

**PROPOSED AMENDMENTS TO
CHAPTER 400 STREET CONSTRUCTION ORDINANCE
FOR DRIVEWAY PERMITS AND STANDARDS**

Draft April 15, 2010

Note: Proposed deletions are indicated by ~~strikethrough~~ text. Proposed additions are indicated by underlined text. [Explanations are in blue text brackets.]

PART 5 PRIVATE DRIVEWAYS

Part 5 of this ordinance shall apply to all private driveways within the Town of Gray. All references to the term "private driveway" shall be deemed to ~~include private driveways, alleys, lanes, ways, etcetera intended for vehicular traffic~~ apply to a new driveway access to a single family residence, a duplex, or a commercial or institutional entrance that is not subject to site plan review.

The provisions contained in Part 5 shall only apply to the intersection of the driveway entrance with the street that it provides access to for a distance of thirty (30') feet from the travel way.

[The intent and recommendation of the Street Construction Ordinance Review Committee is that the Town's regulatory review of standard driveways be limited to making sure that the intersection with the roadway is safe and does not cause drainage problems. The Committee does not consider that there are adequate public health, safety and welfare concerns to impose regulations on the construction of the entire length of a driveway except in the case of subdivisions where driveway construction should be coordinated with the engineering design of stormwater and phosphorus management systems and where such reviews are cost-effective.]

Section 5.1 Private Driveways

All private driveways proposed to be constructed ~~or lengthened~~ within the Town of Gray shall be required to meet the provisions of Part 5 of this Ordinance.

Section 5.2 Application Procedures

The procedure for application for proposed new private driveways ~~or proposed lengthening of existing private driveways~~ shall be as follows:

5.2.1 Prior to the construction ~~or lengthening~~ of any private driveway, an application shall be submitted to the Code Enforcement Officer on forms prepared by the Town. The application shall include the following information: [Simple clarification of the existence of such forms]

5.2.1. a. Names of applicants.

5.2.1. b. Owners of land for the location of a proposed private driveway.

- 5.2.1. c. A statement of any legal encumbrances on the land for the location of a proposed private driveway.
- 5.2.1. d. The anticipated starting date of construction.
- 5.2.2 Construction Drawings of the proposed private driveway entrance shall be submitted to the Code Enforcement Officer with the application. The drawings shall include the following information: [The intent of the Committee is that plans will not need to be drawn by a professional engineer. A simple diagram of the driveway location and layout will be acceptable]
- 5.2.2. a. Date, scale, and magnetic or true North.
- 5.2.2. b. Intersection of the proposed private driveway with an existing public or private street.
- 5.2.2. c. ~~Right-of-way limits of the proposed private driveway with the existing street.~~ [In most cases, the right of way limits cannot be determined with accuracy apart from a survey. The primary reason to know the right of way limit is if the Town requires improvements to be done within the right of way, such as paving the right of way driveway apron or beefing up the shoulder base. Since the Town doesn't have such requirements, there does not appear to be a compelling reason to establish the edge of the street right of way.]
- 5.2.2. d. Existing and proposed drainage ways and structures and their location and relationship with respect to the any existing natural waterways in the vicinity of the proposed driveway. [Although the added language is itself open to interpretation, some clarification of this submission requirement seems warranted.]
- 5.2.2. e. Turning radii at the intersection of the proposed private driveway with the existing street.
- 5.2.2. f. Approximate centerline gradients of the proposed driveway within thirty (30') feet of the travel way of the existing street. [The intent of the Committee is that only the driveway intersection with the street will be regulated and not the entire driveway. Thirty feet or about two car lengths will be the distance of the landing area that will be regulated for steepness of grade.]
- 5.2.2. g. Locations of existing overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting, and cable television.
- 5.2.2. h. ~~A soil erosion and sedimentation control plan showing interim and final control provisions.~~ [The intent of the Committee is to drop all engineering requirements for driveways unless Town staff calls in the Town Engineer to deal with specific problems. (See Section 5.2.4 b.)]
- 5.2.2. i. ~~For private driveways that are to be located within the watershed of a great pond, a phosphorous control plan in conformance with the recommendations presented in Phosphorous Control in Lake Watersheds published by Maine Department of Environmental~~

~~Protection.~~ [The intent of the Committee is to drop all engineering requirements for driveways. Phosphorus control plans require engineering services.]

