

## ***TOWN OF WATERBORO HIGHWAY ENTRANCE ORDINANCE***

### **Sec. 1: Authority.**

This ordinance is enacted pursuant to the authority granted by 30-A M.R.S.A. §3001 and 23 M.R.S.A. §704.

### **Sec. 2: Applicability.**

This ordinance shall apply to any driveway, as defined in Section 10 of this Ordinance, proposed or located in any state highway or state aid highway as defined in 23 M.R.S.A. §754 that lies within the urban compact area or to any driveway, entrance or approach of any Town-owned or Town-maintained road that is not a state highway or a state aid highway. This Ordinance shall apply to;

- a. Any new driveway.
- b. Any existing driveway serving a property with a proposed change of use that will result in any increase in the number of passenger cars or trucks utilizing the driveway; or
- c. Any existing driveway that is proposed to be enlarged or reconfigured in any manner.

Any state highway or state aid highway that lies outside the urban compact area is subject to the permit requirements of 23 M.R.S.A. §704 and evidence of such permit must be provided to the Code Enforcement Officer prior to the issuance of any building or use permit.

Sec. 3. It shall be unlawful for any person, firm or corporation to install, construct or alter any driveway, entrance or approach within or connected to the right-of-way of any town owned or maintained road or way without first securing a written permit from (1) the Director of Public Works for any state highway or state aid highway in the urban compact area or any Town-owned or Town-maintained road that is not a state highway or a state aid highway outside the urban compact area or (2) the Maine Department of Transportation for any road that is a state highway or state aid highway that lies outside the urban compact area.

### **Sec. 4:**

The procedure for application for proposed new driveways or existing driveway subject to the provisions of Section 2 shall be as follows:

A. Prior to the construction of any new driveway or other activity set forth in Section 2 of this Ordinance, the applicant shall submit a completed application to the Code Enforcement Office on forms approved by the Town. The application shall include the following information:

1. The name(s) of applicant(s) with the applicant's address and telephone number.
2. The name and address of the owner of the land if someone other than the applicant. If the applicant is not the owner of the land, the application shall include evidence of the applicant's authority to pursue the application, which may consist of a purchase and sale agreement, a lease agreement, or a letter from the owner authorizing the application.
3. The Town tax map and lot number for the property and the location of the proposed new driveway.
4. A statement of any legal encumbrances on the land for the location of a proposed driveway.
5. A dig safe number for the proposal.
6. The anticipated start and completion dates of construction.

B. The applicant shall submit plans for the proposed driveway to the Code Enforcement Office with the application. The plans shall delineate the proposed driveway and include all of the following information:

1. Date, scale (no less than 1 inch = 30 feet), the name of the road on which the driveway is proposed and the speed limit of that road.
2. The intersection of the proposed driveway with the existing road and the location of any existing natural waterways in the vicinity of the proposed driveway.
3. Approximate centerline gradients of the proposed driveway or other activity set forth in Section 2 within thirty (30') feet of the travel way of the existing street.
4. Locations of existing overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting, and cable television, with the pole number indicated on the sketch.

C. The application shall be accompanied by the fees established by order of the Board of Selectmen for review of plans for a new driveway or other activity set forth in Section 2.

D. Building permits that are associated with any new construction of driveways or other activities covered by Section 2 shall not be issued until the Code Enforcement Office has determined that the applicant's driveway/entrance construction application is complete and has been approved in accordance with the following provisions:

1. All applications for driveways with access to streets and street turnarounds owned and/or maintained by the Town of Waterboro shall be subject to review for approval or denial by the Public Works Director within ten (10)

business days. The Public Works Director shall also review driveways or other activities covered by Section 2 to be located on street turnarounds to ensure that snow plowing operations are not hindered.

2. In the event that a proposed driveway other activities covered by Section 2 is located such that the Code Enforcement Officer and/or Public Works Director determine that the input of a professional engineer is needed to verify compliance with the driveway performance standards of this ordinance, a review by a licensed Engineer may be requested by one or both of those officials, and the costs of that review shall be paid by the applicant.
3. All new subdivision plans shall have all driveway entrances shown to scale and must meet all requirements of this ordinance in addition to the Street Design and Construction Standards Ordinance.

A separate driveway permit shall not be required for all driveways shown on an approved subdivision plan that has been approved by the Public Works Director under the provisions of this Ordinance. Such approval shall occur before final plan approval is given by the Planning Board. Changes to the design shall require the submission of a completed driveway permit application to Public Works Director/Code Enforcement Officer for review and approval. If the Public Works Director or Code Enforcement Officer determines that a peer review by a licensed Engineer is needed to determine compliance with the requirements of this Ordinance, the applicant shall bear all costs of such review.

