

BOLTON PLANNING BOARD

RULES AND REGULATIONS FOR THE APPLICATION OF SPECIAL PERMITS UNDER ZONING BYLAW §250-17.B COMMON DRIVEWAYS SERVING THREE (3) LOTS TO FIVE (5) LOTS.

A. PURPOSE

1. These common driveway rules and regulations are adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Bolton by regulating the laying out and construction of ways which provide access to several lots which will not become public ways. When deciding whether or not to grant a special permit to create a common driveway, the Planning Board should consider:
 - a. The safety of the common driveway as designed for normal use.
 - b. The safety of the intersection with the town way.
 - c. The adequacy of the legal agreements for the maintenance and access.
 - d. The adequacy of the common driveway to provide access to vehicles carrying materials which are potentially hazardous if spilled, such as heating oil.
 - e. The environmental impact on wetlands and water resource areas, as defined in the Massachusetts Wetlands Protection Act (M.G.L. c.131, §40) and Bolton's Wetlands Bylaw, Chapter 233, from the overall project development within the limit of work area.
2. It is the intent of The Zoning Act, § 9. Special Permits, under which these regulations are adopted, that any common driveway plans filed with the Planning Board shall receive the approval of the Board if said plans conform to the recommendation of the Town boards and to the reasonable rules and regulations of the Planning Board pertaining to common driveway; provided, however that such Board may, when appropriate, waive, as provided in Massachusetts General Laws, Chapter 40, § 9, such portions of the rules and regulations as are advisable and necessary. A request for a waiver must be submitted in writing to the Board in conjunction with the submission of the application. This request should specify the regulation for which a waiver is being sought and must provide the Board with a rationale for the requested waiver, any documentation and evidence, as may be required or requested by the Board, to support the request.

B. SUBMITTALS

1. Eight (8) copies of the Special Permit application.
2. List of abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the lot line of the proposed common driveway as they appear on the most recent applicable tax list, notwithstanding that the

land of any such owners is located in another city or town, and any other persons who would be affected if this permit were granted. The assessors shall certify to the names and addresses of same.

3. Site Plans.

- a. Site plans shall be a legible drawing suitable for recording at a scale of 1 inch equals 40 feet, or such other scale as the Board may accept to show details clearly and adequately. The plan sheet shall be 24 inches by 36 inches. Two (2) full-size copies and eight (8) half-size copies of the site plans must be filed with the application. The applicant must also send one full-size copy of the site plans to Fire Department, Conservation Commission, Board of Selectmen and the Planning Board's Engineer Consultant.
- b. Site plans shall be prepared and certified by a registered land surveyor and registered professional engineer on each page with a signature block for the Worcester County Registry of Deeds. Site plans shall carry a legend on each page: "Special Permit issued by Bolton Planning Board dated: _____".
- c. Site plans shall show three (3) views of the proposed common driveway:
 - 1) Site plans shall show the location and dimensions of the proposed common driveway including all lots (in their entirety) that the proposed common driveway serves. In addition, the town way on which the proposed driveway is to gain access shall be shown for a minimum of 300 feet in each direction from the proposed beginning of said driveway. The site plans shall delineate the Flood Plain District and all proposed drainage appurtenances. The site plans shall show existing and proposed contours at one foot (1') intervals in the vicinity of the common driveway, so that the proposed drainage appurtenances may be evaluated. The site plans shall also delineate any portions of lots to be served by the proposed common driveway that are beyond the maximum driveway length stated in §250-17.B.5 (a) [11] of the Zoning Bylaw. The site plans shall also delineate the location of emergency access direction signs.
 - 2) A typical cross-section of the proposed common driveway shall be shown and any additional cross-sections felt to be appropriate by the Planning Board. These cross sections shall show the amount of crown or cross slope as well as the shoulders and drainage ditches. The slope shall be at least 1/4 inch per foot.
 - 3) A profile of the proposed common driveway shall be shown in its entirety, at the same horizontal scale as the site plans. The profile shall show the grade prior to construction and the proposed grade after construction.

4. A detail of each of the proposed emergency access direction signs shall be provided on the site plans. The sign at the street shall list all house numbers served by the common driveway. Additional signs must be installed at each point along the common driveway at which a driveway goes off. Each of these additional signs will give the house number of the driveway going off, with an arrow indicating which direction, as well as a list of all houses further up the common driveway with an arrow pointing up. All numbers are to be at least two (2) inches in height, using black lettering on a non-reflective background. Stick-on numbers are not allowed. The bottom of the sign shall be a minimum of seven (7) feet above finished grade. Materials used for the signage shall be noted on the site plans and approved at the discretion of the Planning Board.
5. A copy of the precise legal wording of the proposed common maintenance agreement clause that is to be included in the deed of each lot served by the proposed common driveway.
6. Filing fee: Three thousand dollars (\$3,000) for each common driveway. The filing fee shall partially cover the estimated expenses incurred for consulting engineering for site plan review, advertising, notices, etc.
7. A PDF of all documents including the application, certified list of abutters, site plans, and maintenance agreement. All electronic files shall be submitted via email to townplanner@townofbolton.com or via an electronic media storage or transmission device.
8. Upon approval, One (1) Mylar and one (1) full-size copy of the final site plans shall be submitted to the Planning Board for signature. A PDF of the final site plans shall also be submitted via email to townplanner@townofbolton.com or via an electronic media storage or transmission device.

