TOWN OF WATERBORO HIGHWAY ENTRANCE ORDINANCE

Adopted June 23, 2015 by the Waterboro Board of Selectmen Effective July 23, 2015
Amended by the Waterboro Board of Selectmen August 27, 2019

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 constructed after June 23, 2015.

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.

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 from the Maine Department of Transportation must be provided to the Code Enforcement Officer prior to the issuance of any building or use permit. A driveway that is subject to the permit requirements of 23 M.R.S.A. §704 is not subject to the Town permitting requirements established by this Ordinance.

Sec. 3. **Permit required.**

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. For purposes of this Ordinance, an existing driveway shall not be considered altered if a change is proposed that is more than fifteen (15) feet from the property line abutting the road right-of-way, as long as such alteration does not also involve any activity set forth in Section 2.b of this Ordinance.

Sec. 4: **Application Procedure.**

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 Public Works Director 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 Public Works Director 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 = 25 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

received the applicant's driveway/entrance construction permit 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 or other activities covered by Section 2 is located such that the Public Works Director determines 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 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 for review and approval. If the Public Works Director determines that a peer review by a licensed Engineer is needed to determine compliance with the requirements of this Ordinance, the subdivision 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 within 15 feet of the property line abutting the road right-of way	10% (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 Sight Distance requirements set forth in Table 2.

Table 2: Driveway Entrance Sight Distance Standards

Posted Speed (MPH)	Sight Distance (Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495

3. An applicant may request a sight distance waiver when special conditions exist. Special conditions may be found when a lot has no location that meets the sight distance criteria or when it is determined that the cost of locating the driveway at a location that meets sight distance would impose a significant financial burden on the property or owner or is not feasible due to existing deed, regulatory, or other legal restrictions, or other circumstances that would prevent that driveway location. The Public Works Director is allowed to shorten the sight distances required in Table 2 by a maximum of 15% and/or require special signage or traffic warning devices to maximize traffic safety. If an applicant desires more than 15% reduction in Table 2 sight distances, they must get that request approved by the Road Entrance Appeals Board.

The following steps shall be required for any waiver:

a. The applicant shall be asked to 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 does not pose a significant hazard.

b. The applicant shall be responsible for the cost of any requirements determined necessary by a traffic engineer's study or by the Director of Public Works to ensure that the waiver will not result in an unsafe condition. Such requirements may include, but are not limited to, motion-activated lights in the vicinity of the driveway to warn oncoming vehicles, signage, the removal or cutting of vegetation blocking sight lines, and the ongoing maintenance of sight lines by required cutting or removal of vegetation over an established height. Such requirements shall become conditions of the permit and failure to comply with the conditions shall be treated as a violation of this Ordinance.

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, if determined necessary by the Public Works Director, shall be new and of adequate minimum size and depth to convey ditch water flows. They 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.

3. For any driveway or other activity for which a permit is sought after August 27, 2019, the applicant for the permit shall be responsible for all costs and installation of any culverts or surface drainage facilities required by the Public Works Director. The Public Works Director shall meet with the applicant before the permit is issued to confirm sight distances and to locate the new driveway. No certificate of occupancy or other certificate of land use shall be issued until the Public Works Director has inspected and approved the completed drainage improvements.

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, unless there is no other feasible location for the driveway.

E. When a corner lot is bounded by streets of two different classifications, new 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, 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 fifteen (15) feet from the property line abutting the road right-of-way 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 all lots served by the common driveway/entrance. A driveway maintenance agreement 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. Other special conditions or requirements specific to a driveway permit shall be captured in deed covenants if necessary, recorded at the York County Registry of Deeds and included in the applicants building permit file.

