

TOWN OF JAY, MAINE

TOWN WAY ORDINANCE

A TRUE COPY ATTEST CERTIFIED BY:

Ronda L. Palmer, Town Clerk

Adopted April 27, 2009

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**CHAPTER I
GENERAL PROVISIONS**

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- 1. Title, Purpose, Authority, Repealer, Separability, Conflicts, Time, Notice, Waivers and Appeals**
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PART 1

TITLE, PURPOSE, AUTHORITY, REPEALER, SEPARABILITY, CONFLICTS, TIME, NOTICE, WAIVERS AND APPEALS

Section

- § 1-101 Title**
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§ 1-101 TITLE

This Ordinance shall be known and cited as the “Town of Jay, Maine, Town Way Ordinance”.

§ 1-102 STATEMENT OF PURPOSE

The purpose of this Ordinance is to promote the health, safety, and public welfare of the residents of the Town of Jay through the establishment of minimum construction standards for Proposed Town Ways. This Ordinance shall aid the Planning Board in its review and permitting of Proposed Town Ways and the Board of Selectmen in making recommendations to Town Meeting for the acceptance of a Proposed Town Way as a Town Way.

§ 1-103 AUTHORITY, ADMINISTRATION AND EFFECTIVE DATE

- A. Authority: This Ordinance is enacted pursuant to and consistent with Article VIII-A of the State of Maine Constitution and Title 30-A, M.R.S.A. Section 3001; Title 23 M.R.S.A. Section 3021; and Title 23 M.R.S.A. Section 3022.
- B. Administration: This Ordinance shall be administered by the Planning Board of the Town of Jay, Maine, hereinafter referred to as the “Board”.

- C. **Effective Date:** This Ordinance shall be effective upon enactment by the annual town meeting or a special town meeting of the Town of Jay.

§ 1-104 REPEALER

- A. Adoption of this Ordinance shall repeal and replace any previously adopted road construction and acceptance standards including the “Road Ordinance of the Town of Jay, Maine” adopted on June 22, 1992.
- B. Adoption of this Ordinance shall repeal and replace any previously adopted setback requirements including the Town of Jay Set Back Ordinance adopted March 13, 1965 and amended October 21, 1968 and September 25, 1979 and the Warrant Article 22 adopted by the Town Meeting in March of 1983.

§ 1-105 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.

§ 1-106 CONFLICTS WITH OTHER LAWS

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the provision imposing the greater restriction shall control.

§ 1-107 COMPUTATION AND ENLARGEMENT OF TIME

In computing any period of time provided by this Ordinance, the day of the act, event or default after which the designated period of time begins to run is not to be included. To illustrate: if a public vote is taken by the Planning Board or the Board of Selectmen, commencement of any reconsideration or appeals period begins the following day. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday.

When, by this Ordinance or by order of the Planning Board, an act is required to be done at or within a specified time, the Planning Board may within its discretion at any time order the period enlarged for a reasonable period for good cause shown.

§ 1-108 NOTICE

Notification of any decision by the Planning Board or Board of Selectmen is completed by the public vote on such decision. Any Person who has applied for either a permit or a waiver is

notified of the Planning Board's decision when the Planning Board votes on the issue. In addition, any Person who seeks a waiver or appeal under Chapter I § 1-109 and § 1-110 is notified of any final decision when the Planning Board or Board of Selectmen vote.

The Code Enforcement Officer will also provide a copy of the Planning Board's or Board of Selectmen's written decision to the Person in a practicable manner, including but not limited to: in-person notification and U.S. mail. This written notice does not replace public notification via public vote.

§ 1-109 WAIVERS

- A. Granting of Waiver: Where the Board makes written findings of fact that there are special circumstances of a Proposed Town Way that might make it impossible for an Applicant to strictly comply with this Ordinance, the Board may waive any portion of this Ordinance in order to permit a Proposed Town Way, provided that the public health, safety, and welfare are protected, and provided that the waiver does not have the general effect of nullifying the intent and purpose of this Ordinance. In granting waivers, the Board shall require such conditions be consistent with the objectives of this Ordinance.
- B. Appeal of Waiver: Any Person aggrieved by a decision of the Planning Board with respect to the issuance of a waiver may seek review to the Board of Selectmen within 30 days following the date of the public vote taken by the Planning Board. The Board of Selectmen shall, within 30 days of receipt of the request for review, commence its review of the Planning Board's waiver decision and within 60 days vote on the appeal. The Board of Selectmen's decision on the review of the waiver shall constitute its final decision.
- C. Judicial Review of Waiver: Any Person aggrieved by a final decision of the Board of Selectmen may seek judicial review by the Maine Superior Court in accordance with state law within 30 days following the date of the public vote taken by the Board of Selectmen.

§ 1-110 APPEALS

- A. Appeal of Permit: Any Person aggrieved by a decision of the Planning Board with respect to the issuance of a Town of Jay Proposed Town Way Permit may seek reconsideration thereof by the Planning Board. The Person may seek reconsideration within 30 days following the date of the public vote taken by the Planning Board. Within 30 days of receipt of the request for reconsideration, the Planning Board shall reconsider its decision and within 60 days vote on the reconsideration. The Planning Board's decision on the reconsideration shall constitute its final decision.
- B. Judicial Review of Permit: Any Person aggrieved by a final decision of the Planning Board may seek judicial review by the Maine Superior Court in accordance with state law within 30 days following the date of the public vote taken by the Planning Board. Any person must first seek reconsideration by the Planning Board before appealing to the Superior Court.

