ARTICLE 8, PUBLIC AND PRIVATE ROADS ORDINANCE

SECTION 1. PURPOSE:
This ordinance provides standards for the design and construction of all new public or private roads and for substantial reconstruction of existing roads. The purpose of the ordinance is to assure the comfort, convenience, safety, health and welfare of the people, to protect our environment and natural resources and this Ordinance conforms to the 2005 Pownal Comprehensive Plan. In this Ordinance, streets, roads, public and private roads are interchangeable. Driveways and logging roads, so called, are not subject to this ordinance.

SECTION 2. AUTHORITY:
This Ordinance is adopted under the home rule provision of 30-A M.R.S.A. Sections 3001 et seq.

SECTION 3. APPLICABILITY:
All new or substantially reconstructed public town or private roads shall be subject to the requirements of this ordinance. This includes all existing town public or private roads for which the traveled way is proposed to be moved outside, at any point or points, to beyond its existing right-of-way boundary.

SECTION 4. ADMINISTRATION:
The Planning Board shall administer the standards of this ordinance. The Codes Enforcement Officer and Town Road Commissioner shall oversee construction of public and private roads in the field and certify to the Planning Board that new roads are constructed to the designs of the particular roads as approved by the Planning Board. Pownal Public Works Dept. is exempt from Planning Board approval. Routine maintenance does not require Planning Board approval.

SECTION 5. APPLICATIONS:
A. Submission: An applicant shall submit an application to the Planning Board for review of a proposed new public or private road in the form of a surveyed preliminary single-lot division plan, a site plan or a preliminary minor or major subdivision plan. The proposed new road shall be shown by metes and bounds. The applicant may have her/his agent submit the survey plan provided an authorized agent is designated by the owner on the application form.

B. Site Plan: The Planning Board shall require a surveyed site plan as part of the application for any new or substantially reconstructed public road outside its existing right-of-way or private road such as to enable the new or reconstructed public road outside its existing right-of-way or private road to be accurately located on the ground.

C. Complete Application: After determining the applicant has provided a complete application and after any additional information or re-drafting of the preliminary road plan by the applicant into a final plan, the Planning Board shall inform the applicant in writing of its decision within 45 days.

D. The applicant shall submit a list of all abutters within 500 feet of the proposed road right-of-way.

E. Fee: All applications shall be accompanied by an application fee determined by the Pownal Select Board. (See fee schedule)

F. Road Naming: The name proposed by the builder of any new private road shall be submitted to the Select Board, under the Addressing and Road Naming Ordinance, for the approval who may then consult with the Road Commissioner. A pole and sign is obtained though the Select Board. (See fee schedule)
SECTION 6. STANDARDS
Frontage along a road (public or private) shall have a minimum depth of 40 feet.
The approving new public or private roads within the Town, the Planning Board shall be directed by the following criteria in: (See SECTION 15; APPENDICES A-G)
In addition to being designed in compliance to all the standards of this ordinance, all roads, right-of-ways and storm drainage and other facilities subject to this ordinance shall also be subject to all other applicable local, state or federal environmental standards. In the case of a conflict between local, state and federal regulations, the stricter standards shall apply, except that roads located in mobile home parks shall be subject to the requirements of the Mobile Home Park Ordinance.

SECTION 7. VARIANCES AND WAIVERS:
A. The Planning Board may hear and decide waiver requests brought by a public or private road applicant. Variance appeals shall be heard by the Board of Appeals which shall follow the procedures set forth in Section 9 of the Subdivision Ordinance to determine variances.

B. The Planning Board may allow minor modification to the 600’ standard for minor dead end streets to accommodate aesthetics and topography as long as the minimum road frontage requirement established by the applicable zoning district is maintained and no more than four lots are created on the private dead-end road.

