

Planning and Development Committee

May 6, 2015

6:00 PM

Conference Room

AGENDA

1. Approval of April 15, 2015 Minutes
2. Committee Applications:
3. Updates:
4. Old Business:
 - A. Draft Private Ways Ordinance
 - B. Codification Portfolio
 - C. On-Street Parking Main Road North
 - D. Municipal Parking Lot – Kiwanis Hall
5. New Business:
 - A. Downtown Planning Initiative
6. Comprehensive Plan Implementation:
7. Citizens Initiatives:
8. Public Comments:
9. Committee Member Comments:
10. Adjourn

Planning and Development Committee
April 15, 2015
6:00 PM
Conference Room
DRAFT MINUTES

Attendees:

Committee

Bill Shakespeare
David Ryder
Stephen Wilde
Terry McAvoy
Dennis Marble
Greg Sirois
Carol Duprey

Staff

Bob Osborne, Town Planner

1. Approval of April 1, 2015 Meeting Minutes:

Greg Sirois made a motion to approve the minutes. David Ryder seconded the motion which was passed unanimously.

2. Committee Applications: None

3. Updates:

Kiwanis Parking Lot – Town Planner, Bob Osborne stated that staff recently measured the Kiwanis parking lot and determined that 19 cars can be parked in the lot in a proper fashion.

Main Road North On-street Parking – Town Planner stated that staff recently measured the area along Main Road North where the rezoning to Village Commercial District is proposed and applied the MDOT standards. It was determined that 16 parking spaces can be created in the proper fashion.

4. Old Business:

A. Conditional Lot Dimensions

The Town Planner stated that he talked to the Town Attorney today and that a revision was not yet available. David Ryder suggested that this item should move along to the Planning Board and the new language can be added as it becomes available.

Carol Duprey made a motion that this item be recommended to the Town Council that it be referred to the Planning Board for public hearing and recommendation. Dennis Marble seconded the motion which passed six in favor and one against.

B. Amend Industrial District Height Limitations

The Town Planner indicated that we now know that there will be a need for the building height limit of the Industrial District to be increased. The proposal is that buildings over 35 feet in height require conditional use review and have additional setback required.

Dennis Marble made a motion that this item be recommended to the Town Council that it be referred to the Planning Board for public hearing and recommendation. Carol Duprey seconded the motion which passed unanimously.

4. New Business: None.
5. Comprehensive Plan Implementation: None.
6. Citizens Initiatives: None.
7. Public Comments: None.
8. Committee Member Comments: David Ryder asked that the Committee and staff keep moving on the Subdivision Ordinance amendments and the draft Private Ways Ordinance.
9. Adjourn: The meeting was adjourned at 6:25 pm.

**TOWN OF HAMPDEN, MAINE
DRAFT PRIVATE ROAD ORDINANCE**

ADOPTED: Hampden Town Council, _____
Effective Date: _____

CERTIFIED BY: Denise Hodsdon
Name

Town Clerk
Title Affix Seal

TABLE OF CONTENTS

Article 1	Purpose_____	2
Article 2	General Requirements_____	2
Article 3	Approval Authority_____	3
Article 4	Application Requirements_____	4
Article 5	Specifications_____	4
Article 6	Inspections_____	7
Article 7	Insurance Policies_____	8
Article 8	Testing and Reports_____	8
Article 9	Pre-Construction Meeting_____	9
Article 10	Expiration of Approval_____	9
Article 11	Recording_____	9
Article 12	Building Permits_____	9
Article 13	Waivers_____	9
Article 14	Private Road Maintenance Agreements_____	11
Article 15	Policy For Pre-Ordinance Private Roads_____	12
Article 16	Violations_____	13
Article 17	Severability_____	13
Article 18	Definitions_____	13

**TOWN OF HAMPDEN
DRAFT PRIVATE ROAD ORDINANCE**

The Town Of Hampden Hereby Ordains:

An Ordinance under the provisions of Maine Home Rule enabling act 30 M.R.S.A. §1917 as amended, to regulate the construction, maintenance and use of Private Streets and Roads within Town of Hampden, the use thereof by traffic, the parking of vehicles thereon, the administration and enforcement hereof, to establish fees to defray the administrative and enforcement costs incident thereto, and to ensure that residences and buildings within the Town of Hampden may be accessible to police and fire protection, and for other purposes, as follows:

**ARTICLE 1
PURPOSE**

The unobstructed, safe, and continuous access to lots and parcels of real estate by police, fire, ambulance and other emergency services is necessary to promote and protect the health, safety and welfare of the public through police and fire protection and ambulance service. The purpose of this ordinance is to insure access that such services can safely and quickly enter and exit private property at all times. Access to the interior of various sections within Town should be promoted through the orderly development of the Town, and such access should meet minimum standards and specifications to permit the subsequent upgrading and public dedication of such access rights of way to the Town of Hampden when public dedication is desirable or required, and without future undue or unnecessary costs to abutting property owners. The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Ordinance

**ARTICLE 2
GENERAL REQUIREMENTS**

All lots or parcels in Town of Hampden, whether improved or not, shall have access for ingress and egress suitable for all vehicular traffic including fire, police, ambulance service and other emergency vehicles by means of a Town way, state highway or private road meeting the requirements of this ordinance. No private road or street shall be constructed in Town of Hampden unless it complies with the requirements of this ordinance either pursuant to a permit under the terms of this ordinance or a properly issued waiver from the terms of this ordinance issued from the Planning Board.

In any Zoning District every use, building, or structure established after the effective date of adoption or amendment of this ordinance shall be on a lot or parcel which adjoins a public or private road. Such public and/or private road to be at least sixty six (66) feet wide.

(See Article 15 herein, for language dealing with requirements for existing pre-ordinance, non-conforming private roads).

ARTICLE 3
APPROVAL AUTHORITY

The Town of Hampden Planning Board shall have the authority to approve or deny applications for private roads. The Planning Board may refer such application to the Town Attorney or other appropriate body for review, comment and recommendation. If the facts do not establish that the proposed or existing easement and roadway conforms to the standards and specifications of this Ordinance, the Planning Board shall not grant a permit. In the approval of any permit, the Planning Board shall impose such conditions as it deems necessary to meet the intent and to achieve the objectives of this Ordinance. The breach of any such condition shall automatically invalidate the permit therefore. A schedule of fees to defray the costs of inspection, administration and enforcement of this Ordinance are established in the Hampden Fees Ordinance. An applicant for a private road permit under this Ordinance shall pay all costs and expenses incurred by the Town to process the application, including reasonable attorney fees where applicable. In addition to an application fee, the Planning Board may require that the applicant for a private road permit deposit with the Code Enforcement Officer of the Town a sum of money, or in lieu thereof a performance bond, upon such conditions as determined by the Public Works Director, which shall insure that the applicant shall perform the terms and conditions of the private road permit, including the payment of any administrative or enforcement costs. Upon completion of the easement and roadway the applicant shall be entitled to a refund of such portions of the deposit which have not been expended for such administrative or enforcement costs.

The private road permit shall be in a form as approved by a finding of the Planning Board. The permit shall be signed and issued to the applicant by the Planning Board. The Planning Board shall not issue the permit until all fees and deposits have been paid.

ARTICLE 4
APPLICATION REQUIREMENTS

The application shall be made in writing and accompanied by the following information:

4.1. Legal description of easement. A legal description of the lot or parcel to be served by the easement. A legal description of the easement, the names and addresses of all persons or parties owning an interest in the title to the lots, parcels, and easement area.

4.2. Survey. A survey drawing showing the outline of the proposed easement, the dimensions and bearings thereof, the existing topographical contours at two (2) foot intervals of the easement area and all adjacent land within ten (10) feet thereof, soil characteristics, wet areas, trees, streams, and all other bodies of water within 100 feet of the easement area, existing buildings within twenty (20) feet of the proposed easement, the proposed easement in relation to the nearest property lines and the location of all proposed improvements to the easement area. The survey drawings shall be prepared by a Maine Professional Land Surveyor and shall bear the seal of the same.

