



TOWN OF GRAY
GRAY TOWN COUNCIL WORKSHOP
AGENDA • AUGUST 2, 2022

**Gray Town
Council Workshop**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/89239315891>
Phone 646-558-8656 / Meeting ID: 892 3931 5891

6:00 PM

CALL to ORDER

Roll Call

WORKSHOP 6:00 - 6:55 PM

1. Town Manager road data letter to MARA (Maine Alliance of Road Associations) - Dan
2. Private road costs (a) winter maintenance (b) acceptance of sub division roads - Dan
3. Weight limit ordinance Short Shaker - Sandy

ADJOURNMENT

** 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.*

Jonathan Hartt

From: Sandy Carder
Sent: Friday, July 22, 2022 3:29 PM
To: Jonathan Hartt
Cc: Kailey Hanley; Krista Chappell; Nathaniel Rudy
Subject: Fw: Request for TC discussion RE Road
Attachments: MUDSEASON 2022.pdf

Please attach this e-mail and enclosure to the 8/2 WS packet for items 1 & 2.

Thanks,
Sandy

From: Dan Maguire <dmaguire@graymaine.org>
Sent: Friday, July 1, 2022 5:21 PM
To: Sandy Carder <scarder@graymaine.org>
Cc: Krista Chappell <kchappell@graymaine.org>; Michael Curtis <mcurtis@graymaine.org>; Alec Dodd <adodd@graymaine.org>; Martin Meaney <mmeaney@graymaine.org>; Nathaniel Rudy <nrudym@graymaine.org>
Subject: Request for TC discussion RE Road

Hi Sandy, Et al,

At our last meeting I told you about the Maine Alliance of Road Associations (MARA). Attached is their annual newsletter aptly named "Mud Season" :-)

So as to be completely transparent I'll state again that I am the president of "Gray's Johnson Road Association" (JRA) and the "Carrying Place Cove Association" (CPCA) in Steuben. FYI Steuben has no Winter Maintenance (WM) program so the CPCA is responsible for improvements, repairs, plowing and sanding. I am also a member of MARA. Per Maine's Conflict of Interest Law, Title 30-A, I clearly have a financial interest in the outcome of these discussions. Though I think I can participate in them fairly and objectively, I will offer to recuse myself when these discussions take place.

There are 3 articles in this newsletter I suggest you read. Starting at the bottom of page 8, MARA has begun a project to identify the number of public and private roads in Maine. On page 9, is MARA's legislative report to its members and at the bottom of page 11 is an essay written by a gentleman from Falmouth titled, "A Case for Acceptance of All Town Roads".

Whatever your stance on the issue of public vs private roads the essay is well written and worth reading. If only to understand a different point of view.

I have 2 requests:

One, I request the TC to ask Nate to write a letter to MARA and send them the data on the numbers and lengths of our roads here in Gray. Public roads, Public Ways (WM) and Private roads (no services at all) with a brief explanation of how our WM ordinance works. I think we can omit the shared driveways Maine's 911 statute foolishly requires we name. These "roads" are not part of the discussion.

Two, I request the TC to ask Nate and Alec, and perhaps Katy? to create a detailed estimate of the costs involved in the Town plowing all the public and winter maintenance roads. An estimate complete enough that we could use it for budgeting purposes. I also want to understand the cost involved in having the Town "accept" all paved sub division roads that are currently Public Ways and receive WM. I would expect us to require any road wanting to be "accepted" to meet certain standards (TBD). The estimate should assume that each of these paved WM roads will need to be paved once in the next 7-10 years. So we understand the longer term impact on CIP. Once we have this information we will be able to

definitively say we understand the costs.

As always this is a request for a TC discussion. Please save your comments for the TC discussion.

FYI Michael, ME's Freedom of Access Act (FOAA) require that all TC deliberations happen in a publicized, public setting anyone can attend. As a result we can't start emailing our thoughts and opinions back and forth. One exception to that rule, we can ask clarifying questions to make sure we understand what is being requested. Any councilor can request a TC discussion and this is my request to Sandy. Sandy will take it, add it to her list of everything else that is going on and slot it into some future TC meeting. If you knew all that, my apologies :-)

Thank you all for considering my request.

Dan

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This, the 8th edition of MARA's annual MUD SEASON newsletter, features tips for gravel road maintenance, use of Zoom for annual meetings, a new MARA Project, and an essay advocating town acceptance of private roads.



