

**ROAD ORDINANCE  
TOWN OF ACTON  
Adopted at Town Meeting, June 13, 2003  
Amended June 12, 2007**

**Title:**

This Ordinance shall be known and cited as the Road Ordinance of the Town of Acton, Maine, and hereafter will be referred to as “this ordinance”.

**A. Authority**

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2 Section 1 of the Maine Constitution and the provisions of Title 30-A, MRSA Section 3001 (Home Rule).

**B. Purposes**

**C. Conflicts with Other Ordinances**

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

**D. 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.

**E. Effective Date**     July 1, 2003

**F. Definitions:**

***Town Way:***

- a) An area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle;
- b) All town or county ways not discontinued or abandoned before July 19, 1976
- c) All state and highways, or both, which shall be classified town ways as of July 1, 1982, or thereafter, pursuant to 23 M.R.S.A. 53.

***Public Easement:***

An easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976.

***Fee Simple Interest:***

An absolute and unqualified interest in the land at common law, with an interest that extends infinitely both above and below the surface of the earth, and includes mineral rights. The owner of a fee simple interest can use the land for any lawful purpose.

***Easement Interest:***

An interest that allows the public to travel over land owned by someone other than the municipality and allows the municipality to maintain the way.

***Hammerhead Turnaround:***

A “T” terminus to the road with a minimum extension to one side of 25' and a minimum total length of extensions to both sides of 100'.

**G. Road Standards and Classifications:**

**1. Class A Roads:**

All roads, whether public or private, constructed in the Town of Acton after the effective date of this ordinance shall be defined and constructed in compliance with the following requirements for Class A Roads. Class A Roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance as a Town Way upon meeting the following standards:

a) Class A Road Design Standards:

Description:	Type of Street				
	Arterial	Collector	Minor	Private	Industrial/ Commercial
Minimum ROW Width 90'	50'	50'	50'	80'	
Minimum Pavement Width	44'	24'	20'	12' N/A	44'
Sidewalk Width	5'	5'	5'	N/A 8'	
Minimum Grade	.5%	.5%	.5%	N/A .5%	
Maximum or @	5%	6%	6%	10%	5%
Minimum Centerline Radius	800'	230'	150'	N/A 800'	
Minimum Tangent between curves of reverse alignment	300'	200'	100'	N/A 300'	
Roadway Crown	1/4'	1/4'	1/4'	N/A	1/4'
Minimum angle of street	90	90	90	90	90
Maximum grade within 75' of intersection	2%	2%	2%	N/A	2%
Minimum width of shoulders (each side)	3'	3'	3'	3'	9'

- (1) The centerline of the roadway shall be the centerline of the right-of-way
- (2) Dead End Streets: In addition to the design standards above, dead-end streets shall be constructed to provide a hammerhead turn-around with the following requirements for radii: Property line 65 ft.; outer edge of pavement 50'. The Planning Board or Road Commissioners may require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Planning Board or Road Committee may also require the reservation of a fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible.
- (3) Grades, Intersections, and Sight Distances
  - i. Grades of all streets shall conform in general to the terrain, in that cut and fill are minimized while maintaining the grade standards above
  - ii. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below
  - iii. Where new street intersections or driveway curb-cuts are proposed, sight distances measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:

Posted Speed Limit (mph)	25	30	40	45	50	55
Sight Distance:	250'	300'	400'	450'	500'	550'

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

iii. Crow (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between center lines of side streets.

(4) Sidewalks. Sidewalks shall be installed within all subdivisions within the urban compact area. Where installed, sidewalks shall meet these minimum requirements:

i. Bituminous Sidewalks

- a. The gravel aggregate sub-base course shall be no less than twelve inches thick
- b. The crushed aggregate base course shall be no less than two inches thick.
- c. The hot bituminous pavement surface course shall be no less than two inches after compaction.

ii. Portland Cement Concrete Sidewalks.

- a. The sand base shall be no less than six inches thick
- b. The Portland cement concrete shall be reinforced with six-inch square, number 10 wire mesh and shall be no less than four inches thick.

(5) Curbing. Where installed, curbing shall be granite or bituminous concrete and shall be installed on a thoroughly compacted gravel base of six inches minimum thickness, except bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.

b) Class A Street Construction Standards

(1) Minimum thickness of material after compaction:

Street Materials	Minimum Requirement:				
	Arterial	Collector	Minor	Private	Ind/Commercial
<b>Aggregate Sub-Base Course</b> Max..sized stone 4"	18"	18"	18"	12"	18"
<b>Crushed aggregate Base Course</b>	4"	3"	3"	3"	4"
<b>Hot Bituminous Pavement</b>					
Total Thickness	3 1/4"	2 1/2"	2 1/2"		3"
Surface Course	1 1/2"	1"	1"		1 1/4"
Base Course	1 3/4"	1 3/4"	1 1/2"		1 3/4"