PART 2
GENERAL DEFINITIONS

Section

§ 1-201 General Definitions

Subject to additional definitions contained in this Ordinance, which are applicable to specific parts or parts thereof, and unless the context otherwise requires, in this Ordinance the following terms have the following meanings. Terms not defined shall have their customary dictionary meaning.

- A. **Abutter:** Any Person who owns property contiguous to the Proposed Town Way.
- B. **Acceptance:** An affirmative vote taken at the Town Meeting of the Town of Jay, Maine, to accept the Proposed Town Way as a Town Way, and assuming maintenance and repair responsibility for the Town Way.
- C. **Applicant:** Any Person applying for a permit, certification, approval, or similar form of permission, or a modification, repeal or renewal thereof, from the Board.
- D. **Commencement of Construction:** Initiation of physical onsite construction activities that are of a permanent nature; such activities include, but are not limited to, installation of utilities, clearing, or grading efforts.
- E. **Filing Fee:** A nonrefundable fee of \$100.00 made payable by check to the Town of Jay submitted with an application for a Proposed Town Way.
- F. **MDOT:** Maine Department of Transportation.
- G. **Official Submittal Date:** As defined in Chapter II, § 2-204(E), the date which the Board determines an application for a Proposed Town Way is complete.
- H. **Permit:** Any permit, certificate, approval or similar form of permission required or authorized by this Ordinance.
- I. **Person:** An individual, corporation, partnership, limited liability corporation, limited liability limited partnership, limited liability partnership, limited partnership, consortium, joint venture association, commercial entity, trust, firm, municipality, county, state, federal or other governmental entity, or a combination thereof, and the agents of the same.
- J. **Private Road:** A road that is not intended to be accepted as a Town Way, and shall not be replaced, maintained or repaired by the Town of Jay.
- K. **Proposed Industrial or Commercial Town Way:** A Proposed Town Way servicing industrial

or commercial uses.

- L. Proposed Town Way: Any piece of land that is intended to be offered to the Town of Jay for acceptance as a Town Way.
- M. Roadway: The portion of the Town Way improved, designed or ordinarily used for vehicular traffic, exclusive of sidewalks, drainage ways, berms or shoulders.
- N. Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and signs. The term includes structures temporarily or permanently located, such as decks and satellite dishes.
- O. Subdivision: As defined in the Town of Jay Environmental Control and Improvement Ordinance, Chapter 5 – Subdivisions.
- P. Town Way: Publicly owned ways such as roads, streets, avenues, highways and other rights-of-ways that have been accepted by the Town of Jay for passage and use of the general public by motor vehicle, inclusive of sidewalks, drainage ways, berms and shoulders and are maintained by the Town of Jay.

**CHAPTER II
APPLICABILITY AND APPLICATION PROCEDURES**

Part

- 1. Applicability**
- 2. Application Details, Requirements, Fees, Board Action and Review**

**PART 1
APPLICABILITY**

Section

§ 2-101 Applicability

- A. This Ordinance applies to all Persons conducting activities in the Town of Jay which are regulated by this Ordinance. The Town of Jay shall be exempt from the provisions of this Ordinance.
- B. Higher Design and Construction Standard: Nothing in this Ordinance shall be construed to prevent the design and construction of Proposed Town Ways which meet higher standards, use improved methods or higher quality materials.
- C. Private Roads: This Ordinance shall not apply to the construction, alteration or improvement of Private Roads within the Town of Jay. Private Roads being proposed within a Subdivision shall meet the requirements set forth in the Jay Environmental Control and Improvement Ordinance, Chapter 5 – Subdivisions. The following words shall appear on any recorded plan containing a Private Road:

“All roads shall remain private, to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town of Jay until they meet the provisions of the Town Way Ordinance and are accepted by an affirmative vote at a Town meeting.”
- D. Already Constructed Roads: This Ordinance shall apply to those Private Roads already constructed that are now being proposed by the Applicant for Acceptance by the Town of Jay, provided that they meet the provisions of this Ordinance.

**PART 2
APPLICATION DETAILS, REQUIREMENTS, FEES, BOARD ACTION AND REVIEW**

Section

- § 2-201 Application Details**
- § 2-202 Application Requirements**
- § 2-203 Fee Requirements**
- § 2-204 Board Action Upon Submission**
- § 2-205 Application Review**

§ 2-201 APPLICATION DETAILS

The Applicant shall complete the application, provided by the Town of Jay, with the following information:

- A. Project name and the name(s), address and phone number of the Applicant(s);
- B. The name(s), address and phone number of the owner(s) of record of the land upon which the Proposed Town Way is to be located (if other than Applicant);
- C. The name, address and phone number of Applicant's authorized representative (if other than Applicant);
- D. Address to which all correspondence from the Board should be sent;
- E. Applicant's Right, Title, and Interest in the parcel of land upon which the Proposed Town Way is to be located and a copy of the instrument creating the Applicant's interest;
- F. A statement of any legal encumbrances of the land upon which the Proposed Town Way is to be located;
- G. The tax map(s) and lot number(s) upon which the Proposed Town Way is to be located;
- H. The anticipated starting and completion dates of each major phase of construction;
- I. Estimated costs of construction and improvements; and
- J. Other information as may be required by the Board.
- K. For previously built Private Roads that the Applicant now wishes to submit as a Proposed Town Way for Acceptance by the Town of Jay, or for roads previously proposed and rejected, the Application Details will be substantially the same as required for new Proposed Town Ways as determined applicable by the Board.

