

Chapter 125

DRIVEWAYS

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XX of the 2005 Bylaws. Amendments noted where applicable.]

§ 125-1. Definitions.

The following words used in this bylaw shall have the following meanings, unless a contrary intention clearly appears:

PERSON — Includes a corporation, society, association and partnership.

SUPERINTENDENT — The Superintendent of the Highway Department, or authorized agent or employee.

WAY — A public way.

§ 125-2. Permit required.

No person shall construct or reconstruct a driveway which opens on a way unless the owner of the land on which the driveway is to be constructed or reconstructed has first obtained a written permit from the Superintendent, and no person shall construct or reconstruct such a driveway except in accordance with the terms and conditions of such permit and the regulations adopted by the Superintendent pursuant to § 125-5 of this bylaw.

§ 125-3. Applications and fees.

- A. Each application for a driveway permit shall be made to the Superintendent by the owner of the land on which the driveway is to be constructed.
- B. Each application for a driveway shall include and be accompanied by the following information and supporting documentation:
 - (1) The complete name and residential address of the owner of the land.
 - (2) The complete street address of the land.
 - (3) A plot plan of the land showing, among other features, the proposed driveway on which the driveway opens, and all buildings and other structures located on the land or proposed to be constructed or placed on the land.
 - (4) Such other information and documentation as may be required by the Superintendent.

- C. Each application shall be accompanied by the sum of ten dollars (\$10) for the permit fee, which the Superintendent shall pay over on receipt to the Town Treasurer.

§ 125-4. Permits.

Each permit issued by the Superintendent shall include the following:

- A. Such terms and conditions as the Superintendent deems reasonably necessary to prevent an undue volume of surface water and eroded materials draining and being carried from the land on which the driveway is to be constructed onto the abutting public way.
- B. A description of any surface water drainage and erosion prevention facilities which the Superintendent shall require be installed.
- C. A provision that the owner shall give written notice to the Superintendent prior to commencing the construction of the driveway.
- D. A provision that the permit shall be found to be abandoned and invalid unless all of the construction authorized by it, including completion with macadam or paving, shall have been completed within forty-five (45) days after its issuance, and the failure to so complete within the ten-day period after receipt of notice shall also be a violation subject to the penalty specified in § 125-6B below.
- E. A provision that the contractor who will be doing the driveway construction, before issuance of such permit, shall have posted a five hundred dollar (\$500) cash bond or performance bond issued by a surety company authorized to do business in the Commonwealth naming the Town as the obligee, insuring the completion of the construction authorized by the permit within the above forty-five-day period, failing which:
 - (1) The bond shall become the property of the Town to the extent of the cost to complete; and
 - (2) The Town may then at its election have the work completed forthwith and the owner of the land shall be liable for any cost not covered by the bond.

§ 125-5. Regulations.

The Superintendent may adopt regulations, subject to the approval of the Selectmen, to carry out the purposes of this bylaw. Such regulations shall take effect upon their being filed in the office of the Town Clerk.

§ 125-6. Enforcement and penalty.

- A. The Superintendent shall enforce the provisions of this bylaw.
- B. Any person who continues to violate any provision of this bylaw or of any permit issued hereunder or of any regulation adopted hereunder after the expiration of ten (10) days following receipt by him/her of a written notice of such violation from the

Superintendent shall be liable to a penalty not exceeding fifty dollars (\$50). Each day that such violation continues after said ten-day period shall constitute a separate offense.

§ 125-7. Repeal.

The bylaw adopted under Article 5 of the warrant for the Special Town Meeting of September 5, 1969 is hereby repealed.