



TOWN OF CONWAY

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Application for Curb Cut Permit

PURPOSE: To provide Better Protection of Public safety through the orderly control of traffic entering and exiting a public way and to provide the necessary Grade and drainage to protect the Public way from damage.

Applicant _____

Applicant Address _____

Applicant Telephone # _____

Name of Contractor _____

Contractor Address _____

Contractor Telephone _____

Name of Road on Which Curb Cutting is to be made; _

Assessors Parcel # _____

Description of
Work _____

Anticipated Start Date: _____

Anticipated Completion Date _____

PLAN: Attach a drawing/plan of the proposed curb cut or driveway and any necessary construction details. The curb cut and / or driveway must be designed in accordance with the provisions of the curb cut bylaw, attached to this application. Sub-sections 32.3 Water Discharge, 41.4 Driveways, 41.5 (1-4). Applicant shall incorporate the curb cut bylaw as part of the site plan requirement.

Review of Application

Application must be submitted to: Conway Highway Dept
32 Main Street, PO Box 240,
Conway, MA 01341

Please Submit one original and 1 Copy of this application

To be completed by the applicant: Must be signed at the time of application

I have read the attached Curb Cut bylaw regulations and agree to abide by such regulations when implementing and maintaining the above referenced project.

I understand that the driveway shall be designed and must have received approval from the highway Dept. before a building permit is issued, and that the driveway construction shall be completed before any occupancy or use of the premises is permitted.

Signature of applicant: _____

Date: _____

The Highway superintendent must notify the applicant making the application within 21 days, in writing indicating whether the application is approved or not.

The Road Superintendent may consult with the police chief and the fire chief and other interested town officials to obtain their comments on the curb cut.

Reviewed by _____ Road superintendent.

Decision on Application

_____ Permit is granted as it conforms to town standards.

_____ Permit is granted with the following modifications, standards,
restrictions: _____

_____ Permit is denied for the following
reasons: _____

Permission is granted for the above request. Conditions attached to this permit must be followed. It will be the responsibility of the applicant to notify all utility companies involved. (Dig safe No. in Massachusetts is 1-800-344-7233) Massachusetts law requires you call 72 hours before you dig.

Said permit for the above shall be under direct inspection of the road superintendent and he will inspect the project during and after construction. He shall have the authority to halt construction and /or prohibit access to said driveway if construction is not in accordance with the approval plan, until objectionable conditions are corrected.

The Highway Superintendent shall "sign off" on the permit after satisfactory completion of the construction.

Signature of the Highway superintendent _____

Date permit granted: _____

Date Permit denied _____

by fire or other accidental or natural cause or demolished, but if discontinued or abandoned for more than 24 months, subsequent use shall comply with this Bylaw. (Amended 16 November 1981)

31.2: Alteration

Legally nonconforming structures may be altered if without extension or change of use. Nonconforming structures or nonconforming uses of structures or land may be extended or changed to another nonconforming use only if granted a Special Permit by the Planning Board.

31.3: Nonconforming Lots

Any recorded or registered lot not meeting the frontage or area requirements of this Bylaw, if having an area of 5,000 square feet or more and at least 50 feet of frontage on a public way, if owned separately from an adjoining land at the time of recording, and if it conformed at that time to the then existing requirements, may be built upon for any otherwise permitted use even though not meeting frontage and area requirements.

SECTION 32: Environmental Controls

32.1 Screening

Any reasonably large accumulation of junk, trash, or debris shall be confined out of sight by plantings or other screenings.

32.2 Hazard

No use shall be allowed which would create unreasonable hazard due to explosion, fire, or other causes. Potentially hazardous conditions shall be fenced, covered or otherwise rendered safe.

32.3: Water Discharge

No building or driveway shall be constructed so as to allow water, snow, ice, or waste material to be deposited upon or discharged upon a public way or upon a neighboring property other than along natural water channels at a speed and volume similar to that which occurred prior to construction. (Amended 11 April 2005)

32.4: Stripping Land of Soil and Loam

No person, firm, or corporation shall strip, sever, remove, or convey away any soil, loam, clay, sand or gravel from any land in the Town of Conway not in public use, unless and until such stripping, severance, removal, or conveyance away is first authorized by a Special Permit issued by the Planning Board, except for the continued operation of an existing sand or gravel pit. **No special permit is required in conjunction with the construction of a building and/or septic system provided the contours of the land are not altered by a depth or height in excess of six (6) feet and that no change is made to the natural flow of storm water.** No such permit shall be issued until an application therefore has been filed with the Board. Said Board shall then hold a public meeting on the application and notice of the filing in relation thereto. (Amended 11 April 2005)

32.5: Unregistered Motor Vehicles

32.5-1: The keeping of more than one unregistered motor vehicle, assembled or disassembled, excepted by a person licensed under General Laws, Chapter 190, Section 50, on any premises shall not be permitted, unless said motor vehicles are stored within the enclosed building.

