

ITEM 3.A - Review of 5/16/2016 joint workshop with Town Council

Review comments from the joint workshop with Town Council held on 5/16/2016. Discuss any additional revisions to the proposed amendments, prior to final recommendation to Town Council.

1. **16.10.3 Development Plan Review and Approval Process; 16.10.3.2 Other Development Review; 16.10.3.4 Shoreland Development Review; 16.10.10 Shoreland Development Review; 16.10.10.1.1 Permits Required; 16.10.10.1.2 Permit Application; 16.10.10.2 Procedure for Administering Permits**
 - a. Ln 20 – *Grammatical error; “does not” vs “do not”* – updated.
 - b. Ln 52 – *Stream Protection Overlay Zone is included within the Shoreland Overlay Zone* – The 2010 Land Use Zoning Map differentiates between Shoreland Water body/Wetland Protection Area (OZ-SL-250’) and Shoreland – Stream Protection Area (OZ-SL-75) Overlay Zones. In addition, the Shoreland Overlay Zone – Stream Protection Area is independently defined in 16.3.2.17.A.2. The intent of the proposed 16.10.3.4.B.1 is to remove the development of principal and accessory structures development within the Resources Protection and Shoreland – Stream Protection Area Overlay Zone from the list of Planning Board review exemptions. Language updated to provide uniformity between Code and Zoning Map.
 - c. Ln 55 - *Provide consistency in language “wharfs” vs “wharves”*. – updated.
 - d. Ln 101 – *“16.10.5.2.B” provide clarification of what application materials are to be required* – Suggested amendment allows the Planning Board/Code Enforcement Officer to waive requirements, up on request of the applicant, to accommodate instances where additional information is not required to show evidence of compliance to Town standards.
 - e. Ln 107 – *Redundant language: “Person or an Agent”* – updated.
2. **16.3.2.17.D Shoreland Overlay Zone Standards; 16.2.2 Definitions**
 - a. Lns 85 – 93 – *Subsect “i” unnecessary with the deletion of subsect “ii”* – updated.
 - b. Ln 168 – *Definition of Devegetated Area is ambiguous* – Proposed amendment to definition to further identify what is in/excluded in Devegetated Area
3. **16.2 Definitions; 16.8.8.2.3 Applicability; 16.10.7.2 Final Plan Application Submittal Content**
 - a. Ln 5 – *“Chapter 500 Stormwater Management in Maine” Chapter 500 are the standards of the State of Maine and therefore “in Maine” is unnecessary* – updated.
 - b. Ln 6 – *Instead of using the term Best Management Practices (BMPs), provide objectivity by specifying standards found in Maine Stormwater Management Manual Volume 1 March 2016* – BMPs is a term utilized in the Maine Stormwater Management Manual, Volumes 1 - 3. However, the manual is not intended to be an all-inclusive source of BMPs, but rather act as a “guidance document” with the intent to “assist communities, watershed groups, individuals, engineers and developers in understanding stormwater impacts and to select appropriate BMPs to control stormwater from development in accordance with Maine DEP’s Stormwater Management regulations, Chapter 500”. Regulations associated with BMPs, as used within Title 16, are defined in 16.2.2.

- c. Ln 8 – *“standards of the Town or this Code”*; *Stormwater standards are only found in Title 16 and therefore “Town or” is unnecessary.* – updated.
- d. Ln. 28 – *Punctuation error* – updated.

4. Table 1 – Chapter 16.8, Article IV Design and Construction Standards for Streets and Pedestrian Ways

Considering the question from the Councilor Beers on why it is necessary to remove the ‘emergency only’ qualification for second access on a secondary collector staff reviewed the 2009 land use code and found the table was organized slightly different. In 2009, ‘Second Access’ was its own item and not included as an item under ‘Cul-de-sacs’. It was also apparent after reviewing some of the past ordinances that the provision that is proposed to be changed has been in place since around 1990. Before that the code, in the absence of any table, required dead ends to be no longer than 500 feet in length. It’s interesting to note that Eliot’s road standards restrict dead-end lengths to 1,000 feet and specifically states this cannot be waived by the Planning Board. Staff found no other instances for “second access” standard in a limited review of other comparable town ordinances.

In addition, staff reviewed the narrative classifications for the street types, 16.8.4.3. and find that ‘secondary collectors’ does not anticipate dead end conditions as does the other classifications for streets. Though it has been codified in this manner for a long time there is a discrepancy between the table and the classification descriptions. Also unlike “minor streets” dead-end streets are not included in “collector streets” as described in the AASHTO street design standards, though towns besides Kittery is list “collectors” as potentially having a dead-end.

The Board may want to revisit the original intention of changing the table and discuss if that is clear and if it requires any additional changes to be a warranted amendment. The impetus is: a dead-end 1500 foot-long street should have a second access that is more reliable than an “emergency access”. If this is still the case, perhaps identifying where that second access is located.

