

Town of Arundel

PRIVATE WAY

APPLICATION INSTRUCTIONS

Private Way applications are subject to the standards of Section 7.7.B of the Arundel Zoning Ordinance. Private Ways serving 1-2 lots are reviewed by the Staff Review Committee and private ways serving lots of 3 or more receive Planning Board approval.

The Planning Board generally does not consider and approve an application in one meeting, so plan enough time for the review process to take place for your construction schedules or the start of your business activities. The Planning Board meets on the second (2nd) and fourth (4th) Thursday of each month starting at 7 PM, with the exceptions of holidays and vacations. In order to be placed on the agenda to present an application to the Board, a complete application must be submitted no less than fourteen (14) days prior to the meeting. The Board will not hear more than three new applications at any meeting, and therefore your application may be further delayed if there are many applications at one time. The Staff Review Committee will meet as necessary, usually on a Monday morning. Planning Board meetings take place in the library of the Mildred L. Day School at 600 Limerick Road, while the Staff Review Board will either meet at the site or at the Code Enforcement Office at 468 Limerick Road in the Town Hall.

A basic application consists of the following:

1. A completed application form.
2. Ten (10) copies of Road Plan & Profiles (4 copies for Staff Review Committee) showing or accompanied by the information required by Section 7.7.B.
3. The applicable application fee to cover review costs and mailings of public notices. The applicable refundable review fee to cover the town's costs of reviewing the application.
4. A list of names, mailing addresses, and map lot identification number from the Arundel Assessor's Records of all property owners within 200 feet of the subject property. The names and mailing addresses shall be printed upon Avery 5160 labels or comparable label and suitable for attachment to standard sized envelopes for public hearing notice mailings.

5. If necessary, a written request for waivers of submission requirements contained in Section 7.7.B.

The Road Plan & Profile must include all of the information required by the Land Use Ordinance except for items for which a waiver is sought. Part of this application packet is a checklist that will help you prepare the application. Please use it as a guide to preparing a complete application, but recognize it is not a substitute for reading and following Section 7.7.B in detail.

The Town Planner will review the application to determine whether it is complete. If the application is complete the Planner will mail a notice to abutters and schedule your application for review before the appropriate Board. If the application is not complete, the Town Planner will notify you of the missing information needed to place the application on a Board agenda. If you think that you should not have to submit any of the required information, you should submit a *waiver request* stating why it should not be necessary for you to submit certain information to the Board.

After the Town Planner has determined your application is complete and you have presented it to the Planning Board, the Board may schedule your application for a Public Hearing within 45 days in accordance with Section 9.7.F. The Board will approve your application, with or without conditions, or deny your application usually within 30 days of the Public Hearing or receipt of the complete application, if no hearing is required.

Arundel Planning Board

Richard Ganong, Chair
Tom McGinn
James Lowery
Marty Cain

Robert Coon
John Der Kinderen
Roger Morin

Arundel Staff Review Board

James Nagle, Code Enforcement Officer
Renald Tardif, Fire Department

Tad Redway, Town Planner
Roger Taschereau, Public Works

Excerpted from the Arundel Land Use Ordinance

7.7.B Private Ways & Estate Lots (Section amended June 9, 2010, June 13, 2012)

7.7.B.1 Access Required :

To provide for the public's safety and access by the town's emergency vehicles, no structures intended for human occupancy or a commercial operation shall be permitted on a lot without frontage on a public street or on a Private Way constructed in conformance with the criteria of Section 7.7.B.2

7.7.B.1.a Back Lot Access:

Any structure intended for human occupation or commercial purposes may be constructed on a back lot created before June 9, 2010, provided that all of the following conditions are met:

- (1). The existing back lot meets all land use and dimensional requirements of Section 6.2 and 6.3 other than street frontage;
- (2). Access to the back lot is provided by a legally-executed easement or right-of-way recorded in the York County Registry of Deeds;
- (3). Said easement or right-of-way provides or will provide access and/or frontage exclusively to a single back lot containing only one use or one single-family dwelling unit;
- (4). The access travel way within the designated easement or right-of way is constructed to the standards of a 1-lot private way specified in Section 7.7.B.2.a.
- (5) No additional lots, dwelling units, or uses shall gain legal access or establish legal frontage via the designated easement or right-of-way, without first meeting the dimensional and construction standards for private ways specified in Section 7.7.B.2. for the total number of units or lots served by the private way. (Amended June 13, 2012)

