

## 780 CMR 32.00

### ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

#### 780 CMR 3201.0 GENERAL

**3201.1 Scope.** The provisions of 780 CMR 32.00 shall govern the encroachment of structures into the public right-of-way.

*Note: 310 CMR 10.00 Massachusetts Wetlands Regulations, the Massachusetts Stormwater Policy, local sewer use regulations and local bylaws/ordinances regulating stormwater discharges also set requirements, that, when applicable must be satisfied. Likewise drainage requirements of 248 CMR, when applicable must also be satisfied*

**3201.2 Measurement.** The projection of any structure or appendage shall be the distance measured horizontally from the lot line to the outermost point of the projection.

**3201.3 Other Laws.** The provisions of 780 CMR 32.00 shall not be construed to permit the violation of other laws or ordinances regulating the use and occupancy of public property.

**3201.4 Drainage.** Drainage water collected from a roof, awning, canopy or marquee, and condensate from mechanical equipment shall not flow over a public walking surface.

#### 780 CMR 3202.0 ENCROACHMENTS

**3202.1 Encroachments below Grade.** Encroachments below grade shall comply with 780 CMR 3202.1.1 through 3202.1.3.

**3202.1.1 Structural Support.** A part of a building erected below grade that is necessary for structural support of the building or structure shall not project beyond the lot lines, except that the footings of street walls or their supports which are located at least eight feet (2438 mm) below grade shall not project more than 12 inches (305 mm) beyond the street lot line.

**3202.1.2 Vaults and Other Enclosed Spaces.** The construction and utilization of vaults and other enclosed space below grade shall be subject to the terms and conditions of the authority or legislative body having jurisdiction.

**3202.1.3 Areaways.** Areaways shall be protected by grates, guards or other approved means.

**3202.2 Encroachments above Grade and below Eight Feet in Height.** Encroachments into the public right-of-way above grade and below eight feet (2438 mm) in height shall be prohibited except as provided for in 780 CMR 3202.2.1 through 3202.2.3. Doors and windows shall not open or project into the public right-of-way.

**3202.2.1 Steps.** Steps shall not project more than 12 inches (305 mm) and shall be guarded by approved devices not less than three feet (914 mm) high, or shall be located between columns or pilasters.

**3202.2.2 Architectural Features.** Columns or pilasters, including bases and moldings shall not project more than 12 inches (305 mm). Belt courses, lintels, sills, architraves, pediments and similar architectural features shall not project more than four inches (102 mm).

**3202.2.3 Awnings.** The vertical clearance from the public right-of-way to the lowest part of any awning, including valances, shall be seven feet (2134 mm) minimum.

**3202.3 Encroachments Eight Feet or More above Grade.** Encroachments eight feet (2438 mm) or more above grade shall comply with 780 CMR 3202.3.1 through 3202.3.4.

**3202.3.1 Awnings, Canopies, Marquees and Signs.** Awnings, canopies, marquees and signs shall be constructed so as to support applicable loads as specified in 780 CMR 16.00. Awnings, canopies, marquees and signs with less than 15 feet (4572 mm) clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support awnings, canopies, marquees and signs shall be located not less than two feet (610 mm) in from the curb line.

**3202.3.2 Windows, Balconies, Architectural Features and Mechanical Equipment.** Where the vertical clearance above grade to projecting windows, balconies, architectural features or mechanical equipment is more than eight feet (2438 mm), one inch (25 mm) of encroachment is permitted for each additional one inch (25 mm) of clearance above eight feet (2438 mm) but the maximum encroachment shall be four feet (1219 mm).

**3202.3.3 Encroachments 15 Feet or More above Grade.** Encroachments 15 feet (4572 mm) or more above grade shall not be limited.

**3202.3.4 Pedestrian Walkways.** The installation of a pedestrian walkway over a public right-of-way shall be subject to the approval of local authority having jurisdiction. The vertical clearance from the public right-of-way to the lowest part of a pedestrian walkway shall be 15 feet (4572 mm) minimum.

THE MASSACHUSETTS STATE BUILDING CODE

**3202.4 Temporary Encroachments.** Where allowed by the local authority having jurisdiction, vestibules and storm enclosures shall not be erected for a period of time exceeding seven months in any one year and shall not encroach more than three feet (914 mm) nor more than  $\frac{1}{4}$  of the width of the

sidewalk beyond the street lot line. Temporary entrance awnings shall be erected with a minimum clearance of seven feet (2134 mm) to the lowest portion of the hood or awning where supported on removable steel or other approved noncombustible support.