1 **16.2.2 Definitions.**

2 **Development** means:

- 3 1) a change in land use involving alteration of the land, water or vegetation, or
4 2) the addition or alteration of structures or other construction not naturally occurring.

7
8 **Article III. Development Plan Review and Approval Process**

9
10 **16.10.3.1 General Development, Site, and Subdivision Plans Review.**

11 All proposed development including site, subdivision, business use and other development must be
12 reviewed for conformance with the procedures, standards and requirements of this Code by the Planning
13 Board except as provided herein, but in all cases by the Town Planner and Code Enforcement Officer and
14 where required the Board of Appeals as provided herein.

15
16 **16.10.3.2 Other Development Review.**

17 ~~An applicant or applicant's authorized agent must obtain Planning Board approval in accordance with this~~
18 ~~Code for all development except the following, unless located within the Shoreland Overlay or Resource~~
19 ~~Protection Overlay Zones:~~ Unless subject to a Shoreland Development Plan Review per 16.10.3.4, the
20 following do not require Planning Board approval:

- 21
22 A. ~~Single and duplex family dwellings, except if within either a Shoreland or Resource Protection~~
23 ~~Overlay Zone, in addition to other criteria specified in Article X of Chapter 16.10, applicable to the~~
24 ~~granting of a special exception use request, the Planning Board must review and may approve a~~
25 ~~development plan for a one to two family residential structure, provided the applicant meets all of the~~
26 ~~applicable Design and Performance Standards.~~
27
28 B. Expansion of existing use where the expanded use will require fewer than six additional parking
29 spaces.
30
31 C. Division of land into lots (i.e., two lots) which division is not otherwise subject to Planning Board
32 review as a subdivision.
33
34 D. Business use as provided in Section 16.4.3.5.

36
37 **16.10.3.4 Shoreland Development Review.**

38
39 A. All development in the Shoreland, Resource Protection, and Commercial Fisheries/Maritime Uses
40 Overlay Zones involving the use, expansion, change or replacement of an existing use or structure, or
41 renewal of a discontinued non-conforming use must be reviewed and approved as provided in [16.10.10](#)
42 and elsewhere in this Code, and tracked as a shoreland development for reporting purposes.

43
44 B. All development in the Shoreland, Resource Protection, and Commercial Fisheries/Maritime Uses
45 Overlay Zones must be approved by the Planning Board except for the following:

- 46
47 1. Proposed development of principal and accessory structures in compliance with 16.3.2.17.D.2.
48 when not subject to Planning Board review as explicitly required elsewhere in this Title. Such proposed

49 development must be reviewed and approved by the Code Enforcement Officer (CEO) prior to issuing
50 a building permit. The total devegetated area of the lot (that portion within the Shoreland Overlay
51 Zone) must be calculated by the applicant and verified by the CEO and recorded in the Town's
52 property records. Any development proposed in the Resource Protection and Shoreland - Stream
53 Protection Area Overlay Zones must be approved by the Planning Board.

54
55 2. Piers, docks, wharves, bridges and other structures and uses extending over or below the Highest
56 Annual Tide (HAT) elevation, subject to review and approval by the Port Authority as outlined in Title
57 16.11 Marine related development.

58
59 3. Division of a conforming parcel that is not subject to subdivision as defined in 16.2.2,

60
61 4. Clearing of vegetation for activities other than timber harvesting. These are subject to review and
62 approval by the Shoreland Resource Officer or Code Enforcement Officer.

63
64

65

66 **Article X. Shoreland Development Review**

67

68 **16.10.10.1 General.**

69

70 **16.10.10.1.1 Permits Required.**

71

72 A. After the effective date of this code, no person may, without first obtaining a permit, engage in any
73 activity or use of land or structure requiring a permit in the shoreland or resource protection overlay zones
74 in which such activity or use would occur, or expand, change or replace an existing use or structure, or
75 renew a discontinued nonconforming use.

76

77 B. When replacing an existing culvert, the watercourse must be protected so that the crossing does not
78 block fish passage, and adequate erosion control measures must be taken to prevent sedimentation of
79 the water in the watercourse.

80

81 C. A permit is not required for the replacement of an existing road culvert provided the replacement
82 culvert is not:

83

84 1. More than one standard culvert size larger in diameter than the culvert being replaced,

85

86 2. More than twenty-five (25) percent longer than the culvert being replaced, and

87

88 3. Longer than seventy-five (75) feet.

89

90 D. A permit is not required for an archaeological excavation provided the excavation is conducted by an
91 archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and
92 unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and
93 permanent stabilization measures.

94

95 E. Any permit required by this Section is in addition to any other permit required by other law or
96 ordinance.

97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144

16.10.10.1.2 Permit Application.

A. Every applicant for a Shoreland Development Review permit must ~~complete~~ and submit a completed ~~Kittery~~ application form and a site plan drawn to scale as indicated in Section 16.10.5.2.B, to the Code Enforcement Officer, ~~appropriate official as indicated in Section 16.10.5.2B~~. With consideration of the development's overall limited scale and impact to the site, the appropriate reviewing authority may waive or modify application submittals required in 16.10.5.2.B.