4.3. Engineering drawings. The plans and profile drawings and cross sections of the proposed improvements showing clearly all materials, grades, and dimensions. Such drawings and cross sections shall be prepared by a Maine Licensed Professional Engineer and shall bear the seal of the same. The

engineer shall also prepare a drainage analysis that will analyze on and off-site impacts of the stormwater and the design shall be compliant with Chapter 500 and shall take particular attention regarding erosion control and a maintenance plan.

4.4. Responsible parties. A statement of the applicant detailing the parties who shall be responsible for the maintenance of the easement and roadway and the means by which such maintenance shall be accomplished.

4.5. Terms and conditions of easement. A complete statement of all of the terms and conditions of the proposed easement, including all agreements or intended agreements regarding the maintenance and improvements of the easement and roadway.

4.6. Fees. The fee as established by the Hampden Fees Ordinance.

4.7. Applicants and agents. The application shall be signed by the applicant or his agent, in which case, it shall be accompanied by a signed letter authorizing the agent to serve in that capacity and shall represent that the applicant is making the application on behalf of all persons having an interest in the easement of the abutting lots or real estate, and shall be made under penalties of perjury.

4.8. Environmental permitting. Evidence of all required environmental permitting shall be submitted before final approval by the Town.

4.8. MDOT permitting. For private roads connecting to MDOT highways evidence of all required MDOT permitting shall be submitted before final approval by the Town.

ARTICLE 5 SPECIFICATIONS

5.1. Intersections and site distances. The following minimum requirements and specifications shall apply to private roads:

1. Intersections of streets shall be at angles as close to ninety (90) degrees as possible. In no case shall two (2) streets intersect at an angle of less than sixty (60) degrees.
2. A distance of at least two hundred (200') feet shall be maintained between centerlines of offset intersecting streets.

5.2. Design and Construction Standards. All private roads shall be designed and constructed to meet the following standards.

Design and Construction Standards for Streets

<u>Item</u>	<u>Minor</u>
1. Minimum right-of-way width	66 ft.
2. Minimum travelway width	20 ft.
3. Minimum grade	1.0%
4. Maximum grade	8%
5. Maximum grade at intersection 3% Within feet from intersection	50 ft.
6. Minimum centerline radii on curves	100 ft.
7. Minimum tangent length between	100 ft.

reverse curves

<u>Item</u>	<u>Minor</u>
8. Depth of subgrade grading	22 in.
9. Sub base gravel depth	18 in.
10. Upper base gravel	4 in.
11. Pavement (where required)	
A. Grade B	2-1/2 in.
B. Grade C	1-1/2 in.
C. Total thickness	4 in.
12. Minimum road crown-centerline to edge of travelway.	3 in.
13. Minimum shoulder width on each side of road.	2 ft.
14. Dead-end or cul-de-sac streets	
A. Completely paved Radii of turn around at enclosed end	
i. Right-of-way boundary minimum	50 ft.
ii. Outside pavement radius - min.	35 ft.
B. With island (see #26)	
i. Right-of-way boundary – min.	55 ft.
ii. Inside pavement radius	25 ft.
iii. Outside pavement radius	49 ft.
iv. Minimum pavement width	24. ft.
C. Temporary (See #27)	
i. Radii at Right-of-way - min.	50 ft.
ii. Gravel turn around minimum	40 ft.
15. Minimum pavement curb radii at intersections and where road meets cul-de-sac	20 ft.
16. Grade of roads should conform as closely as possible to the original relief of the land.	
17. All changes in grade shall be connected by vertical curves such as will provide clear visibility for a distance of two hundred (200') feet.	
18. Side slopes shall not be steeper than three (3') feet horizontal and one foot vertical, graded, loamed (six [6] inches compacted) and seeded. If the side slope extends outside the required right-of-way, the subdivider shall expand the right-of-way to include the entire side slope area.	
19. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water. Driveway culverts shall be adequate to pass the design flow of the contiguous ditches.	
20. In construction of roads, the paved area, sidewalk, and shoulder shall be cleared of all stumps, roots, brush, perishable material, and all trees not intended for preservation. All loam, loamy material, clay, and other yielding material shall be removed from the roadway to at least subgrade depth, or as directed by the Town Manager.	
21. The roadway area shall be brought to the grade shown on the plan, profile and cross-section, by suitable gravel. The subbase gravel shall meet the specifications for aggregate subbase courses as	

contained in the current edition of "The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation". The upper base gravel shall meet the specifications for aggregate base courses in the same standards.

