

ORDINANCE FOR THE ACCEPTANCE OF STREETS AND WAYS

March 4, 1957

Article No. 9

To see if the Town will vote to accept an ordinance regulating the laying out and acceptance of streets and ways or parts thereof.

The Town voted to adopt an ordinance regulating the laying out and acceptance of streets and ways or parts thereof as follows:

MANCHESTER PLANNING BOARD PROPOSED ORDINANCE FOR THE ACCEPTANCE OF STREETS AND WAYS.

ORDINANCE

An Ordinance regulating the laying out and acceptance of new streets and ways, or parts thereof, by the Town of Manchester.

Be it ordained by the Town of Manchester as follows:

SECTION 1. DEFINITION

This Ordinance applies to the acceptance of new town roads, streets, ways, and/or the relocation or major alteration thereof.

It applies to roads, streets or ways predominantly serving permanent all year residents or businesses. It does not preclude but neither does it contemplate or imply the acceptance of ways serving property predominantly occupied or used only on a seasonal basis.

Streets or ways dedicated, partially constructed, or used for public travel prior to the passage of this Ordinance shall comply with the requirements of this Ordinance before formal acceptance by the Town, except that, in such cases, the Town may, by vote at a legal Town Meeting, modify certain of these requirements upon concurrent recommendation of the Board of Selectmen and the Planning Board.

SECTION 2. APPLICATIONS

Applicants for the acceptance of a new street or way must file a plan showing the following:

- (a) The scale of the plan.
- (b) The direction of magnetic north.
- (c) The starting and ending points with relation to established roads, streets or ways.
- (d) The street lines, with relation to existing buildings and landmarks.

ORDINANCE FOR THE ACCEPTANCE OF STREETS AND WAYS (continued)

- (e) Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements, and building lines.
- (f) The lots as laid out on said street, and showing the names of all owners of abutting property.
- (g) All natural water ways and water courses in or in land contiguous to the said streets or ways.

With the plan, applicants shall submit a written application for acceptance, giving the following information:

- (a) The names of the owner or owners of the land containing the street or way to be accepted.
- (b) The name or names of the developers.
- (c) A statement of any legal encumbrances on the property.
- (d) A statement giving the proposed starting and finishing dates of the street construction.

If the proposed street or way shall contain any grade of 5% or greater, the applicant shall also submit with the plan and written application, a profile drawing showing

- (a) The scale of the profile, both horizontal and vertical.
- (b) Proposed provision for ditching, culverts, bridges, and for storm drainage with respect to natural waterways or contours.

All applications shall be made to the Selectmen of the Town of Manchester, and approval for acceptance must be obtained before plans are filed with the Registry of Deeds.

SECTION 3. SPECIFICATIONS

No street shall be accepted by the Town as a public way unless the following specifications have been complied with:

- (a) A minimum width of fifty feet.
- (b) Grading completed for its entire width of fifty feet in conformance with the plans submitted.
- (c) The entire width cleaned of all stumps, roots, bushes and perishable material, including all trees except those not interfering with travel or use and deemed to be desirable for shade and/or beautification by the Selectmen.
- (d) All loam and loamy material and clay removed to such depth and width as may be approved by the Selectmen to provide adequate street or road, ditching, and sidewalk.

ORDINANCE FOR THE ACCEPTANCE OF STREETS AND WAYS (continued)

- (e) The street or way graded to a subgrade of not less than eighteen inches of compacted base gravel under the roadway section and six inches of compacted base gravel under sidewalk, turnout, parking, and ditch sections, below the finished grade.
- (f) The grading of a roadway section not less than twenty-four feet in width, which roadway shall be in the approximate center of the street or way and in no case less than eight feet from either side boundary.
- (g) Adequate provision made through ditches, culverts, and similar means for the disposal of surface water.
- (h) No trees planted or transplanted within the fifty foot street limit.