B. All applications must be signed by the owner, ~~owners or lessee of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person must submit a letter of authorization from the owner or lessee.~~ or an agent with written authorization from the owner, to apply for a permit hereunder, certifying that the information in the application is complete and correct.

C. All applications must be dated, and the Code Enforcement Officer, ~~Town Planner, Town Clerk or Kittery Port Authority, as appropriate~~ or designee, must note upon each application the date and time of its receipt ~~by each~~.

D. Whenever the nature of the proposed structure requires the installation of a subsurface sewage disposal system, a completed application for a subsurface wastewater disposal permit must be submitted. The application must include a site evaluation approved by the Plumbing Inspector.

16.10.10.2 Procedure for Administering Permits.

Within thirty five (35) days of the receipt of a written application, the Town Planner for Planning Board review or Code Enforcement Officer for all other review, and as indicated in Section 16.10.5-2B3.4, must notify the applicant in writing that the application is or is not complete. If the application is incomplete, the written notification must specify the additional material required to complete the application.

A. The Code Enforcement Officer is required to approve, approve with conditions or deny all permit applications in writing within thirty-five (35) days of receiving a completed application.

B. If the Planning Board has a waiting list of applications, a decision on the application will occur within thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if one is held.

C. Permits will be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this section. The applicant is required to demonstrate, to the satisfaction of the reviewing authority, that the proposed land use activity is in conformance with the purposes and provisions of this Code.

D. An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated that the proposed use will:

1. maintain safe and healthful conditions;
2. not result in water pollution, erosion or sedimentation to surface waters;
3. adequately provide for the disposal of all wastewater;
4. not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

- 145 5. conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- 146 6. protect archaeological and historic resources;
- 147 7. not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/
148 maritime activities district;
- 149 8. avoid problems associated with floodplain development and use
- 150 9. is in conformance with the provisions of this Code; and
- 151 10. recorded with the York County Registry of Deeds.

48 d. The total footprint of ~~areas~~ devegetated area ~~for structures, parking lots and other impervious surfaces,~~
49 must not exceed twenty (20) percent of the lot area located within the Shoreland Overlay Zone, including
50 existing development, except in the following zones:

- 51
- 52 i. Mixed Use -Badgers Island (MU-BI) and Mixed Use Kittery Foreside (MU-KF) Zones, where the
53 maximum ~~lot coverage~~ devegetated area is sixty (60) percent. The Board of Appeals may approve a
54 miscellaneous appeal application to increase allowable lot coverage in the Mixed Use -Badgers Island
55 (MU-BI) zone to seventy (70) percent where it is clearly demonstrated that no practicable alternative
56 exists to accommodate a water-dependent use.
- 57
- 58 ii. Commercial (C1, C-2, C-3), Business – Local (B-L and B-L1), and Industrial (IND) Zones where the
59 maximum ~~lot coverage~~ devegetated area is seventy (70) percent.
- 60
- 61 iii. Residential – Urban (R-U) Zone where the lot is equal to or less than ten thousand (10,000) square
62 feet, the maximum devegetated area is fifty (50) percent. ~~Notwithstanding the above limits, vegetated~~
63 ~~surfaces must exceed fifty (50) percent of the lot area when the lot, being no greater in size than ten~~
64 ~~thousand (10,000) square feet, is situated in both the Residential – Urban Zone (R-U) and the~~
65 ~~Shoreland Overlay Zone.~~
- 66
- 67 iv. ~~In the Shoreland Overlay zone within the Mixed Use (M-U) zone, the maximum lot coverage is~~
68 ~~20%.~~

70 2. Principal and Accessory Structures – Setbacks and Development.

71

72 a. All new principal and accessory structures (except certain patios and decks per Section
73 16.3.2.17.D.2.b,) must be set back as follows: at least one hundred (100) feet, horizontal distance, from
74 the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or
75 the upland edge of a freshwater wetland, and seventy-five (75) feet, horizontal distance, from the normal
76 high-water line of any water bodies, or the upland edge of a wetland on the Mixed Use - Badgers Island
77 and the Kittery Foreside Zones, unless modified according to the terms of Sections 16.3.2.14.D & E and
78 16.3.2.15.D &E. In the Resource Protection Overlay Zone the setback requirement is 250 feet, horizontal
79 distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in
80 the zone, in which case the setback requirements specified above apply. The water body, tributary
81 stream, or wetland setbacks do not apply to structures that require direct access to the water body or
82 wetland as an operational necessity, such as piers and retaining walls, nor does it apply to other
83 functionally water-dependent uses, as defined in 16.2.2.

