**Sherwood Forest Road Maintenance District**

**Driveway Culvert Policy**

**Section 1. Purpose**:

The goal of this policy is to provide guidelines for the responsibility of the installation, maintenance, repair and/or replacement of driveway culverts on the roadways of the Sherwood Forest. Failed, clogged and frozen culverts may cause damage to the adjacent roads resulting in road erosion and washouts, the flow of sediment into District waterways, and unsafe conditions resulting in costly repairs to the roads.

**Section 2. Considerations:**

Driveway access is necessary for a homeowner to access their property; they are not used by the traveling public. Therefore, the driveway and any associated structure, such as a culvert, is not owned by the District and the cost, installation, and maintenance of the driveway and culvert pipe shall be the responsibility of the property owner.

Chapter VIII, Section 1: Betterments, of the Sherwood Forest Road Maintenance District By-Laws of the Special Act of 1982 states:

“The abutters to any street or way listed or described in the Special Act of Chapter 380 shall assume all costs and responsibility of construction of all driveways to their property. This is to include required culverts, and construction to grade as designated in the field by the Superintendent of Streets.

Applications for driveways and curb cuts will be submitted to the Superintendent of Streets for approval seven days prior to the commencement of any work with an appropriate fee. A permit must be issued prior to construction. (added 02/04/2006).”

This by-law is consistent with Article 17, Section 9 of the Town of Becket By-Laws (Betterments) addressing the responsibility of homeowners for driveway culverts abutting Becket public roads.

**Section 3. Installation, Maintenance, Repair or Replacement of a Driveway Culvert:**

**Installation:** In order to access their property where a roadside ditch exists, property owners shall install a culvert. New driveway and culvert installations are the responsibility of the property owner. A **Curb Cut Permit** and site inspection is required by the Sherwood Forest Road Maintenance District before installation begins.

The **Curb Cut application form** is available on the District website [www.sfrmd.com](http://www.sfrmd.com).

Abutter notification and a public hearing are also required.

Property owners must construct their driveway and install culverts in accordance with the construction standards found in **“Massachusetts Unpaved Road BMP (Best Management Practices) Manual”** (available online at mass.gov). These standards have been developed so as not to hinder roadside drainage. Proper installation is important to protect roads from erosion that lead to expensive repairs and unsafe conditions. The design and size of the culvert may require the help of a licensed professional.

**Maintenance/Repair/Replacement:** The property owner is responsible for all maintenance and repair of the driveway culvert. Maintenance includes clearing the culvert if it is clogged by sand/gravel, leaves, ice or other materials. Repairs or replacement may be necessary if the culvert is crushed or corroded, the pipe size is insufficient to function properly, or the pipe has been exposed by erosion.

The Road District Superintendent may inspect driveway culverts during routine maintenance operations. If a driveway culvert is found to have failed, the property owner will be notified by phone and certified mail. They will be required to make the necessary repairs at their own expense.

For those property owners with a failed driveway culvert who wish assistance, the Road District may, with approval of the Prudential Committee, purchase all materials and provide installation of a new culvert pipe along with the driveway surface and restoration. The property owner shall be required to pay the Road District for all pipe and restoration materials as well as materials and outside labor (if any) to restore the driveway. This may include subcontracted costs. *Payment must be made prior to any work commencing.*

If a property owner fails to maintain their driveway culvert after being notified of its failure, the Road District will make the necessary repairs or replacement of the culvert to restore proper drainage and will seek payment of ALL costs from the property owner.

**Section 4: Emergency Road Repairs**

In the event of a road emergency which threatens the safety of residents, and if the property owner cannot be contacted, the Road District Superintendent may authorize maintenance on a private driveway and/or culvert. The property owner will be responsible for the cost of the repair if deemed liable for the damage.

Repairs deemed the result of declared natural disasters, such as hurricanes, may be exempt if government disaster funding is available and the Prudential Committee approves the repair.

Where a culvert or ditch is being relocated for Road District purposes, the Road District will replace the driveway culvert, driveway surface, and provide restoration to any disturbed areas at no expense to the property owner.

Approved 11/9/2019