

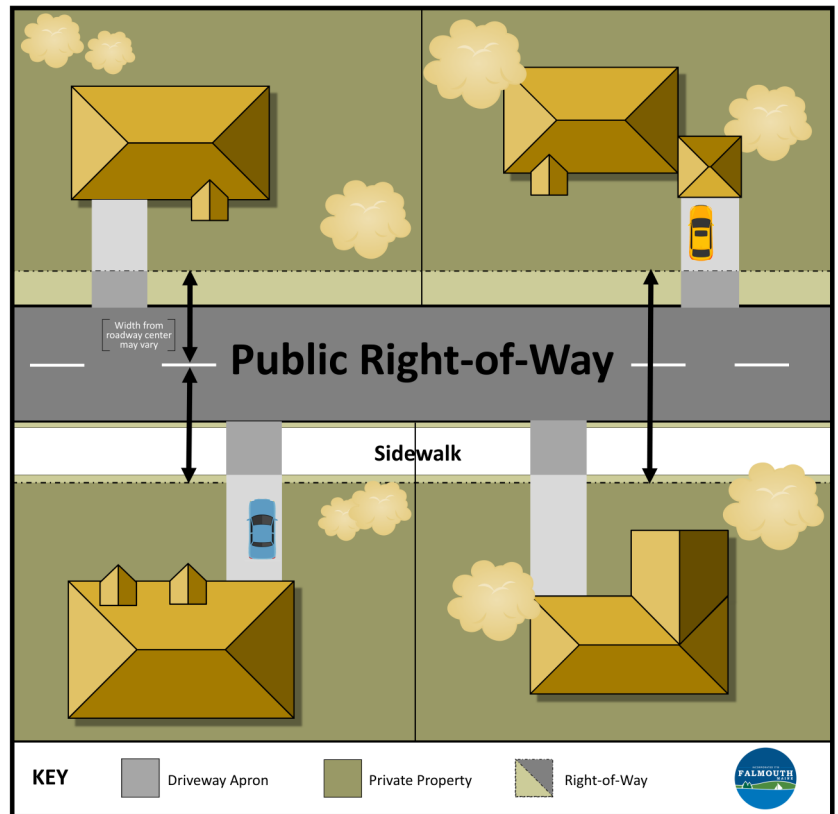
Right-of-Way and You

A Guide for Property Owners

Planning some home improvements? It's important to take into consideration Falmouth's Code of Ordinances when making improvements to your property. This is especially true of the property in front of your home adjacent to the street, also known as the public right-of-way. The Town of Falmouth encourages residents to understand which sections of your property are considered public right-of-way and how this might impact the landscaping and hardscaping choices you make.

What is Right-of-Way?

Right-of-way is the legal right to pass along or through a property belonging to another (see graphic at right). For our purposes, the public right-of-way is the strip of land in front of your home running parallel to the street. This area includes the town road, overhead utilities, and underground utilities, such as gas, water, wastewater, and storm drains. The size of right-of-way varies and the center of the roadway is not always the center of the right-of-way. The ends of driveways almost always fall in the right-of-way, as do sidewalks and, in many cases, mailboxes. Though not ideal, in some instances, stone walls and landscaping may be located in the public right-of-way.



snow removal. Below are some other considerations when planning home improvements.

Mailboxes

Mailboxes may be located in the public right-of-way as long as they don't obstruct visibility, do not hinder public maintenance, and meet code requirements.

Landscaping

Lawns and ground cover are allowed in the right-of-way if they don't obstruct visibility, impede storm drainage, or hinder snow removal. No ground cover (shrubs or trees) may be placed within four (4) feet of the edge of pavement without approval from the Town.

Water and Stormwater Drainage

No water other than the natural flow from a site may be discharged into the right-of-way without approval from the Town. Stormwater drainage connections must be approved by the Town.

Driveways and Driveway Aprons

Right-of-way is the legal right to pass along or through a property belonging to another.

What Should Homeowners Know When Considering Improvements?

In Falmouth, no property improvements can be made in the right-of-way without permission from the Town. Any improvements or additions to the right-of-way may be impacted if the Town needs to perform work in the right-of-way. For example, if you construct a stone wall in the right-of-way, the Town is within their rights to dismantle it to get to the utilities below or if it impairs sightlines or





Driveway aprons are generally located in the public right-of-way. Driveways and aprons comprised of higher-end materials, such as brick or pavers as shown above, can be problematic. Road repaving or utility work that requires cutting into your driveway apron could alter the look of your driveway or result in an uneven transition from the driveway to the road.

The part of the driveway closest to the road is known as the apron and is generally located in the public right-of-way. Driveway aprons extend about 8 to 15 feet from the street toward the home. If you have a sidewalk in front of your property, the apron typically extends to the edge of the sidewalk closest to the house. Generally, the apron is made with the same material as the rest of the driveway and you cannot tell where the apron starts and the driveway ends.

Recently, homeowners are choosing higher-end materials for their driveway aprons. Why might this be problematic? In cases where the Town must cut through your driveway to access or install utilities, the Town will repair your driveway as part of the construction. However, the Town is not required to make repairs using the same high-end materials you may have chosen upon installation. As a result, any utility work impacting the apron, could alter the look of your driveway.

Road Repaving

Another consideration when choosing driveway materials is what happens when the road is re-paved. Repaving typically involves adding a new layer of pavement to the surface of the roadway. As part of the paving process, the Town works to ensure that the new pavement meets the level of your apron for a smooth transition from the driveway to the road. This is not always possible when non-traditional materials, such as concrete, brick, or pavers, are used to construct the driveway. As a result, homeowners

could be left with a “lip”—an uneven edge between the driveway and the apron.

What driveway materials are allowed in Falmouth?

Property owners should be aware that only bituminous asphalt driveways are allowed within the Town right-of-way. This is necessary so the existing driveway pavement within the right-of-way can be removed, as necessary, to allow the new roadway pavement to match grade. Any adjustments to raise brick, pavers, or concrete aprons (that were not approved by the Town), to match the roadway pavement will be the responsibility of the property owner.

How Can I Be Sure My Improvements Meet Falmouth’s Codes?

Most contractors are aware of permitting and code requirements. Make sure to ask if they have worked in Falmouth before and ask who will be responsible for all permitting and approvals.

Where can I find more information?

Find applicable codes and permit information on our website by scanning the QR code below, or visit: www.falmouthme.org/public-works-department/pages/right-of-way-a-guide-for-property-owners



SCAN ME

If you have further questions regarding your project, contact: 207-781-3919