84

85 i. At least one hundred (100) feet, horizontal distance, from the normal high water line of any water
86 bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater
87 wetland, and seventy five (75) feet, horizontal distance, from the normal high water line of any water
88 bodies, or the upland edge of a wetland on the Mixed Use – Badgers Island and the Kittery Foreside
89 Zones, unless modified according to the terms of Sections 16.3.2.14.D & E and 16.3.2.15.D &E,, except
90 that in the Commercial Fisheries/Maritime Uses Overlay Zone there is no minimum setback requirement.
91 In the Resource Protection Overlay Zone the setback requirement is 250 feet, horizontal distance, except
92 for structures, roads, parking spaces or other regulated objects specifically allowed in the zone, in which
93 case the setback requirements specified above apply. ~~{Item moved to be included with~~
94 **16.3.2.17.D.2.a}**

95 ~~ii. The water body, tributary stream, or wetland setback provision does not apply to structures which~~
96 ~~require direct access to the water body or wetland as an operational necessity, such as piers and~~
97 ~~retaining walls, nor does it apply to other functionally water-dependent uses. (Item moved to be~~
98 ~~included with 16.3.2.17.D.2.a)~~
99

100 b. Accessory patios or decks no larger than five hundred (500) square feet in area must be set back at
101 least seventy-five (75) feet from the normal high water line of any water bodies, tributary streams, the
102 upland edge of a coastal wetland, or the upland edge of a freshwater wetland. Other patios and decks
103 must satisfy the normal setback required for principal structures in the Shoreland Overlay Zone.
104

105 c. If there is a bluff, setback measurements for principal structures, water and wetland must be taken
106 from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or
107 “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published
108 on the most recent Coastal Bluff map. If the applicant and Code Enforcement Officer are in disagreement
109 as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located,
110 the applicant is responsible for the employment a Maine Registered Professional Engineer, a Maine
111 Certified Soil Scientist, or a Maine State Geologist qualified to make a determination. If agreement is still
112 not reached, the applicant may appeal the matter to the Board of Appeals.
113

114 d. Public access to the waterfront must be discouraged through the use of visually compatible fencing
115 and/or landscape barriers where parking lots, driveways or pedestrian routes abut the protective buffer.
116 The planting or retention of thorny shrubs, such as wild rose or raspberry plants, or dense shrubbery
117 along the perimeter of the protective buffer is encouraged as a landscape barrier. If hedges are used as
118 an element of a landscape barrier, they must form a solid continuous visual screen of at least three feet in
119 height immediately upon planting.
120

121 e. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to
122 place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the
123 Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for
124 the storage of yard tools and similar equipment. Such accessory structure must not exceed eighty (80)
125 square feet in area nor eight (8) feet in height, and must be located as far from the shoreline or tributary
126 stream as practical and meet all other applicable standards, including lot coverage and vegetation
127 clearing limitations. In no case will the structure be allowed to be situated closer to the shoreline or
128 tributary stream than the existing principal structure.
129

130 f. The lowest floor elevation or openings of all buildings and structures, including basements, must be
131 elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence
132 of these, the flood as defined by soil types identified as recent flood-plain soils.
133

134 ~~g. The total footprint of areas devegetated for structures, parking lots and other impervious surfaces,~~
135 ~~must not exceed twenty (20) percent of the lot area, including existing development, except in the~~
136 ~~following zones:~~
137

138 ~~i. Badgers Island and Kittery Foreside Zones, where the maximum lot coverage is sixty (60) percent.~~
139 ~~The Board of Appeals may approve a miscellaneous appeal application to increase allowable lot~~
140 ~~coverage in the Badgers Island district to seventy (70) percent where it is clearly demonstrated that no~~
141 ~~practicable alternative exists to accommodate a water-dependent use.~~
142

143 ii. ~~Commercial (C-1, C-2, C3), Mixed Use (MU), Business – Local (B-L and B-L1), and Industrial (IND)~~
144 ~~Zones where the maximum lot coverage is seventy (70) percent.~~

145 ~~Notwithstanding the above limits, non-vegetated surfaces must not exceed fifty (50) percent of the lot~~
146 ~~area when the lot, being no greater in size than ten thousand (10,000) square feet, is situated in both the~~
147 ~~Residential – Urban Zone (R-U) and the Shoreland Overlay Zone {See 16.3.2.17.D.1.d}~~
148

149 ~~h.g.~~ Stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to
150 provide shoreline access in areas of steep slopes or unstable soils provided the:

- 151
- 152 i. structure is limited to a maximum of four feet in width;
 - 153
 - 154 ii. structure does not extend below or over the normal high-water line of a water body or upland edge of
155 a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural
156 Resources Protection Act, 38 M.R.S. §480-C); and
 - 157
 - 158 iii. applicant demonstrates that no reasonable access alternative exists on the property.
 - 159

160 i. If more than one dwelling unit, principal governmental, institutional, commercial or industrial structure
161 or use, or combination thereof, is constructed or established on a single parcel in the Shoreland Overlay
162 zone, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or
163 use.