7.7.B.1.b Exemptions

Private ways or portions thereof shown on approved subdivision plans approved prior to June 14, 1995, and private ways or portions thereof providing access to lots of land upon which residential or commercial structures were granted certificates of occupancy by the code enforcement officer prior to June 9, 2010 are exempted from conformance with the design and construction criteria of Section 7.7.B., provided that the private ways meet the following performance criteria as determined by the Staff Review Committee:

- (1). Exemptions shall apply only to that portion of the eligible private way located between the public road and the structure farthest from the public road, as measured along the length of the private way as shown on the approved subdivision plan.
- (2) No more than two (2) undeveloped existing lots shall be serviced by an exempted private way constructed or recorded after June 14, 2000.
- (3) The width of the existing travelway shall be no less than 15 feet at any point along the travelway.
- (4). The applicant shall provide documentation from a Maine licensed civil engineer certifying that the existing travelway has been constructed sufficiently to support the passage and parking of a fire apparatus with a 54,000 pound gross vehicle weight during all seasons of the year.
- (5). A turnaround or pull-off space shall be provided that: (a) is sufficient to allow two fire apparatus to pass at or near the terminus of the private way; and (b) can physically support and accommodate the turning around of a standard 100-foot ladder aerial fire apparatus and the Arundel Fire Department's first-due Attack Pumper.
- (6). A paved apron consisting of two (2) inches of compressed bituminous concrete over a minimum base of twelve (12) inches of gravel shall be installed at the intersection of the private way and any Town or State highway for that portion of the travelway within the public right-of-way.

Any extension of a private way beyond the length shown on the approved subdivision plan or the approved structure farthest from the public road shall conform to the design and construction standards of Section 7.7.B.2 unless otherwise exempt by this Ordinance. (Adopted June 13, 2012)

7.7.B.1.c Appeals

Decisions of the Staff Review Committee regarding private way exemptions as outlined in section 7.7.B.1.b may be appealed to the Arundel Zoning Board of Appeal within thirty (30) days of the final decision rendered by the Staff Review Committee. (Adopted June 13, 2012)

7.7.B.2 Private Way Construction Standards:

All private ways serving two (2) lots/units or more and created after June 13, 2012 shall be constructed to the appropriate standard in Section 7.7.B.2.a based on the maximum number of minimum-sized lots or units that can be subdivided on the parcel. (Amended June 13, 2012)

7.7. B.2.a: Design Standards

Private Way shall be constructed to the standards specified in herein:

Standard	1 Lot (Only for Back Lots created before June 9,2010)	2 Lots or Dwelling Units	3 -7 Lots or Dwelling Units	8 + Lots/Units
Residential Uses				
Minimum Right of Way	30 feet	50 feet	50 feet	50 feet
Minimum Travel way width	12 feet	15 feet	18 feet	20 feet
Minimum Depth of Base Gravel	12 inches	15 inches	18 inches	18 inches
Base Gravel Standard	Bank Run	Bank Run	MDOT Type D	MDOT Type D
Crushed Aggregate Base Course	0 inches	0 inches	3 inches	3 inches
Crushed Aggregate Type	N/A	N/A	MDOT Type A	MDOT Type A
Travelway Bituminous Pavement	None	None	None	Arundel Street Design & Construction Standards
Crown	None	¾ inch /foot	¾ inch /foot	½ inch/foot
Shoulder Width	1 foot	1 foot	2 feet	3 feet
Minimum Gradient	0.8%	1%	1%	0.8%
Maximum Gradient	N/A	12%	10%	9%
Minimum Centerline radius	N/A	100 feet	150 feet	150 feet
Tangent between radii	50 feet	75 feet	75 feet	100 feet
Angle of Street Intersections	>75 degrees	>80 degrees	90 degrees	90 degrees
Maximum gradient within 50 feet of intersections	N/A	5%	3%	3%
Min Curb Radii at	10 feet	15 feet	15 feet	20 feet

intersections				
Maximum Cut slopes (1:1 in solid ledge)	2:1	2:1	2:1	2:1
Maximum Fill Slopes	3:1	3:1	3:1	3:1
Turnaround	None required	Hammerhead or 65'cul-de-sac	Hammerhead for up to 4 lots 65'cul-de-sac for 5-7 lots	65' Cul-de-sac
Cul-de-Sac Design		Refer to Arundel Street Design & Construction Ordinance		

