

TOWN OF LITCHFIELD ROAD ORDINANCE

Adopted:
June 2001

Amended:
June 2003
June 2004
June 2005
June 2024

Effective on June 15, 2024

Certified by (signature): 

Certified by (printed name): Kelly D. Weissenfels

Title: Municipal clerk

Section 1: General

A. Title:

This Ordinance shall be known as the Town of Litchfield Road Ordinance and will be referred to hereafter 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:

1. To establish minimum specifications for the design and construction of driveways, lanes and roads.
2. To establish minimum requirements for a road and a lane to qualify for Town acceptance.
3. 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, common driveways, lanes and roads in the Town of Litchfield.

E. Effective Date:

This Ordinance takes effect upon enactment by the Town Meeting on June 2001.

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. This Ordinance is designed to complement applicable provisions contained in the Land Use Ordinance and the Subdivision Ordinance. The standards and terms set forth in this Ordinance shall be followed whenever there exists any conflict with a standard or term described in the Subdivision Ordinance.

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:

1. The standards contained in this Ordinance apply to the construction of all driveways, common driveways, lanes and roads within the Town initiated after the effective date of this Ordinance
2. The Planning Board and the Code Enforcement Officer shall apply the applicable requirements established in this Ordinance for any driveway, common driveway, lane or road proposed under the authority of the Land Use Ordinance and the Subdivision 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.
3. 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; proposing revisions to the Ordinance as necessary; ensuring that this Ordinance is properly enforced; and administering the road acceptance application process.

B. Violations:

1. 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.
2. 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 is permitted 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 Litchfield.

Section 3: Road and Access Categories

A. Applicability:

1. All new roads, lanes, common driveways, and driveways regardless of whether they are proposed for public acceptance shall conform to the standards established in this Ordinance. The type of access shall be selected according to the number of dwellings or traffic volume created by use.
2. All new subdivisions located in the Town of Litchfield shall have access to a public road by one or more road and access categories described below.

B. Categories:

1. Driveway: May serve not more than 2 residential dwellings. The maximum daily vehicular trips shall not exceed 20 trips. A driveway is not eligible for public acceptance.
2. Common Driveway: May serve no more than 4 residential dwellings. The maximum daily vehicular trips shall not exceed 40 trips. A common driveway is not eligible for public acceptance.
3. Lane: May provide access for up to 8 residential dwellings. The maximum daily vehicular trips shall not exceed 80 trips. A lane may be eligible for public acceptance if it meets the standards for a road except for right-of-way width and travel-way width.
4. Road: Designed for more than 8 residential dwellings and all other types of uses not herein described.
5. Other types of access:
The access category for all commercial and non-residential uses shall be based upon the daily vehicular trips estimated for the particular use.

C. Other Requirements:

All roads and access ways shall meet the applicable requirements contained in the Land Use Ordinance and the Subdivision Ordinance.

D. Options:

Nothing shall prohibit a person from designing and building an access way to meet a category in excess of the current anticipated use.

E. 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 Litchfield is required to upgrade a road or access way to meet any new development or traffic demand.

Section 4: Application Requirements

A. General Requirements:

The materials necessary to show compliance with the applicable requirements of the Land Use Ordinance and the Subdivision Ordinance shall be included in each application in addition to the material specified below. The Town may develop application forms.

B. Application Requirements for a Common Driveway:

1. All applications for a proposed common driveway shall contain the following:
(Engineered drawings are not required)

- a. A scaled drawing of the proposed development showing the dimensions of the common driveway and all other proposed structures.
- b. The construction details of the proposed common driveway in text or drawings that indicate that all the applicable requirements are met.
- c. The number of dwellings to be served or the maximum daily vehicular trips.
- d. Any other information necessary to show compliance with this Ordinance.

C. Application Requirements for a Lane and a Road:

- 1. All applications for a proposed lane and road shall contain the following:
 - a. An engineered plan drawn to scale showing the dimensions and details of the road/lane.
 - b. Road and profile drawings shall be drawn to a scale of one-inch equals 50 feet horizontal and one-inch equals 5 feet vertical.
 - c. Show at 50 feet intervals and with cross sections at all culverts and a plan profile of road centerlines.
 - d. The direction north and date of magnetic bearing.
 - e. The right-of-way lines in relation to monuments.
 - f. Dimensions, both lineal and angular, necessary for locating boundaries, subdivisions, lots, easements and building lots.
 - g. All lots abutting, the right-of-way and the owners of record.
 - h. 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.
 - i. Location of all culverts and stormwater features.
 - j. Maine Registered Professional Engineers Seal.
 - k. The location of all land use district boundaries.
 - l. Location and type of all erosion control measures.
 - m. Construction details of the roadway.
 - n. All other information necessary to show compliance with this Ordinance.

