

§ 315-61 Street construction.

[Amended 8-10-1998; 3-24-2003; 9-10-2012; 5-9-2016]

Private streets meeting the following standards, as determined by the Code Enforcement Officer, may be used to satisfy the lot frontage requirement for residential uses:

- A. Except in the IR Zone, the private street application shall be accompanied by a plan showing the private street(s), which plan shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the surveyor preparing the plan. The plan shall be labeled "Plan for a Private Street" and shall provide an approval block for the signature of the Code Enforcement Officer, the date of the approval, and the words "Private Street, Approved by the Town of Cumberland Code Enforcement Officer." The plan shall show information sufficient to establish on the ground the exact location, direction, width, and length of the private street. Where a proposed private street contains severe slopes, stream crossings, or a significant amount of cut and fill, the applicant shall also provide a profile of the street. In addition, a street plan and cross section shall be submitted for each private street serving two or more dwelling units. The plan shall also contain a note which shall read: "The Town of Cumberland shall not be responsible for the maintenance, repair, plowing, or similar services for the private street shown on this plan." The original plan(s) shall be recorded in the Cumberland County Registry of Deeds within 90 days of approval of the plan of the private street, and proof of such recording shall be submitted to the Code Enforcement Officer prior to the issuance of any building permit. If the plan is not recorded within this period, the approval shall be void.
- B. If the private street provides access to two or more dwelling units, the applicant shall prepare a maintenance agreement in a form acceptable to the Town Attorney and shall submit this as part of the application. This maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private street. The applicant shall record this maintenance agreement in the Cumberland County Registry of Deeds within 90 days of approval of the plan of the private street by the Code Enforcement Officer and shall submit proof of such recording to the Code Enforcement Officer prior to the issuance of any building permit. Deeds to new lots located on private streets servicing two or more dwelling units shall include references to the required maintenance agreement.
- C. Except in the IR Zone, private streets shall have a minimum right-of-way width of 36 feet which includes with five-foot easements on each side for snow storage and future utilities and a paved apron at least five feet in length commencing at the edge of pavement where it intersects with the existing street. The paved apron shall be constructed to the following standards:
 - (1) Fifteen inches of base gravel meeting MDOT Spec. 703.06 Type D.
 - (2) Three inches of surface crushed gravel meeting MDOT Spec. 703.06 Type A.
 - (3) The thickness of paving of the apron shall be a total thickness of three inches of hot bituminous pavement, with a surface course (9.5 mm) of one inch and a base course (19 mm) of two inches.
 - (4) A negative two-percent grade from the existing edge of pavement to an appropriate drainage way, but in no case less than five feet from the travel surface of the public street it intersects.
 - (5) The approach radius shall be specified by the Public Services Director.
 - (6) All entrances shall be located so that the sight distance in both directions is 10 feet of sight for every one mile of posted speed limit. This standard may be reasonably reduced by the Public Services Director in circumstances where no reasonable alternative exists.

D. Private streets.

- (1) Except in the IR Zone, the construction of private streets shall meet the following minimum standards:

Minimum roadway width (feet)	18
Minimum base (inches)	15
Wearing surface (inches)	3
Maximum length	None
Maximum grade	10%
Minimum grade	0.5%
Minimum center-line radius (feet)	100
Minimum tangent between curves of reverse alignment (feet)	0
Minimum angle at street intersections	75°
Turnaround at dead end	See required turnaround
Stormwater drainage	Approved by Town

- (2) Where a proposed private street will be located adjacent to lots with existing structures that are not part of the development that will be served by the proposed private street, the traveled portion of the private street shall be located in a manner that retains an undeveloped portion of the street adjacent to the existing structures, with such undeveloped portion including an effective landscaped buffer.

E. Private streets shall be inspected by the Public Services Director, unless the Public Services Director determines physical conditions such as stream crossings or wetland areas require inspection by a registered professional engineer or other qualified land use professional. Prior to the issuance of building permits for lots served by a private street, the Public Services Director shall certify to the Code Enforcement Officer that the private street(s) has been constructed in accordance with this section. The applicant shall be responsible for the cost of each inspection by a registered professional engineer.

F. Fees.

- (1) To help recover costs incurred by the Town in the review, administration, site inspection, and public notice associated with the private street application, at the time of filing the private street application, the applicant shall pay to the Town of Cumberland fees and deposits in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order.
- (2) All fees shall be nonrefundable, except unexpended escrow deposits, which shall be refunded in accordance with Chapter **229**, Site Plan Review.

- G. The Code Enforcement Officer, the Town Planner, and the Public Services Director shall review and approve applications for private streets serving dwelling units when such private streets meet the standards set forth in this chapter. The Code Enforcement Officer shall issue decisions under this section in writing. Such decisions may be appealed by filing a written notice of appeal stating the reasons therefor with the Cumberland Board of Adjustment and Appeals within 30 days of the date of decision.
- H. This amendment applies to all private streets proposed to be created after the effective date of this amendment and to existing private streets upon which one or more new dwelling units are proposed to be constructed after the effective date of this amendment, unless such dwelling is to be constructed on a lot that was in existence on August 10, 1998.
- I. In the IR Zone, an applicant shall submit to the Code Enforcement Officer an application for a private right-of-way required to provide access to a structure located within that zone. The application shall specify the location of the proposed right-of-way, the proposed width, the materials to be utilized in the construction of the road, grades, provisions for drainage, and sight distances at any turning radius. The Code Enforcement Officer shall approve any plan that makes adequate provision for these items, provided that the Fire/EMS Chief approves the application for sufficiency of access for emergency vehicles.
- J. The provisions of this section shall not apply to privately owned roads within a mobile home park.