

Ann T. Chadwick
Ann T. Chadwick Town Clerk

Pittston Road Ordinance

ORDINANCE FOR THE CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, LAYING OUT AND ACCEPTANCE OF STREETS, ROADS, WAYS, OR PARTS THEREOF, IN THE TOWN OF PITTSTON.

Statement of Purpose:

The purpose of this ordinance is to promote the health, safety, and public welfare of the residents of Pittston by setting minimum construction standards for ALL streets and roads.

Section 1: Definition

In this ordinance the present tense includes the future tense, the singular includes the plural includes the singular, "shall" is mandatory and "may" is permissive, and the following words shall have the following meanings:

This ordinance applies to the acceptance of new streets, roads, and/or the relocation of major alteration of existing streets, ways and roads within the limits of the Town of Pittston.

Streets or ways shall comply with the requirements of this ordinance before formal acceptance of the Town. The Town may, however, by vote of the Town Meeting modify certain of these requirements upon concurrent recommendation of the Selectmen and the Planning Board

- A. **Construct:** build, place, move upon, pave, grade, or make other physical improvement operations on land. Excavation, fill drainage and the like shall be included in this definition.
- B. **Person:** Any individual, firm, partnership, association, organization, trust, company, corporation, or other legal entity.
- C. **Town Way:** Any area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle and all town or county ways not discontinued or abandoned.

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- D. Private Way:** Or what is now called a PUBLIC EASEMENT, is defined in Title 23, Section 3021 as "an easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute prior.
- E. Privately-Owned Road:** Is a road which serves, or is planned to serve, three or more dwellings, over which the general public has no right to pass by foot or vehicle.
- F. Road:** Any town way or privately owned road, easement, and street.
- G. Private Right of Way:** A general term denoting land or property or interest there in, usually in a strip, acquired for passage by foot or vehicle over which the general public has no right to pass by foot or vehicle.
- H. Standard Specifications:** Refer to the latest version of the "Standard Specifications Highways and Bridges" of the Maine Department of Transportation.

Section 2: Application

- A.** An application for acceptance of a street, streets, roads, ways or part thereof shall be submitted to the Selectmen upon a form to be prescribed. This form shall include the following information:
1. The full name(s) of the owner(s) of the land containing the street(s) to be accepted.
 2. The full name(s) of the developer(s).
 3. The full name of the land surveyor and/or professional engineer and registration number(s).
 4. A statement of any legal encumbrance on the property.
 5. A statement of the proposed length, starting and ending points of the street(s) to be constructed.
 6. The book and page numbers as registered in the Kennebec County Registry of Deeds of the property involved and as located on the property maps of the Town of Pittston.
- B.** The application shall also be accompanied by three (3) sets of plans of the street(s) as follows:
1. Drawn to a scale of 50' to 1".
 2. To be on sheets of paper 24' x 36' in size.
 3. Shall show the magnetic north.
 4. Clearly show the starting and ending points of the street(s) in relation to established, roads, streets or ways.
 5. Show the ownership and frontage in feet of all abutting lots.
 6. Show the dimensions, both lineal and angular, of all boundaries and easements.
 7. Show the waterways and water courses in or on land contiguous to the street(s).

8. Show monument locations as required in Section 3, Paragraph F.
- C. The application shall also be accompanied by three (3) sets of profile plan(s) of said street(s) drawn to a longitudinal scale of 50' to 1" and a vertical scale of 5' to 1" showing the profile of the proposed centerline of the street(s), and the profile of the ground. The profile may be on the same sheet as the plan.
 - D. The application shall also be accompanied by three (3) sets of cross-sections drawn to a scale of 5' to 1". The cross-sections shall be shown at a minimum of 100' intervals, or at lesser intervals as conditions warrant.
 - E. The application shall include on B, C or D above the proposed provisions for ditching, culverts, bridges, underground utilities and erosion control plan for drainage with respect to waterways and contours. It shall also include special construction features, i.e., guard rails, fencing, curbing, etc.
 - F. On good cause shown, the Selectmen and Planning Board may waive in whole or in part the requirements of paragraphs C, D and E above.

