

November 20, 2025

TO: Casco Planning Board
FROM: Doug Webster, Planning Consultant
CC: Mr. John Wiesemann, CEO/LPI
Mr. Craig Alaimo, Country Living Assisted Living
RE: Background information for upcoming 11-24 PB Meeting

Introduction

The agenda for the upcoming PB meeting contains three old business items: Review of materials for Country Living, and discussion of Village Zoning District, and discussion of roads/streets.

Attached to this memo, please find the following:

- Two page memo requesting a legal opinion RE Country Living
- One page reply from Town Attorney RE Country Living
- Two page excerpt from Gray's SD Ordinance RE road standards
- Fourteen pages of Gray's Street Ordinance (Chapter 400)

Country Village Assisted Living

Upon further review of the readily available information, it is apparent that the wetland deduction currently required for NRA/NRD is the major component for not being able to meet this standard. It appears that most/all of the wetland area is forested. While it is clear that the Town has limited/no ability to adjust Shoreland Zoning requirements without MeDEP consent, Casco can adjust the degree to which forested wetlands are required to be calculated for NRA/NRD purposes. Some municipalities have adjusted (reduced) this deduction if forested wetlands are protected from development as an integral part of the proposed project.

Following the discussion at the last PB meeting, it was apparent that it was prudent to explore options that Mr. Alaimo may wish to explore and to enable an as informed as possible follow-up discussion at the upcoming PB meeting. As detailed in the Town attorney's opinion, there are two matters that need to be determined for discussion at the upcoming meeting.

The first is if the footprint of the proposed expansion will exceed 25% of the existing footprint. This has a bearing on possible procedural paths. It may be prudent for Mr. Alaimo to review the existing/proposed plans to make this rather straightforward determination. The second is a CEO determination regarding if the use of the property is legally nonconforming per the fourth paragraph of the Attorney's opinion.

Pending further information regarding if the proposed expansion is greater than a 25% footprint increase and the CEO determination regarding the legal non-conformity, it appears that there are 5 possible paths. Three are possible zoning ordinance changes:

- Change the minimum NRA area required to 2,000 per bed for Nursing Homes in the Village
- Within NRA/NRD, change how forested wetlands protected from development apply
- Eliminate the requirement for NRA/NRD for Nursing Homes in the Village

There are two possible non-Zoning Ordinance changes pending CEO input and the 25% question:

- Footprint increase <25%, apply to PB for SPR
- Footprint increase >25%, seek 4-part undue hardship variance per Attorney opinion

Recommended Actions

To enable a fruitful discussion at the upcoming meeting, it would be ideal if the CEO were willing to weigh in on if the property/ use is legally non-conforming and also if Mr. Alaimo were able to run the 25% calculations. In the event that the applicant needs/chooses the variance path, it may be prudent to continue discussions with the PB regarding possible zoning changes in the event that the variance (if needed) is not obtained.

Discussion of Village Zoning Changes

It is my understanding that the Town's Comprehensive Plan Implementation Committee (CPIC) is in the process of working on changes to Casco's village areas starting with the one on Rt. 121 in the vicinity of the Community Center. I believe the intention of including this as an agenda item is to proactively solicit input from the PB that should be considered as the discussions regarding changes to the village per the Comp Plan move forward.

I suggest that if PB members have input on what changes may be appropriate to the village, that these be voiced at the upcoming meeting to be incorporated as part of the on-going discussion. I would also point out that both the Village District on Rt. 121 as well as Webb's Mills have extensive areas that are in the SZ. It would seem prudent to map these areas before discussions get too far into the details given that MeDEP approval will be required for any changes to these SZ areas.

Some land use professionals are not aware that the Town can request MeDEP to approve SZ changes that are less than the minimums established in MeDEP's "rulemaking" which, for SZ, is Chapter 1000 Guidelines. The SZ Statutory requirements are absolute; not deviation whatsoever. Given sufficient documentation and existing land use (such as lot size), however, MeDEP can allow deviations from Chapter 1000. Depending upon how many Casco properties are in village areas and are in the SZ, together with how important it may be for Casco to pursue this, it might be appropriate to consider such a request. I wanted stakeholders involved with the village discussions to be apprised of this.

Roads/Street Background and Discussion

This agenda item was on from the prior Planner. Following the last PB meeting, I met with CEO John and PB Chair Marc to formulate the agenda for the upcoming meeting. John and Marc provided some historical context including some prior stances for winter maintenance standards. I am working on obtaining copies of this prior information together with complete streets information that is in the Comp Plan.

The objective of including this on the agenda is to begin discussions on what changes may be appropriate to consider for roads, streets, and driveways in Casco. It is apparent that one of the more consistent drivers sparking this discussion is incremental residential development that does not trigger subdivision (SD) review. For example, in many instances there is an existing ROW/accessway and the CEO receives a building permit application to further extend the accessway for a new house. As the number of dwellings on an accessway increases over time, the condition of the access is sometimes practically deficient. While there are already some standards in Casco's Zoning Ordinance (see Zoning 215-5.3 & 5.6 as well as SD 210-9.10), this is becoming more complex to apply given the recent State Statutes regarding housing that pre-empt home rule.

Casco is hardly alone in wanting to address the complex issue of roads, streets, driveways, and access. Most municipalities wrestle with the most prudent and fair method to address this matter. Attached to this memo I have included some excerpts from Gray. Gray decided in 2011 to not require road/street standards unless SD review is triggered. Gray also formalized the "public easement" policy for winter maintenance (see Section 2.4 of Gray's Street Ordinance) to address the legal situation of not expending public funds for use on private property. Many of Gray's roads (including gravel) that are winter maintained are privately owned, but are able to be legitimately winter maintained by the Town via the public easement standards memorialized in their Street Ordinance.

The typical initial response from municipalities to address this is to add an access standard to the Zoning Ordinance that the CEO is to enforce. Having been a CEO/LPI for 35+ years, I can say that most CEO's are generally not PE's. Most CEO's do not have the training or experience to determine if the road base is sufficient, if there is adequate drainage, etc.; these are engineering matters. Dovetail this practical reality with the property owner incurring the cost of hiring a PE, unless subsidized by the Town, and the net result is that requiring PE review for non-SD access is often understandably viewed as being cost prohibitive and politically unviable. Hence the present situation for many municipalities.