Section 5: Construction Standards

A. General Requirements:

- 1. All roads proposed for public acceptance shall meet the requirements contained in Section 7.
- 2. 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.
- 3. All driveways, common driveways, lanes and roads shall be inspected according to the provisions of this Ordinance.

4. All drainage features at the intersection with the existing Town Road shall be approved by the Road Commissioner.
5. 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.
6. Easements:
Whenever it is required to alter an existing water course, a drainage easement shall be secured from the property owners affected. Wherever any roadway 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.
7. All necessary State and Federal permits shall be obtained by the applicant.
8. All dead-end roads and lanes shall have a turn-around as described in Appendix A.

B. Minimum Construction Standards for Common Driveways:

1. Common driveways shall comply with the minimum specifications contained in subsection D.
2. All vegetative materials including stumps, roots, trees, and other perishable items shall be removed from the travel way before the road surface material is placed.
3. Suitable drainage features shall be installed so that surface run-off from the travel way does not cause storm water to damage abutting property.
4. A minimum of a 15-inch diameter culvert shall be placed at the intersection with the Town road. The culvert size and type shall be specified by the Road Commissioner. A road opening permit shall be obtained from the Road Commissioner prior to access to Town Road. A road opening permit shall be obtained from the Department of Transportation for any access onto a State road.
5. A suitable turn-around shall be located at the end of every common driveway. At a minimum it shall be capable of allowing a vehicle of at least 20 feet in length to turn in the opposite direction.

C. Minimum Construction Standards for Lanes and Roads

1. Lanes and roads shall comply with the minimum specifications contained in subsection D.
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 HDPE plastic accepted by the Maine Department of Transportation. Roadway culverts shall not be less than 18 inches in diameter for road crossings. All other stormwater drainage features shall be designed according to a stormwater plan as required by the Land Use Ordinance and/or the Subdivision Ordinance.

D. Minimum Specifications:

Minimum Specification	Road	Lane	Common Driveway	Driveway
Right-of-way	60 feet	60 feet	35 feet	20 feet
Travel Way	20 feet	18 feet	16 feet	10 feet
Shoulder	4 feet	3 feet	2 feet	n/a
Base Gravel (MDOT type D not to exceed 6 inches dia.)	18 inches	16 inches	14 inches	n/a
Surface gravel (MDOT type A no greater than 1 ½ inches dia.)	4 inches	3 inches	2 inches	n/a
Bituminous Surface base, MDOT type B surface MDOT type D	2 inch base 1 inch surface	n/a	n/a	n/a
Roadway Crown	1/4 inch per ft.	1/4 inch per ft.	1/4 inch per ft.	n/a
Maximum Grade	8%	9%	n/a	n/a
Minimum Grade	.5%	n/a	n/a	n/a
Minimum Intersection	90%	75%	75%	75%
Minimum Length Radius	100'	n/a	n/a	n/a
Minimum Tangent Length	100'	n/a	n/a	n/a
Shoulder Grade	1/4 inch per foot	1/4inch per foot	1/4 inch per foot	n/a
Maximum Grade within 75 Feet of Intersection	3%	3%	3%	3% *
Minimum ditch back slope	3 to 1	3 to 1	3 to 1	n/a
Minimum ditch fill slope	3 to 1	3 to 1	3 to 2	n/a
Elevation below centerline	30 inches	30 inches	24 inches	n/a
Min, radius w/o super-elevation	280'	175'	n/a	n/a

Min. radius with super-elevation	175'	110'	n/a	n/a
Maximum length	n/a	n/a	2000 feet	n/a

* 2005: Maximum Grade within 25 ft. from its intersection with a public road

Section 6: Mobile Home Park Roads

A. General:

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

Section 7: Public Acceptance Procedure

A. General:

1. All roads and lanes proposed for public acceptance shall comply with the procedures and requirements of this Section.
2. Roads are eligible for public acceptance. Lanes are eligible for public acceptance if they comply with all of the specifications for a road except for road right-of-way and travel width.
3. The Board of Selectmen with the assistance of the Road Commissioner shall review all proposals for road acceptance and shall make a recommendation to the Town Meeting. The Town shall accept roads only by a vote of the Town Meeting.
4. A road shall not be eligible for public acceptance unless it complies with all of the requirements of this section.
5. The Board of Selectmen shall determine that a road is eligible for public acceptance only after it conforms to the following:
 - a. The road complies with all of the requirements of this Ordinance.
 - b. The road has bituminous surface according to the specifications for a road.
 - c. The road has been designed and constructed according to the plans developed by a professional engineer.

