

**Town of Smithfield
Driveway/Entrance Culvert Policy**

*Copied in
Town Book
pgs 128 & 129
Book 2017-
18*

1. Background:

Title 23, section 705 of the Maine State Statutes defines culvert responsibility with the respect to residential driveway/entrance culverts. With consideration of this law and the various situations that have occurred around town, this document has been prepared to more clearly define the specific responsibilities of Smithfield taxpayers as a whole and the individual town-way abutters.

2. Policy:

A. Town Activities performed

- 1) When the town contracts out and undertakes a capital or ditching project that requires the replacement or relocation of a driveway/entrance culvert, the town is responsible for such culvert replacement/relocation and driveway/entrance restoration.
- 2) When a natural event causes regional flooding and washouts, causing a residential driveway culvert to fail and/or a residential driveway/entrance to washout, the town will reinstall or replace the culvert to reestablish access to the town road abutting the property.
- 3) When the town determines that a culvert can no longer effectively convey water and the stability of the public way structure may be at risk, the Board of Selectmen and the Road Commissioner, in their sole discretion, may elect to either clear or replace the entrance culvert as necessary.
- 4) When a new residential driveway/entrance is applied for through the town and approved the property owner will be responsible for the cost and installation of the entrance and culvert if required. The Road Commissioner will inspect the residential driveway/entrance prior to approval and a final inspection will be done. All required town specifications must be followed.

Resident Definition: the place, especially the house, in which a person lives or resides; dwelling place; home

Residential Definition: of or relating to residence or to residences

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In each of the above situations, the discretion of damage and cause will be determined by the board of Selectmen and the Road Commissioner and shall be limited to the specific actions described and the town way road abutter shall continue to retain responsibility for ongoing maintenance of all driveway/entrance and culvert.

Any cost associated with repair or replacement will be determined by the Board of Selectmen.

B. Owner/abutter responsibilities:

- 1) Culvert replacement not covered above.
- 2) Driveway repairs not within the road right of way of any type. This includes erosion of any driveway/entrance side slopes, or damage caused by improper use and/or installation.
- 3) Restoring flow when the culvert is obstructed, either directly or indirectly, by the actions of the abutter or their agents (e.g. depositing leaves or other debris into culver or ditch line).

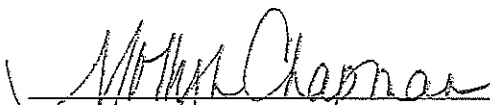
If a road abutter property owner fails to uphold their responsibilities and causes either damage to the highway corridor or interferes with preventive actions by the town, the town may seek appropriate compensation as necessary.

As of the date indicated above, this policy shall supersede any policy or guidance that may have previously existed regarding this particular subject.



Richard Moore, 1st Selectmen

Sept 18, 2018
Date



Molly Chapman, 2nd Selectmen



Justin Furbush, 3rd Selectmen