Section 3: Specifications

- A. Street(s) shall have a minimum right of way width of 50'. Easements or a wider right of way shall be provided for slopes and/or drainage, when necessary, beyond the 50 foot limit.
- B. Rights of way shall be cleared of trees, stumps, roots, ledge and perishable materials necessary to insure proper drainage. Natural features not interfering with travel, use or drainage and deemed to be desirable by the Selectmen and Planning Board may remain.
- C. The traveled way shall be in the approximate center of the right of way and in no case less than 10 feet from either side boundary.
- D. The traveled way shall conform to the grades and the cross-sections to within 0.1' of a foot, confirmed by the Selectmen and Planning Board, as shown on the plans of the street(s).
- E. Street(s) or way(s) shall be excavated, filled and graded as shown by the plans to the following minimum specifications:
- F. A road within a proposed subdivision or intended to serve three or more residential dwelling units shall have a monument set at each point of curvature and angle point on both sides of every road. Monuments shall be a 1/2" steel pin. The top of the monument shall be 3 inches above finished grade. Written certification by a registered land surveyor that monuments shown on the plans have been accurately set shall be required prior to the subdivision road being approved.

Item	Major Street & ways	Minor Street
1. R/W width	50'	50'
2. Pavement width	20'	20'
3. Grades, Max.	9%	10%
Min.	5%	5%
4. Shoulders	4'	4'
5. Min center-line radii on curves	800'	200'
6. Road base	18"compacted	18"
Geotex if soil requires it.		Geotex if soil requires it
Sub-base, bank gravel	6	6"
Upper base, crushed gravel (to be screened gravel)	6"	6"
7. Bituminous paving	2"	2"
8. Road Crown	all - 1/2"/1'	All-1/2"/ 1"

9. Sidewalks where

required, width	5'	5'
Base course, gravel	8"	8"
Surface	2" bituminous hot-top	2"

10. Curb radii at
intersections

90° intersections	25'	25'
Less than 90°	30'	30'

1. Aggregate subbase as used above shall be sand or gravel consisting of hard, durable particles which are free from vegetable matter, lumps, or balls of clay, and other deleterious substances. The gradation of the portion which will pass a 3-inch sieve shall meet the grading requirement of the following table:

Percentage by Weight Passing Square Mesh Sieve

Sieve		
Designation	Sand	Gravel
1/4 inch	60-100	25-70
No. 400	0-50	5-30
No. 200	0-7	0-7

Gravel subbase shall not contain particles of rock which will not pass the 6-inch square mesh sieve. Sand subbase shall not contain particles of rock which will not pass the 4-inch square mesh sieve.

Graduation tests shall conform to ASSHO* Method T-27 or its equivalent except that the material may be separated on the ½ inch sieve. Variations from these standards may be approved by the Selectmen or the Road commissioner.

1. Hammer Heads may be approved for dead end and turnarounds.
2. Turnarounds on dead-end streets and cul-de-sacs shall meet the minimum requirements of Enclosure #1.
3. The side slopes shall not be greater than 3:1 (3' horizontal to 1' vertical) unless beam type guard rails are installed. If guard rails are used, the side slopes shall not be greater than 1 ¾:1 (1 ¾' horizontal to 1' vertical).
4. The back slopes of ditch sections shall not be greater than 2:1 (2' horizontal to 1' vertical).
5. All slopes necessary to maintain the roadway system shall be included within the right of way limits or within slope easements.

* American Association of State Highway Officials

6. Cul-de-sacs and dead-end streets shall have a maximum, exclusive of the turnaround, of 1,500' in length.

F. Street(s) shall be monumented at every angle point with granite or reinforced concrete markers (6" x 6" x 3' or 6" diameter x 3' minimum size) or brass or iron pins 1/2" x 6" firmly affixed into ledge, to be installed prior to acceptance.

- G. Street(s) shall intersect at right angles where possible but under no circumstances at an angle of less than 60 degrees nor more than 120 degrees. The grade of the intersecting streets shall not exceed 5% for a distance of 25 feet from the edge of the travelled way of the throughway.
- H. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrians and vehicular traffic.
- I. Slopes and drainage ditches shall be established in such a manner as to prevent erosion and/or washing of silt which will obstruct the flowage through culverts or catch basins. This shall be accomplished in one of the following manners:
1. Loam (2" minimum) and seed, or sod.
 2. Ditches of 12% or greater shall be rip rapped with stone, cement slabs or pit screenings.
 3. Hay bales or erosion control mesh.
 4. Any combination of the above.
- J. The developer shall submit specifications to the Selectmen for approval of the base before the pavement is placed. If the road is to be accepted before paving, the specifications shall include the method of guaranteeing the completion and payment, which method shall be certified by the Town Attorney to be legally sufficient.
- K. The Selectmen or their Agent who may be a professional engineer, shall check the streets for meeting all requirements of this ordinance previous to action under Section 4. If the Selectmen or their Agent feel that any discrepancies exist in the

project under the specifications, they shall notify the developer of such in writing within five (5) working days. The notifications shall include the corrections to be made. If an agreement cannot be reached, then road acceptance shall not be submitted to the Town Meeting.