5.2.3 The fee schedule for review of plans for a new private driveway or an alteration to an existing private driveway shall be established by the Town Council.

~~5.2.4 The schedule for review of proposed private driveways or lengthening of existing private driveways shall be in accordance with Section 1.3.2 of this Ordinance.~~ [Section 1.3.2 covers the process for Town Engineer review of street construction permits. The Code Officer and Town Engineer will be the primary reviewers of driveway permits.]

5.2.4 Building permits that are associated with any new construction of private driveways shall not be issued until the Code Enforcement Officer has determined that the applicant's driveway construction application is complete in accordance with Section 1.3.2.A of this Ordinance.

~~5.2.4 a. The applicant may choose to begin driveway construction as soon as the Code Enforcement Officer has determined that the applicant's driveway construction application is complete, a "curb cut" permit has been issued, and one or more building permits have been issued; with the caution of Section 5.2.5.B below. The applicant is required to notify the Code Enforcement Officer that work on a driveway is about to begin at least five (5) working days before starting that work. [To allow/encourage people to go out and start construction prior to review and approval of plans, even with the warning in the next subsection, is questionable policy. Beyond the costs involved of having to redo improvements, damage to road drainage facilities and/or natural features might be reasons for denial of permit applications. Allowing the work to be done in advance of the permit issuance in such cases goes against the purposes of the ordinance.]~~

~~5.2.4 b Any driveway construction work that the applicant may choose to begin before the formal approval of the applicant's driveway construction application shall be entirely at the applicant's own risk. The Town of Gray shall not be liable for any costs if the applicant's driveway construction application is not finally approved upon full and proper consideration and review. Notification that an application is complete is not assurance of approval. [See previous explanation]~~

5.2.4 a. All applications for driveway permits for access to streets owned and/or maintained by the Town of Gray shall be subject to review and approval by the Public Works Director. The Public Works Director shall also review driveways to be located on street turnarounds to ensure that snow plowing operations are not hindered. [Town staff will issue driveway permits as opposed to the Town Engineer. The Code Officer will process applications as part of the building permit review process. All driveway permits for entrances on publicly maintained streets will be subject to added review by the Public Works Director, as will the location of driveways on turnarounds where areas need to be reserved

for snow storage.]

- 5.2.4 b. In the event that a proposed driveway is located such that the Code 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 the ordinance, a review by the Town Engineer may be requested by the Town Officials, and the costs of that review shall be paid by the applicant under the Town’s peer review escrow system. [As previously explained to the Committee, the wording of the current ordinance requires design plans that can only be prepared by an engineer. The intent of the Committee is to avoid that expense for homeowners and/or the Town. At the same time, there is recognition that in some cases, involvement of an engineer will be important. This clause allows Town staff to bring in the Town Engineer for such cases and assigns the costs to the applicants.]
- 5.2.4 c. A separate driveway permit shall not be required for driveways shown on an approved subdivision plan and built in conformance with the design specifications approved by the Planning Board. Changes to the design are allowed subject to the submittal of a driveway permit application with engineered drawings and approval by the Town Engineer. [The intent of the Committee is that engineering analysis will only be required for driveways proposed on difficult sites. For subdivisions reviewed by the Planning Board, this will be done as part of the standard engineering design and peer review process. Changes will be allowed without going back to the Planning Board provided that changes are properly designed and approved by the Town Engineer.]

Section 5.3 Private Driveway Layout and Construction

- 5.3.1 All new ~~or extended~~ private driveways constructed after the date of adoption of this ordinance shall meet the driveway construction standards of Table 5.1. ~~It is recommended, but not required, that driveways should also meet the driveway construction standards of Table 5.2.~~ [Recommendations for driveway construction should be contained in an educational pamphlet as opposed to being placed in the text of a legally binding ordinance.]

Table 5.1 Private Driveway Required Construction Standards

Maximum grade w/in 30 feet of street travel way surface	6 percent
Minimum angle of intersection with street	75 degrees
Maximum angle of intersection with street	105 degrees
Minimum diameter of culverts at intersection	15 inches

5.3.2 All entrances shall be so 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: [The current Ordinance contains no specific provision to prohibit placement of driveways on blind curves, although the Town has applied sight distance requirements indirectly through other provisions such as the GPCOG booklet referenced in Section 5.3.3 below. This is a critical factor in regulating driveway placement and should be specifically indicated along with the driveway standards of Table 5.1. The following sight distance standards track MDOT requirements]

5.3.2 a. Measurements to determine sight distance shall be made in the proposed entrance at a point ten (10') feet from the edge of shoulder line 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 height of object four and one quarter (4.25') feet is first seen.

