

C. COMMON DRIVEWAYS

ARTICLE VIII. COMMON DRIVEWAY REGULATIONS

Appendix A Fee Schedule and Application Form

ARTICLE VIII. REGULATIONS FOR COMMON DRIVEWAYS

8.1 AUTHORITY AND PROCEDURE

Authority for Common Driveway Special Permits is found at Section IV-A(13) of the Holliston Zoning By-Laws and these Rules and Regulations have been adopted as provided for in the that section. Application procedures shall follow provisions of MGL, c. 40A, s.9 and 11. The Special Permit findings and decision criteria shall be as set forth under Section VI-E(5) Special Permit Granting Authority of the Zoning By-Laws and the Standards enumerated below.

The applicant shall be responsible for the cost of the review of the application by engineering and other professional consultants retained by the Planning Board. An initial deposit is required at the time of application, as detailed in the attached fee schedule. Additional deposits may be required, when project review fees approach or exceed the amounts on deposit. Any unused monies will be returned to the applicant, with all accrued interest, following the conclusion of Site Plan Review.

The maintenance, repair, snow removal and liability for the common driveway shall remain perpetually the responsibility of the private parties or their successors-in-interest. An executed Access and Utility Easement or restrictive covenant and plan depicting the easement limits shall be recorded and presented to the Building Inspector before Occupancy Permits can be issued.

8.2 APPLICATION AND PLAN REQUIREMENTS

The common driveway plan shall be prepared by a registered professional engineer or registered surveyor and shall be at a scale of one inch equals forty feet. The size of the sheet shall not exceed twenty-four by thirty-six inches.

The Applicant shall submit an Application, eight full size and six 11” x 17” reduced copies of the plan set, and all applicable fees and deposits, to the Planning Board in accordance with these rules, and shall file a copy of the application with the Town Clerk. A digitized version of the application and plans in an acceptable electronic media (e.g. PDF) shall also be provided. Please consult with Town Planner prior to submission. The submittal shall include the names and addresses of all owners of record of all adjacent properties (within 300 feet of the property line) as certified by the Board of Assessors. The submittal shall also include two sets of mailing labels containing the names and addresses of the property owners described above.

The Planning Board will distribute copies of the application materials to the reviewing Town agencies, as specified in Paragraph 4, Section VII of the Zoning By-Law, within seven (7) days of receipt of the completed application. Reviewing Town agencies shall review the materials and submit recommendations to Planning Board within 35 days of their receipt of the plan.

The plan shall contain the following information:

1. Common driveway, including the interface with the way on which it is situated, locus map, lot and easement boundaries, North point, benchmark and datum. Identification of all existing and proposed easements and draft easement, covenant, or other appropriate legal device.
2. Existing and proposed topography at a two-foot contour intervals, including wetlands, rock outcrops and other significant natural features.
3. Lengths, radii and bearings to determine the location, direction and length of every existing and proposed lot line and driveway.
4. Profiles of the exterior lines and centerlines of proposed common driveway on the same sheet as a plan at a horizontal scale of one inch equals forty and vertical scale of one inch equals four feet (1"= 4').
5. Proposed home sites showing building footprints and septic locations as well as individual driveways.
6. Location of proposed storm drainage, water supply and electrical distribution system. Stormwater design shall follow Section 5.3 and Appendix B of the Subdivision Rules and Regulations.
7. The proposed schedule of construction, utilities and drainage.

8.3 STANDARDS AND WAIVERS

Common Driveways serving no more than three (3) lots shall be constructed in accordance with the Holliston Planning Board Rules and Regulations requirements for Rural Residential Lane, with the following exceptions:

1. Sidewalks are not required.
2. The paved travel way shall be no less than eighteen (18) feet wide and curbs are not required unless needed to meet requirements of item #9 below.
3. Grade shall not exceed 15% unless the Planning Board grants a special permit after a determination that said driveway will provide safe and reasonable access for vehicles.
4. Maximum common driveway length is five hundred feet (500').
5. Shoulders shall be no less than three (3) feet wide on each side of the way.
6. Common driveways shall be located entirely within the boundaries of the lots served.
7. Street numbers shall be posted at the street intersection, every branch of the way or drive as well as on every dwelling unit to the satisfaction of the Fire Chief.
8. The Planning Board may require turnarounds sufficient for public safety vehicles.
9. Design of common driveways shall minimize impacts to abutting properties and public ways, including but not limited to effects of drainage, grading, erosion, sediment control, and stormwater management.
10. The Planning Board may require the Applicant to provide a performance bond for construction of required improvements.

Waivers from strict compliance with the above standards shall be requested in writing for each station(s) impacted. All requests shall be substantiated by an analysis of design alternatives.

**Appendix A
Application Fees and Form**

Filing Fee - \$500

Review Fee Deposit - \$500*

*Payable at time of filing. A W-9 Form is required for each application in order to establish an escrow account.

** The applicant shall be responsible for the cost of abutter notification (mailing) and legal advertising. This shall include notification to our 6 abutting towns as well as any certified mailing required under the provisions of the MGL.

Project Review Fees

Deposit funds received pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. This fee is to be deposited into a special account as enabled by G.L. Chapter 44, Section 53G, referred to herein as the "593 Account". This fee shall be imposed on those applications which, as designated by the Planning Board, require the services of outside consultants for the review process due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances, bylaws and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation. Expenditures from this special account may be made at the direction of the Board without further appropriation and shall be made only in connection with the review of the specific project for which this review fee has been collected. An additional fee may be collected from the applicant, if during the review, the above deposit is found insufficient to cover the actual cost of the review. The additional review fee shall be based upon a cost estimate, from the consultant(s) performing the review, to complete the review. Reimbursement of these expenses is a requirement of approval, and failure to reimburse shall be cause for denial. The Planning Board may set alternate dates for said reimbursement by setting them as a condition of approval of the Site Plan. Review fees may only be spent for services rendered in connection with the specific project for which they were collected. Accrued interest may also be spent for this purpose.

Once the review process has been started, there shall be no refunding of Administrative Fees, including the case of withdrawal of the application by the applicant. For this reason, it is important that the applicants consult with the Planning Board office prior to formal application to insure that the appropriate permits and review are being sought.

At the completion of the Board's review of a project, any excess in the account, including interest, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor

in interest. For the purpose of this section, any person or entity claiming to be the applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

Any applicant may take an administrative appeal from the selection of the outside consultant(s) to the Board of Selectmen, providing such appeal is initiated within two weeks of the initial selection. The Selectmen shall convene a formal hearing within twenty days of receiving a written appeal filed by an applicant. The grounds for such an appeal shall be limited to the claims that the consultant(s) selected has (have) 1. a conflict of interest; a consultant may not have a financial interest in a project under review, or be in a position to financially benefit in some way from the outcome of the pending review process. Consultants must be in compliance with the Massachusetts Conflict of Interest Law (Chapter 268A) or 2. does (do) not possess the minimum required qualifications. The minimum qualification shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within 30 days following the filing of the appeal, the selection made by the Board shall stand. This administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.