TOWN OF BUCKFIELD
ENTRANCE / DRIVEWAY
ORDINANCE

Section 1: PURPOSE

The purpose of this Ordinance is to protect the health, safety and general welfare of the inhabitants of the Town of Buckfield by establishing safe, adequate entrances and driveways onto all town roads.

Section 2: AUTHORITY

This Ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VIII-A of the Maine Constitution and Title 30-A MRSA Section 3001 (Home Rule).

Section 3: APPLICABLITY

This Ordinance applies to first time construction or change of use of an entrance/driveway. This Ordinance does not apply to entrances/driveways that enter onto Route 140, Route 124 or Route

Section 4: AMENDMENTS, VALIDITY AND SEVERABILITY AND EFFECTIVE DATE

A. Amendments

1. An amendment to this Ordinance may be initiated by:

   a. A majority vote of the Planning Board at a duly called Meeting;

   b. A majority vote of the Board of Selectmen at a duly called Meeting; or

   c. A written petition containing a number of current Buckfield registered voters signatures equal to at least 10% of the votes cast in the Town in the last gubernatorial election, but in no case less than 10 signatures.

2. The initiating Board or in the case of a written petition, the Board of Selectmen, shall hold a public hearing on the proposed amendment(s). Notification of the hearing shall be posted in the Buckfield Municipal Center and at least 4 additional conspicuous public places within Buckfield at least thirteen (13) days before the hearing and published in a newspaper of general circulation Buckfield at least two times - with the date of the first publication being at least twelve (12) days before the hearing and the date of the second publication being at least seven (7) days before the hearing.

3. Any amendment to this Ordinance must be adopted by a majority vote of a duly called regular or special town meeting.

B. Validity and Severability

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

C. Effective Date

This Ordinance shall take effect immediately upon its approval at the annual Town Meeting of the Town of Buckfield on June 20, 2009.

Section 5: ADMINISTRATION

A. The Road Commissioner or his/her designee shall administer this Ordinance.

B. After the effective date of this Ordinance, no person shall install, change, or change the use of an entrance/driveway without first obtaining from the Road Commissioner an Entrance/Driveway Permit, hereinafter referred to as Permit.

C. An application for Permit, provided by the Road Commissioner, shall be submitted in writing. The Road Commissioner may require the submission of additional information necessary to determine conformance with the provisions of this Ordinance.

D. Permits shall not be denied if the driveway/entrance is found to be in conformance with the provisions of this Ordinance. All permits shall be approved, approved with conditions, or denied within fourteen (14) days of receipt of a completed application.

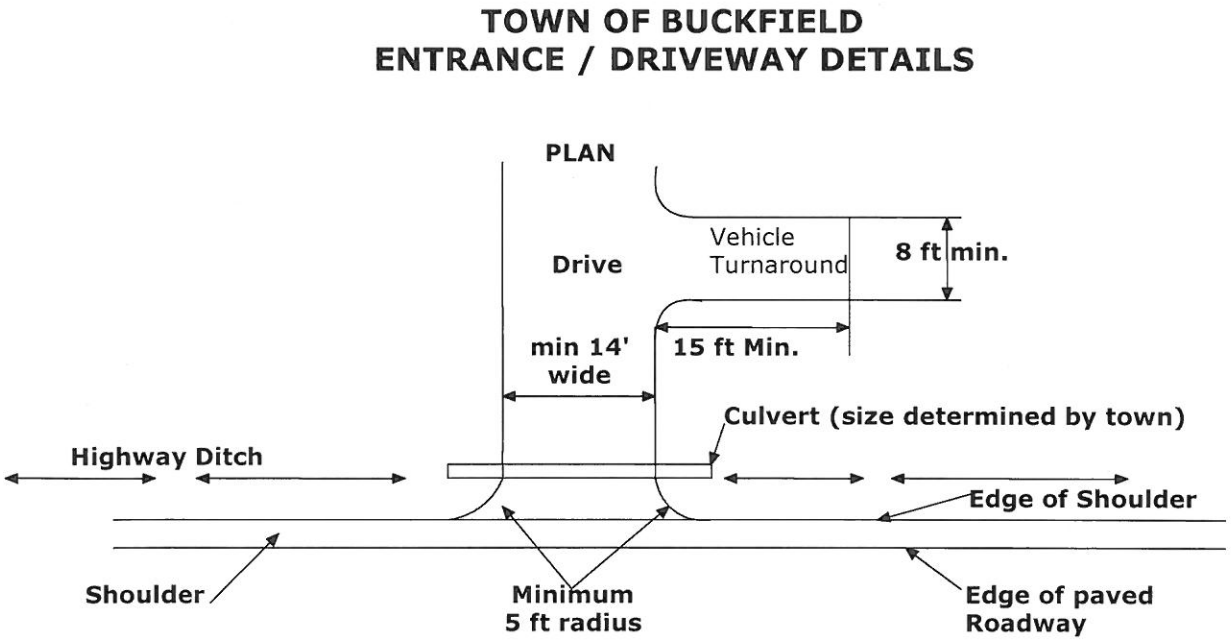
E. All Permits issued by the Road Commissioner shall expire if substantial construction has not begun within six (6) months after the date on which the Permit was issued except as may be provided for in other sections. All work must be completed within twelve (12) months of issuance. Prior to substantial construction, the driveway/entrance culvert must be installed as specified in this Ordinance. After the expiration of the time period set forth above, a Permit shall become null and void.

