

Street Access Management Regulations

Adopted pursuant to Orleans Town Code Chapter 87, Driveway Curb Cuts and Road Opening

1 Purpose

The purpose of the Driveway Curb Cut and Road Opening Bylaw is to provide criteria for driveways, road openings, and work in the public road layout that allows for reasonable access to development; while promoting safety and not interfering with the intended function of the roadway system.

2 Applicability

This regulation shall apply to the driveway curb cuts and road openings within the public road layout for any purpose. No permit for work within the public road layout or for a driveway curb cut permit on a private way shall be issued without the written approval of the Board of Selectmen, or its designee(s). The Board of Selectmen may delegate from time to time certain duties described in these regulations to designees who will act on its behalf. Included, but not limited to, are the following types of work:

- a) Construction, repair, installation, maintenance of sanitary sewers, storm drains, water mains and appurtenances, or direct buried cables, gas mains, telephone and electrical cables or conduits and service connections there to, roadways, driveways, pavement extensions, manholes, inlets, catch basins, fire hydrants, sidewalks, curbs or steps.
- b) Erection and maintenance of poles, wire, guys, cables, and other overhead structures where excavation is required in a public place.
- c) Any other construction operations, other than Town contracted projects, which may cause abnormal wear to or deface or damage existing structures, pavement, curbs, sidewalks bike paths or vegetation areas.
- d) Utility companies performing routine services shall be required to obtain a permit for said work in accordance with these regulations.

Applicants, if not the licensed contractor intending to perform the work, shall identify on the permit application the name of the contractor or subcontractor who would perform the work. No applicant, contractor, or subcontractor shall perform work within the layout unless permitted to do so by the Orleans Board of Selectmen or its designee(s) and has an up to date performance bond, if required, on file with the Town.

All work required under this Bylaw shall conform to the Construction Standards of the Orleans Highway Department, dated November 24, 2006 and as amended, for work within the public road layout, copies of which are available in the office of the Town Clerk and the Orleans Highway Department.

2.1 Emergency Repairs.

Emergency excavations necessitated by damages resulting from uncontrollable forces shall be exempt from any immediate permitting requirements or notification to the Highway Manager. However, the contractor performing the excavation shall notify and apply for permits on the closest following working day. If remediation efforts require multiple working days and possible risks to the general public and traffic exist, the

Highway Manager shall be contacted immediately. The Highway Manager may require that work be performed continuously and by an adequately sized crew to minimize traffic disturbance and safety risks to the public.

3 Definitions

Blind curve: a curve lacking or deficient in sight distance due to road geometry.

Driveway/curb cut: Any access point onto a roadway. This may include, but is not limited to, an entrance to a parcel, or an intersection with another roadway and includes temporary construction access to parcels.

Driveway curb cut permit: a permit issued by the Orleans Board of Selectman, or its designee(s), for any work within the public road layout.

Driveway interconnection: A private driveway connection between two lots that does not require traveling on the roadway system.

Emergency repair: An unforeseen occurrence or combination of circumstances which calls for immediate repair to protect the public and/or for public safety reasons.

Excavation: Any opening in the surface within the layout of a public way or public place within the town made in any manner whatsoever, either planned or in an emergency, or any disturbance of the non-paved areas to a depth greater than 1 foot when done by means other than by hand digging for exploratory purposes, except an opening in a lawful structure below the surface of said locations the top of which is flush with the adjoining surface and is so constructed as to permit frequent openings without injury or damage to said locations. Excavation as defined herein shall include but is not limited to the construction or repair of storm drainage systems, sanitary sewer systems, water mains, gas mains, electrical conduits, buried telephone cables, or cable television cables.

Public Road Layout: The land encompassing a public way that has been laid out on a plan showing the boundaries and measurements and accepted by the legislative body of the Town for purposes of easement of passage and dedicated to public use or is otherwise recognized by the Town of Orleans as being a public way.

Road Opening Permit: a permit issued by the Orleans Board of Selectman, or its designee(s), for any road opening in a public road.

Substructure: Any pipe, pipeline, sleeve, tube, main, conduit, tunnel, duct, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, guy wire, pole line anchor, cable, wire, junction box, and/or any other material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left placed, or maintained in, upon, along, across, or under any public way or public place.

4 Driveways and Curb Cut Requirements

4.1 Driveway/ Curb Cut Permit

The Board of Selectmen, or its designee (s), shall approve all proposed driveways and changes to existing driveways. Building permits shall not be granted without an approved driveway/ curb cut permit, as required under this regulation.

4.2 Setbacks from Drainage

Driveway openings shall be setback at least 10 feet from existing drainage structures. Openings shall not interrupt existing positive drainage patterns and shall be positioned to provide adequate pitch to the street. A 1-inch lip must be provided along the entrance to any proposed driveway opening to contain gutter flows.

4.3 Number of curb cuts – Shared Access

Multiple driveways shall be consolidated into a single driveway where possible. All development and redevelopment shall provide the minimum number of driveways for the size and type of land use proposed. Driveway interconnections shall be provided, where applicable, between adjacent parcels to avoid short trips and conflicts on the main road. Driveways for auxiliary use, such as seasonal boat storage, which are used only intermittently, may be allowed.

