



TOWN OF GRAY
GRAY TOWN COUNCIL WORKSHOP
AGENDA • JUNE 6, 2022

**Gray Town
Council Workshop**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/84760874411>
Phone 646-558-8656 / Meeting ID: 847 6087 4411

4:00 PM

CALL to ORDER

Roll Call

WORKSHOP 4:00 PM - 6:00 PM

1. Road Standards
2. Winter Maintenance Policy
3. Deer Acres Request
4. Ramsdell Road Request

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

Contract - I

Road	Miles
Andrew Avenue	0.32
Shore Rd, Small Dam Rd, Glen Cove Rd	0.4
Hyde Road	0.44
Cottage (Road #5)	0.9
Eagles' Nest Road (Ext.)	0.34
Jordan Circle	0.13
Old (Road #3)	0.5
Cliff Road, Moon Road	0.2
Larrabee Lane (Road #5A)	0.3
Summit Road, Homeward Way	0.85
Wilderness Way	0.3
Rustic Road	0.6
Old Hunts Hill	0.05
Chaz Way	0.123
Sorrento Way	0.099
Taylor Lane	1.07
Arlington Court	0.34
CONTRACT I -Total Road Miles	6.962

Contract - II

Road	Miles
Deer Acres Road & Ext.	0.9
Fawn Avenue	0.2
Evergreen Road	0.15
Arundel Road	0.7
Crescent Lane	0.15
Aquila Road	0.5
Hayden Bay Lane	0.1
Krams Point	0.35
Kentwood Road	0.2
Nolan's Way	0.35
Northern Oaks Drive	1.1
Ames Drive	0.07
Worcester Drive	0.152
Poole Drive	0.1
Cole Road	0.35
Steele Road	0.1
Kincaid Lane	0.15
Shallow Cove	0.05
Brads Way	0.05
Lyons Point Road	0.825
Gore Road	0.44
CONTRACT II -Total Road Mile	6.987

Contract - III

Road	Miles
Qualey Road	0.45
Westwood Road	1
Shady Ridge Drive	0.15
Sweet Drive	0.1
Narrow Lane	0.15
Cobb Drive	0.2
Oak Drive	0.2
Turtle Cove	0.1
Cambell Shore Road	0.44
Lake Avenue	0.66
Latimer Road	0.22
Edgewater Road	0.15
Ledgewood Road	0.3
Skillings Road	0.6
Waterview Road	0.35
Gabriel Way	0.1
Knudsen/Abrahamson Road	1.11
Hunnewell Drive	0.09
Spring Ridge Road	0.24
Wild Acres Road	0.48
Shaw Brook Lane	0.28
Birchwood Road	1.6
Twin Island Road	0.1
Pumpkin Hill Road	0.15
Lake Grove Springs Road	0.09
Chestnut Heights	0.413
Fox Run	0.28
Sayward Drive	0.51
Aidan Lane	0.147
Loon Lane/Carr Road	0.19
Mountain View Road	1
Ramsdell Road	2.3
Johnson Road	1.25
Contract III - Total Road Miles	15.4

Request for Winter Maintenance via Rural Public Street Easement

Name of Subdivision _____ Date of Application _____ Date (year) of Road Completion _____

Name of Road Association _____ Incorporated? _____ Y or N Name of Association President _____

Name of Designated Liaison _____ Address _____ Phone # _____ e-mail _____

Liaison information to be updated on September 1st of each year hereafter.

Complete for all Roads

Length of roadway in feet _____ ft.
 4 or more of Year Round Dwellings _____ Y or N
 20' Easement _____ Y or N
 Road travel Portion 10' with a total of 18' _____ Y or N
 6" Gravel Base _____ Y or N
 13.5' Overhead Clearance _____ Y or N

Complete for Roads Constructed After October 1,1998

Have at least 75% of proposed dwellings received Cert. of Occupancy? _____ Y or N

Specs and Conditions	Required for Rural Public Easement Street	Provided for this Road?	Compliant Y or N
A. Minimum width right of way ¹	50 ft ⁵	_____ ft.	_____
B. Minimum grade	1 percent	_____ %	_____
C. Maximum grade	10 percent ³	_____ %	_____
D. Maximum grade within 75 ft of intersection	3 percent	_____ %	_____
E. Width of shoulders on each side	2 ft (gravel)	_____ ft.	_____
F. Minimum travel way width	18 ft	_____ ft.	_____
G. Aggregate sub-base course gravel	15 inches	_____ inches	_____
H. Aggregate upper base crushed gravel	3 inches	_____ inches	_____
I. Bituminous paving	3-1/4 inches	_____ inches	_____
Roads constructed prior to 2010	3 inches	_____ inches	_____
J. Minimum curb radii:			
90 degree intersections	15 ft	_____ ft.	_____
Less than 90 degrees	20 ft	_____ ft.	_____
K. Minimum dwelling units	11	_____ units	_____
L. Maximum dwelling units	25	_____ units	_____

1 Where road grading extends beyond the specified right of way width, the right of way shall be widened at that location to include the areas of extended grading
 2 Increase to 1 percent grade with open drainage system
 3 Road sections of less than 500 feet length can add 2 percent to the maximum grade provided that such sections are separated by a minimum distance of 500 feet and do exceed the limitations of Section 401.13.16.A.5 for horizontal curvature of the road.
 4 Streets serving more than 100 homes shall meet the sub-collector standards with four (4 in) inch pavement per Section 401.13.16 C.2.
 5 Upgrades of existing roads under Section 401.13.16.7 may be done on a "three-rod road" with a right of way measuring 49.5 feet. [Adopted 5-17-2011]

Checklist for all Requests

- Recorded public easement (One signed by each property owner (all for each lot if multiple owners) if Assoc. is not incorporated) 2.2.C
- General Release providing Town access to the road. (One signed by each property owner if Assoc. is not incorporated) 2.2.D
- Hold harmless agreement (One signed by each property owner if Assoc. is not incorporated) 2.2.E
- Public Works Director Certification 2.2.F
- Scaled site plan depicting layout of road 2.2.G
- Written Recommendations of 2.2.J
 - Public Works Director
 - Town Engineer

Request for Winter Maintenance via Rural Public Street Easement

Incorporated Road Association Agreement

I, _____, as _____ and authorized signatory of the _____ on behalf
NAME TITLE ROAD ASSOCIATION NAME
of the Association, agree to the following:

All costs associated with each public easement road acceptance shall be borne by the Road Association and property owners. Said costs may include public easement recording fee, published notices and others costs deemed by the Town Council;

Maintenance services covered under this policy shall consist only of snowplowing and road sanding. The provision of required materials: road sand and road salt is implied by this policy. All other maintenance aspects, materials and requirements of public easement roads accepted are the responsibility of the Road Association and its members, including road grading. The Town does not assume or accept liability for any defects in or lack of repair to public easements;

If a public easement's traveled portion is paved, the public easement road association and abutting property owners agree the Town assumes no responsibility for damages or injury to the paved surface;

For public easement road acceptance, and road maintenance, each Road Association recognizes the Town of Gray's responsibilities shall be limited to the scope of this policy and to hold the Town harmless regarding any liability for any negligent damage to property: including but not limited to: driveways, mail boxes, lawns, trees, curbing, shrubs or property markers. Each Road Association or individual benefiting agrees to hold the Town of Gray, its officers, agents and employees harmless.

And agrees to be bound by all provisions as applicable in Chapter 400, the Gray Street Ordinance.

PRINT NAME

SIGNATURE

DATE

Request for Winter Maintenance via Rural Public Street Easement

Non Incorporated Road Association Agreement

Must be signed by each (if more than one per lot) individual property owner .

I, _____, as property owner in the _____ subdivision and a member of the
NAME SOBDIVISION BAMEE

_____ agree to the following:
ROAD ASSOCIATION NAME

All costs associated with each public easement road acceptance shall be borne by the Road Association and property owners. Said costs may include public easement recording fee, published notices and others costs deemed by the Town Council;

Maintenance services covered under this policy shall consist only of snowplowing and road sanding. The provision of required materials: road sand and road salt is implied by this policy. All other maintenance aspects, materials and requirements of public easement roads accepted are the responsibility of the Road Association and its members, including road grading. The Town does not assume or accept liability for any defects in or lack of repair to public easements;

If a public easement's traveled portion is paved, the public easement road association and abutting property owners agree the Town assumes no responsibility for damages or injury to the paved surface;

For public easement road acceptance, and road maintenance, each Road Association recognizes the Town of Gray's responsibilities shall be limited to the scope of this policy and to hold the Town harmless regarding any liability for any negligent damage to property: including but not limited to: driveways, mail boxes, lawns, trees, curbing, shrubs or property markers. Each Road Association or individual benefiting agrees to hold the Town of Gray, its officers, agents and employees harmless.

And agrees to be bound by all provisions as applicable in Chapter 400, the Gray Street Ordinance.

PRINT NAME

ADDRESS

MAP LOT #

SIGNATURE

DATE

Request for Winter Maintenance via Rural Public Street Easement

TOWN OF GRAY

INDIVIDUAL PRIVATE PROPERTY OWNER GRANT OF RIGHTS AND RELEASE

In consideration of possible public easement maintenance by the Town and in acknowledgement of the terms of the "Town of Gray Public Easement Road Policy" (hereinafter "Policy") as approved by the Gray Town Council on September 1, 1998, as the same may be revised from time to time, I/we, the undersigned owner(s) of a property located in Gray on _____, an unaccepted road in Gray, do hereby represent that I/we own a portion or all of said road and/or have the right to pass over said road and/or that public easement exists in said road or, if not, then I/we hereby make the necessary grant or dedication to the Town of Gray to create such a public easement in that portion of the road over which I/we have control, without claim for money damages. I/we recognize that the Town of Gray will obtain by this instrument certain rights, but not obligations, contained in the Policy, and I/we do hereby release, defend and hold harmless the Town of Gray, its officers, agents and employees regarding any and all liability for personal injury and damage (other than that caused by bad faith or intentional misconduct) to property including, without limitation, driveways, mail boxes, lawns, fencing, ornaments, trees, curbing, shrubs or property markers. I/we do further grant permission to the Town of Gray, its officers, agents and employees to enter upon said road with persons and machines for the purpose of performing maintenance on said road.

