

TOWN OF
BURLINGTON

BURLINGTON
ROAD
ORDINANCE

AUGUST 1,
2023

Section 1 General

A Title:

This Ordinance shall be known as the Town of Burlington Road Ordinance and will be referred to as “this Ordinance”.

B Authority:

This Ordinance is adopted pursuant to the provisions of Title 30-A MRSA Section 3001.

C Purpose:

The purposes of this Ordinance are:

- To establish minimum specifications for the design and construction of driveways, and roads.
- To establish minimum requirements for a road and a lane to qualify for Town acceptance.
- To ensure that safe and sufficient access is provided to all new development within the Town.

D Applicability:

This Ordinance shall apply to the design and construction of all driveways and roads in the Town of Burlington. Effective Date: 08/01/2023

E This Ordinance takes effect upon enactment by the Town Meeting on 07/31/2023.

F Conflicts with other Ordinances:

Whenever this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.

G Validity and Severability:

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

H Amendments:

Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, or by written petition by the number of voters equal to at least 10% of the number of votes cast in the Town in the last gubernatorial election. An amendment to this Ordinance may only be adopted by majority vote of a Town Meeting. The Board of Selectmen shall conduct a public hearing on any proposed amendments prior to the Town Meeting.

Section 2: Administration and Enforcement

A General:

The standards contained in this Ordinance apply to the construction of all driveways and roads within the Town initiated after the effective date of this Ordinance

The Code Enforcement Officer is also hereby authorized to enforce specific provisions of this Ordinance as they apply to review and permits obtained under the aforementioned ordinances.

The Road Commissioner shall be responsible for issuing all Access/Driveway Entrance permits as prescribed in this Ordinance and for conducting inspections as authorized by this Ordinance. The Board of Selectmen shall be responsible: for monitoring the use of this Ordinance; for proposing revisions to the Ordinance as necessary; for ensuring that this Ordinance is properly enforced; and, for administrating the road acceptance application process.

When any violation of this Ordinance shall be found to exist, the Board of Selectmen, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all corrective actions and proceedings, including the removal of any work being done or any other action to ensure compliance with, or to prevent violation of this Ordinance in the name of the Town.

Any person, firm or corporation being the owner, contractor or having control or use of any premises who violates any provision of this Ordinance shall upon conviction be fined in accordance with the provisions of Title 30-A MRSA Section 4452. Each day such a violation continues to exist after notification by the Code Enforcement Officer shall constitute a separate offense. All fines including the award of any court cost shall be made payable to the Town of Burlington.

Section 3 Road and Access Categories

- A All new roads and driveways regardless of whether they are proposed for public acceptance shall conform to the standards established in this Ordinance except those noted in section 3D. The type of access shall be selected according to the number of dwellings.
- B All new subdivisions located in the Town of Burlington shall have access to a public road by one or more roads and access categories described below.
- C Driveways may serve not more than 2 residential dwellings. A driveway is not eligible for public acceptance.
- D Roads intended solely for the use of timber land management or agricultural land use do not need to conform to this Road Ordinance, but do however require that a Driveway/Culvert Entrance Permit be obtained and followed.

- E **Options:** All other information necessary to show compliance with this Ordinance. Nothing shall prohibit a person from designing and building an access way to meet a category in excess of the current anticipated use.
- F **Future Upgrades:** All new roads and access ways constructed after the effective date of this Ordinance may not serve new development that would exceed the capacity of the road or access category in which they were constructed unless the road or access way is expanded as necessary. Nothing in this Ordinance shall be implied to mean that the Town of Burlington is required to upgrade a road or access way to meet any new development or traffic demand.

