

**TOWN OF CHESLEA
ROAD DESIGN STANDARDS**

Section I: Statement of Purpose

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

Section II: Authority, Administration and Effective Date

- A. This ordinance is adopted under the powers granted to the Town by Title 30A MRSA Sec 3001, et seq.
- B. This ordinance shall be administered by the Chelsea Planning Board. All necessary forms and questions shall be directed to the Chairman, Chelsea Planning Board.
- C. The effective date of this ordinance is June 10, 1996 as approved by the voters of the Town of Chelsea at a Special Town Meeting held 6/10/96.

Section III: Definitions

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

- A. **Construct:** Includes build, place, move upon, pave, grade, or make other physical improvement operations on land. Excavation, fill drainage and the like shall be included in this definition.
- B. **Person:** Any individual, firm, partnership, association, organization, trust, company, corporation, or other legal entity.
- C. **Town Way:** Any area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle and all town or county ways not discontinued or abandoned. Every member of the public has a right to travel by foot or by vehicle on a town way.
- D. **Private Way:** Or what is now called a PUBLIC EASEMENT, is defined in Title 23, Section 3021 as "an easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976...". A "private way" differs from a "town way" in that the general public has a right of

**TOWN OF CHESLEA
ROAD DESIGN STANDARDS**

(Section III: Definitions

D. Private Way: Cont.)

unobstructed access by foot or motor vehicle, but the municipality does not have an obligation to keep the road in repair. Under Title 23, Section 3105, the municipality's legislative body may authorize municipal officers to use municipal equipment on "private ways", if the officials determine that it is in the municipality's best interest in order to provide police and fire protection. The town is generally immune from liability for damage or injury occurring on a "private way".

E. Privately-Owned Road: Is a road which serves, or is planned to serve, three or more dwellings, over which the general public has no right to pass by foot or vehicle. Anyone traveling on a privately-owned road or making repairs to it without the owner's permission would be subject to a suit for damages or trespassing. The municipality has no responsibility and no legal right to spend funds to plow or repair a privately-owned road.

F. Road: Any town way or privately owned road.

G. Private Right of Way: A general term denoting land or property or interest there in, usually in a strip, acquired for passage by foot or vehicle over which the general public has no right to pass by foot or vehicle

H. Standard Specifications: Refer to the latest version of the "Standard Specifications Highways and Bridges" of the Maine Department of Transportation.

I. Street: Any town way.

Section IV: Written Approval

A. Before constructing a road, a person shall submit to the Planning Board and the Road Commissioner layout plans, grading plans, road profiles, typical cross sections, erosion and sedimentation control plans and such other information as may be necessary to show compliance with this ordinance. No person shall construct or cause to be constructed any road without written approval of the plans from the Planning Board. The Planning Board shall consult with the Road Commissioner prior to making its determination of compliance with this ordinance. No road plans shall be approved by the Planning Board unless they meet the provisions of this ordinance.

B. The Planning Board shall not approve plans for road(s) within the proposed subdivision, as defined in 30 MRSA Subsection 4401 or any road intended to serve three or more residential dwelling units unless the roads meet the standards provided in Section V and VI of this ordinance.

**TOWN OF CHESLEA
ROAD DESIGN STANDARDS**

Section V: Road Design Standards

- A.** No road shall have a right-of-way width of less than 60 feet.
- B.** All roads shall be designed so that they will provide safe vehicular travel and traffic patterns. Insofar as possible, roads shall conform to existing topography, and excessive cuts and fills shall be avoided.
- C.** Road names shall be used which are consistent with the Chelsea Road Naming Ordinance (3/21/96).
- D.** At the intersections and boundaries of subdivisions, roads shall be continuous and in alignment with existing roads where possible. Roads shall be laid out to intersect at right angles wherever possible; under no circumstances shall a road intersect with any other road at less than a 75 degree angle.
- E.** “T “intersections formed on opposite sides of the same road shall not be closer than 200 feet center line to center line.
- F.** Right-of-way lines at intersections shall be laid out to provide for a turning radius of not less than 25 feet.
- G.** Road intersections and curves shall be designed to permit adequate visibility for both pedestrian and vehicular traffic. At all changes in alignment, road center lines shall be connected by horizontal curves. All changes in slope shall be connected by vertical curves.
- H.** A dead end street, or cul-de-sac shall be provided with a suitable turnaround at the end. When a turning circle is used, it shall have a minimum outside radius of 60 feet.
- I.** Guardrails shall be installed in dangerous situations at the direction of the Road Commissioner. Guardrail shoulders shall be an additional three feet wider than standard shoulder (4 feet or refer to MDOT spec), with the face of the posts set one foot back from the standard shoulder width.
- J.** Grades of all roads shall be reasonable but shall not be less than 6 inches per 100 feet (6%) or more than 8 feet per 100 feet (8%) unless specifically approved by the Road Commissioner and the Planning Board. Maximum grade within 100 feet of all intersections shall be 3 feet per 100 feet (3%).
- K.** Drainage shall be designed to prevent standing water on the paved surface or the shoulder. No surface drainage from adjacent property shall be conveyed or diverted across a paved surface or shoulder.

