



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

POLICY MEMORANDUM #28

Date: Adopted June 6, 2000, revised 9/22/04, 2/28/06, 6/13/06, 10/13/07, June 14, 2022, September 13, 2022, March 12, 2024, March 19, 2024

*This policy was revised at the September 13, 2022 Select Board meeting solely to reflect the titles used in the Town Charter for the Town Manager and Select Board and to modify language to be gender neutral. No changes were made to the content of the Policy at that meeting.

Subject: **CURB CUT POLICY**

1. Purpose

This Policy aims to promote public safety (including safe passage for emergency vehicles and personnel), and to protect Town roads and infrastructure, with respect to the location and use of curb cuts on Town- and State-owned roads.

2. Applicability

All new curb cuts off of a Town or State-owned road, and all alterations of existing curb cuts off such roads, shall require a Curb Cut Permit. This includes curb cuts associated with new construction; curb cuts absent new construction; new curb cuts that are relocated on existing lots, temporary construction access for septic system installation, well installation, building moving permit, clearing and grubbing of lots, excavation for foundations, and retaining walls.

Permits for Curb Cuts on Town roads are issued by the Select Board following Town Department review. Permits for Curb Cuts on State-owned roads are referred to the Massachusetts Department of Transportation for review and approval.

3. Prerequisite to issuance of building permit and certificate of occupancy

Where a curb cut is proposed on a Town or State road, a Curb Cut Permit must be obtained prior to application for a building permit for construction on the subject lot. No certificate of occupancy shall be issued unless all conditions of the Curb Cut Permit have been met as certified by the Director of Public Works to the Building Commissioner.

4. Procedure

- Prior to commencing any work on a curb cut onto a Town- or State-owned road, the property owner or representative shall submit a completed Curb Cut Permit application to the Building Department, together with the following materials:

- Complete plans of subject property (engineered; stamped; scale no less than 1" = 40'), showing property lines; topography; existing and proposed driveway(s); and grade of driveway to be served by curb cut;
 - List of materials;
 - Explanation/illustration of means and methods for construction, stormwater management and erosion control.
- Copies of the application shall be distributed to Town Departments for review, comment and approval/disapproval.
 - The Director of Public Works shall review the application and all Department comments; indicate approval/disapproval of the application; and submit to the Town Manager with any comments or recommendations.
 - The Town Manager shall review the application and all Department Director comments; indicate approval/disapproval of the application and submit to the Select Board with any comments or recommendations.
 - The Select Board shall, following review of the application and Department comments, approve or disapprove the curb cut, imposing any conditions deemed necessary for public safety and/or the protection of Town property.
 - The Director of Public Works may inspect a curb cut under construction and may stop work for any violation of Policy standards or any conditions of approval.
 - The Director of Public Works shall inspect the completed curb cut and certify its compliance with applicable standards and any conditions of approval.
 - All curb cuts must be completed within one year of approval. Upon written request, an extension may be granted by the Director of Public Works.
 - The Select Board may waive any requirement of this policy, where such waiver is consistent with public safety and will pose no threat to Town property, imposing any conditions deemed necessary.

Modifications to existing curb cuts

- All modifications to existing curb cuts require the submittal of a complete Curb Cut Application.
- The Director of Public Works is authorized to approve alterations to existing curb cuts so as long as the curb cut layout has not been changed, and the alteration demonstrates no impact to Town infrastructure. (i.e., without approval of Select Board) following a modified review process.

5. Standards

General

- A. One (1) curb cut is permitted on each property. The Select Board may grant a variance from this limit upon demonstration of site-specific need.
- B. Curb cuts and driveways shall be located to maximize safety for entrance to and exit from the property, considering factors of grade, road alignment, profile, and sight distance conditions.
- C. All curb cuts shall be located and constructed so as to preclude:
 - damage to any Town or State road during or after construction.
 - stormwater runoff onto any Town or State road;
 - deposit of sand, soils or other materials onto any Town or State road;
 - any other potential hazard to public safety or Town property as may be identified by the Director of the Department of Public Works, Building Commissioner, Chief of Police, and/or Fire Chief.

Grade

- Driveways served by curb cuts shall have a grade not to exceed 15%.
- The driveway must be constructed on a negative grade from the hardened surface of access road to the access road layout line and graded in such a manner that no ponding of water occurs within the access road layout. The applicant shall be responsible for the disposal of all surface water from the development and its roads.

Radius

- The radius of a private driveway may not extend beyond the private owner's property line without the written consent of the abutting property owner.

Material

- All driveways or private road entrances and exits shall be hot mixed and bermed, oiled, or hardened with such materials to the road/property sideline so as to prevent erosion of such driveway/private access road entrances/exits which would cause sand or other material to be washed onto Town or State roads. This should be completed as soon as possible, weather permitting

Sight distances *[from subdivision regulations]*

- For Driveways, the sight distance in each direction shall not be less than three hundred (300) feet; however, when intersecting Route 6, the sight distance in each direction shall be no less than four hundred seventy-five (475) feet.