164
165
166 **16.2.2 Definitions**

167 Devegetated Area means the total footprint of all existing and proposed structures, parking lots and other
168 associated non-vegetated surfaces located in the Shoreland Overlay Zone.
169

Code Amendments

16.2.2 Definitions.

Post-Construction Stormwater Management Plan means an Inspection and Maintenance Plan as required by rule for projects that require approval by the Maine Department of Environmental Protection (MDEP) under Chapter 500, Stormwater Management; or a plan to inspect and maintain Best Management Practices (BMPs) and Stormwater Management Facilities employed by a new development or redevelopment, not subject to MDEP Chapter 500 rules, to meet the stormwater standards of the municipality's subdivision, site plan, or other zoning, planning or other land use ordinances this Code.

16.8.8.2.3 Applicability.

A. In General.

This Section applies to all new development or ~~construction~~ redevelopment (any construction activity on premises already improved that does alters stormwater drainage patterns) activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb an area equal to or greater than one acre. ~~and; redevelopment or construction activity on premises already improved with buildings and structures or activities or uses, but does not include activities such as exterior remodeling.~~

16.10.7.2 Final Plan Application Submittal Content.

R. Stormwater management plan for stormwater and other surface water drainage prepared by a registered professional engineer including the location of stormwater and other surface water drainage area; a ~~Post-Construction Maintenance Stormwater Management Plan and Agreement~~ Stormwater Management Plan and Agreement that defines maintenance responsibilities, responsible parties, shared costs, and schedule for maintenance; a draft Maintenance Agreement for Stormwater Management Facilities; and, where applicable, draft documents creating a homeowners association referencing the Maintenance responsibilities. Where applicable, a the Maintenance Agreement must be included in the Document of Covenants, Homeowners Documents and/or as riders to the individual deed and recorded with the York County Registry of Deeds.

RECODIFICATION - ORDAINMENT - 07/26/2010

(With amendments Ordained 9/26/11; 1/23/12; 5/30/12; 9/24/12; 3/25/13; 6/10/13; 1/27/14; 1/28/15; 9/28/15; 10/14/15; 10/26/15)

Table 1 - Chapter 16.8, Article IV

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS AND PEDESTRIAN WAYS

Page ONE	PUBLIC STREETS				PRIVATE STREETS					
	Design and Construction Standards	Arterial Highways	Secondary Highways	Commercial Light Industrial Mixed Use Developments	Primary Collectors	Secondary Collectors	Minor Streets	Class III	Class II	Class I
Average Daily Trips (ADT)	9,001 or more	3,001 to 9,000	ADT and Peak	ADT and Peak	801 to 3,000	201 to 800	35 to 200	72 to 800	35 to 71	12 to 35
Street Width Design:								Same standards as public streets		
a. Right-of-way					60'	60'	60'		40'	40'
b. Travel Pavement					22'	22'	20'		20'	18' gravel
c. Sidewalk/Pedestrian way					6'	6'	5'		5'	5'
d. Paved Shoulder					2' walk side 8' opp. Side	2' walk side 8' opp. Side	2' walk side 8' opp. Side		N/A	N/A
e. Gravel Shoulder					2' opp. Side	2' opp. Side	2' opp. Side		both sides	N/A
f. Enclosed Drainage					sidewalk side	sidewalk side	Not required		N/A	N/A
g. Parking					one side	emergency	emergency		emergency	No
Street Gradients:										
a. Longitudinal (Min. to Max)					.05% to 6%	.05% to 7%	.05% to 8%		.05% to 9%	1.0% to 10%
b. Slide Slope (horiz. to vert.)					3 to 1	3 to 1	3 to 1		2 to 1	2 to 1
c. Road Crown					1/4" per ft	1/4" per ft	1/4" per ft		1/4" to 1/2" per ft	1/4" to 1/2" per ft
Cul-de-sac:										
a. Street Length to Radius					N/A	1,500'	1,200'		600'	400'
b. Boundary Radius					N/A	65'	60'		50'	50' or 40 X 40 turn tee
c. Paved Radius					N/A	50'	50'		40'	gravel 40' or 18' X 18'
d. Second Access					Yes	Yes can be emergency only	Not desirable		Not Allowed	Not Allowed

Sec. 37-69. Street layout requirements.

(a) All proposed streets shall conform to such comprehensive plan as may have been adopted prior to the submission of a preliminary plan. All streets shall be designed so that they will provide safe vehicular travel while discouraging movement of through traffic. No road being submitted to the town for acceptance shall require travel over any road, street or right-of-way which has not been accepted by the town. Any improvements to existing town roads required as a direct result of a road being submitted for acceptance shall be accomplished at the expense of the applicant.

(b) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography. In the case of dead-end streets, where needed or desirable, the planning board may require the reservation of a 20-foot side easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the town under conditions approved by the planning board.

(c) In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated by the town, the street right-of-way and/or pavement width shall be increased by such amount on each side to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking spaces for such commercial or business district. In no case shall the street have a right-of-way width less than 40 feet nor have less than 20 feet width of pavement. Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial or industrial use. All such uses shall comply with the performance standards in the zoning chapter pertaining to off-street loading.