32.5-2: A special permit to keep more than one unregistered motor vehicle on any premises not within an enclosed building, after a duly called public hearing to which all abutters to the premises have received notice, may be granted by the Board of Selectmen if it finds that such keeping:

Any facility such as a car-wash or drive-in facility which from time to time has lines of vehicles waiting admission shall have sufficient on-site space for such lines without requiring cars to stand on any public way or cross any public sidewalk.

ARTICLE 4: DIMENSIONAL REQUIREMENTS

SECTION 41: Lot Area and Clearances

41.1: Lot Area

No building shall be erected or mobile home placed on a lot unless the lot:

- (a) complies with state and local sanitary codes;
- (b) has a minimum of 200 feet of frontage on a public way **that currently provides suitable access for fire, police, and emergency vehicles.** *(Amended 12 April 2004)*
- (c) and has a minimum area of one acre or complies with the requirements for back lots in 41.1 (c) or as may be exempted under Section 6 of MGL Chapter 40A. *(Amended 11 March 1993).*
- (d) Back Lots – an individual lot need not have the required amount of street frontage provided that all of the following requirements are met:
 - (1) The area of the lot is a minimum of four acres;
 - (2) The lot includes a strip of land, easement, or right of way at least 20 feet in width by which it is connected with a public way. . **Legal proof of such connection SHALL be required from the landowner as part of a request for a building permit;** *(Amended 11 April 2005)*
 - (3) The width of the lot where the principal building is to be built is a minimum of 200 feet.

No more than one **residential building** *(Amended 12 April 2004)* is allowed per building lot. *(Amended 11 March 1993)* This provision shall not restrict the number of outbuildings related to a dwelling which can be placed on a lot.

Driveway access to the residential building of a lot as defined under sections (b) and (c) may or may not enter through the determined frontage of said lot. Safe access shall be the first priority. *(Amended 12 April 2004)*

41.2: Clearances

No building may be located within 25 feet of any boundary or within 50 feet of a public way. However, no front yard need exceed the front yard maintained on any adjoining lot on the same street.

41.3: Agricultural Buildings

Any number of agricultural buildings may be placed or erected on a lot.

41.4 Driveways *(Added 12 April 2004)*

All driveways shall be designed according to requirements listed below. Driveways serving three or more lots have additional requirements (see Common Driveways, Section 41.5).

- (a) at its intersection with the traveled surface of a public way, at least the first 20 feet in length constructed with a minimum curb cut of 20 feet, a maximum slope of 8 percent, and driveway should have crown or slope to direct water away from the public way, and a culvert where applicable.
- (b) A line-of-sight of sufficient distance to permit safe entering onto the travel portion of public way, calculated per AASHTO (American Association of State Highway and Transportation Officials) and MUTCO (Manual on Uniform Traffic Control Devices) as supplied by the Highway Superintendent, and available at the Town Office.

- (c) **The approval and signature of the Highway Superintendent on the building permit application, indicating that the driveway meets the above standards before a building permit can be issued.**

41.5: Common Driveways (Section 41.5 COMMON DRIVEWAY BYLAW added 11 March 1993)

The purposes of this Bylaw are to provide for the safety, welfare, and convenience of town residents and to encourage appropriate land use.

41.5-1: Definitions and Exceptions

A common driveway is a driveway which begins at a public way and provides access to more than one building lot. Common driveways providing access to two building lots are permitted by right and are not subject to this Bylaw. Common driveways, which are to be constructed, extended or utilized to provide access to three or more building lots are required to conform to the Common Driveway Bylaw.

The Common Driveway Bylaw shall not apply when both the common driveways and the building lots to which they provide access existed prior to March 11, 1993. The common driveway bylaw shall not apply to common driveways shown on a plan recorded at the Franklin County Registry of Deeds prior to March 11, 1993. The specific right to use a discontinued road as a common driveway is not intended or implied by any portion of this bylaw.