**Sec. 5: Review standards.**

The Public Works Director shall review all applications for a highway entrance permit for compliance with the requirements of Sections 6 of this Ordinance.

**Sec. 6: Driveway Construction Standards.**

- A. All new driveways or other activities covered by Section 2 constructed after the date of adoption of this ordinance shall meet the driveway construction standards of Table 1.

Table 1: Driveway Construction Standards

Maximum grade w/in 30 feet of street travel way surface residential	5% (positive or negative grade)
Minimum angle of intersection with street	75 degrees
Maximum angle of intersection with street	105 degrees
Minimum diameter of culverts at intersection	15 inches

- B. All new driveways or other activities covered by Section 2 shall be 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 driveway or other activity covered by Section 2 at a point seventeen (17) feet from the centerline of the paved road or, if not paved, seventeen (17) feet from the centerline of the travel way, 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 object with a height of at least four and one quarter (4.25) feet is first seen.
2. Placement of a new driveway or other activity covered by Section 2 placement shall be such that an exiting vehicle has an unobstructed sight distance in both directions meeting the requirements of Table 2 unless a waiver is granted by the Public Works Director under the provisions of Subsection 3.

Commercial driveway entrances and exits not serving traffic with greater than fifteen percent (15%) truck traffic shall meet the Mobility Sight Distance requirements set forth in Table 2.

**No driveway shall be located or reconfigured or expanded within fifty (50) feet of an intersection if a commercial vehicle with a length of \_\_\_ feet or more will utilize the driveway.**

Table 2: 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

3. An applicant may request a sight distance waiver when special conditions exist. The following steps will be required for any waiver:
  - a. The applicant must submit a study and a plan prepared by a traffic engineer that addresses the need for a waiver, reasons why the waiver will not result in an unsafe condition, and any additional measures that may be required to ensure that the driveway will not result in an unsafe situation.

b. The applicant shall be responsible for the cost of any requirements determined necessary by the traffic engineer's study or by the Director of Public Works to ensure that the waiver will not result in an unsafe condition.

C. All driveways or other activities covered by Section 2 shall have drainage facilities that have the appropriate capacity to provide for adequate removal of storm water to prevent flooding and erosion:

1. Culverts shall be new and of adequate size (minimum size) and depth to convey ditch water flows and shall be shielded with stone rip rap or a concrete header at inlet and outlet to prevent washouts when the ditch flow capacity is exceeded in major storms. Minimum culverts shall be 15 inches by 32 feet. Culverts types shall be CMP (corrugated metal) aluminized type 2 coated, galvanized type 2 coated, reinforced concrete pipe (RCP), or plastic pipe end 12 smooth bore construction grade.

2. Surface drainage shall be provided so that all surface water on the new driveway or other activities covered by Section 2 shall be carried away from the roadway. The surface of the driveway or other activity covered by Section 2 shall slope away from the road at a rate of not less than one quarter inch per foot (.25"/ft.), nor more than one inch per foot (1"/ft.) 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. Driveways or other activities covered by Section 2 shall be located not less than fifty (50) feet from the tangent point of the travel way edge radius of any intersection of streets. No driveway shall be located across a road from another driveway.

E. When a corner lot is bounded by streets of two different classifications, driveways or other activities covered by Section 2 on the corner lot shall be located on the street of lower classification unless, in the opinion of a licensed engineer, if there is good cause to locate it on the higher classification road, such as improved safety and sight distance. The final decision on the location shall rest with the Public Works Director.

F. There shall be a minimum turning radius of ten (10) feet at the intersection of a driveway or other activity covered by Section 2 with the road. If necessary, the width of the travel way of the driveway or other activity covered by Section 2 shall be increased in the vicinity of the intersection to provide for this turning radius. Commercial driveway entrances and exits for projects requiring site plan review or subdivision review that will serve traffic that is projected to consist 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. Driveways or other activities covered by Section 2 shall be located so that the edge of the shoulder closest to a property line is at least five (5') feet from that property

line unless the following conditions are met for a driveway or other activity covered by Section 2 that is shared between abutting properties. This applies to driveways or other activities covered by Section 2 built after the enactment of this ordinance.

1. The driveway shall have a minimum travel way width of twenty four (24') feet for the first thirty (30') feet before dividing into separate driveways. This shall apply to single-family and two (2) family common driveways. Driveways serving more than two (2) single-family homes shall be reviewed by the Public Works Director to determine whether additional improvements shall be required to ensure that the driveway will not create an unsafe situation.