(d) Where new development abuts or contains an existing or proposed arterial street, the planning board may require a marginal access street which is a street parallel to an arterial street providing access to adjacent lots; reverse frontage, that is, frontage on the street other than the existing or proposed arterial street, with screen planting contained in a nonaccess reservation along the rear property line; or such other treatments as may be necessary for adequate protection of such properties and/or to afford separation of through and local traffic.

(e) Subdivisions containing 15 lots or more shall provide a minimum of two access points to public streets or public roads previously accepted, acquired or laid out and taken by the town or state.

(f) The distance between the closed end of a dead-end street and the nearest nondead-end street shall not exceed 1,000 feet. That distance shall be measured using right of way dimensions, beginning at the outermost edge of the closed end and following center lines to the nearest sideline (or extended sideline) of the nondead-end street, including any intervening

streets or portions of streets which must be traversed to reach the nondead-end street. The closed end of a dead-end street shall contain a cul-de-sac turnaround in compliance with section 37-70(a). The planning board may not waive this 1,000-foot limit.

(g) Entrances onto existing or proposed collector streets shall not exceed a frequency of one per 400 feet of street frontage, or the minimum distance required by section 37-70, whichever is greater. Entrances onto existing or proposed arterial streets shall not exceed a frequency of one per 1,000 feet of street frontage.

(T.M. of 12-2-78 art. 8, (§ 7.1); Ord. of 3-25-00(2); T.M. of 6-16-2012(3))

Sec. 37-70. Street design standards.

(a) All streets shall be designed to meet the following standards according to their classification as determined by the planning board:

Design Standards for Streets

<i>Description</i>	<i>Arterial</i>	<i>Collector (15 or more lots)</i>	<i>Minor (less than 15 lots)</i>	<i>C/I</i>
Minimum width of right-of-way	80 ft	50 ft	40 ft	60 ft
Minimum width of traveled way	44 ft	20 ft	18 ft	30 ft
Minimum width of shoulders (each side)	5 ft	3 ft	2 ft	9 ft
Sidewalk width (if used)	8 ft	5 ft	5 ft	8 ft
Minimum grade	0.5%	0.5%	0.5%	0.5%
Maximum grade (1)	5%	6%	8%	5%
Maximum grade at intersections (within 75 ft of intersections)	3%	3%	3%	3%
Minimum angle of street intersections (2)	90 deg	90 deg	75 deg	90 deg
Minimum centerline radius of curves	280 ft	280 ft	100 ft	400 ft
Minimum tangent length between reverse curves	100 ft	100 ft	100 ft	100 ft
Roadway crown (minimum) (3)	¼"/ft (1:48)	¼"/ft (1:48)	¼"/ft (1:48)	¼"/ft (1:48)
Minimum curb radius at 90 degree intersections	30 ft	25 ft	20 ft	30 ft (4)
Minimum right of way radii at intersections	20 ft	10 ft	10 ft	20 ft
Radius of cul-de-sac turnaround at enclosed end (5), (6), (7)	—	—	—	—
• at property line (minimum)	NA	70 ft	70 ft	70 ft
• outer edge of pavement (minimum)	NA	65 ft	65 ft	65 ft

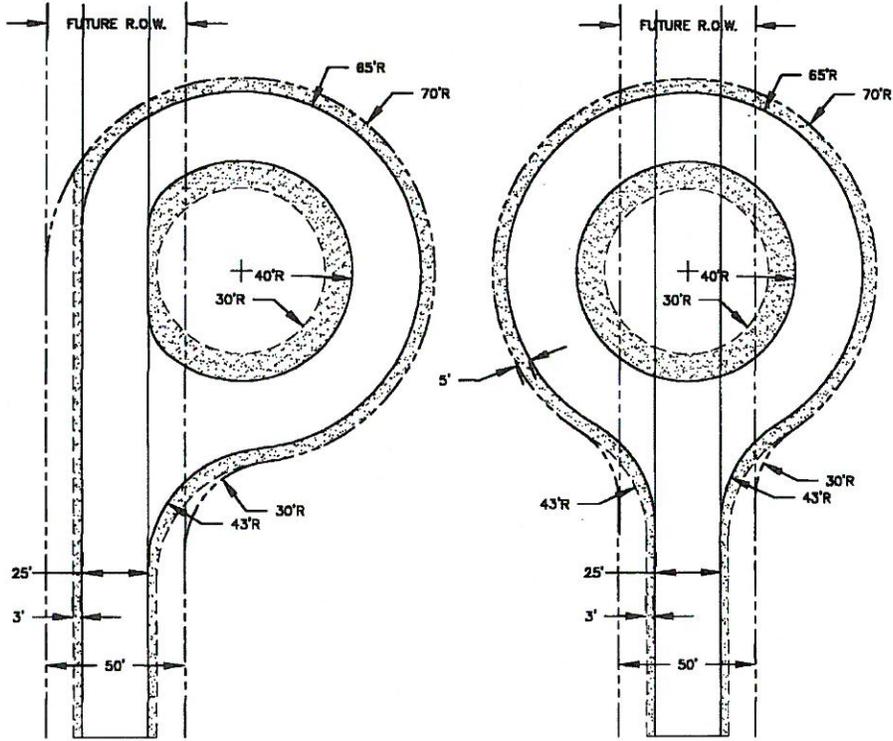
STREETS AND SIDEWALKS

§ 37-70

<i>Description</i>	<i>Arterial</i>	<i>Collector (15 or more lots)</i>	<i>Minor (less than 15 lots)</i>	<i>C/I</i>
• inner edge of pavement	NA	40 ft	40 ft	30 ft
• outer edge of center island	NA	30 ft	30 ft	20 ft