Clearing of vegetation *[from General Bylaws]*

For driveways in excess of fifty (50) feet in length, the following standards shall be met:

- The traveled way of any driveway shall be no less than eight (8) feet wide
- The combined traveled way and clearance of any obstacles including vegetation shall be no less than (14) feet. (8' wide driveway 3' clearing on either side of driveway)
- Height clearance shall be no less than fourteen (14) feet from the road surface.

Erosion Control *[from subdivision regulations]*

- Stripping of vegetation, soil removal, and regrading shall be accomplished so as to minimize erosion
- Temporary vegetation and/or mulching shall be used to protect exposed areas during construction
- Permanent (final) vegetation and mechanical measure to stabilize the land surface and control erosion shall be installed as soon as practicable after construction ends

6. Costs to property owner

- The cost of any construction taking place within the Town or State layout shall be borne by the property owner(s) and any successors in interest.
- The cost of any repairs to Town property caused during construction of the curb cut, and/or caused by failure to comply with this Policy and/or any conditions of curb cut approval, shall be borne by the property owner(s) and/or any successors in interest.
- A fee of \$150.00 is due with the submission of the Curb Cut Application, Fee Payable to the Town of Truro. The Curb Cut Application fee is non-refundable.

7. Enforcement

Failure to comply with this Policy shall result in one or more of the following actions:

- A refusal by the Building Department to issue a building permit and/or certificate of occupancy;
- A request to Massachusetts Department of Transportation for disapproval of an owner/applicant's request for a permit to enter a State road.

Kristen Reed

Kristen Reed, Chair

Robert Weinstein

Robert Weinstein, Vice-Chair

Susan Areson

John Dundas, Clerk

Susan Areson

Stephanie Rein

Stephanie Rein
Select Board
Town of Truro

TOWN OF TRURO
APPLICATION FOR A CURB CUT PERMIT

Note: *This permit application must be accompanied by a plan. If this permit is being applied for by someone other than the Owner of the property, the owner's signature must appear at the bottom of the application.*

Date: _____

To the Select Board
24 Town Hall Road
P. O. Box 2030
Truro, MA 02666

Re: **APPLICATION FOR A CURB CUT**

Dear Board Members:

The applicant(s) hereby make application for a curb cut as follows:

Owners Name(s) (Please Print): _____

Address: _____

Phone Number: _____

Email Address: _____

Curb Cut Street Location: _____

Affected Town or State road: _____

Truro Assessor's Map Number: _____ Parcel Number: _____

Name of contractor: _____

Contractor Phone Number: _____

Contractor Email: _____

Reason/explanation: _____

I/we hereby agree to the terms and conditions as outlined in this policy and attached Exhibits:

Applicant's Signature: _____

Owner's Signature (if different): _____ Date: _____

Owner's Address (if different): _____

FOR TOWN STAFF/BOARD USE ONLY

DEPARTMENT APPROVALS

<u>Building Commissioner Approval</u>		
_____ Approved _____ Building Commissioner	_____ Disapproved _____ Date	Building Permit Number _____ _____ Date
<u>Chief of Police Approval</u>		
<i>I, or my delegate, has conducted an on-site visit. I have reviewed the submitted plan and curb cut location. The proposed curb cut does not create any identifiable impediments for law enforcement access to the home or property.</i>		
_____ Approved _____ Chief of Police	_____ Disapproved _____ Date	_____ Not Applicable _____ Date
<u>Fire Chief Approval</u>		
<i>I, or my delegate, has conducted an on-site visit. I have reviewed the submitted plan and curb cut location. The proposed curb cut does not create any identifiable impediments for fire and emergency services to access the home or property.</i>		
_____ Approved _____ Fire Chief	_____ Disapproved _____ Date	_____ Not Applicable _____ Date
<u>Health & Conservation Agent Approval</u>		
_____ Approved _____ Health & Conservation Agent	_____ Disapproved _____ Date	_____ Not Applicable _____ Date
<u>Public Works Director Approval</u>		
_____ Approved _____ Public Works Director	_____ Disapproved _____ Date	_____ Not Applicable _____ Date
<u>Town Manager Approval</u>		
_____ Approved _____ Town Manager	_____ Disapproved _____ Date	_____ _____ Date
<u>Select Board Approval</u>		
_____ Approved _____ Select Board Chair	_____ Disapproved _____ Date	_____ _____ Date

PROPERTY ADDRESS _____

FOR TOWN STAFF/BOARD USE ONLY

ADDITIONAL APPROVALS (if required)

<u>Planning Board Approval (if required)</u>		
_____ Approved	_____ Disapproved	_____ Not Applicable
_____ Planning Board Chair		_____ Date
<u>Mass Highway Referral (if required)</u>		
Date Forwarded _____		
_____ Signature		_____ Date

PROPERTY ADDRESS _____

CERTIFICATION OF COMPLIANCE/FINAL APPROVAL

<u>Public Works Director Declaration of Compliance</u>		
<p style="text-align: center;"><i>I have inspected the property located at _____ and found the work requested on the Application for a Curb Cut dated _____ to be in compliance with the Select Board Policy #28 - Curb Cut Policy.</i></p>		
_____ Public Works Director		_____ Date
<u>Building Commissioner Final Approval</u>		
_____ Approved	_____ Disapproved	Certificate of Occupancy _____
_____ Building Commissioner		_____ Date