§ 2-202 APPLICATION REQUIREMENTS

The plans and illustrations submitted as part of the application shall be prepared by a Maine Registered Land Surveyor or Maine Professional Engineer and shall include the following information:

- A. The scale of the plan (all plans and profile drawings shall be drawn to a scale 1" = 40' horizontal and 1" = 4' vertical);
- B. The direction of magnetic north;

- C. A plan profile and typical cross section views of all Proposed Town Ways (cross section views shall be taken at 50 foot intervals);
- D. The starting and ending point of the Proposed Town Way with relation to established Town Ways and any planned or anticipated future extensions of the proposed Town Ways (all terminal points and the center line alignment shall be identified by survey stationing);
- E. The Proposed Town Way limits Design Standards, as defined in, Chapter III § 3-101, with relation to existing buildings and established landmarks within 30 horizontal feet of the proposed centerline of the Proposed Town Way;
- F. Dimensions, both lineal and angular, necessary for locating boundaries and necessary for locating subdivisions, lots and easements;
- G. The names and addresses of all owners of abutting property to the Proposed Town Way;
- H. All natural waterways, watercourses and wetlands that may affect the Proposed Town Way;
- I. The kind, size, location, profile, and cross-section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways as they may affect the Proposed Town Way;
- J. A soil erosion and sedimentation control plan showing interim and final control provisions;
- K. Curve data for all horizontal and vertical curves shall be the center line radius, arc length, beginning of curve, and end of curve points;
- L. All center line gradients shall be shown and expressed as a percent;
- M. All curve and property line radii of intersections;
- N. The limits and location of any proposed sidewalks and curbing;
- O. The location and size of all existing and proposed overhead and underground utilities to include, but not limited to, the following: (when a location is approximate, it shall be noted on the plan as such)
 - 1. Water supply lines and valves;
 - 2. Sanitary sewer lines and manholes;
 - 3. Storm sewer lines, manholes and catch basins;
 - 4. Telephone line poles or underground vaults;
 - 5. Electrical power line poles or underground vaults;
 - 6. Fire hydrants; and
 - 7. Street lights.

- P. The proposed name(s) of each Proposed Town Way (the Board of Selectmen have all authority in assigning Town Way names in accordance with the Town of Jay Addressing Ordinance);
- Q. The location of each existing or proposed driveway connecting with the Proposed Town Way(s);
- R. Lines or dots in the center line of the Proposed Town Way at intervals of 50 feet beginning at the intersection with the existing Town Way, unless otherwise directed by the Town of Jay 911 Addressing Officer;
- S. Suitable space on the approved plan to record a Title Block containing the date and conditions of approval, if any. This space shall be substantially similar to the following:

Approved Date: _____

NOTICE

This approval is limited to the requirements of the Town of Jay, Maine, Town Way Ordinance and the Town of Jay Proposed Town Way Permit attached herewith. Proposed Town Ways shown on the plan may only be accepted by a vote of the Town of Jay. This approval does not constitute evidence of any acceptance by the Town of any Proposed Town Way or easement shown on this plan. This approval does not indicate compliance with any other federal, state statutes or local ordinances.

The above Title Block and Notice shall appear on all plans submitted for review and formal approval by the Board.

- T. One copy of the plan(s) reduced to a size of 8 ½ by 11 inches.
- U. For previously built Private Roads that the Applicant now wishes to submit as a Proposed Town Way for Acceptance by the Town of Jay, or for roads previously proposed and rejected, the Application Requirements shall be substantially the same as required for new Proposed Town Ways as determined applicable by the Board.

§ 2-203 FEE REQUIREMENTS

The following Filing Fees and Review Fees shall be assessed against all Applicants:

- A. Filing Fee: All applications shall be accompanied by a nonrefundable Filing Fee of \$100 payable by check to the Town of Jay. Failure to pay the required fee at the time of filing will result in the application being returned to the Applicant.

- B. **Review Fee:** The Applicant shall pay all direct costs specifically related to the application and permit, including, legal, engineering, environmental consulting, survey, inspection, architectural, land use planning, other professional fees, preparation of information and materials for the Board, mailing, publishing, copying and other costs specifically related to the application and permit, collectively referred to as “Review Costs”. All applications shall be accompanied by a Review Fee of 2% of the estimated costs of construction and improvements, which shall be deposited into the hereby established ROAD REVIEW ACCOUNT. The Review Fee shall be used by the Board to satisfy Review Costs.

If the initial amount of the Review Fee is drawn down by 90%, the Applicant shall deposit an additional 1% of the estimated costs of construction and improvement. The Board or its inspecting official may suspend activity regarding the application, permit and construction until any additional Review Fee has been paid. If an additional Review Fee is not paid after notice, the Board may deny an application, or if applicable, revoke an issued permit. Final payment of the Review Fee shall occur before Board of Selectmen consideration of a warrant article to accept a Proposed Town Way as a Town Way.