Footnotes:

- (1) = Maximum grade may be exceeded for a length of 100 ft or less.
- (2) = Street intersection angles shall be as close to 90 degrees as feasible but no less than the listed angle.
- (3) = Roadway crown is per foot of lane width.
- (4) = Should be based on the turning radii of expected commercial vehicles, but no less than 30 ft.
- (5) = All cul-de-sacs shall have suitable areas designated for snow storage, either within the center island or around the outside of the cul-de-sac perimeter, subject to the review and recommendation of the road commissioner. If practicable, cul-de-sacs are strongly encouraged to have a vegetated center island, and existing trees should be preserved if possible, if the area was wooded prior to construction. A landscaping plan shall be submitted which indicates the location of snow storage, and the type of vegetation that will be removed, planted and/or preserved within the island or around the outside of the perimeter of the cul-de-sac.
- (6) = Except in the C/I zone, all cul-de-sacs shall have a minimum 25-foot pavement width around the center island with a clear five-foot outer and ten-foot inner shoulder. The large cul-de-sac pavement width and shoulders are intended to provide a sufficient area to facilitate easy maneuvering of emergency and service vehicles, and to allow sufficient room for snow storage. In the C/I zone a smaller center island and larger pavement width is specified in order to accommodate commercial vehicles.
- (7) = An alternate "P" shaped cul-de-sac may be used as shown below. A reverse "P" shape may also be used.



"P SHAPED"

PLAN
SCALE 1" = 40'

"DROP SHAPED"

LEGEND

- APPROXIMATE PROPERTY LINE
- PAVED ROAD/DRIVE
- - - GRAVEL SHOULDER

**TYPICAL
CUL-DE-SAC
CONFIGURATIONS**

**ROAD STANDARDS
TOWN OF ELIOT
MAINE**

policy is to ensure the volume of traffic passing in front of any house on the street remains at a low, neighborhood-friendly level.

- A. Alternatively, a residential street network may be designed with a central Collector street with Minor or Alternative Minor streets accessing the Collector street. No house shall have driveway access onto the collector street. Not more than 14 residential units shall be permitted on each Minor street. Not more than 9 residential units shall be permitted on each Alternative Minor street. With this design option, a dead-end collector street shall not be longer than 2,000', and not more than 50 residential units shall be accommodated on a dead-end collector street.

9.5.9 The following design standards apply according to street classification:

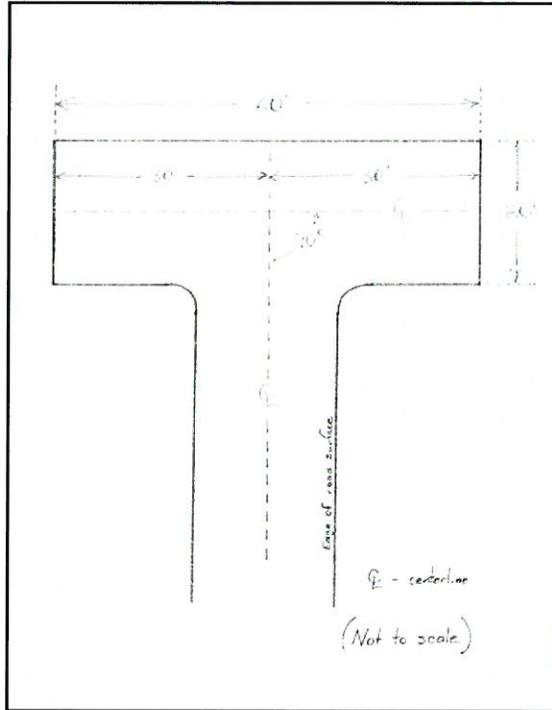
DESCRIPTION	TYPE OF STREET ⁽⁴⁾				
	ARTERIAL	COLLECTOR	MINOR	ALTERNATIVE MINOR ⁽³⁾	IND/COMM
Minimum right-of-way width	80'	60'	50'	50'	80'
Minimum pavement width					
Curbed	44'	34'	26'	Not permitted	44'
Uncurbed	44'	24'	20'	18'	44'
Minimum width of shoulders					
uncurbed (each side)	3'	3'	3'	2'	3'
Minimum sidewalk width	8'	5'	5'	Not permitted	8'
Minimum grade	.5%	.5%	.5%	.5%	.5%
Maximum grade	5%	6%	7%	10%	5%
Maximum grade within 75' of any intersection	2%	2%	2%	2%	2%
Minimum centerline radius	800'	300'	150'	150'	800'
Minimum tangent between curves of reverse alignment	300'	200'	100'	100'	300'
Roadway crown	¼"/ft	¼"/ft	¼"/ft	¼"/ft	¼"/ft
Minimum angle of street					
Intersection ⁽¹⁾	90°	90°	88°	88°	90°
Curb radii at intersection	30'	20'	15'	15'	30' ⁽²⁾
Minimum property line radii at intersections	20'	10'	10'	10'	20'
Maximum Design Speed	-	-	25 MPH	25 MPH	-
Dead-End Design	n.a.	Cul-de-sac	Cul-de-sac or hammer head	Hammer head	Cul-de-sac