41.5-2: Design and Performance Requirements

A common driveway shall have:

- (a) A minimum right-of-way width of 30 feet and a maximum gradient of 12%. For short sections, at steeper gradients, variances may be granted the Zoning Board of Appeals. This paragraph shall not apply to rights-of-way existing prior to March 11, 1993;
- (b) A stable sub-base of at least 18 inches of gravel, a minimum wear surface of crushed stone or trap rock applied to a minimum depth of 4 inches, a minimum width of 12 feet, a minimum centerline radius of 75 feet and a minimum of 3 feet of total shoulder;
- (c) If the driveway is a dead-end, a "hammerhead" or other turnaround adequate for a 30 foot vehicle;
- (d) A curb cut of at least 20 feet in width, with a minimum radius of four feet, and an approach area of at least 20 feet in length from the edge of traveled surface of the public way with a slope of not more than 4% grade. This paragraph shall not apply to rights-of-way existing prior to March 11, 1993;
- (e) A "pullout" every 500 feet for a 30 foot vehicle;
- (f) Such storm drains, swales, culverts and drainage retention areas as are necessary to permit the unimpeded flow of all natural water courses, to insure drainage of the driveway, to prevent washout and erosion and to intercept all storm water drainage created by the construction of the common driveway adequate to meet a 25 year frequency storm. All Wetlands Protection Act requirements must be met;
- (g) A line-of-sight of sufficient distance to permit safe entering onto the travel portion of public way, calculated per AASHTO (American Association of State Highway and Transportation Officials) and MUTCO (Manual on Uniform Traffic Control Devices) as supplied by the Highway Superintendent, and available at the Town Office. *(Amended 12 April 2004)*
- (h) A proposed name for the common driveway(s), subject to Planning Board approval.

41.5-3: Maintenance

Maintenance of such a driveway shall be assured through a covenant, landowner's association or similar legal agreement, approved by the Planning Board and binding upon those served by the driveway, which shall require the landowners to maintain the driveway to the standards of this Bylaw at their mutual, exclusive expense. Such covenant or association agreement shall further

state, as a condition of Planning Board approval, that the driveway in question is not a private road or public road and that it is intended to remain in perpetuity as a common private driveway. A statement to this effect shall be shown on all design plans submitted to the Planning Board and included in the language used to convey lots served by the common driveway.

41.5-4: Compliance

No building permit shall be issued for any lot(s) to be served by a common driveway providing access to three or more building lots until an as-built plan, prepared by a Registered Massachusetts Civil Engineer, Landscape Architect, Architect, and/or Land Surveyor, and demonstrating compliance with 41.4 for the lot(s) for which building permits are sought, has been submitted to and approved by the Planning Board or its agent. All as-built plans shall show a statement certifying that the common driveway meets the requirements of the common driveway bylaw. A turnaround meeting the requirements of 41.5-2(c) shall be provided at a temporary terminus of any common driveway providing access to three or more building lots.

ARTICLE 5: DEFINITIONS

In this Bylaw, the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed:

BUILDING – A combination of any materials, whether portable or fixed, having a roof and/or exterior walls built to form a structure for the shelter, support, or enclosure of person, animals, chattels, or property of any kind.

BUILDING LOT – Any lot which complies with the frontage and dimensional requirements of 41.1[b] or the area and access requirements of either 41.1[c] or 41.4. (*Added 11 March 1993*)

COMON DRIVEWAY – A driveway which begins at a public way and provides access to more than one building lot. (*Added 11 March 1993*)

DRIVEWAY – That area of land which provides access to a building lot from a public way. (*Added 11 March 1993*)

DWELLING, MULTI-FAMILY – A permanent or temporary building containing more than two dwelling units.

DWELLING, ONE OR TWO FAMILY – A permanent or temporary building containing either one or two dwelling units. (*Amended 11 March 1993*)

DWELLING UNIT – One or more living or sleeping rooms constituting a separate housekeeping establishment and containing independent cooking and sleeping facilities arranged for the use of one or more individuals or a family living together as one housekeeping unit.

LOT – A parcel of land laid out by metes, bounds or boundary lines in the last recorded deed or plan in the Franklin County Registry of Deeds.

PUBLIC WAY – A state highway, a county road or a road which has been accepted by the Town of Conway as a town road.

ARTICLE 6: ADMINISTRATION