

Road Entrance Permit Ordinance

of the Town of Brooksville

Brooksville, Maine

adopted at Special Town Meeting

May 18, 2005

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ROAD ENTRANCE PERMIT ORDINANCE OF THE TOWN OF
BROOKSVILLE, MAINE

SECTION I. AUTHORITY

This ordinance shall be entitled "Road Entrance Permit Ordinance of the Town of Brooksville" and is enacted pursuant to Title 30-A M.R.S.A. §3001.

SECTION II. DEFINITION OF ROAD

For the purposes of this Ordinance a Road is defined to be: a route or track in public or private ownership consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by repeated passage of motorized vehicles, but not including "Farm Roads" as defined below.

SECTION III. ADDITIONAL DEFINITIONS

Arterial Road: Any federal or state-aid highway or other major Road designed primarily for non-local travel through or within the Town. For purposes of this Ordinance, "Arterial Road" shall include all Roads designated as major or arterial roads in the Town's Comprehensive Plan.

Cross Corner Sight Distances: The length of an unobstructed view from a particular access point across land adjacent to a roadway. Cross Corner Sight Distances shall be determined based on a 3.5' observer height and a 4.25' object height, as measured from the center line elevation of the Road.

Driveway: A privately-owned vehicular access way serving no more than two individual properties, dwelling units, or principal use structures.

Entrance: The point at which any Driveway, Private Street or Town Way connects to the traveled portion of any existing Town Way.

Farm Road: A private access way that is used solely to provide access to undeveloped land for agricultural, forestry, timber harvesting, hunting or recreational purposes, but not including Roads or Streets in subdivisions.

MDOT: The Maine Department of Transportation.

Private Street: A Street or Road, other than a Driveway, that has not been laid out, dedicated to or accepted by the Town as a public way.

Roadway Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in this Ordinance as a measure of unobstructed road visibility. Roadway Sight Distance shall be determined

based on a 3.5' observer height and a 6" object height, as measured from the center line elevation of the Road.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access, other than Driveways. A Road.

Town: The Town of Brooksville, Maine.

Town Way: A Road or Street that has been laid out or accepted by the Town as a public way. A Road or Street Entrance proposed for acceptance as a Town Way shall be classified as a Town Way for purposes of this Ordinance.

SECTION IV. APPLICABILITY

A. General

On and after the effective date of this Ordinance, no person shall construct any new Entrance onto any Town Way, or improve, reconstruct or relocate any existing Entrance, unless the Planning Board has first granted a permit for that purpose in accordance with the approval standards contained in this Ordinance. No person shall construct any new Entrance, or improve, reconstruct or relocate any existing Entrance, except in compliance with the Planning Board's permit.

This Ordinance shall not apply to routine maintenance and/or minor driveway improvement, including addition of gravel or culvert(s) and/or pavement of an existing driveway, within the footprint of the existing driveway, provided such activity does not result in a relocation of the entrance of the existing driveway onto a public way or materially expand the footprint of the existing driveway.

B. Town Ways

On and after the effective date of this Ordinance, except as provided in subsection VIII(B) below, the Board of Selectmen shall not lay out a Town Way under Title 23 M.R.S.A. § 3022, as amended, unless the Planning Board has first approved a permit for any proposed Entrances as provided in this Ordinance.

On and after the effective date of this Ordinance, except as provided in subsection VIII(B) below, the Board of Selectmen shall not submit a warrant article to a Town Meeting for the purpose of accepting a Road as a Town Way under Title 23 M.R.S.A. § 3025, as amended, unless the Planning Board has first approved a permit for any proposed Entrances as provided in this Ordinance, and unless all Entrances have been designed and constructed in compliance with the Planning Board's permit.

C. Subdivisions

The Planning Board shall not approve any proposed subdivision plan unless all new Entrances proposed in the subdivision plan are designed and subsequently constructed in accordance with the requirements of this Ordinance. The Planning Board is not precluded by this Ordinance from imposing additional or more stringent requirements for design or construction or particular Roads or Streets within a proposed subdivision, when the Planning Board determines that such additional or more stringent requirements are necessary to meet one or more of subdivision approval standards under the Subdivision Ordinance and Title 30-A M.R.S.A. § 4404.

