

REGULATIONS FOR ACCESS TO PUBLIC WAYS

- I Definitions – For the purpose of this regulation only
Abutting Property Owner – A person or entity owning property bordering on a way.
Common Driveway - A driveway used for access to more than one lot or dwelling.
Driveway-A driveway, private road, logging road, temporary access for construction, logging or testing, and other privately owned access to and egress from a way; see also III below
Public Way - A way laid out by a public agency, or dedicated to public use, or laid out for public use or used and maintained as a public way.
Way – Any public way which is not subject to MGL Ch. 81, Section 21 (State curb cut permit)
- II Purposes
A. To provide maximum protection to the public through the orderly control of traffic moving onto and from a Way.
B. To provide a uniform practice in the design and construction of entrances and exits.
C. To provide the necessary drainage for the protection of the Way.
- III Pedestrian and other non-vehicular access
This regulation shall also govern the creation of privately owned non-vehicular access to and egress from a way, including but not limited to walks, foot paths, bridle paths, bicycle paths, cow paths, steps and stairs. For the purpose of this regulation, any non-vehicular access shall be considered a driveway.
- IV Permits
Any abutting property owner desiring to gain access to a way or desiring to alter, change or close an existing driveway shall do so only in accordance with the provisions of a permit issued by the Director of Operations or by the Highway Superintendent.
A. Application for a permit
1.) Before beginning construction, the abutting property owner or his duly authorized agent, shall make written application to the Director of Operations or Highway Superintendent, including a plan showing the following:
a.) Details of any driveway or path that is to be created, altered or closed.
b.) All details of drainage, existing and proposed.
c.) Detailed description of encroachment in the Right of way, showing slope, elevations, and alignment, and impact on

- the public road or public way and its shoulders, banks, ditches and other features
- d.) Any requests showing a deviation from Town standards listed under the design requirements section of this bylaw (# V).
 - e.) Any effect on traffic.
 - f.) A fee of Ten Dollars (\$10.00) shall be paid to the Town of Monterey when the application is submitted.
 - g.) Permit shall be denied or granted within 10 days of receipt.

V Design Requirements

- A. The Director of Operations shall consider the requirements of The State MUTCD, but shall modify these to comply with
 - 1) Local conditions
 - 2) Compatibility with local road design
 - 3) Size of the proposed project
- B. Driveways shall be located to the best advantage with regard alignment with the way, profile and sight distance. Unless conditions require it, a driveway should not be located within the sideline setbacks.
- C. No more than 2 (two) driveways shall normally be allowed for any property unless there is a clear necessity for more. Leasing a portion of the property does not affect this requirement. If a number of establishments will be constructed on one parcel, a service road may be required to connect with allowable entrance and exit.
- D. Driveways shall not be allowed within 100' of an intersection Unless no alternative is acceptable.
- E. Culverts taking the place of roadside ditches shall have a minimum size of 15". The Director of Operations may require a larger diameter.
- F. The elevation of driveways at the point of entry into the public right-of way should be no more than the elevation of the shoulder of the road.
- G. Driveways shall be constructed so that water from the driveway shall not drain on the traveled way. In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.
- H. Driveways shall not be less than eight (8) feet, or more than sixteen (16) feet wide within the public right-of-way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
- I. Whenever possible, driveways shall be pitched downward from traveled way. However, where topography prevents the driveway from being pitched downward in its entirety, the

driveway must be constructed on a downgrade from the traveled way to the sideline of the town right of way with a pitch of at least one-quarter inch per foot. From the sideline the driveway may be pitched toward the traveled way; however, in no instance shall a driveway have a pitch toward the traveled way of greater than one inch(1 ") per foot unless adequate provisions have been made and approved by the Director of Operations, for the diversion of driveway surface runoff away from the traveled way. The Director of Operations may require methods of diversion for driveways having a pitch of less than one inch per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way.

- J. In no instance shall a driveway intersect the way at less than a sixty(60) degree angle.
- K. Driveways that come up to road level from below the traveled way shall attempt to have a "pad" at least one car length that is pitched down from the traveled way by one-quarter (1/4") per foot for visibility and safety.
- L. Common driveways shall serve no more three dwelling units Without permission from the Selectboard. The Director of Operations if deemed necessary shall impose more stringent standards for common driveways. Common driveways shall have maintenance agreements with all parties to guarantee responsibility in the future.
- M. A paved apron will be required for all driveways accessing a paved traveled way.

VI Inspection of Work

- A. The Director of Operations shall be notified 24 hours in advance of construction.
- B. At the completion of construction, the Director of Operations Will inspect the work to make sure of compliance with the permit and the Regulations. He shall sign the permit acknowledging completion of the construction and adherence to the permit.
- C. The Director of Operations shall halt any work not done in accordance with the permit.

VII Exceptions

- A. No permit shall be required for a driveway in existence, except for significant alterations, or when a building permit is taken out for more than \$20,000. The existing driveway will be required to come up to current standards. A significant alteration is any change that will affect the drainage of the driveway into the public way, such as paving a gravel drive.
- B. No permit is required for driveways reviewed by municipal

boards under existing regulations or bylaws.

VIII Continuing Responsibility of Owners

Driveways over the public right of way are still the responsibility of the abutting property owner. Abutting property owner shall be responsible for keeping any culverts free and clear under their driveway and for maintaining driveways in conditions conforming to the requirements of the permit and to the spirit and intent of this regulation. Driveways in existence on the effective date of this regulation shall be maintained by the abutting property owner in their best pre-existing condition.

IX Waivers and Appeals

- A. The Director of Operations may waive strict compliance with this regulation when in his judgment such action will be in the public interest and not in opposition with the intent of this regulation.
- B. Any abutting property owner may appeal any decision of the Director of Operations regarding this regulation to the Selectboard in writing, within 60 days of decision.

X Expiration of Permit

- A. Permit shall expire 6 months after being issued if work is not started. All work must be done within one year or a new permit may be required. The Director of Operations may issue a written extension at his discretion.

XI NON-COMPLIANCE

After being notified of non-compliance, an abutting property Owner may be fined up to \$100 per day for any violations of These regulations