

Town of Windham

Planning Department
8 School Road
Windham, ME 04062

voice 207.894.5960 ext. 2

fax 207.892.1916

Private Roads Ad Hoc Committee
Conference Room #1, Town Office
7:00 PM – 9:00 PM, Wednesday September 5, 2018

AGENDA

1. Call to Order
 2. Roll Call
 3. Correspondence
 4. August 15, 2018 Minutes
 5. 1st Invitation For Public Comment
 6. Continuing Discussion
 - A. Review Charge and Scope of Committee
 - B. Review Draft Ordinance Changes
 - a. Section 550 (Performance Standards) - Roads
 - b. Appendix B (Street Design & Construction Standards) – Table 3 & 4
 7. New Business
 - A. Discuss Upcoming Meeting Schedule
 - B. Schedule For Public Hearing
 8. 2nd Invitation For Public Comment
 9. Dismiss
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Conference Room #1, Town Office
7:00 PM – 9:00 PM, Wednesday August 15, 2018

MINUTES

1. Call to Order – 7:16 PM
2. Roll Call
 - a. Committee Member Present – Jones, McDonald, Phinney, Manning, Lunt-Farley, Nangle, Devoid
 - b. Staff – Earle
 - c. Public - Walker
3. Correspondence
 - a. Email with attachment from Bill Walker was included in the committee packets.
4. Invitation For Public Comment
 - a. Walker discussed his suggested changes to the private road standards with the committee.
5. Continuing Discussion
 - A. New Private Road Standard
 - a. Upgrade of Existing Private Road
 - b. Extension of Existing Private Road
 - c. Subdivision Private Road Standard For:
 - i. 11-30 Lots

Notes From Meeting Discussion

- Phinney suggested requiring the creating of a road association prior to the issuance of any new building permits on private roads where one doesn't already exist.
- Nangle offered that the Town's attorney said that standards could come into effect once an activity took place.
 - o Waiver process where the developer would make certain upgrades to an existing road, others waived.

- Walker – The town requires a road association in subdivision and the road is turned over to the abutters.
- Devoid – For every 1' extension, require the developer to upgrade 3-4'.
- Devoid – Require pavement at intersections with certain slopes.
- Nangle began a discussion regarding Section 544 in the performance standards.
 - o Phinney – Specify 544 to call out road association and not homeowners association.
- Rework section 2 – require a professional engineer.
- Nangle – Recording of a private road plan allows for a more transparent public process.
- Devoid – All private roads go to the planning board.

6. New Business

A. Next meeting scheduled for September 5th at 7 PM in Conference Room #1.

7. Dismiss – 9:10 PM

Private Road Ad Hoc Committee Charge

It shall be the responsibility of the Committee:

1. To review the Town of Windham's regulations with regard to the creation, extension, and improvement of private roads, and development along and accessed by private roads, and to make recommendations about changes to the Town's regulations regarding the creation, extension, and improvement of private roads, and development along and accessed by private roads:
2. To seek input and recommendations from experts and other stakeholders such as the Maine Department of Transportation, Maine Department of Environmental Protection, Cumberland County Soil & Water Conservation District, local experts, the general public and other stakeholders:
3. To hold one or more public meetings or forums, other than the Committee's regular working meetings, for the purpose of informing the general public about the Committee's work and seeking input on issues related to the creation, extension, and improvement of private roads, and development along and accessed by private roads, and on the Committee's draft recommendations before making formal recommendations to the Town Council: and
4. To report regularly on its progress and identify any resource needs to the Town Council.

550 Streets

- A. Public Streets. All Public Streets, as defined in Section 300 - and Private Roads submitted as part of a subdivision application - constructed on or after October 22, 2009 shall meet the street design standards in Section 900 Subdivision Review.
1. Waivers of the street design standards may only be granted by the Planning Board as part of a site plan, ~~or subdivision~~, or private road construction application.
- B. New or extensions of Private Roads created off existing Private Roads or Private Ways. No new Private Roads or extensions of existing Private Roads or Private Ways will be permitted unless ~~all portions of the Private Roads or Private Ways~~ the entire road network that connects the new or extended Private Road with the nearest public street ~~are is~~ upgraded to the applicable Private Road standards.
1. New Private Roads or extensions of existing Private Roads or Private Ways will be exempt from this requirement if the cumulative length of the new Road or Road extension(s) is no greater than the length of the required Frontage in the applicable Zoning District within a five year period. Note that the new Road or Road extension will still need to meet the requirements of Section 550.D. below.
- C. New Streets with direct connections to Public Streets. No new Private Roads will be permitted to directly access a Public Street. New Streets with direct access to a Public Street must be built to the applicable Local Street standard and offered to the Town for acceptance as a Public Street.
- D. Private Roads Not Part of a Subdivision Application.
1. Applicability. These standards apply to Private Roads used to obtain the required Frontage in the applicable zoning district. (*See "Developable Land" in Sec. 500 Performance Standards*)
2. Submission Requirements. An application form and accurately scaled plan shall be prepared by a Maine Licensed Professional ~~Engineer in authorized by~~ the State of Maine ~~to design streets or roads~~. At a minimum, the plan shall include the location and width of the right-of-way, a plan view and profile view of the roadway, the location and size of culverts and proposed drainage features.
3. Review Authority. All Private Roads application forms and plans shall be submitted to and approved by, the ~~Director of Code Enforcement~~ Planning Board. ~~For Private Roads that provide frontage to four (4) or more lots, the plan must~~ plans shall be reviewed by the Town Engineer or consulting engineer.
4. Site Walk. The ~~Director of Code Enforcement~~ Planning Board may require a site walk with the applicant, or his or her authorized representative.