**TOWN OF CHESLEA
ROAD DESIGN STANDARDS**

(Section V: Road Design Standards: Cont.)

- L.** Where ditches are required to remove storm and surface water they shall have side slopes no steeper than 3:1 and longitudinal slopes no less than 8%. If this slope is naturally steeper than 2%, additional erosion control measures shall be utilized above the minimum required. The bottom of the ditch shall be at least 12 inches below the bottom of the sub-base gravel.
- M.** Roads may be located in areas known to flood only if they are designed to keep the road surface above water levels known/anticipated for a 100 year storm.
- N.** The surface of all paved roads shall have a crown of 1/4 inch per foot of paved lane width.
- O.** Side slopes in either cut or fill situations shall not be graded steeper than 3:1. All embankments shall be protected by loam or DOT approved cover to a depth of not less than 2 inches, fine graded, fertilized, limed, and seeded (perennial seed) to establish a cover of grass. Erosion control will be in accordance with DEP best management practices.
- P.** Driveway culvert sizes shall be determined on the basis of estimated runoff from the total area served. Minimum diameter shall be 18 inches for cross road culverts and 15 inches for driveway culverts. Culverts shall be aluminum coated or aluminum-zinc coated corrugated metal pipe, aluminum coated being preferred. Refer to MDOT Standard Spec. 603.03 -Option I Pipes.
- Q.** A road within a proposed subdivision or intended to serve three or more residential dwelling units shall have a monument set at each point of curvature and angle point on both sides of every road. Monuments shall be a 1/2 steel pin. The top of the monument shall be 3 inches above finished grade. Written certification by a registered land surveyor that monuments shown on the plans have been accurately set shall be required prior to the subdivision road being approved.
- R.** All roads requiring pavement shall be paved with a minimum of 20 feet. Shoulders shall be 4 feet on each side of the paved surface and graded to drain water away from the pavement.
- S.** Initial gravel surfaced roads (later to be paved) shall be shaped so that the crown is 1/2 inch per foot of the lane width (minimum of 20 feet wide) to provide positive surface drainage, in addition to all road construction standards listed in section VI of this ordinance.

**TOWN OF CHESLEA
ROAD DESIGN STANDARDS**

(Section V: Road Design Standards: Cont.)

1. Dust shall be controlled by use of calcium chloride so as not to adversely affect adjacent properties during both the construction phase as well as for permanent inclusion in the surface.
 2. The surface material shall support anticipated traffic loads without detrimental deformation.
 3. The surface material shall be capable of withstanding the abrasive action of traffic.
- T. 1. Privately – owned roads shall meet all Road Design Standards in Section V and VI Road Construction Standards excluding Section VI-C Pavement and must conform to all requirements in the “Town of Chelsea Culvert Ordinance”

Section VI: Road Construction Standards

- A. **Subgrade.** All trees, stumps, roots and organic matter shall be removed to the full width of the paved surface and the shoulders. The subgrade shall be carefully graded and compacted to 1/2 inch per foot crown as required by the Road Commissioner. Subgrade fills shall be inspected and constructed of gravel approved by the Road Commissioner. In no case shall any roots, stumps, trees or organic matter be used in the subgrade fills. In some cases the use of MDOT Stabilization Geotextile material may be preferable to the replacement of poor soils.
- B. **Gravel Sub-base.** The gravel sub-base course shall be minimum of 18 compacted inches and shall be compacted and inspected to the satisfaction of the Road Commissioner. Twenty-four inches of gravel or more may be required in cut sections if earth or ledge is encountered or in wet or swampy areas. Gravel shall be spread in layers not over 6 inches deep and each layer shall be thoroughly compacted before the next is laid. The entire sub-base gravel thickness shall conform to the MDOT Standard Specifications, Section 703.06(b) Aggregate Sub-base, Type B. If the surface of this material is found to be non-gradable then 3-4 inches of Aggregate Base Standard Specifications, Section 703.06(a), Type A shall be used on top of it. The amount of "fines" shall not exceed 7% passing the #200 sieve. All gravel used shall be approved by the Road Commissioner prior to placement.

