

PENOBSCOT COUNTY DRIVEWAY AND ENTRANCE POLICY

PURPOSE

The purpose of the Penobscot County driveway and entrance policy is to manage access to roadways in a safe manner and to protect the roadway system from the negative impacts of drainage.

APPLICABILITY

This policy applies to: 1) all public or private accesses onto any County maintained road (summer maintenance) located within the Unorganized Territories of Penobscot County 2) the alteration of existing driveways and/or entrances onto said roads 3) to changes in use on the property serviced by such existing driveways and/or entrances.

TECHNICAL STANDARDS

Basic Safety Standards

- A. Driveway Width: Unless a waiver is granted, driveway width within the road right-of-way must be between 12 and 22 feet inclusive.
- B. Drainage Standards: Culvert size. The Director of Penobscot County Unorganized Territory Administration will determine the necessity of culverts within the road right-of-way depending on local conditions. The Director will also determine culvert length and diameter with the minimum length being 20 feet and the minimum diameter being 15 inches.

ADMINISTRATION

In cases of new driveways and/or entrances, or those involving a change of use, an entrance permit is required prior to the commencement of any site work or construction of or addition to the building(s), or other improvement(s) activity relating to the change of use, or in cases not involving such construction, prior to commencement of the new activity that constitutes the change of use. In cases of alterations of existing driveways, a permit is required prior to commencement of construction or alteration of the portion of the driveway that lies within the road right-of-way. ***Any obstructions not in compliance with Penobscot County's Driveway and Entrance policy, which are placed within the County's right-of way without prior written approval by Unorganized Territory Administration will be removed at the landowner's expense.***

Review and Decision

- A. Review Time. Penobscot County must issue a permit decision within 15 business days of an applicant's filing a complete application unless Penobscot County reasonably determines additional information or time is needed to make a decision.

B. Approvals. Penobscot County may approve the application subject to any conditions necessary to assure compliance with the applicable driveway standards and to ensure the driveway/entrance is constructed so as not to result in a potential hazard. At a minimum, the property owner will be required to meet the following standard permit conditions.

(1) Provide, erect and maintain all necessary barricades, lights, warning signs and other devices as directed by Penobscot County Unorganized Territory Administration to safeguard traffic properly while the construction is in progress.

(2) At no time cause the highway to be closed to traffic.

(3) Obtain, have delivered to the site and install any culverts and/or drainage structures which may be necessary for drainage, the size, type and length as called for in the permit.

(4) Comply with all applicable federal, state and municipal regulations and ordinances including a notification to Dig Safe before any construction within the right-of-way shall begin.

(5) Substantially complete construction of the proposed driveway within twelve months of commencement of construction.

(6) Not alter, without the express written consent of Penobscot County Unorganized Territory Administration, any culverts or drainage swales within the County's right-of-way.

(7) Construct and maintain the driveway side slopes to be no steeper than the adjacent roadway side slopes, but in no case to be steeper than 3 horizontal to 1 vertical, unless the side slope is behind existing roadway guardrail, in which case it shall be no steeper than 2 horizontal to 1 vertical.

C. Waiver of Standards. Driveway standards may be relaxed or waived only as provided in this policy. Requests for waiver should be in writing and should be submitted as an attachment to the permit application; however, Penobscot County Unorganized Territory Administration may receive a request during permit administration and such request shall be so noted on the application by the applicant.

1. Criteria for Granting Waivers. Waiver requests will be granted if the applicant demonstrates, to the reasonable satisfaction of Penobscot County Unorganized Territory Administration, that: (i) the waiver will not significantly detract from public safety (ii) the proposed driveway meets the standards to the maximum extent practicable, and (iii) there is no feasible alternative.

2. Waiver Procedure and Formalities. Upon receipt of the waiver request, Penobscot County Unorganized Territory Administration will review the request and determine whether to grant the request, deny the request, or grant the request with any reasonable condition(s). Waiver determinations will be in writing and sent to the applicant.

D. Denials. When denying an application, Penobscot County Unorganized Territory Administration will send the applicant a notice setting forth a brief statement of the reason for denial and the process for reconsideration.

E. Permit Expiration. A permit will expire within 24 months of the date of issuance if the driveway construction is not commenced.

F. Exemptions. A permit is not required for the following: Any existing driveway, entrance or approach unless its grade, location or use is changed.

G. Forest Management and Farming Driveways. Permit applications for forest management and farming activity driveways are subject to the same requirements as written in the Penobscot County Driveway and Entrance Policy.