SECTION V. APPLICATION REQUIREMENTS

All persons seeking approval of a proposed Entrance, including improvement, reconstruction or relocation of an existing Entrance, shall submit a written application to the Planning Board that shall contain the following information and plans:

A. Application Contents

1. Applicant's name, address, telephone number and the application date.
2. Names of the owners of record of the land to be served by the proposed Entrance, together with a copy of the most recent deed or record conveying title to the land concerned.
3. The location of the proposed Entrance and the name of the Town Way to be connected to.
4. The posted speed limit of the Town Way to be connected to, at the Entrance location.
5. A plan for construction, improvement, reconstruction or relocation of the Entrance containing the information required in paragraph (B) below.
6. Anticipated Roadway Sight Distances for the Entrance, in both directions, following completion of the work for which the permit is requested.
7. The following application fees payable to the Town of Brooksville.
 - a.) \$25 for any single entrance onto a town way from any lot or subdivision;
 - b.) \$200 per entrance for each additional entrance onto a town way from any lot or subdivision;

c.) \$25 for applications to improve, reconstruct or relocate an existing entrance.

B. Information to be Included in Plans

Application plans shall be drawn to scale and shall depict the following information:

1. Date, scale of the plan, and direction of magnetic north.
2. Boundary lines of the premises to be served by the Entrance, including right-of-way lines of the Town Way to be connected to and the physical location of the improved or traveled portion of the Town Way within the public right-of-way.
3. Dimensions and boundary lines of any public or private utility easements and other rights-of-way located within 200 feet of the Entrance.
4. Boundary lines of all other lots fronting on the Town Way within 200 feet of the Entrance.
5. The dimensions and location of all other existing Entrances and buildings located within 200 feet of the Entrance for which the permit is requested.
6. The elevation and grade of the proposed Entrance in relation to the elevation of the Town Way at the entrance location. Grade information shall be provided for a distance of 50 feet back from the Town Way right-of-way line. Where construction, improvement, reconstruction or relocation of the Entrance will change any existing elevations, the proposed changes must be indicated in the plan.
7. All natural and artificial waterways and drainage ditches on land within 200 feet of the Entrance.
8. A depiction of existing visual obstructions in or within five feet (5') of the Town Way right-of-way, located within 200 feet of the Entrance, including but not limited to trees and other vegetation, rock walls, fences, garages and other outbuildings, permanent signs, utility structures, rock outcroppings and ledge cuts.

C. Subdivision Applications

When approval of an Entrance is sought as part of a proposed subdivision, the applicant shall submit to the Planning Board all information required in paragraphs A and B above as an integral part of their plot plan and application for subdivision approval as required by the Subdivision Ordinance. In that event, the subdivision application shall serve as the application for approval of the Entrance.

D. Waiver of Plan Requirements

When a permit is requested for minor improvements to an existing Entrance that will not involve enlargement or relocation of the Entrance, the Planning Board may grant appropriate waivers of the plan requirements under paragraph B above, provided that the Planning Board may require a full submittal in accordance with paragraph B above whenever existing sight lines with respect to the Entrance concerned do not meet the standards of Section VI(B) below.

E. Planning Board Review and Comment

Upon receipt of an application under this Ordinance, including a subdivision application, the Planning Board shall schedule a public hearing to review the application. If the Entrance is to be part of a proposed subdivision, the Planning Board shall conduct its public hearing concurrently with its review of the subdivision application.

If the Planning Board determines that information submitted with the application is insufficient to fully inform the Board of existing conditions at the Entrance location, the Planning Board may take a view of the location concerned. The view shall be posted and announced in advance, as a public meeting of the Board.

The Planning Board shall have final approval authority for all Entrance permits. Within 30 days following close of the public hearing, the Planning Board shall issue its written decision granting or denying the permit application, and in the case of a proposed Town Way shall make a written recommendation to the Board of Selectmen concerning acceptance or non-acceptance, based on compliance of the proposed Town Way with the requirements of this Ordinance. If the application concerned is made as part of a subdivision application, the Planning Board's findings and decision shall be included in its written decision on the subdivision application.

SECTION VI. ENTRANCE DESIGN STANDARDS

All proposed Entrances and intersections shall be designed and constructed to meet the design standards of this section plus applicable MDOT requirements.