As if the access/road situation was not already complex enough, there are other stakeholders that need to be considered such as taxpayers shouldering the costs of town winter maintenance, ensuring that private roads are adequately maintained, input from the Town manager & Public Works, and access for emergency vehicles. It is clear that there are many elements needing to be considered.

One path that may warrant discussion is a triage approach. In this model, there are basic access standards such as minimum travel width, road crown, minimum shoulders (snow storage & drainage), minimum height difference travel way to shoulder, etc. The CEO reviews the current site conditions and request when the building permit application is received. Based on a on-site

visit, the CEO makes the determination if it is a straightforward situation, it may need limited PE input, or if it needs “full” PE involvement.

With this model, there is a list of elements that are considered in making this call such as slope, site conditions, length of accessway to be built, conditions when entering the main road, number of existing dwellings using the accessway, connection with the main road, etc. Depending on the site conditions and nature of the change per the building permit, there might be improvements such as adding to the road base, correcting an ongoing drainage situation at one or more points along the existing accessway, etc. As the work needing to be done increases in scope and complexity, the CEO would require the PE as appropriate.

Recommended Actions

The majority of the above background information focuses on accessways for new non-SD lots which I understand to be the primary driver of placing this on the PB agenda per my discussion with John and Marc. If there are to be changes in the Zoning Ordinance, I believe the desired Town Meeting target is this coming June.

For the purposes of the upcoming meeting, I advocate that PB members review current Casco standards (Zoning 215-5.3 & 5.6 and SD 210-9.10) as well as the attached Gray materials which should help provide context and a sample template of how another municipality handled various road, driveway, and access matters. CEO John can provide some historical background as well, if he is willing at the meeting.

I also suggest that it would be efficient to identify what elements the Town/PB would like to focus on. For example, I have compiled a list of questions below for the purposes of trying to narrow the scope of what aspect(s) of access are the most important to address.

Questions for discussion purposes:

-Does the PB wish to discuss changes to town-funded winter maintenance such as eligibility and requiring a public easement? If so, input from others is warranted.

-Does the PB wish to discuss options to road/access standards for building permits that are not associated with a SD?

-Does the PB endorse discussing standards where a driveway meets the main road (as in Gray’s Street Ordinance Section 5)?

-Does the PB wish to consider changing/reducing SD road standards such as allowing gravel roads for less than X lots/dwellings per Gray SD “Minor Rural Street”?

-Should any existing accessways (non-SD) not be subject to as strict standards as new accessways or should new lots/dwellings meet the same standards?

November 17, 2025

TO: John Wiesemann, Casco CEO
FROM: Doug Webster, Planning Consultant
CC: Mr. Craig Alaimo, Country Village Assisted Living
RE: Background memo/information regarding ability to pursue variance
Country Village Assisted Living Facility
960 Meadow Road, Casco, Maine, Tax Map 42, lot 19

Introduction

I write to provide background information regarding the ability of the property owner for the above reference parcel to seek a variance. The property owner representative, Craig Alaimo, is intending to increase the number of beds in his Nursing Home operation from the present 30 to 45.

Based on information provided by Mr. Alaimo, the current property is only sufficient to support 20 beds per the NRA/NRD calculation required per the definition of Nursing Home in 215-2.1 of Casco's Zoning and Land Use Ordinance. Per Section 215-4.5, subsection B.2.d, Nursing Homes are an allowed use in the Village Zoning District in which the subject property is predominantly located (some SZ-SP per below).

It is apparent that the *use* is conforming, but the existing *density* is non-conforming. Section 215-3.2 addresses non-conformity; it is assumed that although the existing density is non-conforming, it is legitimately currently having "density of record".

I would like to begin by referencing apparent relevant Ordinance provisions, then outline my interpretation, followed by a request for a written legal opinion to enable both Town representatives and the applicant to make an informed decision as to how to most prudently proceed with realizing the desired expansion.

Relevant Ordinance Provisions

There are several relevant definitions per Section 215-2.1 including the following; nursing home, net residential area, net residential density, and dimensional requirements.

Section 215-6.3 addresses "Administration, Appeals & Variances". Subsection A.2.a states applicability for increases in non-conforming uses which is not applicable. This section contains the traditional 4-part hardship criteria. Subsection A.2.b outlines practical difficulty but this is not allowed for the subject property given that a portion of the parcel is in Shoreland Zone (Stream Protection). Subsection A.2.c does not mention lot area, but this is stated in the definition of dimensional requirements.

It seems relevant that this Section 215-6.3 does not state on-point how to address numerical standards (per A.2.b.1) for properties located partially in the SZ.

Resulting Question

The outstanding question for the purposes of enabling the applicant and Town representatives to make an informed decision is if Mr. Alaimo has the ability to apply for a traditional 4-part hardship variance that is addressed on-point in the SZ Statute. It would seem that Mr. Alaimo could pursue this path given the Statutory language despite the apparent not on-point language in Section 215-6.3.

Request for written legal opinion

On behalf of the Town, and out of respect for the property owners' rights to explore all possible options, it seems prudent to request a written legal opinion from the Town Attorney regarding if the Zoning Board of Appeals has the authority to consider a variance. If so, what would be the applicable criteria the ZBA would apply.

Given that a portion of the property is in the SZ, and as required by State Statute, the MeDEP would need to be notified of the variance request. In general, MeDEP perhaps understandably sends letters/ correspondence opposing the ZBA granting the variance.

I raise this point at this juncture to plant the seed that if a variance can be considered, it should be made clear to the MeDEP when they are (presumably) notified that the need for the variance is due to a local zoning ordinance provision and that (assumed) none of the proposed development that is sparking the variance request is within the SZ.



Wed, Nov 19, 2025 at 9:59 AM

Legal Opinion memo & Road background status

Benjamin T. McCall <bmcclall@dwmlaw.com>
To: John Wiesemann <jwiesemann@cascomaine.org>
Cc: "dbwgto@gmail.com" <dbwgto@gmail.com>

Wed, Nov 19, 2025 at 9:59 AM

John –

As I understand it, the property located at 960 Meadow Road (Map 42, Lot 19) currently houses a nursing home, as that term is defined in § 215-2.1 of the Town Code. The definition of nursing home requires a subject property to meet the underlying zoning district's minimum lot size, and in addition, provide 5,000 square feet of net residential area per bed.