F. Following a public hearing, the Selectmen at a duly called Board meeting may establish/amend and enact permit fees. Notification of the public hearing and its' purpose shall be posted in at least five (5) conspicuous public places within Buckfield at least seven (7) days prior to the Board meeting.

TOWN OF BUCKFIELD ENTRANCE/DRIVEWAY DETAILS

Standard Typicals:

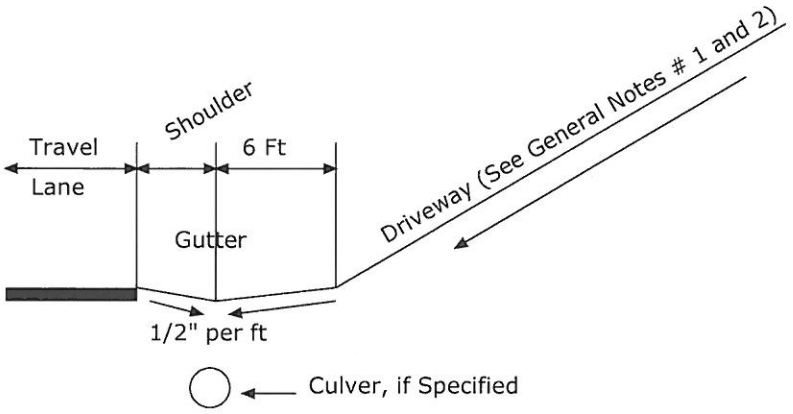
Illustration #1



TOWN OF BUCKFIELD ENTRANCE/DRIVEWAY DETAILS
(Continued)

Profiles:

Illustration #2



Note:
Grade of existing shoulder should be maintained to create a gutter with a minimum of three inches below the edge of the traveled way. Distance of the gutter from the edge of the traveled way should be the same as existing shoulder or a minimum of 4 feet.

