

ROAD ORDINANCE FOR THE TOWN OF SUMNER

I. TITLE

Under the authority of MRSA, Title 30, Section 2151-A, including all acts in amendment thereof and in addition thereto, and any other enabling laws, this Road Ordinance for the Town of Sumner is hereby adopted. All town ways currently designated as such and maintained by the Town are not subject to this ordinance.

Alterations, widening and improvements shall be consistent with "Section X. Street Construction Standards of this Ordinance". (The Town of Sumner shall be exempt from the provisions of this Ordinance when the Town undertakes alterations, widening and improvements.)

The following roads are Town Ways:

Andrews Road (to Paradis')	Judah Keen Road
Arthur Allen Road (to Daley's)	Labrador Pond Road
Barrett Road	Morrill Road
Barrows Road	Old Rte. 219
Biron Road	Potash Hill Road
Black Mountain Road	Redding Road
Bonney Road	Rte. 219
Bradeen Road	Russell Road (to Stenson's)
Buckfield Road (Rte. 140)	Sumner Hill Road
Cole Road	Tucker Road
DeCoster Road	Tuell Hill Road
Estes Road (to Roberts')	Turner Hill Road
Fields Hill Road	Valley Road
Front Street	Varney Road
Gammon Road	Spring Road (to Comeau's)
Greenwood Road	Washbridge Road
Hadley Road (from Rte. 219 past Glendon Hadley's)	
Heath Hill Road (to Hadley's)	
Jack Road	

The following roads are public easement roads:

Allen Road (from beyond Daley's to Phillips Road)	Paris Hill Road
Damon Road	River Road
Estes Road (from beyond Roberts' to Woodstock line)	Rosenberg Road
Heath Hill Road (from beyond Hadley's to Rte. 219)	Russell Road (from beyond Stenson's to Hartford line)
	Warren Road (Spring Road- from beyond Comeau's to Bonney Road)

II. PURPOSE

The construction of roads can have a major affect upon safety, municipal services and the environment in Sumner. The design and construction of such roads may also affect erosion and water quality, the severity of periodic flooding, fire protection, safety conditions and traffic congestion, the visual character of the Town, the future use of the surrounding land and maintenance costs and requirements. It is the purpose of this ordinance to promote the health, safety and general welfare of Sumner residents by setting standards for the design, layout and construction of all new roads within the boundaries of the municipality.

III. EXEMPTION

No provision of this ordinance shall apply to any State, county or municipal body or authority, which may layout, alter, widen or improve any town way, except for the Construction Standards which will serve as a minimum requirement for all new road construction in Sumner.

IV. TOWN WAY CLASSIFICATIONS

Any roads fitting the descriptions in the following categories, A., B. and C., may be proposed for acceptance as town ways pursuant to Section VI. provided they are constructed in accordance with the standards in Section X.

A) Through Roads: These are roads that serve as feeders to major traffic ways and as collectors of traffic from minor roads, providing circulation and access to commercial areas and in residential developments. Through roads must accommodate both a regular flow of passenger vehicles and commercial traffic including trucks hauling wood, milk and animal feed.

B) Minor Roads: While these roads connect other ways, they are primarily used by passenger vehicles for access to residential dwellings and commercial properties.

C) Dead End Roads: These are roads of at least 800 feet in length that end in a cul-de-sac, connecting two or more residential and/or commercial buildings, and used primarily by passenger vehicles.

V. PRIVATE ROADS

The following types of roads are considered private roads and may not be offered to the town for acceptance as town ways nor may the Planning Board approve such roads for submission to the voters for acceptance as town ways.

A) Connecting a single residential or commercial building with any town way or public easement.

B) Connecting property owned by only a single individual, family or company with any town way or public easement.

C) Connecting property, residential and/or commercial buildings not occupied on a year round basis with any town way or public easement.

D) A cul-de-sac of less than 800 feet or greater than 1,000 feet per residential and/or commercial building.

VI. NEW TOWN WAYS: CONDITIONS OF ACCEPTANCE

A) All roads not defined in Section V above may be proposed for acceptance as town ways by submitting an application in writing to the Planning Board.