Currently, the nursing home at 960 Meadow Road currently contains 30 beds, but my understanding is that that the property does not contain sufficient net residential area to support this number of beds under § 215-2.1. The owner wishes to increase the number of beds from 30 to 45.

This state of affairs renders the use of the property nonconforming, as the property does not contain sufficient net residential area to legally support the existing number of beds. However, this does not automatically render the use legally nonconforming. Instead, the property owner would have the burden of proving to the Town that the nursing home existed in its current configuration (and room count) at the time that the Code was amended in the manner that rendered this use nonconforming, *i.e.*, when the 5,000 square foot per bed requirement was added.

If the Town is satisfied that the use of the property is legally nonconforming then further expansion of that nonconforming use is permitted by up to 25% of total floor area, provided that the use "meets the criteria of site plan review." See Code § 215-3.2(B)(6). This means that if the total floor area expansion of the nursing home proposed only represents up to 125% of its existing floor area (regardless of the number of new beds) it can expand upon receiving site plan approval from the Planning Board.

Alternatively, if the property owner wishes to expand the floor area of the nursing home by more than 25% then the Code provides the opportunity to apply to the ZBA for an undue hardship variance, the standards and procedure for which are outlined in § 215-6.3(2)(a). Please note, however, that even if the applicant successfully receives a variance to allow expansion of the nonconforming use in excess of 25% of total floor area, site plan approval from the Planning Board is still required.

Finally, if a variance is pursued, it will be critical to determine where on the lot the building will be expanded. If any portion of the expanded building will be located within the Shoreland Zone or Stream Protection District, then DEP must be provided advance notice of the ZBA hearing in order to provide comment. This is the case even if the expanded structure would be properly set back from the resource. If, however, no portion of the building will be located within either the SZ, or the SP, then technically speaking, no DEP consultation is required. I do agree, however, that the fact that a portion of the property falls within the Shoreland Zone precludes the issuance of any practical difficulty variance, per the terms of § 215-6.3(A)(2)(b)(1)(f).

Please let me know if you have any further questions, or would like to discuss further.

C. TABLE 401.13.16-2

ITEM	Sub-collector Streets	Village Public Street	Rural Public Street	Rural Public Easement Street	Minor Rural Street
A. Minimum width right of way ¹	60 ft	60 ft	50 ft	50 ft ⁵	50 ft
B. Minimum grade	.5 percent ²	.5 percent ²	1 percent	1 percent	1 percent
C. Maximum grade	8 percent	8 percent	10 percent	10 percent ³	10 percent ³
D. Maximum grade within 75 ft of intersection	3 percent	3 percent	3 percent	3 percent	3 percent
E. Width of shoulders on each side	4 ft (paved)	4 ft (paved)	4 ft (paved)	2 ft (gravel)	2 ft (gravel)
F. Minimum travel way width	22 ft	20 ft	20 ft	18 ft	16 ft
G. Aggregate sub-base course gravel	15 inches	15 inches	15 inches	15 inches	15 inches
H. Aggregate upper base crushed gravel	3 inches	3 inches	3 inches	3 inches	3 inches
I. Bituminous paving	3-1/4 inches	3-1/4 inches	3-1/4 inches	3-1/4 inches	
J. Sidewalks (one side min.):					
Minimum width	5 ft	5 ft			
Aggregate sub-base course gravel	8 inches	8 inches			
Aggregate upper base crushed gravel	2 inches	2 inches			
Bituminous paving	2 inches	2 inches			
K. Minimum curb radii:					
90 degree intersections	40 ft	25 ft	25 ft	15 ft	15 ft
Less than 90 degrees	40 ft	30 ft	30 ft	20 ft	20 ft
L. Minimum dwelling units	51	4	26	11	2
M. Maximum dwelling units	100 ⁴	50	50	25	10

¹ Where road grading extends beyond the specified right of way width, the right of way shall be widened at that location to include the areas of extended grading

² Increase to 1 percent grade with open drainage system

³ Road sections of less than 500 feet length can add 2 percent to the maximum grade provided that such sections are separated by a minimum distance of 500 feet and do exceed the limitations of Section 401.13.16.A.5 for horizontal curvature of the road.

⁴ Streets serving more than 100 homes shall meet the sub-collector standards with four (4 in) inch pavement per Section 401.13.16 C.2.

⁵ Upgrades of existing roads under Section 401.13.16.7 may be done on a "three-rod road" with a right of way measuring 49.5 feet. [Adopted 5-17-2011]

f. Dead End Streets

- (i) In addition to the design standards in Table 401.13.16-2, dead-end streets shall be constructed to provide a cul-de-sac (circular) turnaround with a travel lane and width equal to the minimum width required for the internal subdivision street.
- (ii) The maximum length of a dead end street shall be three thousand (3000 ft) feet.

- (iii) A turn around shall be provided for every fifteen hundred (1500 ft) feet of dead end road.
- (iv) A minimum of one (1) paper street following the interconnection criteria of Section 401.13.15. C. 1. shall be provided for every fifteen hundred (1500 ft) feet of dead end road.
- (v) The length of a dead end street shall be measured from the centerline of the street it accesses to the center of the turnaround.
- (vi) The maximum number of homes on a dead end street shall be twenty-five (25).
- (vii) The minimum outside travel way radius for cul-de-sac turnarounds shall be forty-two (42 ft) feet and the minimum right of way radius shall be sixty (60 ft) feet.
- (viii) Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac, or be replanted in the event that safe and healthy retention of the trees is not feasible.
- (ix) The Planning Board shall require the reservation of a twenty (20 ft) foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a right-of-way easement equal to the right of way width of the internal subdivision street in line with the street to provide continuation of the road where future subdivision is possible.
- (x) A T-turn around is permissible for residential subdivisions carrying an ADT of one hundred (100 ft) or less. The turnaround area easement shall be located fifty (50 ft) feet from the street terminus and shall have a width equal to the street right of way width, a five (5 ft) foot lot line radius, and a total depth of fifty (50 ft) feet. The travel way of the turnaround shall be the same width as the street it serves and be forty (40') feet in depth, and shall have a curb radius of fifteen (15 ft) feet. The plan shall contain a note indicating that the turnaround easement area will be vacated and returned to the lot that contains it in the event the street is extended in the future.
- (xi) All driveways located on T-turnarounds shall be located so as to facilitate plowing and storage of snow in accordance with the requirements of Section 401.13.17 E.

g. Street classifications and public street acceptance policies.

