



PLANNING BOARD  
WHATELY, MASSACHUSETTS

APPLICATION FOR A DRIVEWAY SPECIAL PERMIT

To: Town Clerk  
Whately, Massachusetts

Application fee: \$150

Pursuant to the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts and the Zoning By-Laws of the Town of Whately, application is hereby made to the Planning Board for:

(check one) \_\_\_\_\_ Side Lot Driveway Access \_\_\_\_\_ Common Driveway, for the following reason(s):

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on premises located at \_\_\_\_\_  
(street address) (Zone, if known)

\_\_\_\_\_  
(Map and Parcel No.)

Owned by: \_\_\_\_\_  
(name and address of owner)

Signature of applicant: \_\_\_\_\_

Name of applicant: \_\_\_\_\_  
(print)

Mailing address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email address: \_\_\_\_\_

INSTRUCTIONS FOR PLANNING BOARD SPECIAL PERMIT APPLICANTS

1. Familiarize yourself with the Zoning By-Law ~ 171-11 Section E. (Attached.) You may represent yourself or have someone represent you.
2. One copy of the application with the fee of \$150 is to be given to the Town Clerk.
3. It is a good idea to meet informally with the Planning Board at any regularly scheduled meeting before submitting an application in order to get advice on how to proceed.
4. You should bring an accurate plan showing the parcel involved, location of the proposed driveway, location of any structures on the affected property and of immediate abutters,
5. Be informed that review fees and/or legal fees may be assessed for the Planning Board to evaluate the project, at the sole and absolute discretion of the Planning Board.
6. The Applicant must include a list all owners' names and current addresses of property abutting the premises, and the owners' names and current addresses of land immediately adjoining the land of the Abutters (within 300 feet). Also, the names and current addresses of the owners of land across all highways.
7. There may be situations where both a Common Driveway Special Permit and a Side Lot Driveway Access Special Permit will be required. In that case, both permits must be applied for separately, each with the required fee.

## Whately Town Bylaws, Section 171-11 E

E. Access to a lot via side or rear lot lines and common driveways. Vehicular access to and from a lot shall be across the front lot line, except that the Planning Board may issue a special permit allowing vehicular access to a lot over any side or rear lot line. The Planning Board may also issue a special permit for a common driveway serving more than one lot if the following minimum requirements are met:

- (1) A recorded easement providing permanent access for all properties served by the driveway shall be provided.
- (2) The special permit shall state that the driveway is not a private road or a public road, that it does not meet the standards for a town road and that if the driveway is ever petitioned to be accepted and maintained as a public way by the town, it must first be upgraded to the road standards required in the Whately Subdivision Regulations, at the petitioner's expense.
- (3) Common driveways requirements.
  - (a) The grade, length and location of common driveways shall be constructed and maintained to provide:
    - [1] Adequate access and turnaround for vehicles, including sanitary and emergency vehicles, year round.
    - [2] A width of at least 15 feet, with drainage and culverts where necessary.
    - [3] A maximum grade of 12%.
  - (b) Common driveways longer than 1,000 feet are discouraged, especially if serving more than two lots, and the Planning Board may require passing turnouts depending on the length and design of the proposed driveway.
  - (c) Approval shall be required from the Highway and Fire Departments.
  - (d) No parking areas or structures shall be allowed in the shared portion of the Common Driveway.
- (4) No more than four lots may be served by one common driveway.
- (5) Ownership and maintenance of a common driveway shall be assured through a covenant, homeowners' association, other land agreement or a comparable arrangement satisfactory to the Planning Board in which each lot owner served by the common driveway is responsible for a share of the maintenance expenses. Such agreements shall be submitted with the special permit application.
- (6) No common driveway shall be extended to serve additional lots subsequently created.
- (7) No land held in common ownership with lots served by a common driveway at the time the lots were created shall be subsequently subdivided to be served by another common driveway.

**ABUTTERS** (use additional sheet(s) if necessary)

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