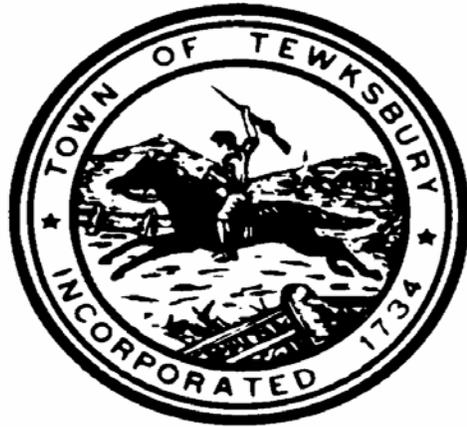


**RULES AND REGULATIONS CONCERNING
PERMISSION FOR USE OF TOWN ROADWAYS
AND
RIGHTS-OF-WAYS**



**DEPARTMENT OF PUBLIC WORKS
TOWN OF TEWKSBURY**

Adopted: March 23, 2004

**Department of Public Works
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**TOWN OF TEWKSBURY
DEPARTMENT OF PUBLIC WORKS**

**Rules and Regulations Concerning Permission for
Use of Town Roadways and Rights-of-Way
Pursuant to Massachusetts General Laws**

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1.0 Authority and Purpose

- 1.1 The following Rules and Regulations are promulgated pursuant to Chapter 81 Section 25, of the Massachusetts General Laws, as amended, and supercede all previous Rules and Regulations adopted heretofore.
- 1.2 The purpose of these Rules and Regulations is to prescribe conditions under which the Department of Public Works will allow access to use, and changes in Town ways in the following circumstances:
 - Curbs
 - Sidewalks
 - Highway access via driveways
 - Stormwater disposal
 - Construction within the Town Roadway or Town Road Right-of-Way

2.0 Policy

It is the policy of the Department of Public Works that all construction and modification over, on, under, or otherwise affecting the Town Road Town Road Right-of-Way or Road will be regulated, monitored, and controlled by the Department of Public Works, within policies established by the Board of Selectmen through the office of the Town Manager in the best interest and safety of the public, and according to recognized engineering standards. In addition, it is the policy of the Department of Public Works to regulate mandated responsibility to control all stormwater runoff to the Town drainage system without regard to the location of the source of the runoff.

3.0 Definitions

Except as otherwise indicated, the following definitions shall apply:

- 3.1 **Alteration:** any change of existing conditions.
- 3.2 **Applicant:** any individual, firm, corporation, partnership, or agency, public or private, that has filed a Physical Alteration Permit Application.
- 3.3 **Application:** Physical Alteration Permit Application.
- 3.4 **Buffer Area:** the area between the pavement and the limits of the Town Road Town Road Right-of-Way.

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- 3.5 **Circular Driveway:** a residential driveway with two (2) access openings across or through the same frontage.
- 3.6 **Commercial:** relating to any property use other than for an individual, a single-family dwelling, or a duplex.
- 3.7 **Construction Within the Town Road Town Road Right-of-Way:** the alteration of any structure, creation of any new structure, or physical modification within the Town Road Town Road Right-of-Way.
- 3.8 **Curb:** the edge-of-road pavement; an edging built along a road to form part of a gutter.
- 3.9 **Department:** Department of Public Works.
- 3.10 **Superintendent:** The Superintendent of the Department of Public Works, whose address is 999 Whipple Road, Tewksbury, MA 01876.
- 3.11 **Board of Selectmen:** elected body of officials responsible that direct policy decisions of Department of Public Works Operations through the office of the Town Manager.
- 3.12 **Driveway:** opening to a highway that permits ingress and/or egress by vehicles.
- 3.13 **Driveway Types:**
- 3.13.1 *Residential:* a driveway leading to an individual, single-family, duplex dwelling unit or a multi family of four units or less.
 - 3.13.2 *Commercial:* any driveway leading to a building other than solely an individual, single-family, duplex dwelling unit or a multi family of four units or less.
- 3.14 **Permission:** approval “ by the Department of Public Works of a Physical Alteration Permit Application”.
- 3.15 **Landscaping:** shall include the physical alteration of the existing outdoor areas through the planting of shrubs, trees, and/or groundcover; the placing of sod or seed; and/or the removal or pruning of existing plant materials (i.e., shrubbery, trees, and groundcover).
- 3.16 **Permit:** a Physical Alteration Permit,
- 3.17 **Permittee:** recipient of a Physical Alteration Permit.
- 3.18 **P.A.P. :** Physical Alteration Permit.
- 3.19 **Residential:** relating to an individual, single-family, or duplex dwelling unit or a multi family of four units or less .

