



# TOWN OF TRURO

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## POLICY MEMORANDUM #28

Date: Adopted June 6, 2000, revised 9/22/04, 2/28/06, 6/13/06, 10/13/07

Subject: **CURB CUT POLICY**

### 1. Introduction

Due to the continuing growth in construction activity in Truro and the associated growth in curb cuts, the Board of Selectmen has established the following Curb Cut Policy in order to address inherent safety concerns.

This policy is intended to provide control over access to Town or State owned roads and uniformity of requirements and standards of construction for every curb cut request. Upon inspection by the Director of the Department of Public Works, there may be additional construction requirements imposed for a particular situation, but none that would be contradictory to the Subdivision Control Laws as outlined in MGL Chapter 41, Sections 81K through 81GG, or the Town of Truro Rules and Regulations governing the Subdivision of Land (Rules and Regulations), Sections 3.6.2, 3.6.6, 4, Table 1 and Section 1.5.

### 2. Policy

Alteration of existing curb cut(s) and/or requests for additional curb cuts off of a Town or State owned road(s) shall cause an applicant to file a Curb Cut Permit (CCP). Any application for a building permit that includes a proposed curb cut on property off a Town or State owned road will first require an approved CCP. The approved CCP must be provided to the Truro Building Commissioner prior to or at the time of requesting a building permit. No such building permit will be issued without an approved CCP. Additionally, a final certificate of occupancy for the construction will not be issued unless the conditions of the CCP have been met.

The Truro Board of Selectmen will refer any Town concerns regarding proposed curb cuts on State owned roads to the Massachusetts Highway Department for consideration.

The curb cut construction requirements of this Policy will be applicable to new construction, existing structures, and renovations thereto.

### 3. Action

Application for a CCP will be made on approved forms available at Town Hall or the Department of Public Works. A copy of the current (as of this date) CCP application form is attached as Exhibit 1. The applicant for

a CCP, or his/her agent, will be available to the Director of the Department of Public Works and the Chief of Police to enable a site inspection and to answer any questions regarding the CCP application.

The Planning Board approval/sign off is required for approved subdivision roads on Town or State roads and for endorsed Site Plan Review on Town or State roads.

All curb cuts shall be located and constructed in such a manner so as to **preclude**:

- a. Damage to the Town or State road either at the time of construction or in the future;
- b. Drainage from private property onto the Town or State road;
- c. Introduction of sand, soils, or other materials onto the Town or State road; and
- d. Any other potential hazard to public safety as may be identified by the Director of the Department of Public Works and/or the Chief of Police.

All curb cuts will comply with the Town of Truro construction requirements, as noted on the attached information sheet and shown as Exhibit 2; the design standards shown under the Rules and Regulations, Section 2.5.8; the Mass Highway permit requirements as applicable; and/or as required by the Director of the Department of Public Works.

All applications for a curb cut and approval of performance conditions on Town roads shall be subject to review, including a site visit by the Director of the Department of Public Works and the Chief of Police, prior to approval. The Director shall make recommendations on each application, based upon the Town's construction requirements as outlined above, such as location, materials to be used, catch basin(s) location(s), and so forth, if required. All such required construction will be at the applicant's expense. The Chief of Police will review the application site to ascertain that the curb cut will not be detrimental to traffic flow and the public's safety.

Final approval by the Director of the Department of Public Works shall be made only after approval by the Planning Board, if required, after completion of all construction, and after a final inspection by the Director of the Department of Public Works has been made. Final written approval shall become a part of the property records maintained by the Building Commissioner, and shall be completed prior to the issuance of a certificate of occupancy.

The Board of Selectmen may waive any requirements of this policy, at their sole discretion, when such waiver is deemed to be in the best interests of, and at no cost to, the Town of Truro.

#### **4. Enforcement**

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

- a. A refusal to issue a building permit (permit approval) and/or a certificate of occupancy (permit compliance);

- b. A request to Mass Highway for disapproval of the applicant's request for a permit to enter a State Highway; and/or
- c. A penalty of \$300.00 for each violation through the non-criminal disposition process as outlined in the Truro General Bylaws. Each day a violation exists shall be considered a new violation.

