street connections with existing streets or streets shown on the Official map, if such exists, or streets on an approved Subdivision Plan for which a bond has been filed.

Section 3.7 Monuments

Along streets within subdivisions, corners of lots shall be marked by monuments in accordance with the specifications of Section 2.10 of Part 2 of this Ordinance.

PART 4 PRIVATE STREETS

Part 4 of this ordinance shall apply to all private streets within the Town of Gray. All references to the term "private street" shall be deemed to include private roads, avenues, alleys, lanes, ways, etcetera intended for vehicles.

Section 4.1 Private Streets

All private streets proposed to be constructed or lengthened within the Town of Gray shall be required to meet the provisions of Part 4 of this Ordinance.

4.1.1 If a street that is private is proposed for acceptance as a public street, it must meet the requirements of Part 2 of this Ordinance before being accepted as a public street.

Section 4.2 Application Procedures

The procedure for application for proposed new private streets or proposed lengthening of existing private streets shall be as follows :

4.2.1 Prior to the construction or lengthening of any private street, an application shall be submitted to the Code Enforcement Officer. The application shall include the following information :

4.2.1.A Names of applicants.

4.2.1.B Right, title, and interest of the applicant to land for the proposed construction or modification of a private street.

4.2.1.C A statement of any legal encumbrances on the land for the location of a proposed private street.

4.2.1.D A plan setting forth how the private street and associated drainage structures are to be maintained.

4.2.1.D.1 Responsibility for the private street maintenance may be assigned to an association of the lot owners or to all lot owners in common through provisions included in the deeds for all lots which utilize the private street for access.

4.2.1.D.2 The applicant shall submit appropriate legal documentation such as proposed Homeowners Association documents and proposed deed covenants. This documentation must address specific maintenance activities such as Summer and Winter maintenance including snow removal from turn-arounds on dead end streets, long term maintenance or improvements, and emergency repairs.

4.2.1.D.3 The documentation must include a mechanism to generate funds to pay for all necessary maintenance work.

4.2.1.E The anticipated starting and completion dates of construction.

4.2.1.F A statement indicating the nature and volume of traffic anticipated on an average daily basis.

4.2.2 Construction Drawings

Construction drawings of the proposed private street shall be submitted to the Code Enforcement Officer with the application. Detailed construction drawings shall be submitted showing a plan view, profile, and typical cross section of the proposed private street. The drawings shall include the following information :

4.2.2.A Date, scale, and magnetic or true North.

4.2.2.B Intersections of the proposed private street with existing streets.

4.2.2.C Right-of-way limits of the proposed private street and the existing streets.

4.2.2.D Existing and proposed drainage ways and structures and their location and relationship with respect to the existing natural waterways.

4.2.2.E Turning radii at intersections.

4.2.2.F Approximate centerline gradients.

4.2.2.G Locations of existing overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting, and cable television.

4.2.2.H A soil erosion and sedimentation control plan showing interim and final control provisions.

4.2.2.I For private streets to be located within the watershed of a great pond, a phosphorous control plan in conformance with the recommendations presented in Phosphorous Control in Lake Watersheds published by Maine Department of Environmental Protection.

4.2.2.J An estimated cost of the construction of the proposed private street.

4.2.3 Application Fee

The fee schedule for review of plans for a new private street or an alteration to an existing private street shall be established by the Town Council.

4.2.4 Application Review

The schedule for review of proposed private streets or lengthening of existing private streets shall be in accordance with Section 1.3.2 of this Ordinance.

Section 4.3 Private Street Layout

4.3.1 Proposed private streets shall conform to the Comprehensive Plan, or policy statement as may have been adopted, as far as practical in whole or in part.

4.3.2 All private streets shall be designed to provide safe vehicular travel while discouraging movement of through traffic.

4.3.3 The arrangement, character, extent, width, grade, and location of all private streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of private streets shall conform in general to the terrain and as closely as possible to the original topography.

4.3.4 All changes of grade shall be connected by vertical tangent curves that provide for clear visibility to satisfy the requirements of Section 1.11 of this Ordinance.

4.3.5 In the case of dead end private streets the Town Engineer may require the reservation of a twenty (20) foot wide easement in the line of the street on land under the control of the applicant to provide continuation of pedestrian traffic or utilities to another street.

