



Town of Hanson

OFFICE OF TOWN CLERK
542 LIBERTY STREET
HANSON, MASSACHUSETTS 02341
Annual Town Meeting
May 1, 2023

Town Clerk
Elizabeth Sloan, CMC, CMMC
Assistant Town Clerk
Jean Kelly, CMC
781-293-2772 Fax 781-294-0884

ARTICLE 37: To see if the Town will vote to approve an amendment to Section XII, Adequate Access Determination, of the Hanson Zoning Bylaws, on file with the Town Clerk, as recommended by the Hanson Planning Board on February 27, 2023; or take any other action in relation thereto.

Proposed by the Planning Board

Explanation: The purpose of this by-law amendment is to provide clarification and additional regulation to the Adequate Access and Improvement to Private Ways bylaw.

Finance Committee defer to Town Meeting.

Motion: Sean Kealy
Second: Robert Hayes

DETERMINATION OF ADEQUATE ACCESS

(10/2007)

Purpose

- A. The purpose of this section is to set forth a procedure and standards by which the Planning Board may determine whether the access is adequate to one or more lots on a private way, so as to satisfy the frontage requirement of the Zoning By-Law. In addition, the procedures set forth in this section for improvements to a private way are designed to reduce the likelihood of drainage and erosion problems and ensure that improvements, when completed, result in a positive determination.
- B. A building permit may be issued by the Building Inspector when a lot has the required frontage on an accepted street. Otherwise, the Building Inspector shall not issue a building permit until the Planning Board has made a Positive Adequate Access Determination ("Positive Determination").

1. **- APPLICATION FOR ADEQUATE ACCESS:**

A- Submittal Requirements - Applicants for an Adequate Access Determination shall submit the following items to the Planning Board. Incomplete applications may delay process.

- a. A ~~written request~~ completed application for an Adequate Access Determination signed by the landowner seeking the Determination. Application. Checklist and filing Fee information may be obtained from the town website or the Planning Board office during normal business hours.
- b. Submit Eight (8) copies of the site plan and an electronic copy of plans and application (PDF) ~~or CAD~~
- c. A locus map which shows adjacent ways and is sufficient to locate the way and parcel.
- d. A completed Determination of Adequate Access Determination Checklist.
- e. A check made payable to the Town of Hanson for the required filing fee.
- f. A plan conforming to the requirements listed in Section I B below.
- ~~g. The name of the private way on which a Determination is being sought.~~
- ~~h. The assessor's parcel number for the lot(s) for which a Determination is being sought.~~
- ~~i. A locus map which shows adjacent ways and is sufficient to locate the way and parcel.~~

Adequate Access Determination Plan Requirements – The following information must be shown on the accompanying plan to be considered as a complete applications.

An Adequate Access Plan at a scale of 1"=20' or greater prepared and wet stamped by a Massachusetts Registered Engineer and/or Surveyor or showing the following:

1. The entire parcel of land in which adequate access is sought, including the number of existing and potential lots and total frontage along roadway (Show a detail for large tracts of land).
2. The name, width and type of roadway as it exists at time of application.
3. Existing resource areas as defined by the Wetlands Protection Act within 100 feet of proposed site ~~access~~
4. Existing drainage structures within the roadway (if any).
5. Existing topography at 1-foot intervals along roadway within 100 feet of site (not just access point) and from roadway to buildable portion of lot where proposed structure will be located.
6. Existing utilities located within roadway within 100 feet of site.
7. Existing obstructions along frontage of site if applicable (guardrails, fencing, etc.)
8. Existing roadway slope and roadway cross slope.
9. Proposed driveway access location and surface type.
10. Proposed structure location and total area of land disturbance.
11. Proposed site distance from access driveway along roadway in either direction.
12. Proposed driveway must meet Lot Access Standards listed under Section VII (7) of this bylaw slope and total length should meet the following standards:

Minimum driveway requirements::

(For driveways in excess of 150 feet in length)