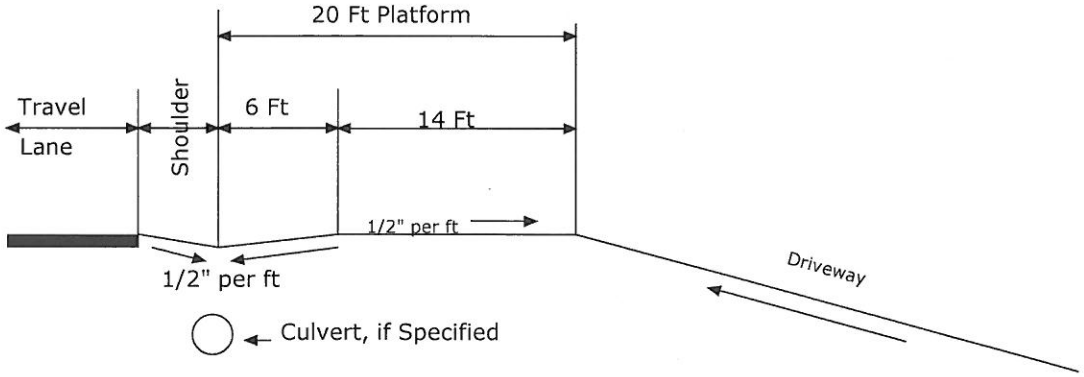
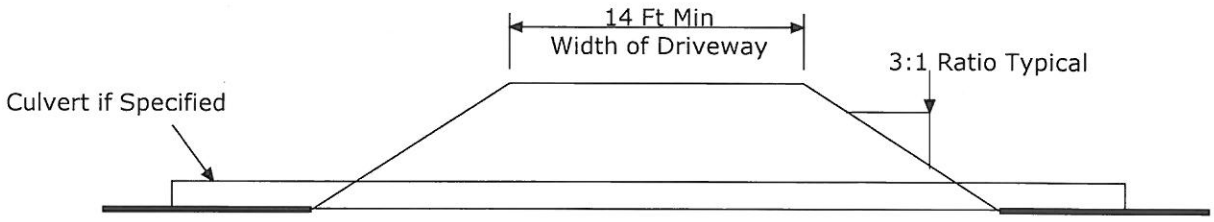


Illustration #3

TOWN OF BUCKFIELD ENTRANCE/DRIVEWAY DETAILS
(Continued)

Illustration #4

DRIVEWAY CROSS SECTION



Driveway/Entrance Culvert typical installation

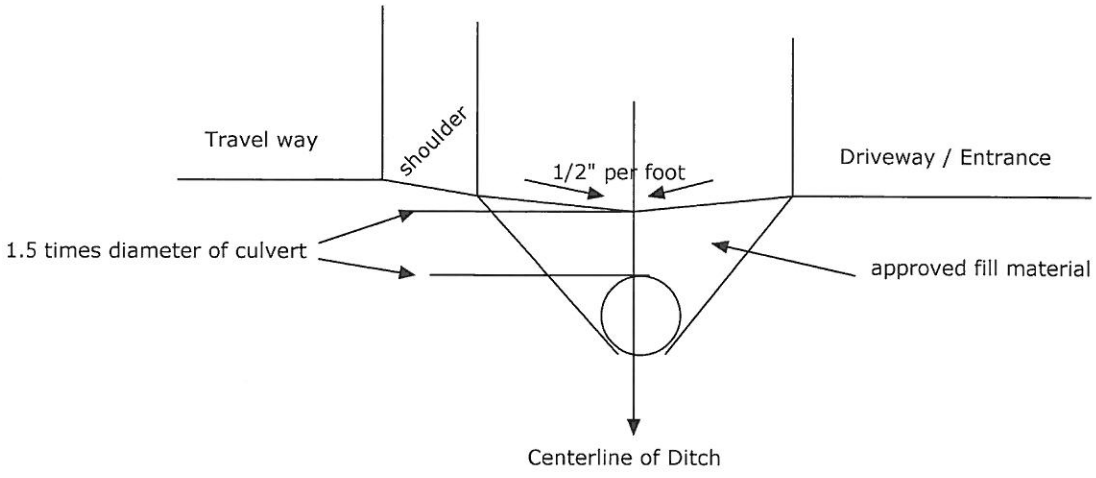


Illustration #5

Section 6: STANDARDS

An entrance/driveway shall meet the typical standards, as depicted in Illustration #1 through Illustration #5, to the greatest extent possible as determined by the Road Commissioner.

A. General Notes

1. All portions of an entrance/driveway with a 10% or more grade sloping toward the roadway shall be paved to the road edge right of way, as a minimum, and maintain ditches to adequately control runoff.

2. An entrance/driveway sloping toward the roadway shall be crowned at a minimum of one half (1/2") inch per foot

3. To the maximum extent practical and at the point of access, an entrance/driveway must be constructed perpendicular to the roadway. Except where curbing exists or is proposed, the minimum radius on the edge of an entrance/driveway connecting to the town road must be five (5') feet or as otherwise required as shown in illustration #1

4. It is recommended an entrance/driveway provide an adequate turn-around area on site to allow any vehicle to maneuver and park without backing onto the roadway.

