



# PLANNING BOARD

## Town of Montague

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### COMMON DRIVEWAY POLICY AND APPLICATION GUIDELINES

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The following is intended as a guide for the Planning Board and applicants considering an application for a “common driveway,” defined as a driveway that will provide access to two or more lots or building sites or a driveway that provides access across the property of another landowner. Specific standards may be increased, modified or waived due to particular circumstances providing that the general intent is satisfied.

When considering approval of common driveway applications or special permits for access over a side or rear lot line, the intent of the Planning Board is to minimize the potential impact of multiple single driveways by allowing equivalent access to certain lots by a single improved driveway. Proposals should therefore reduce congestion entering and leaving the public way, conserve land, reduce impact on natural resources, increase efficiency, enhance safety and reduce impacts to abutters. All proposals need to define standards of construction and establish a process to assure future standards of maintenance.

#### A. Design and Construction Standards

The Planning Board may require that plans be prepared, signed and stamped by a registered professional engineer.

1. The Planning Board may limit the number of lots or units served by a common driveway.
2. Easement width shall be sufficient to accommodate drainage, utilities, snow storage and removal, construction, clear sight lines, required turnouts and maintenance operations; minimum width is forty (40) feet.
3. Driveway width shall be sufficient for emergency vehicles and for normal vehicles passing; minimum widths as follows:

Lots served	Minimum Width	Shoulders
One	12 feet	Two feet cleared & graded each side
Two	14 feet	Two feet cleared & graded each side
Three or Four	16 feet	Two feet cleared & graded each side
More than four lots OR Residence > 500 ft from main road	20 feet	Two feet cleared & graded each side

4. Passing turnouts shall be constructed to provide a total width of at least twenty (20) feet, exclusive of shoulders, along a distance of at least thirty five (35) feet, spaced no more than three hundred (300) feet between turnouts.

5. The overall grade shall not exceed 10%. Short sections may exceed 10% with the approval of the Board of Appeals, but in no event shall any section exceed 15%.
6. There shall be a 30' minimum turning radius unless a greater width is required for emergency vehicles.
7. The base shall be constructed of an adequate material and depth for the projected vehicle traffic including emergency and construction vehicles.
8. The surface shall be durable and maintainable for projected vehicle traffic.
9. At the intersection with the frontage road, the grade shall not be more than 5%, 1% is preferred. A twenty-five (25) foot minimum paved apron is required. Sight lines shall be adequate for inbound and outbound traffic. Ninety-degree angle of approach is preferred.
10. Entrance to common driveways should be a minimum of one hundred (100) feet from any street intersection and one hundred fifty (150) feet from the entrance to any other common driveway.
11. The common driveway should be clearly marked at the intersection with the frontage road by a sign stating the driveway name and house numbers, sufficiently readable from the road to serve the purpose of emergency identification. House numbers should be clearly marked and visible at the intersection of each individual driveway with the common driveway.
12. The common driveway drainage system shall be adequate to keep it passable without creating runoff, nuisance or wetland impacts. Drainage structures shall be designed for a 25-year storm unless the Planning Board requires a higher standard. Post-development runoff shall not exceed predevelopment conditions. Federal, state and local wetlands regulations and stormwater management standards shall be met where applicable.
13. The driveway design shall minimize adverse impacts to abutting properties and the public way, including dust, noise, congestion, runoff and unsafe conditions.
14. The Planning Board may require higher standards as necessary for safety or waive requirements consistent with good engineering practices.

#### **B. Easement and Maintenance Agreement**

A formal recorded easement, including a legal description and a plan showing the easement location, and a maintenance agreement are required to define owner rights and obligations and ensure proper maintenance and safe access. These documents shall:

1. Provide a formal legal description of the easement location in metes and bounds.
2. Define the agreement participants and the rights of access. The Planning Board requires that the agreement participants (developer, owners, invitees, etc.) be identified at the time the agreement is first drawn up and at every change in participation.
3. Include acknowledgement of access for emergency response personnel by foot and vehicle.
4. Define the standards of maintenance to keep the driveway in a good, open and passable condition at all times to assure easy, safe and unobstructed access for all vehicles, especially emergency vehicles; by routinely performing maintenance, which should include but not be limited to evenly grading and re-grading the surface, snow removal and

sanding, clearing of swales and drains and providing for clear sight lines. Nothing in the Agreement shall prevent future improvements.

5. Include a disclaimer of any implied town obligations or liabilities, including but not limited to liability for construction, reconstruction, maintenance, or snow removal.
6. Include a statement that the Common Driveway does not meet the standards for a Town road and that if the driveway is ever petitioned to be accepted and maintained as a public way by the Town, it must first be upgraded to the road standards required in the Montague Subdivision Regulations at the expense of the petitioner(s).
7. Establish the voting power of the members of the group, proper notification procedure, tiebreakers and appointment of administrator, secretary and/or treasurer. Specify whether a different assessment and voting process shall be used for betterment. Identify the person or authority authorized to contract for services, collect and expend funds and perform extraordinary emergency repairs. Determine the proportion of member costs or assessments. Specify whether costs are assessed through a budget, annual fee or as needed. Define how funds are collected and methods and penalties to collect arrears. Include a process for resolution of disputes.
8. State the required approval process for changes. Any change from approved plans or to the Agreement requires specific approval from the Planning Board and shall be so stated in the recorded documents.
9. State that the terms and conditions of the Special Permit are not subject to change or amendment by the owners in the recorded Maintenance Agreement.
10. Be Recorded. The Easement and Driveway and Maintenance Agreement shall be recorded and shall be made part of every deed to every lot served by the common driveway. The recorded document(s) shall include the terms and conditions of the special permit, including the approved design, easement layout, specific lots accessed, minimum maintenance standards for emergency vehicle response and a disclaimer of any implied town obligations or liability relating to approval.

### **C. Administration**

1. The Planning Board may require certification from a registered professional engineer that the Common Driveway has been constructed according to approved plans and/or copies of as-built plans showing the driveway in plan view and cross sections, with details of any drainage structures.
2. No building permit shall be issued for any lot served by a common driveway until a special permit has been granted and proof of recording at the Franklin County Registry of Deeds is submitted to the Planning Board; no Certificate of Occupancy shall be granted for any lot served by a common driveway until the required easements and maintenance agreements have been approved by the Planning Board and proof of recording at the Franklin County Registry of Deeds is submitted to the Planning Board.

#### **D. Conditions**

In addition to any other conditions that the Planning Board shall impose to ensure that the purposes of this section are met and to protect public health, safety and welfare of the residents of the Town of Montague, the following conditions will generally apply:

1. The special permit shall be recorded on the deeds of all lots served by the Common Driveway.
2. The Common Driveway shall provide the only vehicular egress/access to the lots served.
3. Extension of the Common Driveway to serve additional lots created after a special permit is issued requires permission from the Planning Board.
4. Each landowner served by the Common Driveway shall be jointly and severally responsible and liable for the repair and maintenance of all portions of the Common Driveway.
5. The Common Driveway shall not be accepted as a public way unless and until it is constructed to standards approved by the Planning Board under MGL Chapter 41 Sections 81K – 81 GG and the Montague Subdivision Regulations as amended; nor shall the Town of Montague under any circumstances be held liable for construction, reconstruction, maintenance, or snow removal on any common driveway.
6. Under no circumstances shall the Town of Montague be held liable in the event that emergency vehicles cannot get to their destination because of improper construction or maintenance of the Common Driveway. It shall be the owners' responsibility to be sure that the driveway is passable for emergency vehicles at all times.