



TOWN OF BRISTOL DRIVEWAY ORDINANCE

**Enacted March 18, 2008
Amended March 17, 2009**

SECTION 1: TITLE

This Ordinance shall be known and cited as the Town of Bristol, Maine Driveway Ordinance, and will be referred to as “this Ordinance”.

SECTION 2: PURPOSE

The purpose of this ordinance is to protect the health, safety and general welfare of the Inhabitants of the Town of Bristol by establishing entrance standards for driveways.

SECTION 3: AUTHORITY

This ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VIII-A of the Maine Constitution and Title 30-A MRSA § 3001 (Home Rule).

SECTION 4: APPLICABILITY

This ordinance applies to the first time construction, change of use, modification or relocation of driveway entrances, except those that will enter onto Route 130, Route 32, Harrington Road, Snowball Hill Road and Huddle Road which are State and State aid roads which may require a permit from the Maine Department of Transportation.

SECTION 5: AMENDMENTS

- A. Amendments to this Ordinance may be initiated by:
 - 1. The Planning Board or the Board of Selectmen provided a majority of the Board has so voted; or
 - 2. A written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election.
- B. The Planning Board or the Board of Selectmen shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted in the Town Office at least thirteen (14) days before the hearing and published in a newspaper of general circulation in the Municipality at least two (2) times. .
- C. An amendment to this Ordinance may be adopted by the majority vote of any regular or special Town Meeting.

SECTION 6: VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

SECTION 7: EFFECTIVE DATE

The effective date of this Ordinance is the date of adoption by the Town Meeting.

SECTION 8: ADMINISTRATION

- A. The Code Enforcement Officer (CEO) shall administer this Ordinance.
- B. After the effective date of this Ordinance, no person shall construct, change the use of, modify or relocate a driveway or place fill-in material next to a Town way without first obtaining a driveway permit.
- C. Applications for permits shall be submitted in writing. The CEO may require the submission of information which is necessary to determine conformance with the provisions of this ordinance.
- D. Permits shall not be denied if it is found to be in conformance with the provisions of this Ordinance. All permits shall be approved, approved with conditions or denied within fourteen (14) days of receipt of a completed application.
- E. All permits issued by the CEO shall expire if a start to construction has not begun within one (1) year after the date on which the permit was issued except as may be provided for in other sections. Upon good cause shown, the CEO may extend the permit for an additional six (6) months. After the expiration of the time periods set forth above, permits shall lapse and become void.
- F. The Board of Selectmen may, at its discretion, establish and publish a schedule of permit fees.

SECTION 9: STANDARDS

Except as hereinafter specified, no structure, manufactured housing, or land shall hereafter be used or occupied; no structure or manufactured housing or part thereof shall hereafter be erected, constructed, expanded, moved or altered; and no new lot or driveway to any Town Road shall be created except in conformity with all the regulations herein specified.

A. Application for Permit.

Applications for driveway permits shall be submitted on forms provided by the Code Enforcement Officer. All information requested on the forms shall be provided by the applicant.

B. Requirements. All driveways shall meet the following standards:

1. Number of driveways. The number of driveways shall be limited normally to one per lot. Applicants shall first submit the required application form for review and approval by the Code Enforcement Officer before being issued a permit.
2. Extra driveways serving single-family or two-family dwellings. Following review and approval by the Code Enforcement Officer, the applicant may be granted permission to construct additional driveways.
3. Standards for approval. Before approving or denying a driveway permit request, the Code Enforcement Officer shall consult the Selectmen for advice relative to the application. Before giving approval for issuance of a driveway permit, the Code Enforcement Officer shall find that:
 - a. The driveway design meets all applicable standards and requirements of this section.
 - b. The extra driveway is necessary for the existing or proposed use and operation of the lot in question.
 - c. There is no available alternative method for achieving the same goal with fewer driveways.
 - d. No unsafe or unhealthy situation will be created by issuance of the driveway permit.
4. Maximum width. The width of the curb cuts for driveways shall conform to the following standards:
 - a. Residential driveway: Maximum 20 feet.
 - b. Commercial or industrial driveway: Maximum 40 feet.
5. Distance between driveways. Distances between driveways shall be measured by the outer edge of the sidewalk or curb, whichever is applicable.
 - a. Residential driveways. Residential driveways shall be a minimum distance of ten feet from curb cuts on adjacent lots or driveways unless driveways on two adjacent lots use the same curb cuts.
 - b. Commercial or industrial driveways. All curb cuts for commercial or industrial driveways shall be no less than ten feet from proposed or existing driveways on adjacent lots. Entrances and exit driveways in the same lot on the same street must be provided with a safety island of a width no less than five feet.