B) The Planning Board may request at least 10 working days following the receipt of the application that the petitioner, or a person designated by the petitioner, appear before the Board. Failure of the petitioner or the petitioner's representative to appear before the Board will be grounds for denial of request.

C) When the application is considered complete (see Section VII.), the Planning Board shall issue, within 90 days, approval for the construction of a new road or alteration of an existing way to meet the designated standards.

D) It is the responsibility of the petitioner to provide the Planning Board with a road construction schedule and to pay the Town an inspection fee of \$100 (or current construction costs and inspectors' fees) per required inspection of designated road. (See X. CONSTRUCTION STANDARDS for guide.) The Sumner Road Commissioner and one selectman will serve as the inspectors and may call upon a member of the Planning Board to serve on an inspection team. Each layer of gravel, including the sub-base, road base and surface, must be inspected before the road can be considered acceptable according to the standards of this ordinance. The Planning Board must deem that the road meets the standards of a "town way" based on the application and the inspections. The Selectmen will submit a warrant article to accept said road as a "town way" to the voters of the Town of Sumner at the next annual Town Meeting.

E) If the request for approval or the final designation of "town way" is disapproved by the Planning Board, the petitioner may then appeal the decision, within ten (10) days, to an Appeals Board. The Appeals Board must rule within 60 days following receipt of the appeal. (Appeals criteria are available at the Sumner Town Office.) If the appeal is denied by a majority vote of the Appeals Board, the ruling of the Planning Board stands. If the appeal is approved by the Appeals Board, then the Selectmen will submit a warrant article to accept said road as a "town way" to the voters of the Town of Sumner at the next annual Town Meeting. Even if said road is constructed to the required standards, there is no guarantee that the voters will accept said road as a "town way".

F) There will be a two year waiting period following a request to designate a road as a "town way" that was not inspected at each designated step of construction. If the road appears to meet all the criteria of the ordinance following an initial inspection, the waiting period will then begin. (The initial inspection will consist of at least one excavation to the bottom of the road sub-base per 100 linear feet: 1) The points of excavation shall be decided by the Inspection Committee. 2) The excavation shall cause minimal damage and should be restored to near original condition at the time of inspection. 3) The cost of the excavation and restoration shall be borne by the applicant.) The road will be inspected biannually during the two year waiting period and at the conclusion of the waiting period. An inspection fee of \$200 (or current construction costs and inspectors' fees) per 100 feet is required. The Planning Board must rule within 60 days from the end of the waiting period, whether or not the road meets the physical requirements of this ordinance. If additional work is required, the approval decision may extend an additional 60 days following the completion of the work.

The applicant also agrees to guarantee the road for two years following acceptance of the road as a "town way" by the voters and to reimburse the Town for repairs resulting from any design or construction defects beyond the normal wear and tear from ordinary use. If any legal action is brought against the applicant in the name of the Town in order to collect the costs for repairing the road, and the Town prevails, then the applicant shall be liable and responsible for the Town's legal fees and court costs and any other costs involved in bringing such suit or action.

VII. APPLICATIONS

The following information shall be submitted to the Planning Board as part of the written request for the acceptance of a road:

- A) Name(s) of the applicant(s).
- B) Names of the owners of record of the land.
- C) A copy of the deed and a letter in which the owner offers to dedicate the land involved in fee to the Town for a town way.
- D) Any legal encumbrances on the land upon which the proposed town way is located.
- E) Classification of proposed town way (through road, minor road, dead end road).
- F) The anticipated starting and completion dates of each major phase of road construction.
- G) An illustrated plan including: the scale, the direction of magnetic north, the starting and ending point of the proposed road with relation to established roads and any planned or anticipated future extensions, the boundary lines of all properties abutting the proposed road, all natural waterways, the location and profile of all existing and proposed drainage structures and the location of all existing and proposed overhead and underground utilities. This plan is to be reviewed by a licensed engineer.