The above items must be submitted as part of the application or the application may be rejected.

C. PROCEDURE

1. The Planning Board shall hold a public hearing within 65 days after filing of an application, a copy of which shall forthwith be given to the Town Clerk by the applicant. The owner or agent must attend the public hearing and present the site plans. The Planning Board shall act within 90 days following a public hearing.
2. Special permits issued by the Planning Board shall require four (4) members of a five (5) member board.
3. Following the decision of the Planning Board there will be a twenty (20) day appeal period.
4. If the Planning Board approves a proposed common driveway, such approval shall be subject to the applicant completing the following actions within twenty-four (24) months of said approval:

- a. The proposed common driveways shall be constructed and as-built plans submitted to the Planning Board for review. The as-built plans should contain the same information described in Section B.3 above, except that copies shall only be sent to the Planning Board. The Planning Board shall have 60 days to review the as-built plans. If the driveway has been constructed as described in the special permit, or if changes exist and the Planning Board feels all changes are acceptable, then the Board will sign the plans. If changes are made which the Planning Board does not believe to be appropriate then the Board will not sign the as-built plans and the special permit will become invalid.
- b. The applicant shall not transfer or be issued a building permit for the final building lot until as-built plans of the common driveway has been presented to, reviewed by, and approved by the Board, or until surety is posted which, in the reasonable judgment of the Board, is in an amount sufficient to complete the work shown on the site plans. All bond estimates shall be prepared by a registered professional engineer indicating item description, quantity, unit, unit price, total and a 1.5 multiplier.
- c. No activities shall commence without receiving and complying with a special permit issued pursuant to this bylaw. No work proposed in any special permit application shall be undertaken until the permit, approved common driveway plans, deeds, easements, maintenance agreement(s) as approved by the Planning Board, and other agreement(s), if any, have been recorded with the Worcester Registry of Deeds, or if the land is registered, in the appropriate land court, and until the holder of the permit certifies in writing that the permit, approved common driveway plans, deeds, easements, maintenance agreement(s) as approved by the Planning Board and other agreements(s), if any, have been recorded. Such certification shall include book(s) and page(s) or instrument number(s) and date(s) of recording(s). These recording must be within forty five (45) days of the date of the special permit. This certification must be submitted to the Board before the Board releases any lots on the common driveway.
- d. The common driveway is to be constructed, completed and as-built plans satisfactory to the Planning Board must be filed, or the special permit will lapse, except for good cause as determined by the Board. This period of time shall not include such time required to pursue or await the determination of an appeal.
- e. The Planning Board must approve any changes to the maintenance agreement. If changes are made and the Planning Board does not approve them, then the special permit will become invalid.

D. DESIGN CRITERIA

- 1. A proposed common driveway can only be located where the minimum sight distance in both directions along an approved or accepted right of way from which it is

- accessed is at least sixty (60) feet for every ten (10) miles per hour of the legal or proposed legal speed limit on that right of way. This distance shall be measured at a point three and one half (3.5) feet in height above and five (5) back from the edge of pavement along the centerline intercept of the proposed common driveway.
2. At no point shall the centerline of a proposed common driveway be less than twenty five (25) feet from any lot line not served by the proposed common driveway.
 3. The proposed common driveway centerline intercept on the same side of an approved or accepted public road must be at least two hundred (200) feet from the centerline intercept of any other approved or accepted public road or approved or accepted common driveway. This centerline separation can be reduced at the Board's sole discretion to not less than one hundred (100) feet if the applicant demonstrates to the Board's satisfaction that public safety will not be compromised by a lesser separation.
 4. The analysis and management of stormwater generated from a common driveway including the construction of dwellings, lawns and other impervious areas for all lots to be served by this common driveway shall comply with the following requirements:
 - a. Massachusetts Stormwater Management Policy set forth in the latest edition of the Massachusetts Department of Environmental Protection Stormwater Handbook.
 - b. Rainfall data set forth in the latest edition of the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Cartographic Maps of Precipitation Frequency Estimates.
 - c. Post-development peak discharge flows and volumes shall be equal to or less than pre-development peak discharge flows and volumes for the 2, 10, 25, and 100 year 24 hour storm events to prevent downstream flooding on neighboring properties.
 5. All common driveways are to be paved. The paving shall consist of a binder course (a minimum one and one-half (1.5) inches compacted thickness) followed by a wearing course (a minimum one and one-half (1.5) inches compacted thickness) per MDOT specifications sections 420 and 460 class I bituminous concrete pavement, type I-1. The pavement shall not be applied between November 15 and April 1 without prior written approval from the Board. The common driveway shall not be paved when the gravel base is wet or damp, during rainfall or when temperatures are below 40 degrees Fahrenheit.

Equipment having crawler tracks or other treads that mar or damage pavement shall not move or operate on newly constructed pavement unless precautions are taken to prevent damage to pavements.

6. A gravel sub-base shall be spread as follows: a) Before the gravel is spread, the common driveway bed shall be shaped to a true surface conforming to the proposed

cross-section of the road and b) an eight (8) inch layer shall be spread and rolled with gravel. The gravel material shall meet MDOT specification M1.03.0, Type C.

The specified sub-base shall not be prepared after a large rainstorm (when the ground is unstable due to excessive moisture) or during freezing weather, or when the ground is frozen.

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Amended 3/28/90
Amended 7/24/96
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