

Town of West Stockbridge
Zoning Bylaws: Driveways
Adopted April 2010

6.8 Driveways

6.8.1 Driveways for not more than two principal uses:

6.8.1.1 No driveway or other access to a way shall serve more than two (2) dwellings or other principal or permitted structures, except as provided by Special Permit pursuant to the provisions of this bylaw.

6.8.1.2 The Building Inspector shall request a review of the driveway by the Highway Superintendent prior to the issuance of a building permit, to ensure that the driveway will provide safe access to the property for all vehicles including emergency vehicles and vehicles carrying hazardous materials, such as home heating oil. The Highway Superintendent may, if he/she so chooses consult Town emergency personnel or other such professionals to determine emergency vehicle access adequacy. Following a site visit, the Highway Superintendent shall, if he/she deems such driveway layout proper, issue a *Driveway Cut Permit*. All driveways shall be sufficiently constructed for permanent access and travel before issuance of any *Certificate of Occupancy*. Said certificate of occupancy must be signed by the Highway Superintendent upon driveway acceptance (under this section).

6.8.1.3 No Driveway shall be approved which does not conform to the following standards:

- a. Entrances onto State Highways must conform to Massachusetts Highway Department standards and regulations
- b. No driveway shall be approved at intersections
- c. No driveway shall be located within one hundred (100) feet of an intersection of public ways
- d. Driveways shall be located to the best advantage with regard to alignments with the public way, profile, sight conditions and the like. In no instance shall the driveway intersect the public way at less than sixty (60) degree angle.
- e. Culverts taking the place of roadside ditches shall have a diameter of not less than fifteen (15) inches. A larger diameter may be required at the discretion of the Highway Superintendent. All culverts under the driveway shall become the property owner's responsibility for cleaning, maintenance and replacement as determined by the Highway Superintendent.
- f. The elevation of driveways at the point of entry into the public right of way shall not be more than the elevation of the shoulder of the roadway.
- g. Driveways shall be constructed so that the water runoff from the driveway shall not drain onto the crown of the road or open waterways or ponds.
- h. In no instance shall the section of driveway entering the public way conflict with the flow of surface water runoff.
- i. Individual driveways shall not be less than twelve (12) feet nor more than twenty (20) feet in width within the Town right of way.

- j. Driveways entering a paved way shall have a paved apron installed extending to the width of the Town right of way or twenty (20) feet in from the edge of the paved way, whichever is greater. Maintenance of said paved apron shall become the property owner's responsibility.
- k. The slope of the driveway, at any point, shall not be greater than ten (10) percent.

6.8.2 Common Driveways Servings Three or Four Lots

6.8.2.1 In all districts, common driveways to serve a maximum of four (4) lots may be created only by Special Permit by the Planning Board. A lot served is any lot crossed by the common driveway whether or not any building or any dwelling on the lot is actually accessed and/or served by this common driveway, or on any lot on which any building or any dwelling is accessed and/or served by this common driveway. All such lots must be included in the list and number of lots served.

