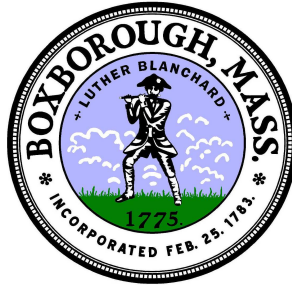


Town of Boxborough

Planning Board



Private / Common Driveway Guidelines

ADOPTED: February 12, 1996

MOST RECENT AMENDMENT: June 16, 2014

Private/Common Driveway Guidelines
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1. INTRODUCTION

In the Town of Boxborough, up to three lots may share a single driveway. However, in order to construct a driveway which will serve more than one lot, you must obtain a Special Permit from the Planning Board (hereafter referred to as the Board) pursuant to Section 6104 or Section 6105 of the Boxborough Zoning Bylaw.

The Board's decision to grant a Special Permit depends on the circumstances and conditions peculiar to each application. The construction and maintenance of a common driveway is not an obligation of the Town of Boxborough, but rather a private matter among those served by the driveway. The Board, by means of the Special Permit granting process, attempts to see that all lots served by the driveway are provided both with safe and convenient access so as to secure safety in case of fire, flood, panic and other emergencies and with a legally enforceable vehicle by which such access may be maintained by the private parties thereto in the future. The decision of the Board will be based upon what it considers to be the best interests of the neighborhood and the Town in general. To this end, it shall be incumbent upon the Applicant to show that the construction and use of the common driveway represent the best plan for the provision of adequate access for emergency vehicles, safety of the approach to the public way, development of the land, preservation of the natural environment, drainage and maintenance of neighborhood character.

The Applicant may request a meeting to review a conceptual private/common driveway plan before a formal filing of a Private/Common Driveway Special Permit Application.

2. PROCEDURES

The following steps are required by M.G.L. Ch. 40A, Sec. 9 for the issuance of a Special Permit:

- A. The Applicant must file the application with the Town Clerk (the date of such filing is hereafter referred to as the "filing date");
- B. The Applicant must file a copy of the application (showing the date and time of filing as certified by the Town Clerk) with the Board;
- C. The Board must post a Notice of Public Hearing; have the Notice published in the newspaper; and mail the Notice to Parties in Interest as defined by M.G.L. Ch. 40A §11;
- D. The Board must hold a Public Hearing within 65 days from the filing date, unless the Applicant and the Board agree in writing to an extension and that extension is filed with the Town Clerk;
- E. Within 90 days after the close of the Public Hearing, the Board must make a Decision, file it with the Town Clerk, and notify the Parties in Interest unless the Applicant and the Board agree in writing to an extension;
- F. A decision to grant a Special Permit requires 4 out of 5 votes in favor. If the Permit is granted, the Applicant must record it at the Registry of Deeds.

G. If the Board fails to make a decision within 90 days of the close of the Public Hearing or within such extension of time as may have been agreed upon, the Special Permit shall be deemed to have been granted pursuant to MGL Ch. 40A, Sec. 9.

H. The Special Permit bearing the certification of the Town Clerk that the Appeal Period has elapsed (MGL Ch. 40A, s. 11.) must be recorded in the Middlesex South Registry of Deeds (“Registry”). Proof of recording must be submitted to the Town.

I. Any person aggrieved by the Special Permit decision may file an appeal within 20 days from the Filing Date of the Decision with the Town Clerk. Notices of any appeal made to the Superior Court or Land Court must be received by the Town Clerk within those 20 days pursuant to MGL Ch. 40A, Sec. 17.

3. SUBMISSION REQUIREMENTS

A. The Applicant shall submit the required material and plans as specified in the Private/Common Driveway Special Permit Application.

B. A Site Plan prepared by a professional engineer or land surveyor, licensed in the State of Massachusetts, containing the following information:

1. A locus plan at a scale of 1”=200’.
2. The project name, north arrow, date, and scale; name of record owner and Applicant; engineer name and proper seals of registration; and abutters to the proposal.
3. All lots to be served by the common driveway including the existing and proposed topography; the location of proposed houses, septic systems and wells; location of utilities and any proposed drainage structures.
4. Location of the common driveway with slope and elevation information.
5. Location of any wetlands as defined by the Boxborough Wetlands Bylaw. Verification of the wetlands delineation by the Conservation Commission.
6. A driveway cross section showing construction and subsurface materials and width of shoulders.
7. A plan and profile of the driveway (vertical scale: 1” =4’, horizontal scale 1”=40’).
8. Location of all stone walls and large trees which will be affected by the common driveway.
9. Sight distances from the proposed common driveway intersection and a sight distance triangle identifying any vegetation removal necessary to maintain adequate sight distance.
10. Any temporary and permanent slope stabilization methods for all side slopes.