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- 3.20 **Town Roadway:** a means of vehicular access to a Town road or Town Road Right-of-Way that serves more than one single or individual family dwelling, duplex unit, multifamily unit or commercial establishment.
- 3.21 **Setback:** the lateral perpendicular distance between the Town Road Town Road Right-of-Way line and a roadside building, gasoline pump, curb base, display stand, or other object, the use of which will result in space for vehicles to stop or park between such facilities and the Town Road Town Road Right-of-Way.
- 3.22 **Town Road Right-of-Way (R.O.W.):** land and space acquired for, or dedicated to, highway and sidewalk use.
- 3.23 **Sidewalk:** paved area beside a roadway available for pedestrian traffic.
- 3.24 **Town Road Drainage System:** the network of culverts, manholes, catch basins, ditches, pipes, swales, gutters, and other man-made and natural courses for draining stormwater runoff from Town Roads.
- 3.25 **Gender of Words:** Every word importing only the masculine gender shall be construed to extend to and include females as well as males.

4.0 Physical Alteration Permit Process

- 4.1 Anyone seeking the permission of the Superintendent as described herein by these Regulations shall follow the procedure delineated below.
- 4.2 No person, firm, corporation, or agency may place or alter curbs, make a connection to, pump water to, or drain water from the Town Roadway drainage system; or in any way make any alteration to the Town Roadway system without first obtaining a Physical Alteration Permit.
- 4.3 No access by driveway to a Town Road will be made without first obtaining a Physical Alteration Permit.
- 4.4 An applicant may obtain a Physical Alteration Permit Application at the Department of Public Works office. At the same time, the applicant should become familiar with the applicable Regulations and Standards Copies which are available for review at said facility during normal business hours.
- 4.5 Upon completion of the Physical Alteration Permit Application, the applicant will file same with all necessary copies of plans and computations required for the type of access, as prescribed in these rules. Applications should be filed at the Department of Public Works office.
- 4.6 At the time of submission, the applicant must provide pre permit check list that the Town Engineer and the Building Inspector have received copies of plans describing the proposed alteration. The Building Inspector will not issue a building permit for any premises to

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which an access will involve a physical alteration of a Town Roadway or Town Road Town Road Right-of-Way unless a Physical Alteration Permit has been obtained.

- 4.7 For any applications relating to a commercial alteration, all computations, plans, and statements must be approved and stamped by a Massachusetts Registered Professional Engineer. If there is no drainage effect on the Town Roadway drainage system, the stamp of a Registered Land Surveyor will be an acceptable substitute. A Professional Engineer's stamp may be required for an individual or single-family dwelling, at the discretion of the Superintendent.
- 4.8 Any alteration that affects drainage within the Town Roadway or Town Road Town Road Right-of-Way requires the stamp of a Massachusetts Registered Professional Engineer.
- 4.9 After the applicant has submitted the required materials, the application will be reviewed by Department of Public Works personnel within 15 business days.
- 4.10 During the review process, the applicant must, at his own expense, provide any additional information relevant to the proposed access required by the department. Any new material submitted after the initial submission date will restart the review period.
- 4.11 As a result of the review, the application will be approved as submitted within standard condition, approved with additional conditions, or denied as submitted. The applicant will be notified by mail of the decision no later than 15 business days after the submission date.
- 4.12 The applicant may commence construction after giving 48 hours notice to the Superintendent . The applicant should secure all other required local Permits or approvals before commencing construction.
- 4.13 The Superintendent may suspend a Permit for violation of Permit condition(s) after a written notification by certified mail to the applicant. The applicant has thirty (30) days to rectify any work in violation of the Permit requirements. Failure to comply or to respond within the specified time period will result in the revocation of the Permit.
- 4.14 An applicant dissatisfied with the decision of the Department of Public Works may appeal to the Town Manager. The appeal must be in writing and submitted to the Town Manager within ten (10) business days of receipt of the decision. The appeal must include a copy of the decision. The Town Manager may vary the application of design standards upon a finding that:
 - a. there are no reasonable alternatives that will allow access in compliance with the standards.
 - b. the applicant has committed to provide safety-related traffic mitigation measures that are sufficient to offset the adverse impacts.
 - c. the variance is necessary to accommodate an overriding community interest.