Section 4: Acceptance

- A. When all requirements of Sections 2 and 3 have been completed, the Selectmen shall call a public hearing on the site of the proposed street. The Planning Board shall attend in an advisory capacity.
- B. Following the hearing, a street may be accepted or rejected as a town way by the Town Meeting upon recommendation of the Selectmen and Planning Board.
- C. If the street or road is not accepted, the Selectmen shall send a letter within five (5) working days explaining what items are in violation and what steps should be taken to have the street accepted.
- D. Prior to acceptance of a street, the owner shall convey by warranty deed to the Town the land within the right of way limits and all slope and drainage easements, which deed will be held in escrow pending acceptance by the Town Meeting.
- E. Conflict With Other Requirement

This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other regulations, permit, ordinance, or statute. Where this ordinance imposes a greater restriction upon the use of land or structures, the provisions of this ordinance shall control.

F. Enforcement

A. Notice. If the CEO, after consultation with the Road Commissioner, finds that any provision of this ordinance is being violated at any time, before, during, or after construction, the CEO shall notify in writing the person responsible for such violation and the landowner if different from the violator, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuation of construction, removal of unacceptable fill, gravel, or pavement, re-grading and re-compaction, and abatement of any nuisance conditions. Any copy of such notice shall be maintained as a permanent record.

B. Legal Action. When the CEO notice does not result in prompt action to correct or abate the violation, the Selectmen, on their own or after notice from the CEO are hereby authorized and directed to institute any and all actions and court proceedings, either legal or equitable, including the seeking of injunction of violations and the impositions of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town.

C. Fines and Attorney's Fees. Any person who fails to take prompt action to correct or abate the violation after receiving written notice of such violation shall be subject to a fine of up to \$50.00. Each day such violation exists after notice

shall constitute a separate offence. If in any action brought in the name of the Town under this ordinance, the Town prevails against the person violating the ordinance, then such person shall be liable and responsible for the Town's legal fees and court costs and other costs involved in bringing such suit or action. All fines imposed under this ordinance shall be recovered to benefit the Town.

Variances and Waivers

A . Where the Planning Board finds that hardships may result from the strict compliance with these standards, it may vary these standards.

B. Separability

If any section, sub section, sentence, clause, phrase, or 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.

Appeals

C. An appeal may be taken within 30 days from the Planning Board's written decision on the application, by any aggrieved party to the Board of Appeals.

Performance Guarantee

A. Performance Guarantee Required. Prior to final approval of a road design, the Planning Board may require that the applicant file with the Board of Selectmen a performance guarantee in an amount sufficient to defray all expenses of the proposed road construction. The conditions and amount of such performance guarantee shall be determined by the Planning Board. The amount shall be at least equal to the total cost of all of road grading, paving, storm drainage, and utilities or other improvements specified on the plan. This guarantee should be in effect for two years of the date of the final road inspection.

1. Types of Guarantees. With submittal of the application, if required by the Planning Board, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for the construction costs.

- a .** Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, or the establishment of an escrow account;

b. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers; and

c. An irrevocable letter of credit from a financial institute establishing funding for the construction of the road~ from which the Town may draw if construction is inadequate approved by the Municipal Officers.

B. **Performance Bond Extension.** The Planning Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the applicant can demonstrate~ to the satisfaction of the Planning Board and the municipal officers~ good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.

C. **Review of Improvements.** Before an applicant may be released from any obligation requiring his guarantee of performance the Board of Selectmen will require certification from appropriate technical experts to the effect that all improvements have been satisfactorily completed in accordance with all applicable standard of the Ordinance.

Driveways:

The minimum width of 12' of gravel or pavement surface with a shoulder slope of 6%

Attest:

Ann P. Chadwick
Town Clerk

Dated: 8/2/06

This replaces the Town of Pittston Ordinance for the Acceptance of Streets

and Ways approved in SPECIAL TOWN MEETING .

Stanley L Byrne
Wanda Burns-Macomber
Theodore A Spence