MUD SEASON

8th Edition, Published April 25, 2022



PRESIDENT'S LETTER

Sandy Allen

Welcome Members,

Mudseason is in full force here on March 19th. I'm becoming proficient in aiming my tires at the elevated strips between the shallow ruts in a short section of our gravel road. We had some crushed stone spread on the soft sections about 10 days ago. I'm glad we did. Our road should be dry and firm in the next 2 weeks. I'm hoping some minor rake and hoe work will be enough to prevent the need for reshaping the road crown with heavy equipment.

I'm pleased to report that the Maine Alliance for Road Associations is doing well. Our membership is now 147 MARA Members up from about 120 last year. Google Analytics tells me that we had 38142 "hits" on our website from Mar 7 through Apr 7. There were 179 Downloads --117 PDFs and 44 WORD.docx. The BOWEN LDRSHP Manual and Title 23sec3101 and 3102 won top honors in the PDFs with 13 and 10 Downloads, respectively. WORD.docs, "Sample Late Payment Policy", with 12 downloads out numbered other documents by more than 2:1 ratio.

I'm also very pleased to let you know we recently welcomed another Board member, Erin Barker, who introduces a new project below. We are still looking for Board members. Please let us know if you are interested at, info@maineroads.org.

Participation in MARA Road Conference 2021 finally became "ZOOM Only" attendance. The MARA Board was disappointed to have to cancel the in-person portion, but with the rapid spread of Covid-19 last fall, we really had to adjust. The good news, that we certainly hope will be the case, will be to offer in-person attendance this year. We plan to continue the Zoom option for those unable to attend in person.

The MARA Road Conference 2022 will be held on Saturday, October 1, 2022 at Maple Hill Farm Inn and Conference Center. We are confident we'll have another successful Conference with no increase in registration fees.

We welcome submission of articles and bits of information of interest to our members for our newsletter. Please contact Betsy or me at info@maineroads.org.

I have enjoyed email exchanges with members; several have turned into Discussion Forum posts. It is a pleasure work with individual MARA Members. Please keep in touch.

ROAD ASSOCIATION ZOOM MEETINGS?

Betsy Connor Bowen

WHY NOT ZOOM IT?

There's nothing like being together for an in-person neighborhood road association meeting. Indoors or outdoors -- just getting together over something good to eat or drink is great.

But consider Zooming. It could be a close second best!

With a computer, a camera, and a Zoom invite in the email inbox, people who can't attend in person can be there.

And yes, maybe figure out how, if you can, to make it a hybrid -- could you get both going on at the same time?



TREASURER'S REPORT

Thanks to a decent increase in MARA membership over the past fiscal year (April 1, 2021 to March 31, 2022), the financial condition of our organization remains solid. The all-volunteer MARA board is most appreciative. Our main expense is Website software provided by Wild Apricot.

Please continue to interact with our members through the on-line Discussion Forum and by attending our annual Conference, scheduled this year for Saturday, October 1, 2022 at the Maple Farm Inn and Conference Center in Hallowell.

Income and Expenses from April 1, 2021 to March 31, 2022

Starting Balance as of April 1, 2021	\$2065.85
<i>Income:</i>	
MARA member dues payments	\$3240.00
Conference registration receipts	\$1490.00
Total Income for the fiscal year	<u>\$4730.00</u>
<i>Expenses:</i>	
Administrative – Annual Report to the State	\$35.00
Website software and related expenses	\$884.45
MARA Conference October 2021	
Non-refundable conference room facility charge	\$269.00
Audio visual for virtual conference	\$300.00
Total Expenses for the fiscal year	<u>\$1488.45</u>
Ending Balance as of March 31, 2022	<u>\$5307.40</u>

Respectfully submitted,

Jim Bunting, Treasurer

TIPS FOR GRAVEL ROAD MAINTENANCE ON A SHOESTRING

Roberta Manter

(Excerpts from the Maine ROADWays website, © 2016 Roberta Manter
<http://maineroadways.blogspot.com/p/low-cost-road-maintenance-tip-of-day-if.html>)

Low-budget road maintenance can be challenging, but it can be done. Careful observation and attention to small problems can head off major expenditures.

ROAD MAINTENANCE TIP OF THE DAY - GET TO KNOW YOUR ROAD!