SECTION 4. UTILITIES

Longitudinal runs of water mains and sewer piping shall be laid outside of the twenty-four foot roadbed, and clear of any present, proposed, or designated sidewalks. Utility poles shall be placed so that a sidewalk with a minimum five foot width may be constructed within the foundaries of the street or way. The Selectmen shall have the authority to determine whether the above sidewalk provisions shall apply to both sides of the street or way, or to one designated side only.

SECTION 5. PLANNING BOARD CONCURRENCE

Whenever an application for laying out and accepting any street or way is presented to the Board of Selectmen, it shall refer the same to the Planning Board, which shall proceed to examine the application and the site. No street or way shall be presented to the Town for acceptance until the Planning Board shall have made a careful investigation and shall have reported to the Board of Selectmen that the provisions of this Ordinance have been complied with.

Following such report by the Planning Board, the Board of Selectmen may give clearance for the construction of said road or way within the limitations of this Ordinance, and without prejudice or rights as to final recommendation for acceptance, or as to acceptance by the Town.

SECTION 6. RECOMMENDATION FOR ACCEPTANCE

At such time as the developer has complied with the above specifications to the satisfaction of both the Board of Selectmen and the Planning Board, the Board of Selectmen may give such developer a written statement that he has complied with the specifications of this Ordinance, and that such Board will recommend the acceptance of such street or way at the next regular Town Meeting, or at a special Town Meeting called for this purpose within a reasonable and feasible time.

SECTION 7.

The above Ordinance rescinds any previous Ordinance or actions, or any part thereof, previously approved or accepted by the Town of Manchester, where it conflicts in any way with the above sections of this Ordinance.

ACCEPTANCE OF TOWN ROADS (continued)

March 5, 1979

Article No. 38

To see if the Town will vote to accept the Worthing Road extension or so called Allen Hill Drive as a Town Way. The article was moved and seconded to be accepted as read. It was moved and seconded to amend the article to accept 415 ft. from paved surface with 50 ft. right of way and to include the turn-around. The amendment carried...the article was moved and seconded and carried as amended.

March 1, 1980

Article No. 21

To see if the Town will vote to accept Ingraham Street Extension - 300 feet - after deeds have been received from property owners....the article was moved and seconded and carried as read.

Article No. 22

To see if the Town will vote to accept Elliot Avenue Extension - 208 feet south - after deeds have been received from property owners.....the article was moved, seconded and carried as read.

ACCEPTANCE OF ROADS (continued)

March 6, 1961

Article No. 27

To see if the Town will vote to accept the road known as Hillside Road for a distance of 600 ft. in Manchester Heights. Accepted as read.

March 1, 1965

To see if the Town will vot to accept as Town Ways the following roads in Gardencrest: Appletree Lane 700 ft., Sylvan Way 200 ft. Accepted as read.

March 6, 1967

Article No. 48

To see if the Town will vote to accept as Town Ways the following roads: Elliott Avenue 665 ft., Myrtle Street Ext. 2100 ft., Kennison Street 450 ft., Tanning Brook Road 348 ft. Accepted as read.

March 3, 1969

Article No. 49

To see if the Town will vote to accept as Town Ways the following roads: Extension of Appletree Lane 180 ft., Country Club Road 1201 ft., Extension of Sylvan Way 720 ft. Accepted as read.

March 6, 1972

Article No. 18

To see if the Town will vote to accept as Town Ways the following roads in Gardencrest as shown on Expansion Plan #3, Recorded in Kennebec County Registry of Deeds in Plan Book 40 and Page 71: Extension of Sylvan Way 528.8 ft., Sylvan Court 335.2 ft. Accepted as read.

March 1, 1976

Article No. 48

To see if the Town will vote to accept Meadow Hill Drive as a Town Way. Accepted as read.

March 5, 1979

Article No. 37

To see if the Town will vote to accept Kennison Street Extension as a Town Way. It was moved and seconded to amend the article to read 680 ft. easterly from Tanning Brook. Accepted as amended.