Comment [JRE1]: Consideration here would be given to upgrading a certain length of existing roadway for every foot of newly constructed private road to the applicable standard.

5. Recording. Upon approval, a mylar copy of the private road plan shall be filed with the Town and the Cumberland County Registry of Deeds.
6. Construction Observation. The ~~Code Enforcement Officer~~ Planning Board may require that observations by the Town Engineer or consulting engineer be conducted during construction. The property owner or developer shall be responsible for the costs of all observations.
7. Final Approval. Prior to the issuance of any Certificates of Occupancy for the lots with Frontage on said Private Road, the applicant shall provide the following:
 - (a) ~~A statement from a Licensed Professional Engineer that the road was constructed in general conformance with the approved plans. Private Roads with three (3) or fewer lots. A statement, from the Maine Licensed Professional that prepared the plans, that the road was constructed in general conformance with the approved plans. The Director of Code Enforcement may observe the road to confirm that the road was constructed in general conformance with the approved plans.~~
 - (b) ~~Private Roads with four (4) or more lots. A statement from a Licensed Maine Professional Civil Engineer that the road was constructed in general conformance with the approved plans. If the Town's consulting engineer reviewed the design and observed the construction, the Town's consulting engineer may provide the required statement.~~
8. Standards
 - (a) Design Standards. Private roads shall be designed to conform to the appropriate standards presented in Subsection 911.M.5.(b)(8) Street Construction Practices; and the standards for "Major or Minor Private Roads" in Table 3, Table 4, and the applicable cross sections in Appendix B Street Standards.
 - (b) Street Lights. Street lights shall be installed in accordance with the Town's Street Light Policy. ~~Street lights may be required at intersections with existing public streets. The use of additional street lights shall be discouraged to avoid excessive light pollution.~~
 - (c) Stormwater Management, Erosion & Sediment Control – The plan shall provide adequate provisions for drainage, flooding impacts to abutters, and erosion and sediment control. ~~Drainage. The private road shall have adequate provisions for drainage and stormwater runoff.~~
 - (d) Paved Apron. In addition to the standards in Section 518 Curb Cuts and Driveway Openings, a paved apron shall be constructed when a gravel private road connects to a paved public street or paved private road in accordance with the standards in Table 3 and Table 4 (*See Appendix C, Street Standards*).

Comment [JRE2]: Regardless of whether the Town Engineer or Town's consulting engineer was involved during construction, I would recommend that the statement still come from an engineer working for the property owner/developer.

- (e) Gravel Surface Limit. Notwithstanding other provisions of the Land Use Ordinance to the contrary, no gravel surfaced private road shall provide access to or serve in any way to provide compliance with the requirements of the Ordinance for more than the greater of ten (10) lots or ten (10) dwelling units; provided; however, nothing in this paragraph shall serve to limit the use of such private road for occasional use by and for agricultural purposes. Private Roads providing access to eleven (11) or more lots shall meet the standards for a "Major Private Road" contained in Table 3 and Table 4 of Appendix B Street Standards. When determining the number of dwelling units, the Code Officer shall not include permitted Accessory Apartments.
- (f) Dead End Streets. The following standards shall apply to dead end private roads. (*See Sec. 300 for definition of "Dead End Street"*)
- (1) Maximum Length. Dead end private roads shall meet the following standards:
- (i) Private Roads Served by Public Water. There is no maximum length limit for private roads served by the Portland Water District that have fire hydrants and hammerhead turnarounds installed every 1,000 linear feet. However, the street connectivity standards of Subsection (g) below shall apply.
- (ii) Private Roads Not Served by Public Water. Dead end Private Roads not supplied with fire hydrants served by the Portland Water District shall have a maximum length of 1,000 linear feet unless all dwellings beyond 1,000 linear feet from the closest public street or private way, as defined, have a National Fire Protection Association (NFPA) 13D monitored sprinkler system installed and approved by the Windham Fire Chief and hammerhead turnarounds installed every 1,000 linear feet. The street connectivity standards of Subsection (g) below, shall apply.
1. Existing Rights-of-Way. The maximum length of 1,000 linear feet shall commence at the terminus of any dead end rights-of-way existing on, or before, October 22, 2009.
2. Any existing right-of-way which does not contain an improved private way existing on, or before, October 22, 2009 shall construct any future improvements in accordance with the standards for private roads contained in this Section 548 to the greatest extent practical.
- (2) Hammerhead Requirement: At a minimum, a hammerhead turnaround is required at the terminus of all dead end private roads.
- (i) All hammerhead turn around shall meet the following standards:
- a) The right-of-way or easement area of the turnaround side branch shall be at least 50 feet by 50 feet.