I/we have read and understand this document and sign it with full knowledge of its significance on this ____ day of _____, 20 ____.

Signature of Property Owner Signature of Property Owner

Printed Name of Property Owner Printed Name of Property Owner

STATE OF MAINE

Cumberland, ss.

_____, 20____

Personally appeared the above-named _____ and acknowledged the foregoing instrument to be his/her voluntary act and deed.

Before me,

Notary Public / Attorney at Law

Print Name

Town Atty Dale lined 10-31-11
PUBLIC EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS that _____, a Maine incorporated road association with a principal place of business in Gray, County of Cumberland, State of Maine and a mailing address of _____, Gray, Maine 04039 (“Grantor”), does hereby grant to the TOWN OF GRAY, a municipal corporation existing under the laws of the State of Maine with a mailing address of 24 Main Street Maine 04039 (“Town”), its successors and assigns, with warranty covenants, a public easement for the purposes of winter maintenance on _____ in the _____ Subdivision, in the Town of Gray, County of Cumberland, and State of Maine, all as more particularly described as “Easement Area” on Exhibit A attached hereto and incorporated herein, together with the perpetual right, but not the obligation, to enter at any and all times with persons and machines upon said Easement Area, with the right, but not the obligation, to conduct winter maintenance including sanding, salting and plowing the roadway per the terms of the ”Gray Street Ordinance Sections 2.2, and 2.3 or 2.4” as applicable per “Exhibit B.” When any such winter maintenance is undertaken by the Town or its agent(s), the work shall be performed in a reasonably workmanlike manner and at the Town’s sole expense; provided, however, nothing herein shall obligate the Town or its agent(s) to perform any such winter maintenance if it elects in its sole discretion not to do so and notifies the Grantor herein reasonably in advance .

Grantor agrees and covenants for itself, its successors and assigns, not to construct or erect or cause or allow to be constructed or erected any building, structure or other obstruction within the limits of the Easement Area herein conveyed.

IN WITNESS WHEREOF, _____, _____ of the said Grantor, has hereunto set his/her hand and seal this ____ day of _____, 20__.

Witness

By: _____
Its: _____, duly authorized

STATE OF MAINE

CUMBERLAND, ss.

_____, 20__

Personally appeared before me the above-named _____, _____ of _____, and acknowledged the foregoing instrument to be his/her free act and deed and the free act and deed of _____.

Attorney at law/Notary Public

Print Name

EXHIBIT A
EASEMENT AREA

PLEASE PROVIDE LEGAL DESCRIPTION AND SURVEY OF ROADWAY

EXHIBIT B

CHAPTER 400 GRAY STREET ORDINANCE

Section 2.2 Public Easement for Winter Maintenance

Roads proposed for winter maintenance under a public easement shall meet the following criteria:

- A. Requests for public easement road acceptance shall be made in writing to the Town Manager by the road association president.
- B. Each respective road or homeowners association shall be incorporated, unless all property owners sign an individual public road easement and a hold harmless release.
- C. Each respective road association and each individual property owner if required shall grant a recorded public easement.
- D. Each respective road association and each individual property owner if required shall sign a general release to the Town granting permission to enter upon the road and to perform maintenance.
- E. Each respective road association and each individual property owner if required shall agree and sign to hold the Town harmless for any damages that may be caused in the process of providing maintenance services.
- F. The traveled portion of the road shall be adequately maintained in good repair by the respective road association as determined by the Town's Public Work's Director.
- G. There shall be adequate vehicle and plow turnaround(s).
- H. All costs associated with each public easement road acceptance shall be borne by the respective road association and property owners. Said costs may include public easement recording fee, published notices and others costs deemed by the Town Council.
- I. Upon written application to the Town Council and demonstration of extraordinary circumstances the Town Council has sole authority to waive or modify requirement of the road adoption criteria.
- J. Accompanying each road association request for acceptance shall be separate, written recommendations by the Public Works Director and Town Engineer either supporting or not supporting public easement acceptance and their reasoning for the recommendation. A copy of the request and recommendations shall be forwarded to the Town Planner for notification purpose prior to public easement acceptance.
- K. In order to provide an efficient and workable relationship between the Town and the road associations, each respective road association president or designee shall be the liaison between the Town and road association. Each road association is responsible to inform the Town Manager, in writing, identifying their respective association president or designee, address and telephone number by September 1st of each respective year.
- L. Maintenance services covered under this policy shall consist only of snowplowing and road sanding. The provision of required materials: road sand and road salt is implied by this policy. All other maintenance aspects, materials and requirements of public easement roads accepted are the responsibility of the road association and its members, including road grading. The Town does not assume or accept liability for any defects in or lack of repair to public easements.

M. If a public easement's traveled portion is paved, the public easement road association and abutting property owners agree the Town assumes no responsibility for damages or injury to the paved surface.

N. For public easement road acceptance and road maintenance, each road association recognizes the Town of Gray responsibilities shall be limited to the scope of this policy and to hold the Town harmless regarding any liability for any negligent damage to property: including but not limited to: driveways, mail boxes, lawns, trees, curbing, shrubs or property markers. Each road association or individual benefiting agrees to hold the Town of Gray, its officers, agents and employees harmless. This clause does not mean or intend to hold harmless private contractors for their negligent acts.

O. If the Public Works Director determines that an emergency exists on any public easement way due to heavy snowfall and/or narrowing of the travel ways due to snow banks, the Public Works Director and the Town Manager may take such additional snow plowing and/or removal action as he reasonably deems fit to abate the emergency. The Public Works Director shall keep accurate financial records of any such emergency work and report the same to the Town Manager at least monthly.

Section 2.3 Public Easement for Winter Maintenance Standards for Pre-1998 Roads

In addition to the requirements of Section 2.2 above, roads proposed for winter maintenance under a public easement that were constructed before October 1, 1998 shall meet the following standards:

A. There shall be at least four (4) year around dwellings served on the road under consideration.

B. An easement of at least twenty (20 ft) feet in width shall be provided.

C. The traveled portion of the road must be at least ten (10 ft) feet in width with an overall clearance width of eighteen (18ft) feet.

D. The traveled portion of the road shall have an adequate gravel base with a minimum depth of six (6 in) inches.

E. The traveled portion of the road's overhead clearance shall be a minimum of thirteen and half (13½ ft) feet.

Section 2.4 Public Easement for Winter Maintenance Standards for Post-1998 Roads

In addition to the requirements of Section 2.2 above, roads proposed for winter maintenance under a public easement that were constructed after October 1, 1998 shall meet the following standards:

A. The road must meet all standards of the Subdivision Ordinance for Rural Public Easement Streets or Rural Public Streets, including paving. Rural Public Streets will not be fully accepted under Section 2.5 below unless they provide public benefits indicated in Section 2.1 A above, but they will be eligible for winter maintenance public easements.

B. No public easement may be submitted for acceptance unless at least seventy-five (75%) percent of the housing units on that street or within that subdivision phase have received their certificates of occupancy.

IDEMNITY AND HOLD HARMLESS AGREEMENT

The undersigned Incorporated Road Association, _____ and the property owner(s) of _____ Subdivision, hereinafter "Indemnitor" do hereby grant to the Town of Gray, Maine, a municipal corporation, hereinafter called the "Town" on this _____ day of _____ 20____, the following:

WHEREAS, Indemnitor desires to have the Town provide winter road maintenance on

_____ located in the _____ Subdivision

NOW, THEREFORE, in consideration of the Town’s possibly providing winter maintenance services on the above referenced roadway(s), the, Indemnitor agrees to Indemnify and hold harmless the Town, its officers, agents and employees from any claims and liability which may be made against the Town, or any of them, for any damages that may be caused in the process of providing, or failing to provide, winter road maintenance services.

Indemnitor agrees to reimburse the Town for any necessary expenses, attorney’s fees, or costs arising in any way under this Indemnity Agreement.

Road Association Designee _____
Print Sign Date

Property Owner _____
Print Sign Address Date

If Road Association is not incorporated, each property owner in the Subdivision must sign this agreement

Witness
By: _____
Its: _____, duly authorized

STATE OF MAINE
CUMBERLAND, ss. _____, 20__

Personally appeared before me the above-named _____, _____ of _____, and acknowledged the foregoing instrument to be his/her free act and deed and the free act and deed of _____.

Notary Public/Attorney at Law Print Name

Winter Maintenance Application
Public Works Director Determination of Adequate Condition

Name of Subdivision _____

Name of Road Association _____

Name of Road(s) _____

I have inspected the above referenced roadway(s) and find it / them in acceptable condition per the Gray Street Ordinance for the approval of winter maintenance by the Gray Public Works Department.

I have inspected the above referenced roadway(s) and find it / them to be NOT in acceptable condition per the Gray Street Ordinance for the approval of winter maintenance by the Gray Public Works Department. The deficiencies are:

The following mitigation actions are required:

Steve Lavallee
Public Works Director

Date _____

Winter Maintenance Application
Public Works Director Determination of Adequate Condition

Name of Subdivision _____

Name of Road Association _____

Name of Road(s) _____

I recommend the above referenced roadway(s) for approval of winter maintenance by the Town of Gray

I do NOT recommend the above referenced roadway(s) for approval of winter maintenance by the Town of Gray for the following reasons:

Steve Lavallee
Public Works Director

Date _____

Winter Maintenance Application
Consulting Engineer Determination of Adequate Condition

Name of Subdivision _____

Name of Road Association _____

Name of Road(s) _____

I recommend the above referenced roadway(s) for approval of winter maintenance by the Town of Gray

I do NOT recommend the above referenced roadway(s) for approval of winter maintenance by the Town of Gray for the following reasons:

Consulting Engineer

Printed Name

Date _____

Signature

CHAPTER 401
SUBDIVISION ORDINANCE
TOWN OF GRAY MAINE

Amended May 11, 2011

Amended October 20, 2015 / Effective November 19, 2015

Amended January 3, 2017 / Effective February 2, 2017

Amended May 16, 2017 / Effective June 15, 2017

Amended October 17, 2017 / Effective November 16, 2017

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- d. If deemed necessary by the association(s), the association(s) shall levy charges against all property owners to defray the expenses connected with the maintenance of the open space and recreational facilities and lands;
- e. The developer shall maintain control of such open space and be responsible for its maintenance until development sufficient to support the association(s) has taken place.