ACCEPTANCE AND/OR DISCONTINUANCE OF TOWN ROADS

Volume 15 - Page 297 - 1893

The undersigned citizens of Manchester and vicinity being responsible persons, etc. etc. Beginning at the Tabor Lyon Road, near the house of William H. Lyon Jr. in said Manchester - thence running southeasterly by the most direct and practical route along the course of the Bond Brook, so called, to the upper Bond Brook bridge at Coombs Mills in Augusta. We therefore pray that you will lay out, located and establish such highway. 6/20/1893 continued until 8/1893. Denied.

REPETITIONED 1895

December 11, 1895

Beginning at the Jct. of Mt. Vernon Road and Coombs Mill Road near lower bridge on Bond Brook near Coombs Mills running North of westerly direction in direct line about 1-2/5 miles to a road near West line of land of William H. Lyon Jr. in town of Manchester. Request that road be built and constructed of suitable width as to accommodate suitable travel, etc. to a road or way in Manchester.

Granted - Beginning at a monument set in the road leading to the house of William H. Lyon Jr. near the westerly line of said Lyon land and near the southerly line of said road. The road hereby established to run in a westerly direction and to extend easterly from monument S 62° 45 min., E 889', S 39° 15', E 429', S 21° 45', E 464', S 41° 30', E 237', S 45° 25', E 562', S 51° 25', E 414', S 28° 15', E 328' then to Augusta line. Said road to be 3 rods wide and to lie on the southerly side of above described line. Persons to be reimbursed. Allowed 2 years after hearing to comply. (Page 329) Width of above road - 3 rods.

February 1898 - Petition by City Government of Augusta

Requesting above petition to be denied due to expense involved in construction - Denied.

Appealed in September 1898. Court Ruling. We do hereby find and adjudge that common convenience and necessity require that the judgment and decision of said County Commission in refusing to discontinue said road as prayed for in said petition should be affirmed as to so much of said road as lies between the westerly terminus thereof in the Town of Manchester and the Wade Road, so called, leading from the Bog Road near the Jewett School House to the Mt. Vernon Road and that their decision and judgment should be reversed and that it should be discontinued.

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Petition - To discontinue road from house of W. H. Lyon Jr. in Manchester to the Coombs Mills road in Augusta. Granted in part on appeal to Supreme Judicial Court. So much of said road lies between the westerly terminus thereof in the Town of Manchester and the Wade Road, so called, leading from the Bog Road near the Jewett School House, to the Mount Vernon Road, so called, should be discontinued.

ACCEPTANCE OF TOWN ROADS

March 7, 1955.

Article No. 16

To see if the Town will accept a portion of 320 ft. of a gravel pit road leading from Route 17 to the Gravel Pit (Myrtle Street). Voted to accept.

Article No. 15

To see if the Town of Manchester will vote to accept the road running parallel to the Augusta-Lewiston highway from the entrance in front of the property of Lena Cummings and continuing to a dead end at the west line of the Vaughan Armstrong Sr. driveway. Voted to accept as read.

March 4, 1957

Article No. 43

To see if the Town will accept as a Town Road the road known as the Lakeside Farm road from the Readfield Road to the Manchester Town Line. Voted to pass over this article as the only building in the Town of Manchester on this road burned recently.

March 3, 1958

Article No. 21

To see if the Town will vote to accept the Woodridge Drive of the Gardencrest Development as a Town Way for a distance of 2625 ft. Accepted as read.

Article No. 22

To see if the Town will vote to accept as Town Ways the following roads in Ballard Acres: McArdle Road 750 ft., Cross Street 420 ft. Accepted as read.

March 2, 1959

Article No. 23

To see if the Town will vote to accept as Town Roads the following roads in Ballard Acres: McArdle Road 750 ft., Cross Street 420 ft. and Ingraham Street 525 ft. Accepted as read.

May 17, 1960

Decision by Board of Selectmen:

" The Road known as the Old State Road from Cummings Rest Home driveway to the driveway of the property of Cecil Ivey is now classed as a Town Road and is to be maintained by the Town." Amendment: "The driveway from the Old State Road to the New State Road at the westerly end to be maintained by the Town as an exit for plowing, grading, and general motor travel."