Comment [JRE3]: This entire section will need a rework depending on the Committee's decision on an intermediate standard for upgrades/extensions of existing private roads.

Comment [JRE4]: This may change pending Council action on the proposed changes to allow for fire ponds/cisterns in place of sprinkler systems. Outside the scope of this committee.

- b) The gravel or paved surface shall extend at least 50 feet from the centerline of the adjacent roadway.
 - c) The width of the gravel or paved surface shall be equal to the street width.
 - d) The hammerhead shall have a minimum 25 foot turning radius.
 - e) Larger dimensions may be required by the ~~Director of Code Enforcement~~ Planning Board to accommodate larger design vehicles anticipated to use the turnaround.
- (g) Connection Requirements. The following standards determine the number of connections a Private Road must have with an existing Local Street. The cumulative number of lots or dwelling units created through the addition of lots or dwelling units to an existing subdivision shall be included in the minimum number of required street connections. When determining the number of dwelling units, the ~~Code Officer~~ Planning Board shall not include permitted Accessory Apartments.

Number of Lots or Dwelling Units	Minimum Connections
Lots: 30 or less	1
Lots: 31 or more	2
Units: 30 or less	1
Units: 31 or more	2

- (1) Street Connection Separation Requirements. Private Roads with two (2) or more connections to an existing public street shall be separated according to the standards in Table 2 of Section 900 Subdivision Review.
- (h) Maintenance Agreement. The applicant shall provide evidence that the private road and entire roadway network serving the private road shall be maintained ~~either by the applicant or by the lot owners or a homeowners by a road~~ association. Proof may consist of a declaration of covenants that will be recorded and become part of each deed and specify how the costs of maintenance will be apportioned among the lot owners, or appropriate homeowners association documents. ~~In the event that a homeowners association is formed, Each lot deed shall refer to the association and shall require the lot owner to be a member of the association. No private road will be maintained by the Town until the Town has accepted the road~~ or a public easement has been granted to the Town. No private road shall be offered to the Town for acceptance until it meets the design requirements for a public street contained in this Ordinance.

Comment [JRE5]: Legal issues with requiring existing homes to change their deed to become part of a road association?

C. Sidewalks

- Where required by this Ordinance, or by the Planning Board as a condition of subdivision or site plan approval, sidewalks shall be constructed in accordance with the standards in Tables 3 and 4 or Appendix B of this Ordinance.
- Accessibility. Sidewalk construction shall meet all applicable American with Disabilities Act (ADA) Standards.

Section 500 Amendments

Order 10-075; Date 04-27-10	Changes to Central Sewer System; Child Care Facility; Net Residential Density; and Dead End Streets
Order 10-164; Date 09-14-10	Changes to Outdoor Sales
Order 10-230; Date 12-14-10	Addition of Restaurants in C1 zone
Order 11-206; Date 12-13-11	Addition of siting and regulation for Medical Marijuana Dispensaries
Order 12-014; Date 03-14-12	Changes to Backlot standards
Order 12-099; Date 08-14-12	Addition of Domesticated Chickens
Order 12-148; Date 10-23-12	Addition of Retirement Community and Care Facility Overlay District
Order 12-149; Date 10-23-12	Addition of Accessory Apartments
Order 13-001; Date 01-22-13	Change to waiver of Curb Cuts
Order 13-002; Date 01-22-13	Change to list of Controlled Access Streets.
Order 13-072; Date 05-14-13	Addition of Sidewalk Impact Fee
Order 14-164; Date 07-08-14	Changes to Automobile Repair Services, Addition of Automobile Storage Lot
Order 14-223; Date 07-08-14	Change of Conditional Use Submission deadlines
Order 14-387; Date 10-14-14	Addition of Automobile Auction Facility
Order 17-052; Date 03-28-17	Change to Accessory Apartment
Order 17-161; Date 10-10-17	Change to Developable Land; Streets; Deletion of Driveway; Lot, Backlot
Order 18-049; Date 04-20-18	Change to Streets, New or Extensions of Private Roads.