4.3.6 Reserve strips controlling access to private streets shall be prohibited except where the Town has definite control of the reserve strips under conditions approved by the Town.

4.3.7 In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated by the Town Officials, a private street right-of-way and/or pavement width shall be increased by such amount on each side as may be necessary to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. In no case, shall a private street in a commercial zone or business district have a right-of-way width less than sixty (60) feet nor have less than two (2) ten (10) foot wide travel lanes and two (2) eight (8) foot wide parking lanes.

4.3.8 Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

4.3.9 The distance between two accesses to a tract of land on a private street shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, their appropriate

relation to the proposed use of land, and to minimize conflict with the flow of traffic.

Section 4.4 Design and Construction Standards

4.4.1 After the date of adoption of this ordinance, all private streets constructed on existing rights of ways to serve lots along an existing right of way, shall meet the street construction standards of Table 4.1. All new private streets constructed with a new right of way, or on any extension of an existing right of way or to extend a driveway, shall meet the street construction standards of Table 4.2. (Exhibit A attached is a listing of existing private and town streets as of the adoption of this ordinance and is subject to amendment without formal ordinance adoption procedures).

4.4.2 Where feasible, existing private streets which do not meet the minimum standards of Table 4.1 including the right-of-way width, but which are to provide access for the addition of three (3) or more dwelling units or non-residential uses shall be improved to meet these requirements. All required improvements shall be the responsibility of the applicant. The improvements shall be required for all applicable portions of private streets located between the new accesses and an intersection with a public street in accordance with the following interpretation of Table 4.1. Minimum width of travel way of Table 4.1 :

4.4.2.A Starting at an intersection with a public street and progressing toward proposed new accesses along an existing right of way, the portion of a private street system that is closest to the intersection shall meet the highest applicable requirement of Table 4.1 as determined by the total number of lots served by the entire private street system including any side streets. When progressing further toward proposed new accesses, each portion shall meet only the applicable requirements of Table 4.1 as determined by the reduced number of lots served including any applicable side streets.

4.4.2.B Any newly constructed private side street along a newly established right of way shall meet the applicable requirements of Table 4.2 as determined by the reduced number of lots served by it and any side streets off of it. Where feasible, the portion of the private street system between the newly constructed side street and an intersection with a public street shall also be upgraded to meet the applicable requirements of Table 4.2.

4.4.2.C If a private street system has two intersections with one or more public streets, then the requirements of Section 4.4.2 shall be applied to each part of the private street system in the direction toward the closest intersection.

4.4.2.D Where an application for a subdivision of eleven lots or more is approved by the Planning Board, the applicant will be required to pave travel ways in accordance with the requirements of Section I of Table 4.2 of this Ordinance.

4.4.3 For all private streets :

4.4.3.A Stabilized shoulders and suitable drainage facilities to provide for

adequate removal of storm water to prevent flooding and erosion shall be the responsibility of the applicant.

4.4.3.B Shoulders shall be suitable for intermittent or occasional use by vehicles of all types that may be reasonably expected to use the travel way of the street.

4.4.4 Private streets that are longer than four-hundred (400) feet with a travel way width of less than sixteen (16) feet shall, at intervals of no more than three-hundred-fifty (350) feet, be widened to a minimum width of travel way of sixteen (16) feet for a minimum distance of fifty (50) feet to provide “turnouts” for meeting vehicles to safely get by each other.

4.4.5 Private streets associated with lots that are included in a plan must be built by the applicant prior to the issuance of certificates of occupancy.

4.4.6 All new private streets shall be graded and treated in accordance with Sections 1.10, 1.11, 1.12, 4.3.3, and 4.4.3 of this Ordinance.

4.4.7 The applicant shall be required to investigate and determine the types and classifications of the subsurface soils. If in the opinion of the Town Engineer, unsuitable subsurface soils are encountered during construction, the applicant shall be required to excavate and remove the unsuitable material and replace it with granular material.

Section 4.5 Inspections

4.5.1 At least five (5) days prior to commencing construction of private streets the applicant shall :

4.5.1.A Pay an inspection fee equal to two (2) percent of the cost of the construction.

OR

4.5.1.B Pay an inspection fee equal to the estimated cost of inspection by the Town Engineer.

