



2017 Driveway Permit Terms & Conditions

This application must be completed *in full* at the time of submittal. It is the responsibility of the applicant to provide all information required herein. Please type or print neatly. Except in the event of a situation posing an immediate threat to public safety, failure to obtain a permit before commencing work will result in the assessment of a fine.

Guidelines for Applicants

Driveway Dimension Guidelines

	Residential	Commercial Multi-Unit Residential	Industrial
Width (feet)			
Minimum	10	15	20
Maximum	20	30	40
Flare Radius (feet)*			
Minimum	5	15	20
Maximum	10	20	25
Maximum Grade (%)	10	8	8
Minimum Angle (deg)	60	75	90

All driveways must meet the sight line requirements listed for the speed limit of the street the driveway enters.

Minimum Required Sight Distance*	
Design Speed (mph)	Sight distance for passenger cars (ft)
25	280
30	335
35	390
40	445
45	500

Note: It is the applicants' responsibility to review the conditions at the location of the proposed driveway, and ensure that additional sight distance is not required.
*Reference A.A.S.H.T.O. A Policy on Geometric Design of Highways and Streets, Table 9-6, Design Intersection Sight Distance- Left Turn from Stop, 2011 version.

1. The "Private Digging of Roads" bylaw (Article 47, Town Meeting, April 1992) requires that "no public way shall be dug up nor opening made therein for any purpose, nor shall any material be dumped or placed thereon or removed there from, nor any alteration made, nor shall any tree be planted thereon or removed without first obtaining a written permit..." Except in the event of a situation posing an immediate threat to public safety, said permit shall be obtained prior to any work being performed.
2. The applicant is solely responsible for obtaining all other permits or permission required to perform the work as established by Town bylaw or state or federal regulations prior to commencement of the work.
3. **The Town of Concord restricts installation of landscape plantings, trees, walls, curbs, cobbles, bricks, pavers etc. within the right-of-way.** No private drainage utilities such as catch basins, leaching structures, area drains, etc. are permitted in the right-of-way
4. Activities classified as requiring **Class I Driveway Permits** include, but are not limited to overlaying or reconstruction of existing drives.
5. Activities classified as requiring **Class II Driveway Permits** include, but are not limited to installation of a new single family residential drive, and/or its widening or relocation of an existing drive. If relocation is being proposed, the existing driveway/curb cut shall be eliminated in a manner acceptable to the town, or the applicant shall be required to file for a Class IV permit.
6. Activities classified as requiring **Class III Driveway Permits**, include, but are not limited to new commercial driveways/parking lots, new subdivision roadways, private way re-surfacing or reconstruction.
7. Activities classified as requiring **Class IV Driveway Permits** include, but are not limited to new multiple access or "looped" driveway openings. It is the responsibility of the applicant to demonstrate that the proposed access is in the public interest. Considerations include: public safety (the community safety officer will be consulted), impact to public shade trees, stone walls, and character of the roadway. It is strongly suggested that the applicant make an appointment with the Engineering Division to discuss the proposed access prior to submitting the application. Multiple access permits shall apply to any proposed access

that creates a situation in which there is more than one access to a single lot, regardless of connection. This also applies to lots with frontage on more than one public road. The following dimensional requirements must be met or exceeded for approval:

- α Minimum ten foot (10') side setback measured where the driveway meets the right of way;
 - α Minimum twenty foot (20') separation in between inside cuts/curb cuts of the driveway;
 - α Minimum lot frontage requirements based on zoning district.
8. New driveway locations shall be staked out in the field by the applicant for review by the Engineering Division.
 9. Application fee is **NON-REFUNDABLE**.
 10. Upon processing this application if any of the criteria listed below apply to this Permit than a **Traffic Management Plan** is required to be submitted to the Engineering Division and the Concord Police Department Safety Officer for approval:
 - Excavation is done within the paved portion of the right-of-way
 - If there are any equipment, vehicles, and/or material encroaching the paved portion of the right-of-way
 - If partial or full closure of a roadway is required to complete the work

Additional Approvals

Historic District

If proposed work is located within a Historic District, contact the Historic District Commission at 978-318-3299.

Natural Resources

The applicant shall file with the Division of Natural Resources for any work defined under the Wetland Protection Act MGL Chapter 131 §40 and/or the Town of Concord Wetland Bylaw.

Public Shade Trees

If the work requires the removal of or shall otherwise seriously impact a public shade tree, contact the Tree Warden at 978-318-3232.

Traffic Management

It is the responsibility of the applicant to schedule police details in accordance with the Town of Concord Regulations and Bylaws. A traffic management plan must be submitted with this permit, upon which the safety officer and Town Engineer will review the plan. For information or to schedule details, contact the Concord Police Department at 978-318-3400.

Town of Concord Board of Selectmen

It is the responsibility of the applicant to ensure compliance with Board of Selectman approval with regards to a "Pole and/or Conduit Petition" pursuant to MGL Chapter 166: Section 22. The issuance of this permit does not absolve the applicant of securing the approval mentioned above; should it apply to the work proposed in this application, contact the Office of the Selectman at 978-318-3001

Building Department

A building permit is required when you do any structural work and or the following: reroofing, replacement windows & decks, additions, some interior alterations, sheds, garages, above and inground swimming pools, docks, stairways, fences over 6 feet in height and any new construction. If you have any questions regarding a building permit, call the Building Department at 978-318-3280.