5.3.2 b. Driveway placement shall be such that an exiting vehicle has an unobstructed sight distance in both directions meeting the requirements of Table 5.2 unless a waiver is granted by the Town Engineer upon documentation provided by the applicant that safety conditions will be met with shorter sight distances (this review will be covered by the Town requirements for peer review escrows).

Table 5.2 Private Driveway Entrance Sight Distance Standards

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

5.3.3 Driveways accessing State Highways or State Aid Highways shall require an MDOT entrance permit as a precondition for an access permit from the Town. ~~Town standards for driveway entrances from State Highways shall be based on the recommended highway access standards contained in the Greater Portland Council of Government's publication, Conquering the Strip: A Handbook for Highway Corridor Planning, dated June 1991.~~ [This booklet gave policy recommendations for access management that provided a range of potential community responses and was not suitable for adoption as a set of driveway standards. Going with MDOT requirements for a permit is clear and simple.]

~~5.3.3 Proposed private driveways shall be located and designed in profile and grading to be suitable to provide safe access to and from a property at all times for the~~

- ~~volume and character of all vehicles that may be reasonably anticipated. Convenient and safe access shall be provided for emergency vehicles to all buildings and structures at all times. [The intent of the Committee is that only the driveway intersection with the street will be regulated and not the entire driveway.]~~
- ~~5.3.4 The arrangement, character, extent, width, grade, and location of all private driveways shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, their appropriate relation to the proposed use of land, and to minimize conflict with the flow of traffic. Grades of private driveways shall conform in general to the terrain and as closely as possible to the original topography. Private driveways, their shoulders, and drainage ditches shall be constructed in accordance with Sections 1.12.1 and 1.12.2 of this Ordinance. Deviation from this requirement due to special topographical conditions will be allowed only with special approval of the Town Engineer and the Public Works Director. [The intent of the Committee is that only the driveway intersection with the street will be regulated and not the entire driveway.]~~
- ~~5.3.5 Driveways shall be of adequate length to accommodate queuing up of the maximum number and character of all vehicles that may be reasonably anticipated such that no vehicle remains on the street waiting for access. [This applies to commercial driveways and is handled under site plan review.]~~
- ~~5.3.6 No driveway serving either a permitted or a nonconforming use shall extend into another Zoning District where that use is not permitted, unless there is no other possible means of access to the property. [This is a zoning issue that should be covered in that ordinance. Driveway permits will be limited to single family and duplex uses under this new policy.]~~
- 5.3.4 All private driveways shall have suitable drainage facilities to provide for adequate removal of storm water to prevent flooding and erosion:
- 5.3.4 a. Culverts shall be of adequate size and depth to convey ditch water flows and shall be shielded with stone rip rap at inlet and outlet to prevent washouts when the ditch flow capacity is exceeded in major storms.
- 5.3.4 b. Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway. The entrance surface shall slope away from the road at a rate of not less than one quarter inch (.25"/ft.) per foot, nor more than one inch (1"/ft.) per foot 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.
- [Specific drainage design standards have been added.]
- ~~5.3.8 Driveways to single and two-family dwellings may be constructed of any material so long as vehicles exiting the driveways onto public or private streets can do so in a safe and expeditious manner and that mud and other debris are not unreasonably brought onto the public or private streets by vehicles. [The intent of the Committee is that only the driveway intersection with the street will be~~