H. If any new driveway is constructed after June 23, 2015 with access on a private road and 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.**

A. 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 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 to the Road Entrance Appeals Board. The Road Entrance Appeals Board shall be comprised of a member of the Board of Selectmen, a Public Safety Committee member and a Road Review Committee member. The members of the Road Entrance Appeals Board shall be appointed by the Board of Selectmen and will serve one or more three-year terms. At the end of the three-year term, the member shall continue in office until the Board of Selectmen appoints a successor. This Board will review the appeal and render a decision as to any changes from the Public Works Director's decision. The decision of the Road Entrance Appeals Board shall be final.

B. Any applicant may seek a waiver or revision of any standard under this Ordinance from the Road Entrance Appeals Board if the applicant can demonstrate that compliance with the standard will result in a hardship. For purposes of this provision, a hardship will consist of an improvement cost that will be a significant portion of the value of the lot after its improvement. The Road Entrance Appeals Board may impose any conditions upon such a waiver or revision that it determines necessary to provide for public safety and to meet the intent of this Ordinance. Any waiver decision by this Board shall be final.

Sec 8. **Temporary Driveways.**

A. Temporary driveways shall be allowed primarily for temporary use 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 shall also 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 driveways shall be constructed to be a minimum of 30 feet wide at the edge of road right of way and continue at least 15 feet past the road right of way onto landowner property. It shall be constructed with a minimum 8 inch thick layer of 1.5" diameter stone. The driveway must be approved by the Public Works Director before construction of the temporary driveway and before any construction on the site shall commence. Additional stone or gravel placement

may be required by the Public Works Director as conditions dictate. The landowner or his contractor is responsible for keeping the Town road clean of mud or other debris coming from a temporary driveway.

D. All temporary driveway approvals shall be good for a period of six (6) months, with one (1) six (6) month renewal. The Public Works Director 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 180 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 for a temporary driveway, 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 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.

24 Townhouse Road
East Waterboro, Maine 04030

Town of Waterboro

Phone 207-247-6166
Phone 207-727-0108

APPLICATION FOR HIGHWAY ENTRANCE

☐ New Highway Entrance ☐ Change of Existing Highway Entrance ☐ Change of Use

Definitions:
Driveway: All references to the term "driveway" shall apply to a single family residence, a multi-family, a commercial, or institutional entrance.

Change of Use: Any change of use of a single family, multi-family housing unit or commercial use.

Section A: Property Owner Information

Name:_____ Phone#_____
Mailing Address: _____
Applicant or Agent's Name: _____ Phone #_____
Applicant/Agent Mailing Address: _____
Other contact information: Phone #_____ email: _____

Section B: Property Location Information

Property Address: _____ Tax Map and Lot number ____ / _____
Closest Utility Pole #: _____ Attach Survey Data (if available) Dig Safe # _____
Nearest Existing Address:_____ Start Date:_____

Proposed Location of Driveway Entrance shall be staked and flagged by applicant

Section C: Driveway Entrance and/or Change of Use Information

Does your property have an existing access? _____ Yes _____ No
If this is an existing access and you are changing its use or modifying, please describe
_____
Proposed Driveway Entrance: ☐ Single Family Residence ☐ Home Business ☐ Commercial/Industrial
☐ Multi-family ☐ Change of Use (explain) _____

Section D: Construction Information

Person/Company constructing entrance: _____
Person/Construction contact name: _____ Phone # _____
Person/Company address: _____

THE OWNER HEREBY AGREES TO:

1. Provide, erect and maintain all necessary barricades, lights, warning signs and other devices to direct traffic safely while the work is in progress. Comply with Town of Waterboro Highway Entrance Ordinance.

Signature of Property Owner/Agent: _____

Agent:
☐ By signing and checking this box, I hereby certify that I have been granted permission from the property owner to act on their behalf.