Table 4.1 Private Street Construction Standards
For Existing Private Streets and Existing Rights of Ways

A. Minimum width of travel way : Serving not more than five (5) lots	10	feet
Serving six (6) to ten (10) lots	12	feet
Serving eleven(11) to sixty (60) lots	14	feet
Serving more than sixty (60) lots	16	feet
Commercial establishments shall be counted as one (1) lot for each increment of five (5) employees.		
B.. Minimum grade	0.5	percent
C. Maximum	15	percent
D. Maximum grade within 30 feet of an intersection	8	percent
E. Minimum angle of intersection	75	degrees
F. Width of shoulders on each side	3	feet

G. Minimum combined width of shoulders plus ditches on each side for snow removal	5	feet
H. Minimum centerline radii on curves	100	feet
I. Travel way :	12	inches
Aggregate Sub-base course gravel		
Aggregate Upper base-crushed gravel	3	inches
Bituminous paving if used	2	inches
Minimum crown per foot when paved	1/4	inch
Minimum crown per foot when unpaved	1/2	inch
J. Sidewalks if installed : Minimum width	5	feet
Aggregate Base course gravel	8	inches
Aggregate Surface course gravel	2	inches
Surface bituminous paving if used	1	inch
K. Minimum radii at intersections	25	feet
L. Minimum diameter of culverts	15	inches

Culverts must be suitable in size and number to provide adequate drainage in accordance with Section 4.4.3 of this Ordinance.

4.5.2 The inspection fee shall be payable to the Town of Gray stating the purpose of the fee. The applicant shall notify the Code Enforcement Officer in writing of the time when construction is proposed to commence so that inspection can be made to assure that all specifications and requirements will be met.

4.5.3 If upon inspection, it is found that any of the construction has not been in accordance with the approved plans and specifications, the Town Engineer shall so report to the Code Enforcement Officer. The Code Enforcement Officer shall then notify the applicant and, if applicable, the bonding company, and take all necessary steps to preserve the rights of the Town of Gray under the conditions of the bond.

Table 4.2 Private Street Construction Standards for new private roads on newly created right of ways.

A. Minimum width of right of way	60	feet
B. Minimum width of travel way :	12	feet
Serving not more than five (5) lots		
Serving six (6) to ten (10) lots	14	feet
Serving eleven (11) to sixty (60) lots	18	feet
Serving more than sixty (60) lots	20	feet
Commercial establishments shall be counted as one (1) lot for each increment of five (5) employees.		
C. Minimum grade	0.5	percent
D. Maximum grade	15	percent
E. Maximum grade within 30 feet of an	8	percent

intersection	
F. Minimum angle of intersection	75 degrees
G. Width of shoulders on each side	2 feet
H. Minimum centerline radii on curves	100 feet
I. Travel way :	15 inches
Aggregate Sub-base course gravel	
Aggregate Upper base-crushed gravel	3 inches
Bituminous paving if used	2 inches
Bituminous paving shall be required where eleven lots or more, including pre-existing lots, are being served by a new private road.	
Minimum crown per foot when paved	1/4 inch
Minimum crown per foot when unpaved	1/2 inch
J. Sidewalks if installed :	5 feet
Minimum width	
Aggregate Base course gravel	8 inches
Aggregate Surface course gravel	2 inches
Surface bituminous paving if used	1 inch
K. Minimum radii at intersections	25 feet
L. Minimum diameter of culverts	15 inches
Culverts must be suitable in size and number to provide adequate drainage in accordance with Section 4.4.3 of this Ordinance	

4.5.4 The applicant shall provide for maintenance of all construction and for snow removal on streets and sidewalks until the lots are sold and the responsibility for maintenance has been legally transferred to the new owners.

PART 5 PRIVATE DRIVEWAYS

Part 5 of this ordinance shall apply to all private driveways within the Town of Gray. All references to the term "private driveway" shall be deemed to include private driveways, alleys, lanes, ways, etcetera intended for vehicular traffic.

Section 5.1 Private Driveways

All private driveways proposed to be constructed or lengthened within the Town of Gray shall be required to meet the provisions of Part 5 of this Ordinance.