C. A Scenic Road Permit and/or Stone Wall Permit Application if the private/common driveway requires the removal of stone walls or public shade trees pursuant to the Town’s Scenic Road Bylaw and Stone Wall General Bylaw.

- D. Drainage calculations certified by the engineer who prepared them.
- E. Copies of all proposed easements, covenants and agreements regarding the ownership and maintenance of the private/common driveway.
- F. A certified list of abutters within 300 feet of the site boundaries as determined from the latest tax records.
- G. If the Applicant is not the property owner and the owner is not able to sign the application, a letter of consent from the property owner is required.

Additional information may be requested from the Applicant by the Board during the review process.

4. FEES AND CHARGES

- A. The Application Fee as specified in the Planning Board Fee Schedule.
- B. At any time during the review procedure where it is determined by the Board that the assistance of outside consultants is needed to review the application or inspection of an approved project, the Board may require that the Applicant pay a review fee consisting of the reasonable costs incurred by the Board for the employment of outside consultants as defined in the Board's Rules & Regulations for the Employment of Outside Consultants pursuant to MGL Ch. 44, Section 53G.

5. CONSTRUCTION STANDARDS

- A. All private/common driveways for residential use shall at a minimum meet the construction standards as outlined below, unless specifically waived by the Board:
 - 1. All topsoil shall be removed.
 - 2. Subgraded 15" below finished grade and inspected at this stage by the Town.
 - 3. Twelve inches (12") or more of gravel and 2 ½" of hot top extending a minimum distance of 25 feet from the junction with the roadway along the driveway.
 - 4. A minimum paved width of 16 feet.
 - 5. A minimum of a 3-foot shoulder on each side of the paved surface.
 - 6. The private/common driveway shall meet a town road as shown in the Driveway Approach Bylaw.
 - 7. Adequate drainage shall be provided to prevent erosion and washouts at low points.
 - 8. A slope not exceed 8%.
 - 9. A turning location within 100 feet of each house served to accommodate Fire Department apparatus.
 - 10. No closer than ten (10) feet at any point from abutting lots not served by the private/common driveway.

11. No runoff shall be allowed to flow directly into the public way unless the private/common driveway is part of a subdivision which accommodates the runoff in its design.
12. Require a leveling area at the road intersection of 40-50' with grades 4-5% and at the terminus of the common portion of the driveway. Require the geometry at these intersections to accommodate a SU-30 truck turn (ambulance, moving van, fire truck). Minimum centerline radius of 80'. Recommend that a plan and profile of the driveway (vertical scale: 1" =4', horizontal scale 1"=40') be part of the submittal so the intent is clear on the plans.
13. Directional and address signs at the intersections for individual driveways to facilitate deliveries and emergency responses.
14. Require underground utilities.

B. All private/common driveways for business, commercial or industrial use shall at a minimum meet the construction standards as outlined below, unless specifically waived by the Board:

1. All topsoil shall be removed.
2. Subgraded 15" below finished grade and inspected at this stage by the Town.
3. Twelve inches (12") or more of gravel and 3 ½" of hot top (2" binder and 1½" top course).
4. A minimum paved width of 20 feet.
5. A minimum of a 3-foot shoulder on each side of the paved surface.
6. The private/common driveway shall meet a town road as shown in the Driveway Approach Bylaw.
7. Adequate drainage shall be provided to prevent erosion and washouts at low points.
8. A slope not exceed 8%.
9. Adequate provisions for fire apparatus.
10. No runoff shall be allowed to flow directly into the public way unless the private/common driveway is part of a subdivision which accommodates the runoff in its design.
11. Require a leveling area at the road intersection of 40-50' with grades 4-5% and at the terminus of the common portion of the driveway. Require the geometry at these intersections to accommodate a SU-30 truck turn (ambulance, moving van, fire truck). Minimum centerline radius of 80'. Recommend that a plan and profile of the driveway (vertical scale: 1" =4', horizontal scale 1"=40') be part of the submittal so the intent is clear on the plans.

12. Directional and address signs at the intersections for individual driveways to facilitate deliveries and emergency responses.
13. Require underground utilities.