**TOWN OF CHESLEA
ROAD DESIGN STANDARDS**

Section VI: Road Construction Standards: (Cont.)

- C. Pavement.** All roads shall be paved with hot bituminous concrete. The width of the pavement shall be 20 feet minimum. At street intersections the paving shall have a radius of at least 25 feet unless otherwise approved by the Road Commissioner. Hot Bituminous Concrete paving shall conform to the Standard Specifications, Section 403 "Hot Bituminous Pavement". Aggregate for hot bituminous concrete shall be Grading B for the binder course and Grading C for surface course, conforming to the Standard Specifications, Section 703.09. The compacted thickness of the surface course shall be 2 inches; the compacted thickness of the surface course shall be 1 inch, for a total pavement thickness, after compaction, of 3 inches. The liquid asphalt content in Grade "B" mixes shall be within the range of 4.8% and 6.0%, and Grade "C" shall be within 5.8% and 7.0%. "Hot bituminous plant mix used for the binder course may be placed between April 15 and November 15, provided that the air temperature in the shade at the paving location is 35 degrees Fahrenheit or higher and the area to be paved is not frozen. Plant mix used for the surface course may be placed between May 1 and October 1 provided the air temperature is 50 degrees Fahrenheit or higher".
- D.** When a constructed road is to serve a subdivision and/or is to be connected to a town way, the connecting road shall meet with the standards provided in Section V and VI of this ordinance.

Section VII: Conflict with Other Requirements

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

Section VIII: Conditions of Acceptance

The Board of Selectmen shall not submit a warrant to town meeting containing nor honor a petition calling for an article for the purpose of accepting a dedication of a public way pursuant to 23 MRSA Section 3025, unless and until the way has been constructed in accordance with standards provided in section V and VI of this ordinance.

**TOWN OF CHESLEA
ROAD DESIGN STANDARDS**

Section IX: Enforcement

- A.** Notice. If the Planning Board, after consultation with the Road Commissioner, finds that any provision of this ordinance is being violated at any time, before, during, or after construction, the Planning Board shall notify in writing the person responsible for such violation and the landowner if different from the violator, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuation of construction, removal of unacceptable fill, gravel, or pavement, re-grading and re-compaction, and abatement of any nuisance conditions. Any copy of such notice shall be maintained as a permanent record.
- B.** Legal Action. When the Planning Board notice does not result in prompt action to correct or abate the violation, the Selectmen, on their own or after notice from the Planning Board, are hereby authorized and directed to institute any and all actions and court proceedings, either legal or equitable, including the seeking of injunction of violations and the impositions of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town.
- C.** Fines and Attorney's Fees. Any person who fails to take prompt action to correct or abate the violation after receiving written notice of such violation shall be subject to a fine of up to \$50.00. Each day such violation exists after notice shall constitute a separate offense. If in any action brought in the name of the Town under this ordinance, the Town prevails against the person violating the ordinance, then such person shall be liable and responsible for the Town's legal fees and court costs and other costs involved in bringing such suit or action. All fines imposed under this ordinance shall be recovered to benefit the Town.

Section X: Waivers

- A.** Where the Planning Board finds that hardships may result from the strict compliance with these standards, it may waive these standards.
- B.** In granting waivers, the Planning Board by 2/3 vote shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

Section XI: Separability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**TOWN OF CHESLEA
ROAD DESIGN STANDARDS**

Section XII: Appeals

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

Section XIII: Amendments

This ordinance may be amended by a majority vote at Town Meeting. Amendments may be initiated by a majority vote of the Board of Selectmen or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

Section XIV: Performance Guarantee

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

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

- a.** Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, or the establishment of an escrow account;
- b.** A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers; and
- c.** An irrevocable letter of credit from a financial institute establishing funding for the construction of the road from which the Town may draw if construction is inadequate, approved by the Municipal Officers.

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

**TOWN OF CHESLEA
ROAD DESIGN STANDARDS**

Section XIV: Performance Guarantee (cont.)

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

Section XV: Road Cross Section Diagrams

- A.** Copies of model gravel and paved road bed cross sections diagrams are available at the Town Office.

This replaces the Town of Chelsea Ordinance for the Acceptance of Streets and Ways approved in 1972.

Approved by the voters at a Special Town Meeting held 6/10/96.

Amended: Special Town Meeting June 22, 1999

Amended: Town of Chelsea Road Design Standards for June 21, 2001

Amended: Town Meeting March 12, 2002.

Amended: Town Meeting June 11, 2015