C. In considering minor modifications to private dead-end roads, the Planning Board may waive the standards in the Public and Private Roads Ordinance for ‘Minor Dead-End Streets 600 feet or less’ in Appendix A, DESIGN AND CONSTRUCTION STANDARDS FOR STREETS’; in Appendices B and C, ‘GEOMETRIC STANDARDS – STREETS’ in Appendices D, E, F and G, ‘CONSTRUCTION NOTES AND SPECIFICATIONS FOR DEAD END ROADS 600 FEET OR LESS’ in Appendices B and C, so long as the Planning Board determines that the public health, safety and general welfare would be met by the modified standards.

D. In granting other variances and modifications (those not delegated to the Planning Board in this Ordinance), the Board of Appeals shall require such conditions as would, in its judgment, secure substantially the objectives of the requirement so varied or modified.

SECTION 8. PLANNING BOARD DECISION:
A. The Planning Board may approve the final road plan, may approve with conditions or may disapprove it.

SECTION 9. APPEALS:
A. The appeal from any decision of the Planning Board, the Code Enforcement Officer or the Road Commissioner may be taken to the Board of Appeals in accordance with 30-A M.R.S.A., Section 2691 and Section 11 of the Zoning Ordinance.

B. Any appeal from any decision of the Board of Appeals may be taken to the Superior Court of Cumberland County in accordance with Maine Rules of Civil Procedure, Rule 80B.

SECTION 10. PERFORMANCE BOND:
The same regulations for a performance bond to cover the cost of installation of public improvements (including roads) in an approved subdivision plan may be applied by the Planning Board as a condition of approval for a new public or private road on a single-lot division or a site plan. (See Subdivision Ordinance, Section 6. C.1. Inspection of Required Improvements)

SECTION 11. INSPECTION OF NEW ROADS:
The builder of any approved new road during construction is subject to the inspection requirements of the Town as specified in the Subdivision Ordinance, Section 6.C. The Codes Enforcement Officer and the Road Commissioner shall represent the Town in conducting inspections pursuant to the Subdivision Ordinance, Section 6.C.

SECTION 12. ENFORCEMENT:
Failure to comply with any conditions of this Ordinance shall be a violation and subject to enforcement under the provisions of 30-A M.R.S.A Section 4452. The Codes Enforcement Officer and Road Commissioner shall also have the authority to issue a stop work order when any work is undertaken that does not comply with the requirements of this Ordinance or any approval granted under this Ordinance. Legal proceedings shall be initiated by the Codes Enforcement Officer or the Select Board to enjoin construction or any specific activity violating the conditions of approval.

SECTION 13. CONFLICT WITH OTHER ORDINANCES:
Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code or Statute, the more restrictive shall apply.

SECTION 14. SEVERABILITY AND EFFECTIVE DATE:
   A. The invalidity of any provision of these standards shall not invalidate any other part.
   B. These standards shall take effect immediately on adoption of the same by the legislative body of the Town of Pownal June 15, 2015.
   C. A copy of this Ordinance certified by the Town Clerk shall be retained in town files.

SECTION 15. AMENDMENT:
This Ordinance may be amended by majority vote of the registered voters of the Town.
### SECTION 16. APPENDICES