5. An entrance/driveway and other associated work directing water (runoff) toward the roadway must be performed with appropriate temporary/permanent erosion control materials in accordance with Maine Department of Transportation's (MDOT's) *Best Management Practices (BMP)*. A copy of the *BMP* is available at the Buckfield Town Office.

6. An entrance/driveway must comply with the standard typical as shown in Illustration 1 through Illustration 5 on Pages 3 - 5.

7. An entrance/driveway must be placed in a location that at least meets the sight distance. The site distance is equal to the designated speed limit times ten (10). (Example: designated speed limit is 35 mph times 10 equals a site distance of 350). If the site distance cannot be met, the Road Commissioner or his/her designee shall determine, to the greatest extent possible, the site distance. If it is determined by the Road Commissioner or his/her designee the site distance(s) is/are not adequate, the property owner shall be required to install on his/her/their property a turnaround area a minimum of eight (8') feet wide by fifteen (15') feet long *Blind Drive* signs, meeting MDOT requirements, shall be installed by the Town at landowners expense.

B. Standard Permit Conditions

The applicant shall:

1. Comply with all design information, plans, and proposals contained in the approved application.

2. Provide, erect and maintain all necessary barricades, lights, warning signs and other devices to properly safeguard traffic while an entrance/driveway and other associated construction is in progress.

3. At no time, cause the Town road to be closed to traffic.

4. Completely remove the existing curb, curb and gutter, and/or sidewalk as may be required to create an entrance/driveway and restore drainage when an entrance/driveway is located within a curb, curb and gutter, and/or sidewalk section. An entrance/driveway abutting sidewalk sections shall meet the requirements set forth in the *Americans with Disabilities Act* of 1990, 42 U.S.C. Sec. 12131 et. seq.

5. Not alter, without the express written consent of the Road Commissioner, any culverts or drainage swales within the town road right-of-way.

6. Construct and maintain entrance/driveway side slopes to be a ratio no steeper than 3 horizontal to 1 vertical. (See Illustration #4)

7. Notify the Road Commissioner of a proposed change of use served by entrance/driveway when increase in traffic flow is expected to occur.

C. Further Permit Conditions

1. The Permit expires if construction work has not commenced within six (6) months of issuance. Prior to substantial construction an entrance/driveway culvert must be installed as specified in this Ordinance.

2. The Road Commissioner or his/her designee shall, within five (5) business days of approving the Permit, mail a copy of the approved Permit to the abutter(s).

3. The owner shall assume the defense of, and pay all damages, fines, and penalties for which he/she shall become liable, and shall indemnify and hold harmless the Town of Buckfield, its representatives, agents and employees from liability, action against all suits, claims, damages for wrongful death, personal injuries or property damage suffered by any person or association which results from the willful or negligent action or inaction of the owner/applicant/agent and its proceedings of every kind arising out of the construction and maintenance of an entrance/driveway, including snow removal. Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the Town of Buckfield, their officers, agents or employees under the Maine Tort Claims Act or any other privileges and/or immunities provided by law. It is a further condition that the owner will agree to keep the road right-of-way inviolate for public road purposes and no signs (other than traffic signs and signals), posters, billboards, roadside stands, culvert end walls or private installations shall be permitted within road right-of-way limits.

Section 7: ENFORCEMENT

A. It shall be the duty of the Road Commissioner or his/her designee to enforce the provisions of this Ordinance.

B. Whoever willfully violates the provisions of this Ordinance shall, upon conviction, be penalized in accordance with Title 30-A MRSA Section 4452.

Section 8: APPEALS

If the Road Commissioner or his/her designee denies a Permit or grants a Permit with conditions objectionable to the applicant, an abutting landowner or any aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner or aggrieved party may appeal the decision of the Road Commissioner or his/her designee in writing to the Appeals Board within thirty (30) days of the date of the decision. A majority vote of the members of the Appeals Board shall be necessary to reverse a decision, condition or determination of the Road Commissioner or his/her designee.