

Article 6 – Concerning Streets and Ways
Voted September 13, 2005

1.0 DRIVEWAYS

1.1 Purpose

The Purpose of this ordinance is to:

- 1) Enhance public safety by reducing the number and frequency of points at which vehicles may enter upon the public roads.
- 2) Protect the safety and welfare of residents of individual and common driveways by ensuring adequate access for emergency vehicles.
- 3) Protect environmentally sensitive land, such as well recharge areas, wetlands, and flood plains, by reducing the area of and that is cleared, excavated, filled, and/or covered with impervious surface: and
- 4) Clarify the rights and responsibilities of builders and residents of individual and common driveways, and of the Town Of Russell.
- 5) Prevent entry on public ways at points of poor visibility.

1.2 Driveway Permit Process

- 1.2.1 No person without first receiving a written license for the Board Of Selectmen (or ZBA or authorized designee) shall enter upon any street for the purpose of forming a driveway, If said licensee is granted, all costs (material and labor) including culverts, bridges, etc. From the property line to the center of the street, shall be borne by the property owner. Said work shall conform in all respects to standards set by the Board Of Selectmen and/or Planning Board.
- 1.2.2 Before said license for a driveway is applied for, an acceptable plan shall be drawn showing existing elevation, utilities, storm drains, sluice ways, etc. and submitted at the time of application. Said plan shall become the property of the Town Of Russell for record purposes. No consideration shall be given any application without the above property plan.
- 1.2.3 An individual or common driveway shall not become a public way and shall not be used to satisfy road frontage requirements.
- 1.2.4 The Town Of Russell shall not be required to provide construction, reconstruction, maintenance, snowplowing, school bus pick-up, or police patrols along an individual or common driveway, unless contracted duly entered into by the Town and all landowners served by the driveway.
- 1.2.5 The driveway shall result in the least amount of impact on the surrounding neighborhood, roads, and environment.
- 1.2.6 The design, plan, and maintenance of the driveway shall assure a standard of construction and maintenance adequate for the anticipated uses.
- 1.2.7 Under no circumstances shall the Town Of Russell be held liable in the event that emergency vehicles cannot get to their destination because of improper construction or maintenance of the driveway. It shall be the owner or owners' responsibility to ensure that the driveway is passable for emergency vehicles at all times.

1.3 Design And Construction Standards

The Zoning Board shall require that plans be prepared, signed, and stamped by a registered professional engineer. The Board of Selectmen or their agents may modify standards as required or approved.

- 1.3.1 The driveway shall lie entirely within the lots being served.
- 1.3.2 The entrance to the driveway shall be a minimum of one hundred feet from any street intersection.
- 1.3.3 The driveway width shall be sufficient for emergency vehicles and for normal vehicle passing. Minimum width shall be 12 feet for driveways 75 ft. or less in length and 16 ft. for driveways greater than 75 ft. in length. Pullouts shall be provided at least every 150 ft. Placement and number of pullouts required on individual or common driveways may be changed at the discretion of the Fire Chief upon review of the length of the driveway, topography, slope, soil conditions and sight line of the driveway. Changes in grade shall be approved by the Fire Chief.
- 1.3.4 All driveways greater than 75 ft. in length shall have a radius at the intersection of the driveway and public road approved by the Fire Chief and sufficient to allow longer wheel base fire trucks to safely enter or leave the driveway.
- 1.3.5 The intersection of the driveway with the road shall have an agreed sight distance of greater than 200 ft. in each direction and shall not create traffic safety hazard to its users of the public.
- 1.3.6 Driveways shall intersect as nearly possible at right angles to the public way.
- 1.3.7 The base shall be constructed of an adequate material and depth for the projected vehicle traffic including emergency and construction vehicles.
- 1.3.8 Existing material, loam or other yielding natural material shall be removed. Existing material or backfill of stable material shall be used to bring sub grade to the grade of the surrounding area and shall be compacted.
- 1.3.9 Bank Run Gravel shall be placed on the sub grade at not less than eight (8) inches in depth and compacted. Sub grade and finished traveled surface shall not be less than 12 feet wide for driveways 75 ft. or less in length and 16 ft. wide for driveways greater than 75 ft. in length.
- 1.3.10 A turnaround sufficient for emergency vehicles shall be required for driveways greater than 200 ft.
- 1.3.11 All trees and rocks standing more than six (6) inches above grade shall be removed to a distance of four (4) ft. from the traveled driveway surface. The tree canopy shall be maintained at a height that is sufficient to allow safe access of all emergency vehicles.
- 1.3.12 Ends of the driveway meeting paved way must be paved for at least a distance of six (6) feet, by the owner.
- 1.3.13 Adequate drainage shall be provided. The drainage design shall prevent