Section 5.2 Application Procedures

The procedure for application for proposed new private driveways or proposed lengthening of existing private driveways shall be as follows :

5.2.1 Prior to the construction or lengthening of any private driveway, an application shall be submitted to the Code Enforcement Officer. The application shall include the following information :

- 5.2.1.A Names of applicants.
- 5.2.1.B Owners of land for the location of a proposed private driveway.
- 5.2.1.C A statement of any legal encumbrances on the land for the location of a proposed private driveway.
- 5.2.1.D The anticipated starting date of construction.
- 5.2.2 Construction Drawings of the proposed private driveway shall be submitted to the Code Enforcement Officer with the application. The drawings shall include the following information :
 - 5.2.2.A Date, scale, and magnetic or true North.
 - 5.2.2.B Intersection of the proposed private driveway with an existing street.
 - 5.2.2.C Right-of-way limits of the proposed private driveway with the existing street.
 - 5.2.2.D Existing and proposed drainage ways and structures and their location and relationship with respect to the existing natural waterways.
 - 5.2.2.E Turning radii at the intersection of the proposed private driveway with the existing street.
 - 5.2.2.F Approximate centerline gradients.
 - 5.2.2.G Locations of existing overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting, and cable television.
 - 5.2.2.H A soil erosion and sedimentation control plan showing interim and final control provisions.
 - 5.2.2.I For private driveways that are to be located within the watershed of a great pond, a phosphorous control plan in conformance with the recommendations presented in Phosphorous Control in Lake Watersheds published by Maine Department of Environmental Protection.
- 5.2.3 The fee schedule for review of plans for a new private driveway or an alteration to an existing private driveway shall be established by the Town Council.
- 5.2.4 The schedule for review of proposed private driveways or lengthening of existing private driveways shall be in accordance with Section 1.3.2 of this Ordinance.
- 5.2.5 Building permits that are associated with any new construction of private driveways shall not be issued until the Code Enforcement Officer has determined that the applicants driveway construction application is complete in accordance with Section 1.3.2.A of this Ordinance.
 - 5.2.5.A The applicant may choose to begin driveway construction as soon as the Code Enforcement Officer has determined that the applicants driveway construction application is complete, a "curb cut" permit has been issued, and one or more building permits have been issued; with the caution of Section 5.2.5.B below. The applicant is required to notify the Code Enforcement Officer that work on a driveway is about to begin at least five (5) working days before starting that work.
 - 5.2.5.B Any driveway construction work that the applicant may choose to begin before the formal approval of the applicant's driveway construction application shall be entirely at the applicant's own risk. The Town of Gray shall not be liable for any costs if the applicant's driveway construction application is

not finally approved upon full and proper consideration and review. Notification that an application is complete is not assurance of approval.

Section 5.3 Private Driveway Layout and Construction

5.3.1 All new or extended private driveways constructed after the date of adoption of this ordinance shall meet the driveway construction standards of Table 5.1. It is recommended, but not required, that driveways should also meet the driveway construction standards of Table 5.2.

5.3.2 Driveways accessing State Highways or State Aid Highways shall require an MDOT entrance permit as a precondition for an access permit from the Town. Town standards for driveway entrances from State Highways shall be based on the recommended highway access standards contained in the Greater Portland Council of Government's publication, *Conquering the Strip : A Handbook for Highway Corridor Planning*, dated June 1991.

5.3.3 Proposed private driveways shall be located and designed in profile and grading to be suitable to provide safe access to and from a property at all times for the volume and character of all vehicles that may be reasonably anticipated. Convenient and safe access shall be provided for emergency vehicles to all buildings and structures at all times.

5.3.4 The arrangement, character, extent, width, grade, and location of all private driveways shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, their appropriate relation to the proposed use of land, and to minimize conflict with the flow of traffic. Grades of private driveways shall conform in general to the terrain and as closely as possible to the original topography. Private driveways, their shoulders, and drainage ditches shall be constructed in accordance with Sections 1.12.1 and 1.12.2 of this Ordinance. Deviation from this requirement due to special topographical conditions will be allowed only with special approval of the Town Engineer and the Public Works Director.

5.3.5 Driveways shall be of adequate length to accommodate queuing up of the maximum number and character of all vehicles that may be reasonably anticipated such that no vehicle remains on the street waiting for access.

5.3.6 No driveway serving either a permitted or a nonconforming use shall extend into another Zoning District where that use is not permitted, unless there is no other possible means of access to the property.

5.3.7 All private driveways shall have suitable drainage facilities to provide for adequate removal of storm water to prevent flooding and erosion.

5.3.8 Driveways to single and two-family dwellings may be constructed of any material so long as vehicles exiting the driveways onto public or private streets can do so in a safe and expeditious manner and that mud and other debris are not unreasonably brought onto the public or private streets by vehicles.