Section 4 Application Requirements

General Requirements:

- A Applications for a proposed road shall contain the following:
 1. An engineered plan drawn to scale showing the dimensions and details of the road.
 2. Road and profile drawings shall be drawn to a scale of one-inch equals 50 feet horizontal and one-inch equals 5 feet vertical.
 3. Show at 50 feet intervals and with cross sections at all culverts and a plan profile of road centerlines.
 4. The direction north and date of magnetic bearing.
 5. The right-of-way lines in relation to monuments.
 6. Dimensions, both lineal and angular, necessary for locating boundaries, subdivisions, lots, easements and building lots.
 7. All lots abutting, the right-of-way and the owners of record.
 8. All natural waterways and water courses and wetlands within the right-of-way as well as on land contiguous of said road within 100 feet each side.
 9. Location of all culverts and storm water features.
 10. Maine Registered Professional Engineers Seal.
 11. Location and type of all erosion control measures.
 12. Construction details of the road way.
 13. All other information necessary to show compliance with this Ordinance.

Section 5: Construction Standards:

A General Requirements:

- All roads proposed for public acceptance shall meet the requirements contained in Section 6.
- All roads not proposed for public acceptance shall develop a road maintenance plan that outlines how the road is to be maintained and improved in the future. The plan shall at a minimum require mandatory membership in a road association that has the authority to raise funds and conduct maintenance. Roads that are planned to be set forth for public acceptance shall also create a road maintenance plan to be effective until the road is approved for acceptance at a Town Meeting.
- All driveways and roads shall be inspected according to the provisions of this Ordinance.
- All drainage features at the intersection with the existing Town Road shall be approved by the Road Commissioner.
- All necessary State and Federal permits shall be obtained by the applicant.
- Public and Private roads shall provide and maintain adequate access for emergency vehicles including fire apparatus, ambulance and police.

Utilities: All water lines and sanitary lines shall be located and separated as prescribed by the Department of Environmental Protection or applicable State Standards. Utility poles shall be placed 20 feet from road centerline or 5 feet beyond the flow line of the ditch.

Easements: Whenever it is required to alter an existing water course, a drainage easement shall be secured from the property owners affected. Wherever any road way construction or design features cannot be placed entirely within the road right-of-way, easements shall be secured from abutting property owners. All drainage easements, if required, shall be secured from abutting property owners.

Public and Private roads that are constructed as dead-end roads and exceed 150 feet in length shall construct and maintain a "Hammerhead" style or Col-de sac style turnaround at the end of the roadway - depending on whether it is considered a minor or major subdivision. **See Drawing #1**

- a. Minor Subdivision:** has three or fewer lots, and can use either a "Hammer-Head" OR "Cul-de-Sac" style turn around
- b. Major Subdivision:** has four or more lots, and **MUST USE** a "Cul-de-Sac" style turn around

B Minimum Construction Standards for Roads

1. Roads shall comply with the minimum specifications contained in subsection C.
2. The graded areas between ditches shall be cleared of all stumps, roots, bushes, topsoil, and perishable materials including trees and large rocks
3. All ledge shall be removed to a minimum depth of one foot below subgrade
4. All developed areas of the road section shall be located within the right-of-way or deeded slope, easement, including cut and fill slopes over cross culverts and in no case shall the edge of the shoulder be less than 8 feet for the side boundary at the right-of-way
5. Culverts shall be coated steel or recognized equivalent accepted by the Maine Department of Transportation. Roadway culverts shall not be less than 18 inches in diameter for road crossing.

Section 6. Minimum Specifications:

Minimum Specification	Public Road	Private Road	Driveway	
Right-of-way	60 feet	60 feet	20 feet	
Travel Way	25 feet	25 feet	10 feet	
Shoulder	4 feet	3 feet	n/a	
Base Gravel (MDOT type D not to exceed 6 inches dia.)	18 inches**	16 inches**	n/a	
Surface gravel (MDOT type A no greater than 1 ½ inches dia.)	10 inches	6 inches	n/a	
Bituminous Surface base, MDOT type B surface MDOT type D	2inch base 1 inch surface	n/a	n/a	
Roadway Crown	1/4 inch per ft.	1/4 inch per ft.	n/a	
Maximum Grade	8%	9%	n/a	
Minimum Grade	.5%	n/a	n/a	
Minimum Intersection	90%	75%	75%	
Minimum Length Radius	100'	n/a	n/a	
Minimum Tangent Length	100'	n/a	n/a	
Shoulder Grade	1/4 inch per foot	1/4inch per foot	n/a	
Maximum Grade within 75 Feet of Intersection	3%	3%	3%*	
Minimum ditch back slope	3 to 1	3 to 1	n/a	
Minimum ditch fill slope	3 to 1	3 to 1	n/a	
Elevation below centerline	30 inches	30 inches	n/a	
Min, radius w/o super- elevation	280'	175'	n/a	
Min. radius with super- elevation	175'	110'	n/a	
Maximum length	n/a	n/a	n/a	