Upon action taken at a Town Meeting on a warrant article to accept a Proposed Town Way as a Town Way, and payment of any outstanding obligations, any remaining Review Fee in the ROAD REVIEW ACCOUNT shall be refunded to the Applicant within 60 days.

- C. **Fee Administration:** The Code Enforcement Officer shall be responsible for fee administration and shall review bills, submitted for the direct cost related to the application and permit as outlined above, prior to payment from the ROAD REVIEW ACCOUNT.
- D. The Board of Selectmen shall be the trustees of the ROAD REVIEW ACCOUNT and the ROAD REVIEW ACCOUNT, unless otherwise provided in this Ordinance, shall be subject to 30-A M.R.S.A. § 5802, as amended from time to time.

§ 2-204 BOARD ACTION UPON SUBMISSION

- A. The completed application form, required fees, required plans and related information shall be submitted to the Code Enforcement Officer no less than fourteen (14) days prior to a Planning Board meeting.
- B. Upon receiving a Proposed Town Way application, the Code Enforcement Officer shall issue the Applicant a dated receipt and shall notify all Abutters via regular postal mail of the Proposed Town Way specifying the location of the Proposed Town Way, a general description of the project, and that abutters have five (5) days to request a public hearing.
- C. Within sixty (60) days after receipt of an application, the Board shall notify the Applicant in writing either that the application is complete or, if it is incomplete, the specific additional information needed to make a complete application.
- D. The Board may schedule an on-site inspection of the Proposed Town Way if it determines such inspection beneficial to its review of the application.

- E. When the Board has determined that an application is complete, it shall issue the Applicant a receipt stating the Official Submittal Date.
- F. After the Official Submittal Date, the Board shall begin its consideration and evaluation of the application and shall determine whether it will hold a public hearing.
- G. If the Board decides to hold a public hearing, the hearing shall be held within 45 days of the Official Submittal Date. The Board shall cause notice of the date, time and place of the hearing to be given to the Applicant and all abutting property owners via regular postal mail and to be published in a newspaper of general circulation in Jay. The date of publication shall be at least seven (7) days prior to the hearing.

§ 2-205 APPLICATION REVIEW

- A. Within 30 days of a public hearing, or if no hearing is held, within sixty (60) days after the Official Submittal Date, or within such other time as has been mutually agreed to by the Board and the Applicant, the Board shall approve, deny or approve with conditions the application as it may deem advisable to satisfy this Ordinance and to preserve the public health, safety and general welfare.
- B. In all instances, the burden of proof shall be upon the Applicant.
- C. The Board shall issue its decision in writing, stating the Board's findings of fact establishing that the application does or does not meet the provisions of this Ordinance and shall state its conclusions of law, including a plain statement of the appropriate rights for reconsideration.
- D. Where an application for the construction of a Proposed Town Way is approved by the Board, a Permit shall be issued. The issuance of a Permit does not constitute, nor is evidence of, any Acceptance by the Town of the Proposed Town Way. Rather, a Permit allows for the Commencement of Construction of the Proposed Town Way. When the Proposed Town Way has been built according to the Design, Construction, and Additional Standards as described in Chapter III § 3-101, § 3-201 and § 3-301, and it has been inspected and received a Certification of Construction as described in Chapter III § 3-501, any Person may petition the Town for Acceptance of the Proposed Town Way. Final Acceptance of a Proposed Town Way shall be by an affirmative vote at a Town Meeting.
- E. Where an application of an already constructed Proposed Town Way is approved by the Board, a Permit is not issued. Instead, any Person may petition the Town for Acceptance of the Proposed Town Way under Chapter IV § 4-101. In order to be accepted, the already constructed Proposed Town Way must meet the requirements and review standards of the Design, Construction, and Additional Standards as described in Chapter III § 3-101, § 3-201 and § 3-301; and have been inspected and received a Certification of Construction as described in Chapter III § 3-501. Final acceptance of a Proposed Town Way shall be by an affirmative vote at a Town Meeting.

**CHAPTER III
STANDARDS, INSPECTION AND CERTIFICATION**

Part

- 1. Design Standards**
- 2. Construction Standards**
- 3. Additional Standards**
- 4. Inspection**
- 5. Certification of Construction**

**PART 1
DESIGN STANDARDS**

Section

§ 3-101 Design Standards

- A. These Design Standards shall be met by all Proposed Town Ways and shall control the Roadway, shoulders, curbs, sidewalks, drainage systems, culverts and other appurtenances.
- B. The character, extent, width and grade of all Proposed Town Ways shall be considered in their relation to existing Town Ways and other Proposed Town Ways.
- C. The following Design Standards apply:

Description	Proposed Town Way
Minimum Proposed Town Way width	60 feet
Minimum pavement width/Roadway width	22 feet
Sidewalk width (where proposed or required)	5 feet
Minimum grade	.5 percent
Maximum grade	10 percent
Minimum centerline radius	150 feet
Minimum tangent between curves of reverse alignment	100 feet
Roadway crown	1/4"/foot
Minimum angle of intersections	90 degrees
Maximum grade within 75 feet of intersection	3 percent
Minimum curb radii at intersections	15 feet
Minimum Proposed Town Way radii at intersections	10 feet