5.0 Fees

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5.1 No application for a Physical Alteration Permit will be accepted from any person, firm, corporation, or other entity without a fee payment. Federal, State and Municipal entities are exempt from fee payments.

5.2 Payment must be in the form of a check or money order payable to The Town of Tewksbury-- P.A.P. Program. **Cash will not be accepted.**

5.3 Presubmission:

Residential: \$ 110.00

Commercial: \$ 260.00

5.4 Fees are not refundable.

5-5 The Permit obtained is valid for one year from date of issue. This Permit may be renewed for one additional year at no cost by requesting an extension in writing, including a statement that conditions have not changed since the time of the original submission. The applicant must file a request for an extension prior to the expiration of the permit. If the permit is allowed to expire without timely renewal the applicant must reapply for a new Permit and pay the applicable fee.

6.0 General Restrictions.

6.1 A Physical Alteration Permit is required prior to any construction in, access to, encroachment upon, or alteration in the Town Roadway or Town Road Town Road Right-of-Way.

6.2 Town Road Town Road Right-of-Way encroachment: No part of the Town Road Town Road Right-of-Way is to be used for the servicing of vehicles, displays, or private business. The area between the pavement and the limits of the Town Road Town Road Right-of-Way (Buffer Area) shall be clear of buildings, sales exhibits, private signs, parking areas, service equipment, and appurtenances thereto. Notwithstanding, use by police and emergency vehicles and for emergencies is acceptable at all times.

6.3 Parking: Each roadside residential or commercial facility will provide sufficient parking or storage space off the Town Roadway or Town Road Town Road Right-of-Way to prevent the storage of vehicles on the driveway or the backing up of traffic onto the travel lanes or shoulders.

6.4 Setbacks: Driveway access will not be Permitted where sufficient setback is not available to prevent parking, stopping, and maneuvering within the Town Roadway or Town Road Town Road Right-of-Way in the operations of a commercial enterprise. "Sufficient setback" generally means at least ten (10) feet from the Town Road Town Road Right-of-Way to the subject facility for operations of vehicles parallel to the center line of the adjacent highway, and at least forty (40) feet from the Town Roadway or Town Road Town Road Right-of-Way to the subject facility for operation of vehicles perpendicular to the center line of the adjacent roadway.

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6.5 Location of driveways: Driveways shall be located so as to present no undue interference with, or hazard to, the free movement of normal roadway traffic. To minimize congestion, and to provide adequate safeguards for the public safety, driveways shall not be located near intersections. Also to be avoided are locations of driveways that would interfere with the placement and proper function of roadway signs, signals, lighting, or other devices that affect traffic operations.

Note: The Tewksbury Board of Health may set certain restrictions on placing driveways and diverting drainage of runoff over a septic system. Any applicant contemplating doing same should contact the Board of Health office.

6.6 Protection of the Traveling Public: The Permittee shall properly safeguard all work performed under the Permit and maintain sufficient working light, in accordance with Massachusetts Department of Public Works detail standard signs and safety devices. Traffic control shall be provided by the Permittee according to the standards of the United States Department of Transportation, Federal Highway Administration "Manual on Uniform Traffic Control Devices for Streets and Highways" as amended. This protection will be maintained during and until the project has been completed.

6.7 Protection from Suits: As a condition of receipt of a Permit, the Permittee shall defend, indemnify, protect, and hold harmless the Town and its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages of whatever kind or nature arising out of, or claimed to arise out of, any act, error, or omission of the Permittee, its agents, servants, or employees in the performance of work covered by this Permit.

6.7.1 Bond: The Permittee shall furnish the Department of Public Works with a Bond issued by a surety company licensed to do business in Massachusetts with sureties equal to the cost of the work to be performed under the Permit.

6.8 Land Use Change: Should the use of property with legal access to a Town Road be altered, or should its present use cause expansion of traffic, a reassessment by the Department of Public Works of the use of the openings and impact on drainage shall be accomplished through the Physical Alteration Permit process.

6.9 Landscaping: There will be no landscaping including lawn sprinklers and fences on or over the Town Roadway or Town Road Town Road Right-of-Way without prior written approval by the Department of Public Works. This permission will be obtained through the Physical Alteration Permit process, including a site grading plan locating, naming, and describing the desired arrangement, including the ultimate size of the plants involved.