## APPENDIX A: DESIGN AND CONSTRUCTION STANDARDS FOR STREETS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Collector Streets</th>
<th>Minor Streets</th>
<th>Minor Dead-end St. 600 feet or less</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum width: ROW</td>
<td>60’</td>
<td>60’</td>
<td>60’</td>
</tr>
<tr>
<td>2. Minimum width of pavement (1)</td>
<td>24’</td>
<td>22’</td>
<td>20’</td>
</tr>
<tr>
<td>3. Minimum grade</td>
<td>.5%</td>
<td>.5%</td>
<td>.5%</td>
</tr>
<tr>
<td>4. Maximum grade</td>
<td>6%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>5. Maximum grade</td>
<td>3% within 50 feet of intersections for collector &amp; minor streets</td>
<td>3% within 25’ of intersection of Pownal maintained road</td>
<td></td>
</tr>
<tr>
<td>6. Minimum angle of intersections</td>
<td>60 degrees</td>
<td>60 degrees</td>
<td>60 degrees</td>
</tr>
<tr>
<td>7. Width of shoulders</td>
<td>4’</td>
<td>4’</td>
<td>4’</td>
</tr>
<tr>
<td>8. Minimum centerline radii on curves</td>
<td>200’</td>
<td>200’</td>
<td>200’</td>
</tr>
<tr>
<td>9. Minimum tangent length between reverse curves</td>
<td>200’</td>
<td>200’</td>
<td>200’</td>
</tr>
<tr>
<td>10. Road base (min.)</td>
<td>22”+ geotextile</td>
<td>22”+ geotextile</td>
<td>22”+ geotextile</td>
</tr>
<tr>
<td>Sub-base bank gravel</td>
<td>18”</td>
<td>18”</td>
<td>18”</td>
</tr>
<tr>
<td>Upper base – crushed g.</td>
<td>4”</td>
<td>4”</td>
<td>4”</td>
</tr>
<tr>
<td>11. Bituminous paving, base surface</td>
<td>2.5”</td>
<td>2.5”</td>
<td>2.5” (conforms to standards MDOT)</td>
</tr>
<tr>
<td>12. Road crown (minimum)</td>
<td>.25”/1 ft.</td>
<td>.25/1 ft.</td>
<td>.25/1 ft. (gravel .50”/ft)</td>
</tr>
<tr>
<td>13. Sidewalks Width</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(minimum where required)</td>
<td>5’</td>
<td>5’</td>
<td>NA</td>
</tr>
<tr>
<td>Base course (gravel)</td>
<td>8”</td>
<td>8”</td>
<td>NA</td>
</tr>
<tr>
<td>Surface: bituminous hot-top</td>
<td>2”</td>
<td>2”</td>
<td>NA</td>
</tr>
<tr>
<td>14. Dead-end streets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Length, not more than</td>
<td>600 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turn-around</td>
<td></td>
<td>see Appendix D</td>
<td></td>
</tr>
<tr>
<td>Property line (minimum)</td>
<td>NA</td>
<td>65’</td>
<td>10’ for intersections</td>
</tr>
<tr>
<td>Pavement (minimum)</td>
<td>NA</td>
<td>50’</td>
<td>10’ for intersections</td>
</tr>
<tr>
<td>15. Property line radii at intersection (minimum)</td>
<td>NA</td>
<td>10’</td>
<td>10’</td>
</tr>
<tr>
<td>16. Curb radii at intersections</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>90 degrees intersections</td>
<td>25’</td>
<td>25’</td>
<td>25’</td>
</tr>
<tr>
<td>Less than 90 intersection</td>
<td>30’</td>
<td>30’</td>
<td>30’</td>
</tr>
<tr>
<td>17. Road-side Drainage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum depth of ditch</td>
<td>NA</td>
<td>NA</td>
<td>18” (Appendix E &amp; F)</td>
</tr>
<tr>
<td>18. Turn-around Required use</td>
<td>NA</td>
<td>NA</td>
<td>all streets (Appendix D)</td>
</tr>
</tbody>
</table>

(1) See definitions for Collector, Minor Dead-End Street in Article 2 Definitions
APPENDIX B: CONSTRUCTION NOTES FOR MINOR STREETS AND DEAD END ROADS 600 FEET OR LESS

CONSTRUCTION NOTES

a. CROSS SLOPE (CROWN)
   ▪ Cross slope on a paved surface shall be ¼” per foot.
   ▪ Cross slope on a gravel surface shall be ½” per foot.
     ○ All sections of the road shall be graded and compacted to achieve the proper cross slope, (sub grade, sub base, base and surface).
     ○ Shoulder cross slope shall be consistent to or slightly greater than the road.

b. DRAINAGE
   ▪ Culverts shall be a minimum of 15” diameter and sized based on a drainage area study with capacity for a 50 year storm and shall be approved by the Road Commissioner.

c. DITCHES
   ▪ In slope shall be no greater than 3:1
   ▪ Back slope shall be no greater than 2:1
   ▪ Ditch bottom elevation shall be no higher than the bottom of sub base gravel or base gravel on gravel road.
   ▪ Ditches with a slope greater than 5% shall be stone lined (rip rap over filter fabric).

