

TOWN OF LANESBOROUGH

PERMIT TO MODIFY, RELOCATE OR CONSTRUCT A DRIVEWAY

FOR PROJECTS WITH ASPHALT: FEE: \$100.00 + \$1,000.00 REFUNDABLE DEPOSIT upon completion of work as required.
FOR PROJECTS WITHOUT ASPHALT: FEE: \$100.00 + \$600.00 REFUNDABLE DEPOSIT upon completion of work as required.

DATE _____ NAME OF PROPERTY OWNER _____

MAILING ADDRESS _____

TELEPHONE NUMBER _____ EMAIL ADDRESS _____

ADDRESS OF PROPERTY _____ MAP # _____ LOT # _____

NAME OF APPLICANT/CONTRACTOR (IF DIFFERENT THAN ABOVE) _____

ADDRESS _____

TELEPHONE NUMBER _____ EMAIL ADDRESS _____

APPROXIMATE DISTANCE TO NEAREST CROSSROAD, CULVERT AND NUMBERED WESTERN MASSACHUSETTS ELECTRIC POLE (PROVIDE NUMBER) _____

THE DRIVEWAY/ACCESS ROAD WILL BE USED FOR _____

ON A SEPARATE SHEET OF PAPER (8 1/2" x 11"), PROVIDE A SKETCH THAT SHOWS THE FOLLOWING:

- BOUNDARY LINE OF THE PROPERTY
- DIAGRAM OF PROPOSED DRIVEWAY SHOWING WHERE AND HOW IT WILL INTERSECT WITH PUBLIC WAY, WIDTH AND LENGTH OF DRIVEWAY, PROPOSED DRIVEWAY MATERIAL (STONE, GRAVEL, ETC.)
- NUMBER, KIND AND DIAMETER OF ALL TREES OVER 1 1/2 INCHES THAT ARE PROPOSED TO BE REMOVED FROM THE PUBLIC RIGHT OF WAY
- EXISTING AND PROPOSED BUILDINGS

I AGREE TO PROVIDE A \$10,000 SURETY BOND AND A CERTIFICATE OF INSURANCE AND TO OPERATE WITHIN SUCH PERMIT TO MODIFY, RELOCATE OR CONSTRUCT A DRIVEWAY REFERENCED ABOVE THROUGH THE TOWN OF LANESBOROUGH RIGHT-OF-WAY ON THE ABOVE NAMED STREET IN A MANNER PRESCRIBED AND APPROVED BY THE DPW DIRECTOR, TREE WARDEN AND BOARD OF SELECTMEN AS IN THEIR OPINION, IS NECESSARY FOR THE PROTECTION OF, BUT NOT LIMITED TO: THE ROAD, UTILITIES, DRAINAGE, EXISTING TREES AND IN THE INTEREST OF PUBIC SAFETY. FURTHER, I AGREE THAT AS A CONDITION OF THIS PERMIT TO MODIFY, RELOCATE OR CONSTRUCT A DRIVEWAY THAT IF THE TOWN OF LANESBOROUGH, MASSACHUSETTS 1.) SUFFERS ANY LOSS, COST, DAMAGE OR EXPENSE OR 2.) IS SUBJECTED TO ANY CLAIM, SUIT, OR DEMAND, OR 3.) LOSES THE USE OF ANY TOWN PROPERTY (INCLUDING INFRASTRUCTURE AND UTILITIES) RESULTING FROM MY USE OF HEAVY EQUIPMENT AND/OR TEMPORARY ACCESS (1-3 COLLECTVELY "COSTS"), I HEREBY PERMIT THE TOWN TO ACCESS THE BOND AS PROVIDED UPON WRITTEN NOTICE TO ME OF THE AMOUNT REASONABLY ANTICIPATED TO MAKE THE TOWN WHOLE FOR THE COSTS. I ACKNOWLEDGE THAT THE TOWN'S ACCESS OF BOND FUNDS DOES NOT SERVE AS A WAIVER OF ANY RIGHT OTHERWISE RESERVED BY THE TOWN TO SEEK REIMBURSEMENT FOR COSTS. I HEREBY ACCEPT THE CONDITIONS OF THIS PERMIT AND AGREE TO CONFORM STRICTLY TO THE TERMS THEREOF. *A copy of the approved permit must be available at all job sites. Failure to have approved permit on-site may result in a temporary shutdown of the project and a possible fine of \$100.00.*

FOR TOWN USE ONLY	Payment Received _____ Check No. _____
DPW Director _____	Tree Warden _____
Date Approved: _____	Fire Chief _____
Date Disapproved: _____	Police Chief _____
Proposed House # _____	Board of Selectmen _____
Assesor _____	_____

This application is void and deposit is forfeited if work is not completed within one year of the approval date. If an extension is needed please contact the Town Secretary to be placed on an Agenda for approval by the Board of Selectmen.