- regulated and not the entire driveway. Mud being dragged onto the roadway is a problem at construction entrances as opposed to single family & duplex homes.]
- ~~5.3.9~~ On each side of the travel way of all private driveways there shall be a combined width of shoulders plus ditches of not less than four (4) feet to provide for snow removal. [The intent of the Committee is that only the driveway intersection with the street will be regulated and not the entire driveway.]
- 5.3.5 Private driveways shall be located not less than fifty (50) feet from the tangent point of the travel way edge radius of any intersection of streets.
- 5.3.6 When a corner lot is bounded by streets of two different classifications, private driveways to the corner lot shall gain access from the street of lower classification unless, in the opinion of the Town Engineer, there is good reason to do otherwise (e.g., on the higher classification road the driveway can be located more distant from the intersection or sight distances are improved). [Clarification of the intent of this provision and how it would be applied has been added.]
- 5.3.7 There shall be a minimum turning radius of twenty (20) feet at the intersection of a private driveway with the street. If necessary, the width of the travel way of the driveway shall be increased in the vicinity of the intersection to provide for this turning radius.
- 5.3.8 Private driveways shall be located so that the edge of the shoulder closest to a property line is at least ten (10) feet from that property line unless the following conditions are met for a driveway shared between abutting properties: [This consolidates Section 5.3.14 below with the provision it modifies.]
- ~~5.3.8 a.~~ The driveway shall have a minimum travel way width of twelve (12) fourteen (14') feet for the first twenty five (25') feet before dividing into separate driveways. [Twelve feet is not adequate for vehicles from separate dwellings to pass and could cause vehicles to stop in the road to allow someone to exit the driveway, causing a hazardous situation.]
- ~~5.3.8 b.~~ Deeded rights to the driveway shall be issued for both lots serviced by the common driveway and a maintenance agreement specifying rights and responsibilities for its maintenance signed by the parties shall be filed with the driveway permit application. [Rights to cross property should be included in deeds. Maintenance responsibilities should be in a legally binding maintenance agreement that is more easily modified.]
- 5.3.9 The following standards shall apply where proposed driveways will cross existing sidewalks: [These provisions ensure that public sidewalks are restored and meet ADA guidelines.]
- ~~5.3.9 a.~~ When sidewalk or curb exists at the proposed entrance the applicant shall remove and replace such materials at the applicant's expense.
- ~~5.3.9 b.~~ Where curb exists, curb tip-downs shall be provided at each side of a new entrance.
- ~~5.3.9 c.~~ Where sidewalk is removed to accommodate a new entrance a new

walk surface of equal type construction is to be provided. The sidewalk area at all entrances is to meet handicap accessibility requirements and conform to the American with Disabilities Act guidelines. In general sidewalks shall meet the following:

- (1) The maximum sidewalk longitudinal transition slope is not to exceed 1 vertical to 12 horizontal (1:12).
- (2) The maximum sidewalk cross-slope is not to exceed 2%.
- (3) No abrupt changes in grade are permitted and the maximum curb reveal crossing a walkway is ½ inch or less.

~~Table 5.1 Private Driveway Required Construction Standards~~
[\[Relocated Table 5.1 to Section 5.3.1\]](#)

A. Max. grade within 30 feet of street travel surface	8 percent
B. Min. angle of intersection with street	75 degrees
C. Max. angle of intersection with street	105 degrees
D. Min. diameter of culverts at intersection	15 inches

~~Culverts must be suitable in size and number to provide adequate drainage in accordance with Section 5.3.8 of this Ordinance. [The intent of the Committee is to eliminate requirements for engineering in most driveways. The Ordinance will allow Town Staff to bring in the Town Engineer if there are drainage issues, and the general drainage standard of Section 5.3.4 will give the Engineer and Staff authority to require larger and/or multiple culverts if necessary to deal with drainage problems.]~~

~~Table 5.2 Private Driveway Recommended Construction Standards [These recommendations should be moved to an educational pamphlet.]~~

~~These standards are recommended for good practice, but they are not requirements.~~

A. Minimum grade	0.5 percent
B. Maximum grade	20 percent
C. Width of shoulders	2 feet
D. Minimum centerline radii on curves	30 feet
E. Minimum tangent length between reverse curves	30 feet
F. Minimum travel way Width:	12 feet
Sub-base course gravel	6 inches
Upper base crushed gravel	3 inches
Bituminous paving if used	2 inches
Minimum crown per foot	1/4 inch
G. Sidewalks if installed:	
Minimum width	2 feet
Base course gravel	4 inches
Surface course gravel	2 inches
Surface bituminous paving if used	1 inch

~~5.3.14 Exception to Section 5.3.13 : In order to reduce “curb cuts”, access to a street may be shared. A shared access:~~ [\[This section has been consolidated with Section 5.3.6.\]](#)

~~5.3.14. a. May be centered upon the property line between two lots and is not required to satisfy the condition of Section 5.3.13.~~

~~5.3.14. b. Shall have a minimum width of travel way of twelve (12) feet for a distance of twenty (20) feet from the street before dividing into separate private driveways.~~

~~5.3.14. c. Shall have shared responsibility for maintenance assigned to the lot owners through provisions included in their deeds.~~