A. General Requirements

All new Entrances onto a Town Way approved after the effective date of this Ordinance must be designed and constructed in compliance with the standards of subsection VI(B) below.

The Planning Board may approve permits for improvement, reconstruction or relocation of Entrances existing as of the effective date of this Ordinance that do not comply with subsection VI(B) below, provided that the improvements, reconstruction or relocation have the effect of bringing such existing Entrance more nearly into compliance

with subsection VI(B). The Planning Board shall not approve any permit application for such existing Entrances that has the effect of increasing the non-conforming aspects of such existing Entrances under subsection VI(B) below.

B. Design Standards

1. Intersections. Intersections of Roads shall be at angles as close to 90 degrees as possible and in no case shall two Roads intersect at an angle smaller than 70 degrees.

2. Alignment. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan, or as permitted or required by MDOT access management rules. A minimum distance of at least 200 feet shall be maintained between center lines of offsetting intersecting Roads, except as permitted or required by MDOT access management rules.

3. Cross Corner Sight Distances / Corner Lots. Entrances and Road intersections shall be designed so as to provide adequate visibility for pedestrians and vehicular traffic. Corner lots shall be cleared of all growth (except isolated trees) and obstructions above the level 3' higher than the center-line of the road as necessary to provide 25 foot Cross Corner Sight Distances at Entrances and between intersecting Roads. If directed, ground shall be excavated to achieve visibility.

An illustrative sketch depicting typical cross-corner sight areas is attached.

4. Roadway Sight Distances. Any new Entrance that is established after the effective date of this Ordinance must be located, designed and constructed so as to provide the following minimum Roadway Sight Distances for vehicles on the Town Way approaching an Entrance or turning onto the Town Way from the Entrance concerned. In addition, all new Entrances onto any Arterial Road shall comply with all MDOT access requirements for the Road concerned.

<i>Posted Speed Limit On Town Way</i>	<i>Minimum Roadway Sight Distance (Feet)</i>	<i>Recommended Roadway Sight Distance (Feet)*</i>
25 mph or less	150	250
30 mph	200	300
35 mph	250	350
40 mph	325	400
45 mph	400	450
50 mph or higher	475	500

**Recommended figures are for information only.*

5. Grades. All new Entrances shall be constructed so as to have a maximum three percent (3%) instantaneous grade for a distance of 50 feet back from the traveled portion of the Town Way. As an illustration, a 3% instantaneous grade is approximately equivalent to a 1 ½ foot rise in 50 feet.

6. Spacing. New Private Street, Driveway or Town Way Entrances onto any Arterial Road shall be separated near edge to near edge by the following minimum distances from existing or other proposed Entrances onto the same Arterial Road:

<i>Posted Speed Limit (Arterial Road) (mph)</i>	<i>Minimum Separation Distance (feet)</i>
up to 30 mph	125
35 mph	150
40 mph	185
45 mph or higher	230

New Private Street, Driveway or Town Way Entrances onto Town Ways other than Arterial Roads, shall be separated by a minimum of 120 feet near edge to near edge from existing or other proposed Entrances onto the same Town Way.

Notwithstanding failure to meet the foregoing separation requirements, the Planning Board may approve a single Driveway Entrance onto a non-Arterial Town Way to serve any single property having up to two hundred feet (200') of continuous frontage on that Town Way, or two Driveway Entrances for properties with more than 200 feet of continuous frontage, provided that all other design standards of this subsection VI(B) are met.

C. Private Streets

Entrances onto existing or proposed Private Streets shall be subject to approval under the same approval standards and design requirements as Entrances onto Town Ways.

SECTION VII. ADDITIONAL REQUIREMENTS

A. Soils

1. Subject to compliance with the design standards of subsection VI(B) above, grades of Entrances shall conform as closely as possible to the original topography. Where soils and ground water investigations reveal conditions which are marginal for Road construction, or where soils are shown to be poor or very poor for Road location on the Soils Map, the applicant may be required to install an elevated Entrance approach.

2. Topsoil shall be considered to be a part of the development and as such shall not be removed from the site but should be used instead for final landscaping of the Entrance.

B. Sight Vision

The line of sight for motorists entering the Town Way shall be unobstructed at the Entrance, for a distance of 5' from the public right-of-way line.

An illustrative sketch depicting typical sight vision areas is attached.