- (i) Sub-collectors, Village Public Streets, and Rural Public Streets generally are designed for full public ownership and maintenance. Sub-collectors and Rural Public Streets carry high volumes of traffic and/or provide through connections between existing streets that improve traffic flows through the community.
- (ii) Rural Public Easement Streets are designed for public winter maintenance under the Town's private road public easement policy. Minor Rural Streets are designed for full private ownership and maintenance under a maintenance agreement or homeowners' association framework.
- (iii) All new public streets/easements shall not be isolated from existing public streets/easements by intervening private streets. New public streets/public easements must either intersect existing public streets/easements or there shall be a continuous path

**CHAPTER 400
STREET ORDINANCE
TOWN OF GRAY MAINE**

Street Construction Ordinance Adopted June 3, 2003 / Effective Date July 3, 2003

Amended March 16, 2004 / Effective Date April 15, 2004

Street Ordinance Adopted May 17, 2011 / Effective June 16, 2011

Amended December 6, 2011 / Effective January 5, 2012

Amended October 15, 2013 / Effective November 14, 2013

Amended October 20, 2015 / Effective November 19, 2015

Amended January 8, 2019, 2nd Reading January 22, 2019

Approved January 22, 2019, Effective March 1, 2019

SECTION 1 – GENERAL ADMINISTRATION

SECTION 1.1 – PURPOSE

The Purposes of this ordinance are to promote public health, safety, and welfare for the residents of the Town of Gray by regulating activities that affect the Town's ability to maintain the roadway system, enhancing the easy and rapid location of and access to properties for the delivery of public safety and emergency services, and avoiding potentially life threatening situations that may be caused by unsafe road conditions and confusing or disorganized addressing.

SECTION 1.2 – EFFECTIVE DATE

The effective date of this revision of this Ordinance shall be June 16, 2011.

SECTION 1.3 – APPLICABILITY

The provisions of this Ordinance shall apply to all streets, roads and vehicular easements in the Town of Gray that are under public ownership, by the Town or the State of Maine, or that are under private ownership specifically including public easements for winter maintenance. The Ordinance shall also apply to any street, road, or vehicular easements shown on a subdivision plan approved by the Gray Planning Board and recorded in the Cumberland County Registry of Deeds.

SECTION 1.4 – APPEALS

- A. Decisions of the Code Enforcement Officer under this Ordinance shall be appealed to the Zoning Board of Appeals and from the Zoning Board of Appeals to the Superior Court in accordance with Rule 80 B of the Maine Civil Rules of Procedure.
- B. Decisions of the Public Works Director, Town Engineer, and Street Addressing Committee under this ordinance shall be appealed to the Town Council.

SECTION 1.5 – SEVERABILITY

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

SECTION 1.6 – CONFLICTS WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, permit, or provision of law. Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rules, regulations, Ordinances, deed restrictions, or covenants, the most restrictive shall govern.

SECTION 2 – ACCEPTANCE OF A PUBLIC STREET OR PUBLIC EASEMENT FOR WINTER MAINTENANCE

SECTION 2.1 – PURPOSES & INTENT

- A. Sub-collectors, Village Public Streets, and Rural Public Streets generally are designed for full public ownership and maintenance. Sub-collectors and Rural Public Streets carry high volumes of traffic and/or provide through connections between existing streets that improve traffic flows through the community.
- B. Rural Public Easement Streets are designed for public winter maintenance under the Town's private road public easement policy. Minor Rural Streets are designed for full private ownership and maintenance under a maintenance agreement or homeowners' association framework.
- C. All new public streets/easements shall not be isolated from existing public streets/easements by intervening private streets. New public streets/public easements must either intersect existing public streets/easements or there shall be a continuous path from new public street/easements through other new public streets to one or more existing public streets.
- D. All decisions to accept public ownership or public easements, however, are subject to the discretionary authority of the Town Council, and all proposed streets shall be covered by a private maintenance agreement or homeowners' association framework until they are accepted by the Town. Upon receiving preliminary subdivision approval, applicants are required to seek indication of whether the Town Council is willing to accept public ownership of fee interests or public easements.

SECTION 2.2 – PUBLIC EASEMENT FOR WINTER MAINTENANCE

Roads proposed for winter maintenance under a public easement shall meet the following criteria:

- A. Requests for public easement road acceptance shall be made in writing to the Town Manager by the road association president.
- B. Each respective road or homeowners association shall be incorporated, unless all property owners sign an individual public road easement and a hold harmless release.
- C. Each respective road association and each individual property owner if required shall grant a recorded public easement.
- D. Each respective road association and each individual property owner if required shall sign a general release to the Town granting permission to enter upon the road and to perform maintenance.
- E. Each respective road association and each individual property owner if required shall agree and sign to hold the Town harmless for any damages that may be caused in the process of providing maintenance services.
- F. The traveled portion of the road shall be adequately maintained in good repair by the respective road association as determined by the Town's Public Work's Director.
- G. There shall be adequate vehicle and plow turnaround(s).
- H. All costs associated with each public easement road acceptance shall be borne by the respective road association and property owners. Said costs may include public easement recording fee, published notices and others costs deemed by the Town Council.