**OFFICE OF THE
BOARD OF SELECTMEN**

CURB CUT OR DRIVEWAY PERMIT

Adopted October 16, 1989
Amended April 4, 1995
Amended August 5, 2002
Amended May 9, 2006
Amended January 22, 2008
Amended March 19, 2009
Amended February 28, 2011
Amended August 28, 2017

1.0 No person shall construct or relocate a driveway or access road from private property to a public way or a way shown on an approved subdivision plan, without first having obtained a written permit from the Board of Selectmen. Applications shall be submitted to the DPW Director, who shall make recommendations to the Selectmen on issues relating to the installation of aprons, culverts and other features. A permit fee of \$700.00 (\$600.00 REFUNDABLE DEPOSIT for projects without asphalt) or \$1,100.00 (\$1,000.00 REFUNDABLE DEPOSIT for projects with asphalt) together with a \$10,000 SURETY BOND and CERTIFICATE OF INSURANCE must be submitted with the application

1.1 Application and Issuance

Application for said permit shall contain a description of the proposed construction as far as it encroaches upon or affects the way and its shoulders, banks, ditches, drainage, and other features. The permit shall be issued with due consideration of traffic hazards and drainage problems which might result from the proposed driveway. The Permit Granting Authority shall issue or deny said permit within 14 days of application.

Any application for a driveway of such length or grade that it may discharge, in the judgment of the Permit Granting Authority, a substantial volume of water upon a way, or adjacent property, shall be denied until it includes such plans and specifications for proposed drainage facilities as may be required. Such facilities must be so designed as to reduce, disperse, and delay the runoff, or otherwise protect the traveled ways, drainage facilities, and adjacent lands from flooding, erosion, and siltation, and prevent the pollution of waterways or wetlands.

1.2 Design Requirements

- a. Maximum unpaved driveway grade: 10%
- b. Maximum paved driveway grade: 12%
- c. Wherever possible, entrances are to be set back sixty-five (65) feet or more from a street corner measured between the nearest edge of the driveway and the cross road edge of pavement.
- d. Wherever possible, a clear sight distance of at least sixty-five (65) feet should be maintained on either side of the driveway at its point of intersection with the public way.
- e. Driveways shall be so constructed that water from the driveway shall not drain onto the crown of the road.
- f. In no instance shall the edges of the driveway entering into the road conflict with the flow of the surface water runoff.
- g. Culverts taking the place of roadside ditches shall have a diameter of not less than twelve (12) inches. Larger diameters may be required.

1.3 Common Driveways

No person shall construct or relocate a common driveway from private property to a public way or a way shown on an approved subdivision plan, without first having obtained a written permit from the Planning Board.

Design Requirements for Common Driveways

- a. A common driveway shall provide access to no more than five (5) dwelling units.
- b. Maximum length to the last fork of a common driveway shall be 1,000 feet.
- c. The traveled way shall have a minimum width according to the following schedule:
 - If less than 500 feet in length, a minimum width of 12 feet
 - If more than 500 feet in length, a minimum width of 15 feet
- d. Frontage on a common driveway may not be used to satisfy zoning frontage requirements.
- e. A common driveway must originate on approved frontage and must observe a twenty-five (25) foot setback from the sideline which the lot or origin shares with a lot not served by the common driveway. The design shall in the opinion of the Permit Granting Authority assure adequate safety and access for emergency vehicles.
- f. The application for a common driveway must be accompanied by a declaration of covenants, easements and restriction for the use and maintenance of said common drives.
- g. The sale of lots and/or the erection of buildings are prohibited until such time as the common driveway has been constructed in accordance with the permit approval plan.
- h. The Planning Board may grant a waiver of any of the requirements of Section 1.3, if they find that it will cause a hardship, financial or otherwise. The Planning Board reserves the right to impose conditions, limitations or safeguards on any permit or extension issued under these regulations, including the imposition of a bond to guarantee the faithful and satisfactory performance of the work.

1.4 Relation to Subdivision Regulations

- a. Where the proposed development constitutes a subdivision, any requirements in Subdivision Regulations of the Town of Lanesborough regarding the design of ways shall supersede the requirements of this by-law.
- b. A curb-cut permit will not be issued until the Planning Board has given its final approval to the subdivision plan.

On August 28, 2017, the Board of Selectmen instituted a fine of \$100.00 for violation of this permitting process.