Table 3 Design and Construction Standards for Town Streets and Private Streets

Item	Major Local Street	Minor Local Street	Ind./Comm.	Upgraded & Extended Private Street (7)	Major Private Street	Minor Private Streets
Average Daily Traffic (ADT)/Lots Served ⁽¹⁾	> 400 AADT	≤ 400 AADT	n/a	-	> 10 lots	≤ 10 lots
Surface Type	Paved	Paved	Paved	Gravel	Paved	Gravel
Min. Right-of-Way Width	60'	50'	50'	50'	50'	50'
Min. Traveled Way Width ⁽²⁾	22'	20'	24'	20'	20'	18'
Primary Shoulder Type ⁽³⁾	Paved	Paved	Paved	Gravel	Paved	Gravel
Min. Primary Shoulder Type without Curb	4'	2'	4'	2'	2'	2'
Min. Primary Shoulder Type with Curb	5'	2'	4'	n/a	2'	n/a
Min. Primary Shoulder Type with Sidewalk	5'	2'	4'	n/a	2'	n/a
Secondary Shoulder Type	Gravel	Gravel	Gravel	Gravel	Gravel	n/a
Min. Secondary Shoulder Width without Curb	2'	2'	2'	2'	2'	n/a
Min. Clear Zone Width (each side)	8'	7'	7'	n/a	n/a	n/a
Min. Esplanade Width	n/a	5'	n/a	n/a	n/a	n/a
Minimum Vertical Clearance	14'	14'	14'	14'	14'	14'
Min. Grade	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
Min. Grade with Curb	1%	1%	1%	1%	1%	1%
Max. Grade	7%	8%	6%	11%	11%	11%
Min. Centerline Radius	350'	180'	200'	100'	100'	60'
Min. Tangent between curves of reverse alignment	200'	100'	200'	100'	100'	n/a
Min. Angle of Street Intersection ⁽⁴⁾	90	60	90	60	60	60
Max. Grade at Intersections ⁽⁵⁾	2%	2%	2%	2%	2%	2%
Min. Curb Radii	30'	25'	30'	25'	25'	15'
Max. Dead End Street Length		See Section 543 Streets and Section 911.M.5(b)(5) Dead End Streets				
Min. Sidewalk Width	5'	5'	5'	n/a	n/a	n/a
Min. Paved Apron ⁽⁶⁾						20'

Additional Standards

(1) See Section 911(M) for street connection Requirements

(2) Add 8' of width for each lane of on-street parking

(3) See Section 911(M)(5)(b)(6) for shoulder and sidewalk requirements

(4) Angle must be maintained for at least 60' from intersection.

(5) Maximum grade must be maintained for at least 60' from the intersection

(6) A negative 2.0% grade from the existing edge of pavement must be provided to an appropriate drainage way what is no less than 5 feet from the travel surface or private way it intersects.

(7) This standard shall apply when an existing private road is required to be upgraded and for extensions of existing private roads

Table 4 Street Construction and Dimensions

Material Surface Type	Major Local Street Paved	Minor Local Street Paved	Ind./Comm. Paved	Upgraded & Extended Private Street Gravel	Major Private Street Paved	Minor Private Streets Gravel
Aggregate Sub-Base Courses						
Type D*	21"	21"	27"	21"	21"	18"
Crushed Aggregate Base Course**	3"	3"	3"	3"	3"	3"
Hot Bituminous Pavement						
Total Thickness Compacted	5"	4"	5"	n/a	4"	n/a
Base Course, HMA 19.0 mm	3.5"	2.5"	3.5"	n/a	2.5"	n/a
Surface Course, HMA 9.5 mm	n/a	1.5"	n/a	n/a	1.5"	n/a
Surface Course, HMA 12.5 mm	1.5"	n/a	1.5"	n/a	n/a	n/a
Paved Apron						
Aggregate Sub-Base Courses						
Type D						18"
Type B						n/a
Crushed Aggregate Base Course**						3"
Hot Bituminous Pavement						3"
Bituminous Concrete Sidewalk						
Crushed Aggregate Base Course	10"	10"	10"	n/a	n/a	n/a
Pavement Surface Course***	(2)-1.25"	(2)-1.25"	(2)-1.25"	n/a	n/a	n/a

Notes:

(#) = Required number of courses

* The Planning Board or Director of Public Works, as appropriate, may reduce the required depth of ASCG Type D from 27" to 21" if the applicant provides a geotechnical evaluation performed by a professional engineer. The evaluation must include gradations, California Bearing Ratios, and a design (based on AASHTO design methods) which indicates that 21" of ASCG Type D will be adequate to handle the estimated vehicular weight loads.

** Material shall be Crushed Aggregate Base Course, Type A, or Reclaimed asphalt approved by the Public Works Department.

** Material shall be HMA 9.5 mm.