(2) Preparation

- i. Before any clearing has started on the right of way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
- ii. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots,

brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.

iii. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the Town Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.

iiii. Side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

iiiii. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

(3) Bases and Pavement

i. Bases. The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation@	Percentage by Weight Passing Square Mesh Sieves
1/4"	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding four inches in any dimension.

ii. The Aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2"	45-70%
1/4"	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the subbase shall contain no particles of rock exceeding four inches in any dimension.

iii. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

iii. Curbs and Gutters

- a. Street curbs and gutters shall be installed as required by the Board
- b. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

iiii. Pavements

- a. Minimum standards for the base layer of pavement shall be the MDOT. specifications for plant mix grade B with an aggregate size no more than 1 inch maximum.
- b. Minimum standards for the surface layer of pavement shall meet the MDOT. specifications for plant mix grade C with an aggregate size no more than 3/4" maximum.

**2. Class B Roads:**

Private roads which are shown on year 2000 Acton 911 emergency dispatch maps may be defined and reconstructed in compliance with the following standards for class B roads. Class B roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance as a Town Way.

- (1) Minimum of 34 ft. wide right-of-way fully described with bounds and measurements and fee simple interest title conveyed to Town of Acton
- (2) 20' wide gravel or paved top course with 7' minimum sides for shoulders and drainage
- (3) 16" compacted gravel base
- (4) 3" finish crushed gravel (3/4" to 1 1/2")
- (5) 100' hammerhead turnaround
- (6) Maximum grade of 8% in any 100 ft
- (7) 200' minimum tangent between curves on a reverse alignment
- (8) 34 ft. right-of-way shall be clear of trees, stumps, boulders, fences and any other hindrance to plowing and maintenance.
- (9) Minimum culvert size of 12". The Code Enforcement Officer may require an alternative size culvert based on existing site conditions
- (10) Maximum 60,000 lbs. GVW shall be permitted except when posted
- (11) Newly proposed roads that intersect with existing roads must intersect at a 90 degree angle
- (12) Class B roads must discharge to a Class A or B road.

**3. Class C Roads:**

Private roads which are shown on year 2000 Acton 911 emergency dispatch maps may be defined and reconstructed in compliance with the following standards for Class C roads. Class C roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance of a Public Easement

- (1) Minimum of 20 ft. right-of-way shall be fully described with bounds and measurements
- (2) A public easement for turnarounds, as determined by the Road Committee and CEO must be provided.
- (3) The Acton Road Commissioners may hold a public hearing and establish such other standards as deemed necessary and unique to the road.
- (4) Class C roads must discharge to class A, Class B, or Class C roads

(5) Class C roads shall not be maintained or deemed suitable for passage by school buses.

#### **H. General Provisions:**

(1) Existing Town Ways shall be deemed to meet the standards for class A roads.

(2) Procedures for the creation of Roads

a. The owner of land on which a road is to be created shall submit a petition to the Selectmen requesting the Annual Town Meeting to create a class A, B or C road. The petition shall be submitted at least three months prior to the annual Town Meeting. The petition shall include a plan, prepared by a registered land surveyor, describing the road. The petition shall be accompanied by a deed for the property described on the plan, conveying a fee simple interest for class A and B roads and a Public Easement interest for class C roads to the Town of Acton.

b. The Road Commissioners shall inspect the road to determine if the road meets the standards set forth in this ordinance and make an appropriate recommendation for action by the Town Meeting.

(3) Maintenance of Roads

a. Town ways shall be provided winter and summer maintenance by the Town in accordance with the laws of the State of Main

b. Class C roads may receive summer maintenance funded by the Town. Funding for summer maintenance of Class C roads shall be established by the Town Meeting. The road commissioner shall determine the services provided to Class C roads.

c. Class C roads will receive no maintenance unless a waiver of all claims for damages by the Town within the right of way is received from all abutters to the road.

(4) Road Commissioner Authority

a. The road commissioner shall have the authority to declare a snow removal emergency and:

i. Post roads to prohibit parking on Town Ways.

ii. Order the removal of vehicle parked in Town Ways at the owner's expense.

b. The road commissioner shall have the authority to require the installation of culverts when new curb cuts are being constructed, at the owner's expense.

c. The road commissioner shall have the authority to order the removal of fill, debris, or construction in a Town Way at the owner's expense.

d. The road commissioner shall have the authority to prohibit any construction, excavation, or activities in a Town way which may substantially damage Town Ways.

(5) Notwithstanding any provision of this ordinance or the Acton Zoning Ordinance, the division of any lot to create Class B or Class C roads as described in this ordinance shall not alter any right of the lot owner provided in the Acton Zoning Ordinance, Article 1, Section 1.4, Non Conforming Uses.