C. Erosion Control

Procedures shall be undertaken, both during preparatory, construction and cleaning stages, to prevent soil erosion and water pollution. A plan shall be prepared meeting the standards of the Hancock County Soil and Water District.

D. Clean-up

Following Entrance construction, the developer and contractor shall conduct a thorough clean-up of any debris from the entire road right-of-way.

E. Road Names

Roads which form an extension to existing roads shall bear the same name as the existing road. Names of new roads shall not duplicate or bear phonetic resemblance to the names of existing roads within the Town and shall be subject to the approval of the Board of Selectmen. New road names shall comply with all Subdivision Ordinance requirements with respect to road names, and with e-911 requirements.

SECTION VIII. WAIVERS

A. In reviewing a proposed Entrance that requires approval under this Ordinance, the Planning Board may vary or waive the requirements of this Ordinance in the same manner, and subject to the same findings, as provided in the Subdivision Ordinance with respect to subdivision approval standards.

B. Whenever the Board of Selectmen determines that the public exigency requires acceptance of a proposed Town Way that does not comply with one or more of the requirements of this Ordinance, the Board may submit the proposed acceptance for a Town Meeting vote, notwithstanding any recommendation by the Planning Board against acceptance. In that event, the full recommendation of the Planning Board shall be made available to the Town Meeting as an attachment to the warrant article concerned, together with the Selectmen's recommendation.

SECTION IX. APPEALS

Any final decision of the Planning Board under this Ordinance relating to approval of a requested Entrance permit may be appealed to the Hancock County Superior Court in the manner provided in the Subdivision Ordinance with respect to subdivision appeals.

This Ordinance shall not be deemed to create a right of appeal with respect to any action of the Planning Board, Board of Selectmen, or Town Meeting with respect to acceptance or non-acceptance of a proposed Town Way.

SECTION X. SEVERABILITY

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

SECTION XI. ENFORCEMENT

Enforcement of this Ordinance shall be pursuant to 30-A M.R.S.A. §4452, as amended. Fines for violations of this ordinance shall be as provided in §4452, as amended.

SECTION XII. EFFECTIVE DATE

The provisions of this Ordinance shall be applicable to all new entrances constructed (including improvement, reconstruction or relocation of existing entrances) and all subdivision applications filed on or after May 18, 2005, the date of the Town Meeting adopting the ordinance.