Permit Cost: $50.00

Comments and/or conditions of approval: _____

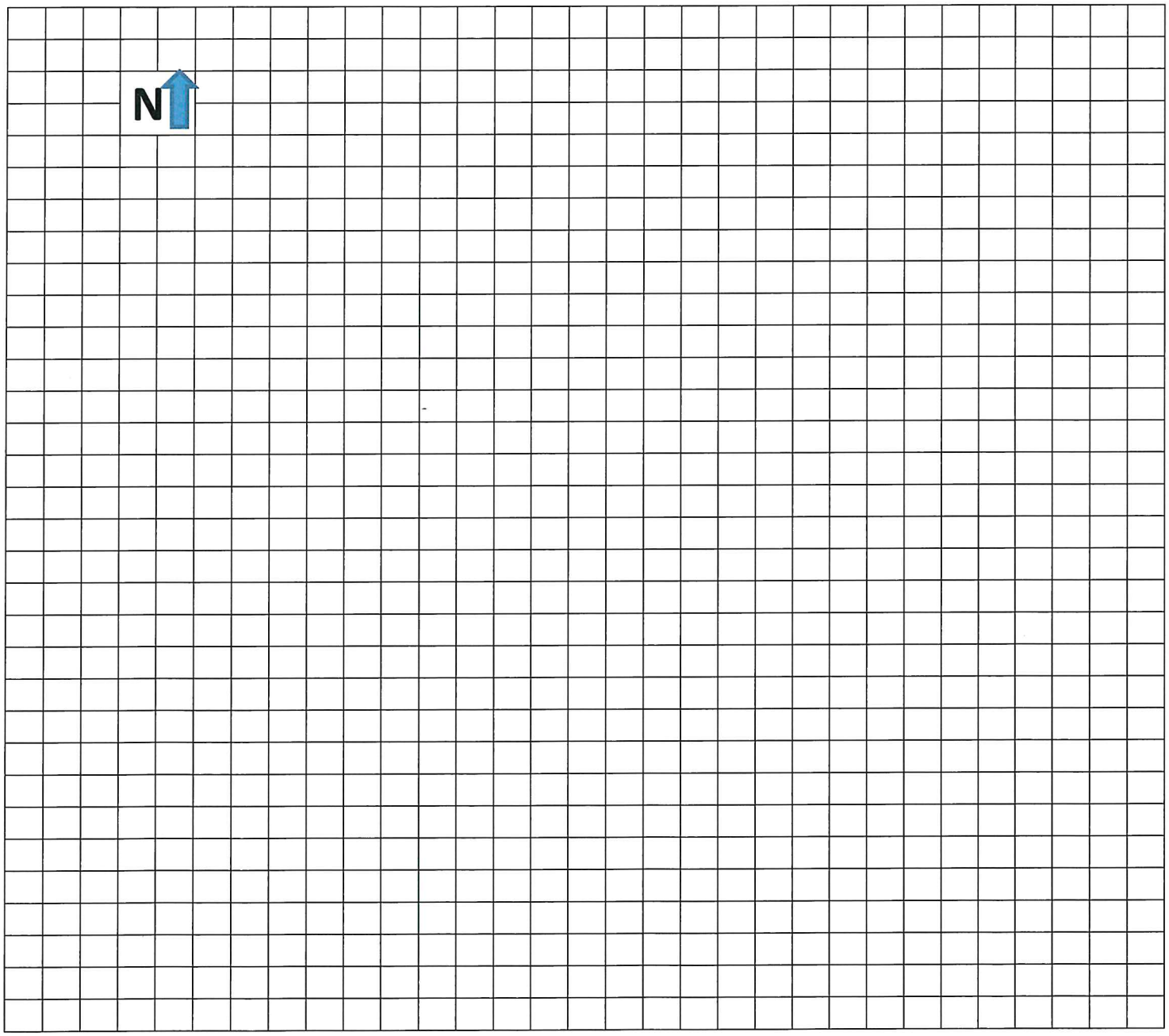
_____

_____

_____

☐ Approved Date: _____ ☐ Denied Date: _____ Reason: _____

_____ Date: _____

Public Works Director

Site Sketch or attach Site Plan (attach separate page if needed). **Include nearest side boundary distance.**