ARTICLE 7, DRIVEWAY AND DRIVEWAY ENTRANCE ORDINANCE

SECTION 1 PURPOSE

This Ordinance provides for the review of any new or substantially reconstructed driveway and driveway entrance onto a public way for compliance with sound construction and design practices to ensure that traffic safety, drainage and public improvements are not adversely affected. Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times. A permit is not required for paving, sealing, or repairs to driveways of record (grandfathered) unless the driveway is relocated.

SECTION 2 PERMIT REQUIRED

A. No driveway, entrance or approach or other improvement within the limits of the Right of Way for any public or approved public road may be constructed, altered or relocated except in accordance with a Driveway and Driveway Entrance Permit issued by the Town of Pownal Codes Enforcement Officer (CEO) upon application.

B. The selectmen may establish the fee for such permit.

C. The Driveway/Driveway Entrance Permits shall be valid for a period of twelve months from the date of original issue.

D. No entrance, approach or other improvement constructed on the Right of Way shall be relocated or its dimensions altered without a Driveway/Driveway Entrance Permit from the Town.

E. The Owner is responsible for future maintenance of the driveway surface and its entrance, and shall maintain the driveway and entrance in accordance with the approved permit.

F. When a town road undergoes a major reconstruction, the Town may also reconstruct existing affected driveways as needed within the Right of Way, but generally to five (5) feet back more or less, from the traveled way. The Town may also pave or repave existing driveways and/or install berms and other facilities within the Right of Way and farther onto private property as needed in order to maintain proper stormwater control and safe ingress and egress to and from the traveled way. The Owner is responsible for future maintenance of the driveway surface and its
entrance after a town road reconstruction project and shall maintain the driveway and entrance in accordance with the Town’s reconstruction and/or paving or repaving of the driveway.

SECTION 3 TOWN HELD HARMLESS

The applicant shall hold harmless the Town of Pownal and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of a Driveway/Driveway Entrance Permit.

SECTION 4 APPROVAL CRITERIA

A. General. Driveways and Driveway Entrances should be designed and constructed to provide safe access to the public way. Applicants are encouraged to comply with the “Access Management Handbook for Local Officials” as developed by the Maine Department of Transportation, 1994.

B. Applicant. The applicant for a permit shall be the owner of the property being served. Any driveway or approach constructed by the Owner shall be for the bona fide purpose of securing access to the Owner’s property and not for the purpose of parking or servicing vehicles on the Right of Way.

C. Sight Distance Criteria:

1. 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 public or private road or to maneuver safely and without interference with traffic.

2. Measurements to determine sight distance shall be made in the proposed entrance at a point ten feet (10’) from the edge of shoulder line with the height of eye three and one-half feet (3.5’) 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 feet (4.25’) is first seen.

3. Driveway placement shall be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:
<table>
<thead>
<tr>
<th>Highway Speed (MPH)</th>
<th>Minimum Sight Distance (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>160</td>
</tr>
<tr>
<td>40</td>
<td>275</td>
</tr>
<tr>
<td>45</td>
<td>325</td>
</tr>
<tr>
<td>50</td>
<td>350</td>
</tr>
<tr>
<td>55</td>
<td>425</td>
</tr>
</tbody>
</table>

D Geometry:

1. If the driveway elevates above the traveled way, then the first 10 feet of the driveway shall be sloped to a negative 3%, unless otherwise approved by the Road Commissioner, and constructed to prevent run-off onto the traveled way. If the driveway descends from the traveled way, the first twenty-five (25) feet of driveway shall not exceed minus three percent (-3%) slope unless approved by the Road Commissioner and the Department of Public Safety.

2. The entrance should intersect the traveled way at a horizontal angle of ninety (90) degrees but in no case shall the horizontal angle be less than seventy-five (75) degrees without approval from the Road Commissioner. The entrance width at the traveled way shall be wide enough to allow emergency vehicles to enter from either direction. Radii for the edge of the driveway for ninety (90) degree intersections shall be twenty-five (25) feet. Less than ninety (90) degree intersections shall be thirty (30) feet.

3. No part of the entrance shall extend beyond the property lot frontage for the lot being served unless approved by the Pownal Planning Board.

4. The entrance shall not be located closer than fifty (50) feet to an intersection.

E Drainage:

1. Existing roadside drainage in gutter or ditch lines shall not be altered or impeded by the applicant. The applicant must provide at his/her expense suitable and approved drainage structures at all entrances.

2. Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway.
3. Where a drainage culvert is required to maintain roadside drainage the Road Commissioner must approve the pipe diameter/length and type pipe material prior to installation. In any case, the pipe size shall be at least fifteen (15) inches in diameter and a minimum length of twenty-four (24) feet. The maximum continuous entrance width shall not exceed sixty (60) feet.

F Construction:

1. The Owner is responsible for all construction and restoration of disturbed areas for the entrance within the limits of the Right of Way.

2. The entire portion of any entrance within the limits of the Right of Way shall be constructed with a minimum fifteen (15) inch well-graded gravel base course (MDOT Type C).

3. The driveway entrance within edge of the traveled way shall be a maximum of a negative three percent (-3%) slope.

SECTION 5 DRIVEWAY STANDARDS

A. Maximum Grade. Maximum grade plus or minus (+/-) of the driveway shall not exceed twelve percent (12%).

B. Construction. Driveways shall be constructed of fifteen (15) inches of bank run gravel. Driveways shall be crowned a minimum of one-quarter (1/4”) inch per one (1) foot. Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times. Driveway width shall be a minimum of twelve (12) feet and clearing on each side of the driveway shall allow for snow removal from the driveway. Driveways of eight hundred (800) feet or more shall have at least one turn-out to allow for two-way traffic at mid-point. The Fire Chief and the CEO shall ensure that emergency vehicles are provided with adequate turn around and access to the buildings. All vegetation shall be cut close to ground level at least 3 feet back on both sides of the traveled way and cut to 16 feet above the driveway to make for safe access for emergency vehicles.

C. Curves. Minimum centerline radii on curves shall be one hundred and twenty-five (125) feet. Minimum tangent length between reverse curves shall be fifty (50) feet.

D. Culverts. Drainage culverts shall have a minimum diameter of fifteen (15) inches.
E. **Side Slopes.** Driveway side slopes and banks shall not be steeper than a slope of two (2) horizontal to one (1) vertical.

**SECTION 6 APPEALS PROCESS**

A. Whenever a person shall deem themselves aggrieved by an order made by the Code Enforcement Officer, the person may file an appeal to the Board of Appeals within ten (10) days of the date of the order, and the person shall be afforded a hearing on the matter before the Board of Appeals, and unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by the person.

B. In cases of applicability or interpretation of the rules, the Board of Appeals may revoke such order made by the Code Enforcement Officer.

C. In cases where compliance with such order made by the Code Enforcement Officer would cause undue hardship, the Board of Appeals may extend the time limit of such order, or may grant exceptions to, or waive requirements of, or grant a variance from the specific provisions of the rules, subject always to the rule that the Board of Appeals shall give due consideration to the purposes of the rules in preserving public safety and convenience, integrity of public infrastructure, and the operational safety and function of the public Right of Way.