Planning Board

The applicant shall contact the Planning Division for any projects that require:

- approval by the Zoning Board of Appeals
- a Site Plan Review
- approval under the Subdivision Rules and Regulations

Engineering Division and US Environmental Protection Agency

For any construction activity that disturbs greater than one acre of land, or disturbs less than one acre if part of a larger common plan, a Storm Water Pollution Prevention Plan (SWPPP) is required to be developed and submitted to the Town Engineer for approval. A copy of the SWPPP to be submitted in conjunction with the NOI filing with the EPA will meet this submittal requirement. The SWPPP must be in compliance with "**Town of Concord: Design Standards and Construction Specifications**".

It is the responsibility of the applicant to obtain all other approvals required to perform the work prior to commencing work. Failure to obtain all necessary permits and/or approvals before commencing work may subject the licensee to immediate enforcement action including the issuance of fines and work stoppage. Approval of proposed work by any other Town Departments does not automatically imply approval of a Right of Way Driveway Permit Application.

Request for Waiver

If the applicant is unable to meet any requirements of the permit, the applicant may request a waiver from that requirement or permit decision in writing to the Public Works Director. Where such action is in the public interest and not inconsistent with the intent and purpose of the ROW and/or Driveway Permit Program, the Director may at his/her sole discretion, waive strict compliance with its rules and regulations. The Director shall provide a written response granting or denying the requested waiver

Terms and Conditions

1. **All work performed and materials used shall conform to current Town standards and specifications as shown and described in the booklet entitled "Town of Concord: Standard Details & Specifications" as revised and is available upon request.**
2. The permittee will conform to all the requirements of the laws of the Commonwealth and the Bylaws and regulations of the Town of Concord now and hereafter in force.
3. The permittee will conform to M.G.L. Chapter 82, Section 40, also known as the Digsafe Law.
4. This permit may be revoked at any time.
5. All work must comply with all current ADA (Americans with Disabilities Act) and Mass. Architectural Access Board (MAAB) Requirements.
6. Roadways having received full width treatment (overlay, reconstruction, etc) will be placed under a five (5) year moratorium. Applicants requesting to make roadway punctures within the five (5) year moratorium term will be subjected to additional fees.
7. Except in the event of a situation posing an immediate threat to public safety or in the case of severe hardship, all work involving open cutting and/or construction within a public way shall be performed within the period from **April 1st to November 15th** of any year. **No work within the Town's right-of-way shall commence during the weekend (Saturday-Sunday) and holiday hours.** Any exceptions from this term may be approved at the sole discretion of the Engineering Division.
8. The permit shall expire at the end of the construction period specified in #7 unless otherwise authorized in writing by the Town Engineer or his/her duly authorized agent. The permit shall become void upon expiration. For outstanding permits that require an extension, the permittee shall request an extension in writing to the Town Engineer. Approval shall be at the sole discretion of the Town Engineer. Following the approval of the extension, the decision will be made to require a new application and fee to be filed.
9. **The permittee will notify the Concord Public Works (CPW) Engineering Division office at (978) 318-3210 24 hours prior to the commencement of any work associated with the permit.**
10. The permittee will restore that portion of the right-of-way to be opened, occupied, or obstructed under this permit to a condition equal to or better than that prior to disturbance and to the satisfaction of the CPW. **Failure to do so will result in the suspension of future ROW/Driveway Permits until the deficiencies in the work are remedied.**
11. No work by the applicant shall alter existing drainage patterns. CPW may require existing & proposed survey spot grades to ensure that this requirement is met, at the applicant's expense.
12. All excavations made and obstructions erected by the permittee shall be properly delineated with barrels and construction fence and the zone be properly marked with safety signage during the entire time that the right-of-way is occupied or obstructed. All safety devices shall conform to the current Manual on Uniform Traffic Control Devices and shall be placed as approved through the Traffic Management Plan supplied by the Permittee.
13. Excavations made across public ways shall not extend more than half of the length of the paved travel way, nor shall the construction impact the safe and convenient passage of all pedestrians, vehicular traffic and emergency motor vehicles for the duration of the project.
14. From the beginning of twilight and throughout the night until sunrise, the permittee will place and maintain over or near the area opened, occupied, or obstructed and over or near any material which he has placed upon the right-of-way, a lighted barrier properly positioned and sufficient to protect travelers from injury and to the satisfaction of the CPW.
15. The permittee will provide for a police detail as required by and to the satisfaction of the Public Safety Officer of the Town of Concord.
16. The permittee will deliver up this permit to the Town Engineer or his/her duly authorized agent at any time upon demand on or before the expiration of the time fixed in this permit or any extension thereof for completing the work.
17. The permittee will provide proof of liability insurance to indemnify and save harmless said Town of Concord from any and all loss, damage and expense which it may sustain by reason of any act of omission or commission suffered or done by the permittee hereunder.
18. Before placing any obstruction in the street and before performing any work authorized by this permit, the permittee will execute and deliver to said Town of Concord a certified bank check or a bond in such amount and in such form and with such surety or sureties written by a surety company licensed to currently do business under the laws of the Commonwealth of Massachusetts as may be required by the Public Works Commission for the faithful performance and observance of the requirements, terms and conditions of this permit. All work disturbing more than 1,500 square feet in the Town's right-of-way will require further review of the scope of work by the Town Engineer to assess the bond amount accordingly.
19. No wires, pipes, conduits, structures or property monumentation now in the public right-of-way shall be disturbed by the permittee without the consent of the PWC, CPW, or other officer of the Town having charge of or supervision over the same and, in case any such wires, pipes, conduits, or structures are disturbed or injured by the licensee, he will restore the disturbed or injured wires, pipes, conduits, or structures in a manner satisfactory to such PWC, CPW or officer of the Town.
20. All work involving open cutting a public street must be patched with Hot Mix Asphalt on the same day that the cut is performed unless otherwise approved by CPW. Any excavations that are to remain open during the work shall be covered with a steel plate secured at the edges by hot mix asphalt ramps.