22. After the upper base gravel has been thoroughly rolled, the surface of the roadway shall be paved. The pavement material and the manner of application of such shall conform to the requirements of the current edition of "The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation".
23. Where a green space is planned in the interior of a cul-de-sac, existing vegetation should be preserved where possible. Any proposed landscaping shall be of a type which requires limited maintenance.

5.3. Utilities in Streets. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and the street right-of-way line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

5.4. Street Names

1. Proposed street names shall be substantially different from existing street names so as not to be confused in sound or spelling.
2. If proposed streets are extensions of existing streets they shall carry the same name.
3. Generally no street should change direction by more than ninety (90) degrees without a change in street name.
4. In general, streets shall have names, not numbers or letters.

5.5. Gravel installation. Aggregate base material shall be placed in two (2) courses of equal thickness. Each course shall be thoroughly compacted. The minimum width of the base shall be sufficient to meet the finished width of a gravel road. If the roadway is paved, the base shall extend an additional four (4) feet beyond the pavement upon each side of the roadway.

5.6. Paving threshold requirement: lot count. Private roads that serve more than ten (10) single-family units shall be paved.

5.7. Paving threshold requirement: lot size. Private roads that serve lots that are less than one (1) acre in size shall be paved.

5.8. Dead end road length. The maximum length of a dead end access shall be sixteen hundred (1,600) feet for developments of up to sixteen (16) lots. For developments that are greater than sixteen (16) lots, the maximum length of a dead end access shall be one thousand (1,000) feet. The minimum length of a dead end access shall be one hundred forty (140) feet, as measured from the centerline of the public street to which it connects to the centerline of the turning circle or turnaround area. The turning area shall be provided at the end of a dead end access easement which shall be sufficient to permit the quick and

unobstructed change in direction of police and fire vehicles. The turning circle, where used, shall have a minimum radius of seventy-five (75) feet for the easement and a minimum radius of fifty (50) feet for the roadway surface. A "T" type turn-around may be substituted for a turning circle, if the applicant can show that it will meet the standards herein before set forth for a turning circle.

5.9. Road alignment. The roadway surface and turning area shall be centered within the easement area unless a waiver is approved by the Town of Hampden Board.

5.10. Connection with public street. The connection between the private road and public street shall conform to the standards and specifications of the Hampden Subdivision Ordinance and the applicant shall obtain a permit issued by the Public Works Director prior to the approval of any access easement by the Town of Hampden Board.

5.11. Cross road drainage. Underground cross-road drainage shall be provided where the proposed private road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications and recommendations of Maine Department of Transportation and Maine Department of Environmental Protection.

5.12. Drainage requirements. The private road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement and shall have minimum grade of five-tenths (0.5) percent. Grades of five tenths (0.5) percent to four (4) percent shall be sodded or otherwise stabilized. Front and back slopes shall have a minimum slope of one (1) on four (4). Grades exceeding four (4) percent shall be rip-rapped. Roadway drainage shall be constructed so that the run-off water shall be conveyed to existing water courses. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course. Connection to roadside ditches within public road right of ways shall be approved by the Public Works Director prior to the issuance of a permit under this Ordinance. Drainage easements shall be required across lots to guarantee uninterrupted continuance of road and lot drainage to the ultimate discharge point off-site. The site shall comply with the current standards of Chapter 500 regarding site detention and off-site discharge of developed storm water.

5.13. Driveway culverts. Driveway culverts are to be a minimum length of thirty (30) feet and a minimum diameter of fifteen (15) inches.

5.14. Limitation on drainage devices. Private roads shall be constructed in such a way as to avoid incorporation of prohibitively expensive bridges and/or culverts. The purpose of this rule is to avoid future costs that cannot be met by those private landowners that may depend upon passing over said bridges or culverts.

ARTICLE 6 INSPECTIONS

6.1. Inspections Required. Roadway improvements shall be inspected by the Town of Hampden Engineer or his agent at various stages of construction. The owner shall retain and pay for a testing agency to test and document all roadway materials, test roadway earthwork densities, and sub-base, base, and asphalt density.

