

Roads Workshop
February 11, 2013, 6 p.m.

Present: Selectmen Judy Colby, Bill Curtis, Pam Dunning, Ed Polewarczyk, and Jeff Slack; ORC members Jackie Lowell, Karl Olson; Planning Board members Tony Gatti, Peter McRae, Lester Morse, Ray Soule; Town Planner Misty Parker; Town Manager Laurie Smith; Road Commissioner Greg Griffin

Private roads should be adequate, safe, durable, and stable. In drafting roads ordinances, towns must consider first-time home buyers and what they expect, deteriorating roads and residents' attitudes, road association responsibilities (there are no laws governing when the association takes over) and municipal roads, which are governed by State Subdivision Statute and/or municipal ordinances, and avoidance of future issues.

Example: Subdivision A - The developer was not required to post a bond for infrastructure. Two back lots in the subdivision were sold before the road was put in. The developer went bankrupt and the lot owners were unable to obtain building permits because of lack of access. Eventually the lots became tax acquired property because the developer went bankrupt and the two sold lots were unable to be developed without putting in a road. The lack of a bond or other performance standard left the Town and two lot owners with no ability to put in the road.

Example: Subdivision B – Two lots in the subdivision were sold with the condition they could not be developed until the road extension was brought up to standard. Two lots in back of the subdivision had driveways with access off the extension and were concerned that increased use of the extension would deteriorate the road. The developer had sold all the lots in the subdivision and therefore was no longer involved. In order for the two lots to be developed the owner had to assume the responsibility of bringing up the road to standard.

Example: Subdivision C – Access to the subdivision is through a private road that is not built to road standards and is unable to handle increase in traffic. There is no road association for the maintenance of the private road and the cost of maintaining is unevenly distributed among the residents.

Design engineering of roads is important to avoid drainage problems which may change the landscape, affect roads and private property, cause erosion and pollution and excess maintenance costs.

Property values and private roads: The cost of town services, roads, emergency services, and schools is \$1.15 to \$1.50 for every dollar received in taxes for residential property; 35¢ to 65¢ for every dollar received in taxes on commercial/industrial property; and 30¢ to 50¢ for every dollar received in taxes on agricultural or open land. Towns need a mix of all three types of property.

Gravel roads vs. paved roads: Gravel roads are difficult to maintain in the winter because of the difficulty plowing when roads are frozen and become a sheet of ice or when the roads are soft and there is no hard surface. Paved roads are easier to maintain in the winter and last from 15 to 20 years. Subdivision roads are required to be paved. Because there is no bond market for private developments, a performance guarantee may be required of the developer to insure that roads are built to standards.

In Waldoboro, Boothbay Harbor and Alna, three or more houses on a driveway constitutes a private road, and the latter two towns require planning board review outside of a subdivision. In Wiscasset, only the Subdivision ordinance contains road standards. There is a need for defined standards, perhaps differentiating between uses and size.

The old and new ordinances have the same requirements for drainage, traffic safety, resources for completion, impact on municipal services, accessed lots, location of roads and erosion control. The old ordinance had specific requirements for subdivision roads; the new ordinance will have a separate road section which will contain road standards for subdivisions. The Ordinance Review Committee needs guidance on detailed standards for public roads, private roads

and residential drives. Even 911 roads, whether private or public need to be able to accommodate emergency vehicles. In addition, there is no standard for bringing deteriorated roads up to standard.

Misty Parker asked whether the town should have detailed standards for public roads. This would provide information to developers and others who are building roads. Although the town may have road standards, it has no obligation to take over a private road built to those standards. A landowner would have to petition the town to take over a road and the decision would be made by the voters. Towns can also take over roads by eminent domain and proscriptive use.

In response to Parker's question whether the town should have road standards for private roads and residential drives, Karl Olson said that the town should have standards for public, private and driveways more than 500 feet with two or more houses, which according to the 911 regulations have been named. There is an expectation on both public and private roads that emergency vehicles will be able to serve residents; the town would be liable if it failed to respond to emergencies.

In response to Ed Polewarczyk's question about repairing town roads in poor condition, Laurie Smith said that there were no road standards that would enable a third party road engineer to inspect a contractor's work to insure that it is built or repaired to town standards.

Under the ordinance, subdivisions are required to have a road association for maintenance of the road; however, once the association is formed, the town has no responsibility or authority over the road.

In addition to private roads in subdivisions, there are also private roads formed over time as lots as are split off without forming a subdivision, but at some point the decision has to be made whether the road should conform to the road standards. There would be no requirement under this scenario that a road association be formed. Some towns have a lesser standard for private roads which are not in subdivisions.

Pam Dunning said the town lacked standards for bringing gravel roads up to town standards and it had been impossible to answer residents' questions at a recent select board meeting when they inquired what they had to do to bring their road up to standard. She was concerned about the amount of detail in the standards which might be prohibitively expensive for some residents. It was pointed out that the workshop was scheduled to discuss planning for the future, not solve past problems. Dunning suggested that there might be various standards for the amount of use the road might have or the acreage of the land that the road is servicing. Lots on roads that are not built to town standards should have a statement in the deeds indicating the road will never be accepted by the town.

There was a consensus that town road standards and subdivision standards be developed and private road standards be explored if they made sense and were not too restrictive. The Town Planner will work on standards for roads, possibly taking into consideration different standards for drives, industrial uses, and subdivisions, public and private roads.