Minimum width of shoulders (each side) 3 feet

D. The centerline of the Roadway for all Proposed Town Ways shall be the centerline of the Proposed Town Way.

E. Dead End Streets: In addition to the design standards above, dead-end Proposed Town Ways shall be constructed to provide a cul-de-sac turn-around or a hammerhead turn-around as identified in Appendix A and B. The area to be paved within the turn-around shall be determined by the Board on a case-by-case basis based on the design submittal and specific characteristics of the property. The Board may require the reservation of a 30-foot easement in line with the Proposed Town Way to provide continuation of pedestrian traffic or utilities to the next Town Way. The Board may also require the reservation of a 60-foot easement in line with the Proposed Town Way to provide continuation of the Proposed Town Way where future subdivision is possible. No driveways shall be allowed off from a cul-de-sac or hammer-head turn-around. Dead end streets are to be discouraged.

F. Grades, Intersections and Site Distances

1. Grades of all Proposed Town Ways shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade shall be connected by vertical curves to provide for the minimum site distances below.
3. Where new intersections are proposed, site distances, as measured along existing Town Ways onto which traffic will be turning, shall be based upon the existing speed limit and shall conform to the table below. Where new driveway curb cuts are proposed on new Proposed Town Ways, site distances, as measured along existing Town Ways onto which traffic will be turning, shall be based upon the anticipated speed limit and shall conform to the table below. Sight distances shall be measured from the driver’s seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ½ feet above the pavement.

Existing Speed Limit (MPH)	25	30	35	40	45	50	55
Sight Distance (feet)	200	250	305	360	425	495	570

Where necessary, corner lots shall be cleared of all growth and site obstructions including ground excavation to achieve the required visibility.

Where new driveway curb-cuts are proposed on any State or State Aid road, a Driveway Entrance Permit is required by the Maine Department of Transportation.

New driveway curb-cuts onto new Proposed Town Ways, and onto new Town Ways

that have been accepted under this Ordinance, shall be built only in the location identified on the approved Plan unless an alternate location, which meets the sight requirements above, is approved by the Road Commissioner. Deed restrictions shall be included to this effect.

New driveway curb-cuts must have established easements allowing for public cutting, clearing and drainage systems, where determined necessary by the Town.

4. Cross (four-cornered) intersections shall be avoided insofar as possible. A minimum distance of 125 feet shall be maintained between the centerlines of Proposed Town Ways which enter an existing Town Way or Proposed Town Way.
- G. Sidewalks: Where proposed or required, sidewalks shall be Bituminous and shall meet the following minimum requirements:
1. The gravel aggregate sub-base course shall be no less than 12 inches thick.
 2. The crushed aggregate base course shall be no less than 2 inches thick.
 3. The hot bituminous pavement surface course shall be no less than 2 inches thick after compaction.
 4. All curbing material shall be granite.

PART 2
CONSTRUCTION STANDARDS

Section
§ 3-201 Construction Standards

- A. Minimum thickness of material after compaction:

Description	Proposed Town Way	Proposed Industrial or Commercial Town Way
Sub-base Gravel	18"	24"
Surface Gravel	6"	8"
Hot Bituminous Pavement		
Total Thickness	3 1/2"	6"
Surface Course	1 1/2"	2"
Base Course	2"	4"

B. Preparation

1. Before any clearing commences within the Proposed Town Way, the centerline and side lines shall be staked or flagged at 50-foot intervals.
2. Before grading is started, the entire Proposed Town Way width necessary for the Roadway, shoulders, sidewalks, drainage ways and utilities shall be cleared of all stumps, roots, brush and other objectionable material. All shallow ledge, large boulders and tree stumps protruding above the natural profile of the land shall be removed from the Roadway, shoulders, sidewalks and drainage ways.
3. All organic materials shall be removed to a depth of 2 feet below the subgrade of the Proposed Town Way. Rocks exceeding 12 inches in any dimension shall also be removed to a depth of 2 feet below the subgrade of the Proposed Town Way. On soils which have been identified as not suitable for Roadways, the subsoil shall be removed from the Proposed Town Way site to a depth of two feet below the subgrade and shall be replaced with material meeting the specifications for gravel aggregate sub-base below and an MDOT approved stabilization geotextile.
4. Except in a ledge cut, or the crossing of a stream or wetland, side slopes shall be no steeper than a slope of 3 feet horizontal to 1 foot vertical and shall be graded, loamed, limed, fertilized and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope of no steeper than 4 feet vertical to 1 foot horizontal shall be permitted.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the Proposed Town Way prior to paving.

C. Bases and Pavement

1. Sub-base Gravel: The Aggregate Sub-base Gravel shall be gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The aggregate shall conform to MDOT Standard Specifications for Highways and Bridges Type D, or the latest MDOT Specification for Aggregate Sub-base Gravel. Aggregate for the sub-base shall contain no particles of rock exceeding 6 inches in any dimension.
2. Surface Gravel: The Aggregate Surface Gravel shall be gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The aggregate shall conform to MDOT Standard Specifications for Highways and Bridges Type B, or the latest MDOT Specification for Aggregate Surface Gravel. Aggregate for the Surface Gravel shall contain no particles of rock exceeding 3 inches in any dimension.

- 3. Pavement Joints: Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
- 4. Pavements: Pavement shall be Hot Mix Asphalt as specified in the latest revisions of the MDOT Standard Specifications for Highways and Bridges. All mixes shall be laid out in accordance with the latest MDOT mix application specifications.
- 5. Curbs and Gutters:
 - a. Proposed Town Way curbs and gutters shall be installed as required by the Board.
 - b. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

PART 3
ADDITIONAL STANDARDS

Section
§ 3-301 Additional Standards

- A. The Applicant shall secure and comply with all other applicable federal, state, and Jay licenses, permits, authorizations, conditions, agreements and orders prior to or during construction, as appropriate.
- B. Erosion Control: The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction and clean-up stages.
- C. Cleanup: Following construction of the Proposed Town Way, the Applicant shall conduct a thorough clean-up of stumps and other debris from the entire Proposed Town Way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan and be suitably covered with fill and topsoil, limed, fertilized and seeded.
- D. Signs and Lighting: All signage and/or pavement marking, if applicable, shall be properly installed by the Applicant. Street lighting shall be installed by the Applicant as directed by the Board of Selectmen prior to Board of Selectmen consideration of a warrant article to accept a Proposed Town Way as a Town Way.
- E. Drainage: The Applicant shall submit evidence demonstrating that the drainage system has sufficient capacity to handle the storm events specified below (minimum diameter of culverts is 15 inches).

<u>Roadway Cross-Culvert</u>	<u>Driveway Culvert</u>	<u>Closed System</u>	<u>Open Channel</u>
50-year	50-year	10-year/ 5-minute duration	50-year

Where necessary, the Applicant shall employ the use of stormwater detention systems to maintain natural or existing stormwater runoff rates. Calculations and designs shall be performed by professionals experienced in hydrology and storm water management.

Drainage ditches shall be provided so as to effectively control water entering and leaving the Roadway. Such drainage ditches shall be properly stabilized so that the potential for unreasonable erosion does not exist. The lining of drainage ditches will be based on the maximum gradient of the channel or ditch. The following will apply:

<u>Slope</u>	<u>Treatment</u>
1.0-2.0%	Seed and mulch the ditch or channel
2.0-4.0%	Use an erosion control blanket and seed
4.0-6.0%	Use sod
6.0%	Use plain riprap or stone ditch protection

In order to prevent surface drainage from directly entering a stream, river, wetland or water body, Proposed Town Ways and their associated drainage ditches shall be located, constructed and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil of the Proposed Town Way and the normal high water mark of a surface water body:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water (Percent)	Width of Strip Between Exposed Mineral Mineral Soil and Normal High Water Mark (ft. along surface of the ground)
0%	25 ft.
10%	45 ft.
20%	65 ft.
30%	85 ft.
40%	105 ft.
50%	125 ft.
60%	145 ft.
70%	165 ft.

PART 4
INSPECTION

Section
§ 3-401 Inspection

- A. Inspecting Official: The Board shall designate, in its Permit for construction of a Proposed Town Way, an inspecting official, whose duty it shall be to assure that all municipal specifications, requirements and conditions of approval are met during the construction and shall assure the satisfactory completion of improvements required by this Ordinance.

- B. **Notification of Construction:** At least ten (10) days prior to commencing the construction, alteration or improvement of a Proposed Town Way, the Applicant shall notify the Road Commissioner in writing of the time when the Applicant proposes to commence construction so that the Road Commissioner can arrange for inspection to be made. All inspection costs incurred by the municipality shall be the responsibility of the Applicant. The Board shall utilize the ROAD REVIEW ACCOUNT provided for in Chapter II § 2-203(B) to cover all inspection costs.
- C. **Noncompliance With Plan:** Upon finding that the improvements have not been constructed in accordance with the approved plans and specifications, the inspector shall so report in writing to the Road Commissioner and the Applicant. The Road Commissioner shall notify the Applicant of the steps necessary to come into compliance with the approved plans and specifications. Failure to comply with these steps shall lead to revocation of the permit.
- D. **Modification During Construction:** If at any time it appears necessary or desirable to modify the required improvements during construction, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any modification approval in writing and shall transmit a copy of the approval to the Road Commissioner. Revised plans shall be filed with the Board for the record. For major modifications, such as relocation of Proposed Town Ways, changes in grade by more than 1%, etc. the Applicant shall submit to the Board a request for Permit amendment for review and approval.

PART 5

CERTIFICATION OF CONSTRUCTION

Section

§ 3-501 Certification of Construction

Upon completion of construction, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Board, by the Applicant, certifying to the Town of Jay that the Proposed Town Way meets or exceeds the Design, Construction and Additional Standards of this Ordinance. The certification shall be accompanied by the “As Built” plans for the Proposed Town Way.

