

## Cape Elizabeth Ordinance §17-2

### **Article II. Entrances to Public Roads.**

[Adopted eff. 12/2/63 under R. R. 1954, C. 90-A, Sec. 3, (R.S. 1964, T. 30, Sec. 2151.

**Sec. 17-2-1. Entrance Permit Required.** No owner of property abutting upon any public way within the Town shall construct, cause or permit to be constructed, altered or relocated, any driveway, entrance, or approach or other improvement within the right-of way of such road or extending from such road onto his property except in accordance with an entrance permit issued upon his application to the Director of Public Works and except for the bona fide purpose of securing access to his/her property and not for the purpose of parking or servicing vehicles within such right-of-way. Decisions of the Director of Public Works are appealable to the Town Council. A permit fee established by the Town Council shall be paid for each permit. [Amended Eff. 1/11/95 and 01/07/09]

**Sec. 17-2-2. Town Held Harmless.** The applicant shall hold harmless the Town of Cape Elizabeth and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of an Entrance Permit.

**Sec. 17-2-3. Application.** Application shall be made by filing with the Director of Public Works together with an inspection fee established by the Town Council. The applicant shall furnish a copy of plans or sketches showing the proposed entrance locations, width and arrangement; distance between entrances; setback of building, gasoline pumps, etc., in relation to the center line of the traveled way; length, size and location of existing pipes, culverts, catch basins or manholes, curbing, curb and gutter, and/or sidewalks, and the proposed location of new pipes, culverts, catch basins or manholes, curbing, etc., if required by the Director of Public Works. [Amended Eff. 1/07/09]

**Sec. 17-2-4. Conditions of Permit.** The location, design and construction of any entrance permitted shall be in accordance with all local regulations and with the following requirements:

(a) **Sight Distance.** All entrances shall be so located that vehicles approaching or using the entrance will be able to obtain adequate sight distance that meets the minimum requirements of 16-3-2 (a) (1).

(b) **Grade.** Driveway and Private Way entrance grades shall be as provided in Sec. 16-3-2(a)10 of this Ordinance.

(c) **Number.** Not more than two entrances (or exits) shall be allowed any parcel of property the frontage of which is less than two hundred (200) feet. Additional entrances (or exits) for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted only after showing of actual convenience and necessity. When frontage is fifty (50) feet or less, only one combined entrance and exit is permitted, the width of which shall not exceed thirty (30) feet.

(d) **Sidewalk and Curbs.** When sidewalk, curbing or curb and gutter is to be removed, it shall be replaced at the owner's expense at the break points of the entrance. All curbing at the side of entrance shall be rounded with a radius of not less than two (2) feet.

(e) **Drainage.** Drainage in road side ditches shall not be altered or impeded and suitable, approved drainage structures shall be provided at all entrances. Surfacing drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the road. Culverts or other provisions shall be made underneath the entrance or filled areas adjacent to the road adequate to carry the water in the road side ditches.

(f) **Paving.** The first ten (10) feet of the entrance extending from a Town Way shall be paved in accordance with the paving requirement for local roads in Sec. 16-3-2(b) 4 of the Subdivision Ordinance. (Added eff. 12/10/03)

**Sec. 17-2-5. Heavily-Used Entrances.** Application for entrances to drive-in theaters, shopping centers, ball parks or other large public gathering places may be granted only after approval by the Planning Board based upon the applicable standards under Site Plan Review, Sec 19-9. [Amended Eff. 1/11/95 and 12/10/03]

### Cape Elizabeth Ordinance §16-3-2(a)(1)

(a) **Road Design**

1. **Sight Distance**

a. **Vehicle movements on road.** The road shall be designed to achieve a sight distance in the range indicated on the **Road Classification Standards Table** measured from a point 3 ½ feet above the pavement to a point 6 inches above the pavement. Sight distance shall be compatible with the design speed chosen. The maximum sight distance range shall not be exceeded without reasonable justification which shall be presented by the applicant. Isolated interruptions of minimal time duration in sight distance due to obstructions, such as a single tree, shall not be included in the measurement of sight distance.

b. **Side road and commercial driveway entrances .** The sight distance for a side road or commercial driveway entering onto a second road shall be measured from an eye point located 15 feet behind the edge of traveled way of the side road or drive at an elevation of 3 ½ feet above the finished grade surface to a point 4.25 feet above the paving in the centerline of the travel lane approaching the intersection. Where unavoidable obstructions are encountered at the 15 foot setback, the point of eye may be moved to a point no closer than 10 feet from the traveled way.