Standard	1 Lot (Only for Back Lots created before June 9,2010)	2 Lots or Dwelling Units	3 -7 Lots or Dwelling Units	8 + Lots/Units
Hammerhead ROW Width		50 feet	50 feet	50 feet
Minimum Length of Turnaround legs		50 feet	50 feet	50 feet
Minimum Offset between Private Ways located on the same side of the road	N/A	200 feet	250 feet	300 feet
Non-Residential Uses	Standards of Section 7 and 8 apply	Standards of the Arundel Street Design and Construction Ordinance apply		

- (1) Street Intersections Standards: Private Ways intersecting with Town Streets shall be designed with a minimum 0.5% reverse slope for a minimum distance of five (5) feet back from the edge of the street pavement. That portion of the private way within the street right-of way shall be constructed with a minimum of 3 inches of bituminous pavement.

7.7.B.2.b: Uniform Travelway and Right-of-Way Widths:

Travel way and right of way widths shall be determined by the cumulative number of units or lots served by the private way, and shall be maintained for the entire length of the private way including terminus.

7.7.B.2.c: Access to other Private Ways:

No private way shall gain access from any other private way comprised of less than a 50-foot right of way and a 18-foot travelway.

7.7.B.2.d: Driveway Access off Hammerheads Prohibited:

No lot shall secure a driveway access from the turnaround end of a hammerhead or modified T terminus.

7.7. B.2.e Drainage Standards:

Private ways shall be designed with surface or subsurface drainage facilities to accommodate runoff generated from the private way.

- (1) **Design Storm:** All shoulder drainage ditching shall be designed at a minimum to accommodate runoff from the road watershed generated during a 10-year storm event. Culverts shall be designed to a minimum standard to accommodate a 25 year storm event. Depending on topography and site conditions the Planning Board reserves the right to increase the design storm minimums for roadside ditching and culverts.
- (2) **Zero Peak Runoff:** No runoff shall be discharged from the site or into any watercourse or Resource or Shoreland wetland at a peak runoff level greater than existing conditions.
- (3) **Culvert Materials:** All culverts within the private way right-of-way shall be no less than fifteen (15) inches in diameter and shall consist of either aluminized corrugated metal pipe or HDPE corrugated plastic pipe with a minimum of two (2) feet of finished top cover, or other material so approved by the Arundel Public Works Department.
- (4) **Drainage Easements:** Discharge of concentrated runoff onto an abutting property shall not be permitted unless a drainage easement is granted by the abutter.

7.7.B.2.f Sedimentation & Soil Erosion Control Standards:

All Private Way construction shall be accompanied by proper soil erosion control and sedimentation devices installed and maintained in accordance with the Maine Erosion & Sediment Control Best Management Practices (BMPs), as published by the Maine Department of Environmental Protection.

7.7.B.3 Approval Required:

All Private Ways serving 2 lots or dwelling units shall be approved by the Staff Review Committee prior to the issuance of any building permits or road construction. All Private Ways serving 3 or more lots or units shall be approved by the Arundel Planning Board prior to the issuance of any building permits or road construction.

7.7. B.3.a. Plan Submission:

A plan and centerline profile of the proposed private way shall be prepared and sealed by a Professional Engineer licensed to practice in the State of Maine and shall be drawn with permanent ink on Mylar. The plan and profile shall show all existing property lines and existing conditions as well as proposed on-site and off-site improvements, existing and proposed topographic contours at an interval determined by the Town Planner and Public Works Director, drainage structures, soil erosion control devices, and typical road crosssection. The plan should also contain the following components:

- (1) **Approval Block:** The Private Way Plan shall contain an approval block with lines for signatures of the Arundel Planning Board or Arundel Staff Review Committee.
- (2) **Town Disclaimer:** The following statement shall be affixed to the Plan: “The Town of Arundel shall not be responsible for the construction, plowing, maintenance or repair of this Private Way”
- (3) **Construction Cost Estimates:** The applicant shall submit a detailed estimate of the costs associated with the construction of the Private Way as proposed. Costs shall be based on fair market value for the work and improvements to be performed.
- (4) **Waiver of Submission Requirements:** The Planning Board or the Staff Review Committee may waive contour intervals, drainage structures, or similar submission requirement deemed to be superfluous given field conditions and irrelevant to the consideration of the plan.

7.7.B.3.b Maintenance Agreement:

Maintenance agreements shall be executed for any private way providing access to a duplex or-two or more lots. The Maintenance Agreement shall specify the rights and responsibility of each unit or lot owner for the repair, plowing, and maintenance of the private way. The executed Maintenance Agreement shall be recorded in the York County Registry of Deeds and a stamped copy shall be

submitted to the Code Enforcement Officer or Planning Board prior to final approval of the private way plan.

