

**TOWN OF CUSHING**  
**ORDINANCE FOR ACCESS TO TOWN ROADS**

**ARTICLE 1 PURPOSE**

1.1 To assure public safety, this ordinance establishes procedures and standards for access to town roads that are not state roads or state aid roads.

**ARTICLE 2 APPLICATION**

2.1 The Ordinance applies to all new driveways, entrances and connecting roads, and to any driveway serving existing residential use that is proposed to serve an additional dwelling, irrespective of whether the use served is a new subdivision.

**ARTICLE 3 AUTHORITY**

3.1 The authority from this regulation is Title 30A, Chapter 141, Section 3001, M.R.S.A.

**ARTICLE 4 DEFINITIONS**

4.1 **Access.** An access is the location at which a *driveway, entrance* or road connects with an existing road.

4.2 **Driveway.** A private way for on-road vehicles serving one of the following land uses: residential uses up to two dwelling units, home occupations, forest management activities, farming, low impact industrial uses such as utility substations, or other similar uses.

4.3 **Entrance.** A private way for on-road vehicles serving one of the following land uses: residential uses or developments serving three or more dwelling units, retail, office, or service business uses including convenience stores, gas stations, auto repair shops, restaurants, or similar uses.

4.4 **Road.** A right-of-way for use by on-road vehicles.

**ARTICLE 5 STANDARDS**

5.1 **Sight Distance.** A driveway, entrance, or road shall provide the safe sight distance shown in the table below.

Design speed (mph)	20	25	30	35	40	45
Sight distance (feet)	155	200	250	305	360	425

*Sight distance is measured from the driver's seat of a vehicle that is 10 feet behind the curb line (or edge of shoulder) with the height of driver's eye 3.5 feet above the pavement and height of an object (vehicle or pedestrian for example) 4.25 feet above the pavement, as seen by the driver.*

5.2 **Spacing of Accesses.** To minimize traffic accidents resulting from turning vehicles, the minimum distance between accesses on the same side of the road shall be 75 feet measured center to center at the right-of-way line. Where a lot has frontage on 2 or more roads, primary access shall be located on the road where there is less traffic.

5.3 **Design and construction.** The design and construction of access turnouts within the right of way shall conform to the requirements of the Town of Cushing Public Road Design and Construction Ordinance.

5.4 **Alternative Measures.** If an access cannot meet the standards in 5.1 through 5.3 above, and the state will not reduce the posted speed of the road, the Road Commissioners may designate measures that they find sufficient to assure public safety. In addition to moving the location itself, such measures may include but are not limited to warning signs, modification of grades, and agreements assuring maintenance of sufficient sight lines, on or off private property.

## **ARTICLE 6 APPROVAL PROCEDURES**

6.1 **Application.** An application for approval of a proposed access location shall contain the following information on a site plan:

- a. The actual sight distances and other pertinent dimensions as confirmed by the Road Commissioners, who may require that determination to be made by a civil engineer at the applicant's expense.
- b. All property lines, adjoining roads, the location of proposed and existing accesses along the road length required for sight distance, the width and radius of any turnout within the right of way, and the location of centerline and offset stakes placed onsite. The plan shall note its scale, road names, and the name and address of the property owner and of any licensed surveyor or civil engineer whose work is represented.
- c. If applicable, any request for approval with conditions that provide safety by alternative means.

6.2 **Waiver.** Submittal requirements may not be waived.

6.3 **Reviews.** Submittal of an application for a driveway, entrance or road location shall be made to the Road Commissioners, who may approve the application, deny it, or approve it with conditions as set out in 5.4 above, within 30 days of receipt of a complete submittal.

## **ARTICLE 7 IMPLEMENTATION**

7.1 No construction shall begin before the Road Commissioners remove the centerline stake. Offset stakes shall not be removed until authorized by the Road Commissioners.

## **ARTICLE 8 APPEAL**

8.1 Within 30 days of a final decision by the Road Commissioners, any aggrieved party having proper standing may appeal the decision to the Board of Appeals.

**ARTICLE 9 ENFORCEMENT**

9.1 These provisions will be enforced by the Code Enforcement Officer pursuant to Title 30A § 4452, which also addresses penalties.

**ARTICLE 10 SEVERABILITY**

10.1 If any section, subsection, clause, phrase or word of this ordinance is found to be invalid, that finding shall not invalidate any other section, subsection, clause, phrase or word of this ordinance.

**ARTICLE 11 AMENDMENT**

11.1 These regulations may be amended by the voters of Cushing following a public hearing.

Date of adoption