Don't just drive in and out, but take the time to walk it as often as possible. And don't just walk it, but study what's going on. Walking it right after a hard rain, or even during a hard rain, will tell you a great deal if you are observant. Where does the water run? Does the road have enough crown to keep it running off to the sides, or does water travel down the road? Are tire tracks keeping the water confined to two channels? Where does water pool? Do tires splash water and "fines" out of the puddles, making the pot holes deeper? Where is the ground sloped enough to put in a drain? Are the ditches and culverts clear? Are there places that need to have ditches or culverts put in? How is the road surface holding up? Does it need gravel? If you can't afford to do much work at a time, what should be your priority? What is the one most cost-effective thing you can do? Can you crown and gravel the worst spot, and do another area next year? Sometimes if you just go out with a hoe during a rain storm, you can channel water off to the side and keep a whole hill from washing out. Or by unplugging a culvert, you can keep water from washing over the road. An ounce of prevention...

HAND MAINTENANCE

It's surprising how much of a difference it can make to do some maintenance to a road by hand. In the fall, make sure culverts are clear of leaves, and that there is not such a burden of sticks and leaves in the ditches that they will wash down into the culverts and block them. It's a good idea to trim back branches that hang over the road, so they don't bend down under snow and smack you in the windshield. This also allows the sun to get to the road to help melt off snow and ice. But don't leave the cut branches in the ditch, or they can snag so many leaves that water backs up and flows over the road, leading to washouts.

AVOID CREATING RUTS - KEEP YOUR TIRES ON THE HIGH SPOTS

One of the easiest things you can do to keep a gravel road from deteriorating into two ruts is to avoid driving in the same two ruts! Use the full width of the road, driving with one tire at the edge of the road and the other tire in the middle of the road, so your tires run on the high spots. (Photo #1) If there are no high spots, then each time you drive the road, move over by one tire width so you use each strip of road equally. If you already have ruts, keep driving on the high spots until you wear them down even with the low spots. (This will also help keep you from bottoming out.) If you are not the only user of the road, encourage others to do the same, or you may be fighting a losing battle. Still, even if you are the only one following this procedure, your use of the little-used strips of road will slow down the road's deterioration, and will also help keep weeds from growing in from the edges, as roadside brush further induces people to drive in the same two ruts. When you are building or improving a road, try if at all possible to make it wide enough so you have room to put one tire in the middle of the road without running your other tire off into the ditch.

Even in dry weather, driving in the same two ruts slowly pounds the road into a sort of W shape. While not as obvious as the foot-deep mud season ruts, this is still enough to ruin the crown of the road. The result will eventually be washouts on the hills and puddles on the flats. Splashing through the puddles throws the "fines" out with the water. The fines are the glue that holds the road surface together, so the puddles turn into ever deeper pot holes. Meanwhile, grass and weeds grow up in the parts of the road that are not getting driven on. In the center of the road, the weeds hide the rocks that are beginning to protrude, increasing the danger that you will bottom out on something you didn't see. Because only the ruts are packed hard, if you try to drive in a new spot when the ruts get muddy, you will sink worse in the soft unpacked parts of the road. Eventually, brush and trees grow in from the sides, making the road narrower until there is no choice but to drive in the same two ruts. (Photo #2)

YORK RAKING AND GRADING

York raking should be done before roads get too dry and hard. The road pictured here was left too long. (Photo #3) In order to keep the ruts from becoming a permanent feature for the summer, a tractor with grader blade was brought in. This one mile of road took over seven hours of work to straighten out, and it still isn't as smooth as one would hope to have it be. (A full sized grader would have done the job quicker, if one had been available.) At a workshop offered by MARA, (Maine Alliance for Road Associations,) Josh Platt of Maine Environmental Solutions LLC gave excellent advice on evaluating the condition of a road and addressing one problem at a time in order of priority so as not to be too costly all at once. He emphasized that doing the job right can save money in the long run. One of his recommendations was to do York raking while the moisture content of the road surface is still high enough for the material to be workable. The situation shown in this photo is a prime example of how something as simple as doing the job at the right time can save needless expense later. At the same MARA workshop, Pete Coughlan, director of the Community Services Division of the Maine DOT, spoke about the difference between "grader operators" and "grader drivers." A grader driver simply drives the grader down the road. He fills in pot holes with loose dust that will promptly pound out again, leaves a berm at the side of the road that keeps the water from running off, and drives too fast so that the blade chatters,