The sight distance shall be based on a minimum 7 second visibility time considering the approach vehicle speed to be the 85th percentile of actual measured speed with a sample large enough to be statistically valid or if such measurements are not obtained and validated shall be 110% of the posted speed limit.

If the intersection can be located to achieve a 10 second visibility time, the Board may require such location to enhance safety. If truck traffic leaving the side road or drive exceeds 30% of the total traffic volume, the 10 second visibility time shall be mandatory.

- c. **Single Family drive entrances.** The Board shall require the sight distance for a single family driveway entry onto a road to meet the requirements in the **Road Classification Standards Table**.

**Cape Elizabeth Ordinance §16-3-2(a)(10)**

**10. Intersection Entry Grades**

- a. Roadway grades approaching an intersection shall not exceed 3% for a distance of 50 feet from the edge of paving of the road being entered.
- b. Driveway entrance grades shall meet the following criteria:  
  
 High Volume Commercial Drives: 3% Max for 30 feet  
 Low Volume Commercial Drives: 4% Max for 20 Feet  
 Single Resident Drives: 6% Max for 10 Feet

**Cape Elizabeth Ordinances §16-3-2(b)(4)**

**4. Paving.**

- i. Paving shall be of bituminous concrete meeting the requirements of Section 401 and 403 of said MDOT Specifications. Placement of pavement shall conform to MDOT Specifications (Section 401). Sidewalk pavement shall be placed in two 1” lifts using “D” mix. Pavement thickness shall be as follows:

<b>Base Course ("B" Mix)</b>	<b>Surface Course ("C" Mix)</b>	<b>Surface Course ("D" Mix)</b>	<b>Total</b>
Arterial	2"	1 - 1/2"	-- 3 1/2 "
Collector	2 "	1 - 1/2"	-- 3 1/2"
Rural Connector	2 "	1 - 1/2"	-- 3 1/2"
Feeder	2 "	1 -1/2"	-- 3 1/2"
Local Roads	2 "	1 -1/2"	-- 3 1/2"
Sidewalks	--	--	2 "

(Table revised 12/10/03)

- ii. The base course shall be Gradation B as defined in Section 703.09 of said MDOT Specifications. Surface course shall be Gradation C. Sidewalk paving shall be Gradation D.
- iii. Placement of all paving shall be in compliance with the technical requirements of Section 401 of said MDOT Specifications.

- iv. Driveway entrances shall be paved to the road line meeting the criteria for minor road paving.
- v. Where bituminous curbing is to be placed, the paving shall extend 6 inches beyond the back of curb to serve as a curb platform.

**Road Classification Standards Table**

Right of Way	Traveled Way	Total Width of Pavement	Width Unpaved Shoulder	Sight Distance	Design Speed	Sidewalk	Esplanade	Center Line Radius	
ARTERIAL (unpaved shoulders)	52'	28'	30'	2'	200-400	30-45	5' (1)	5'	300-800
ARTERIAL (paved shoulders)	52'	28'	36'	0'	200-400	30-45	5' (1)	5'	300-800
COLLECTOR (unpaved shoulders)	50'	24'	26'	1'	200-250	30-35	5' (1)	6'	300-400
COLLECTOR (paved shoulders)	50'	24'	26'	0'	200-250	30-35	5' (1)	6'	300-400
RURAL CONNECTOR	66'	24'	26'	4'	200-250	30-35	5'	7'	300-400
FEEDER	50'	24'	24'	3'	150-200	25-30	5'	5'	150-300
LOCAL	50'	22'	22'	4'	125-150	20-25	5'	6'	125-150
(1) Either sidewalk or bikeway. Width should increase for dual purpose (2)									

Table Revised eff (12/1/03)