

## 2.4 GENERAL REGULATIONS

### 2.4.1 Driveways and Parking

#### Overview:

(a) In residential districts, single and shared driveways (driveways serving 2 lots) will be created by permit issued jointly by the Planning Board and the Building Inspector. Upon review of the completed Application for Driveway Permit, the Planning Board will make a determination if a public meeting is required between the Applicant and the Planning Board/Building Inspector to review the submitted driveway plan. Common Driveways (serving 3 to 5 lots) will continue to be administered by the Planning Board per Section 2.4.1.2 of the Bolton Zoning Bylaws.

#### 2.4.1.1 Driveways

(a) Entrances and/or driveways to a given tract of land must be made from an accepted or an approved right-of-way within the extremities of the frontage required except that not more than two single-family dwellings or lots in the Residential Zoning District may maintain one Shared driveway provided that the driveway falls within the frontage of one or both of the lots, and all other provisions of this Bylaw are met.

(b) The slope of the driveway shall not be greater than ten (10) percent within twenty (20) feet of the edge of the street pavement. There shall be no hazardous or blind driveways.

(c) No person shall construct or maintain any driveway, conduit, or drain, so as to discharge water or filth upon the street pavement or into open waterways or ponds.

(d) No driveway shall be constructed which ties directly onto an accepted town way which in any manner inhibits the existing drainage system of the town way.

(e) No single dwelling driveway or Shared Driveway's centerline will be located within thirty five (35) feet of the centerline of any approved or constructed Common Driveway.

(f) The Applicant will be required to complete a Town of Bolton Application for Driveway Permit.

(g) The Planning Board shall issue regulations to go with this bylaw, including charging a filing fee adequate to cover legal review and construction inspection.

#### 2.4.1.2 Common Driveways Serving 3 to 5 Houses

In residential districts, common driveways to serve 3, 4 or 5 lots may be created by Special Permit issued by the Planning Board. Each such common driveway must meet the following criteria:

- (a) A common driveway, approved under 2.4.1.2 may serve:
- three or four lots if at least one is a backland lot.
  - three, four or five lots if two or more are backland lots.

Backland Lots are as defined in and permitted by Special Permit issued under the Town of Bolton's Zoning Bylaw 2.3.5.5 Backland Zoning.

A lot served is any lot crossed by, whether or not any building or any dwelling on the lot, is actually accessed and/or served by this Common Driveway, or lot on which any building or any dwelling is accessed and/or served by this Common Driveway. All such lots must be included in the list and number of lots served.

(b) Each lot served by the common driveway must have permanent access to the Common Driveway pursuant to an Easement Agreement acceptable to the Planning Board and the Deed to each lot served on a Common Driveway must reference this Easement Agreement. The Easement Agreement is to be recorded along with the Special Permit with the Worcester Registry of Deeds or with the Worcester County Land Court.

(c) Any deeds of ownership of lots served by a common driveway shall require that the owners of said lots must be members of a maintenance association, whose purpose is to provide for maintenance of the common driveway, which shall include, but not be limited to, snow plowing and maintaining design specifications. This maintenance association must be created by a Maintenance Association Agreement acceptable to the Planning Board and the Deed to each lot served on a Common Driveway must reference this Maintenance Association Agreement. This Maintenance Association Agreement is to be recorded along with the Special Permit with the Worcester Registry of Deeds or with the Worcester County Land Court.

(d) The common driveway is defined as extending from the approved or accepted right-of-way to which it is attached, to the point it serves only one lot, the so-called terminus. A Common Driveway may have more than one terminus. The common driveway shall be connected to an approved or accepted right-of-way at one, and only one, point. The entire common driveway must lie within the lots served, and in the Town of Bolton.

(e) The common driveway must meet the design criteria of this bylaw, and any additional design criteria established by the Planning Board in regulations duly voted by said Board according to law. The design criteria of this bylaw are:

- Twelve (12) feet minimum width of wear surface.
- A minimum of eight (8) inches of gravel wear surface.

