



TOWN OF WATERBORO NOTICE OF PUBLIC HEARING

The Waterboro Board of Selectmen will hold a Public Hearing at the Waterboro Town Hall, 24 Townhouse Road, on Tuesday, August 27, 2019 beginning at 6:00 p.m. to hear public comment regarding amendments to the Highway Entrance Ordinance.

The proposed ordinance is available at Waterboro Town Hall and on the town's website at www.waterboro-me.gov.

TOWN OF WATERBORO HIGHWAY ENTRANCE ORDINANCE AMENDMENTS

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. ~~;~~ ~~or~~

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 ~~or 2.e~~ 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
diameter of culverts at intersection

105 degrees Minimum
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 __, 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.