There shall be a maximum of one driveway for up to 150 feet of frontage, two driveways for 151 to 500 feet of frontage and three driveways for greater than 500 feet of frontage.

4.4 Sight Distance

Driveways shall be positioned so as to provide maximum sight distance and safety, in accordance with the then current American Association of State Highway Transportation Officials (AASHTO) guidelines listed below:

Speed	Recommended Sight Distance
<i>25 mph</i>	<i>150 ft</i>
<i>30 mph</i>	<i>200 ft</i>
<i>35 mph</i>	<i>250 ft</i>
<i>40 mph</i>	<i>300 ft</i>

Driveway clearance shall be measured from a point ten feet back from the street edge, at a level 3 ½ feet above the surface.

4.5 Tree Removal

Tree removal will be considered only when an adequate driveway entrance cannot be established in a location where such removal could be avoided. All proposed tree removal in the public road layout shall be coordinated with the Orleans Tree Warden and shall meet the requirements of the Public Shade Tree Act as well as the Orleans Scenic Road By-Law, as applicable.

4.6 Safe Turning Movements

In no case shall a driveway/ curb cut permit be granted that would allow turning movements that cause safety concerns through driveway geometry, signage, or trees within the street layout. On-site turning areas shall be provided to avoid vehicles backing into the roadway.

4.7 Corner Clearance

At corners of intersecting streets or driveways, no sign, fence, wall, hedge, or other obstruction shall block vision between two and a half (2 ½) feet and eight (8) feet above the street grade within a triangle formed by the intersecting street lines and a straight line joining points on said lines twenty (20) feet back from their point of intersection.

4.8 Curb Cuts in Turning Lanes

No curb cut or driveway may intersect the storage, deceleration, and transition taper areas of a proposed right-turn lane or a proposed left-turn lane. In the event a turning lane is proposed, existing driveways that enter said turn lane(s) shall be relocated, by the proponent, outside this area consistent with the standards as outlined in these regulations.

4.9 Corner Lots

For lots with frontage on two streets, access shall be via the street with the lesser traffic volume if possible.

5 Road Opening Requirements

5.1 Road Opening Permit

No work shall be performed within a public road layout until the Orleans Board of Selectmen, or its designee(s), has granted a Road Opening Permit.

5.2 Dates of Construction

Due to the adverse impacts of road openings in inclement weather, road opening projects, except in the case of an emergency, may only be permitted from April 15 to December 15 subject to weather.

Once work has begun, it shall be diligently pursued to completion.

5.3 Notification

The applicant shall notify the Highway Department 24 hours prior to the commencement of a road-opening project. The Highway Department shall have discretion as to the appropriateness of a road-opening project and may limit the scope of work or defer the project to a later date. Reasons for limiting or deferring a project may include but shall not be limited to anticipated bad weather, scheduled community events, or another nearby road-opening project that may divert traffic in the direction of the applicant's requested project.

6 Additional Requirements

6.1 Cost

Project applicant(s) may be required by the Town to pay for safety requirements during construction. Disturbances to pavement markings, crosswalks, lines, etc must be restored by the applicant.

6.2 State Highway Access

Applicants seeking a curb cut permit from the Massachusetts Highway Department (MHD) shall consult MHD regarding the proposed access on the State Highway and coordinate all proposed work with the Orleans Highway Department and other authorizing agencies, and as required, agree on an overall access plan for the site prior to site approval and issuance of a driveway/ curb cut permit.

7 Protection of Property

The applicant shall, at the applicant's own expense, preserve and protect adjoining property from injury by providing proper foundations and by taking such other precautions as may be necessary for the purpose. The applicant shall, at the applicant's own expense, shore up and protect buildings, trees, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or roads resulting from its failure to properly protect and carry out said work.

8 Bond

The Board of Selectmen or its designee shall have the discretion to require a suitable bond, prior to the approval of a driveway curb cut or road-opening permit, to ensure adequate restoration of the roadway. Such bond, if required, shall not be released until all aspects of the road-opening project have been completed and restored.

9 Severability

The invalidity of any section or sections or parts of any section or sections of these regulations shall not affect the validity of the remainder of any other section.

10 Appeals Process

Any order or decision of the Board of Selectman or their designee made in the administration of this bylaw, may be appealed by any person aggrieved, to the Board of Selectman. Any such appeal shall be taken within thirty (30) days from the date of the decision or order which is being appealed by filing a notice of appeal, specifying the grounds thereof, in the office of the Town Clerk with a copy in the office of the Board of Selectman. The Board of Selectman shall hold a public hearing on any such appeal within thirty (30) days from the date of filing. The Board of Selectman shall cause notice of the public hearing to be published once in a newspaper of general circulation in the Town of Orleans at least seven (7) days before the hearing. All hearings of the Committee shall be open to the public. The decision of the Board of Selectman shall be made within fifteen (15) days of the close of the public hearing and within seven (7) days filed in the Office of the Town Clerk with a copy sent to the petitioners. In exercising the powers granted by this section, the Board of Selectman may make orders or decisions, reverse or affirm in whole or in part, or modify any order of decision.

11 Fines and Penalties

Any person violating this chapter shall be punished by a fine of not more than two-hundred dollars (\$200.) for each offense, and may have his permit revoked.