

PERMIT NO. \_\_\_\_\_

**TOWN OF SHELBURNE  
APPLICATION FOR CURB CUT PERMIT**

**Purpose:** To provide better protection of public safety through the orderly control of traffic entering and exiting a public way and to provide the necessary grade and drainage to protect the public way from damage.

APPLICANT: \_\_\_\_\_

APPLICANT ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_

APPLICANT TELEPHONE: \_\_\_\_\_

CONTRACTOR (if applicable) \_\_\_\_\_

CONTRACTOR ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_

CONTRACTOR TELEPHONE: \_\_\_\_\_

NAME OF ROAD ON WHICH CURB CUT IS TO BE MADE: \_\_\_\_\_

DESCRIPTION OF WORK:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ANTICIPATED START DATE: \_\_\_\_\_

ANTICIPATED COMPLETION DATE: \_\_\_\_\_

**PLAN:** Attach a drawing/plan of the proposed curb cut or driveway and any necessary construction details. The curb cut and/or driveway must be designed in accordance with the provisions of the curb cut bylaw dated May 8, 1989, attached to this application. Applicant shall incorporate the curb cut bylaw as part of the site plan requirement.

**REVIEW OF APPLICATION**

Application must be submitted to: Board of Selectmen  
Town of Shelburne  
51 Bridge Street  
Shelburne, MA 01370

**Please submit one original and three copies of this application.**

I have read the attached Curb Cut By Law Regulations and agree to abide by such regulations when implementing and maintaining the above referenced project. I understand that the driveway shall be designed and must receive approval from the Board of Selectmen before a building permit for a newly constructed building is approved and the driveway construction shall be completed before any occupancy or use of the premises is permitted.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

The Board of Selectmen must notify the applicant making the application within twenty-one (21) days, in writing whether the application is approved or not.

The Highway Superintendent shall consult with the Police Chief and the Fire Chief and other interested town officials to obtain their comments on the curb cut.

Reviewed By: \_\_\_\_\_  
Highway Superintendent

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
Police Chief

**DECISION ON APPLICATION**

\_\_\_\_\_ Permit is granted as it conforms to town standards.

\_\_\_\_\_ Permit is granted with the following modifications, standards, restrictions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Permit is granted but not subject to design standards set forth in Section 5 of the Bylaw. Reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Permit is denied for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permission is hereby granted for the above requests. Conditions attached to this permit must be followed. It will be the responsibility of the applicant to notify all utility companies involved. (Dig Safe No. in Massachusetts is 1-888-344-7233).

Said permit for the above shall be under direct inspection of the Highway Superintendent and he will inspect the project during and after construction. He shall have the authority to halt construction and/or prohibit access to said driveway if construction is not in accordance with the approved plan, until objectionable conditions are corrected.

The Board of Selectmen shall “sign off” on the permit after satisfactory completion of the construction.

Signature of the Board of Selectmen: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date Permit Granted:

\_\_\_\_\_

Date Permit Released:

\_\_\_\_\_

**ARTICLE 15. CURB CUT BY LAW** (adopted 5/2/89)

**I. Definitions**

These definitions are for the purpose of this by-law only.

PUBLIC WAY: a way accepted and maintained by a public agency.

DRIVEWAY: privately owned access to and from a public way.

LANDING: the first (20) feet of a driveway adjoining a public way, measured from the edge of the traveled way.

**II. Purposes**

- A. To provide better protection of the public safety through the orderly control of traffic entering and exiting a public way.
- B. To provide the necessary grade and drainage to protect the public way from damage.

**III. Application for Permit**

- A. Any property owner desiring to construct a driveway which accesses a public way shall do so only after securing a permit to do so from the Board of Selectmen, in accordance with this by-law. A curb cut permit is required before construction of the driveway or before submission for any applicable building permit.

Exceptions:

- 1. Driveways already in existence, where the use remains the same.
- 2. Driveways subject to Massachusetts General Laws Chapter 81, Section 21 (State Curb Cut Permit).
- 3. Driveways reviewed by municipal boards under existing laws or by-laws to include, but not limited to: scenic roads by-law or subdivision by-law.

#### IV. Review Procedures

- A. The property owner seeking a curb cut shall make a written submission to the board of Selectmen, including: three (3) copies of the Application for Curb Cut Permit, including a plan showing:
1. Any driveway that is to be created, altered, or closed and the relationship to the accessed public way.
  2. Construction details described under Section V, Design Standards.
- B. The Board of Selectmen shall consult with the Highway Superintendent, Police Chief and other interested Town Officials to obtain their comments on the plan.
- C. The Board of Selectmen shall notify the property owner making the application within twenty-one (21) days, in writing, indicating:
1. The curb cut does conform to the Town's standards set forth in this by-law or
  2. The curb cut does conform subject to certain modifications, conditions, or restrictions.

If the criteria set forth in Section V. Design Standards are met, the Board of Selectmen shall issue a curb cut permit. If the board of Selectmen takes no action within twenty-one (21) days of completed submission, the Curb Cut Permit is automatically issued in accordance with the plan, and the Town Clerk may so certify.

- D. The Town will inspect the project during and after construction. The Board of Selectmen shall have the authority to halt construction and/or to prohibit access to said driveway if construction is not in accordance with the approved plan, until objectionable conditions are corrected.
- E. The Board of Selectmen shall "sign off" on the Permit after satisfactory completion of construction.

## V. Design Standards: (Reference Appendix A)

These standards are for the purpose of this by-law only:

- A. Driveways should be located to the best advantage with regard to alignment with the public way and intersect at as close to a right angle as feasible. The angle of the intersection shall be between 60 and 120 degrees. The curb-line radius of the landing to the edge of the traveled way shall be a minimum of 10 feet. The width of the landing shall be a minimum of 14 feet, but shall not exceed 24 feet. Unless conditions require it, a landing should not be located within twenty (20) feet of a side property line.
- B. Sight distances: No wall or other obstruction shall be planted, constructed, or maintained at the intersection of the driveway with the public way which causes danger to traffic on the public way or to users of the driveway by unreasonably obscuring a view. No new driveway should be located where the minimum sight distance at four (4) feet above the traveled road surface in each direction along the way is less than 150 feet.
- C. Culverts and Drainage: Existing drainage ditches parallel to the public way shall not be obstructed by driveway construction. Culverts of appropriate size and durable material (such as asphalt coated galvanized steel) shall be provided by the applicant as determined by the highway Superintendent. Culverts should be set back a minimum of four (4) feet from the edge of the traveled way. Culverts should be a minimum of twenty (20) feet in length.
- D. Gradients: The gradient of a new driveway must conform to the following standards:

The first six (6) feet of driveway must have a minimum 00.5% and maximum 9% downgrade from the way. The next fourteen (14) feet of driveway must not exceed a 9% downgrade or upgrade from the way.
- E. All new driveways shall be provided with adequate space for reversing the direction of an automobile, so that the vehicle may enter the public way facing forward.
- F. The Board of Selectmen may modify these Design Standards based on sound engineering practice for the site's terrain and driveway usage.