VIII. SEVERABILITY

If any portion of this Ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

IX. CONFLICT WITH OTHER REQUIREMENTS

This Ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other regulation, 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.

X. CONSTRUCTION STANDARDS (minimum requirements)

	MINOR & DEAD END ROADS	THROUGH ROADS	MOBILE HOME PARKS
A) Width of right-of-way	50'	50'	50'
B) Width of traveled way	18'	20'	18'
C) Width of each shoulder	2'	3'	2'
D) Sub-base gravel (unscreened bank run)	12"	12"	12"
E) Road base gravel (maximum 6" stones)	18"	18"	18"
F) Surface gravel (max-2" stones)	6"	6"	6"
G) Bituminous paving	*Optional	2 1/2"	*Optional

*If connecting with existing gravel surface, paving is optional. If connecting with a paved surface, paving is required. Road surface with a slope greater than 12% must be surfaced with bituminous concrete.

H) Road Crown (pitch)	1/2"/foot	1/2"/foot	1/2"/foot
I) Maximum grade	25%	20%	25%

J) The bottom of the ditch will be a minimum of 38" below the centerline grade of the road.

K) Drainage

1) Adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, underdrain and/or stormwater drainage systems. Culverts shall not be less than 15" in diameter and shall be galvanized corrugated metal pipe. All culverts shall be designed to accommodate, at minimum, the anticipated 25-year flood level.

2) Where the bridge structures or reinforced concrete box culverts are required to cross major streams, detailed design plans provided by a licensed engineer at the petitioner's expense shall be submitted to the Planning Board for review at least 90 days in advance of anticipated construction of the structure. These plans will be reviewed by a consulting engineer with the cost borne by the petitioner. All bridges and reinforced concrete box culverts shall be designed to accommodate, at minimum, the 50-year flood level.

3) A corrugated metal perforated underdrain pipe, of at least 6" in diameter, shall be installed to properly drain all springs or areas where the ground water level is too high and would provide a hazard to the stability of the roadway base.

L) Turnarounds

All dead end roads shall be constructed to include a turnaround, designed to provide ample room for town snow removal equipment and kept clear of all obstacles. The design shall be submitted to the Planning Board for approval before construction begins.

M) Anyone constructing a road or driveway or planning an excavation connecting to a town way shall get a permit from the Town Office. The cost of the permit will be \$10. Within 10 working days of the payment of the fee, the Road Commissioner shall inspect the proposed site and advise the applicant of the necessity of culverts and/or safety of entry. The cost of the construction shall be borne by the applicant.

N) Utilities

Any plans for the laying of underground cables shall be submitted to the Town Office for review by the Planning Board. (Because standards are constantly changing, consult the Sumner Town Office for the latest standards which are based on MDOT standards.)

O) Privately-Owned Roads

Privately-owned roads, which conform to the standards set forth in Section X. may be permitted provided the following are met:

1) Safe Passage. All privately-owned roads shall be designed and constructed to facilitate the safe and convenient movement of motor vehicles, emergency vehicles and pedestrian traffic.

2) Drainage. Adequate provisions are made for disposal of all surface water and underground water through ditches, culverts, underdrains and/or storm water drainage systems. Provisions must be made for natural watercourses.

3) Maintenance. The applicant shall demonstrate to the satisfaction of the Board that the privately-owned road will be properly maintained.

4) Deed Restriction. The subdivider shall cause each property deed to clearly state that the road is a privately-owned road, and the Town of Sumner will not be responsible for maintaining or plowing.

5) Plan Condition. The recorded subdivision plat shall clearly state that such road is privately-owned and shall not be accepted as a town way unless it meets the standards for such.

XI. DEFINITIONS

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Sumner Planning Board pursuant to the Town of Sumner Subdivision Ordinance for the placement of three (3) or more mobile homes.

Privately-Owned Road: A residential street not including a street serving a mobile home park, which is not intended to be dedicated as a public way.

Public Easement: Means 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.

Town Way: An 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 before July 29, 1976.

Adopted August 1, 1988 Revised March 23, 1993 Amended October 14, 2008