APPENDIX C. SPECIFICATIONS

a. GRAVEL ROADS:
   ▪ Base gravel shall meet MDOT 703.06 Type “D” specifications.
   ▪ Woven geotextile shall be installed between sub base and base gravel.
   ▪ Surface gravel shall be modified from MDOT 703.06 Type “A” crushed, which increases the percentage passing through a #200 sieve from 0-5.0 to 7.0-12.0.

b. PAVED ROADS:
   ▪ Woven geotextile shall be installed between sub grade and sub base gravel.
   ▪ Sub base gravel shall meet MDOT 703.06 Type “D” specifications.
   ▪ Base gravel shall meet MDOT 703.06 Type “A” crushed specifications.

c. BITUMINOUS PAVEMENT:
   ▪ Binder course shall meet MDOT superpave specifications for 19.5 mm. or modified “B” mix (to be approved by the Road Commissioner).
   ▪ Surface course shall meet MDOT superpave specifications for 12.5 mm. or “C” mix. (To be approved by the Road Commissioner).

d. CULVERT PIPE:
   ▪ If depth of fill is more than 1’ and less than 8’ culvert pipe shall be double wall polyethylene (ADS N-12 or similar) unless otherwise approved by the Road Comm.
   ▪ If depth of fill is over 8’ the culvert pipe shall be reinforced concrete unless otherwise approved by the Road Commissioner.

e. EROSION CONTROL AND SEDIMENTATION:
• All erosion control and sedimentation devices shall be constructed using Best Management Practices as defined by MDOT/MDEP.
• Erosion control blanket shall be bio or photodegradable and installed to manufacturers specifications.
• Vegetated areas shall be hydro-seeded using an erosion control, conservation mix designed for fast germination and stabilization.

f. SEPARATION GEO-TEXTILE:
• Separation geo textile shall be woven GTF 200 (LINQ Industrial Fabrics, Inc.) or similar to be approved by the Road Commissioner. Non-woven or slit tape geo-textile will not be permitted.
• All specifications that refer to MDOT standards shall follow that of the most recent revisions.

NOTE: The following Appendices E, F & G are for illustrative purposes. Refer to Appendices A, B & C for specifications.

APPENDIX D: GEOMETRIC STANDARDS FOR TURNAROUND at the furthest point from the public road.

** Amended by Special Town Meeting 09/18/2006
GEOMETRIC STANDARDS – STREETS
MINIMUM REQUIREMENTS
PAVED SURFACE
APPENDIX F: GEOMETRIC STANDARDS – STREETS: GRAVEL SURFACE

GEOMETRIC STANDARDS – STREETS
MINIMUM REQUIREMENTS
GRAVEL SURFACE
APPENDIX H: REFERENCE DOCUMENTS ON DESIGN, ENGINEERING AND ENVIRONMENTAL QUALITY MAINTENANCE OF NEW AND SUBSTANTIALLY RECONSTRUCTED ROADS IN POWNAL

**NOTE:** The reference documents below are only to provide information and guidance in BMPs (Best management practices) and are not ordinance requirements per se for Pownal roads.

**Design, Engineering, Reconstructing and Maintenance of Roads:**

- REVISED PERFORMANCE & DESIGN STANDARDS FOR ACCESSES AND STREETS IN MODEL SUBDIVISION REGULATIONS, SMRPC for Maine DOT Regional Transportation Advisory Committee – Contract 7/03-6/04 Task 4.
- APPENDIX Q – STREET DESIGN STANDARDS AND CROSS SECTION EXAMPLES, (no author cited), (no date)

**Environmental Standards:**

- TOWN OF POWNAL SHORELAND ZONING ORDINANCE, July 20, 2009. Section 5.G. ROADS and DRIVEWAYS.

**Web links:**

MDOT ACCESS MANAGEMENT RULES,  

MDEP Erosion BMPs,  

MDOT Standard Specifications,  