- I. Upon written application to the Town Council and determination of extraordinary circumstances the Town Council has sole authority to waive or modify requirement(s) of the road adoption criteria.
- J. In accordance with the Town annual budget cycle and to forecast Town winter maintenance expenditures, a letter of intent must be submitted by January 15th for any new road(s) to be considered for Public Easement for Winter Maintenance purposes for the subsequent winter. This letter of intent shall be submitted to the Town Manager by the developer, road owner, road association president or other agent of the road. The request must include the location and sufficient information for the Town to determine winter maintenance needs such as road length, width, grades, curve radii, drainage, and orientation. In the event that a letter of intent is duly submitted but the proposed new road(s) is/are not accepted for winter maintenance purposes, i.e. not sufficiently complete, the road owner/applicant shall be responsible for submitting a new letter of intent to the Town for consideration by January 15th during the winter *preceding* the proposed winter maintenance.
- K. Accompanying each road association request for acceptance shall be separate, written recommendations by the Public Works Director and Town Engineer either supporting or not supporting public easement acceptance and their reasoning for the recommendation. A copy of the request and recommendations shall be forwarded to the Town Manager or designee for notification purpose prior to public easement acceptance.
- L. In order to provide an efficient and workable relationship between the Town and the road associations, each respective road association president or designee shall be the liaison between the Town and road association. Each road association is responsible to inform the Town Manager, in writing, identifying their respective association president or designee, address and telephone number by September 1st of each respective year.
- M. Maintenance services covered under this policy shall consist only of snowplowing and road sanding. The provision of required materials: road sand and road salt is implied by this policy. All other maintenance aspects, materials and requirements of public easement roads accepted are the responsibility of the road association and its members, including road grading. The Town does not assume or accept liability for any defects in or lack of repair to public easements.
- N. If a public easement's traveled portion is paved, the public easement road association and abutting property owners agree the Town assumes no responsibility for damages or injury to the paved surface.
- O. For public easement road acceptance and road maintenance, each road association recognizes the Town of Gray responsibilities shall be limited to the scope of this policy and to hold the Town harmless regarding any liability for any negligent damage to property: including but not limited to: driveways, mail boxes, lawns, trees, curbing, shrubs or property markers. Each road association or individual benefiting agrees to hold the Town of Gray, its officers, agents and employees harmless. This clause does not mean or intend to hold harmless private contractors for their negligent acts.
- P. If the Public Works Director determines that an emergency exists on any public easement way due to heavy snowfall and/or narrowing of the travel ways due to snow banks, the Public Works Director and the Town Manager may take such additional snow plowing and/or removal action as he reasonably deems fit to abate the emergency. The Public Works Director shall keep accurate financial records of any such emergency work and report the same to the Town Manager at least monthly.

SECTION 2.3 – PUBLIC EASEMENT FOR WINTER MAINTENANCE STANDARDS FOR PRE-1998 ROADS

In addition to the requirements of Section 2.2 above, roads proposed for winter maintenance under a public easement that were constructed before October 1, 1998 shall meet the following standards:

- A. There shall be at least four (4) year around dwellings served on the road under consideration.
- B. An easement of at least twenty (20 ft) feet in width shall be provided.
- C. The traveled portion of the road must be at least ten (10 ft) feet in width with an overall clearance width of eighteen (18ft) feet.
- D. The traveled portion of the road shall have an adequate gravel base with a minimum depth of six (6 in) inches.
- E. The traveled portion of the road's overhead clearance shall be a minimum of thirteen and half (13½ ft) feet.

SECTION 2.4 – PUBLIC EASEMENT FOR WINTER MAINTENANCE STANDARDS FOR POST-1998 ROADS

In addition to the requirements of Section 2.2 above, roads proposed for winter maintenance under a public easement that were constructed after October 1, 1998 shall meet the following standards:

- A. The road must meet all standards of the Subdivision Ordinance for Rural Public Easement Streets or Rural Public Streets, including paving, except that roads built to the prior public street standard of three (3) inches of paving prior to enactment of this ordinance on May 17, 2011 may be accepted for public easements (*Amendment effective Jan 5, 2012*). Rural Public Streets will not be fully accepted under Section 2.5 below unless they provide public benefits indicated in Section 2.1 A above, but they will be eligible for winter maintenance public easements.
- B. No public easement may be submitted for acceptance unless at least seventy-five (75%) percent of the housing units on that street or within that subdivision phase have received their certificates of occupancy.
- C. Roads shown on final subdivisions plans which were duly approved, inspected, and “substantially started”, as defined in the Gray Zoning Ordinance, by May 17, 2011 may be eligible for winter maintenance of each phase provided that such roads are constructed to the prior “Public Street Construction Standards”, excluding paved shoulders, and that the minimum pavement thickness meets the requirements for a Rural Public Easement Street. (*Amendment effective Nov 14, 2013*).

SECTION 2.5 – REQUIREMENTS FOR FULL PUBLIC ACCEPTANCE OF STREETS

- A. The owner(s) shall give the Town a deed to the property within the boundaries of the street at the time of its acceptance by the Town and a separate deed to areas reserved for future development of streets.
- B. A plan of said street or way shall be recorded in the Cumberland County Registry of Deeds at the time of its acceptance.
- C. A petition for the acceptance of said street or way shall be submitted to the Town Council upon a form to be prescribed by the Town Attorney. Said petition shall be accompanied by an as-built plan, profile and cross section of said street or way as follows:

1. A plan drawn to a scale of 50 feet to 1 inch, and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size or in digital format as prescribed by the Planning Board.
 2. A profile of said street or way drawn to a horizontal scale of 50 feet to 1 inch and a vertical scale of 5 feet to 1 inch.
 3. A typical cross section of said street or way, drawn to a horizontal scale of 5 ft. to 1 inch and a vertical scale of 5 ft. to 1 inch.
- D. Streets to be offered to the town for acceptance must have a written report of inspection prepared by the Town Engineer that affirms compliance with the standards of the Subdivision Ordinance for its road classification at the completion of construction. Final Certification by the Town Engineer shall be done only after the road has gone through one winter and spring season.
- E. No street or way shall be accepted by the Town Council until the Planning Board and the Town Engineer shall have made a careful investigation thereof, and shall have reported to the Town Council their recommendations in writing. Such results shall include at a minimum one core sample for the road proposed. Additional core samples may be required upon recommendation of the Town Engineer.
- F. No street or way may be accepted unless at least seventy-five (75%) percent of the housing units on that street or within that subdivision phase must have received their certificates of occupancy before any acceptance by the Town Council.

PART 3 STREETS ASSOCIATED WITH SUBDIVISIONS [Repealed 12-7-2010 & moved to Subdivision Ordinance]

SECTION 3 – STREET NAMING AND NUMBERING

SECTION 3.1 – ADMINISTRATION

All streets and roads shall be named by a Street Addressing Committee consisting of a representative of Public Safety, Code Enforcement, Public Works, Assessing, and Planning. Road names and numbers shall be assigned to all properties, on both existing roads and new roads that are built after the effective date of this ordinance. The Street Addressing Committee shall be responsible for maintaining the following official records of this ordinance:

- A. Town of Gray street map for official use showing all road names and numbers. The map shall be updated annually as of each April 1st.
- B. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers. The list shall be updated as street names are authorized.
- C. An alphabetical list of all roads with property owners listed in order of their assigned numbers. The list shall be updated annually as of each April 1st.