6.10 Control Dimensions: All driveway access to a Town Roadway or Town Road Town Road Right-of-Way must conform to the Control dimensions published in Section 13 of these Rules and Regulations.

6.11 Tree Removal: All proposed tree removals or relocation of trees within the Town Roadway or Town Road Town Road Right-of-Way must have a public hearing, per

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Chapter 87, Section 3 of Massachusetts General Laws and the Town of Tewksbury by-laws
Any applicant contemplating tree work should contact the Town Tree Warden for further
information.

7.0 Construction Within the Town Road Town Road Right-of-Way

- 7.1 All construction within the Town Road Town Road Right-of-Way will conform to procedures and specifications delineated in the "Commonwealth of Massachusetts, Department of Public Works Standards and Specifications for Highway and Bridges" as amended.
- 7.2 Absolutely no construction will take place within the Town Roadway or Town Road Town Road Right-of-Way without a Permit having been issued, approving the construction. Violators shall be subject to fines and/or prosecution to the full extend of the law.

8.0 Driveways

- 8.1 After adoption of these Rules and Regulations, driveway access or reconstruction to the Town Roadway or Town Road Town Road Right-of-Way shall not be allowed without a Physical Alteration Permit.
- 8.2 Where a driveway is provided to a commercial establishment from a Town Roadway or Town Road Town Road Right-of-Way, the buffer area and adjacent border area shall be reasonably cleared, so that either the establishment itself or an appropriate sign located outside the Town Roadway or Town Road Town Road Right-of-Way can be seen at sufficient distance to enable proper and safe maneuvering by drivers desiring to enter or leave the establishment.
- 8.3 The driveway profile of a driveway and the grading of the buffer area shall be such that a driver desiring to enter a Town Road can see a sufficient distance in all directions along the roadway to enable him to enter or leave the roadway without creating a hazardous situation. This may require installation of a circular driveway.
- 8.4 Where a circular driveway is requested by a residential applicant, the following conditions must be met:
 - 8.4.1 The minimum frontage on a Town Road where a circular driveway will be permitted is seventy (70) feet.
 - 8.4.2 The interior edges of the driveways must be spaced at least thirty-five (35) feet apart at the Town Roadway or Town Road Town Road Right-of-Way side line.
 - 8.4.3 The driveway openings shall be between ten (10) and twelve (12) feet wide.
 - 8.4.4 All other control dimensions apply.

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9.0 Curbing

- 9.1 No permit shall be issued unless the applicant's plans conform to the "Highway Design Manuals M.D.P.W." as applicable. These Standard Details are available at the State House Bookstore, Town Engineer's Office, and Department of Public Works Office.
- 9.2 The Department of Public Works may require that the applicant place Portland cement concrete or bituminous concrete curbing at areas where traffic channeling and control and public safety would be affected. The applicant will do such placement at his own expense.
- 9.3 Where a curb is to be altered at a existing corner or a corner created by a new design, wheelchair ramps shall be installed.

10.0 Sidewalks

- 10.1 Any alteration to a sidewalk within a Town Roadway or Town Road Town Road Right-of-Way requires a Physical Alteration Permit.
- 10.2 In any access that cuts a sidewalk, curb returns and transition curbs will be placed as necessary to maintain the integrity of the sidewalk.
- 10.3 In any location where the sidewalk is crossed, the sidewalk shall either be graded to accommodate wheelchairs, or precast wheelchair ramps shall be installed. Wheelchair ramp grading shall be done in accordance with American National Studies Institute AI 17.1. (1980) as revised and adopted by the State Building Code Commission.

11.0 Access: Roadways

- 11.1 Any road, municipal or otherwise, that will by design, construction, or reconstruction intersect a Town Roadway or Town Road Town Road Right-of-Way must be approved through application for and issuance of a Physical Alteration Permit.
- 11.2 For any new Roadway intersecting a Town Roadway or Town Road Town Road Right-of-Way, or substantial realignment of an existing roadway, in addition to the Physical Alteration Permit application with its required submissions, a traffic study and capacity analysis prepared by a Registered Professional Engineer may also be required.

12.0 Drainage

- 12.1 It is unlawful for any person, firm, or corporation to make any connection into a Town Roadway drainage system, or to drain or pump water onto the traveled surface of a Town Roadway, without first obtaining written permission from the Superintendent.

