



**TOWN OF HAWLEY  
MASSACHUSETTS 01339**

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Copy of the vote passed under Article 1 of the adjourned Special Town Meeting of December 5, 1989,

Article 1: To see if the Town will vote to adopt the following by-law pertaining to curb cut permits:

**DRIVEWAY/CURB CUT BY-LAW**

**SECTION 1: DEFINITIONS** - These definitions are for the purposes of this By-law only:

**PUBLIC WAY** - A public or private way maintained by a public agency.

**DRIVEWAY** - privately owned access to and from a public way.

**SUPERINTENDENT OF STREETS** - Person responsible and having charge of the maintenance and repair of public ways in the Town of Hawley.

**SECTION 2: PURPOSES**

A) To provide better protection of public safety through the orderly control of traffic entering and exiting a public way.

B) To provide the necessary grade and drainage to protect public and private ways from damage.

**SECTION 3: REQUIREMENTS**

A) Any property owner desiring to construct a new driveway or alter or change an existing driveway which accesses a public way shall do so only after securing a written permit for such driveway from the Superintendent of Streets having charge of the maintenance and repair of such public ways pursuant to the requirements in this By-law.

B) A driveway shall be designed and must receive approval from the Superintendent of Streets before a building permit for a newly constructed building is approved and the driveway construction shall be completed before any occupancy and the use of the premises is permitted.

C) Driveways in existence at the time of the adoption of this by-law shall be exempt from the permit requirement unless abandoned for a period of two (2) years or more.

#### SECTION 4: PERMIT APPLICATION AND REVIEW PROCEDURES

A) The property owner seeking a driveway permit shall make a written submission to the Superintendent of Streets including three (3) copies of the application for a driveway permit and a plan showing:

- 1) Any driveway that is to be created, altered or closed and the relationship to the public way including distances, type of roadway, etc.
- 2) Construction details sufficient to guarantee and describe compliance with Section 6: Design Standards.

B) The Superintendent of Streets shall consult with the Police Chief and the Fire Chief and other interested town officials to obtain their comment on the plan.

C) The Superintendent of Streets shall notify the property owner making the application within twenty one (21) days in writing indicating:

- 1) The driveway does conform to the Town's standards set forth in the By-law, or
- 2) The driveway does conform subject to certain modifications, conditions, restrictions, or
- 3) The driveway permit is denied based on certain stated reasons.

If the Superintendent of Streets takes no action within twenty one (21) days of the completed submission, the driveway permit is automatically denied.

D) The Superintendent of Streets shall inspect the project during and after construction and shall have the authority to halt construction and/or prohibit access to said driveway if construction is not in accordance with the approved plan and this By-law, until objectionable conditions are corrected.

E) The Superintendent of Streets shall "sign off" on the permit after satisfactory completion of construction.

#### SECTION 5: APPEALS PROCEDURE

If the driveway permit is denied, an appeal may be made within twenty (20) days to the Board of Selectmen. Said appeal shall include the following:

- 1) The date of submission of the application and a copy of the application and plan.
- 2) A copy of the Superintendent of Streets' denial of the application and date of same.
- 3) The reasons setting forth why the appellant feels the permit should not have been denied.

**SECTION 6: DESIGN STANDARDS - These standards are for the purposes of this By-law.**

**A) Culverts and Drainage - Existing drainage ditches parallel to public ways from which driveways will be constructed shall not be obstructed by new driveway construction. If a culvert is necessary, culverts of appropriate size and a durable material (such as asphalt-coated galvanized steel) shall be installed at the expense of the applicant. Culvert diameter shall be determined by the Superintendent of Streets or suggested by a licensed professional engineer hired by the applicant with the approval of the Superintendent of Streets.**

Where appropriate, in the judgment of the Superintendent of Streets, driveways shall be provided with parallel drainage swales and with culverts allowing storm water to cross the driveway without creating erosion or washouts.

**B) Sight Distances - No new driveway may be located where the minimum sight distance at four feet (4') above the traveled road surface in each direction along the public or private road from which it is accessed is less than the following:**

- 1) Minimum one hundred feet (100') in a zone where the speed limit is less than thirty (30) miles per hour.**
- 2) Minimum one hundred fifty feet (150') in a zone where the speed limit is thirty (30) miles per hour or a zone where there is no posted speed limit.**
- 3) Minimum two hundred feet (200') in a zone where the speed limit is greater than thirty (30) miles per hour.**

**C) Gradients - The first six feet (6') of any new driveway, measured from the edge of the traveled road surface, must have a minimum gradient of two percent (2%), or one quarter inch (1/4") per foot, downgrade from the road and a maximum gradient of eight percent (8%), or one inch (1") per foot, downgrade from the road. The next fourteen feet (14') of the driveway must have a maximum gradient of eight percent (8%), or one inch (1") per foot, downgrade or upgrade. The remaining length of the driveway must have a maximum gradient of twenty percent (20%), or two and one half inches (2 1/2") per foot, downgrade or upgrade.**

**D) Obstructions - No wall or other obstruction shall be maintained at the intersection of any driveway with a public way or traveled road which causes danger to traffic on the road or to users of the driveway by unreasonably obscuring a view.**

**E) Turnarounds - All new driveways shall be provided with adequate space for reversing the direction of a standard-sized automobile, so that the automobile may enter the traveled road from the driveway facing forward.**

F) Construction Material - All new driveways must be provided with a minimum of eight inches (8") of sand and gravel ("bank run" or better) in which there are no stones greater than four inches (4") in diameter. On slopes of between five percent (5%) and twelve percent (12%) within thirty five feet (35') of the edge of the way, the driveway shall be overlain by at least four inches (4") of graded crushed gravel or "trap rock" gravel, in which the chip size does not exceed three fourths inches (3/4") to prevent unstabilized driveway material from washing out into the road.

G) Width and Angle of the Driveway - The width of the entrance shall be at least eighteen feet (18') for the first twenty feet (20') of the driveway, measured from the edge of the road surface, to allow safety vehicles to enter, and beyond the entrance, the driveway width shall be at least twelve feet (12') to allow access for emergency vehicles. The angle of the entrance to the public way surface must be between sixty degrees (60°) and one hundred, twenty degrees (120°). Additional clearance for snow storage shall be required.

H) Safety of the Public During Construction - Persons securing a permit are responsible for insuring the safety of the public in the excavated area. Adequate safety and warning devices must be placed at appropriate locations to adequately warn and protect the motoring and pedestrian public. Such devices should include reflectorized signs, barricades and barrels along with lights. Any liability arising from improper safeguards shall be borne by the person to whom the permit was issued. The Town of Hawley is not responsible for providing devices for safety signage.

I) Surfaces - Within the first six feet (6') of the entrance to the traveled road surface of any new driveway, the driveway material shall at least match that of the existing road. On slopes of between ten percent (10%) and twenty percent (20%) within thirty five feet (35') upgrade of the edge of the road, the driveway shall be adequately constructed and stabilized to prevent surface water or loose driveway material from washing out onto the road. This may require paving.

#### SECTION 7: WAIVERS

The standards of this By-law may be waived for driveways required for non-continuous year round uses such as agriculture, forestry and such other uses, however, such access ways will be subject to more general standards based on general safety considerations and the need for the protection of public ways. Any access from a public way which does not serve a building and is not used continuously on a year round basis such as access for agriculture, forestry and other uses, must apply for a permit under this By-law, but may in addition, apply for a waiver of the design standards set forth in Section 6.