Any situation pertaining to addressing not covered in this ordinance shall be settled by the Town Council.

SECTION 3.2 – NAMING SYSTEM

All roads/accessways in Gray that serve two or more addresses or principal structures shall be named regardless of whether the ownership is public or private. A road name assigned by the Town of Gray

shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

- A. Similar names – no two roads shall be given the same or similar-sounding (e.g. Beech and Peach, Pine Road and Pine Lane) names.
- B. Each road shall have the name throughout its entire length.

SECTION 3.3 – NUMBERING SYSTEM

Numbers shall be assigned every one hundred (100 ft) feet along both sides of the road, with even numbers appearing on the right side of the road and odd numbers appearing on the left side of the road, determined by the number origin. The following criteria shall govern the numbering system:

- A. All number origins shall begin from the designated center of the Town of Gray or that end of the road closest to the designated center. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- B. The number assigned to each structure shall be that of the number interval falling closest to the front door or driveway of said structure.
- C. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy (i.e. multi-dwelling units and apartments) will have one road number with an apartment letter, such as 235 Maple Street, Apt B. lettered from left to right from the street and beginning with the lowest separately occupied unit.
- D. Corner lots will be numbered on the street which the front door faces.
- E. Cul-de-sacs with buildable lots within the center of the cul-de-sac will be numbered continuously around the cul-de-sac on both sides in the direction of the traffic flow. Cul-de-sacs with no buildable lots in the center will be numbered as a straight street with odd numbers and even numbers meeting on the far side of the cul-de-sac.
- F. Number on the structure. Where the structure is within fifty (50) feet of the street, the assigned number shall be located on the front of the structure near the front door or entry.
- G. Number at street: Where the structure is over fifty (50) feet from the street, the displayed number shall be displayed on a post or mailbox at the street line next to the walk or drive accessing the structure, or where appropriate as determined by public safety officials. The displayed number shall be between four (4) and (6) six feet above the ground and visible from both directions.
- H. Size and color of number. Displayed numbers shall be between four (4) and six (6) inches in height and shall be horizontally oriented and of a contrasting color to any background. Either the number or the background shall be of a reflective nature for visibility at night.

SECTION 3.4 – NEW DEVELOPMENTS AND SUBDIVISIONS

All new developments and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- A. New Developments. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Street Addressing Committee. This shall be done at the time of the issuance of the building permit.
- B. New Subdivisions.

1. Any prospective subdivider shall show a proposed road name on the final plan submissions to the Planning Board. Approval by the Planning Board shall constitute the assignment of road names for the subdivision.
2. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every one hundred (100 ft) feet so as to aid in assignment of numbers to structures subsequently constructed.
3. Developers of subdivisions shall be required to erect signs naming streets within each approved subdivision at the onset of the construction phase. Street signs shall be approved by the Public Works Director and installed by the developer prior to the issuance of building permits for any of the subdivision lots.

SECTION 3.5 – ADDRESS REVISIONS

In the event a resident or residents wish to change an existing physical address, the following procedure will be adhered to:

- A. The resident(s) will request the change via a letter to the Addressing Committee, in care of the Fire Chief.
- B. At least two-thirds of the residents affected by the change must be in support of the change, and must have signed the letter. The Addressing Committee will review the requested change, and may request the residents to meet with them.
- C. In the event a resident who is affected by the proposed change does not support the change, they may address their concerns to the Addressing Committee at any time. In the case of an approval for change by the Addressing Committee, the Committee will have the authority to make the change.
- D. Should a resident wish to appeal the Committee's decision, said appeal will be made to the Town Council.

PART 4 PRIVATE STREETS Repealed May 17, 2010 & moved to Subdivision Ordinance]

SECTION 4 – EXCAVATIONS

SECTION 4.1 – PERMIT REQUIRED

No person including a utility shall dig up, excavate, tunnel, undermine or in any manner break up any street or make or cause to be made any excavation in or under the surface of any street for any purpose or place, deposit or leave upon any street any earth or other material obstructing or tending to interfere with the free use of the street, unless such person including a utility shall first have obtained a street opening permit from the Public Works Director as provided in Section 4.4.

SECTION 4.2 – COMMENCEMENT OF WORK

Excavation work must be started no later than thirty (30) days from the date of issue of the street opening permit. After the expiration of this thirty-day period, such permit shall become null and void.

SECTION 4.3 – RESTRICTED MONTHS

No person shall be granted a street opening permit from December first of each year to March thirty-first of the following year unless an emergency or special condition exists and written permission is obtained from the Public Works Director. A written explanation shall be submitted to the Public Works Director explaining the special situation or emergency prior to the issuing of the permit.

SECTION 4.4 – APPLICATION FOR PERMIT

- A. No street opening permit shall be issued unless a written application is submitted to the Public Works Director for review.
- B. The application shall state the name and address of the applicant and an emergency phone number that will be answered twenty-four (24) hours per day, the type of work to be done, signatures of approval from utilities, name of the place and street number and purpose of the excavation, the date of commencement and date of completion of excavation.
- C. The application shall be accompanied by a diagram of the planned excavation submitted on an eight-and-one-half-inch by eleven-inch sketch showing trench locations, widths, depths, location of all barricades, warning signs, detour signs and detour routes and such other information as may be reasonably required by the Public Works Director.
- D. If the applicant is other than a public utility and intends to excavate in the vicinity of a facility owned or operated by a public utility or oil pipeline owned by a person, the applicant shall provide the information required by the town under this section to the utility or person owning such facility in addition to providing such information to the town.
- E. The application for permit shall be accompanied by payment of a permit fee established by the Town Council which is on file in the town clerk's office.
- F. A preconstruction meeting may be held, if felt to be warranted by the Public Works Director.
- G. The application shall be accompanied by proof of notice to the utilities as provided in 23 M.R.S.A. § 3360.

SECTION 4.5 – REASON FOR DENIAL OF A PERMIT

The Public Works Director may deny any street opening permit if the Director determines that such excavation would endanger the life or property of the citizens of the town or if such excavation would endanger the general public or interfere with snow removal. The denial may be appealed within thirty (30) days to the Town Council. All denials by the Public Works Director shall be made in writing to the applicant.