- The first forty (40) feet of the common driveway from an approved or accepted right-of-way must have a slope of four (4%) percent or less.
- Suitable drainage appurtenances to prevent excessive erosion. These Drainage appurtenances must further ensure to the satisfaction of the Planning Board that all proposed activity and all development, including the construction of dwellings, lawns and other impervious areas for all lots to be served by this Common Driveway, in no manner contribute to additional drainage onto any abutting property or onto any accepted or approved right of way.
- A maximum slope of twelve (12%) percent.
- The centerline intersection with an approved or accepted right-of-way must be sixty (60) degrees or more.
- A turnaround located near each terminus, which location must be acceptable to the Planning Board, of at least forty (40) feet width and thirty (30) feet depth.
- An intercept width with the approved or accepted right-of-way of at least fifty (50) feet.
- A staging area of at least forty (40) feet in length and a minimum of twenty (20) feet in width at the streetline, tapering to a minimum of twelve (12) feet in width at forty (40) feet from the streetline.
- Passing turnouts must be constructed which provide a total width of at least eighteen (18) feet along a distance of at least twenty five (25) feet, spaced no more than three hundred (300) feet between turnouts or at a lesser interval where in the Planning Board's opinion a lesser distance is warranted for safety considerations.
- The length must be such that the distance along the Common Driveway centerline to each building or dwelling served by the Common Driveway will not exceed 1800 feet from the street sideline, and that the length along any of its individual driveways measured from the centerline of the Common Driveway to any building or dwelling served by the Common Driveway shall not exceed 800 feet.
- Signs to direct emergency access must be installed at the streetline and at each driveway intersection with the Common Driveway.
- The centerline of the Common Driveway cannot be located closer than thirty five (35) feet to the centerline of any approved or constructed single dwelling driveway or Shared Driveway.

When deciding whether or not to grant a special permit to create a common driveway, the Planning Board should consider:

- the safety of the common driveway as designed, for normal use.
- the safety of the intersection with the town way.
- the adequacy of the legal agreements for maintenance and access.
- the adequacy of the common driveway to provide access to vehicles carrying materials which are potentially hazardous if spilled, such as home heating oil.
- the environmental impact on wetlands and water resource areas.

(f) Granting of a Special Permit under this bylaw does not constitute a waiver of any other applicable Bylaw or Statute.

The Planning Board shall issue regulations to go with this bylaw, including charging a filing fee adequate to cover both legal review and construction inspection.

The driveway shall be sufficiently constructed for access before issuance of any building permit.

#### 2.4.1.3 Parking

(a) A parking area, (not including access ways) of at least one square foot for each one square foot of business and commercial building area and one square foot for each two square feet of industrial building floor area, and three square feet for each one square foot of retail building floor area shall be provided on each lot of land used as an industrial, commercial or business area.

The parking area is defined to include the parking spaces and any aisles between the spaces, but not any driveways leading to the parking area.

The parking area shall not come within thirty feet (30') of the edge of the street paving.

(b) Parking areas and driveways on business, industrial or commercial sites shall be improved to at least the equivalent of eight inches (8") gravel over sub-grade and shall be pitched to drain.

#### 2.4.2 Sign Regulations.

After January 25, 1971 no person shall place or cause to be placed, posters, handbills, placards, advertising matter or signs advertising or indicating the location of a personal, industrial or commercial enterprise or products anywhere in the Town except by written permission of the Board of Selectmen and:

2.4.2.1 No sign shall exceed thirty six (36) square feet.

2.4.2.2 No sign shall be oscillating, flashing, operated with moving parts or display the illusion of motion. No sign shall be internally lit.