The Town Engineer or his agent shall make a final inspection upon completion of the construction and he/she shall certify the fact of completion in accordance with the terms and provisions of the permit. No final certificate of compliance or certificate of occupancy shall be issued by the Town of Hampden for buildings upon lots or parcels of real estate which are to be provided access by means of a private roadway until the final inspection and certification by the Town Engineer has been given. The results of the final inspection shall be in writing. The certificate of completion by the Town Engineer shall be provided to the Town of Hampden Board. One copy of the Certificate of Completion shall also be delivered to the Town Clerk and the applicant. The costs of inspection including compensation of the Town Engineer shall be paid by the applicant prior to the issuance of the certificate of completion. The Public Works Director shall establish and determine the costs of inspection. If the applicant does not directly pay the costs of inspection, the same shall be paid from the deposit established by the Planning Board and held by the Town, and the balance if any shall be returned to the applicant.

6.2. Required Inspections. The following inspections are required:

1. Sub-grade or rough grade; proof rolling will be required;
2. Sub-base;
3. Aggregate base;
4. Surface grade, if other than aggregate; and
5. Final site stabilization.

The Contractor shall notify Town of Hampden and the Town Engineer 72 hours in advance of road construction, and must coordinate the activities with the Engineer's inspector.

ARTICLE 7 INSURANCE POLICIES

The contractor shall secure and maintain insurance policies to protect the contractor, subcontractor(s), Town of Hampden, and the Town Engineer and his agent from all claims for bodily death or property damage which may arise during the project, whether such operations are made by contractor or by subcontractor (s) or anyone employed by them directly or indirectly. The following insurance policies are required.

7.1. Workers compensation. Statutory Workers Compensation in accordance with provisions of the Maine Worker's Compensation Act;

7.2. Professional liability insurance. Professional Liability Insurance in the amount of not less than \$1,000,000 for injuries including accidental death of any one (1) person;

7.3. Property insurance. Property Damage Liability Insurance in the amount of not less than \$1,000,000;

7.4. Vehicle liability insurance. Vehicle Liability Insurance in the amount of not less than \$500,000. The insurance certificates shall be filed with the Town giving satisfactory evidence of insurance as stipulated above, before work begins. Certificates shall be maintained until final approval and acceptance of the private road by the Township. All insurance certificates shall name Town and its employees and agents as additionally insured parties.

ARTICLE 8
TESTING AND REPORTS

8.1. Required testing reports. The owner(s) shall be required to retain an independent testing consultant who must provide the following services and who will furnish testing reports to the Town Engineer,

1. Testing of all aggregate material must be completed and approved prior to construction.
2. Soil density testing for embankment construction (fills) exceeding one (1) foot in depth;
3. Sub-base and base density testing; and
4. Asphalt extraction testing if applicable.

8.2. Post construction products required. Upon completion of construction and prior to final inspection of the project, the following must be accomplished.

1. Three (3) sets of blueprint as-built drawings
2. Recorded utility easements must be submitted;
3. Completion of the initial punch list must be accomplished; and
4. Completion of the final punch list which will be developed after all grading, all paving and all street landscaping is complete.

ARTICLE 9
PRE-CONSTRUCTION MEETING

A pre-construction meeting will be held with the Town Public Works Director, Town Planner the developer, and The Town Engineer(s) prior to the start of construction. The meeting will be held to discuss the construction schedule, shop drawings, insurance requirements, activities, and permit status. Evidence of all required environmental permitting shall be submitted before final approval by the Town.

ARTICLE 10
EXPIRATION OF APPROVAL

The private road permit shall be valid for a period on two years from the date of issuance. If the improvement has not been completed upon the expiration of said two years, then the permit shall be void and of no force and effect and all deposits shall be forfeited to the Town.

ARTICLE 11
RECORDING

All private road easements shall be recorded in the office of the Register of Deeds for Penobscot County prior to issuance of a final certificate of completion, or the issuance of any zoning permit, including a final certificate of zoning compliance or a certificate of occupancy.

ARTICLE 12
BUILDING PERMITS

No zoning or building permit shall be issued for any lot or parcel of real estate subject to the provisions of this Ordinance.