leaving a washboard surface. A grader operator, on the other hand, is a master of road construction and a magician at what he can do with his machine. Instead of filling in the pot holes, he cuts the road surface down level with the bottom of the pot holes. Then he goes back and grades the material back over so that the whole surface packs in again evenly. He reclaims material that has washed off to the roadsides. He creates the right percentage of crown so that rainwater and meltwater flow off the sides of the road before they accumulate. He knows how to make the grader crab-walk down the roadsides so that he leaves no berm along the edge. And he takes the time to work the material so it leaves no washboards. Unfortunately, grader operators are hard to find, and may not fit in the meager budget available for maintaining our roads. My husband manages to grade our road with just a blade on a farm tractor - but he applies the same principles as when he used to operate a commercial grader. For more information on gravel road maintenance check out MARA's Resources page, or go to maineroadways.blogspot.com for the full version of the above article.



1. Keep your tires on the high spots



2. Driving in the same two ruts slowly pounds the road into a sort of W shape. After a rain, you can even see this effect on paved roads, especially those that are subjected to heavy trucking.

(Photo #3 on next page)



3. York raking should be done before roads get too dry and hard. The road pictured above was left too long.

MARA has begun a new project!

Erin Barker

When it comes to issues before the state legislature affecting road associations, the MARA Board believes it would behoove our state legislators to know how many of their constituents living on private roads as part of road associations are affected by the issues.

As such, we have begun a project to compile information on the number of private roads and public roads in municipalities. Our preliminary work has revealed that many municipalities have more private roads than public roads. Once we have compiled a substantial sampling of this data, we intend to present it to legislators serving on various state house committees.

If anyone is interesting in more information or helping with this project, please contact Erin Barker at 508-309-8122.

If anyone has information on the number of private roads and the number of public roads in their municipality, please provide us with the data.

LEGISLATIVE REPORT SUMMARY, SPRING 2022

Roberta Manter

MAINTENANCE AGREEMENTS ON PRIVATE ROADS

Last year's L.D. 192, "An Act To Define the Responsibilities of Residential Property Owners for the Maintenance and Repair of Private Roads," was intended to assure lenders that a property on a private road would continue to be accessible. Its basic premise is that if there is any sort of agreement concerning maintenance of the private road, whether through a formal road association or an informal or even verbal agreement, that agreement is sufficient. Where there is no such agreement, it is assumed that each property owner shares equally in the cost of maintenance. That default is enough to satisfy the lender.

This law went into effect last October as 23 MRS 3121, and is already proving problematic. Under another law passed in 2019, (33 MRS 173 subsection 6,) the seller is supposed to disclose who is responsible for maintenance. Under the new law, where there is no maintenance agreement a seller can simply say that maintenance is shared by the landowners.

But if the landowners don't agree to contribute their fair share, there is little recourse short of court action. Worse yet, there is a flaw in the law. Initially it says that, "each property owner who shares the common benefit is responsible for a share of the cost of reasonable and necessary repairs to and maintenance of that private road..." We were adamant that this should include all owners of property on the road, whether residential or not. But in subsection 3, Enforcement, it says that if a residential property owner fails to pay that owner's share, another resident can take legal action against him. In other words, it appears that legal action can only be taken against owners of residential property who do not pay, not against owners of wood lots who do not pay.

AFFORDABLE HOUSING FUNDED BY TAXING SEASONAL RESIDENTS

One bill that was proposed this session was soundly defeated after the Maine Association of Realtors called attention to its many unintended consequences. MARA also submitted testimony in opposition to this bill. The intent of L.D. 1337, "Act to Increase Affordable Housing and Reduce Property Taxes Through an Impact Fee on Vacant Residences," was to address the shortage of affordable housing. It would have allowed towns to choose to impose an impact fee on homes that were deemed habitable year round but were lived in less than half the year. The funds generated would be put towards affordable housing, and part of the intent was that it would also induce owners of some of these uninhabited homes to put them on the market, increasing the number of homes available for year round habitation. This would have been grossly unfair to owners of second homes.

Seasonal residents pay taxes at the same mill rate as year round residents, yet place no burden on the school budget, and less than half a year's burden on roads, the two items which often consume the largest portion of town budgets. Many of these homes are on private roads that are maintained not by the town but by a road association, so the homeowners are already being "taxed" twice for road maintenance - once for maintaining the town's roads, and again for maintaining the private road.