- ~~Minimum driveway width shall be 12 feet with a 2 foot clear zone on each side of driveway for a total of 16 feet;~~
- ~~Driveway shall have an unobstructed vertical clearance of 13.5 feet;~~
- ~~Driveways in excess of 250 feet in length shall provide an area for the turning around of fire apparatus. (Approval from Planning Board and Fire Department Required.)~~
- ~~Driveways, including bridges and other supporting structures of driveways, must be designed by a Massachusetts Registered Structure Engineer and maintained to support loads of fire apparatus and shall be provide with an all-weather driving surface.~~
- ~~The grade of the driveway may not exceed 10% at any point.~~

2. **Planning Board Procedure** - Upon receipt of a completed filing request for an Adequate Access Determination Application and associated fee, the Planning Board will schedule the request for its next available regularly scheduled meeting.
3. **Review Standards** - The Planning Board will consider the following criteria in determining whether a private way is of sufficient width, suitable grades and adequate construction to provide adequate access to the lot (s):
 - a. The roadway surface must-should be a minimum width of fifteen (15) feet of bituminous concrete when possible or eighteen (18) feet of compacted gravel.
 - b. The condition of the existing roadway surface at the time of the application.
 - c. The adequacy of existing or need for proposed drainage along the roadway.
 - d. The number of existing and potential lots.
 - e. The slope of the roadway.
 - f. Vital access from roadway to buildable portion of lot.

The Planning Board may continue its consideration of the request to a later meeting, in order to obtain further information from the applicant and/or conduct a site visit. The Board's decision shall be based on the conditions that exist at the time the Adequate Access Determination is requested.

4. **Decision** - The Planning Board will vote to issue a positive or a negative Adequate Access Determination within sixty (60) days after the hearing is closed and the Board has completed its review of the request. The Board's decision will be issued in writing with reasons set forth and a copy shall be provided to the Building Inspector and Town Clerk.
 - a. **Positive Determination:** Applicants may be issued a building permit upon the issuance of a Positive Determination (provided that all other requirements for a building permit are met).
 - b. **Negative Determination:** The Building Department shall not issue building permits when a Negative Determination is made by the Planning Board. Applicants receiving a negative determination may file an Improvements to Private Way Application in accordance with Section XII(2).
 - c. Appeals of negative determination of the Planning Board shall be

to the Zoning Board of Appeals, with any such appeal to be made in writing to the Town Clerk, within thirty days from the filing of the underlying negative determination.

IMPROVEMENTS TO PRIVATE WAYS:

If an applicant seeks to improve a private way prior to applying for a Determination, or has received a Negative Determination and seeks to correct the deficiencies in the private way that the Planning Board identified in its decision, the following review and approval procedure will be followed for considering an applicant's proposal to improve the private ways.

Submittal requirements - Applicants seeking to improve private ways shall submit the following materials to the Planning Board.

- i. Eight (8) sets of Road Construction Plans showing proposed improvements to the way at a scale of 1"= 40' or greater in plan and profile view signed by a Massachusetts registered professional engineer. Plans should ~~meet the requirements~~ **provide** information listed above in Section IB.
- ii. An estimate of the number of potential lots that could be served by the way based on existing zoning if a Positive Determination were issued.
- iii. An administrative fee and an escrow account to cover the costs of a review engineer in amounts to be determined by the Planning Board. An applicant may also be required to establish a bond depending upon the scope of the project.
- iv. A certified list of all abutters to the way that is being developed. If two (2) ways are being improved, all abutters to both ways must be notified. The applicant must notify the abutters by certified mail and provide the Planning Board with mailing green cards prior to hearing for verification.
- v. A signed statement whether or not the applicant intends to have the way accepted by the town once improvements have been completed and approved by the Planning Board.

Applicants may request a pre-application meeting with the Planning Board at a regularly scheduled meeting to discuss any ~~appropriate~~ proposed waivers and construction standards.