ARTICLE 13
WAIVERS

13.1. Waivers. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, such as topographical and other physical characteristics of a parcel, the Planning Board shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the Ordinance shall be observed, public safety secured and substantial justice done. Any applicant may apply for a waiver from any provision of the Ordinance.

13.2. Notification procedure. The Planning Board shall hold a public hearing upon such application within a reasonable period of time from its filing. The Code Enforcement Officer shall give notice of the hearing to the owners of all property abutting and/or having access for ingress and egress of traffic by means of the private road described in the waiver application, as well as police, fire and emergency service officials known by the Town to serve such property. The notice shall be mailed to each such party and published in a newspaper of general circulation in the Township not later than seven (7) days prior to the bearing. Upon the hearing, any party may appear in person or by agent, or by attorney. The Township Board shall keep a record of said hearing and shall render a written decision.

13.3. Conditions on waivers. The Planning Board may attach reasonable conditions in granting any waiver from any provision of the Ordinance, and the breach of any conditions or the failure of any applicant to comply with the conditions shall void the waiver. It is the intent of this provision of the Ordinance that easements and rights-of-way which have been established, recorded, constructed, or maintained prior to the date of adoption of this Ordinance and which can not be brought into conformity with the provisions of this Ordinance without unnecessary hardship or where such rights-of-way and easements by reason of soil conditions, topographical considerations, or other factors can not be brought into conformance with the Ordinance without practical difficulties, that waivers shall be granted and conditions attached to the variance to facilitate the upgrading of such prior nonconforming easements and rights-of-way as is reasonably practical to the standards of the Ordinance.

13.4. Waiver procedures. Waiver procedures. The following apply to all waiver requests under this Ordinance.

13.4.1. Waiver Application. Applicant shall file an application for waiver to the Code Enforcement Officer for a waiver for a pre-ordinance private road. (Use Private Road Waiver Application.)

13.4.2. Fees. Application shall be accompanied by a fee according to the Town Fee schedule.

13.4.3. Submission to Town Engineer and Fire Department. Application will be submitted to Town Engineer and Fire Department for evaluation and recommendation. Recommendations will be based upon safety and reasonableness.

13.4.4. Minimum Waiver Requirements. Minimum requirements for waivers will include:

1. Follow the recommendations of the Town Engineer and Fire Department as accepted by the Planning Board.
2. Provide sufficient passing and turnaround space to accommodate emergency vehicles.

3. A recorded maintenance agreement signed by all property owners provided access along the road.
4. A recorded 66 foot easement which includes the existing roadbed.
5. Approval of the Public Works Director for access to the public road.
6. A road name with a private road sign and stop sign that comports with the uniform system of traffic signs installed at access to public roads and Town Ordinance.
7. Safety improvements as recommended by the Town Engineer, Fire Department, and approved by the Planning Board.

ARTICLE 14 PRIVATE ROAD MAINTENANCE AGREEMENTS

Continued maintenance of private roads and road drainage facilities shall be the responsibility of the property owners served by such roads. Prior to issuance of construction permits, such property owners shall enter into a legally binding private road maintenance agreement, which shall be subject to review and approval by the Town attorney. At a minimum the easement maintenance agreement shall contain the following:

14.1. Maintenance costs. The private road maintenance agreement shall acknowledge that the road surface and easement area are privately owned, and therefore, all maintenance work, construction and improvements within the easement will be contracted and paid for by the signatories to the agreement.

14.2. Apportioning maintenance costs. Method of apportioning maintenance costs.

14.2.1. Original users. The agreement shall describe the method by which maintenance costs and costs of improvements will be apportioned among the original users of the private road.

14.2.2. Subsequent users.

1. The agreement shall describe the method for apportioning new users for a proportionate share of the maintenance costs and costs of improvements of the private road.
2. The agreement shall indicate that the method of apportioning costs applies whether the new users are a result of: Extension of the private road beyond its initial length, Connection to another private road, or Division of property which is served by the private road.
3. The apportionment formula may be designed to apportion costs in relation to the benefit to be derived from the private road, and therefore, shall include two variables: the number of parcels to be served, and the amount of frontage that each parcel has along the private road. For example, the formula could apportion 50 percent of the costs on the basis of the number of parcels being served, and apportion the remaining 50 percent of cost on the basis of frontage for each parcel
4. The apportionment formula may include provisions to reduce the cost for parcels that have existing access to another public or private road, and therefore, would not derive full benefit from the private road.

