

**ACCEPTANCE OF STREETS AND WAYS ORDINANCE**

**FOR THE**

**TOWN OF WINDSOR, MAINE**

THESE REGULATIONS ARE EFFECTIVE AS OF: MARCH 8, 1976

Revised October 3, 1992

Revised March 16, 2002

Revised June 15, 2013

## ACCEPTANCE OF STREETS AND WAYS ORDINANCE

### **Authority, Administration, and Effective Date**

**AUTHORITY:** This ordinance is enacted pursuant to and consistent with Article VIII-A of the State of Maine constitution, and with Title 30, M.R.S.A., Section 2151-A.

**ADMINISTRATION:** This ordinance shall be administered by the Board of Selectmen with assistance from the Town Code Enforcement Officer and Road Commissioner or a designated engineer employed by the town.

**EFFECTIVE DATE:** The effective date of this ordinance is March 8, 1976, which was the date of adoption by the town meeting.

### **SECTION 1. DEFINITION**

This Ordinance applies to the acceptance of new town roads, streets, ways, and/or the relocation or major alterations thereof. It does not preclude but neither does it contemplate or imply the acceptance of ways serving property occupied or used only on a seasonal basis.

Streets or ways dedicated, partially constructed, or used for public travel prior to the passage of this Ordinance shall comply with the requirements of this Ordinance before formal acceptance by the Town. Existing town roads are exempt.

### **SECTION 2. APPLICATIONS**

Applicants for the acceptance of a new street or way must file a plan showing the following information:

- a. The scale of the plan.
- b. The direction of magnetic north.
- c. The starting and ending points with relation to established roads, streets or ways.
- d. The street lines, with relation to existing buildings and landmarks.
- e. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements, and building lines.
- f. The lots as laid out on said street, and showing the names of all owners of abutting property.
- g. All natural water ways and water courses in or in land contiguous to the said streets or ways.
- h. The centerline of the road shall be the centerline of the road right-of-way.

## ACCEPTANCE OF STREETS AND WAYS ORDINANCE

With the plan, applicants shall submit a written application for acceptance, giving the following:

- a. The name of the owner or owners of the land containing the street or way to be accepted.
- b. The name or names of the developers.
- c. A statement of any legal encumbrances on the property.
- d. A statement giving the proposed starting and finishing dates of the street construction.

If the proposed street or way shall contain any grade of 5% or greater, the applicant shall also submit with the plan and written application, a profile drawing showing:

- a. The scale of the profile, both horizontal and vertical.
- b. Proposed provision for ditching, culverts, bridges, and for storm drainage with respect to natural waterways or contours. All applications shall be made to and supporting data filed with the Planning Board of the Town of Windsor, and approval for acceptance must be obtained before the plans are filed with the Registry of Deeds.
- c. Submittals or plans are to be consistent with all parts of this Ordinance.

### **SECTION 3. SPECIFICATIONS**

Roads shall be located, constructed and maintained in such a manner that minimal erosion hazard results. Adequate provisions shall be made to prevent soil erosion and sedimentation of the surface waters. For any road to be accepted by the Town, the following standards must be met. However, meeting these standards does not guarantee that the road will be accepted by the Town.

Dead-end roads should end with an approved cul-de-sac or turn-around. Cul-de-sac and dead end streets shall have a maximum length of 800 feet with a minimum property line radius of 100 feet and a minimum turning radius of 50 feet at the closed end. Use of a T-shaped turn-around will be permitted as an alternative. In the latter case, the turnaround shall be at least 24 feet wide, 40 feet long and shall be located between 50 and 100 feet from the end of the street (all dimensions cited for the T-shaped turnaround are for the traveled way).

Graded shoulders shall extend to each side of the paved section, except that no shoulder shall be required when concrete, stone, or asphalt curbing is used. A graded shoulder shall be a minimum of four (4) feet if a box section is incorporated.

Number of travel lanes	2 lanes
Width of paved travel lanes	10 feet
Width of parking lanes/shoulders	4 feet
Width of Right of Way	50 feet

## ACCEPTANCE OF STREETS AND WAYS ORDINANCE

Maximum Ditching Slopes	3:1 down slope and back slope
Roadway Crown	¼ inch per foot (paved)
<i>The Crown of the road may be adjusted to take advantage of more efficient drainage and for curves in the roadway.</i>	
Maximum Grade	10%
At intersections of highways or town roads	maximum 3%
Center line radius on curves; (min)	150 feet
Tangent between reverse curves; (min)	150 feet
Stabilization – Geotextiles: When deemed necessary	MDOT T-22-01
Minimum Angles at Intersection	75 degrees
Minimum Center Line Radius for Curves	150 feet
Gravel Base***	21 inches (Base & Sub-base as follows)
Aggregate Sub-base Required	18 inches compacted in 6-inch lifts
Aggregate Base Gravel	3 inches
Bituminous paving (travel lanes only)	3 inches or more 2 inches (min.) binder (MDOT “B” mix or equivalent) and 1 inch (min.) wearing course (MDOT “C” or “D” mix or equivalent).
Culverts: (MDOT Approved/Accepted)	
Driveway:	20 foot length (min.) 15 inch diameter (min.)
Roadway:	34 foot length (min.) 15 inch diameter (min.)
Cross-Culvert (diagonal )	36 foot length (min.) 15 inch diameter (min.)

\*\*\*Specifications for aggregate sub base: Aggregate sub base must conform to MDOT 703.06 (as amended), Type ‘D’ (or equivalent) Gravel, of hard durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The gradation of that part that passes a 3 inch sieve shall meet the following requirements:

1. ¼ inch sieve: 25 to 70 percent passing by weight
2. No. 40 sieve: 0 to 30 percent passing by weight
3. No 200 sieve: 0 to 7.0 percent passing by weight
4. Type ‘D’ aggregate shall not contain particles of rock which will not pass the 6-inch square mesh sieve.

\*\*\*Specifications for aggregate base: Aggregate base must conform to MDOT 703.06 (as amended); Type ‘A’ Crushed Gravel, of hard durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The gradation of that part that passes a 3 inch sieve shall meet the following requirements:

## ACCEPTANCE OF STREETS AND WAYS ORDINANCE

1. ½ inch sieve: 45 to 70 percent passing by weight
2. ¼ inch sieve: 30 to 55 percent passing by weight
3. No. 40 sieve: 0 to 20 percent passing by weight
4. No. 200 sieve: 0 to 5 percent passing by weight
5. Type 'A' aggregate shall not contain particles of rock which will not pass the 3-inch square mesh sieve.

Leveling gravel may be used to do finish grading.

Ledge: Ledge shall be removed to a minimum depth of one foot, 12", below subgrade.

### **SECTION 4, Grades, Intersections, and Sight Distances:**

- a. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
- b. All changes in grades shall be connected by vertical curves providing for the minimum sight distances set forth below.
- c. Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:

Posted Speed Limit	Sight Distance (Each Direction)
25 mph	250 feet
30 mph	300 feet
35 mph	350 feet
40 mph	400 feet
45 mph	450 feet
50 mph	500 feet
55 mph	550 feet

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

- d. Cross (four-cornered) road intersections shall be avoided in so far as possible, except as at important traffic intersections. A minimum distance of 200 feet shall be maintained between centerlines of side streets.

## ACCEPTANCE OF STREETS AND WAYS ORDINANCE

### **SECTION 5. SLOPE EASEMENTS**

Whenever the ratio of slopes for ditches, shoulders, grading and other purposes required by this Ordinance cannot be adhered to within the required fifty foot road limits, and grading or excavation is necessary beyond this width, it shall be necessary for the developer or builder to secure good and sufficient slope easements from abutting owners without cost or expense to the Town, and such rights properly indemnifying the Town shall be presented and recorded prior to any action for acceptance.

Side slopes shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

Underground utilities if used, shall be installed prior to road surface completion.

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

Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of stumps and debris is proposed, the disposal site shall be indicated on the plan and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

### **SECTION 6. DRIVEWAY ENTRANCES & CULVERTS**

First time culverts must be installed where needed by the homeowner and must be of sufficient size to handle anticipated run off. Each abutting property owner or the developer, as the case may be, shall not obstruct the flow of water or drainage of any ditch existing on any road or street within the jurisdiction of the Town by the construction of a driveway or entrance to his property. Prior to acceptance of any street, such culverts shall be installed in accordance with this Ordinance by the property owner or developer, but will be maintained by the Town following acceptance of the street. All new driveways on town roads require a permit issued by the Road Commissioner or designee. Any exception requires permission by the Road Commissioner or designee.

#### **Culverts**

- A. The cost of purchasing the initial or first driveway culvert will be the responsibility of the homeowner/taxpayer. More than one driveway culvert is permissible; however the homeowner or taxpayer will be responsible for the cost of installation, maintenance and replacement of each additional culvert.
- B. The cost of installing, replacing, or resetting a driveway culvert will be the responsibility of the Town of Windsor, if the work is to be performed by the Town Public Works Department. The Public Works Supervisor, Road Commissioner or Designee shall determine the necessity of installing, replacing, or resetting a culvert. If it is his/her determination that a culvert does not need to be installed, replaced, or reset the Town of Windsor will not be responsible for performing the work.

## ACCEPTANCE OF STREETS AND WAYS ORDINANCE

- C. If a homeowner or taxpayer prefers, he/she may install, replace, or reset a culvert at his/her own expense under the following conditions:
  - 1. A homeowner or taxpayer may install, replace or reset a culvert by himself/herself according to the Town's specification; or
  - 2. A homeowner or taxpayer may employ an individual or contractor to install, replace or reset a culvert according to the Town's specifications.
- D. Notwithstanding the other provisions of this Ordinance, the Town of Windsor will not be responsible for installing, replacing or resetting a culvert if the homeowner, taxpayer, his/her agents or assigns, cause the condition which necessitates that a culvert be installed, replaced or reset.

The intent of this section is to place responsibility on the homeowner if he/she causes his/her own need for work to be performed, and to place responsibility on the Town if environmental or other uncontrollable factors cause the need for work to be performed. By way of example, and not limitation, a homeowner would be responsible for repairing or replacing a culvert if he/she ran over the end of it with a vehicle and closed off the end, or if he/she paved a large area and directed the run-off toward a culvert that was too small. The Town would be responsible in such cases as rusted out culverts or culverts that had risen due to frost action.

One the installation of the initial culvert for a new dwelling, the homeowner or taxpayer is specifically deemed to be not responsible for causing the need for a culvert, and therefore, the Town will install the initial culvert at no charge.

- E. All culverts shall have a minimum length of 20 feet and a maximum length of 36 feet, unless specific written approval to do otherwise is obtained from the Public Works Supervisor, Road Commissioner or Designee. This approval will not be granted unless there are legitimate extenuating circumstances that make a different length preferable.

All culverts shall also be a minimum of 15 inches in diameter; the Public Works Supervisor, Road Commissioner or Designee may require that a larger diameter culvert be installed if he/she deems it necessary. All culverts, regardless of who they are installed by, should be set in gravel of good quality, and designed so as to allow the free flow of water through them. The area around the mouths of the culvert should be rocked-up or graded such as to prevent soil erosion.

- F. A permit must be obtained from the Public Works Supervisor, Road Commissioner or Designee before any new culverts are installed.
- G. This ordinance is effective immediately upon Town's Approval and replaces any other ordinance the Town of Windsor had in respect to driveway culverts.

### **SECTION 7. SIDEWALKS**

The Road Commissioner or designee shall have the authority to designate whether side-walks shall be required or not, and whether sidewalks shall be constructed on both sides of the street or way or only on one designated side. Such sidewalks as are required shall about the boundaries of the RIGHT OF WAY and shall conform to the cross-section drawing of construction details. Sidewalks should not be less than three (3') feet wide.

## ACCEPTANCE OF STREETS AND WAYS ORDINANCE

1. Bituminous Sidewalks:
  - a. The gravel aggregate sub-base course shall not be less than 12 (12") inches thick.
  - b. The crushed aggregate base course shall not be less than two (2") inches thick.
  - c. The hot bituminous pavement surface course shall not be less than two (2") inches after compaction.
2. Portland Cement Concrete Sidewalks:
  - a. The sand base shall not be less than six (6") inches thick.
  - b. The Portland Cement Concrete shall be reinforced with six-inch-square, number 10 wire mesh and shall not be less than four (4") inches thick.
3. Alternate Sidewalks: To be approved by Road Commissioner or designee.

### **SECTION 8. UTILITIES**

Longitudinal runs of water or sewer mains shall be laid outside of the twenty-eight foot roadbed and clear of any present or designated sidewalks. Utility poles shall be so placed so that any present or designated sidewalks may be contained within the boundaries of the street or way without obstruction by poles or appurtenances.

### **SECTION 9. INSPECTION DURING CONSTRUCTION**

Whenever an application for the acceptance of a street or road is received, the Road Commissioner of the Town shall be fully informed and given all data as to layout and location. It shall be the duty of the Road Commissioner to make sufficient inspections during construction to have knowledge of compliance or non-compliance with this Ordinance and to report fully on the same upon request of the Board of Selectmen or the Planning Board.

### **SECTION 10. ROAD NAMES**

All roads that serve two or more structures shall be named regardless of whether the ownership is public or private.

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name (ex. Pine Road and Pine Lane).
- b. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).
- c. Each road shall have the same name throughout its entire length.

#### **Numbering System**



## ACCEPTANCE OF STREETS AND WAYS ORDINANCE

The following criteria shall govern the numbering system:

- a. Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend. A 25-foot or fewer intervals may be applied in more densely structured areas.
- b. All number origins shall use the existing town numbering protocol.
- c. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- d. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy, i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Road, Apt 2.

### **SECTION 11. MAILBOXES**

All Mailboxes on Town and State roads must be installed in accordance with all applicable standards to ensure that mail can be delivered and that the mailbox does not create an obstacle or safety hazard to those that use or maintain the highway.

The mailbox is installed entirely at the owner's risk. In other words, if the mailbox incurs damage during any sort of highway operations or maintenance, the property owner is not entitled to replacement or compensation. In fact, if the mailbox was not installed in accordance with the applicable standards as stated above, the owner may even be held liable for injuries or damages that may have been incurred as a result.

### **SECTION 12. CONCURRENCE BY OTHER BOARDS**

Before a road is considered for recommendation for acceptance, the applicant must submit to the Board of Selectmen or Road Commissioner, at the expense of the applicant, a written certification signed by a professional engineer registered in the State of Maine, certifying that the road(s), as built, meets or exceeds the design and construction requirements of this Ordinance.

Whenever an application for laying out and accepting any street or way is presented to the Board of Selectmen, it may refer the same to the Planning Board or Road Committee, which shall proceed to examine the application and the site. No street or way shall be presented to the Town for acceptance until the Planning Board or Road Commissioner have made a careful investigation and shall have reported to the Board of Selectmen that the provisions of this Ordinance have been complied with. Following such report by the Planning Board or Road Commissioner, the Board of Selectmen may give clearance for the construction of said road or way within the limi-

## ACCEPTANCE OF STREETS AND WAYS ORDINANCE

tations of this Ordinance, and without prejudice of rights as to final recommendation for acceptance, or as to acceptance by the Town. The Board of Selectmen may require the assessment of additional fees to cover the costs of construction inspection.

### **SECTION 13. BOND**

No street or way shall be accepted unless and until the Board of Selectmen have been furnished with a bond satisfactory to them, providing that the developer, or persons petitioning for the street or way, will be responsible for a period of two (2) years from the date of acceptance to repair any defect or condition of the street or way that is unsatisfactory to the Board of Selectmen which arises out of the failure of the developer or said petitioners to prepare said street or way to the specification provided for in this Ordinance. Said bond shall be in the minimum amount of \$50.00 per lineal foot of said street or way with actual amount to be determined and set by the Board of Selectmen. This provision may be waived at the discretion of the Board of Selectmen.

### **SECTION 14. RECOMMENDATION FOR ACCEPTANCE**

At such time as the developer has complied with the above specifications to the satisfaction of both the Board of Selectmen and either the Planning Board or the Road Commissioner, the Selectmen may give such developer a written statement that he has complied with the specifications of the Ordinance, and that such Board will recommend the acceptance of such street or way at the next regular Town Meeting, or at a special Town Meeting called for this purpose within a reasonable and feasible time.

### **SECTION 15. PREVIOUS ACTIONS**

The above Ordinance rescinds any previous Ordinance or actions, or any part thereof, previously approved or accepted by the Town of Windsor, where it conflicts in any way with the above sections of this Ordinance.

contract with a contractor to be selected by the Board of Selectmen for winter maintenance as deemed necessary by the Road Commissioner.

**SELECTMEN RECOMMENDS (5-0-0)**

**Moved and seconded to accept as written. By voice vote, motion carried.**

**ARTICLE 34.** To see if the Town will vote to accept donations of money or materials already or hereafter made for renovations to the town garage and town hall including but not limited to those renovations necessary to accommodate the food bank, and to authorize the Selectmen to expend and utilize the same for said purposes.

**SELECTMEN RECOMMENDS (5-0-0)**

**Moved and seconded to accept as written. By voice vote, motion carried.**

**ARTICLE 35.** Shall an Ordinance entitled "Animal Trespass and Nuisance Ordinance" be enacted?

A town resident said that there was not enough publicity concerning this article. He said we need additional publicity. He was told that there was a Public Hearing on April 27, 2013, and that the hearing had been advertised in the paper. KVCOG helped write this article and the minutes were on the Town of Windsor's web site.

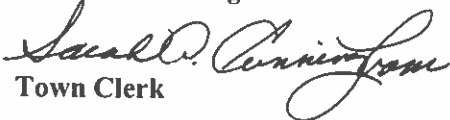
**Moved and seconded to accept as written. By voice vote, motion carried.**

**ARTICLE 36.** Shall an Ordinance entitled "Acceptance of Streets and Ways" as revised and dated June 15, 2013, be enacted?

It was asked "why we needed to make changes to this ordinance?" The answer was that there had been no changes since March 16, 2002 until the present time, so it needed to be updated. Also it was asked, "who puts in culverts in a driveway, the town or the homeowner?" The answer was, "the homeowner puts in the first culvert then the town maintains it." **Moved and seconded to accept as written. By voice vote, motion carried.**

**Moved and seconded to adjourn at 11:55 am.**

**Sarah A. Cunningham**

  
Town Clerk