A. Public Hearing Requirements:

- i. The Planning Board shall conduct a public hearing on the proposed improvements with notice provided at least fourteen (14) days prior to the hearing in a newspaper of local circulation. Applicants must pay the cost of advertising the public hearing.
- ii. The Planning Board shall request written comments from the Highway

Department, Fire Department, Police Department, Conservation Commission, Water Department, Building Department and Board of Health. These departments shall be requested to respond within fourteen (14) days of application submission.

B. Review Standards - Based on site conditions, road improvements shall generally be constructed to the following minimum standards:

- i. **Pavement width** shall be a minimum of fifteen (15) feet and should be constructed as follows: ~~Three (3)~~ Four and one half (4-1/2) inches of bituminous concrete on a twelve (12) inch minimum gravel base (1 ½ 3 inches of binder course, 1 ½ inches of wearing course), conforming to Roadway Paving standards set forth in Section 7.3.3 of the Hanson Subdivision Control Law, or existing asphalt penetration that has shown its ability to withstand the traffic flow.
- ii. **Drainage** - Depending on topography and other site conditions, curbing, catch basins or other drainage structures may be required within roadway and/or on site. In all cases, appropriate provision for stormwater run-off shall be made so that it leads into a storm water drainage system, no stormwater will be directed onto any abutting property, and no erosion will result. Stormwater design should meet current Stormwater Design Regulations.
- iii. **Tapering**- Where necessary, newly constructed segments of an unaccepted way shall be "tapered back" to provide a safe transition to the cross section of the existing ways.
- iv. The Planning Board will consider comments received pursuant to Section ~~2(b)~~ B (ii) in reviewing proposed road improvements.
- v. One or more of these conditions may be waived by the Planning Board, at its discretion, if the Planning Board determines that the requested waivers do not derogate from the intent of the Zoning Bylaw.

C. Decision - Following the public hearing, the Planning Board will determine that either:

- i. The plan may be approved because the proposed improvements will be sufficient to allow the Planning Board to issue a Positive Determination upon completion of the improvements;
- ii. The plan may be approved because the proposed improvements with modifications required by the Planning Board will be sufficient to allow the Planning Board to issue a Positive Determination upon completion of the improvements; or,
- iii. The plan ~~must~~ may be denied, because the proposed improvements will be insufficient or do not **meet** Hanson Subdivision Control standards to allow the Planning Board to issue a Positive Determination upon completion of the improvements.

The Board shall have sixty (60) days after the public hearing is closed to issue a written decision. The Board's decision will be issued in writing with reasons set forth and a copy shall be provided to the Building Inspector and Town Clerk.

D. Appeals:

Appeals of the Planning Boards decision may be made in accordance with Massachusetts General Law Chapter 40A, Section 17.

E. Completion of improvements:

- i. Prior to commencing construction, the applicant ~~will~~ may be required to pay for the cost of construction oversight by the Planning Board's designee if so determined by the board, said funds to be paid in accordance with G.L. c. 44, §53G.
- ii. After improvements are completed in accordance with approved plans and the Planning Board is so notified, the Planning Board shall issue a Positive Determination and shall notify the Building Department and the applicant in writing of its decision. Applicant must submit an As-built Plan prepared by a Massachusetts Registered Engineer for review and approval prior to receiving a Positive Determination.

VOTED Aye, voice declared 2/3's by Moderator vote to approve an amendment to Section XII, Adequate Access Determination, of the Hanson Zoning Bylaws, as recommended by the Hanson Planning Board on February 27, 2023 and as printed in the informational warrant.

A true copy of the vote, Attest:

A handwritten signature in cursive script, appearing to read "Elizabeth Sloan".

**Elizabeth Sloan, CMC, CMMC
Town Clerk**

SECTION XII

DETERMINATION OF ADEQUATE ACCESS

(10/2007)

Purpose

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 - e. A check made payable to the Town of Hanson for the required filing fee.
 - f. A plan conforming to the requirements listed in Section 1B below.

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12. – Proposed driveway must meet Lot Access Standards listed under Section VII (7) of this bylaw.

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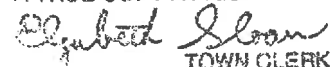
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