SECTION 4.6 – NOTICE OF COMMENCEMENT OF WORK

The excavator shall give notice to the Public Works Director not more than seventy-two (72) hours nor less than twenty-four (24) hours before excavation work begins.

SECTION 5 – DRIVEWAYS

SECTION 5.1 – DEFINITIONS & APPLICABILITY

- A. For the purposes of this Ordinance, all references to the term "Private Driveway" shall be deemed to apply to a new or expanded driveway utilized to access a single-family residence, and/or a duplex/two-family and/or multi-family dwelling, and/or a commercial or institutional entrance that is not subject to Site Plan Review.
- B. This Section 5 shall also apply to the addition of a new dwelling unit or additional principal structure(s) that utilizes an existing Private Driveway for access.

- C. The entirety of this Section 5 shall apply to any and/or all new or expanded Private Driveways within the Town of Gray accessing a street, road or vehicular easement irrespective of the owner of the street, road, or vehicular easement including all of the following types:
 - 1. Owned by the Town of Gray, and/or
 - 2. Owned/operated by the State of Maine within an MeDOT Urban Compact area, and/or
 - 3. Owned/operated by the State of Maine not within an MeDOT Urban ompact area, and/or
 - 4. Privately owned, irrespective of whether or not subject to a public easement for winter maintenance.
- D. The provisions contained in this Section 5 shall only apply to the intersection of the Private Driveway entrance with the street that it provides access to for a distance of thirty (30') feet from the travel way except for commercial driveways as provided in Table 5.1.
- E. A separate Private Driveway permit shall not be required for private driveways shown in a specific location on an approved subdivision plan and built in conformance with the design specifications approved by the Planning Board. Changes to design are allowed subject to the submittal of a driveway permit application with engineered drawings and approved by the Town Planner and Town Engineer.

SECTION 5.2 – PRIVATE DRIVEWAYS PERMIT APPLICATION PROCEDURES

The procedure for application for proposed construction of new or expanded Private Driveways shall be as follows:

- A. All new or expanded Private Driveway(s) accessing State or State Aid highways requiring a MeDOT entrance permit must obtain all necessary MeDOT entrance permit(s) before applying for a Private Driveway permit from the Town. Applicants are advised to ensure compliance with Town standards before applying for an MeDOT entrance permit.
- B. Prior to the construction or expansion of any private driveway, an application shall be submitted to the Code Enforcement Officer on forms prepared by the Town. The application shall include the following information:
 - 1. Names of applicants.
 - 2. Owners of land for the location of a proposed Private Driveway and evidence of right, title, or interest.
 - 3. A statement of any legal encumbrances on the land for the location of a proposed Private Driveway.
 - 4. The anticipated starting date of construction.
- C. Drawings of the proposed or expanded private driveway entrance shall be submitted to the Code Enforcement Officer with the application. The drawings shall include the following information:
 - 1. Date, scale, and magnetic or true North.
 - 2. Intersection of the proposed Private Driveway with an existing public or private street and their location and relationship with respect to any existing natural waterways in the vicinity of the proposed driveway.
 - 3. Turning radii at the intersection of the proposed private driveway with the existing street.

4. Approximate centerline gradients of the proposed Private Driveway within thirty (30') feet of the travel way of the existing street.
 5. Locations of existing overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting, and cable television.
- D. The fee schedule for review of plans for a new or expanded Private Driveway or an alteration to an existing private driveway shall be established by the Town Council and may be amended.
- E. Building permits that are associated with any new construction or expansion of Private Driveways shall not be issued until the Code Enforcement Officer has determined that the applicant's Private Driveway construction application is complete in accordance with the following provisions:
1. All applications for Private Driveway permits for access to any street, road, or vehicular easement within the Town of Gray shall be subject to review and approval by the Public Works Director. The Public Works Director shall also review Private Driveways to be located on street turnarounds to ensure that snow plowing operations are not hindered.
 2. In the event that the Code Officer and/or Public Works Director determine that the input of a professional engineer is needed to verify compliance with this ordinance, a review by the Town Engineer may be requested by the Town Officials, and the costs of that review shall be paid by the applicant under the Town's peer review escrow system.

SECTION 5.3 – APPLICATION PROCEDURE STANDARDS FOR ALL NEW OR EXPANDED PRIVATE DRIVEWAYS:

The procedure for application for proposed new private driveways shall be as follows:

- A. The minimum diameter of culverts under a Private Driveway at the intersection of the street or ditch-line shall be fifteen (15") inches. Based on site conditions, the Public Works Director shall have the authority to not require a culvert or require the owner/applicant to install a larger culvert.
- B. When a corner lot is bounded by streets of two different classifications, private driveways to the corner lot shall gain access from the street of lower classification unless, in the opinion of the Town Engineer, there is good reason to do otherwise (e.g., on the higher classification road the Private Driveway can be located more distant from the intersection or sight distances are improved).
- C. Unless specifically approved by the Gray Planning Board as an integral component of a duly approved application such as Site Plan Review, Conditional Use and or a Subdivision, only one (1) curb cut for non-residential purposes shall be permitted on any parcel.
- D. Private Driveways shall be located so that the edge of the shoulder closest to a property line is at least ten (10) feet from that property line unless one of the following conditions are met:
 1. For a Private Driveway shared between abutting properties meeting the following standards:
 - a. The Private Driveway shall have a minimum travel way width of fourteen (14') feet for the first twenty-five (25') feet before dividing into separate driveways; and
 - b. Deeded rights to the Private Driveway shall be issued for both lots serviced by the common driveway and a maintenance agreement specifying rights and

responsibilities for its maintenance signed by the parties shall be filed with the driveway permit application.

2. For a common curb cut shared between abutting properties meeting one of the following standards:

- a. Approved by the Planning Board as an integral component of a duly approved application such as Site Plan Review, Conditional Use, and/or Subdivision review; or
- b. Reviewed and approved by the Code Enforcement Officer and Public Works Director with appropriate input and design parameters from the Town Engineer. Engineering fees shall be at the owners/applicant's expense.