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- 12.2 When the applicant intends to grade his own property to roadway grade, the Permittee must make provision, at his own expense, for disposition of roadway drainage by installing pipe, inlets, catch basins, manholes, headwalls, and ditches of proper size, material, and erosion control measures as may be necessary, in the Department's determination, to protect the Town's drainage rights.
- 12.3 Where the construction of a driveway necessitates crossing a Town Road drainage ditch, a culvert pipe shall be installed in the ditch by the Permittee at his own expense. The culvert shall be no less than twelve (12) inches in diameter, and of sufficient size to carry the stormwater runoff for a twentyfive (25) year storm, as determined by the National Oceanic and Atmospheric Administration, from the watershed area. Under no circumstances will existing ditches, swales, or gutters be filled without adequate alternate provisions for drainage being made and approved for, and application for and issuance of a permit.
- 12.4 In commercial applications, the applicant is required to submit detailed computations and site-grading plans for drainage conditions existing and proposed when applying for a Physical Alteration Permit. These computations should be made while taking into consideration a storm of ten years' frequency with a duration equal to the time of concentration. These computations and plans should be approved and stamped by a Registered Professional Engineer. If storm drainage will not affect the Town Road drainage system, a statement of no impact should be submitted with a Physical Alteration Permit Application approved and stamped by a Registered Professional Engineer or a Registered Land Surveyor when the property in question is graded away from the Town Road Drainage System.
- 12.5 Drainage Appurtenances- All facilities, pipes, drains, catch basins, manholes, and other appurtenances will be as indicated in the "Highway Design Manual of M.D.P.W. "
- 12.6 Where the construction of a driveway necessitates crossing of wetlands or an area within the 100 feet of wetlands buffer zone, the applicant shall obtain approval from the Tewksbury Conservation Commission prior to submitting any design alteration proposals within wetlands to the Department of Public Works.

13.0 Control Dimensions

(Letters in parentheses are keyed to example drawings at the end of this section.)

13.1 Driveway Angle (D)

Angle measured from center line of road to center line of driveway; for two-way operation, 90 degrees recommended, 60 degrees minimum. For one-way operation, if used by vehicles in both directions of travel of road, same as two-way use, but right turn only, 60 degrees maximum and 45 degrees minimum.

13.2 Driveway Width (W)

Residential: 10 feet, minimum
 20 feet, maximum

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Commercial: 20 feet, minimum for one-way use
35 feet, maximum for two-way use

13.3 Edge Clearance (E)

General: All portions of the driveway shall be within frontage boundary lines. For driveways with angles of about 90 degrees, the edge clearance shall not be less than the radius of curvature (R) for the junction of the driveway and pavement edges.

Residential: 2 feet, minimum
Commercial: 10 feet, minimum

13.4 Radius of Curvature of Junction of Driveway and Pavement (R)

Residential: 2 feet, minimum
10 feet, maximum
Commercial: 5 feet, minimum for one-way use
30 feet, maximum for two-way use

13.5 Corner Clearance (C)

Residential & Commercial 20 feet, minimum

Where there are traffic signals at the intersection, edge clearance on the near side shall be twice as great as on the far side.

13.6 Driveway Profile (See Figure 4.)

13.7 No Highway Edge Curb, Cut Section

- a. From the edge of the pavement to the edge of the shoulder, the gradient should be the same as the shoulder pitch.
- b. From the outer edge of the shoulder to the low point at the ditch line of the open culvert edge of the shoulder to the low point at the ditch line or open culvert, the maximum downward gradient should be 8%.
- c. Beyond the ditch line, the maximum gradient should be 8% for commercial driveways, 15% for others.

13.8 No Road Edge Curb, Fill Section

- a. The slope across the shoulder should have the same gradient as the shoulder.
- b. Beyond the outer edge of the shoulder, there should be a maximum gradient of 8% for commercial driveways, 15% for others. Vertical curve: as flat as feasible. To prevent drag, the vertical curve shall not have a hump or dip greater than six (6) inches within a wheel base length of ten (10) feet. Crest vertical curves shall not

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exceed a 3 1/2-inch hump in a 10-foot chord, and sag vertical curves shall not exceed a 2-inch depression in a 10-foot chord.

13.9 Driveways with a Two-Foot Radius

All driveways with a two-foot radius shall have curb returns conforming to "Highway Design Manual of M.D.P.W."

13.10 Exceptions

Exceptions to the control dimensions and general restrictions may be granted. These exceptions must be approved by the Superintendent.