In short, seasonal residents already pay a full year's share of taxes to a town where they actually use town services for less than half a year. What would be the impact on school and road budgets if these residences were occupied year-round? Is it fair that these seasonal residents should be charged yet another fee? And since owners of these homes claim residency elsewhere, they would not even be able to vote on the policy. Fortunately, once these concerns and others were brought to the attention of the Legislature, the bill was soundly defeated.

The following essay was submitted by a resident of Freeport, Ralph Norris. Ralph is a retired engineer who has been "guiding" other owners on their private road for over 25 years. The MARA Board found his conclusions and recommendations thought provoking.

A CASE FOR ACCEPTANCE OF ALL TOWN ROADS

Ralph Norris

The practice of transferring responsibility for maintenance and eventual replacement of residential streets to the abutters currently favored by numerous municipalities including Freeport places a significant and unreasonable administrative and fiscal burden upon the residents of those roads. It appears that the Town's current policy toward road acceptance favors the private road concept and, as a result, future occupants of these developments will be faced with responsibilities and expenses for which they may be unprepared. In our experience neither the developer nor the real estate people chose to emphasize and, in some cases, mention the Association responsibilities that are a part of taking up residency in a development where roads are considered private.

The Associations established by Developers, in order to carry out their charge, are bound to function as the staff of a small municipality. The owners along the road must first find willing and competent members to serve as Officers and

Directors who must enforce the Covenants and Bylaws and take legal action where necessary, arrange for liability insurance, establish and collect fees for maintenance of common areas, collect and invest funds for an eventual infrastructure replacement, review construction documents for compliance with Town and Association requirements and file reports with the State and IRS.

The responsibilities and liabilities associated with these tasks form a unique burden not shared by citizens of the Town who live on accepted streets. Based upon data supplied by the Freeport Town Engineer it appears that approximately 66% of the residential streets in Freeport are private. The Association members pay not only to maintain their own roads and drainage infrastructure but, through their property taxes, pay a portion of the maintenance and ultimate replacement of those residential streets and associated infrastructure that have been accepted by the Town. That involves a significant portion of the Town of Freeport's population.

Historically, the maintenance and replacement of a Town's infrastructure has been the responsibility of the elected and appointed officials with the costs of maintenance and replacement distributed equitably to the residents through property taxes. One of the root causes of this administrative and fiscal imbalance seems to be the Town policy, as reflected in the Subdivision and Street Acceptance Ordinances that encourage developers to build roads that will not be accepted by the Town.

Until that policy is abandoned, all existing private roads accepted and all future roads constructed to acceptable standards this inequitable state will not only continue to exist but become more consequential as additional developments are constructed. At some point the responsibility for the maintenance and replacement of most of the residential streets will rest with the residents rather than with the Town Officials where the responsibility truly belongs and who have the expertise for such undertakings.

If the trend toward private roads continues it is conceivable that several decades from now the condition of many residential streets will become very poor either through neglect or from the results of inadequate reconstruction. The tendency when the time for reconstruction arrives will be for the Association to make the absolute minimum effort to keep costs as low as possible. Many of the reconstruction projects will require more than a simple pavement overlay to accomplish the work correctly and could easily cost several hundred thousand dollars. Projects of that size require administration by people familiar with construction, safety, bidding and bonding procedures, claims management and oversight of the construction process to assure compliance with acceptable standards and cost estimates. The promotion of Private roads and their Associations is shortsighted, unfair and should be ended.

Jonathan Hartt

From: Sandy Carder
Sent: Friday, July 22, 2022 3:30 PM
To: Jonathan Hartt
Cc: Kailey Hanley; Krista Chappell; Nathaniel Rudy
Subject: Fw: Weight Restrictions on Route 26
Attachments: Gray ordinanceDRAFTbyPeteApr42022 (003).docx

Please attach this e-mail and enclosure to the 8/2 WS Packet for item 3.

Thanks,
Sandy

From: Doughty, Dale <Dale.Doughty@maine.gov>
Sent: Friday, July 15, 2022 3:39 PM
To: Sandy Carder <scarder@graymaine.org>; Nathaniel Rudy <nrudy@graymaine.org>
Cc: Coughlan, Peter <Peter.Coughlan@maine.gov>; Landry, Stephen <Stephen.Landry@maine.gov>; Erin Courtney (Ecourtney@maineturnpike.com) <Ecourtney@maineturnpike.com>; Cole, Stephen <Stephen.Cole@maine.gov>
Subject: Weight Restrictions on Route 26

Sandy & Nate:

You had indicated in your letter of January 26, 2022 that you had met all of the requirements of MaineDOT's Time of Day Weight Restriction Policy as outlined in the March 9th 2021 letter from Meghan Russo. We met on March 29, 2022 to further discuss implementation and we have had several discussions since that meeting about the Town's Comprehensive Plan and the development of your village concept. Good luck on your upcoming design charettes.