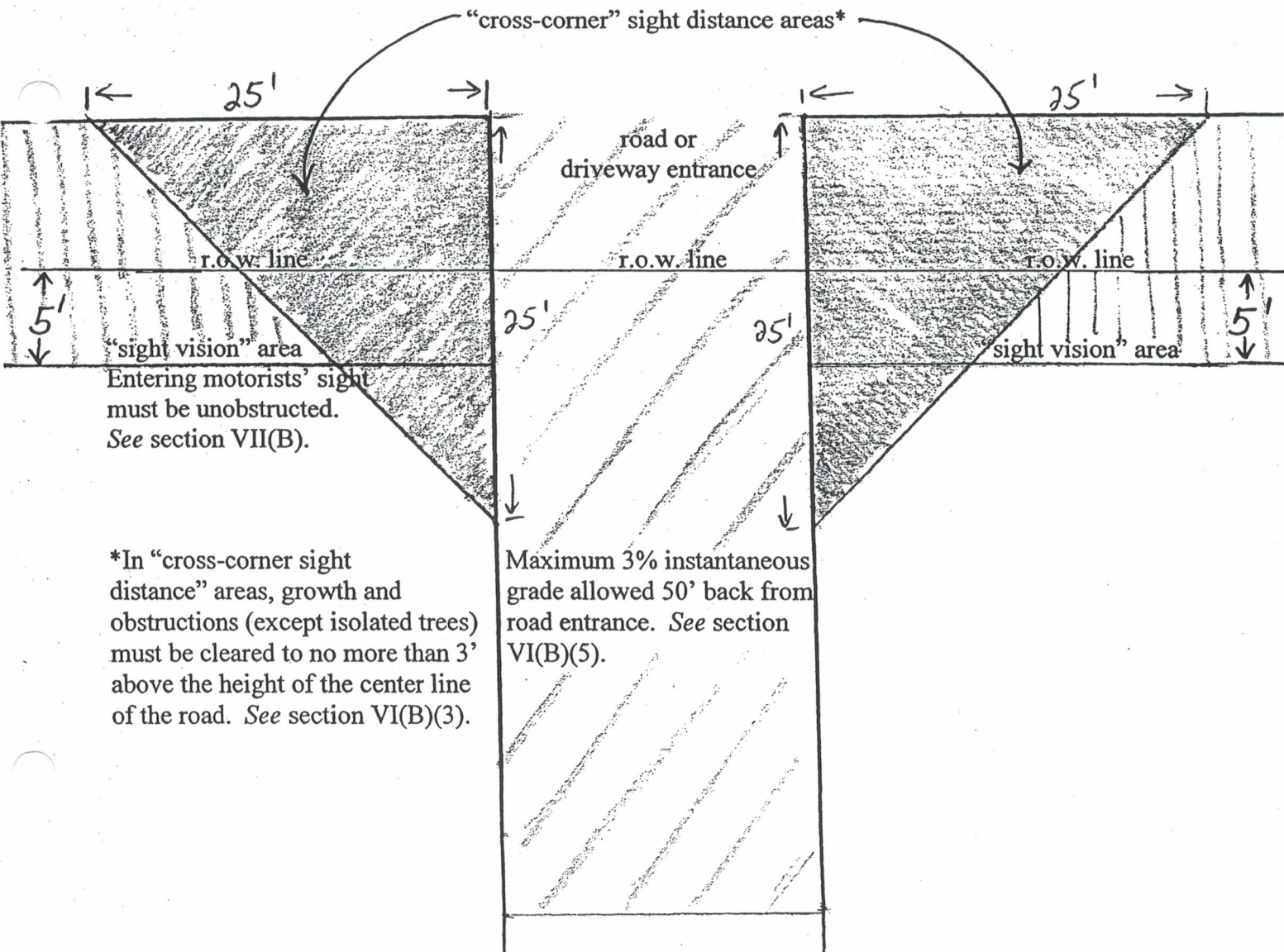
Entrance Grade, Sight Vision and
Cross-Corner Sight Distance Requirements
(Illustrative Sketch)

scale: 1" = 10'

Town road right-of-way line

traveled portion of Town road

center line of Town road



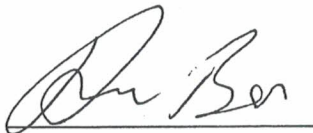
*In "cross-corner sight distance" areas, growth and obstructions (except isolated trees) must be cleared to no more than 3' above the height of the center line of the road. See section VI(B)(3).

Maximum 3% instantaneous grade allowed 50' back from road entrance. See section VI(B)(5).

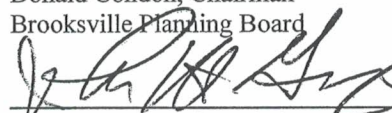
Town of Brooksville
Planning Board
Land Use & Subdivision Application Fee Schedule
& Penalties for Non-Conformance

- 1 APPLICATION FEE **\$ 120.00 plus per sq. ft fee**
- 2 The PER SQUARE FEET ADDER FEE is **fifteen cents (\$.15)**per square foot of useable space. On construction other than closed in structures the square footage will be calculated using the footprint of the requested construction.
- 3 DOCKS & FLOATS **\$ 75.00 per**
- 4 A PENALTY FEE of two times (2X) the normal total fee for after the fact applications.
- 5 SUBDIVISION APPLICATION FEE - **3 to 7 Lots \$ 200.00 plus \$100.00 per lot**
- **8 to 14 Lots \$ 400.00 plus \$150.00 per lot**
- **15 + Lots \$ 600.00 plus \$200.00 per lot**
- 6 ENTRANCE APPLICATION FEE **\$ 50.00 per entrance**

The Planning Board reserves the right to charge back to the applicant any unusual charges for legal or consultant fees associated with Subdivision Applications.


Amber Bakeman
Brooksville Town Clerk


Donald Condon, Chairman
Brooksville Planning Board


John H Gray, Acting Chairman


Richard M Bakeman, Selectman
Brooksville Select Board

Dated : February 4, 2009 at Brooksville

Changes suggested by Planning Board and approved by Selectmen on February 4, 2009.