

copy shall be submitted to the Code Enforcement Officer prior to final approval of the Private Way plan.

#### **2.4.2 NON-EXEMPT PRIVATE WAYS**

All Non-Exempt Private Ways shall be reviewed by the Planning Board in accordance with the procedures of the Arundel Subdivision Regulations prior to the issuance of any building or road construction permits

### **2.5. EXEMPT PRIVATE WAY REVIEW PROCEDURES**

#### **2.5.1. Staff Review Committee Approval Process**

All applications for Private Ways shall be reviewed by the Arundel Staff Review Committee, Within thirty (30) days of receiving a complete Private Way application, when the applicant plans on constructing a new road, the Staff Review Committee shall conduct an on-site Public Hearing in which members of the Public are invited to attend and comment. Notifications shall be mailed to all property owners located within two hundred (200) feet of the Private Way, and a public hearing announcement shall be published in a newspaper of general circulation within seven (7) days of the Public Hearing. Within fifteen (15) days of the Public Hearing, the Committee shall render a decision to approve, deny, or approve the Private Way application with conditions.

**If a road or drive has been previously constructed and the applicant seeks to obtain approval under the 2-10 exempt lot provisions in Article 2 Section 2.3, the applicant shall request the staff review committee to visit the site and determine if the road meets the required standards. If it can be demonstrated, no further permitting is required.**

#### **2.5.2 Approval Criteria:**

The Staff Review Committee shall review all Private Way applications in accordance with all of the evidence submitted by the applicant, and shall specific findings of fact that the following standards have been met:

1. The proposed Private Way conforms with the design standards of Section 2.3 of this Ordinance.
2. The proposed Private Way has received all applicable State and Federal permits;
3. The proposed Private Way provides adequate soil erosion and sedimentation controls in conformance with section 5.4 of the Arundel Land Use Ordinance;
4. The proposed Private Way will not adversely impact on or off-site drainage systems, particularly municipal systems, and complies with section 5.20 of the Arundel Land Use Ordinance;
5. The proposed Private Way is in conformance with section 5.8 Floodplain Management and section 8.0 Shoreland Zoning regulations of the Arundel land Use Ordinance.
6. The proposed Private Way will not have an adverse impact upon existing vehicle circulation systems and safety within the neighborhood and community.

### **2.6 RECORDING OF PLAN:**

An approved and signed Private Way plan shall be recorded by the applicant in the York County Registry of Deeds within sixty (60) days of the signing of the plan. Failure to register the plan within the 60 days will void the Staff Review Committee's approval.

### **2.7 INSPECTION AND CERTIFICATION:**

**2.7.1 Inspections:** Private Ways shall be inspected under the direction of the Arundel Public Works Director, or designee and with the assistance of the Code Enforcement Officer. The Public Works Director may mandate that a Consulting Engineer be contracted by the Town to conduct inspection services on all or portions of the Private Way construction. The applicant shall be responsible for reimbursing the Town for all inspection services.

**2.7.2 Private Way Certification:** Prior to the issuance of building permits, the Public Works Director or designee may ask the applicant to retain an Engineer in order to certify that the road has been constructed to the standards of Article 2 Section 2.3 of the Street Design and Construction Standards Ordinance, otherwise the Public Works Director or designee shall certify that the Private Way has been constructed in accordance

with approved plans and design and performance standards in this section.