401.13.14 – COMPLIANCE WITH TIMBER HARVESTING RULES.

The Board shall ascertain that any timber harvested on the parcel being subdivided, has been harvested in compliance with rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality owned by one person or a group of persons in common or joint ownership.

401.13.15 – TRAFFIC CONDITIONS AND STREETS

A. General Goals

The Planning Board shall review the potential internal and external traffic impacts of all proposed subdivisions in order to ensure that:

1. The subdivision transportation system provides safeguards against hazards to vehicles, bicyclists and pedestrians in interior subdivision streets and access connections to external streets;
2. The subdivision transportation system is designed to avoid traffic congestion on any street;
3. The subdivision transportation system provides safe and convenient circulation for vehicles, bicyclists and pedestrians on interior subdivision streets and access connections to external streets;
4. The subdivision transportation system is designed to be compatible with the estimated Average Annual Daily Traffic of the street, the land uses accommodated by the street, and the lot density of the street; and
5. The subdivision transportation system will reflect the natural and built setting of the proposed subdivision site.

B. General Access Standards.

All subdivision accesses connecting with external streets shall meet the following standards:

1. Accesses connecting to any state or state-aid highway shall meet the minimum access permitting requirements of the Maine Department of Transportation "Highway Driveway and Entrance Rules"

2. Accesses that are expected to carry more than 100 passenger vehicle equivalent trips in the peak hour shall meet the minimum access permitting requirements of the Maine Department of Transportation "Rules and Regulations Pertaining to Traffic Movement Permits."
3. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of streets or intersections neighboring the subdivision to a LOS of "E" or below, unless:
 - a. The comprehensive plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection; or
 - b. The level of service of the road or intersection will be raised to D or above through road or intersection improvements and/or by transportation demand management techniques; or
 - c. The applicant provides evidence that it is not possible to raise the level of service of the road or intersection to D or above by road or intersection improvements or by transportation demand management techniques, but improvements will be made or transportation demand management techniques will be used such that the proposed development will not increase delay at a signalized or unsignalized intersection, or otherwise worsen the operational condition of the road or intersection in the horizon year; or
 - d. Improvements cannot reasonably be made because the road or intersection is located in Gray Village or because implementation of the improvements will adversely affect a historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and transportation demand management techniques will be implemented to the fullest extent practical; or
 - e. The development is located in a designated growth area, in which case the applicant shall be entitled to an exception from the level of service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the traffic impacts of the proposed development will occur outside the boundaries of the designated growth area. This exception does not exempt the development from meeting safety standards, and greater mitigation measures may be required than otherwise provided in this subsection if needed to address safety issues; or
 - f. In the case of unsignalized intersections, if traffic with the development in place would not meet the warrant criteria for signalization or turning lanes, as set forth in the Federal Highway Administration's "Manual on Uniform Traffic Control Devices," (1988), then the Planning Board upon consultation with the Town Engineer may reduce the mitigation requirement for those measures so long as the resulting traffic conditions provide for safe traffic movement.
4. Accesses to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. The need for left turn storage treatment shall be evaluated for the subdivision using the guidelines set forth in the Maine DOT Highway Design Guide and standard practices of the Maine DOT.

C. General Internal Subdivision Street Standards [Adopted Dec 7, 2010]

All internal subdivision streets shall meet the following minimum standards.

1. The street or street system of the proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets. Wherever a proposed development abuts unplatted land or a future development phase of the same development, the street right of way shall be extended to the property line as deemed necessary by the Planning Board with input from the Town Planner and Town Engineer to provide access to abutting properties or to logically extend the street system. If possible, local streets in the subdivision shall connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods, to reduce service vehicle mileage, to permit looping of utilities, and/or facilitate emergency access and evacuation, but such connections should not have the effect of encouraging the use of such streets by substantial through traffic unless the street is designed for such purpose.
2. As determined by traffic engineering studies performed by qualified professionals, where necessary to safeguard against off-site hazards to vehicle drivers, bicyclists and pedestrians and/or to avoid traffic congestion, the Planning Board with input from the Town Engineer may require turning lanes, traffic directional islands, frontage roads, sidewalks, bike lanes, and traffic controls within the subdivision and/or on existing public streets that are impacted by the development.
3. **Street Names and Signs Lighting.**
Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Street names shall not continue beyond a new intersection unless the street is a direct continuation of that street through the intersection with no turning movements. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Planning Board based on input of the Department of Public Safety. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation.
4. **Street Lighting.**
Street lights meeting Central Maine Power Company standards shall be installed at all intersections and dead end turnarounds.
5. During street construction, the entire right of way shall not be cleared unless clearing is necessary for utilities, drainage or other infrastructure necessities, or to remove trees that will shade pavement in winter. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire right of way created during the street construction process. If on-site disposal of the 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.

401.13.16 – SPECIFIC ACCESS AND STREET DESIGN STANDARDS [ADOPTED DEC 7, 2010]

A. Access Control.

1. To the maximum extent possible, all subdivision accesses shall be constructed perpendicular to the external street providing access to the subdivision. No subdivision access shall intersect the external street at an angle of less than seventy-five (75°) degrees based upon a showing that the perpendicular alignment is not possible. In such cases the right of way shall be curved to achieve a perpendicular alignment at the intersection for a distance of seventy-five (75 ft.) feet.

2. Where a major subdivision abuts an arterial or major collector street (all numbered State routes in Gray), no lot may have vehicular access directly onto the arterial or collector street. Minor subdivisions on arterials and major collectors shall have shared driveways subject to the requirements of the Street Ordinance and MDOT permitting requirements. Access restrictions on such lots shall be noted on the subdivision plan and in the deeds.
3. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the subdivision plan and as a deed restriction to the affected lots. In cases where creating an access to a lesser traveled way is problematic, the Planning Board, with input from the Town Engineer, may allow an access on the higher volume street if the access does not significantly detract from public safety. For accesses on higher volume streets, the Board shall consider the functional classification of the external street, the length of frontage on the external street, the intensity of traffic generated by the proposed subdivision, the geography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for traffic.
4. Cross (four-corner) street intersections shall be aligned on opposite sides of the through street. 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 streets and between new intersections on the same side of a street. This intersection alignment rule shall apply to both external and internal intersections.
5. The minimum centerline curve radius shall be two hundred (200') feet. For road sections with greater than five (5%) percent grade, the centerline radius shall be increased by fifty (50') feet for every one (1%) increase in grade above five (5%).
6. Minimum Sight Distance Standards
 - a. Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access. On roads that are designated by the Maine Department of Transportation as Mobility or Retrograde Arterials, the third column in Table 13.16-1 shall apply.

TABLE 13.16-1 REQUIRED ROAD ACCESS SAFE SIGHT DISTANCES		
Posted Speed (MPH)	Sight Distance (Feet)	Mobility Sight Distance ¹ (Feet)
20	155	225
25	200	300
30	250	380
35	305	480

40	360	580
45	425	710
50	495	840
55 & over	570	990

¹ Mobility or Retrograde Arterials are critical travel corridors identified by MDOT. In Gray, the only such designated corridor is Route 26 from Cumberland through to New Gloucester.

- b. 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 in the center of the approach lane.
- c. Where sight line distances cannot be met at proposed new intersections, portions of the right of way as well as portions of abutting lots under the control of the applicant may be cleared of all growth (except isolated trees) and obstructions to achieve required sight distances. The applicant shall provide documentation that areas cleared to improve sight distances will be maintained in that condition. If approved by the Town Engineer and Public Works Director, the grade of the approach road may be modified to achieve improved visibility.

7. Proposed Subdivisions on Existing Substandard Roads [Adopted 5-17-2011]

When a proposed subdivision is to be located on an existing road, whether publicly or privately owned, not meeting the design and construction standards of Table 401.13.16-2, the existing road shall be upgraded per the following requirements:

- a. The existing road shall be upgraded to meet the design requirements for a Rural Public Easement street from the intersection of the new subdivision street(s) with the existing road to the point where a paved public road provides access. The limit of dwelling units shall not apply to the existing substandard road if it is upgraded.
- b. The applicant for subdivision shall prepare plans for the road improvements meeting the requirements of Section 401.13.16 B.1.a. through c.
- c. The existing substandard road shall be upgraded to meet the drainage requirements of Section 401.13.16 B.3,
- d. Construction improvements on the existing road shall meet the standards of Section 401.13.16 C. 2 through 5 for road base and paving specifications.
- e. The Planning Board may grant waivers per the criteria of Section 401.12.2 of the construction standards for spot locations on the existing road per recommendations of the Town Engineer provided that the overall condition of the substandard road is brought up to the ordinance standards.