We committed to see if we could find a template ordinance that would be simple, clear to the regulated community and something that could be enforced. Although we could not find anything readymade, we have worked with State statutes and our State Traffic Engineer to come up with the attached. This has not had a legal review, therefore we strongly urge you have the Town Attorney review it before you enact. Please send us a copy of the final enacted version.

We have provided you estimates of the costs of the signs that would be needed on the state highway system before any enforcement could be made. You have indicated the Town has appropriated the funds to reimburse MaineDOT for actual materials and labor. When you are ready, please work with Steve Landry and his staff to get these installed. We understand you are also working with Erin Cortney on the required MTA signs.

We hope this restriction meets your expectations for the village.

I hope this helps,
Dale

Respectfully,
Dale F. Doughty, Director
Bureau of Planning
Office: 207-624-3557
Cell: 207-592-6807

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SECTION 298.1 – PURPOSE AND AUTHORITY

The purpose of this “Posted Vehicle Weight Restriction Ordinance” (the “Ordinance”) is to promote safety, livability and decrease vehicular noise on a portion of Shaker Rd. in the Town of Gray. The Town of Gray has done its due diligence to contact individuals along Shaker Rd and current trucking firms that use this section of Shaker Rd, have had a public meeting notifying those users and the town has agreed to monitor and enforce the posting via the use of Sheriff’s deputies.

This Ordinance is adopted pursuant to 30-A M.R.S. § 3009 and 29-A M.R.S. §§ 2395 and 2388, as amended.

SECTION 298.2 – DEFINITIONS

1. Commercial motor vehicle. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- A. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit or units with a gross weight rating of more than 10,000 pounds;
- B. Is a bus;
- C. Is of any size and is used in the transportation of any materials that have been designated as hazardous under 49 United States Code, Section 5103 and require placarding under the federal Hazardous Materials Transportation Act and related regulations in 49 Code of Federal Regulations, Part 172, Subpart F or any quantity of a material listed as a select agent or toxin in 42 Code of Federal Regulations, Part 73; or
- D. Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds.

SECTION 298.3 – RESTRICTIONS AND NOTICE

The Gray Town Council, via this ordinance, imposes a restriction from _____ to _____ on all Commercial Motor Vehicles on the portion of Shaker Rd between Main St and the north end of the Maine Wildlife Parkway to all continuous through travel from one end to another. In enacting this ordinance, the Town of Gray, agrees to conspicuously-erect signs meeting MUTCD standards on both ends of this stretch of Shaker Rd-and to provide an alternate route for vehicles wishing to travel north or south of Shaker Rd. In addition, the enforcement of this ordinance ~~is~~ shall not be done indiscriminately.

EXEMPTIONS ????? delivery along the route, school buses, trash trucks, fuel delivery trucks, etc.

SECTION 298.4 – Permits

A. The owner or operator of any Commercial Motor Vehicle restrictions imposed by this Ordinance, pursuant to Section 4, above, may apply in writing to the Town Council (maybe Pub Wks Dir???) for a permit to operate on this section of Shaker Rd, notwithstanding the restriction. The Town Council, or its designee may issue a permit only upon all of the following findings:

- i. no other route is reasonably available to the applicant; and
- ii. it is a matter of economic necessity and not mere convenience that the applicant use this portion of Shaker Rd; and

B. Even if the Town Council, or its designee makes the foregoing findings, they need not issue a permit if they determine the applicant's use of Shaker Rd could reasonably be expected to create or aggravate a safety hazard. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the safety along this portion of Shaker Rd..

C. In determining whether to issue a permit, the Town Council, or its designee shall consider the following factors:

- i. the gross registered weight of the vehicle;
- ii. the impacts to public safety;
- iii. the number and frequency of vehicle trips proposed;
- iv the extent of use by other permitted vehicles; and
- v. such other circumstances as may, in their judgment, be relevant.

D. The Town Council, or its designee may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

SECTION 298.6 – ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered and may be enforced by the Town Council or its designee.

SECTION 298.8 – PENALTIES

This Section shall be enforced under 29-A §2395. Ways requiring special protection.