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14.0 Diagrams

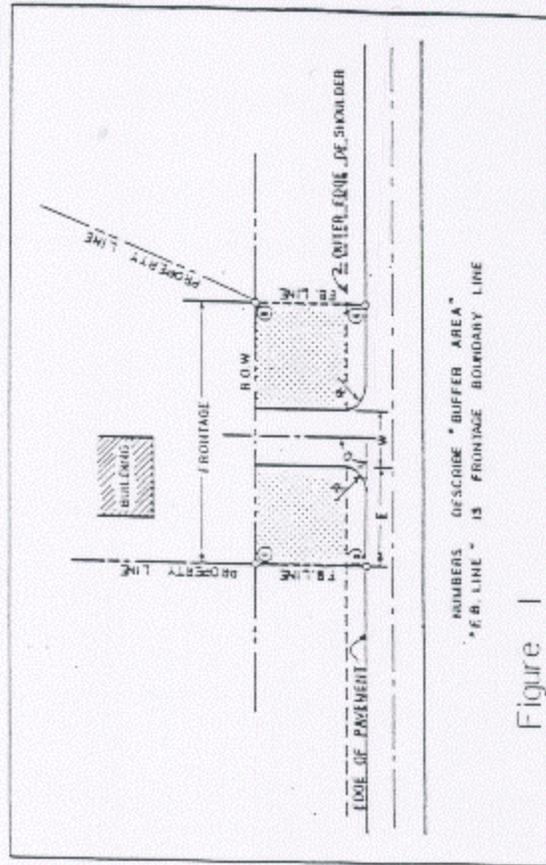


Fig. 14

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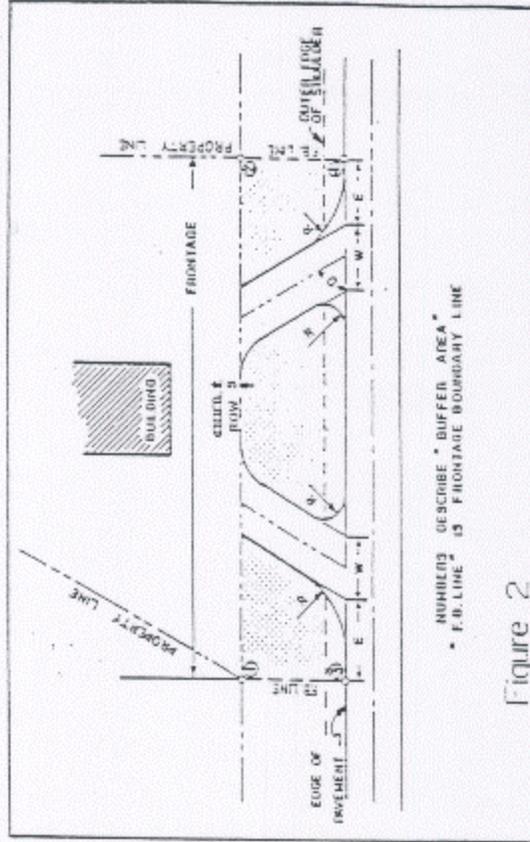


