

# Policy Statement

2010-05-10

## Curb Cut Permit Guidelines and Procedures

These procedures are to be used in conjunction with the Provincetown General Bylaws Section 11-6-2 Curb Cuts:

*No person shall break or dig up the ground or surface of a town or public way or sidewalk, to create a new access way to any property which would alter existing parking and traffic patterns, without the express permission of the Board of Selectmen after a duly advertised hearing.*

A curb cut permit shall be required for any new parking space with access from a public road that can not clearly demonstrate having previously existed on a plan recognized by the Planning Board or on file with the Barnstable County Registry of Deeds.

The intent of a curb cut permit is: 1) to protect the edge of the roadway pavement and prevent debris from entering the road; 2) to allow for proper or improved stormwater drainage; and 3) to ensure adequate public safety and access for both vehicles and pedestrians within the public right-of-way.

Pursuant to Zoning Bylaw, a *parking space shall mean a space adequate to park a standard automobile, plus means of access and shall be not less than 8' x 18'.*

### Evaluation Criteria:

- The Selectmen shall review curb cut requests to ensure that the location of any curb cut or driveway is suitably located so as to preserve public safety and convenience.
- Where feasible, curb cuts should be avoided on Route 6.
- Where feasible, curb cuts should be favored on side streets over Bradford Street and Commercial Street or other high traffic streets or congested areas.
- Curb cuts should accommodate a legal parking space outside of the public right-of-way and have sufficient backup clearing to avoid disruption to existing traffic patterns and public safety.
- Curb cuts should ensure sufficient sight lines for backup into traffic and pedestrian ways.
- Curb cuts should be considered in relation to existing on-street parking patterns and should not reduce the number of available parking spaces.
- Curb cuts should not exceed 18 feet in width except to meet a roadway standard.
- Curb cuts or driveways should not be permitted that increase stormwater flow onto any public sidewalk or way without drainage systems that adequately mitigate stormwater incorporated into the design.

Curb cuts shall be reviewed on a case by case basis and shall not be considered precedent setting.

Curb cuts that serve a project requiring site plan review shall meet the minimum standard as set forth by the Planning Board and approved by the Fire Chief.

**Fee:**

A curb cut request shall be accompanied by a fee of \$200.00. The fee is based on the cost of Town staff to review and evaluate the requests and the cost associated with the public hearing.

**Application Procedure:**

**Step 1:** Applicant requests an abutters' list from the Assessor's Office.

**Step 2:** Curb Cut Application is filed with the Department of Community Development and must be accompanied by:

- Abutters list provided by the Assessor's Department
- Certified to-scale plot plan indicating both the existing or proposed conditions identifying the actual location of the proposed curb cut and abutting areas (including all structures, trees, landscaping, fences, power poles, utility equipment, Title V septic system, propane or oil tanks).
- Any supporting documentation provided by the applicant (letters of support from abutters, pictures, etc.)

**Step 3:** Once the application is deemed complete, the Permit Coordinator will schedule a public hearing.

**Step 4:** The Permit Coordinator will prepare a legal notice that will be posted in the Town Hall and printed in the newspaper not less than fourteen (14) days prior to the public hearing. This legal notice will be provided to the applicant. The applicant must mail the notice to abutters via certified mail not less than fourteen (14) days prior to the public hearing. Applicant shall retain return receipts of the certified mail to abutters, and shall present them to the Board of Selectmen at the public hearing.

**Step 5.** Prior to the public hearing, the Permit Coordinator will distribute individual copies of the application and plans to the Chief of Police, DPW Director, Fire Chief and Building Commissioner for their review and comments.

**Step 6.** The applicant or his/her representative must be present at the public hearing. Public input in support of and in opposition to the application will be heard at the hearing.

**Step 7.** The Selectmen reserve the right to alter the proposed layout or place conditions on the approval of any curb cut request at the public hearing. The Permit Coordinator will forward a letter confirming the motion and vote of the Board of Selectmen to the applicant.

**Step 8.** Once the curb cut and driveway are installed, the applicant shall schedule a final inspection with Local Building Inspector.

*Adopted May 10, 2010*

*In favor: Couture, Bedard, Anderson, Knight and Santos*

*Opposed: none.*