

SECTION 10 - DRIVEWAY STANDARDS

10.0 Purpose

The purpose of this Bylaw is to protect public safety and welfare in the Town of Williamsburg by establishing minimum standards for the location, design and construction of driveways intersecting any way in the Town that is open to the public.

10.1 Applicability

This Bylaw shall govern the location, design and construction of driveways intersecting with any way open to the public in the Town of Williamsburg. A driveway in existence and in regular use prior to the effective date of this Bylaw shall not be subject to these requirements unless and until it is reconstructed or improved so as to alter its grades or paving. Any such alteration shall be in conformance with this Bylaw to the extent possible. However, Sections 10.3 f, g, h, concerning the impact on Town roads caused by runoff and debris from driveways, shall apply to every driveway in the Town, regardless of the date of construction.

10.2 Definitions

Although set forth here for convenience, the terms shall have the same effect as if set forth in Section 18.

- a. **Driveway:** A way lying within a lot or lots, which is used or intended to be used by registered motor vehicles as the primary access to a year-round or seasonal dwelling, a place of business, a group of residential or commercial buildings or any other principal buildings(s), whether publicly or privately owned, on a lot. This definition shall not include any public way. Nor shall it include any private way, which has been approved under the Subdivision Control Law as part of a Definitive Subdivision Plan. Nor shall it include any farm lane, logging road, gravel pit access road, foot trail, bridle path or other minor travel route which is not used as the primary vehicular access to a residential or commercial building.
- b. **Public way:** A state highway, a county highway, or a town way.
- c. **Right-of-way:** The strip of land which is held, or over which an easement is held, for use as a road or way, including the traveled surface and, typically, additional land on each side of it to make up a specified overall width. All the land within the right-of-way is available to its owner for widening or other improvements to the road or way. The legal boundaries of a right-of-way are defined by deed, by survey, or in the absence of a recorded description, by other evidence presented by a registered land surveyor.
- e. **Traveled roadway or traveled surface:** The portion of a way that is physically improved and maintained and used for travel by ordinary passenger vehicles. The paved area, in the case of a paved way; the graded and maintained area, in the case of an unpaved gravel way. Where shoulders are paved or gravel-surfaced, they shall be deemed part of the traveled way. For the purposes of this Bylaw, the traveled surface of every way that is open to public use shall be assumed to be at least twenty feet wide. The intersection of a driveway with any narrower road shall be designed as if the road were to be widened to twenty feet plus a two (2) to four (4) -foot shoulder on each side, and the edge of the traveled way shall be taken to be ten feet from its existing centerline.

- f. **Common Driveway:** A driveway which is not entirely contained within the lot being served.

10.3 Location and Design Requirements

Every driveway constructed in the Town of Williamsburg after the effective date of this Bylaw shall be designed and constructed in accordance with the following requirements:

- a. The property owner or builder shall obtain a driveway permit from the Highway Superintendent before beginning driveway construction. The Highway Superintendent shall not issue a driveway permit until all relevant state and local permits are secured. The form of such permit and the procedure for obtaining it shall be determined by the Board of Selectmen.
- b. Where a driveway intersects any way that is open to the public, a driver emerging from the driveway shall be provided with a clear, unobstructed view of the full width of the roadway on each side of the driveway intersection for a distance deemed safe by the Highway Superintendent.
- c. No part of a driveway's surface within twenty (20) feet of the edge of the traveled roadway, measured along the centerline of the driveway, shall be more than one (1) foot (5%) higher or lower in elevation than the edge of the traveled way at the centerline of the driveway. Within 20 feet of the traveled roadway, the slope of the driveway shall not exceed one (1) foot (five percent [5%]) at any point unless approved by the Highway Superintendent and the Fire Chief.
- d. If the grade is more than 10%, a scaled layout of the driveway is needed with approval of the Highway Superintendent and the Fire Chief.
- e. Every driveway shall, in the judgment of the Highway Superintendent, permit passenger and emergency vehicles to turn safely from street to driveway and vice versa, in any direction.
- f. Every driveway and all associated earthworks and drainage structures shall be designed, constructed, stabilized and maintained to prevent the discharge of storm water, floodwater, melt water, snow, ice, mud, gravel, stone, wood debris, leaves or any other foreign material onto the traveled surface of any way, whether public or private, that is open to the public. Faulty construction or maintenance of a driveway or associated drainage structures shall not be permitted to cause obstruction or overloading of any drainage structure or system lying within a public right-of-way. Violation of these requirements shall be sufficient cause for emergency action by the town to eliminate safety hazards to the public. The costs of any such emergency action shall be borne by the defective driveway's owner.
- g. The Highway Superintendent may require a driveway owner to install culverts, rip-rap, retaining walls, curbs or berms, or to take other appropriate measures to ensure that drainage related to the driveway does not adversely affect a publicly traveled way. The Highway Superintendent may require this work to be completed within a specified time. The installation and maintenance of all such structures or improvements shall be the responsibility of the driveway owner. In case of severe problems, the Highway Superintendent may require that a Registered Professional Engineer be engaged at the driveway owner's expense to design appropriate corrective measures and to certify their proper installation.
- h. Driveway materials shall not be placed or spilled on the traveled surface of a way, nor shall the traveled surface of a way be altered in any manner without the prior written approval of the Highway Superintendent.
- i. Every driveway shall permit ordinary passenger vehicles to be turned around in it and to exit frontward onto the publicly traveled road.