- d. The Road Commissioner and other appropriate municipal officials have inspected the road and deemed it in compliance with this Ordinance.
 - e. The road shall be inspected according to the inspection requirements contained in the Subdivision Ordinance
 - f. A performance bond as required by the Subdivision Ordinance has been obtained and the bond has been released by the Town.
 - g. The road has been inspected by a professional engineer and certified to have been constructed according to the requirements of this Ordinance and the road plan.
6. If the Board of Selectmen determine that the Road conforms to all applicable standards, they shall hold a public hearing to discuss the road acceptance. The Board of Selectmen may vote to recommend to the Town that the road be considered for public acceptance. The Board of Selectmen shall propose a suitable Town meeting warrant article for consideration if the road meets all the appropriate standards.

Section 8: Driveway Entrance Permits

A. General:

- 1. The Code Enforcement Officer is responsible for reviewing driveway entrance permits. The Road Commissioner is responsible for making sure all requirements of this ordinance are met to approve a driveway entrance permit.
- 2. All entrances onto a Town owned Road must receive an entrance permit issued by the Town. The application form and fee for this permit shall be set by the Litchfield Selectboard.
- 3. A driveway entrance permit will be required for new entrances for any parcel of land on 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.
- 4. A driveway entrance permit application shall contain the following:
 - a. Name, address and telephone number of the applicant and applicant's agent if applicable.
 - b. Property location, including map and lot number.
 - c. Verification of applicant's right title or interest in the property. (May include but not limited to Registered Deed, Purchase Sales Agreement signed by all parties, signed Lease and letter from rightful owner.)
 - d. Receipt of the application fee.
 - e. Estimated cost of the proposal.
 - f. Schedule of construction, including anticipated beginning and completion dates.
 - g. A map drawn to scale showing the location, boundaries, and size of the site, driveway entrance and erosion control.

B. 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. Applicable standards contained in the Land Use Ordinance Section 10 are followed.
3. A new High-Density PolyEthylene (HDPE) culvert, 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.
4. 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.
5. Erosion control measures shall be used at the entrance site.

C. Other Requirements:

1. 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, they may require as applicable the trimming of vegetation, installation of signage, installation of larger culverts, or additional ditching.
2. Driveway entrance permits will not be issued until all installation standards are met and any installation cost to the Town have been paid.
3. The Town will maintain the culvert at driveway entrances for which the Road Commissioner has granted a permit.
4. 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.

This standard is established by Board of Selectmen pursuant to Title 23 MRSA Sections 705 and 3251.

Section 9: Waivers

A. 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.

Section 10: Appeals

A. General:

An administrative or variance appeal may be taken to the Select Board by an aggrieved party from any decision of the Road Commissioner. Such an appeal shall be taken within 30 days of the date of the decision appealed from, and not otherwise, except that the Select Board, upon showing of good cause, may waive the 30-day requirement.

Such appeal shall be made by filing with the Select Board a written notice of appeal which includes:

1. A concise written statement indicating what relief is requested and why it should be granted.
2. A sketch drawn to scale showing lot lines, location of structures and other physical features of the lot pertinent to the relief sought.
3. Upon being notified of an appeal, the Road Commissioner shall provide to the Select Board all the documents constituting the record of the decision appealed from.
4. The Select Board shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.
5. A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
6. The concurring vote of a majority of the members of the Select Board present and voting shall be necessary to reverse an order, requirement, decision or determination of the Road Commissioner, to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Select Board may reverse the decision, or failure to act of the Road Commissioner only upon a finding that the decision, or failure to act was clearly contrary to specific provisions of this Ordinance.
7. The person filing the appeal shall have the burden of proof.
8. The Select Board shall decide all appeals within 35 days after the close of the public hearing, and shall issue a written decision on all appeals.
9. All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis thereof, and the appropriate order, relief or denial thereof.
10. The Select Board may reconsider any decision within 30 days of its prior decision. The Select Board may conduct additional hearings and receive additional evidence and testimony.
11. An aggrieved party who participated as a party during the proceedings before the Select Board may take an appeal to Superior Court in accordance with State laws within 45 days from the date of any decision of the Select Board.