5.3.9 On each side of the travel way of all private driveways there shall be a combined width of shoulders plus ditches of not less than four (4) feet to provide for snow removal.

5.3.10 Private driveways shall be located not less than fifty (50) feet from the

tangent point of the travel way edge radius of any intersection of streets.

5.3.11 When a corner lot is bounded by streets of two different classifications, private driveways to the corner lot shall gain access from the street of lower classification unless, in the opinion of the Town Engineer, there is good reason to do otherwise.

5.3.12 There shall be a minimum turning radius of twenty (20) feet at the intersection of a private driveway with the street. If necessary, the width of the travel way of the driveway shall be increased in the vicinity of the intersection to provide for this turning radius.

5.3.13 Private driveways shall be located so that the edge of the shoulder closest to a property line is at least ten (10) feet from that property line.

Table 5.1 Private Driveway Required Construction Standards

A. Maximum grade within 30 feet of street	8 percent
B. Minimum angle of intersection with street	75 degrees
C. Maximum angle of intersection with street	105 degrees
D. Minimum diameter of culverts at intersection with street	15 inches

Culverts must be suitable in size and number to provide adequate drainage in accordance with Section 5.3.8 of this Ordinance.

Table 5.2 Private Driveway Recommended Construction Standards
These standards are recommended for good practice, but they are not requirements.

A. Minimum grade	0.5 percent
B. Maximum grade	20 percent
C. Width of shoulders	2 feet
D. Minimum centerline radii on curves	30 feet
E. Minimum tangent length between reverse curves	30 feet
F. Minimum travel way : Width	12 feet
Sub-base course gravel	6 inches
Upper base-crushed gravel	3 inches

Bituminous paving if used	2 inches
Minimum crown per foot	¼ inch
G. Sidewalks if installed: Minimum width	2 feet
Base course gravel	4 inches
Surface course gravel	2 inches
Surface bituminous paving if used	1 inch

5.3.14 Exception to Section 5.3.13 :

In order to reduce “curb cuts”, access to a street may be shared. A shared access :

5.3.14.A May be centered upon the property line between two lots and is not required to satisfy the condition of Section 5.3.13.

5.3.14.B Shall have a minimum width of travel way of twelve (12) feet for a distance of twenty (20) feet from the street before dividing into separate private driveways.

5.3.14.C Shall have shared responsibility for maintenance assigned to the lot owners through provisions included in their deeds.

PART 6 OFF-STREET PARKING AND LOADING

6.1 Off-street parking shall be considered as an accessory use when required or provided to serve conforming uses located in any Zoning District.

6.2 The following minimum off-street parking requirements shall be provided and maintained in case of new construction and changes of use. Such parking may be provided in the open air in spaces each nine (9) feet wide by eighteen (18) feet long, or in garages. All spaces shall be accessible from lanes of adequate size and location. The following are minimum requirements :

Dwellings : Two (2) parking spaces per each dwelling unit.

Motels, Inns, Bed and Breakfasts, Rooming Houses, and Hotels :

One (1) parking space for each guest room.

One (1) parking space for each employee based on the expected average employee occupancy and, in addition, adequate parking, based on the standards provided for restaurant, meeting rooms, auditor, and other activities which are necessary to the principal use.

Schools :

Nursery Schools : One (1) parking space per classroom.

Elementary Schools : One (1) parking space for each adult employee plus 10 parking spaces.

Middle Schools : One (1) parking space for each adult employee plus 25 parking spaces.

Senior High Schools : One (1) parking space for each adult employee

plus 30 parking spaces for each 100 students or major fraction thereof of total enrollment.

Hospitals, Nursing Homes : One (1) parking space per three (3) beds and one (1) parking space for each employee based on the expected average employee occupancy.

Retail Stores : One (1) parking space for each 150 square feet, or major fraction thereof, of gross floor area, plus one parking space for each adult employee.

Bowling Lanes : Three (3) parking spaces for each bowling lane plus one (1) parking space for each adult employee.

Churches and Theaters : One (1) parking space per three (3) seats.

Restaurants and Drinking Establishments :

One (1) parking space per three (3) customers/clients on premises plus two (2) parking spaces for each three (3) employees.