B. Street Design Standards

1. General Requirements

- a. The Planning Board shall not approve any subdivision plan unless proposed streets are designed in accordance with the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement (see Section 401.13.16 2. f below).
- b. Applicants shall submit to the Planning Board, as part of the preliminary plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
 - (i) Date, scale, and north point, indicating magnetic or true.
 - (ii) Intersections of the proposed street with existing streets.
 - (iii) Intersections of other existing or proposed streets within 300 feet of proposed intersections.
 - (iv) Roadway and right-of-way limits including edge of pavement or aggregate base, edge of shoulder, clear zone, sidewalks, and curbs.
 - (v) Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways or drainage systems that could be affected by the proposed development, and proposed drainage ways and stormwater management systems.
 - (vi) Complete curve data shall be indicated for all horizontal and vertical curves.
 - (vii) Turning radii at all intersections.
 - (viii) Centerline gradients.
 - (ix) Size, type, vertical clearance and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, electricity, telephone, lighting, and cable television.
 - (x) A soil erosion and sedimentation control plan showing interim and final control provisions.
 - (xi) For streets that are to be located within the watershed of a great pond (Little Sebago Lake, Crystal Lake, or Forest Lake), a phosphorous impact plan in conformance with the recommendations presented in Phosphorous Control in Lake Watersheds published by Maine Department of Environmental Protection.
- c. Upon receipt of plans for a proposed street the Planning Board shall forward one copy to Public Works Director, and the Town Engineer for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Town Engineer for review and comment.
- d. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Public Works Director or the Maine Department of Transportation, as appropriate.
- e. Private Roads.

- (i) Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan:

“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town except for roads that meet requirements for winter maintenance under a public easement.”

- (ii) A road maintenance agreement or homeowners’ association framework, prepared by the applicant’s attorney and approved by the Town Attorney shall be recorded with the deed of each property to be served by a common private road. The agreement or association framework shall provide for a method to initiate and finance a private road and maintain that road in good condition, and a method of apportioning maintenance costs to current and future users.

2. Street Design

- a. These design standards shall control the roadway, shoulders, clear zones, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless waivers are granted by the Planning Board with input of the Town Engineer and in keeping with the waiver criteria of Article 12.
- b. Reserve strips controlling access to streets shall be prohibited except where their control is placed with the municipality.
- c. All streets in approved residential subdivisions shall meet the variable design standards of Table 13.16-2 (Commercial and multi-family subdivision access drives shall meet the requirements of Chapter 402.10.11 for site plan review).
- d. All residential subdivision streets in the Medium Density (MD) and Village Center (VC) Zoning Districts shall meet the standards for Village Public Streets or Sub-collector streets. Subdivision streets in other zoning districts shall meet the standards for Local Minor Street, Rural Public Easement, Rural Public Street, or Sub-collector based on the number of dwelling units served by the street.
- e. In determining the classification of streets where a loop configuration is formed and vehicles have multiple access options, the classification should be based on an analysis of routes and destinations on individual road segments rather than the full street length. Starting at an intersection with an existing street, proposed new streets shall meet the highest applicable classification of Table 401.13.16-2 based on the total number of dwelling units expected to travel that street or street segment. At each internal intersection, the street classification shall be reduced to reflect the number of dwelling units served.

C. TABLE 401.13.16-2

ITEM	Sub-collector Streets	Village Public Street	Rural Public Street	Rural Public Easement Street	Minor Rural Street
A. Minimum width right of way ¹	60 ft	60 ft	50 ft	50 ft ⁵	50 ft
B. Minimum grade	.5 percent ²	.5 percent ²	1 percent	1 percent	1 percent
C. Maximum grade	8 percent	8 percent	10 percent	10 percent ³	10 percent ³
D. Maximum grade within 75 ft of intersection	3 percent	3 percent	3 percent	3 percent	3 percent
E. Width of shoulders on each side	4 ft (paved)	4 ft (paved)	4 ft (paved)	2 ft (gravel)	2 ft (gravel)
F. Minimum travel way width	22 ft	20 ft	20 ft	18 ft	16 ft
G. Aggregate sub-base course gravel	15 inches	15 inches	15 inches	15 inches	15 inches
H. Aggregate upper base crushed gravel	3 inches	3 inches	3 inches	3 inches	3 inches
I. Bituminous paving	3-1/4 inches	3-1/4 inches	3-1/4 inches	3-1/4 inches	
J. Sidewalks (one side min.):					
Minimum width	5 ft	5 ft			
Aggregate sub-base course gravel	8 inches	8 inches			
Aggregate upper base crushed gravel	2 inches	2 inches			
Bituminous paving	2 inches	2 inches			
K. Minimum curb radii:					
90 degree intersections	40 ft	25 ft	25 ft	15 ft	15 ft
Less than 90 degrees	40 ft	30 ft	30 ft	20 ft	20 ft
L. Minimum dwelling units	51	4	26	11	2
M. Maximum dwelling units	100 ⁴	50	50	25	10

¹ Where road grading extends beyond the specified right of way width, the right of way shall be widened at that location to include the areas of extended grading

² Increase to 1 percent grade with open drainage system

³ Road sections of less than 500 feet length can add 2 percent to the maximum grade provided that such sections are separated by a minimum distance of 500 feet and do exceed the limitations of Section 401.13.16.A.5 for horizontal curvature of the road.

⁴ Streets serving more than 100 homes shall meet the sub-collector standards with four (4 in) inch pavement per Section 401.13.16 C.2.

⁵ Upgrades of existing roads under Section 401.13.16.7 may be done on a “three-rod road” with a right of way measuring 49.5 feet. [Adopted 5-17-2011]

f. Dead End Streets

- (i) In addition to the design standards in Table 401.13.16-2, dead-end streets shall be constructed to provide a cul-de-sac (circular) turnaround with a travel lane and width equal to the minimum width required for the internal subdivision street.
- (ii) The maximum length of a dead end street shall be three thousand (3000 ft) feet.

- (iii) A turn around shall be provided for every fifteen hundred (1500 ft) feet of dead end road.
 - (iv) A minimum of one (1) paper street following the interconnection criteria of Section 401.13.15. C. 1. shall be provided for every fifteen hundred (1500 ft) feet of dead end road.
 - (v) The length of a dead end street shall be measured from the centerline of the street it accesses to the center of the turnaround.
 - (vi) The maximum number of homes on a dead end street shall be twenty-five (25).
 - (vii) The minimum outside travel way radius for cul-de-sac turnarounds shall be forty-two (42 ft) feet and the minimum right of way radius shall be sixty (60 ft) feet.
 - (viii) Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac, or be replanted in the event that safe and healthy retention of the trees is not feasible.
 - (ix) The Planning Board shall require the reservation of a twenty (20 ft) foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a right-of-way easement equal to the right of way width of the internal subdivision street in line with the street to provide continuation of the road where future subdivision is possible.
 - (x) A T-turn around is permissible for residential subdivisions carrying an ADT of one hundred (100 ft) or less. The turnaround area easement shall be located fifty (50 ft) feet from the street terminus and shall have a width equal to the street right of way width, a five (5 ft) foot lot line radius, and a total depth of fifty (50 ft) feet. The travel way of the turnaround shall be the same width as the street it serves and be forty (40') feet in depth, and shall have a curb radius of fifteen (15 ft) feet. The plan shall contain a note indicating that the turnaround easement area will be vacated and returned to the lot that contains it in the event the street is extended in the future.
 - (xi) All driveways located on T-turnarounds shall be located so as to facilitate plowing and storage of snow in accordance with the requirements of Section 401.13.17 E.
- g. Street classifications and public street acceptance policies.
- (i) Sub-collectors, Village Public Streets, and Rural Public Streets generally are designed for full public ownership and maintenance. Sub-collectors and Rural Public Streets carry high volumes of traffic and/or provide through connections between existing streets that improve traffic flows through the community.
 - (ii) Rural Public Easement Streets are designed for public winter maintenance under the Town's private road public easement policy. Minor Rural Streets are designed for full private ownership and maintenance under a maintenance agreement or homeowners' association framework.
 - (iii) All new public streets/easements shall not be isolated from existing public streets/easements by intervening private streets. New public streets/public easements must either intersect existing public streets/easements or there shall be a continuous path

from new public street/easements through other new public streets to one or more existing public streets.

- (iv) All decisions to accept public ownership or public easements, however, are subject to the discretionary authority of the Town Council, and all proposed streets shall be covered by a private maintenance agreement or homeowners' association framework until they are accepted by the Town. Upon receiving preliminary subdivision approval, applicants are required to seek indication of whether the Town Council is willing to accept public ownership of fee interests or public easements.

3. Stormwater Design Standards

- a. In order to drain stormwater from the surface of roadways, streets shall be crowned such that the pavement slopes from the centerline to the shoulder at a pitch of ¼ inch per foot. For gravel roads, the crown pitch shall be increased to ½ inch per foot.
- b. No storm water shall be permitted to drain across a street or across an intersection.
- c. 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 Sub-collector and Village Public Streets for sides with esplanades and sidewalks. Appropriate conveyances for outlets to drainage systems must be provided. A minimum easement width of thirty (30 ft) 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.
- d. All storm water systems for streets shall be designed to meet the criteria of a twenty-five (25-yr) year storm based on rainfall data from the National Weather Service in Gray. Road culverts shall be designed to meet the criteria for a fifty (50-yr) year storm with the low point in the road profile treated to pass storm flows in excess of a 50-year storm without washing out the street. Road culverts shall be aligned to maintain the direction of natural drainage courses rather than causing such drainage to change directions. Flows shall be computed by a method acceptable to the Town Engineer. Design computations of flows shall be submitted for approval.
- e. The minimum driveway culvert size shall be fifteen (15 in) inches. Larger culverts may be required in some locations based on a stormwater management analysis and plan. Culvert inlets and outlets shall be properly treated with erosion control measures.
- f. 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, including any modifications that may be needed to those downstream systems to prevent erosion and/or flooding.
- g. All subdivision streets that lack a piped drainage system shall convey storm water in open ditches or swales meeting the standards and specifications of this ordinance.
- h. All sideslopes of a street shall be graded at a maximum slope of three (3 ft) feet horizontal to one (1 ft) foot vertical from the shoulder to the ditch bottom. Sideslope steepness may be increased to minimize impacts on wetlands or other natural features provided that guardrail and erosion control measures are installed to the satisfaction of the Town Engineer.