14.3. Limitation of Town Responsibility. Town not responsible. The provisions of the private road maintenance agreement shall in no way be construed to obligate the Town to perform regular inspections of the private road or to provide necessary repairs or maintenance. The Town may intercede in maintenance of a private road only if a potential health or safety hazard is brought to the attention of Town officials, or if the road is not being maintained in accordance with Town standards.

14.4. Special assessment provision. The private road maintenance agreement shall contain a provision to permit the Town Council to authorize the repair of any private road which is not being maintained adequately to permit safe access by users and emergency vehicles, and to assess the cost of such repair, including the costs of engineering and administration, to the signatories to the private road maintenance agreement. The decision to authorize repair of a private road shall be at the Town Council's sole discretion in accordance with its legislative powers.

14.5. Maintenance needs. The private road maintenance agreement shall acknowledge the responsibility of the signatories to such agreement to maintain the surface grading and resurfacing at regular intervals now and ice removal repair of potholes, maintenance of road drainage systems maintenance of unobstructed vision at any intersection with another private road or a public road; annual dust control and regular cutting of weeds and grass within the easement.

14.6. Continuing obligation. The private road maintenance agreement shall specify that the obligation to maintain the easement shall be an obligation running with the land to be served by the private road, and shall be binding upon the owners of such land and their heirs, successors and assigns. To insure that all private roads are maintained, the property owners covered by the maintenance agreement must file a report with the township every five (5) year that is signed by a registered engineer, certifying that the private road meets the standard contained herein

ARTICLE 15 POLICY FOR PRE-ORDINANCE PRIVATE ROADS

All private roads which were in existence prior to adoption of this Section shall comply with the provisions of this Ordinance. The following requirements apply to all roads established prior to this Ordinance:
Requirements for Pre-Ordinance Private Roads.

15.1. Pre Ordinance Private Roads. The following requirements pertain to private roads which do not meet the requirements of this Ordinance as of date of adoption.

15.1.1. Activities not requiring a waiver. For an existing residence(s) on a non-conforming private road, no waiver is required for adding or altering non-habitable, non-traffic impact structures such as a deck, unenclosed porch, pole barn, garage or similar structure.

15.1.2. Existing residences. For an existing residence on a non-conforming private road, a private road waiver or upgrade of the road to current private road standards is required to add any addition of habitable space or traffic increasing structure, activity or use. If the road is upgraded to current private road standards a road maintenance agreement is required per Section 14, herein.

15.1.3. New residences. For a new residence, whether on an existing unimproved lot or replacing an existing residence, a private road variance or upgrade of the existing access way to current private road standards is required. If the road is upgraded to current private road standards a road maintenance agreement is required per Section 14, herein.

15.1.4. Division of land. For any parcel requesting a land division, the existing non-conforming private road is required to be improved to meet current private road standards of this ordinance; road maintenance agreement is required.

15.1.5. Private road maintenance agreement required. Prior to any zoning compliance permits being issued by the town for any lot or structure accessing an existing non-conforming private road, an acceptable executed, recorded private road maintenance agreement must be filed with the township.

ARTICLE 16 VIOLATIONS

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding FIVE HUNDERD (\$500.00) DOLLARS or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. Each day a violation occurs shall be deemed a separate offense. Any access which is used in violation of the terms of this Ordinance be and the same is hereby declared to be a nuisance per se, and such use may be abated, restrained enjoined, and prohibited, upon the commencement of an appropriate action in the Superior Court.

ARTICLE 17 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

ARTICLE 18 DEFINITIONS

tbd
Private road.

Codification Link

Copy and paste in browser:

http://www.hampdenmaine.gov/vertical/sites/%7B1FCAF0C4-5C5E-476D-A92E-1BED5B1F9E05%7D/uploads/Hampden_ME_Manuscript.pdf