Figure 2

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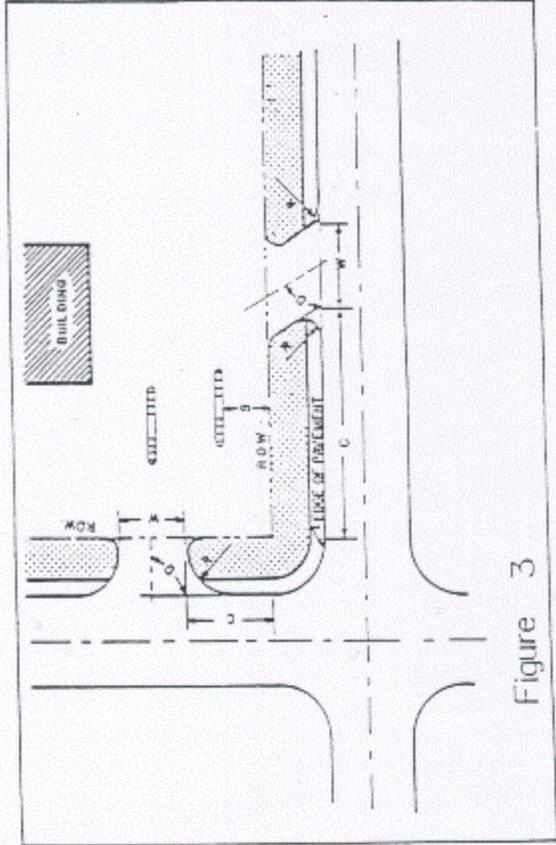
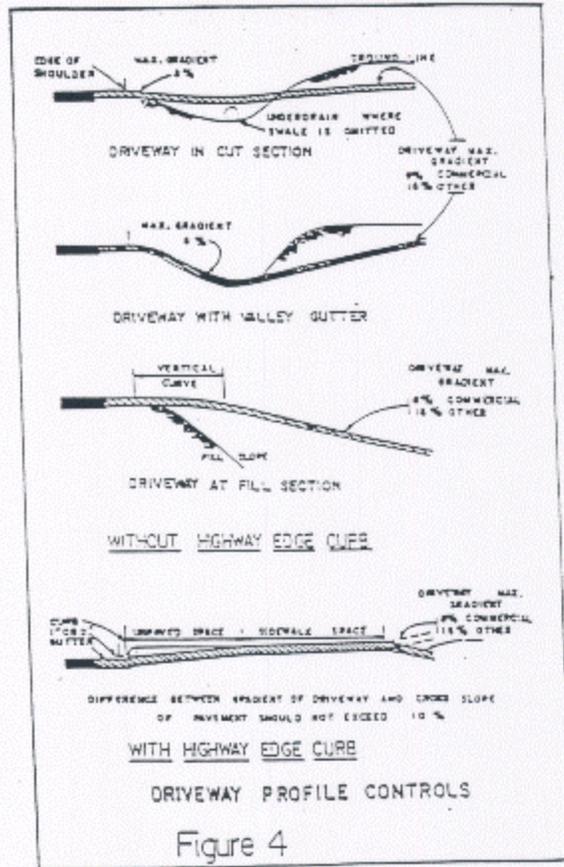
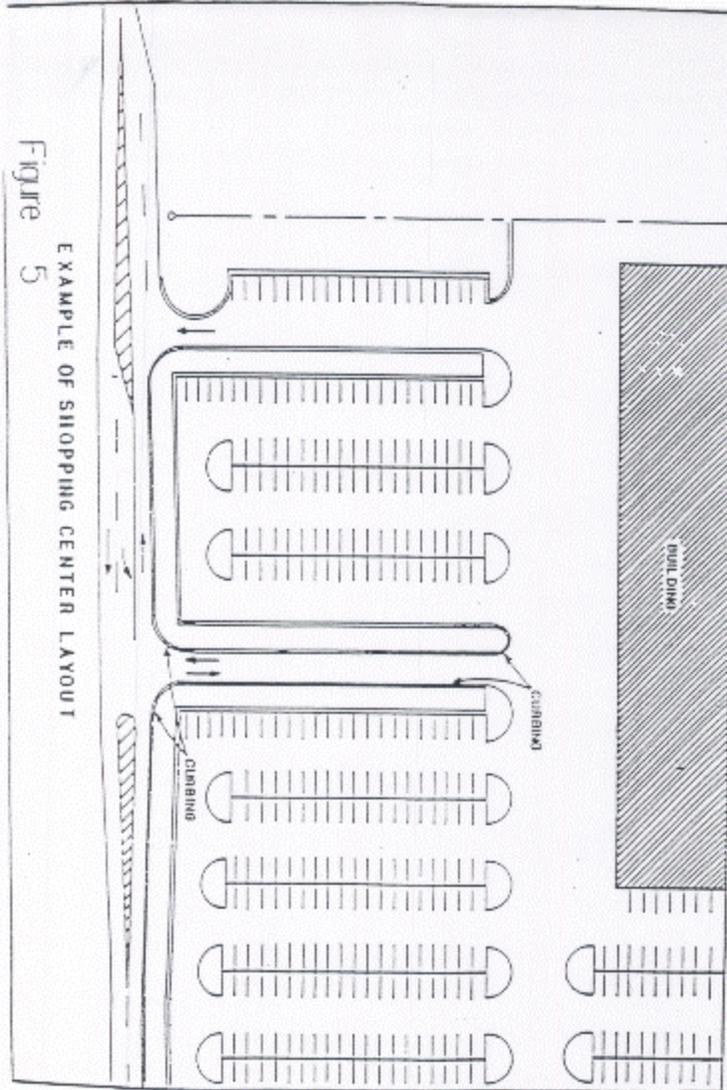


Figure 3

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