- i. All sideslopes shall be finished with loam or other suitable mixture to a minimum compacted depth of four (4 in) inches and seeded or planted as appropriate.
 - j. The final grade level of ditch bottoms shall be a minimum of six (6 in) inches below the subgrade level of the street. The sub-base course gravel shall taper and pitch from the travel way and street shoulders to the ditch base for proper drainage of the road base. The base of the ditch shall be a minimum of two (2 ft) feet in width.
 - k. All ditch backslopes shall be graded at a maximum slope of two (2 ft) feet horizontal to one (1 ft) foot vertical. All backslopes shall be finished with loam or other suitable mixture to a minimum compacted depth of four (4 in) inches and seeded or planted as appropriate. Erosion control mesh shall be installed on all slopes that are steeper than one (1 ft) foot horizontal to three (3 ft) feet vertical.
 - l. Where a cut results in exposed ledge, a side slope no steeper than one (1 ft) foot horizontal to four (4 ft) feet vertical is permitted.
4. Closed Drainage Construction Materials & Standards
- a. Pipes: All drainage piping shall be of plastic or reinforced concrete materials in accordance with Maine Department of Transportation Standard Specifications.
 - b. 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.
 - c. 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.
 - d. All trenching shall be accomplished in accordance with all appropriate Federal and State safety requirements.
 - e. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet.
 - f. Pipe shall be bedded in a granular material with a minimum depth of six (6 in) inches below the bottom of the pipe and extending to six (6 in) inches above the top of the pipe.
 - g. Drain alignment shall be straight in both horizontal and vertical alignment.
 - h. 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 ft) feet.
 - i. 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 in) inches.
 - j. All drain outlets shall be riprapped to prevent erosion. Facilities for energy dissipation shall be provided (e.g., plunge pools).

- k. When used, underdrains shall be laid with perforation down with a backfill of three-quarter (3/4 in) inch crushed stone wrapped in a filter fabric envelope.

5. Curbing Standards

- a. Curbs shall be installed for stormwater purposes and/or to protect the pavement edge from unraveling along parking lanes or in very intensive developments where heavy use may erode the planted area at the edge of the pavement. Curbs for stormwater management shall be contingent on the stormwater design standards specified in Sections 401.13.12 and 401.13.16.A.3.d above.
- b. Curbing shall be in accordance with Section 609 of the Maine Department of Transportation Standard Specifications except as follows:
 - (i) Curbing shall be limited to Type 1 (granite stone curbing) and Type 3 (bituminous concrete curbing), or other acceptable materials.
 - (ii) Bituminous concrete curbing, or other acceptable material, shall have a minimum reveal of six (6 in) inches.
 - (iii) All curb radii will be of Type 1 (granite stone curbing).
 - (iv) All curbing on roads proposed for full public ownership and maintenance (paving and plowing) shall be vertical or sloped Type 1 (granite stone curbing).

C. Street Construction Standards

All construction shall comply with the latest revision of the Maine Department of Transportation Standard Specifications. In the event of a conflict between the MDOT Standard Specifications and this Chapter, the more stringent standards shall apply.

1. Roadway Preparation:

- a. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty (50 ft) foot intervals for curved sections and one hundred (100 ft) foot intervals for straight sections. The centerline of the roadway shall be the centerline of the right-of-way.
- b. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, clear zones, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, and brush. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
- c. All organic materials, boulders, or other deleterious material shall be removed below the subgrade of the roadway. On soils which have been identified by the Town Engineer as not suitable for roadways, a Maine Department of Transportation approved stabilization geotextile shall be used (MDOT Standard Specifications Section 203).
- d. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building storm drains and water service connections shall be installed to the edge of the right-of-way prior to paving.

2. Bases and Pavement Thicknesses

The minimum thickness of material after compaction shall meet the specifications in Table 13.16-3:

Table 13.16-3 Minimum Street Materials Thicknesses		
Street Materials	Thickness Standards	Subcollector
Aggregate Subbase Course		
Without base gravel	18 inch	
With base gravel	15 inches	
Crushed Aggregate Base Course (if necessary)	3 inches	
Hot Bituminous Pavement		
Total Thickness	3 ¼ inches	4 inches
Surface Course (9 mm)	1 ¼ inches	1 ½ inches
Base Course (19 mm)	2 inches	2 ½ inches
Surface Gravel (if permissible)	3 inches	

3. Base/Subbase Screening.

- a. The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the screening requirements of Table 13.16-4. Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

Table 13.16-4 Aggregate Subbase Grading Requirements	
Sieve Designation	Percentage by Weight Passing Square Mesh
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-30%

- b. If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 13.16-5. Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

Table 13.16-5 Grading Requirements	
Sieve Designation Sieves	Percentage by Weight Passing Square Mesh
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

4. **Pavement Specifications**

All pavement installations shall meet the specifications of the Maine Department of Transportation Standards and Specifications Section 401 for Hot Mix Asphalt (HMA).

5. **Pavement Joints**

Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

D. Street Survey Monument Standards

1. Stone survey marker monuments with metal detection shall be set at all street corners, angle points, and all points of curvature in each street.
2. Each survey marker shall be set with the top between six (6 in) and twelve (12 in) 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.
3. The preferred material for all lot corner markers shall be rebar five-eighths (5/8 in) inch in diameter. Alternate acceptable materials for lot corner markers shall be iron pipe one (1 in) inch in diameter and stone monuments four (4 in) inches square.
4. All monuments are to be not less than thirty-six (36 in) inches in total length unless they are drilled at least three (3 in) inches into solid ledge or rock.
5. All monuments shall have the Surveyor's identification suitably attached.

E. Sidewalks.

The Planning Board may require sidewalks along the project frontage and to off-site destinations in any situation where the proximity of the proposed subdivision to existing or proposed neighborhood businesses, schools, community facilities, or other pedestrian destinations suggest sidewalks will be needed. The Planning Board shall determine if sidewalks will be installed on one side or both sides of the internal street(s).

1. **Location.**

Sidewalks may be located adjacent to the curb or shall be located a minimum of five (5') feet from the curb facing or edge of shoulder if the street is not curbed.

2. **Bituminous Sidewalks.**

- a. The "subbase" aggregate course shall be no less than twelve inches thick after compaction.

- b. All pavement installations shall meet the specifications of the Maine Department of Transportation Standards and Specifications Section 401 for Hot Mix Asphalt (HMA).

401.13.17 – DRIVEWAY DESIGN STANDARDS [ADOPTED MAY 18, 2010]

- A. 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 occupants, guests, and emergency vehicles to all buildings and structures.
- B. 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.
- C. Where topographic or drainage conditions on proposed lots and building sites indicate the need for steep driveway access and/or potential impacts on wetlands or other natural features, the Planning Board may require that the driveways be designed by the project engineer and shown on the subdivision plans. Changes to those driveway designs are allowed subject to the submission of alternative engineering specifications approved as part of a driveway permit and will not require amendment of the subdivision plan if approved by the Code Enforcement Officer.
- D. 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.
- E. Private driveways on street end turnarounds shall be located so as not to interfere with snow storage requirements for winter maintenance. Locations of such driveways are subject to review and approval by the Public Works Director.
- F. 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 (e.g., on the higher classification road the driveway can be located more distant from the intersection or sight distances are improved).
- G. 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.
- H. 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 unless the following conditions are met for a driveway shared between abutting properties:
 - 1. The driveway shall have a minimum travel way width of fourteen (14') feet for the first twenty five (25') feet before dividing into separate driveways.
 - 2. Deeded rights to the driveway shall be issued for all lots serviced by the common driveway and a maintenance agreement specifying rights and responsibilities for its maintenance signed by the parties shall be filed with the driveway permit application.

CHAPTER 400
STREET ORDINANCE
TOWN OF GRAY MAINE

Street Construction Ordinance Adopted June 3, 2003 / Effective Date July 3, 2003

Amended March 16, 2004 / Effective Date April 15, 2004

Street Ordinance Adopted May 17, 2011 / Effective June 16, 2011

Amended December 6, 2011 / Effective January 5, 2012

Amended October 15, 2013 / Effective November 14, 2013

Amended October 20, 2015 / Effective November 19, 2015

Amended January 8, 2019, 2nd Reading January 22, 2019

Approved January 22, 2019, Effective March 1, 2019

SECTION 1 – GENERAL ADMINISTRATION

SECTION 1.1 – PURPOSE

The Purposes of this ordinance are to promote public health, safety, and welfare for the residents of the Town of Gray by regulating activities that affect the Town’s ability to maintain the roadway system, enhancing the easy and rapid location of and access to properties for the delivery of public safety and emergency services, and avoiding potentially life threatening situations that may be caused by unsafe road conditions and confusing or disorganized addressing.

SECTION 1.2 – EFFECTIVE DATE

The effective date of this revision of this Ordinance shall be June 16, 2011.

SECTION 1.3 – APPLICABILITY

The provisions of this Ordinance shall apply to all streets, roads and vehicular easements in the Town of Gray that are under public ownership, by the Town or the State of Maine, or that are under private ownership specifically including public easements for winter maintenance. The Ordinance shall also apply to any street, road, or vehicular easements shown on a subdivision plan approved by the Gray Planning Board and recorded in the Cumberland County Registry of Deeds.

SECTION 1.4 – APPEALS

- A. Decisions of 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 Civil Rules of Procedure.
- B. Decisions of the Public Works Director, Town Engineer, and Street Addressing Committee under this ordinance shall be appealed to the Town Council.

SECTION 1.5 – SEVERABILITY

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 1.6 – CONFLICTS 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 2 – ACCEPTANCE OF A PUBLIC STREET OR PUBLIC EASEMENT FOR WINTER MAINTENANCE

SECTION 2.1 – PURPOSES & INTENT

- A. Sub-collectors, Village Public Streets, and Rural Public Streets generally are designed for full public ownership and maintenance. Sub-collectors and Rural Public Streets carry high volumes of traffic and/or provide through connections between existing streets that improve traffic flows through the community.
- B. Rural Public Easement Streets are designed for public winter maintenance under the Town’s private road public easement policy. Minor Rural Streets are designed for full private ownership and maintenance under a maintenance agreement or homeowners’ association framework.
- C. All new public streets/easements shall not be isolated from existing public streets/easements by intervening private streets. New public streets/public easements must either intersect existing public streets/easements or there shall be a continuous path from new public street/easements through other new public streets to one or more existing public streets.
- D. All decisions to accept public ownership or public easements, however, are subject to the discretionary authority of the Town Council, and all proposed streets shall be covered by a private maintenance agreement or homeowners’ association framework until they are accepted by the Town. Upon receiving preliminary subdivision approval, applicants are required to seek indication of whether the Town Council is willing to accept public ownership of fee interests or public easements.