- j. The Highway Superintendent may, in his discretion, require that a driveway, or any portion thereof, be designed by a Registered Professional Engineer, where compliance with the provisions of Section 4 appears unlikely given existing conditions.

10.4 Enforcement

- a. The Highway Superintendent shall enforce Section 10 of this Bylaw.
- b. The Building Inspector shall notify the Highway Superintendent promptly of each building permit application that involves, or appears likely to involve, construction or alteration of a driveway subject to the requirement of this Bylaw.
- c. Any property owner contemplating the construction, substantial alteration, or paving of a driveway shall apply to the Highway Superintendent, directly or through the Town Clerk, for a driveway construction permit.
- d. The Highway Superintendent shall issue a driveway construction permit when satisfied that the driveway as described in the application will comply with the standards for driveway location and design specified in this Bylaw. If the superintendent determines that a proposed alteration is so small as not to require a permit, he shall so inform the applicant.
- e. The Highway Superintendent may order the cessation of any unauthorized driveway construction or alteration work in progress until a driveway construction permit has been issued for it, and if work is not stopped immediately, the Superintendent may declare the property owner to be in violation of this Bylaw.
- f. Where a permit has been issued for a new driveway, and the driveway is not satisfactorily completed before occupation of the building(s) it serves, the Highway Superintendent may order the owner to complete the driveway within twenty-one (21) days. Failing such completion, the Superintendent may declare the owner of the property to be in violation of this Bylaw.
- g. When the Superintendent observes that a new driveway has not been constructed in conformance with the permit issued for it, or that an existing driveway is giving rise to problems on a way that is open to the public, the Superintendent shall so notify the property owner. Unless an emergency situation requires corrective action by the Town, the Superintendent shall allow the owner twenty-one (21) days from the time of such notice to bring the driveway into conformance and/or to rectify the problem. Failing that, the Superintendent may declare the owner of the property to be in violation of this Bylaw.
- h. Each violation of Section 10 of this bylaw shall be punishable by a fine of twenty-five (25) dollars. Each day on which such violation continues shall be punishable as a separate violation.

10.5 Appeals

- a. Any person aggrieved by an order or decision of the Highway Superintendent pursuant to this Bylaw may, within thirty (30) days following the date of such order or decision, appeal to the Zoning Board of Appeals. The filing and hearing of such appeals shall be governed by procedural and other requirements set forth in MGL Chapter 40A, § 8 and 15.
- b. In interpreting the above-mentioned provisions of the Zoning Act for the purposes of appeals under this Driveway Standards bylaw, read "Highway Superintendent" for "zoning administrator," and for "any administrative officer under the provisions of this chapter," and for "inspector of buildings, or other administrative official."

30

Read "Driveway Standards Bylaw" for "zoning ordinance or by-law" and for any other reference in the cited statute to local legislation under which appeals may be filed. Appeals under this Bylaw shall be processed by the Zoning Board of Appeals in the same manner as appeals authorized under Section 8 of the Zoning Act, except as here noted.

10.6 Exemptions

- a. The Highway Superintendent may grant an exemption in writing from any requirement of Section 10.3, if in his opinion:
 1. Such exemption will not result in any increased hazard, expense or inconvenience to the general public, and
 2. The requirement of full compliance with this Bylaw would impose an unusual hardship on the driveway's owner that could not have been foreseen and avoided through prudent planning.

10.7 Common Driveways

10.71 Common driveways may be allowed by Special Permit only. The Zoning Board of Appeals may issue the Special Permit for a common driveway serving not more than three (3) lots containing not more than six (6) dwelling units. The applicant must provide the following:

- a. Evidence of deeded covenants binding each of the lots served by the common driveway, which will be filed at the Registry of Deeds, that include provisions for continued maintenance, which are adequate in the opinion of the Zoning Board of Appeals.
- b. A plan for the common driveway, acceptable by the Zoning Board of Appeals, showing grades, subsurface preparation, drainage, and surface materials.

10.72 The common driveway must be designed to safely handle the proposed traffic and must conform to all other provisions of this Bylaw.

10.73 A Special Permit for the common driveway may be issued by the Zoning Board of Appeals if one or more of the following conditions are met:

- a. The common driveway will lessen the adverse impact upon wetlands located within the lots or will otherwise lessen environmental degradation.
- b. The common driveway will allow reasonable, safer and less environmentally damaging access to lots in locations with steep slopes or similar environmental conditions.
- c. The common driveway will result in the preservation of the rural quality of the area, such as: the reduction in access ways, increase in front yard setbacks, or the preservation of the existing vegetative and topographic conditions.