*: Maximum Grade within 25 ft. from its intersection with a public road

**:. Fabric required between Base gravel and Surface gravel

Section 7+ Mobile Home Park Roads

- A. Mobile home park roads shall be built according to the following standards:
1. Roads shall be built to acceptable engineering standards. Roads shall be designed by a Maine Professional Engineer in accordance to standards established by the Manufacturer Housing Board.
 2. The minimum right of way shall be at least 23 feet and shall be paved with a minimum of 2 inches of bituminous base course.
 3. Roads shall comply to MDOT minimum safety standards applicable to intersections with public ways adjacent to the mobile home park.
 4. Mobile home park roads are not eligible for public acceptance unless they conform to the applicable standards for a road contained in this ordinance.

Section 8 Driveway Entrance Permits

- A. The Road Commissioner is responsible for reviewing driveway entrances on Town maintained roads for any parcel of land which agricultural or timber-harvesting uses will be conducted or on which will be built a new structure for a residential, commercial, or industrial unit.
- B. A driveway entrance permit will be required for new entrances (constructed) on Town maintained road from the effective date of this policy. The Burlington select board will set fee for the Permit.
- C. Driveway Entrance Permit Standards
1. Sight distance in each direction is equal to or greater than 10 times the posted speed limit for the section of the road where the driveway entrance is located.
 2. Culverts shall be coated steel or recognized equivalent accepted by the Maine Department of Transportation. Culverts shall be a minimum diameter of 15 inches, a minimum cover of gravel equal to or exceeding the diameter of the culvert, shall be installed, if necessary, as determined by the Road Commissioner.
 3. Inlet and outlet ditches are constructed in such a manner as to prevent ponding of the road drainage and slope ratios consistent with existing ditches.
- D. The landowner is responsible for constructing the driveway entrance per the standards contained in this Ordinance. When the Road commissioner determines a change to these standards is warranted due to site conditions, he may require as applicable the trimming of vegetation, installation of signage, installation of larger culverts, or additional ditching.
- E. The landowner may have a private contractor of their choice meet the entrance standards
- F. Driveway Entrance permits will be issued by the Road commissioner upon payment of fee with completed application. Permit will be signed off as completed by Road commissioner

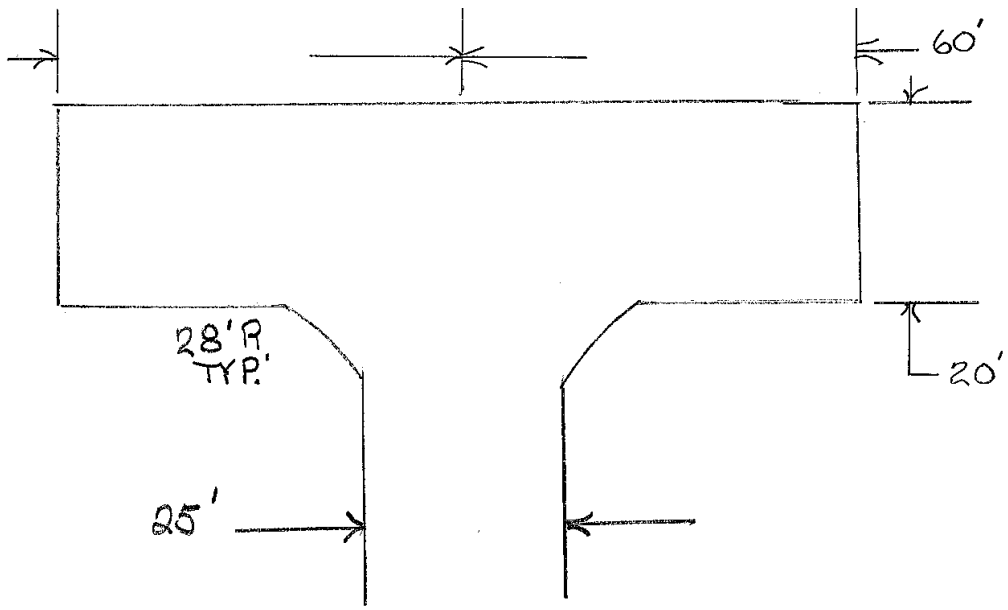
after site inspection of approved installation of Driveway/culvert entrance.