SECTION 2.2 – PUBLIC EASEMENT FOR WINTER MAINTENANCE

Roads proposed for winter maintenance under a public easement shall meet the following criteria:

- A. Requests for public easement road acceptance shall be made in writing to the Town Manager by the road association president.
- B. Each respective road or homeowners association shall be incorporated, unless all property owners sign an individual public road easement and a hold harmless release.
- C. Each respective road association and each individual property owner if required shall grant a recorded public easement.
- D. Each respective road association and each individual property owner if required shall sign a general release to the Town granting permission to enter upon the road and to perform maintenance.
- E. Each respective road association and each individual property owner if required shall agree and sign to hold the Town harmless for any damages that may be caused in the process of providing maintenance services.
- F. The traveled portion of the road shall be adequately maintained in good repair by the respective road association as determined by the Town’s Public Work’s Director.
- G. There shall be adequate vehicle and plow turnaround(s).
- H. All costs associated with each public easement road acceptance shall be borne by the respective road association and property owners. Said costs may include public easement recording fee, published notices and others costs deemed by the Town Council.

- I. Upon written application to the Town Council and determination of extraordinary circumstances the Town Council has sole authority to waive or modify requirement(s) of the road adoption criteria.
- J. In accordance with the Town annual budget cycle and to forecast Town winter maintenance expenditures, a letter of intent must be submitted by January 15th for any new road(s) to be considered for Public Easement for Winter Maintenance purposes for the subsequent winter. This letter of intent shall be submitted to the Town Manager by the developer, road owner, road association president or other agent of the road. The request must include the location and sufficient information for the Town to determine winter maintenance needs such as road length, width, grades, curve radii, drainage, and orientation. In the event that a letter of intent is duly submitted but the proposed new road(s) is/are not accepted for winter maintenance purposes, i.e. not sufficiently complete, the road owner/applicant shall be responsible for submitting a new letter of intent to the Town for consideration by January 15th during the winter *preceding* the proposed winter maintenance.
- K. Accompanying each road association request for acceptance shall be separate, written recommendations by the Public Works Director and Town Engineer either supporting or not supporting public easement acceptance and their reasoning for the recommendation. A copy of the request and recommendations shall be forwarded to the Town Manager or designee for notification purpose prior to public easement acceptance.
- L. In order to provide an efficient and workable relationship between the Town and the road associations, each respective road association president or designee shall be the liaison between the Town and road association. Each road association is responsible to inform the Town Manager, in writing, identifying their respective association president or designee, address and telephone number by September 1st of each respective year.
- M. Maintenance services covered under this policy shall consist only of snowplowing and road sanding. The provision of required materials: road sand and road salt is implied by this policy. All other maintenance aspects, materials and requirements of public easement roads accepted are the responsibility of the road association and its members, including road grading. The Town does not assume or accept liability for any defects in or lack of repair to public easements.
- N. If a public easement's traveled portion is paved, the public easement road association and abutting property owners agree the Town assumes no responsibility for damages or injury to the paved surface.
- O. For public easement road acceptance and road maintenance, each road association recognizes the Town of Gray responsibilities shall be limited to the scope of this policy and to hold the Town harmless regarding any liability for any negligent damage to property: including but not limited to: driveways, mail boxes, lawns, trees, curbing, shrubs or property markers. Each road association or individual benefiting agrees to hold the Town of Gray, its officers, agents and employees harmless. This clause does not mean or intend to hold harmless private contractors for their negligent acts.
- P. If the Public Works Director determines that an emergency exists on any public easement way due to heavy snowfall and/or narrowing of the travel ways due to snow banks, the Public Works Director and the Town Manager may take such additional snow plowing and/or removal action as he reasonably deems fit to abate the emergency. The Public Works Director shall keep accurate financial records of any such emergency work and report the same to the Town Manager at least monthly.

SECTION 2.3 – PUBLIC EASEMENT FOR WINTER MAINTENANCE STANDARDS FOR PRE-1998 ROADS

In addition to the requirements of Section 2.2 above, roads proposed for winter maintenance under a public easement that were constructed before October 1, 1998 shall meet the following standards:

- A. There shall be at least four (4) year around dwellings served on the road under consideration.
- B. An easement of at least twenty (20 ft) feet in width shall be provided.
- C. The traveled portion of the road must be at least ten (10 ft) feet in width with an overall clearance width of eighteen (18ft) feet.
- D. The traveled portion of the road shall have an adequate gravel base with a minimum depth of six (6 in) inches.
- E. The traveled portion of the road's overhead clearance shall be a minimum of thirteen and half (13½ ft) feet.

SECTION 2.4 – PUBLIC EASEMENT FOR WINTER MAINTENANCE STANDARDS FOR POST-1998 ROADS

In addition to the requirements of Section 2.2 above, roads proposed for winter maintenance under a public easement that were constructed after October 1, 1998 shall meet the following standards:

- A. The road must meet all standards of the Subdivision Ordinance for Rural Public Easement Streets or Rural Public Streets, including paving, except that roads built to the prior public street standard of three (3) inches of paving prior to enactment of this ordinance on May 17, 2011 may be accepted for public easements (*Amendment effective Jan 5, 2012*). Rural Public Streets will not be fully accepted under Section 2.5 below unless they provide public benefits indicated in Section 2.1 A above, but they will be eligible for winter maintenance public easements.
- B. No public easement may be submitted for acceptance unless at least seventy-five (75%) percent of the housing units on that street or within that subdivision phase have received their certificates of occupancy.
- C. Roads shown on final subdivisions plans which were duly approved, inspected, and “substantially started”, as defined in the Gray Zoning Ordinance, by May 17, 2011 may be eligible for winter maintenance of each phase provided that such roads are constructed to the prior “Public Street Construction Standards”, excluding paved shoulders, and that the minimum pavement thickness meets the requirements for a Rural Public Easement Street. (*Amendment effective Nov 14, 2013*).

SECTION 2.5 – REQUIREMENTS FOR FULL PUBLIC ACCEPTANCE OF STREETS

- A. 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.
- B. A plan of said street or way shall be recorded in the Cumberland County Registry of Deeds at the time of its acceptance.
- C. 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 an as-built plan, profile and cross section of said street or way as follows:

1. A plan drawn 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 Planning Board.
 2. 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.
 3. 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.
- D. 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 of the Subdivision Ordinance for its road classification at the completion of construction. Final Certification by the Town Engineer shall be done only after the road has gone through one winter and spring season.
- E. 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 one core sample for the road proposed. Additional core samples may be required upon recommendation of the Town Engineer.
- F. No street or way may be accepted unless at least seventy-five (75%) percent 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.

PART 3 STREETS ASSOCIATED WITH SUBDIVISIONS [Repealed 12-7-2010 & moved to Subdivision Ordinance]

SECTION 3 – STREET NAMING AND NUMBERING

SECTION 3.1 – ADMINISTRATION

All streets and roads shall be named by a Street Addressing Committee consisting of a representative of Public Safety, Code Enforcement, Public Works, Assessing, and Planning. Road names and numbers shall be assigned to all properties, on both existing roads and new roads that are built after the effective date of this ordinance. The Street Addressing Committee shall be responsible for maintaining the following official records of this ordinance:

- A. Town of Gray street map for official use showing all road names and numbers. The map shall be updated annually as of each April 1st.
- B. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers. The list shall be updated as street names are authorized.
- C. An alphabetical list of all roads with property owners listed in order of their assigned numbers. The list shall be updated annually as of each April 1st.

Any situation pertaining to addressing not covered in this ordinance shall be settled by the Town Council.

SECTION 3.2 – NAMING SYSTEM

All roads/accessways in Gray that serve two or more addresses or principal structures shall be named regardless of whether the ownership is public or private. A road name assigned by the Town of Gray

shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

- A. Similar names – no two roads shall be given the same or similar-sounding (e.g. Beech and Peach, Pine Road and Pine Lane) names.
- B. Each road shall have the name throughout its entire length.

SECTION 3.3 – NUMBERING SYSTEM

Numbers shall be assigned every one hundred (100 ft) feet along both sides of the road, with even numbers appearing on the right side of the road and odd numbers appearing on the left side of the road, determined by the number origin. The following criteria shall govern the numbering system:

- A. All number origins shall begin from the designated center of the Town of Gray or that end of the road closest to the designated center. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- B. The number assigned to each structure shall be that of the number interval falling closest to the front door or driveway of said structure.
- C. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy (i.e. multi-dwelling units and apartments) will have one road number with an apartment letter, such as 235 Maple Street, Apt B. lettered from left to right from the street and beginning with the lowest separately occupied unit.
- D. Corner lots will be numbered on the street which the front door faces.
- E. Cul-de-sacs with buildable lots within the center of the cul-de-sac will be numbered continuously around the cul-de-sac on both sides in the direction of the traffic flow. Cul-de-sacs with no buildable lots in the center will be numbered as a straight street with odd numbers and even numbers meeting on the far side of the cul-de-sac.
- F. Number on the structure. Where the structure is within fifty (50) feet of the street, the assigned number shall be located on the front of the structure near the front door or entry.
- G. Number at street: Where the structure is over fifty (50) feet from the street, the displayed number shall be displayed on a post or mailbox at the street line next to the walk or drive accessing the structure, or where appropriate as determined by public safety officials. The displayed number shall be between four (4) and (6) six feet above the ground and visible from both directions.
- H. Size and color of number. Displayed numbers shall be between four (4) and six (6) inches in height and shall be horizontally oriented and of a contrasting color to any background. Either the number or the background shall be of a reflective nature for visibility at night.