7.7.B. 4. Municipal Review Process

7.7. B.4.a. Staff Review Committee Approval Process

All applications for Private Ways providing legal access and street frontage for 1-2 lots or dwelling units shall be reviewed the Arundel Staff Review Committee. The Committee shall be comprised the Staff Review Committee consisting of the Arundel Public Works Director, the Fire Chief, the Code Enforcement Officer, and the Town Planner. Within fifteen (15) days of receiving a complete Private Way application, the Staff Review Committee shall conduct an on-site Public Hearing in which members of the Public are invited to attend and comment. Within thirty (30) days of the Public Hearing, the Committee shall render a decision to approve, deny, or approve the Private Way application with conditions.

7.7.B.4.b Planning Board Review:

All applications for Private Ways providing legal access and street frontage for three (3) or more lots or three (3) or more dwelling units, or any commercial enterprise open to the public shall be reviewed the Arundel Planning Board. Within thirty (30) days of receiving a complete Private Way application, the Planning Board shall conduct a Site Walk and a Public Hearing in which members of the public are invited to attend and comment. Within thirty (30) days of the Public Hearing, the Planning Board shall render a decision to approve, deny, or approve the Private Way application with conditions.

7.7.B.5 Recording of Plan:

An approved and signed Private Way plan shall be recorded by the applicant in the York County Registry of Deeds within sixty (60) days of the signing of the plan. Failure to register the plan within the 60 days will void the Planning Board or Staff Review Committee's approval.

7.7.B.6 Inspection and Certification:

Private ways serving two or more lots shall be inspected under the direction of a Civil Engineer, licensed to practice in the State of Maine. Prior to the issuance of building permits or any requested drawdown from a Construction Surety provided by the applicant, the inspecting Civil Engineer shall certify that the Private Way has been constructed in accordance with the approved plans and design and performance standards in this section.

7.7.B.7 Construction Surety

To insure that all approved Private Ways are constructed in compliance with the approved plans, the applicant shall provide either:

7.7.B.7.a Engineer Certification: Prior to the issuance of any Building Permits, submit an inspection report from the Civil Engineer, acceptable to the Code Enforcement Officer, certifying that the private way has been constructed in conformance with the approved plans and the construction standards of 7.7.B.2; or

7.7.B.7.b Financial Surety: Submit a surety instrument, in a form acceptable to the Town Planner and in an amount equal to the estimated costs of construction plus a 10% contingency. The instrument may be in the form of a Letter of Credit, a Tri-Party Agreement.

Town of Arundel, Maine

PRIVATE WAY APPLICATION

APPLICANT INFORMATION

1. **Project Name:** _____

2. **Owner Name:** _____

Mail Address: _____

Town, State, ZIP Code _____

Telephone #: _____

Email: _____

3. **Applicant Name** (if different): _____

Mail Address: _____

Town, State, ZIP Code _____

Telephone #: _____

Email: _____

4. **Authorized Agent** (person(s) who will be responsible for all communication with the Planning Board):

Name: _____

Mail Address: _____

Town, State, ZIP Code _____

Telephone #: _____

Email: _____

5. **Design Consultants** (Surveyor/ Engineer)

Name: _____

Mail Address: _____

Telephone # _____ Email _____

Name: _____

Mail Address: _____

Telephone # _____ Email _____

GENERAL INFORMATION

6. **Project Location** _____ Arundel Tax Map ____ Lot ____

7. Private Way proposed to serve ____ lots and ____ dwelling or commercial units.

SITE INFORMATION

9. Please describe the existing use of the property to be developed and neighboring properties.

Please describe the proposed use of the property.

10. Total Acreage of Site: _____ Proposed Development Area: _____
Proposed Road/driveway Length: _____ Area of parking lot _____
Total Impervious Area: _____

11. Proposed Infrastructure Improvements (List Facility Type & Public/Private Ownership)

Sewer: _____ Water: _____
Road: _____ Utilities: _____

12. Application Fee: \$250 Minor / \$500 Major - for new applications:
 \$250 for revisions; plus applicable Review Fee: \$250 Minor / \$500 Major; refundable
if not used by Planning Board. *Application fee is doubled if work has started or business has
been established prior to application* Pre-Application / No Fee

13. Waiver Requests? (Submit in writing) Yes No

14. Please complete the attached Private Way Checklist to assure your application and site plan
are complete.

To the best of my knowledge, all of the above stated information is true and correct.