washout and excessive erosion, and shall prevent drainage runoff from entering the roadway.

- 1.3.14 The driveway shall be clearly marked at the intersection with the road by a permanent sign indicating the street number address, sufficiently readable from the road to serve the purpose of emergency identification.
- 1.3.15 The driveway shall prevent adverse impacts to the abutting properties and the public way, including dust, noise, congestion, runoff, and unsafe conditions.
- 1.3.16 The Board of Appeals may require stricter standards as necessary for driveways serving lots devoted to commercial or industrial uses, or for lots with exceptional topographic or environmental site conditions. The Board of Appeals may also waive these conditions if such actions is the public interest and not consistent with the purpose and intent of the Zoning Bylaw.

1.4 Common Driveways

Common driveways shall be allowed by Special Permit issued by the Board of Appeals. The driveway shall meet all the standards set forth in this bylaw.

- 1.4.1 A common driveway shall provide a joint access to no more than two (2) lots.
- 1.4.2 A common driveway shall not become a public way and shall not be used to satisfy road frontage requirements.
- 1.4.3 The common driveway shall result in fewer impacts on the surrounding neighborhood, roads, and environment. The Board of Appeals may deny a special permit application for a common driveway if it determines that the Town's interest is better served by individual driveways or subdivision approval.
- 1.4.4 Both lots served by the common driveway shall meet the frontage requirements as established in Section 3.2 Dimensional and Density Regulations of the Town of Russell Zoning Bylaw.
- 1.4.5 Each landowner served by the common driveway shall be jointly and severally responsible and liable for the repair, maintenance and snow removal of all portions of the common driveway.

1.5 Easement and Maintenance Agreement

A draft document providing for restrictive covenants and easements binding present and future owners of all the lots served by the common driveway shall be submitted for Board of Appeals approval. Upon the approval, the documents shall be recorded at the Registry of Deeds within thirty (30) days, and shall be attached to the deed of every lot served by the common driveway. Such documents must be included, but not limited to the following:

- 1.5.1 A definition of the easement location and identification of the parties entering into the agreement.
- 1.5.2 Specific standards for the maintenance of the driveway, drainage systems, and signage.
- 1.5.3 Provisions for allocating responsibility for maintenance, repair, and/or reconstruction of the driveway, drainage system, and signage.
- 1.5.4 A procedure for the resolution of disagreements.
- 1.5.5 A disclaimer of any implied town obligation or liabilities, including but not limited to liability for construction, maintenance, or snow removal.

1.6 Administration

- 1.6.1 The Zoning Board may require certification from a professional engineer or a licensed design professional that the common driveway has been constructed according to approved plans.

Section 5. Snow Plowing Damage: Any private installations within the Town Road's right-of-way, such as but not limited to, fences, monuments, signs, walls, mailboxes, sod, sprinkler systems, shrubs, etc. are placed there at the risk of the owner. The Town is not responsible for replacing or repairing any of these items damaged by the force of snow coming off the plow. However, if the damage is caused by the actual contact (evidenced by paint marks, etc. on the damaged item) from the Town Highway Department's equipment with said items damage shall be reported to the Highway Superintendent for his assessment of damages, if any. Any replacements or repairs are the responsibility of the property owner.