ACCEPTANCE AND/OR DISCONTINUANCE OF TOWN ROADS

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Petition of Cabb Packard and others - Request location of Town Road and highway in said Manchester commencing at Town line between Belgrade and Manchester near the house of Emery Knowles - running southerly over land owned by Joseph Knowles and William Sanford on west side of wood lot on said Knowles land and terminating at the McGaffey Road near a culvert of said McGaffey road, a distance of about  $\frac{1}{2}$  a mile.

Decision - Commending in the north line of the Town of Manchester in a road or gap way leading from the Town Road near Emery Knowles to Joseph Knowles and  $1\frac{1}{2}$  rods east from westerly fence of said gap way - south  $18-3/4^{\circ}$  west 30 rods - south  $14^{\circ}$  W 18 rods to opposite the center of Joseph Knowles leading to his barn - south  $22^{\circ}$  W, 64 rods on J. Knowles land - south  $23-3/4^{\circ}$  west 52 rods on William Sandfords land to McGaffey road - said road to be 3 rods wide.

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June 25, 1957 - Petition to close Wade Road (E. Whitten to Town Line); Mt. Vernon Road (Colomy to Scribner Hill Road); John Fifield Road (Hunts to Allan Morton)

Determination - September 1957 - 1. Wade Road (E. Whitten to Town Line) Petition to close road granted with the reservation that Town put it in reasonable condition and post "Private Way, Pass at Own Risk".

2. Mt. Vernon Road (Colomy to Scribner Road. Petition granted from residence of Stanley Cram west to Scribner Hill Road. Portion from residence of Stanley Cram east to Mt. Vernon Road to be designated as a Private Way.

3. John Fifield Road - Petition to close granted.

4. Granite Hill Road - Hunts to Allan Morton - Petition Denied.

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November 10, 1958 - Road from Kenneth Colomy to Clarence Cram - Reopened and maintained. Granted 2/24/59.

February 25, 1959 - Petition to reopen and maintain from Stanley Cram to Scribner Hill Road. Denied. Selectmen agreed to put road in passable condition and post as "Private Way" - 11/17/59.

March 3, 1959 - Petition to reopen Wade Road - Petition Denied. On portion from Whittens to Augusta line, Selectmen agreed to keep road passable - Post as Private - 11/17/59



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WINTER ORDINANCE

March 7, 1960

Article No. 24

No person shall allow, permit or suffer any vehicle under his control or registered in his name to stand or be parked in any public street or way from November 1 to April 15, inclusive, between the hours of 10:00 P.M. and 6:00 A.M. for a period of more than one hour, but in no event shall such standing or parking between the hours of 10:00 P.M. and 6:00 A.M. be legal if it interferes with or hinders the plowing, loading or removal of snow from such public street or way.

No person shall park or leave standing any vehicle upon a public way within the limits of the Town of Manchester in such a manner as to interfere with or hinder the plowing or removal of snow at any time. Any municipal official may cause any vehicle so parked to be removed from the way and placed in a suitable parking place at the expense of the owner of such vehicle. Neither the Town of Manchester nor the official shall be liable for any damage which may be caused by such removal.

The article passed as read.

March 2, 1970

Article No. 49

To see if the Town will vote to adopt the following Winter Parking Ordinance:

An ordinance to promote the general welfare and provide for the public safety of the residents of the Town of Manchester by providing regulations governing parking or standing on public ways during the winter months and during snowstorms.

- a. No Person shall leave or park any vehicle of which he has charged or possession, or permit the same to stand on any town road, street, way, or thoroughfare within the Town of Manchester between the hours of 10:00 P.M. and 6:00 A.M. during the months of November to April, inclusive.
- b. Neither shall any vehicle be left unattended on any town road, street, way, or thoroughfare during any snowfall.
- c. Vehicles found on public ways in violation of this ordinance will be considered obstructions of said public ways and subject to removal at the expense of the owners, and the owners subject to prosecution for nuisances as set forth in M.R.S. Title 23, Section 3452 and 3453 which are incorporated herein and made a part of this ordinance by reference thereto.

Moved and seconded to be passed as read. Motion carried.