2.4.2.3 No sign shall be closer than twenty (20) feet from the road pavement.

2.4.2.4 No sign including standards shall be more than eight (8) feet in height.

2.4.2.5 Signs in Residential Zones.

(a) Residences may have by permit, one sign, non-illuminated and of area not greater than two square feet for the purpose of announcement of professional or home occupation or for the announcement of the occupants of the dwelling. The sign shall be limited to one back-ground color which shall be white, natural wood or the color of the principal structure or its trim and any color for all lettering and other designs. The lettering on the sign shall not exceed three inches in height. The sign must not be closer than twenty feet from the side lot line. The sign must not be closer than ten feet from the road pavement.

(b) Pre-existing non-conforming uses in residential zones desiring a new sign not conforming under section (a) may apply under the general Bylaw.

2.4.2.6 Temporary signs, pertaining only to the lease or sale of land or building on which the sign is located, will be allowed in all zones subject to the following restrictions:

(a) The sign shall not exceed six square feet in area.

(b) The sign shall not be illuminated.

(c) The addition of the word "sold" is not allowed.

Signs which do not conform to this section must apply under the General Sign Bylaws (Section 2.4.2.).

2.4.2.7 If literal enforcement results in substantial hardship and if no harm to the public good is evident, waivers may be granted by the Board of Selectmen.

2.4.3 Line of Sight at Intersections

2.4.3 The purpose of this bylaw is to provide a mechanism by which obstacles that threaten the public safety of the Town roads can be prevented. This bylaw is aimed at keeping safe sight lines open at intersections and other locations in which obstacles impede the line of sight.

2.4.3.1. Definitions

2.4.3.1.1.1. The term "street" shall include all Town roads both adopted and not yet adopted and roads serving private multi dwelling developments. It shall not include private shared and private common driveways.

2.4.3.1.1.2. The term "commercial driveway" shall include any public entrance into or out of a place of business including non-residential uses in a residential district.

2.4.3.1.1.3. The "restricted area" or "sight triangle" is at the intersection of any street or where a commercial driveway intersects with a street and is within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection

of the street lines, or in the case of a rounded property corner from the intersection of the property lines extended.

- 2.4.3.2. In the case where property lines are not related to the travelled way, a distance of 10 feet from the edge of the pavement or other distance defining the Town Right of Way on record at the DPW shall be used to define the Restricted Area.
- 2.4.3.3. Any dimensional requirements herein will be subject to the consideration of the impact on safety of intersecting road topology, curvature and gradient of roads and proximity of other intersections.
- 2.4.3.4. If the topology of an intersection or high traffic volume warrant special consideration Sight Triangles can alternatively be defined using the methods described in Chapter 9 of the “Policy on Geometric Design of Highways and Streets (2004)” published by the American Association of State Highway and Transport Officials (AASHTO).
- 2.4.3.5. Exemptions
  - 2.4.3.5.1.1. Existing buildings, existing stone walls, historic and other existing structures are exempt from these requirements.
  - 2.4.3.5.1.2. Existing fences, walls and signs are exempt from these requirements
  - 2.4.3.5.1.3. Trees are exempt from these requirements
- 2.4.3.6. Restrictions
  - 2.4.3.6.1.1. No new fence, wall, sign or structure, hedges, brush and other vegetation which impedes sight lines at elevations between 3 feet and 8 feet above the roadways shall be installed or permitted to remain in the restricted area.
- 2.4.3.7. Permit
  - 2.4.3.7.1.1. Any new fence, wall, sign or other structure installed in the restricted area will be subject to the issuance of a permit by the Building Inspector.
- 2.4.3.8. Remedies
  - 2.4.3.8.1.1. If any fence, wall or sign, hedges, brush and other vegetation is determined to prevent or impede a safe view of the intersection or oncoming vehicles or pedestrians approaching the intersection, the Board of Selectmen may request that the property owner bring the fence, wall, sign, hedges, brush and other vegetation into compliance within a period determined by the Board of Selectmen.
  - 2.4.3.8.1.2. If the situation is not brought into compliance within such period, the Board of Selectmen may enforce the provisions of this bylaw by noncriminal disposition in accordance with Section 2.1.2.4 of the General Zoning Bylaws, or by any other means authorized bylaw.