

Newry Town Road Entrance Ordinance edited

1. GENERAL PROVISIONS

1.1 Purpose and Authority

The purpose of the Town Road Driveway Entrance Ordinance is to manage access to Town Roads in a manner that protects the safety of access and road users, protects the road system from the negative impacts of drainage, preserves mobility and economic productivity related to road transportation, and avoids the long-term cost of constructing new road capacity.

This ordinance is adopted and hereafter amended to and consistent with Article VIII, Part 2, Section 1 of the State of Maine Constitution, Title 30-A MRSA § 3001 and Title 30-A MRSA § 4356.

1.2 Applicability

This ordinance rule applies to all accesses onto Town Road and the alteration of existing accesses onto Town Roads.

1.3 Administration and Enforcement

The Newry Road Commissioner or assign shall administer and enforce this Ordinance.

1.4 Permit Required

After the effective date of this Ordinance or amendment thereto, no person shall engage in any activity requiring a permit under this Ordinance until issuance of said permit. Permit Application forms are provided by the Town. Permit applications must be approved by the Road Commissioner or assigns.

1.5 Definitions

For the purposes of this ordinance rule, the following definitions will apply. If not defined in this ordinance rules, words, terms and phrases will have their commonly accepted meaning.

Access: A private point of entry or exit from land adjacent to a Town Right of Way used by motor vehicles as defined in Title 29-A MRSA, Chapter 1, ~~§ Section~~ 101.

Access Point: The intersection of an existing or proposed access with the Town Right of Way.

Alteration: A significant physical change to an access existing on or after the effective date of this ordinance rules, including significant changes to location, width, cross-section, grade, or

drainage characteristics of the access. Paving gravel access entrance will ~~not~~ be considered an alteration. ~~“alteration” unless accompanied by other alterations.~~

Applicant: The person applying for the permit. Normally, this will be the owner of the property but can be another party provided that person (or organization) has been provided with written granted permission from the property owner to act on their behalf.

Corner Clearance: The minimum distance measured parallel to a Town Road, between the nearest curb, pavement or shoulder line of an intersecting Town Road and the nearest edge of a driveway excluding its radii.

Driveway: A type of access onto a Town Road that serves all uses.

Posted Speed: The speed limit set by Maine Law and or Maine-DOT.

Private Road: See Driveway

Sight Distance. The length of unobstructed sight line of motor vehicle drivers in normal daylight conditions. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle from two vantage points: (1) sitting in the access entrance viewing vehicles traveling on the Town Road (both left and right), (2) traveling on the Town Road viewing a vehicle sitting in an access entrance. In case of discrepancy between these measurements, the lesser measurement will be used to determine whether the sight distance standard is met. Sight distance is measured to and from the point on the centerline of the proposed access that is located 10 feet from the edge of Town Road surface. The height of the hypothetical person’s view is considered to be 3½ feet above the Town Road surface and the height of the object being viewed is considered to be 4¼ feet above the Town Road surface.

2. SEVERABILITY

Should any section or provision of this ordinance be declared by any court to be invalid, such a decision shall not invalidate other section or provision.

3. 2. TECHNICAL STANDARDS

Access onto any Town Road must comply with the basic safety standards in Section A. 2.1.

A. 2.1 Basic Safety Standards

A. Sight Distance. The minimum allowable sight distances for all accesses onto all Town Roads are set forth in Table 1. See definition of Site Distance for measurement technique.

Table 1

Posted Speed (MPH)	Sight Distance (Feet)
20	155
25	200

30	250
35	305
40	360
45	425
50	495

B. Driveway Width. The driveway width within the Town Right of Way must be between twelve and thirty feet. The width of a driveway is the distance across the driveway, excluding radii, measured parallel to the roadway.

C. Corner Clearance. The minimum corner clearance for driveways is 75 feet. At no time will a driveway be located on the radius of the two intersecting roadways.

D. Turnaround Area / Parking. Driveways will be designed such that all maneuvering and parking of any vehicles will take place outside of the Town Road right of way and such that vehicles may exit the premises without backing onto the Town Road traveled way or shoulder. All driveways shall have a turnaround area at least 8 feet wide by 15 feet long.

E. Guardrail and traffic signage modifications will be at the cost of the applicant and completed by the Town.

F. To the maximum extent practical the driveway will be constructed perpendicular, not to exceed ten degrees off perpendicular, to the Town Road at the access point. The minimum radius on the edge of a driveway, if any, must be 10 feet.

G. Construct and maintain the driveway side slopes to be no steeper than the adjacent roadway side slopes, but in no case to be steeper than 3 horizontal to 1 vertical, unless the side slope is behind existing roadway guardrail, in which case it shall be no steeper than 2 horizontal to 1 vertical.

H. Driveway Approach onto Town Road. Driveways constructed having a down sloped approach onto the Town Road shall have a depression spanning the width of the driveway being 5" lower than the edge of the Town Road shoulder located a sufficient distance away from the edge of the Town Road shoulder to direct all driveway surface sheet-flow from entering onto the Town Roadway.

I. Drainage.

(1.) Culvert Size. The Town of Newry will determine the diameter, length and material of culverts within the Town Road Right of Way. The access owner shall procure and install said culvert.

(2.) Driveways entrances onto the Town right-of-way cannot interrupt the natural flow or ditch line flow of drainage.

(3.) Driveways, on-site ditches, swales, pipes and other structures that direct runoff toward Town Road ditches or drainage systems must be constructed, crowned, stabilized and maintained with stable materials and appropriate erosion control measures such as permanent vegetation or stone.

J. Construction and Maintenance Standards.

(1.) Driveways may consist of surface material such as gravel, asphalt or other natural or man-made material constructed or created for repeated passage of on-road vehicles.

(2.) Provide, erect and maintain all necessary barricades, lights, warning signs and other devices to direct traffic safely while the work is in progress.

(3.) At no time cause the Town Road to be closed to traffic while work is in progress.

(4.) Any damage to the Town right-of-way improvements, including but not limited to paved surface, signs, road shoulders, guardrails shall be repaired or replaced to the satisfaction of the Town by the applicant and/or individual(s) causing the damage. The Town reserves the right to make the repairs and bill the individual(s) for any damage that is not repaired in a timely manner.

(5.) Any material deposited on the Town road surface or shoulder as a result of driveway entrance construction, usage or on site erosion shall be removed immediately by owner/applicant.

(6.) Implement, construct and maintain erosion and sediment control measures sufficient to protect Town facilities.

(7.) The construction of an approved driveway entrance must be completed within twelve months of commencement of the approved driveway entrance construction.

4.3. AMENDMENTS

This Ordinance may be amended by a majority vote of a regular or special town meeting. Amendments may be initiated by a majority vote of the Board of Selectmen, or by a petition signed by a number of registered voters greater than 10% of the votes cast in the last gubernatorial election in the Town. The Board of Selectmen shall conduct a public hearing on the amendments.

5. 4. APPEALS

The Board of Appeals of the Town of Newry may, upon the written application of an aggrieved party, hear and decide appeals on an appellate basis where ~~were~~ it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by the Road Commissioners or assigns in the administration or enforcement of the provisions of this Ordinance.

(Jim, the Town cannot find where this ordinance was ever adopted so these 'edits' may not be edits but the original drafted ordinance was used and permits issued under that old ordinance. 1/28/2025, JC)