CHAPTER IV

ACCEPTANCE, EXPIRATION OF PERMIT AND TOWN WAY OPENINGS

Part

- 1. Acceptance Requirements**
- 2. Expiration of Permit**
- 3. Town Way Openings**

PART 1

ACCEPTANCE REQUIREMENTS

Section

§ 4-101 Acceptance Requirements

- A. Any Person may petition the Board of Selectmen for Acceptance of any Proposed Town Way which meets the Design, Construction and Additional Standards contained herein. Prior to petitioning the Town for acceptance of a Proposed Town Way, an application shall have been submitted in accordance with Chapter II § 2-201, § 2-202 and § 2-203.
- B. Each petition for Acceptance shall include the Certification of Construction and As Built drawings as specified in Chapter III § 3-501 unless previously submitted to the Town.
- C. Proposed Town Ways that do not meet the provisions of this Ordinance may not be considered for Acceptance.
- D. Petitioning for Acceptance means that an article to accept any Proposed Town Way, meeting the design standards, may be included in the warrant for a regular or special town meeting, to be voted upon by the voters.
- E. A petition for Acceptance must be accompanied by delivery to the Town of Jay a commitment for title insurance demonstrating that: (1) the Proposed Town Way is free and clear of encumbrances, or such encumbrances as the Board of Selectmen shall waive; (2) title for the entire width and length of the Proposed Town Way is ensured, and (3) for any easements for drainage and slopes as may be applicable, title shall be conveyed to the Town by warranty deed.
- F. Final Acceptance occurs when the majority of voters at the Town Meeting vote to accept the Proposed Town Way.
- G. Following acceptance of a Proposed Town Way, the Town of Jay shall cause to be recorded, at the Franklin County Registry of Deeds, all necessary deeds providing clear title to the Town of Jay.

PART 2
EXPIRATION OF PERMIT

Section
§ 4-201 Expiration of Permit

Following the issuance of a Permit, if Commencement of Construction is not made within one year of the date of the Permit, the Permit shall lapse and become void.

PART 3
TOWN WAY OPENINGS

Section
§ 4-301 Town Way Openings

There shall be no Roadway openings on a Town Way unless a Town of Jay Road Opening Permit is issued by the Road Commissioner or his designee. The repair of all openings shall be made in accordance with the conditions outlined in the Town of Jay Road Opening Permit. The cost of all repairs shall be borne by the Person requesting the opening.

**CHAPTER IV
SETBACK REQUIREMENTS**

Part

1. Setback Requirements

PART 1

SETBACK REQUIREMENTS

Section

§ 5-101 Setback Requirements

- A. Any Structure installed, erected or constructed within the Town of Jay shall be setback a minimum of 25 feet from the center line of the Roadway or beyond the established right of way of any Abutting Town Way or State highway (additional setback requirements may be applicable to State highways).

This Section shall not apply to the installations or other property devoted to the public use of any public utility or district and underground pipelines.

- B. Any other objects placed or constructed within 25 feet of the center line of the Roadway or within the established right of way of any abutting Town Way or State highway shall not be the responsibility of the Town and any Person placing such objects within this area shall release the Town, its officials, agents and employees from any and all suits, claims and demands whatsoever for any personal or bodily injury, death or property damage related in any way to the placement of such objects within this area, including but not limited to road reconstruction, realignment of the road, winter maintenance operations, and any damage to property resulting from the decreased set back distance.
- C. A person who violates this Section commits a civil violation for which a fine of not more than \$500 may be assessed. In the event that the violation is not corrected in the time specified, an additional fine of not more than \$50 for each day the violation is maintained may be assessed.