- (1) Street intersection angles shall be as close to 90° as feasible, but no less than the listed angle
- (2) Should be based on the turning radii of expected commercial vehicles, but no less than 30 feet
- (3) Alternative Minor standards may apply only on dead-end residential streets which provide access to not more than 9 residential units. All other design and construction standards which apply to Minor Streets shall apply to streets designed under this alternative. Roads constructed to these standards shall remain in private ownership because they will not meet standards for public road acceptance.
- (4) Compliance with these standards does not ensure compliance with standards for public acceptance of streets. Public acceptance of streets is regulated by the Road Specifications Ordinance (which is scheduled to amended later in 2007). A plan note shall be required for any subdivision which includes a new road. This note shall indicate whether or not the applicant intends to design the roads for public road acceptance, and shall offer a warning to potential buyers that Planning Board approval is not a guarantee of public acceptance of the street.

9.5.10 The centerline of the roadway shall be the centerline of the right-of-way.

9.5.11 Dead-end Streets - In addition to the standards in Section 9.5.9, dead-end streets shall be constructed so as to provide a cul-de-sac or hammer head turnaround with the following requirements:

- Property line75' radius
- Outer edge of pavement.....60' radius
- Inner edge of pavement.....40' radius
- Hammer head.....60' by 20', designed in accordance with the following sketch:



Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac.

9.5.12 Driveways.

- A. Along any proposed new or reconstructed street or street segment, the design of the street shall include the design for each driveway along that segment. The design shall be limited in scope to the portion of the driveway located within the street right-of-way, and shall ensure that each driveway is designed to accommodate the project's drainage design and traffic safety. The portion of each driveway in the street right-of-way shall be constructed at the same time the road and drainage improvements are constructed to ensure compatibility of design and proper construction, and the cost of driveway construction within the right-of-way shall be included in the financial security for the project. These requirements shall be indicated on the approved plan by means of a plan note.
- B. For a lot proposed for a single-family or duplex dwelling unit, the Board may permit the applicant to reserve alternative driveway locations for access to

the lot. In such cases, the applicant shall provide a design for each potential driveway, but the requirement for construction during road construction shall be deferred. An additional plan note shall be included on the approved plan to indicate this arrangement. This note shall indicate that the financial security relating to the driveway will be released to the lot owner upon provision of an inspection report by a professional engineer that one of the driveways has been constructed in accordance with the approved plans, and that all work in the right-of-way is consistent with the approved plans.

9.5.13 The Comprehensive Plan includes a map which depicts the classification of existing streets (see Policy 2.4.9). To help ensure that new streets are properly integrated into this system, the following standards shall apply:

- A. A new arterial street must connect to an existing arterial street.
- B. A new collector street must connect to an existing arterial or collector street.

9.6 GRADES, INTERSECTIONS AND SIGHT DISTANCES

9.6.1 All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance	125	150	200	250

Stopping sight distances shall be calculated with a height of eye at 3 ½ feet and the height of object at ½ feet.

9.6.2 All new streets or accesses must meet the intersection sight distance requirements outlined in Article 8.2.3 of these regulations.

9.6.3 Cross (four-cornered) street intersections shall be avoided whenever possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.

9.6.4 Sidewalks and Curbing

9.6.4.1 The Planning Board shall require sidewalks when the development is within 1 mile of any school. The Board may also require sidewalks in other locations where appropriate.

9.6.4.2 The Planning Board shall require curbs when the development is located in a section of Town where curbs are either existing, or are in the vicinity so that it can be expected the curbs will form a continuum in the near future. Curbs shall be designed with areas for handicap access.

9.6.4.3 Bituminous Sidewalks - The gravel aggregate sub-base course shall not be less than 12 inches in thickness. The crushed aggregate base course shall be not less than 2 inches in thickness. The not bituminous pavement surface course shall be not less than 2 inches in thickness after compaction.

9.6.4.4 Portland Cement Concrete Sidewalks - The sand base shall be not less than 6 inches in thickness. The Portland Cement concrete shall be reinforced with 6-inch square number 10 wire mesh and shall be no less than 4 inches in thickness.

9.6.4.5 Granite or Portland Cement concrete curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing

