FEE $25

OFFICIAL USE ONLY	File name: _____	Permit #: _____	Map/Lot: _____

TOWN OF WASHINGTON DRIVEWAY ENTRANCE PERMIT APPLICATION

If you need assistance with completion of this application, please consult with the Road Foreman.

Property owner (Please print or type all information; you must answer all questions.)

Name: _____

Company: _____

Current mailing address: _____

Current City/State/ZIP: _____

Phone (include area code): _____ Alternate phone: _____

You must obtain a 911 address from the Town of Washington 911 Administrator. Your permit cannot be approved without it. **WASHINGTON 911/STREET ADDRESS:**

_____

Closest numbered address to your Washington location: _____

Have you attached the required drawing? ☐ Yes ☐ No *(Please physically indicate driveway location (use stakes or paint) prior to the site visit by the Road Foreman.)*

What is the type of use?

☐ Residential

☐ Non-residential (If non-residential, describe) _____

If a culvert is proposed, what type will be installed? (Used culverts prohibited; all culverts subject to town approval.)

☐ Steel ☐ Plastic ☐ Concrete ☐ Other (please explain) _____

Culvert installation will be:

☐ Permanent

☐ Temporary; proposed installation date: _____; proposed removal date: _____

To the best of my knowledge, I certify that all of the information on this application is true and correct. I understand and agree to comply with the Washington Driveway Entrance Ordinance.

APPLICANT SIGNATURE: _____ **DATE:** _____

Note: You may appeal any action to the Washington Board of Appeals within 30 days of the decision.

PERMIT APPROVAL

To be completed by the Road Foreman

Is the application complete? □ Yes □ No

Residential application

Site visit date: _____

Culvert required? □ Yes □ No Type of culvert: □ Steel □ Plastic □ Concrete □ Other

If a culvert is required, diameter and length: _____

Measured sight distance (L) _____ (R) _____

Permit approved? □ Yes □ No

If denied, state reason: _____

_____

Additional requirements to be completed prior to final inspection approval: _____

_____

_____

Final inspection date: _____ Final inspection approved? □ Yes □ No

Road Foreman signature: _____ Date: _____

Non-residential application (decision of Washington Planning Board)

□ Approved

□ Approved with conditions *(see notes below)*

□ Denied *(see notes below)*

_____

_____

_____

_____

Signature: _____ Date: _____

Town of Washington Driveway Entrance Ordinance

SECTION 1. TITLE.

This ordinance shall be known as the "Town of Washington Driveway Entrance Ordinance."

SECTION 2. AUTHORITY AND PURPOSE.

This ordinance is adopted under the general authority granted pursuant to and consistent with Article VIII-A of the Maine Constitution and Title 30-A Section 3001 (Home Rule) to promote the public health, safety, and general welfare of the community, to further the safe and orderly layout of driveways that enter onto Washington Town roads, by establishing entrance standards for driveways that enter onto Town public ways. This Ordinance is not applicable to field roads or driveways entering onto State numbered highways or onto private ways.

SECTION 3. DEFINITIONS.

In this ordinance, the following words and phrases have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

a. Driveway Entrance - A private driveway, road, field road, or other avenue of vehicular travel that runs through any part of a private parcel of land and that connects or will connect to a Town way at the property boundary.

b. Field Road - An avenue of travel used exclusively for agricultural purposes or to access agricultural land.

c. Residential Driveway - A driveway providing access used for single or multi -family purposes only.

d. Commercial or Industrial Driveway - A driveway providing access for commercial or industrial use of property.

e. Joint Drive - Two or more driveways on adjoining properties, which share a single access point onto a town road.

f. Relocate Driveway Entrance - A request for a change in access point, general design, length or drainage of an existing driveway entrance.

g. Culvert Replacement – The repair, or removal and replacement of existing culvert by the Town of an existing driveway entrance.

h. Change of Use - An existing driveway entrance used for purposes different from the proposed use (ex. change from residential to commercial, from field road to residential).

i. Temporary Driveway Entrance- Access used for a specific purpose and for a limited amount of time.

j. Modification - A change of location, upgrade or re-construction of a pre-existing driveway entrance, or adding or replacing a permanent surface, i.e. concrete or asphalt. Resurface of an existing driveway entrance with like material is not considered a modification and does not require a permit.

k. One inch minus gravel - natural or crushed rock or gravel which is a mixture of sizes no larger than 1" in diameter, and containing approximately no less than 40% material of 1" in diameter and free from flat, elongated, soft, or disintegrated pieces, vegetable material, or other deleterious matter

SECTION 4. APPLICATION REQUIREMENTS AND PROCEDURES.

a. Permit Required. Before any construction, modification, or change of use of a driveway entrance from private property onto a town owned public way, the property owner shall first obtain an E911 address number from the E911 Coordinator, file a driveway entrance application form, and receive a Driveway Entrance Permit from the Road Commissioner.

   1.) Applicants for residential use shall submit the application for approval by the Washington Road Commissioner.

   2.) Applicants for a non-residential use must submit the application for approval to the Washington Planning Board prior to the issuance of a permit by the Road Commissioner. The Washington Planning Board may ask the Road Commissioner for assistance or recommendations.

b. Application Form. Applications for driveway entrance permits shall be made on a form approved by the Board of Selectmen and are available at the town office.

c. Application Fee. The fee for each driveway entrance permit application shall be established and reviewed by the Board of Selectmen from time to time.

d. Filing of Application (and attachments). The completed "Driveway Entrance Permit Application" form shall be filed with the Town Clerk along with the required application fee, any attachments, a drawing of the property parcel, and a statement of the uses of the driveway. The drawing shall include the proposed or existing driveway entrance location. Distances from the existing property lines to the centerline of the driveway entrance shall be shown to establish the driveway entrance location. The width of the driveway entrance at the edge of roadway shall be shown, and the proposed driveway entrance slope shall be provided.

e. Application Review

1.) Residential or Temporary Applications. The Town Clerk shall forward the completed application to the Road Commissioner for review. The Road Commissioner shall approve or deny the application within 5 working days, and if denied, state the reasons for denial.

2.) Non-residential Applications. The Town Clerk shall forward the completed application to the Code Enforcement Officer for further processing and review by the Planning Board.

f. Permit Period. The Driveway Entrance Permit is effective for twelve (12) months from the date of approval. If the driveway entrance had not been completed within that permit period, the permit is deemed expired and a new application must submitted and approved. A single one year extension may be granted in writing by the Road Commissioner for good cause.

g. Driveway Entrance Inspection. The applicant shall notify the Road Commissioner within five (5) working days from the completion of construction or improvement of the driveway entrance. The Road Commissioner shall conduct an inspection of the driveway entrance to ensure full compliance with all provisions of this ordinance and terms of the permit.

h. Building Permits. The Code Enforcement Officer shall not issue building or other development permits until a driveway entrance permit is obtained.

i. Temporary Driveway Entrances. Applicants for temporary driveway entrances must still file an application as outlined in this Ordinance. Used culverts may be used for temporary driveway entrances. Property owners are responsible to ensure that any dirt, mud or debris tracked onto a Town way from a temporary driveway entrance is cleared immediately. The temporary driveway entrance must be removed within thirty (30) days from the removal date listed on the permit.

j. Town Authority Preserved. The Town of Washington, notwithstanding the issuance of any permit under this ordinance or construction of any driveway entrance, reserves the right to make any changes, additions, repairs or relocation of any part of a driveway entrance within the dedicated right of way at any time, including but not limited to, in connection with the relocation, reconstruction, widening and maintaining the road or right of way, without compensating the owner of such private driveway entrance for any damages or destruction within the Town's right-of-way.

SECTION 5. DRIVEWAY AND CULVERT LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS.

Construction Activities.

a. It is the contractor's responsibility to clean up the tracking of soil, gravel, vegetation or other material onto the public roadway.

b. Any damage to a Town of Washington roadway, as determined by the Town, caused by the construction will be repaired at the contractor's expense.

c. Construction of the driveway entrance prior to other development is necessary to allow for the safe and efficient access of construction vehicles entering or leaving the construction site.

General Requirements. The location, design and construction of driveway entrances shall be in accordance with the following;

a. General Design. Driveway entrances shall not provide direct ingress or egress to or from any road intersection, and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control. A driveway entrance shall be located a minimum of either 150' from the intersecting centerlines of roadways, or a maximum practical distance, but in no case less than 50', from the intersecting centerlines to the driveway entrance that can be achieved to provide access to an existing lot. Driveway entrance approaches shall be a least ten (10) feet apart

except by special permission of the Town Planning Board, and driveway entrances shall in all cases be placed wherever possible so as not to interfere with utilities in place. If possible, driveway entrances should be directly opposite each other.

b. ~~Sight Distance. A driveway entrance shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the road. A minimum sight distance of ten (10) feet in each direction for every mile per hour of the posted or unposted speed limit for that section of road from a height approximating the sitting height in a standard automobile, and ten feet back from the pavement of the Town way.~~

Sight Distance. A driveway entrance shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the road. A minimum sight distance of 200 feet in each direction for that section of road from a height approximating the sitting height in a standard automobile, and ten feet back from the pavement of the Town way.

c. Number of Entrances. Not more than two (2) driveway entrances shall be permitted to serve an individual residential property.

1.) The Board of Appeals may grant a practical difficulty variance for an additional driveway entrance(s) if the owner demonstrates a legitimate need and if the Board determines that the additional driveway entrance will not create any significant impairment of efficient traffic movements or cause any danger to the public.

2.) The Washington Planning Board has jurisdiction over non-residential driveway entrances.

d. Drainage. The surface of the driveway entrance connecting with the road sections shall be sloped to preclude ordinary surface water drainage from flowing onto the traveled way. No driveway entrance apron shall extend out into the road further than the road edge or face of the curb. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of the road, side ditches and roadside areas or with any existing structure in the right-of-way. All driveway entrances and parking lot areas shall be graded and constructed in such a manner so that no storm water is discharged onto the roadway.

e. Width of Driveway Entrance. A residential driveway entrance shall be no less than twenty (20) feet and no greater than twenty-six (26) feet wide at the edge of pavement of the roadway or curb line. Driveway entrances less than twenty (20) feet are prohibited.

f. Angular Placement. The angle between the centerline of the driveway entrance and the edge of the pavement or the curb cut shall not be less than seventy (70) degrees.

g. Relocation of Utilities. Any costs of relocating utility structure or facilities shall be the responsibility of the property owner. Approval by the utility company and Board of Selectmen shall be obtained before any utility structure or facility is relocated within the right-of-way. Digging across Town paved roads for utility construction is prohibited.

h. Variances. The Town Board of Appeals may grant practical difficulty variances per Land Use Ordinance Article X, Section 4 (2) for any of the above requirements where the peculiar nature of the property or the design of the road may make the rigid adherence to these requirements impossible or impractical. The costs and fees are the same as per the Land Use Ordinance.

i. Any special signage and sign post (i.e. "Hidden Drive"), as determined by the road commissioner, shall be paid for by the applicant and erected by the Town.

SECTION 6. CULVERT CONSTRUCTION STANDARDS AND MAINTENANCE RESPONSBILITIES.

Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of galvanized steel, concrete or plastic or other material approved by the Town Road Commissioner, and shall be of sufficient gauge to provide adequate bearing capacity for vehicles expected to use the driveway entrance as determined by the Town Road Commissioner. Use of used culverts for other than a temporary driveway entrance is prohibited.

a. Minimum Size. Culverts shall be a minimum of twenty-six (26) feet in length and of a diameter as determined by the Town Road Commissioner based on anticipated water flowage but shall not be smaller than fifteen (15) inches in diameter.

b. Placement. Culverts shall be placed in the ditch line at elevations as set by the Road Commissioner so as to adequately convey water and assure proper drainage.

c. Endwalls. All culverts shall have flared endwall sections so that backfill and cover material will not erode into the bottom of the ditch and reduce the capacity of the ditch and culvert. Flared endwalls also serve a safety function in that vehicles that enter the ditch way inadvertently will not be stopped abruptly.

d. Backfill and Cover Material. Culverts shall be covered with one-inch minus gravel, compacted in place, or other material approved by the Road Commissioner. The minimum cover, measured from the top of the culvert to the top of the sub grade material shall be the same as the diameter of the culvert.

e. Construction/Reconstruction of Curbs. When construction of a driveway entrance requires the removal of a curb the same shall be replaced and restored with equivalent acceptable material per the Road Commissioner. Curb returns shall be provided or restored in a neat and acceptable manner.

f. Maintenance Responsibility. The Town is responsible for maintaining the culvert and ditch in such manner necessary to permit free and unobstructed flow of water. However, should the property owner willfully and/or negligently dump leaves or other debris, or plow snow and ice into the ditch or over the end of the culvert which disrupts the flow of water, the property owner shall be liable for the cost of correction if the Town has to clear the culvert or if a blocked culvert causes damage to the roadway. The removal or clearance of snow and or ice, or the opening of windrows of such material, upon any portion of the driveway entrance within the Town of Washington right-of-way is the responsibility of the property owner.

g. Existing Driveway Hazards or Problems. When erosion or other conditions created by an existing driveway entrance obstructs or becomes a potential hazard to a public road, the Road Commissioner and Board of Selectmen shall notify the property owner of the conditions. Repair undertaken by the property owner after notice from the Town is not construction or modification pursuant to Section 4 (a) of this ordinance. Any property owner failing to correct such conditions within thirty (30) days after notice shall be subject to the penalties described in the penalty section of this Ordinance.

h. Culvert Replacement. Replacement due to normal rusting, and wear and tear of existing and future driveway entrance culverts is the responsibility of the Town and will be accomplished, as required, under the standards set by this Ordinance. Culvert replacement due to damage such as crushed end of culverts from driving over them shall be replaced by the Town, but the property owner shall be subject to the cost of the culvert and labor and machinery costs. When a culvert requires replacement, the Town of Washington assumes responsibility for the cost of the culvert and for repair or replacement of gravel, bituminous, or concrete surface as close to the previous condition as possible. Replacement of decorative pavement, decorative endwalls/headwalls, is not the Town's responsibility.

SECTION 7. ENFORCEMENT.

At the request of the Road Commissioner and the direction of the Board of Selectmen, the CEO shall issue a stop-work order if a driveway entrance, culvert or other permitted construction or any part thereof is being installed contrary to the terms of this ordinance or without a permit.

SECTION 8. PENALTIES.

a. Any person who constructs or modifies any driveway entrance without a permit as required by this Ordinance or who shall construct or modify a driveway entrance in violation of any provision of this Ordinance, shall unless the violation is corrected within thirty (30) days of date of written notice from the Board of Selectmen, be subject to a civil penalty due and payable to the Town of Washington, Maine of not less than one hundred dollars ($100.00) for each day said violation exists and not more than twenty-five hundred dollars ($2,500.00) for each day said violation exists. If the same person has been convicted of a violation of this ordinance within the previous two years, the maximum penalty is five thousand dollars ($5,000.00) for each day said violation exists.

b. In setting the penalties, the Court shall consider but is not limited to the following:

   1.) Prior violations by the same person;

   2.) The degree of environmental damage that cannot be abated or corrected;

   3.) The extent to which the violation continued following an order to stop; and

   4.) The extent to which the Town of Washington, Maine contributed to the violation by providing incorrect information or failing to take timely action.

c. Payment of any penalty shall be made within thirty (30) days in cash or by certified check drawn on a recognized financial institution, made payable to the Town of Washington, Maine in an amount equal to the full amount of the penalty.

d. If the maximum penalty amount of Section 8 (a) of this ordinance is held void or invalid it is the intent of the Town of Washington, Maine that provisions of Title 30-A, M.R.S.A. Section 4452 be given full force and effect and that the maximum penalty amounts authorized by such provision apply to violations of any order, permit, approval or final decision of the Planning Board or the Town Road Commissioner, or any provision of this Ordinance.

SECTION 9. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting as provided by law. Amendments passed at the Special Town Meeting held 06/26/2013 in the Bryant Room of Gibbs Library.

True and Attested Copy: Ann Dean Town Clerk