SECTION 3.4 – NEW DEVELOPMENTS AND SUBDIVISIONS

All new developments and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- A. New Developments. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Street Addressing Committee. This shall be done at the time of the issuance of the building permit.
- B. New Subdivisions.

1. Any prospective subdivider shall show a proposed road name on the final plan submissions to the Planning Board. Approval by the Planning Board shall constitute the assignment of road names for the subdivision.
2. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every one hundred (100 ft) feet so as to aid in assignment of numbers to structures subsequently constructed.
3. Developers of subdivisions shall be required to erect signs naming streets within each approved subdivision at the onset of the construction phase. Street signs shall be approved by the Public Works Director and installed by the developer prior to the issuance of building permits for any of the subdivision lots.

SECTION 3.5 – ADDRESS REVISIONS

In the event a resident or residents wish to change an existing physical address, the following procedure will be adhered to:

- A. The resident(s) will request the change via a letter to the Addressing Committee, in care of the Fire Chief.
- B. At least two-thirds of the residents affected by the change must be in support of the change, and must have signed the letter. The Addressing Committee will review the requested change, and may request the residents to meet with them.
- C. In the event a resident who is affected by the proposed change does not support the change, they may address their concerns to the Addressing Committee at any time. In the case of an approval for change by the Addressing Committee, the Committee will have the authority to make the change.
- D. Should a resident wish to appeal the Committee's decision, said appeal will be made to the Town Council.

PART 4 PRIVATE STREETS Repealed May 17, 2010 & moved to Subdivision Ordinance]

SECTION 4 – EXCAVATIONS

SECTION 4.1 – PERMIT REQUIRED

No person including a utility shall dig up, excavate, tunnel, undermine or in any manner break up any street or make or cause to be made any excavation in or under the surface of any street for any purpose or place, deposit or leave upon any street any earth or other material obstructing or tending to interfere with the free use of the street, unless such person including a utility shall first have obtained a street opening permit from the Public Works Director as provided in Section 4.4.

SECTION 4.2 – COMMENCEMENT OF WORK

Excavation work must be started no later than thirty (30) days from the date of issue of the street opening permit. After the expiration of this thirty-day period, such permit shall become null and void.

SECTION 4.3 – RESTRICTED MONTHS

No person shall be granted a street opening permit from December first of each year to March thirty-first of the following year unless an emergency or special condition exists and written permission is obtained from the Public Works Director. A written explanation shall be submitted to the Public Works Director explaining the special situation or emergency prior to the issuing of the permit.

SECTION 4.4 – APPLICATION FOR PERMIT

- A. No street opening permit shall be issued unless a written application is submitted to the Public Works Director for review.
- B. The application shall state the name and address of the applicant and an emergency phone number that will be answered twenty-four (24) hours per day, the type of work to be done, signatures of approval from utilities, name of the place and street number and purpose of the excavation, the date of commencement and date of completion of excavation.
- C. The application shall be accompanied by a diagram of the planned excavation submitted on an eight-and-one-half-inch by eleven-inch sketch showing trench locations, widths, depths, location of all barricades, warning signs, detour signs and detour routes and such other information as may be reasonably required by the Public Works Director.
- D. If the applicant is other than a public utility and intends to excavate in the vicinity of a facility owned or operated by a public utility or oil pipeline owned by a person, the applicant shall provide the information required by the town under this section to the utility or person owning such facility in addition to providing such information to the town.
- E. The application for permit shall be accompanied by payment of a permit fee established by the Town Council which is on file in the town clerk's office.
- F. A preconstruction meeting may be held, if felt to be warranted by the Public Works Director.
- G. The application shall be accompanied by proof of notice to the utilities as provided in 23 M.R.S.A. § 3360.

SECTION 4.5 – REASON FOR DENIAL OF A PERMIT

The Public Works Director may deny any street opening permit if the Director determines that such excavation would endanger the life or property of the citizens of the town or if such excavation would endanger the general public or interfere with snow removal. The denial may be appealed within thirty (30) days to the Town Council. All denials by the Public Works Director shall be made in writing to the applicant.

SECTION 4.6 – NOTICE OF COMMENCEMENT OF WORK

The excavator shall give notice to the Public Works Director not more than seventy-two (72) hours nor less than twenty-four (24) hours before excavation work begins.

SECTION 5 – DRIVEWAYS

SECTION 5.1 – DEFINITIONS & APPLICABILITY

- A. For the purposes of this Ordinance, all references to the term "Private Driveway" shall be deemed to apply to a new or expanded driveway utilized to access a single-family residence, and/or a duplex/two-family and/or multi-family dwelling, and/or a commercial or institutional entrance that is not subject to Site Plan Review.
- B. This Section 5 shall also apply to the addition of a new dwelling unit or additional principal structure(s) that utilizes an existing Private Driveway for access.

- C. The entirety of this Section 5 shall apply to any and/or all new or expanded Private Driveways within the Town of Gray accessing a street, road or vehicular easement irrespective of the owner of the street, road, or vehicular easement including all of the following types:
 - 1. Owned by the Town of Gray, and/or
 - 2. Owned/operated by the State of Maine within an MeDOT Urban Compact area, and/or
 - 3. Owned/operated by the State of Maine not within an MeDOT Urban ompact area, and/or
 - 4. Privately owned, irrespective of whether or not subject to a public easement for winter maintenance.
- D. The provisions contained in this Section 5 shall only apply to the intersection of the Private Driveway entrance with the street that it provides access to for a distance of thirty (30') feet from the travel way except for commercial driveways as provided in Table 5.1.
- E. A separate Private Driveway permit shall not be required for private driveways shown in a specific location on an approved subdivision plan and built in conformance with the design specifications approved by the Planning Board. Changes to design are allowed subject to the submittal of a driveway permit application with engineered drawings and approved by the Town Planner and Town Engineer.

SECTION 5.2 – PRIVATE DRIVEWAYS PERMIT APPLICATION PROCEDURES

The procedure for application for proposed construction of new or expanded Private Driveways shall be as follows:

- A. All new or expanded Private Driveway(s) accessing State or State Aid highways requiring a MeDOT entrance permit must obtain all necessary MeDOT entrance permit(s) before applying for a Private Driveway permit from the Town. Applicants are advised to ensure compliance with Town standards before applying for an MeDOT entrance permit.
- B. Prior to the construction or expansion of any private driveway, an application shall be submitted to the Code Enforcement Officer on forms prepared by the Town. The application shall include the following information:
 - 1. Names of applicants.
 - 2. Owners of land for the location of a proposed Private Driveway and evidence of right, title, or interest.
 - 3. A statement of any legal encumbrances on the land for the location of a proposed Private Driveway.
 - 4. The anticipated starting date of construction.
- C. Drawings of the proposed or expanded private driveway entrance shall be submitted to the Code Enforcement Officer with the application. The drawings shall include the following information:
 - 1. Date, scale, and magnetic or true North.
 - 2. Intersection of the proposed Private Driveway with an existing public or private street and their location and relationship with respect to any existing natural waterways in the vicinity of the proposed driveway.
 - 3. Turning radii at the intersection of the proposed private driveway with the existing street.

4. Approximate centerline gradients of the proposed Private Driveway within thirty (30') feet of the travel way of the existing street.
 5. Locations of existing overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting, and cable television.
- D. The fee schedule for review of plans for a new or expanded Private Driveway or an alteration to an existing private driveway shall be established by the Town Council and may be amended.
- E. Building permits that are associated with any new construction or expansion of Private Driveways shall not be issued until the Code Enforcement Officer has determined that the applicant's Private Driveway construction application is complete in accordance with the following provisions:
1. All applications for Private Driveway permits for access to any street, road, or vehicular easement within the Town of Gray shall be subject to review and approval by the Public Works Director. The Public Works Director shall also review Private Driveways to be located on street turnarounds to ensure that snow plowing operations are not hindered.
 2. In the event that the Code Officer and/or Public Works Director determine that the input of a professional engineer is needed to verify compliance with this ordinance, a review by the Town Engineer may be requested by the Town Officials, and the costs of that review shall be paid by the applicant under the Town's peer review escrow system.

SECTION 5.3 – APPLICATION PROCEDURE STANDARDS FOR ALL NEW OR EXPANDED PRIVATE DRIVEWAYS:

The procedure for application for proposed new private driveways shall be as follows:

- A. The minimum diameter of culverts under a Private Driveway at the intersection of the street or ditch-line shall be fifteen (15") inches. Based on site conditions, the Public Works Director shall have the authority to not require a culvert or require the owner/applicant to install a larger culvert.
- B. 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 (e.g., on the higher classification road the Private Driveway can be located more distant from the intersection or sight distances are improved).
- C. Unless specifically approved by the Gray Planning Board as an integral component of a duly approved application such as Site Plan Review, Conditional Use and or a Subdivision, only one (1) curb cut for non-residential purposes shall be permitted on any parcel.
- D. 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 unless one of the following conditions are met:
 1. For a Private Driveway shared between abutting properties meeting the following standards:
 - a. The Private Driveway shall have a minimum travel way width of fourteen (14') feet for the first twenty-five (25') feet before dividing into separate driveways; and
 - b. Deeded rights to the Private Driveway shall be issued for both lots serviced by the common driveway and a maintenance agreement specifying rights and

responsibilities for its maintenance signed by the parties shall be filed with the driveway permit application.

2. For a common curb cut shared between abutting properties meeting one of the following standards:
 - a. Approved by the Planning Board as an integral component of a duly approved application such as Site Plan Review, Conditional Use, and/or Subdivision review; or
 - b. Reviewed and approved by the Code Enforcement Officer and Public Works Director with appropriate input and design parameters from the Town Engineer. Engineering fees shall be at the owners/applicant's expense.