Applicant's Signature

Date

Submit Nine copies of this application and building and site plans showing or accompanied by
the information required by Section 9.7.D. If plans are larger than 11" x 17", you may provide 2
full-sized sets and 8 copies reduced to 11" x 17". Applications will not be placed upon a
Planning Board Agenda until the Town Planner receives all the plans, fees, written submissions
or waiver requests to be considered complete. After receipt of all the necessary information, the
Town Planner shall place the application on the next available agenda.

Town of Arundel Private Way Application Checklist

Project Name _____

This checklist has been prepared to assist applicants develop their applications. It should be used as a guide. The checklist does not substitute for following the requirements of Section 7.7.B of the Arundel Land Use Ordinance. The Town Planner will also be using the checklist to make sure your application is complete. Indicate in the first and third columns if the information has been submitted or if you request it to be waived. If you feel the information is not applicable to your project please indicate so in the second column.

Private Way Plan Requirements	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
1. Perimeter survey prepared and sealed by a Land Surveyor licensed to practice in the state of Maine showing the dedicated right-of-way for the proposed Private way and any abutting properties to the proposed private way.					
2. Plan view prepared and sealed by a civil engineer licensed to practice in the State of Maine, showing horizontal layout of the proposed right of way and travelway including relevant horizontal curve data, and containing the following information:					
<ul style="list-style-type: none"> • Existing and proposed topographic contours 					
<ul style="list-style-type: none"> • Existing and proposed drainage facilities and discharge areas for drainage facilities 					
<ul style="list-style-type: none"> • Invert elevations for all existing and proposed curbing, culverts, catch basins and other drainage structures 					
<ul style="list-style-type: none"> • Location of all natural features including but not limited to wetlands, streams, rock outcrops, large specimen trees, as well as built structures including fences, signs, lighting, walls, and buildings; 					
<ul style="list-style-type: none"> • Location and identification of all existing and proposed utilities including water, sewer, electric service, gas lines, telephone, and cable TV, street lighting , 					
<ul style="list-style-type: none"> • Sight distances of all intersections of the private way with own streets and other private ways shall also be provided 					
<ul style="list-style-type: none"> • Title Block containing applicant and engineer//surveyor information, scale and north arrow 					
<ul style="list-style-type: none"> • Planning Board or Administrative Review Committee signature block; 					
<ul style="list-style-type: none"> • Site Data summary including length of roadway , road width, construction specifications, and number of lots / units served; 					
<ul style="list-style-type: none"> • Typical road construction crosssection including any sidewalks if applicable 					
<ul style="list-style-type: none"> • Location and identification of test pits used for soil investigation or confirmation of installed materials in existing roads 					
<ul style="list-style-type: none"> • Location of sedimentation and soil erosion control devices; 					
<ul style="list-style-type: none"> • Location and specification of landscaping, signage ,or proposed street trees 					

3. Profile of the proposed roadway drawn at a scale not less than 1"=40 feet horizontal and a vertical scale of 1"=4 feet vertical, stationed in 50 foot horizontal increments, showing centerline and left and right side profiles of the road, vertical curves, culverts, underground utilities, and stream beds					
4. Detail sheet containing detail drawings of drainage and utility structures, soil erosion control devices, schedule of soil erosion control practices on the site; planting schedules and specifications, sidewalks, walkways and driveways;					

WRITTEN SUBMISSION REQUIREMENTS					
1. Complete Application Form					
2. Name, mailing addresses, and Map/Lot number of all abutters within 500 feet of the subject property					
3. Evidence of applicant's right, title or interest (deed, lease agreement, purchase & sale, or letter of authorization) in the property and any deed restrictions or easements on the property					
4. Drainage calculations for 5, 10, and 25 year frequency storm prepared and sealed by a civil engineer licensed to practice in the State of Maine					
5. Executed Maintenance Agreement					
6. Copies of proposed temporary and or permanent easements including utility, construction, access, and drainage easements;					
7. Cost estimates of all proposed improvements by unit quantity					
8. Traffic impact study if requested by Planning Board					
9. Written copies of all required state and federal approvals. Relevant state and federal laws include, but are not limited to Stormwater, Site Location, Natural Resources Protection Act, and Sec. 404 Clean Water Act (federal), and all Maine Department of Transportation permits.					