Indoor and Outdoor Recreation Arenas, Auditoria, and Fieldhouses :

One (1) parking space per three (3) seats of maximum seating capacity plus two (2) parking spaces for each three (3) employees.

Offices, Professional, and Public Buildings : One (1) parking space for each three hundred (300) square feet or major fraction thereof, of floor area exclusive of bulk storage areas. In no case shall there be less than one (1) parking space for every one and one-half (1 1/2) employees.

Industry, Manufacturing : One (1) parking space for each employee based on the highest expected average occupancy, plus one for each vehicle used in conjunction with carrying out the business of the industry.

6.3 Handicapped accessible parking is required by the Americans with Disabilities

Act (ADA) to be provided in all public parking areas.

6.3.1 When off-street parking requirements are :

From two (2) to nine (9) parking spaces, there shall be one (1) parking space for handicapped parking except that handicapped parking shall not be required for private dwelling units.

From ten (10) to twenty-four (24) parking spaces, there shall be two (2) parking spaces for handicapped parking.

From twenty-five (25) to fifty (50) parking spaces, there shall be three (3) parking spaces for handicapped parking.

From fifty-one (51) parking spaces to two-hundred (200) parking spaces, there shall be one (1) additional parking space for handicapped parking for each complete increment of fifty (50) parking spaces.

From two-hundred-one (201) parking spaces to five-hundred (500) parking spaces, there shall be one (1) additional parking space for handicapped parking for each complete increment of one-hundred(100) parking spaces.

For more than five-hundred (500) parking spaces, there shall be a total number of parking spaces for handicapped parking equal to two (2) percent of the total number of parking spaces in the parking area.

6.3.2 Handicapped parking spaces shall have an access aisle with a minimum

width of sixty (60) inches located adjacent to the designated parking space for the full length of the parking space.

6.3.3 At least one (1) van-accessible handicapped parking space shall be provided for each eight (8) regular handicapped parking spaces. Van-accessible handicapped parking spaces shall have an access aisle with a minimum width of ninety-six (96) inches located adjacent to the designated parking space for the full length of the parking space. Two van-accessible spaces may share a single ninety-six (96) inch wide access aisle.

6.3.4 Handicapped parking spaces shall be located as close as is feasible to building entrances that are handicap accessible.

6.4 Off-street parking required to serve residential uses shall be located on the same lot as the residential use served except where it cannot reasonably be provided on the same lot, in which case, residential off-street parking may be located on another lot within three-hundred (300) feet of the residential uses served as measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.

6.5 Off-street parking required to serve non-residential uses shall be located on the same lot as the non-residential use served or within one-hundred (100) feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, such off-street parking may be located a reasonable distance from the non-residential use served, measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the non-residential use and evidence of such control or lease shall be required.

6.6 Where off-street parking for more than six (6) vehicles is required or provided,

the following construction requirements shall apply :

6.6.1 Appropriate entranceways from streets as well as maneuvering areas shall be provided. The location and width of entranceways over public sidewalks shall be approved by the Town Engineer.

6.6.2 Entranceways from streets to parking areas shall be built to the same construction standards as the streets.

6.6.2.A Two-way entranceways from streets to parking areas shall be at least as wide as the width of the travel way of the street.

6.6.2.B One-way entranceways from streets to parking areas and one-way exits from parking areas to streets shall be at least as wide as one-half of the width of the travel way of the street.

6.6.3 When access to parking areas is available from more than one street, the locations of entrances and exits shall have the approval of the Town Engineer.

6.6.4 Maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted, and with a wearing surface equivalent in qualities of compaction and durability to fine gravel. All access ways associated with

handicapped accessible parking shall have surfaces that are suitable for use by people with canes, crutches, and walkers.

6.6.5 A system of surface drainage shall be provided in such a way that the water runoff shall not run over or across any public sidewalk or street.

6.6.6 Where artificial lighting is provided, it shall be shaded or screened so that no light source or unreasonable glare shall be visible from outside the area and its access ways.

6.7. Adequate parking spaces shall be provided for any other uses not specifically enumerated herein. Determination of the number of persons accommodated shall be based upon an occupancy of one (1) person per fifteen (15) square feet as in the Life Safety Code. In case of questions regarding the number of parking spaces required, the Town Engineer shall make the determination.

6.8. No parking space shall be closer than five (5) feet from any property line as measured perpendicularly from the property line to the nearest edge or corner of the parking space.