E. Sidewalk Crossing Standards: The following standards shall apply where proposed or expanded Private Driveways will cross existing sidewalks:

1. When sidewalk or curb exists at the proposed entrance the applicant shall remove and replace such materials at the applicant's expense.
2. Where curb exists, curb tip-downs shall be provided at each side of a new entrance.
3. Where sidewalk is removed to accommodate a new entrance a new walk surface of equal type construction is to be provided. The sidewalk area at all entrances is to meet handicap accessibility requirements and conform to the American with Disabilities Act guidelines. In general sidewalks shall meet the following:
 - a. The maximum sidewalk longitudinal transition slope is not to exceed 1 vertical to 12 horizontal (1: 12).
 - b. The maximum sidewalk cross-slope is not to exceed 2%.
 - c. No abrupt changes in grade are permitted and the maximum curb reveal crossing a walkway is ½ inch or less.

SECTION 5.4 – PRIVATE DRIVEWAY LAYOUT AND CONSTRUCTION STANDARDS

A. All new or expanded private driveways constructed after the date of adoption of this ordinance shall meet the driveway construction standards of Table 5.1.

Table 5.1 Private Driveway Required Construction Standards	
Maximum grade w/in 30 feet of street travel way surface residential	6 percent
Maximum grade w/in 60 feet of street travel way surface commercial	3 percent
Minimum angle of intersection with street	75 degrees
Maximum angle of intersection with street	105 degrees

B. All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the street or to maneuver safely and without interference with traffic in accordance with the following provisions:

1. Measurements to determine sight distance shall be made in the proposed entrance at a point ten (10') feet from the edge of shoulder line with the height of eye three and one-half (3.5') feet above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one quarter (4.25') feet is first seen.
2. Driveway placement shall be such that an existing vehicle has an unobstructed sight distance in both directions meeting the requirements of Table 5.2 unless a waiver is granted by the Town Engineer upon documentation provided by the applicant that safety conditions will be met with shorter sight distances (this review will be covered by the Town requirements for peer review escrows). Commercial driveway entrances and exits not requiring site plan review and serving traffic of over fifteen percent (15%) truck traffic shall meet the Mobility Sight Distance requirements of Table 5.2 (third column).

Table 5.2 Private Driveway Entrance Sight Distance Standards		
Posted Speed (MPH)	Sight Distance (Feet)	Mobility Sight Distance ¹
20	155	225
25	200	300
30	250	380
35	305	480
40	360	580
45	425	710
50	495	840

- C. All private driveways shall have suitable drainage facilities to provide for adequate removal of storm water to prevent flooding and erosion:
 1. When the Public Works Director determines that a culvert is necessary, culverts shall be of adequate size and depth to convey ditch water flows and shall be shielded with stone rip rap at inlet and outlet to prevent washouts when the ditch flow capacity is exceeded in major storms.
 2. Irrespective of the travel surface material, the intersection of the Private Driveway with the roadway shall be designed, constructed, and maintained to prevent surface drainage from flowing onto or across the roadway. The entrance surface shall slope away from the road at a rate of not less than one quarter inch (.25"/ft.) per foot, nor more than one inch (1"/ft.) per foot for a distance of not less than the prevailing width of the existing shoulder, but in no case less than four (4') feet from the edge of the travel way surface.
- D. 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.
- E. 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 (e.g., on the higher classification road the driveway can be located more distant from the intersection or sight distances are improved).

- F. There shall be a minimum turning radius of ten (10 ft) feet at the intersection of a private driveway with the street. If necessary, the width of the travel way of the Private Driveway shall be increased in the vicinity of the intersection to provide for this turning radius. Commercial driveway entrances and exits not requiring site plan review and serving traffic of over fifteen percent (15%) truck traffic shall be designed with adequate width to avoid a turning vehicle from tracking into the opposing travel lane.
- G. 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 unless the following conditions are met for a driveway shared between abutting properties:
 - 1. The driveway shall have a minimum travel way width of fourteen (14') feet for the first twenty five (25') feet before dividing into separate driveways.
 - 2. Deeded rights to the driveway shall be issued for both lots serviced by the common driveway and a maintenance agreement specifying rights and responsibilities for its maintenance signed by the parties shall be filed with the driveway permit application.
- H. Unless specifically approved by the Gray Planning Board as an integral component of a duly approved application such as Site Plan Review, Conditional Use and or a Subdivision, only one (1) curb cut for non-residential purposes shall be permitted on any parcel.

PART 6 PARKING [Repealed 1-19-2010 & moved to Zoning Ordinance]

SECTION 6 – MISCELLANEOUS ACTIVITIES WITHIN THE ROAD RIGHT OF WAY

SECTION 6.1 – ACTIVITIES WITHIN THE ROAD RIGHT OF WAY

Notwithstanding that the public way is intended for public travel and convenience; other uses are permissible when not in conflict with public interest. The following criteria shall apply to uses:

SECTION 6.2 – MAILBOXES

Mailboxes may be located in the public way when located so as not to obstruct visibility for safe vehicle operation and not to interfere with the maintenance of the public way. Mailboxes shall be placed as follows:

- A. The box will be a minimum of forty-two (42 in) inches above the edge of pavement;
- B. The reflectors will be located on the side facing oncoming traffic; and
- C. The standard or upright will be at least four (4 ft) feet from the edge of pavement.

SECTION 6.3 – PLANTINGS & FENCES

Lawns and other ground cover as well as fences may be located within the right-of-way so long as the landscape will not adversely affect visibility for safe vehicle operation nor impede storm drainage and snow and ice removal activities. No fences or ground cover (shrubs or trees) may be placed within four (4 ft) feet of the edge of pavement without written permission of the Public Works Director. The Public Works Director shall review the location and design to determine if curbing or drainage modifications are necessary.

SECTION 6.4 – DRIVEWAY & FOUNDATION DRAINAGE

No water other than the natural flow from a site may be discharged into the right-of way of a street without written permission from the Public Works Director. The director shall review the proposed location and design and consider the following before granting any permit:

- A. Adequacy of downstream drainage system;
- B. Impact upon the public way;
- C. Snow and ice removal and control.

Deer Acres Association Presentation to Gray Town Council

November 16, 2021

Presented by David & Deb Kramlich, 57 Deer Acres Road, Gray, Maine and other Association members.

1. Introduction

2. History of Deer Acres Association

The Deer Acres development was created in the early 1950s. The Deer Acres Association was founded in 1957 for the sole purpose of the maintenance and improvement of the roads in the Deer Acres development, which consists of three privately owned roads, under public easement for winter maintenance: Deer Acres Road (7/10 mile), Evergreen Road (2/10 mile), and Fawn Road (2/10 mile). Otherwise, the roads are completely maintained by the 41 property owners of the Deer Acres Association. Only 9 of these properties are year-round residences.

3. Deer Acres Road

Until the mid-1960s, Deer Acres Road was a limited access private road, accessible only from Gore Road as the end of the association road between the McConnell and Cole properties was blocked with a steel cable. It was paved in the late 1960s. The cable was removed and access to Deer Acres from Brown/Lyons Point Road was established, presumably to allow for through passage of winter maintenance, school bus, and emergency vehicles. Deer Acres Road became a connector road between Lyons Point/Brown Road and Gore Road, which were private roads at the time. Eventually those two roads became full town road, public ways maintained by the town or contractors.

4. Traffic Count Data

Late Summer 2021, the Gray Town Council supported our request for the loan of Traffic Counting equipment from the Maine DOT. Data from the nearly 5-week span from August 12th to September 16th has been provided and is summarized here.

5. Who uses Deer Acres?

Deer Acres Road is now regularly used by property owners, families, renters, and others from Little Sebago Lodges, Lyons Point Association, and even Northern Oaks Association. It is also heavily traveled by school buses, emergency vehicles, utility and delivery vehicles, and heavy equipment. As evidenced by the traffic counts, the road is clearly used by a substantial number of vehicles that exceeds the 41 association property owners, 78% of which are seasonal use only. Little Sebago Lodges has roughly 126 properties in its association, many of whom used Deer Acres Road extensively while Gore Road was in significant disrepair. This practice seems to have persisted for traveling to the Raymond and Windham areas. Residents and visitors from the other neighboring associations have acknowledged use of Deer Acres Road to travel to Gray and towns to the north.

This includes Lyons Point Association with 82 properties and Northern Oaks Association with 72 properties. Even some of the 18 Gore Road property owners have been noted to use Deer Acres Road as a thoroughfare.

6. Our concerns (photos to follow - slides 7-12)

The road has seen rapidly increasing and substantial wear and tear over the past few years, as evidenced by the photos we will show in the next few slides. Deer Acres Road has become a thorough fare and connector between two existing town roads, with heavy public use as access to many properties outside the Deer Acres Association, placing a significant financial burden on the 41 property owners to maintain a safe road. Arguably, it is already a public way due to the public easement for winter maintenance.

13. Tax Representation of Deer Acres properties

As evidenced by data from public records, Deer Acres property owners contribute almost twice our share of Gray Town Property Tax revenue.

14. What we've done so far

We've had numerous meetings and fact-finding to review the present condition of Deer Acres Road. This includes proposals and opinions from several road contactors and an initial consultation with Gorrill Palmer Engineering. We collected the preliminary traffic assessment data as noted in a previous slide. We've also circulated a petition to residents, neighbors, & other concerned parties that benefit from use of Deer Acres Road, with 303 signatures gathered to date.

15. Asking for help

Upon examination of the town maps and the list of public roads and private ways in Gray, we cannot find any public easement or private ways that are as heavily traveled by the public as Deer Acres. It appears to be the only paved, pre-1998 public easement road connecting two public town roads in Gray. We are asking for assistance in maintaining viable access to Deer Acres Road for all users. We would like to schedule a Town Council Workshop to discuss the situation in greater detail and explore possible options and solutions. One possible option would be to amend the Street Ordinance to create and alternate road standard, and then have the Town of Gray accept Deer Acres Road as a town road under the new standard.