6. Driveways at intersections of roads. Driveways at intersections of roads shall be set back 15 feet from the right-of-way lines of the intersecting roads.
7. Construction. Curb cuts shall be constructed within the street right-of-way lines by the property owner, at the property owner's expense.
8. Minimum angle of street intersections is seventy-five degrees.
9. Drainage.
 - a. Driveways shall be graded to ensure that drainage does not flow onto public ways.
 - b. The Board of Selectmen or its designee shall determine the length, diameter, type and depth of cover of any culvert to be installed.
 1. Relocation of drainage facilities. Where the positioning of driveways or curb cuts requires the relocation or removal of drainage facilities, such relocation or removal shall be done according to a plan drawn up by the property owner and approved by the Board of Selectmen or their designee. In deciding whether to approve a plan for relocation or removal of drainage facilities, the Board of Selectmen shall consider:
 - a. The effect of the change on adjacent and down-grade properties;
 - b. The potential for and probable impact of increased erosion or flooding caused by the drainage change; and
 - c. Any other pertinent factors relative to human or environmental health or safety.
 2. Driveway aprons. No driveway apron shall extend into the street line further than the base of the curb, or beyond the gutter line, whichever is applicable.
 3. Existing walkways. The existing grade of walkways and sidewalks which are crossed by curb cuts shall be maintained as they are, so as to provide a safe area for people to walk.
10. Sight distance. The driveway shall be located to maximize sight distance in both directions.
11. There shall not be any post, wall, abutments or similar objects within the road right-of-way or boundaries.
12. The Town of Bristol shall not be responsible for the maintenance, repair, plowing or sanding of the private way. Further lot divisions utilizing the private way are prohibited without prior approval of the Board of Selectmen.

SECTION 10: ENFORCEMENT

A. Code Enforcement Officer.

It shall be the duty of the Code Enforcement Officer (CEO) to enforce this Ordinance.

B. Fines.

Whoever willfully violates the provisions of this Ordinance shall upon conviction, be penalized in accordance with Title 30-A MRSA § 4452.

SECTION 11: APPEALS

If the CEO denies a permit or grants a permit with conditions that are objectionable to the applicant, an abutting landowner or any aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner or aggrieved party may appeal the decision of the CEO in writing to the Board of Appeals within thirty (30) days of the date of the decision. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination of the CEO. Any order, requirement, decision, determination or act, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

SECTION 12: DEFINITIONS

Building: a structure for the support, shelter, or enclosure of persons, animals, goods or property of any kind.

Commercial Driveway: a vehicle access way serving land, buildings or other structures other than a “home occupation” as defined below, the intent of which activity is the production of income resulting from purchase and/or sale of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Common Driveway: a vehicle access way serving two (2) dwellings.

Curb Cut: that part of a driveway to be used by motor vehicles for ingress and egress connecting a lot to a street.

Driveway: means a vehicle access way. Driveway Entrance: a vehicular access way serving one or more dwellings, buildings or an industrial or commercial facility.

Dwelling: a building designed or used as the permanent or seasonal living quarters for one or more families.

First time Construction: means the clearing, excavation and filling associated with the placement of a driveway to serve a lot where a driveway did not previously exist.

Home Occupation: an accessory use of a dwelling unit or accessory structure for employment by its occupants.

Industrial Driveway: a vehicular access way serving a facility used for the purpose of assembly, fabrication, finishing, manufacturing or processing of goods or the extraction of minerals.

Lot: an area of land in one ownership or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Lincoln County Registry of Deeds.

Residential Driveway: a driveway serving one or more dwellings.

Given under our hands this 17th day of March A.D. 2009.

/s/Chad M. Hanna
/s/Robert A. Tibbetts
/s/Paul M. Yates
Selectmen of Bristol

A true attested copy:

Kristine A. Poland, Clerk