**2. Process**

Following is an outline of the chronological process to be used for conformance to this Policy:

- a. Applicant submits an approved application for a Curb Cut Permit.
- b. Director of the Department of Public Works performs a site visit, attaches his recommendations to the Board of Selectmen, and forwards the completed curb cut application to the Chief of Police.
- c. The Chief of Police performs a site visit; he notes his approval/disapproval of the application based on safety considerations and forwards the application to the Board of Selectmen.
- d. Board of Selectmen approves/disapproves the application w/wo conditions and forwards the results to the applicant. If the application is disapproved, the process starts over again with a revised application reflecting the reason(s) for disapproval.
- e. Upon the approval of the Board of Selectmen, applicants whose curb cut applications are tied to a building permit will proceed as below:
  - 1. Applicant includes the approved Curb Cut Permit to his/her application for a building permit.
  - 2. Construction occurs.
  - 3. Property owner or his/her agent applies for a certificate of occupancy.
  - 4. Director of the Department of Public Works performs a site visit to determine compliance with the conditions of the Curb Cut Permit and informs the Building Commissioner, in writing, that the conditions have or have not been met. If the latter, the applicant will be informed of what actions are required to meet the conditions of the Curb Cut Permit and that they must be completed prior to the issuance of a certificate of occupancy.

\_\_\_\_\_  
Alfred Gaechter, Chairman

\_\_\_\_\_  
Gary Palmer, Vice-Chairman

\_\_\_\_\_  
Christopher R. Lucy, Clerk

\_\_\_\_\_  
Curtis Hartman

\_\_\_\_\_  
Janet W. Worthington  
Board of Selectmen  
Town of Truro

**EXHIBIT 1**

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 Board of Selectmen  
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:

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Curb Cut Street Location: \_\_\_\_\_

Affected Town or State road: \_\_\_\_\_

Truro Assessor's Map Number: \_\_\_\_\_ Parcel Number: \_\_\_\_\_

Name of contractor: \_\_\_\_\_

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): \_\_\_\_\_

**Director, Department of Public Works Preliminary Approval:**

\_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Not Applicable

\_\_\_\_\_  
Director, Department of Public Works

\_\_\_\_\_  
Date

**Chief of Police Approval:**

\_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Not applicable

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date

**Board of Selectmen Approval:**

\_\_\_\_\_ Approved \_\_\_\_\_ Disapproved

\_\_\_\_\_  
Chairman, Board of Selectmen

\_\_\_\_\_  
Date

**Planning Board Approval (if required):**

\_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Not Applicable

\_\_\_\_\_  
Chairman, Planning Board

\_\_\_\_\_  
Date

**Building Commissioner Approval:**

\_\_\_\_\_ Approved \_\_\_\_\_ Disapproved Building Permit Number \_\_\_\_\_

\_\_\_\_\_  
Building Commissioner

\_\_\_\_\_  
Date

**Mass Highway Referral (if required):**

Date Forwarded \_\_\_\_\_

\_\_\_\_\_  
Signature

**Director, Department of Public Works Declaration of Compliance:**

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 Board of Selectmen Policy #28 - Curb Cut Policy.

\_\_\_\_\_  
Director, Department of Public Works

\_\_\_\_\_  
Date

**Building Commissioner Final Approval:**

\_\_\_\_\_ Approved \_\_\_\_\_ Disapproved Certificate of Occupancy \_\_\_\_\_

\_\_\_\_\_  
Building Commissioner

\_\_\_\_\_  
Date

## **EXHIBIT 2**

### TOWN OF TRURO CURB CUT DESIGN AND CONSTRUCTION REQUIREMENTS

General: Any owner of property abutting Town or State roads shall, before beginning any construction, make written application to the Board of Selectmen, in duplicate. The application will be accompanied by a plan showing the following:

1. Complete plans drawn to scale on the property in question, including the location of property lines and all existing driveways, using a scale of no less than 40' = 1".
2. Indication of any drive that is to be altered or closed.

The following additional requirements must be met and agreed upon by the applicant/owner:

1. The applicant must furnish a list of all materials, including any necessary signs, to be part of any construction within the Town or State layout.
2. All work and material shall meet the standards of the Town of Truro and/or the Mass Highway requirements, if applicable.
3. Any alterations to the original application shall require a new permit.
4. All curb cuts and street approaches will be inspected during and after construction, and the Town has the right to stop work until such time as any objectionable conditions are corrected at the applicant/owner's expense.
5. The cost of any/all construction and maintenance of any work to take place within the Town or State layout; all materials and labor; and any work specified and approved by the Board of Selectmen, shall be borne by the applicant/owner, their grantees, successors and assignees.

#### Design and Construction Requirements:

Driveways should be located to the best advantage with regard to the road alignment, profile, sight distance conditions, road safety, and so forth.

The standards call for not more than one (1) curb cut for any one property. A variance may be granted by the Board of Selectmen, subject to an individual need.

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

All driveways or private road entrances or 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 road entrance or exit which would cause sand or material to be washed onto Town or State roads. This should be completed as soon as possible, weather permitting.