E. Sidewalk Crossing Standards: The following standards shall apply where proposed or expanded Private Driveways will cross existing sidewalks:

1. When sidewalk or curb exists at the proposed entrance the applicant shall remove and replace such materials at the applicant's expense.
2. Where curb exists, curb tip-downs shall be provided at each side of a new entrance.
3. Where sidewalk is removed to accommodate a new entrance a new walk surface of equal type construction is to be provided. The sidewalk area at all entrances is to meet handicap accessibility requirements and conform to the American with Disabilities Act guidelines.

In general sidewalks shall meet the following:

- a. The maximum sidewalk longitudinal transition slope is not to exceed 1 vertical to 12 horizontal (1: 12).
- b. The maximum sidewalk cross-slope is not to exceed 2%.
- c. No abrupt changes in grade are permitted and the maximum curb reveal crossing a walkway is ½ inch or less.

SECTION 5.4 – PRIVATE DRIVEWAY LAYOUT AND CONSTRUCTION STANDARDS

A. All new or expanded private driveways constructed after the date of adoption of this ordinance shall meet the driveway construction standards of Table 5.1.

Table 5.1 Private Driveway Required Construction Standards	
Maximum grade w/in 30 feet of street travel way surface residential	6 percent
Maximum grade w/in 60 feet of street travel way surface commercial	3 percent
Minimum angle of intersection with street	75 degrees
Maximum angle of intersection with street	105 degrees

B. All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the street or to maneuver safely and without interference with traffic in accordance with the following provisions:

1. Measurements to determine sight distance shall be made in the proposed entrance at a point ten (10') feet from the edge of shoulder line with the height of eye three and one-half (3.5') feet above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one quarter (4.25') feet is first seen.
2. Driveway placement shall be such that an existing vehicle has an unobstructed sight distance in both directions meeting the requirements of Table 5.2 unless a waiver is granted by the Town Engineer upon documentation provided by the applicant that safety conditions will be met with shorter sight distances (this review will be covered by the Town requirements for peer review escrows). Commercial driveway entrances and exits not requiring site plan review and serving traffic of over fifteen percent (15%) truck traffic shall meet the Mobility Sight Distance requirements of Table 5.2 (third column).

Table 5.2 Private Driveway Entrance Sight Distance Standards		
Posted Speed (MPH)	Sight Distance (Feet)	Mobility Sight Distance ¹
20	155	225
25	200	300
30	250	380
35	305	480
40	360	580
45	425	710
50	495	840

- C. All private driveways shall have suitable drainage facilities to provide for adequate removal of storm water to prevent flooding and erosion:
 1. When the Public Works Director determines that a culvert is necessary, culverts shall be of adequate size and depth to convey ditch water flows and shall be shielded with stone rip rap at inlet and outlet to prevent washouts when the ditch flow capacity is exceeded in major storms.
 2. Irrespective of the travel surface material, the intersection of the Private Driveway with the roadway shall be designed, constructed, and maintained to prevent surface drainage from flowing onto or across the roadway. The entrance surface shall slope away from the road at a rate of not less than one quarter inch (.25"/ft.) per foot, nor more than one inch (1"/ft.) per foot for a distance of not less than the prevailing width of the existing shoulder, but in no case less than four (4') feet from the edge of the travel way surface.
- D. Private driveways shall be located not less than fifty (50) feet from the tangent point of the travel way edge radius of any intersection of streets.
- E. When a corner lot is bounded by streets of two different classifications, private driveways to the corner lot shall gain access from the street of lower classification unless, in the opinion of the Town

Engineer, there is good reason to do otherwise (e.g., on the higher classification road the driveway can be located more distant from the intersection or sight distances are improved).

- F. There shall be a minimum turning radius of ten (10 ft) feet at the intersection of a private driveway with the street. If necessary, the width of the travel way of the Private Driveway shall be increased in the vicinity of the intersection to provide for this turning radius. Commercial driveway entrances and exits not requiring site plan review and serving traffic of over fifteen percent (15%) truck traffic shall be designed with adequate width to avoid a turning vehicle from tracking into the opposing travel lane.
- G. Private driveways shall be located so that the edge of the shoulder closest to a property line is at least ten (10) feet from that property line unless the following conditions are met for a driveway shared between abutting properties:
 - 1. The driveway shall have a minimum travel way width of fourteen (14') feet for the first twenty five (25') feet before dividing into separate driveways.
 - 2. Deeded rights to the driveway shall be issued for both lots serviced by the common driveway and a maintenance agreement specifying rights and responsibilities for its maintenance signed by the parties shall be filed with the driveway permit application.
- H. Unless specifically approved by the Gray Planning Board as an integral component of a duly approved application such as Site Plan Review, Conditional Use and or a Subdivision, only one (1) curb cut for non-residential purposes shall be permitted on any parcel.

PART 6 PARKING [Repealed 1-19-2010 & moved to Zoning Ordinance]

SECTION 6 – MISCELLANEOUS ACTIVITIES WITHIN THE ROAD RIGHT OF WAY

SECTION 6.1 – ACTIVITIES WITHIN THE ROAD RIGHT OF WAY

Notwithstanding that the public way is intended for public travel and convenience; other uses are permissible when not in conflict with public interest. The following criteria shall apply to uses:

SECTION 6.2 – MAILBOXES

Mailboxes may be located in the public way when located so as not to obstruct visibility for safe vehicle operation and not to interfere with the maintenance of the public way. Mailboxes shall be placed as follows:

- A. The box will be a minimum of forty-two (42 in) inches above the edge of pavement;
- B. The reflectors will be located on the side facing oncoming traffic; and
- C. The standard or upright will be at least four (4 ft) feet from the edge of pavement.

SECTION 6.3 – PLANTINGS & FENCES

Lawns and other ground cover as well as fences may be located within the right-of-way so long as the landscape will not adversely affect visibility for safe vehicle operation nor impede storm drainage and snow and ice removal activities. No fences or ground cover (shrubs or trees) may be placed within four (4 ft) feet of the edge of pavement without written permission of the Public Works Director. The Public Works Director shall review the location and design to determine if curbing or drainage modifications are necessary.

SECTION 6.4 – DRIVEWAY & FOUNDATION DRAINAGE

No water other than the natural flow from a site may be discharged into the right-of way of a street without written permission from the Public Works Director. The director shall review the proposed location and design and consider the following before granting any permit:

- A. Adequacy of downstream drainage system;
- B. Impact upon the public way;
- C. Snow and ice removal and control.