- G. The Town will maintain the culvert at driveway entrances for which the road Commissioner has granted a permit.
- H. Any Application for a building permit on any parcel of land on which a new structure for a residential, commercial or industrial unit will be built and which has a driveway entrance on a Town maintained road that has not received an entrance permit from the Road Commissioner shall not be approved.
- I. This standard is established by Board of Selectmen pursuant to Title 23 MRSA Sections 705 and 3251.

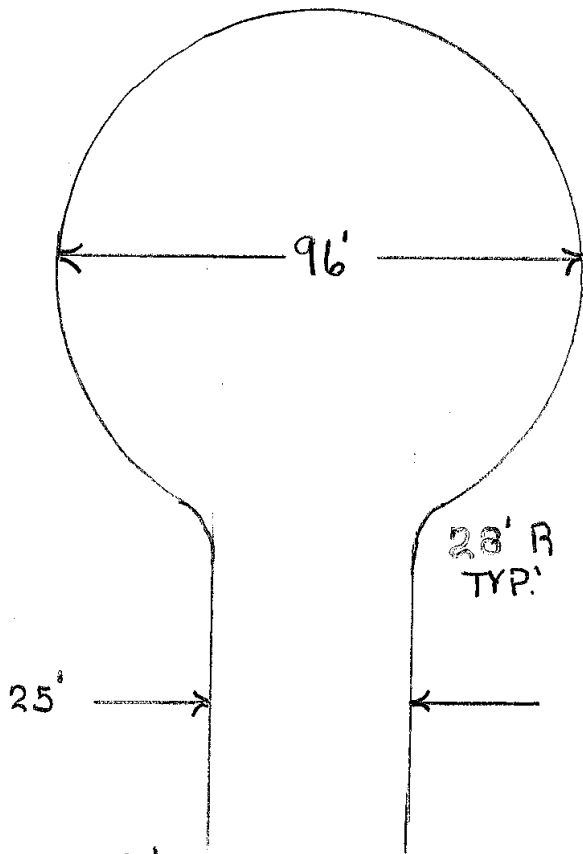
Section 9 Waivers

General:

Where the Selectmen find that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance or where there are special circumstances of a particular site, they may vary these standards provided that such waivers are not contrary to good design, public health, safety and general welfare of the public. In granting a waiver, the Selectmen shall place reasonable conditions on the modified proposal, as they deem necessary, to ensure that the objectives of this Ordinance are met. In no case shall the requirements specified in this Ordinance for gravel and paving thickness be reduced or waived.



120' Hammer HEAD



96' Diameter
CUL-DE-SAC

DRAWING # 1

Board of Selectmen:

1st _____

Date _____

2nd _____

Date _____

3rd _____

Date _____

Attest: A true copy of an ordinance entitled "BURLINGTON ROAD ORDINANCE" as certified to me by the municipal officers of Burlington, Maine on the 12th day of July, 2023.

Signature _____

Town Clerk, _____

