



TOWN OF CHARLEMONT

Application for Curb Cut Permit

CURB CUT

1. 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 twenty (20) feet of a driveway adjoining a public way, measured from the edge of a traveled way.

2. 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.

3. Application for Permit

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 Select Board, in accordance with this by-law.

A curb cut permit is required before construction of the driveway or before submission from any applicable building permit. Exceptions:

- A. Driveways already in existence, where the use remains the same.
- B. Driveways subject to Massachusetts General Laws Chapter 81, Section 21, (State Curb Cut Permit).
- C. Driveways reviewed by municipal boards under existing laws or bylaws to include, but not limited to scenic roads by-law or sub-division by-law.

4. Review Procedures

- A. The property owner seeking a curb cut shall make a written submission to the Select Board, 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 5, Design Standards.
- B. The Select Board shall consult with the Highway Superintendent, Police Chief, Fire Chief and other interested Town Officials to obtain their comments on the plan.
- C. The Select Board shall notify the property owner making 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 5, Design Standards, are met, the Select Board shall issue a curb cut permit. If the Select Board 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 Select Board 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 Highway Superintendent shall "sign-off" on the permit after satisfactory completion of construction.

5. Design Standards - 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. 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 user 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 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 0.5% 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 Select Board may modify these design standards based on sound engineering practice for the site's terrain and driveway usage.

Section 3. Fine For Obstruction of Town Layouts

No person other than an employee in the service of the Town of Charlemont or any employee in the service of an independent contractor acting for the Town of Charlemont or any such subdivision thereof shall poke, push, blow or plow snow or ice onto a Town layout, including but not limited to a street, roadway, lane, by-way or sidewalk so as to impede the flow of traffic or pedestrians on such. Whoever violates this section shall be punished by a fine of one hundred and fifty dollars. Such provisions are to be enforced by the Charlemont Police Department under the provisions of Massachusetts General Laws Chapter 40, Section 21D.

TOWN OF CHARLEMONT Application for Curb Cut Permit

NO. _____

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: _____

NAME OF CONTRACTOR: (if any): _____

CONTRACTOR ADDRESS: _____

CONTRACTOR TELEPHONE: _____

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

DESCRIPTION OF WORK: _____

ANTICIPATED START DATE: _____

ANTICIPATED COMPLETION DATE: _____

Please attach a drawing/plan of the proposed curb cut or driveway and any necessary construction details. The curb cut and/or driveway must be developed in accordance with the provisions of the curb cut bylaw dated May 8, 1980, attached to the application. Applicant shall incorporate the curb cut bylaw as part of the site plan requirement.

REVIEW OF APPLICATION

Application must be submitted to the Select Board.

Please submit one original and 3 copies of the application.
To be completed by the applicant. Must be signed at the time of application.

I have read the attached Curb Cut Bylaw 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 Select Board must notify the applicant making the application within 21 days, in writing, indicating whether the application is approved or not.

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

Reviewed By:

_____ Road Superintendent
_____ Fire Department
_____ Police Department

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 the 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 request. 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 **811 or 888-344-7233**) .

Said permit for the above shall be under direct inspection of the Road 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 Select Board:

Date permit granted: _____

Date permit released: _____