6. COMMON DRIVEWAY COVENANTS & MAINTENANCE AGREEMENT

At a minimum, the Covenants and Maintenance Agreement shall contain provisions for:

- A. The right to use in common the driveway for all purposes for which private/common driveways are customarily used, including the right to install, maintain, and repair drains, culvert and underground utilities in, along, under and across the driveway.
- B. The obligation of repair, maintenance and snow removal so as to cause the driveway (including the drains and culverts) to be repaired and maintained and snow to be removed there from in such a manner as to insure continuous year-round access to each lot by fire, police, ambulance/rescue and other vehicles. In appropriate cases, the maintenance agreement should provide for the clearing of brush and foliage so that adequate sight distance at the common driveway intersection with individual driveways and public road.
- C. The right of each and every owner of the lots served by a common driveway to enforce the obligations to repair and maintain the common driveway so as to provide to all lots safe and convenient access by fire, police, ambulance/rescue, moving, construction and maintenance vehicles.
- D. A clear expression of construction specifications so that the initial condition and intended maintained condition of the common driveway are understood by all present and future owners of the lots served.
- E. A clear expression that the Town of Boxborough, under no circumstances, shall now or in the future be held liable for construction, reconstruction, repairs or snow removal on private/common driveways.

7. AMENDMENTS TO SPECIAL PERMIT

Submission requirements for requests to amend a Special Permit are the same as for the original application for a Special Permit.

8. LAPSE OF SPECIAL PERMIT

- A. Failure to record the Special Permit, covenants, agreements easements and all documents associated with the approval within 60 days of the completion of the appeal period shall cause the Special Permit to lapse unless approval has been extended by the Board and said extension filed in the Town Clerk's office.
- B. The rights granted by the Special Permit shall lapse if they are not exercised within two years of either of the following:
 1. The expiration of the Appeals Period, or
 2. If appeal has been taken from the decision to grant the Special Permit, the date on which the court has dismissed or denied such appeal.

9. ADMINISTRATION

A. Waivers

A waiver of strict compliance from these Guidelines may be granted if the Board determines that such a waiver is in the public interest and not inconsistent with the Zoning Bylaw. All requests shall identify the provision or provisions of the regulations from which relief is sought. The request shall also include a statement explaining why the Applicant thinks that granting a waiver would be in the public interest and not inconsistent with the purpose and intent of these Guidelines and the Zoning Bylaw.

B. Revocation and Fines

Failure to construct the private/common driveway in accordance with the plan approved by the Board and with the conditions of the Special Permit, if any, may result in revocation of the Special Permit and the imposition of fines for continuing violation.

C. Amendments

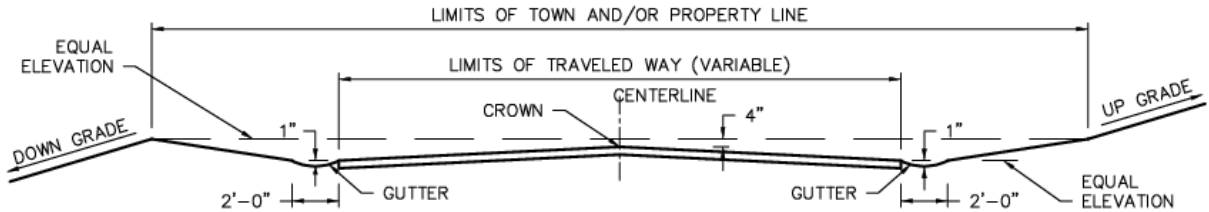
These Guidelines may be amended by a majority vote of the Board at a regularly scheduled meeting after a public hearing duly advertised once in a paper of general circulation no less than seven days prior to the date of the public hearing.

D. Effective Date

The effective date of any amendment shall be the date such amendments are filed with the Town Clerk.

Appendix A

DRIVEWAY APPROACH BY-LAW



TYPICAL DRIVEWAY APPROACH SECTION WHEN MEETING THE EDGE OF A TRAVELED WAY. VARIANCES MAY BE GRANTED.

Section 1. No persons shall break or dig up the ground in any street for any purpose whatever, or set or place any fence, post, tree or edgestone, or alter or change the position or direction of any fence, post or edgestone, or swing any door or gate in, upon or over, or change the grade or width of any public way without, in the case of a single house lot, a written permit of the Director of Public Works, or in all other cases, approval granted by the Planning Board.

Section 2. When meeting the edge of the present traveled way of a street with driveways, walks, etc., the construction of the same shall be as shown above. This type of construction permits the storm water run-off to be contained within the limits of the street and to run properly in the gutters. It also eliminates damage to driveways, walks, etc. during the clearing and plowing necessary for maintenance. Driveways not installed properly shall be corrected by the Highway Department at the expense of the owner.

Adopted: April 17, 1964
Approved by Attorney General: June 29, 1964
Amended: February 3, 1975
Approved by Attorney General: May 20, 1975
Amended: May 14, 1985
Amendment Approved by Attorney General: August 5, 1985
Amended: May 8, 2000
Approved by Attorney General: August 21, 2000