2. Deeded rights to the driveway or other activities covered by Section 2 shall be issued for both lots served by the common driveway/entrance and a maintenance agreement specifying for its maintenance signed by the parties shall be filed with the driveway permit application and recorded at the York County Registry of Deeds if such maintenance requirements are not included in the deeds creating the shared rights of use.

H. If any driveway with access on a private road is not built to these standards, the Town shall not accept the private road as a Town road unless the driveway is brought into compliance with these standards.

#### Sec. 7. Appeals.

Any applicant or owner of property that abuts the site of the driveway or other activity covered by Section 2 who is aggrieved by a decision of the Code Enforcement Officer or the Public Works Director to grant or deny a permit under this Ordinance may appeal such decision within thirty days of the granting or denial of the highway entrance permit. The appeal shall be to the Zoning Board of Appeals and shall comply with the procedural requirements of Sections 10.03 and 10.05 of the Zoning Ordinance.ec 8.: **Temporary Driveways.**

- A. Temporary driveways shall be allowed only for temporary use and when no building permit is to be issued for the subject property. Permitted temporary uses are woodlot cutting, road construction and similar uses not associated with a development requiring a building permit.
- B. Temporary driveways of use shall be allowed when a building permit is needed if in the determination of the Public Works Director: (a) a construction entrance would better serve the site and create a safer entrance during the period of development of the site; or (b) damage to the permanent permitted entrance is possible during the period of development of the site.
- C. All temporary entrances shall be constructed to a minimum standard of 100 feet (100') long and 25 feet (25') wide with 8 inch (8") minimum of 1 ½ inch (1.5")

stone. The entrance must be approved by the Public Works Director before construction of the temporary driveway and before any construction on the site shall commence.

D. A temporary entrance approval shall be good for a period of six (6) months, with one (1) six (6) month renewal. The Public Works Director and the Code Enforcement Officer shall have the authority to grant additional six (6)-month renewals if (a) a temporary use as set forth in Subsection A continues beyond twelve (12) months; or (b) the construction served by the temporary entrance is not completed within that period of time. Removal of temporary entrances must be completed within sixty (60) days after termination of use of the temporary entrance. Within ninety (90) days after termination of the use of the temporary entrance, the area must be returned to its original configuration (loamed & seeded where necessary) and have a 90% grass catch or meet site plan approved design or engineered specifications, unless otherwise provided by a subdivision or site plan approval. Erosion control materials may be used where necessary instead of sod, grass or other growth materials.

E. When sight distance is inadequate, the Public Works Director may require additional measures to ensure safety. These measures may include signage, flaggers and adequate warning lights during working hours. The Public Works Director shall determine the nature of any required signage, which shall be installed by the Town. The applicant shall be responsible for the costs of required temporary signage and any other required safety measures associated with the temporary entrance.

#### Sec. 9: **Violations.**

**A. Enforcement and remedies.** The Director of Public Works and the Code Enforcement Officer shall be responsible for the enforcement of this Ordinance. The failure to acquire any permit required by this Ordinance shall be a violation. The violation of this Ordinance or of any condition or requirement of any permit issued under the provisions of this Ordinance may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings as allowed by state law.

**B. Civil penalties.** Any person who violates any of the provisions of this Ordinance shall be subject to a civil penalty of not less than \$100.00 per violation plus costs of prosecution, including but not limited to attorney's fees and court costs. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separate violation and any such penalty shall be recovered for the use of the Town.

#### Sec. 10. **Definitions.**

**Driveway:** The access, entrance or approach from a road to any single-family residence, two-family or multifamily dwelling or nonresidential use.

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Change of use: Any change of use of a single family, multi-family dwelling or nonresidential use to another use or increase in the existing number of dwelling units.

Travel way: The portion of a road on which motor vehicles pass

Shoulder: A gravel or grass area adjacent to the travel way. Where there is a paved shoulder adjacent to the travel way, the shoulder shall also include any gravel or grass area adjacent to the edge of pavement.

Urban compact area: That area of road beginning at the intersection of Main Street (U.S. Routes 202 and SR 4) and the Old Alfred Road; thence, northerly along the easterly right-of-way boundary of Old Alfred Road to the intersection of Sokokis Trail (Route 5) in Waterboro Center and then continuing southerly along the westerly right-of-way boundary of Old Alfred Road until it intersects with US Route 202/4 and the point of beginning, a distance of 1.97 miles.

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