

Town of Fairhaven  
Board of Public Works



Rules and Regulations

for

Driveways

Sidewalks

Curbing

REVISED 2/13/2023

**Town of Fairhaven  
Board of Public Works**

**Rules and Regulations  
Driveways – Sidewalks - Curbing**

**CURB CUTS**

Residential properties less than 65' of frontage	-	maximum 14'
Residential properties 66' – 85' of frontage	-	maximum 16'
Residential properties 86' or larger of frontage	-	maximum 26'

Additional driveway openings shall be permitted on a case by case scenario as approved by the Highway Superintendent and subject to the following:

- Total width of existing and proposed driveway openings shall not exceed more than 50% of the residential properties frontage.
  - o *For Example: A residential property has 60 feet of frontage with an existing driveway opening of 14 feet. A second driveway opening may be permitted up to 16 feet wide. (14-foot existing driveway + 16-foot proposed driveway = 30 feet total opening = 50% property frontage)*
- Proposed driveway aprons and openings may not fall beyond the applicant's property side line boundaries.

Business Properties – allowed up to 2 openings on any street that abuts the business property:

- 1 opening – not to exceed 30'
- 2 openings – subject to approval by the Highway Superintendent pending the proposed driveway use and traffic patterns

**DRIVEWAYS**

Driveway openings shall coincide with the curb cut widths. Aprons shall be consistent with the neighboring sidewalk material. Approved materials: asphalt, concrete and stamped concrete.

**SIDEWALKS**

All sidewalk material shall be consistent with neighboring sidewalks. If no paved sidewalk exists, the material to be used to pave the sidewalk shall be whatever the majority of the sidewalks are paved with on the street. Approved materials: asphalt, concrete and stamped concrete.

**NEW CURBING AND CURBING REPLACEMENT**

The type of material is to be consistent with the majority of the block. Approved materials: asphalt, concrete, granite, and cobblestone.

**COMPLETION OF WORK**

All work must be completed within thirty (30) working days of Contractor's signature date on the permit application form for curb cuts. You may file a request for an extension of time not to exceed fifteen (15) working days. If the work is not completed, you may file another application.

**NOTIFICATION**

The Highway Superintendent shall be notified twenty-four (24) hours prior to any construction in the public way. Telephone: 508-979-4031.

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**WAIVERS**

Waivers may be allowed for more or wider openings or for different material used. The Board of Public Works will schedule a meeting to discuss the request.

**FEE**

Residential \$50.00 / each  
Commercial \$150.00 / each

The material and construction procedures shall conform to the 2022 edition of the Commonwealth of Massachusetts, Department of Transportation Standard Specifications for Highways and Bridges and as amended at the time of the permit application.

Proposed deviations from the MassDOT Standard Specifications shall be submitted in writing to the Highway Superintendent for review. No work shall commence until deviations are agreed and approved in writing.

**SUBMITTALS**

Contractor shall submit for review mix designs and/or specification sheets/details for any cement concrete or hot mix asphalt (HMA) material required for the proposed sidewalks, driveways, pedestrian curb ramps and curbing regardless of material type. Submittals must be received by the Highway Superintendent at least five (5) business days prior to the commencement of the proposed work for review and approval.

**EXCAVATED MATERIALS**

All excavated materials to be discarded by the Contractor. The Town of Fairhaven will not accept excavated material.

Existing granite curb and or cobbles not intended to be reused as part of the work shall be inspected by the Highway Superintendent and/or their designated representative. If deemed acceptable, excess material shall be returned to the BPW yard.

**TREE STUMP REMOVAL**

Removing stumps for the installation of sidewalk, driveways or curbing shall be coordinated with the Town of Fairhaven's Tree Warden or their designated representative. Work includes satisfactory removal and disposal of stump, pruning roots and or grinding the stump and installing and compacting gravel as required by the Highway Superintendent.

**CEMENT CONCRETE SIDEWALKS AND DRIVEWAYS**

Cement Concrete Driveway aprons shall conform to all provisions of Subsection 701 of the 2022 edition of the Commonwealth of Massachusetts, Department of Transportation Standard Specifications for Highways and Bridges and as amended at the time of the permit application and the following:

Cement concrete driveway aprons shall be constructed 6-inch minimum thickness with 6" x 6" welded wire mesh reinforcement over 8-inch minimum gravel borrow subbase.

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Preformed expansion joints shall be installed every 30 feet and at the limits of driveway transitions as directed by the Highway Superintendent.

**CEMENT CONCRETE PEDESTRIAN CURB RAMPS**

Cement Concrete Pedestrian Curb Ramps shall conform to all provisions of Subsection 701 of the 2022 edition of the Commonwealth of Massachusetts, Department of Transportation Standard Specifications for Highways and Bridges and as amended at the time of the permit application.

**STAMPED CEMENT CONCRETE DRIVEWAY REQUIREMENTS**

**In lieu of asphalt, applicants may use stamped concrete, with the approval of the Highway Superintendent. A Non-Standard Pavement (Right of Way) Agreement must be executed.**

Stamped Cement Concrete Driveway aprons shall conform to all provisions of Subsection 701 of the 2022 edition of the Commonwealth of Massachusetts, Department of Transportation Standard Specifications for Highways and Bridges and as amended at the time of the permit application and the following:

Stamped Cement Concrete Driveway aprons shall be constructed 6-inch minimum thickness with 6" x 6" welded wire mesh reinforcement over 8-inch minimum gravel borrow subbase. Preformed expansion joints shall be installed every 30 feet and at the limits of driveway transitions as directed by the Highway Superintendent.

Specifications, details, and construction methodologies and or procedures shall be submitted to the Highway Superintendent for review at least 10 working days prior to the commencement of the proposed work for review and approval. Upon request, samples and reference work in kind may be requested for further review and approval.

**HOT MIX ASPHALT SIDEWALKS AND DRIVEWAYS**

Hot Mix Asphalt Sidewalks and Driveways shall conform to all provisions of Subsection 702 of the 2022 edition of the Commonwealth of Massachusetts, Department of Transportation Standard Specifications for Highways and Bridges and as amended at the time of the permit application.

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**AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE**

All work shall be subject to all applicable ADA compliance rules and regulations. Any work that does not meet ADA compliance shall be redone at the sole expense of the applicant to the satisfaction of the Highway Superintendent. For clarification purposes minimum ADA compliance requirements shall be met for the following:

- 3-foot minimum clear path of travel shall be maintained across driveway openings as shown on the MassDOT Construction Standard Details, dated October 2017, or as amended at the time of application, as applicable when proposed work is joining an adjacent sidewalk in the Public Right of Way. Deviations from these standard details shall be submitted to the Highway Superintendent at least 10 working days prior to the commencement of the work for review and approval.
- Pedestrian curb ramps where required shall meet the requirements as shown on the MassDOT Construction Standard Details, dated October 2017, or as amended at the time of application. Deviations from these standard details shall be submitted to the Highway Superintendent at least 10 working days prior to the commencement of the work for review and approval.
- Clear path of travel around vertical obstructions shall be at a minimum of 4 feet. Anything less than a 4-foot minimum clear path of travel shall be reviewed in the field by the Highway Superintendent for acceptance on a case by case scenario. Any instance where minimum clear path of travel has NOT been maintained corrective measure shall be the responsibility of the applicant to meet minimum requirements stated above and as approved by the Highway Superintendent.

**RESTORATION OF COMPLETED WORK AREA**

The applicant shall be solely responsible for restoring any impacted area within the Public Right of Way within one year from the permit issue date and shall be to the satisfaction of the Highway Superintendent.

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**NON-STANDARD PAVEMENT (RIGHT-OF-WAY)  
PERMIT AGREEMENT**

**THIS AGREEMENT** executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the TOWN OF FAIRHAVEN, a Massachusetts municipal corporation, acting through the Fairhaven Board of Public Works, (BOARD)

and

\_\_\_\_\_ of  
(Name)

\_\_\_\_\_, Fairhaven, MA  
(OWNERS ADDRESS);

**W I T N E S S E T H:**

**WHEREAS**, OWNERS are all of the record owners of a parcel of real estate commonly referred to as \_\_\_\_\_, Fairhaven, MA (“OWNERS’S PROPERTY”); and

**WHEREAS**, the OWNER’S PROPERTY abuts a public right-of-way (ROW) held in trust by the BOARD (“TOWN PROPERTY”); and

**WHEREAS**, OWNERS request that the BOARD, grant a permit to construct, install, maintain and use Non-Standard Pavement in the TOWN PROPERTY; and

**WHEREAS**, Non-Standard Pavement is defined as Stamped Concrete or Colored Concrete, Cobblestones, Bricks; and

**WHEREAS**, the BOARD finds that the encroachment of the Non-Standard Pavement in the TOWN PROPERTY is minor and as such will not impede the public use of the TOWN PROPERTY; and

**WHEREAS**, the BOARD is willing to enter into a permit agreement (the “Permit Agreement”) to permit the installation, construction, existence and use of Non-Standard Pavement in the TOWN PROPERTY under certain conditions and restrictions as stated below; and

**WHEREAS**, the Superintendent, Board of Public Works is authorized to execute the Permit Agreement on behalf of the BOARD; and

**WHEREAS**, OWNERS agree to abide by those conditions and restrictions in exchange for the BOARD entering into the Permit Agreement;

**NOW, THEREFORE**, in consideration of a one-time licensing fee of *fifty and no/100 DOLLARS* (\$50.00), the receipt and sufficiency of which is acknowledged by the BOARD, and the mutual covenants contained herein, the BOARD and OWNERS agree as follows:

1. OWNERS represent, warrant and covenant that they are all of the record owners of the OWNER’S PROPERTY.

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2. The BOARD grants to OWNERS, and OWNERS do hereby accept, a permit to construct, install, maintain, and use the above-described Non-Standard Pavement subject to all the terms and conditions of this Permit Agreement.
3. The Non-Standard Pavement shall be constructed and installed by OWNERS, at their expense, in strict accordance with descriptions contained in **Exhibit "B"** attached hereto and made a part hereof, and said shall encroach into the TOWN PROPERTY no more than is described in Exhibit "B". All plans and specifications for construction and installation of the Non-Standard Pavement shall be submitted and approved by the BOARD prior to the commencement of any construction and/or installation whatsoever. All construction, installation, maintenance and use shall be done pursuant to all the laws, ordinances, resolutions, rules and regulations of the BOARD, and the Commonwealth of Massachusetts or any other governmental unit or agency applicable thereto as amended from time to time.
4. Upon construction and installation or removal of said Non-Standard Pavement, OWNERS shall restore the surrounding area to its original condition immediately prior to construction and installation, or removal. In the event OWNERS do not restore the surrounding area, the BOARD may restore the surrounding area and charge the costs thereof to OWNERS. Any such expense incurred by the BOARD in connection with this Paragraph shall create a lien against the OWNER'S PROPERTY.
5. The Non-Standard Pavement shall at all times remain the property of the OWNERS and the BOARD shall not be responsible for the continued maintenance of the Non-Standard Pavement; provided, however, the BOARD may at its option, maintain the Non-Standard Pavement and charge OWNERS the costs and expenses incurred therein. Any such expense incurred by the BOARD in connection with this Paragraph shall create a lien against the OWNER'S PROPERTY.
6. THE OWNER understands, acknowledges and accepts any and all responsibility for repair, restoration and any and all other work necessary to restore Non-Standard Pavement as a result of BOARD damage during use or access of public ROW shall be OWNER'S responsibility. The BOARD shall have no responsibility under any condition for repair or restoration of Non-Standard Pavement.
7. This Agreement shall not give rise to any right of ownership in the TOWN PROPERTY to OWNERS; the TOWN PROPERTY shall continue to be a public property held by the BOARD in trust for the general public.
8. The Non-Standard Pavement shall be constructed, installed, maintained and used so as to not interfere with either the public use of the TOWN PROPERTY or the rights of abutting and adjoining landowners. The construction, installation, maintenance or use of the Non-Standard Pavement shall not at any time interfere with the public use of the TOWN PROPERTY.
9. This Permit Agreement is subject to the BOARD'S unilateral amendment, modification or rescission, and the privileges and authority granted herein may be revoked by the BOARD at any time without cause, at which time OWNERS, at their expense, shall remove the Non-Standard Pavement, however, the BOARD may at its option, remove the Non-Standard Pavement and charge OWNERS the costs and expenses incurred therein.

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Any such expense incurred by the BOARD in connection with this Paragraph shall create a lien against the OWNER'S PROPERTY.

10. The OWNERS agree to indemnify and hold the BOARD, its officers, officials, employees and agents harmless from (a) any causes of action or claims for damages to the Non-Standard Pavement caused by work by the BOARD or its agents, within the TOWN PROPERTY, and/or (b) any and all claims and causes of action (including, but not limited to, those brought, asserted or alleged by third parties), and liabilities or expenses, including judgments, costs and damages, and including any and all attorney's fees and costs incurred by the BOARD, alleged to have occurred from the installation, construction, repair, maintenance, continued existence, or removal of the Non-Standard Pavement.
  
11. OWNERS understand and agree that the BOARD, public utilities and/or cable television companies, and their successors and assigns, may also have certain rights in, over, under, upon or across the TOWN PROPERTY and that this Permit Agreement does not affect or diminish the rights of those parties and that the construction, installation, repair, maintenance and/or use of the Non-Standard Pavement will not affect or diminish those parties rights referred to above.
  
12. This Permit Agreement shall be binding upon and inure to the benefit of the respective heirs, successors and assigns of the parties hereto.

By: \_\_\_\_\_  
SUPERINTENDENT, BOARD OF PUBLIC WORKS

DATE: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Owners Signature

DATE: \_\_\_\_\_