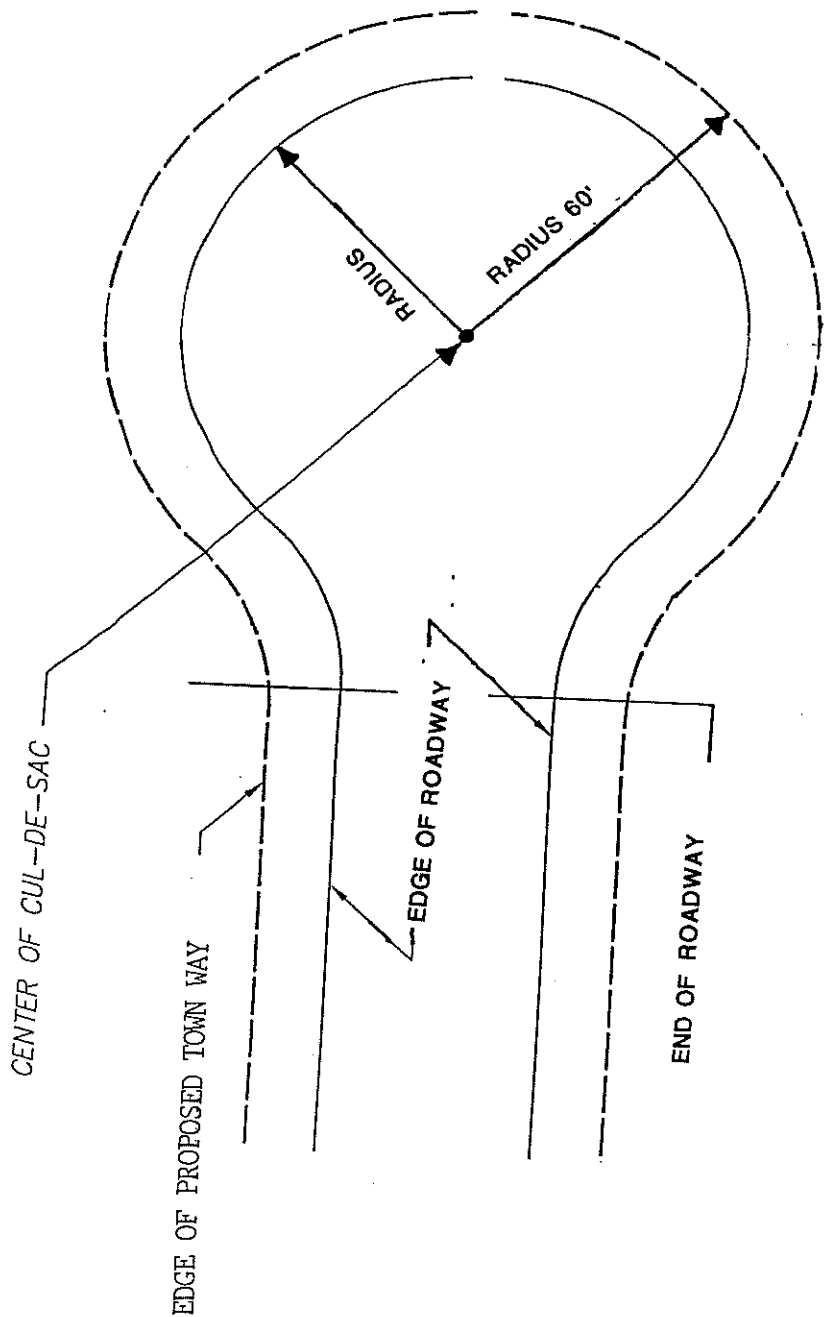


ILLUSTRATION
 CUL-DE-SAC TURN-AROUND
 APPENDIX A

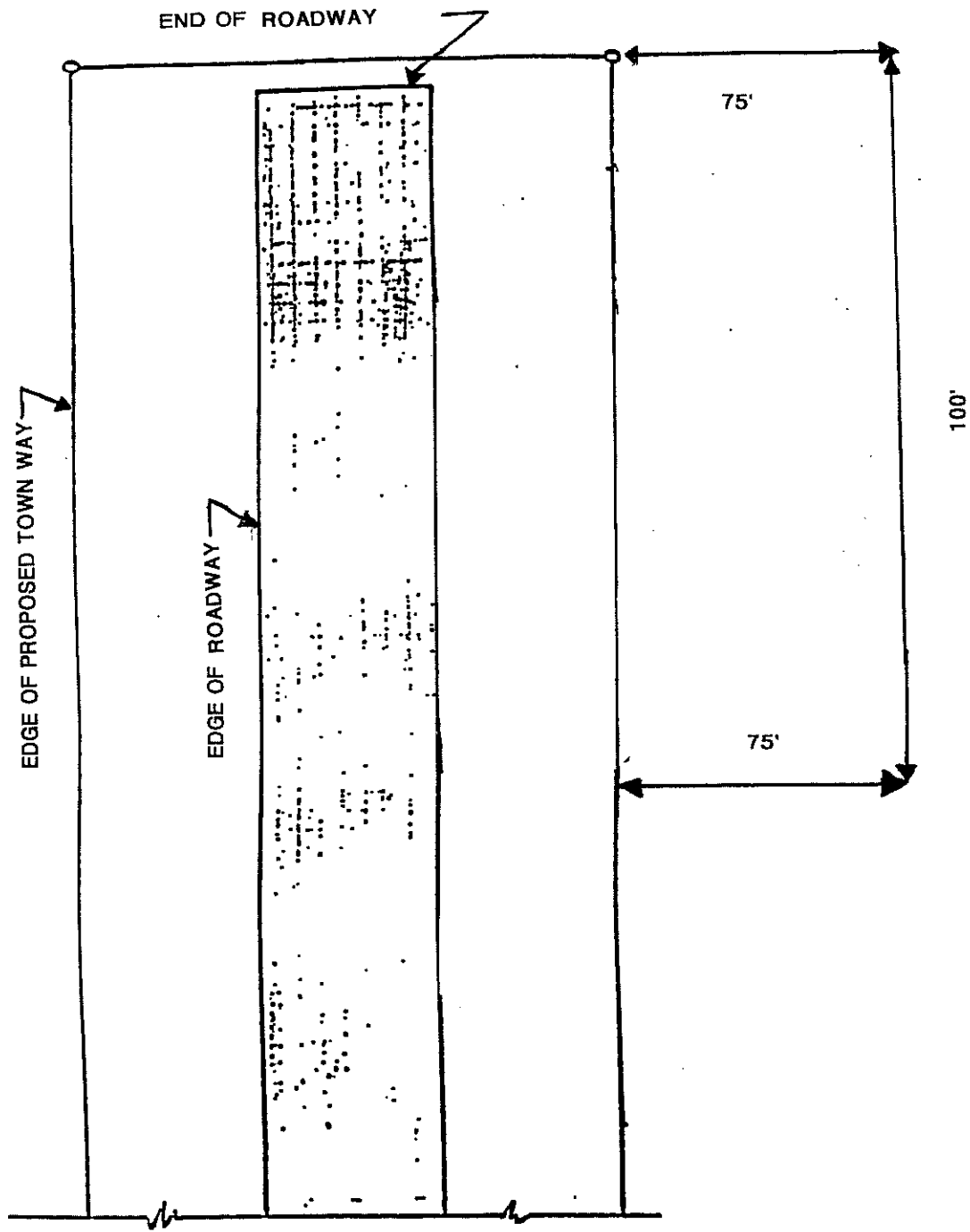


ILLUSTRATION
HAMMERHEAD TURN-AROUND
APPENDIX B