6.8.2.2 Each such common driveway must meet the following criteria:

- a. Common driveways may not be used to satisfy or take the place of other Town Zoning Bylaw requirements. Each lot shall have frontage on ways that serve to satisfy frontage requirements.
- b. Each lot served by the common driveway must have permanent access to the Common Driveway pursuant to an Easement Agreement acceptable to the Planning Board and the Deed to each lot served on a Common Driveway must reference this easement agreement. The Easement Agreement is to be recorded, along with the Special Permit with the Southern Berkshire Registry of Deeds or with the Land Court where appropriate.
- c. Any deeds or ownership of lots served by a common driveway shall require that the owners of said lots must be members of a maintenance association, whose purpose is to provide for maintenance of the common driveway, which shall include, but not limited to, snow plowing, road maintenance, maintaining drainage structures and maintaining design specifications. This maintenance association must be created by a Maintenance Association Agreement acceptable to the Planning Board and the Deed to each lot served on a Common Driveway must reference this Maintenance Association Agreement. This Maintenance Association Agreement is to be recorded along with the Special Permit with the Southern Berkshire Registry of Deeds or Land Court where appropriate.
- d. The common driveway is defined as extending from approved or acceptable right of way to which it is attached, to the point it serves only one lot, the so called terminus. A common driveway may have more than one terminus. A common driveway shall be connected to an approved or accepted right of way at one and only one point. The entire common driveway must lie within the lots served and in the Town of West Stockbridge.
- e. The common driveway must meet the design criteria of this bylaw and any additional design criteria established by the Planning Board in regulations duly voted by said Board according to law. The design criteria of this bylaw are:
 - 1. Twelve (12) feet minimum width of wear surface.
 - 2. A minimum of eight (8) inches of gravel.
 - 3. Passing turnouts must be constructed which provide a total width of a least eighteen (18) feet along a distance of at least twenty five (25) feet spaced no more than three hundred (300) feet between turnouts or a lesser interval where in the Planning Board's opinion a lesser distance is warranted for safety considerations.
 - 4. The length must be such that the distance along the common driveway centerline to each building or dwelling served by the common driveway will not exceed 1800 feet from the street sideline.

5. Signs to direct emergency access and signs with lot number designation must be installed both at the street line and at each driveway intersection with the common driveway.
6. Street addresses for all lots served by a common driveway shall be the address of the lot as designated from accepted town way from which the common driveway intersects.
7. The centerline of the common driveway cannot be located closer than thirty five (35) feet to the centerline of any approved or constructed single dwelling driveway or shared driveway.
8. A staging area of at least forty (40) feet in length and a minimum of twenty (20) feet in width at the street line, tapering to a minimum of twelve (12) feet in width at forty (40) feet from the street line.
9. The requirements of Section 6.8.1.3 shall also be met.

6.8.2.3 When deciding whether or not to grant Special Permit to create a Common Driveway, the Planning Board should consider:

- a. The safety of the common driveway as designated for normal use.
- b. The safety of the intersection with the Town way.
- c. The adequacy of the legal requirements for maintenance and access.
- d. The adequacy of the common driveway to provide access to vehicles to carry materials that are potentially hazardous if spilled, such as home heating oil.
- e. The environmental impact on wetlands and water resource areas.
- f. The adequacy of the common driveway to provide access to emergency vehicles, fire trucks, ambulances and police vehicles. The Planning Board may if so chooses, consult Town emergency personnel or such professionals to determine emergency vehicle access adequacy.
- g. The adequacy of the common driveway to provide for needs of prospective occupants of the lots.

6.8.2.4 Strict compliance with the requirements of these rules, and of any regulations which may be issued, may be waived in any specific respect if the Board finds that:

- a. Such waiver is consistent with the public interest; and
- b. Such waiver is consistent with the safety needs of the immediate and likely future users of the property; including the need for speedy and practical access for fire and police. In making this finding, the Board shall consider the views of the Town of West Stockbridge Highway Superintendent, Chief of Police and Chief of the Fire Department, and may consider the particular resources which are legally committed to be available at the proposed site, such as a local cistern or other water supply or sprinkler systems.

No requirements shall be considered to have been waived unless as express written *Request for Waiver* shall have been filed with the Board at the time of the application for the special permit and said *Request for Waiver* shall have been expressly approved by the Board. The Board shall make express and specific written findings relative to its action on any waiver request.

6.8.3 Miscellaneous

6.8.3.1 Granting of a Special Permit under this bylaw does not constitute a waiver of any other applicable bylaw or statute.

6.8.3.2 The Planning Board may issue regulations to go with this bylaw, including charging a filing fee adequate to cover both legal review and construction inspection.

6.8.3.3 The driveway shall be sufficiently constructed for access before the issuance of any building permit. The Building Inspector shall request a review of the driveway by the Highway superintendent prior to the issuance of the permit to ensure that the driveway will provide safe access to the property for all emergency vehicles.

6.8.3.4 No certificate of occupancy shall be issued for a residence served by a common driveway until the Planning Board certifies in writing that the common driveway has been completed in accordance with the standards of this section.