

Town of Stockbridge

TOWN HALL, 6 MAIN STREET, P.O. BOX 417
STOCKBRIDGE, MASSACHUSETTS 01262-0417

BOARD OF ASSESSORS
(413) 298-3509
TOWN COLLECTOR
(413) 298-3890
TREASURER
(413) 298-4534
TOWN CLERK
(413) 298-4568
SELECTMEN'S OFFICE
(413) 298-4714
FAX: (413) 298-4485

PERMIT NO. _____

TOWN OF STOCKBRIDGE APPLICATION FOR PERMIT FOR CURB CUTS AND STREET OPENINGS

TO: THE BOARD OF SELECTMEN DATE: _____

I. APPLICANT

NAME: _____

ADDRESS: _____

PHONE NO.: _____

II. WORK

LOCATION: _____

DESCRIPTION: _____

DATE: _____

III. ACKNOWLEDGEMENT

I, the undersigned, hereby declare that I have read, understand and agree to abide by the regulations and specifications for curb cuts and street openings set forth in the Town of Stockbridge Bylaws. I have complied with the notice requirements of *M.G.L. c. 82*, section 40. I will perform work in accordance with all applicable laws and bylaws. I have deposited the required bond with the Town of Stockbridge and I covenant and agree that the Town may deduct from this amount the costs of any repairs necessary to Town property as a result of any deficient or incomplete work related to this permit.

Applicant

Date

PERMIT NO. _____

**TOWN OF STOCKBRIDGE
APPLICATION FOR PERMIT FOR
CURB CUTS AND STREET OPENINGS**

IV. APPROVAL:

FEE: _____

BOND: _____

Special Instructions and/or requirements: _____

BOARD: _____

CHIEF OF POLICE: _____

HIGHWAY SUPERINTENDENT: _____

ISSUED BY: _____

DATE: _____

V. COMPLETION

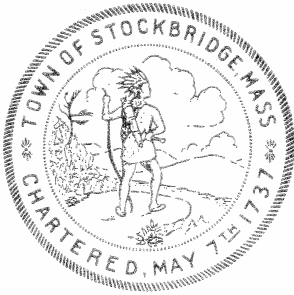
INSPECTED/APPROVED BY: _____

DATE: _____

BOND RETURNED: _____

RETURNED BY: _____

DATE: _____



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CURB CUTS AND STREET OPENINGS BYLAW

SECTION 1. PERMIT REQUIRED

EXCEPT AS PROVIDED UNDER FEDERAL AND STATE LAW, OR DURING AN EMERGENCY AFTER GIVING NOTICE TO THE CHIEF OF POLICE, ANY PERSON WISHING TO CUT, ADD, REMOVE OR ALTER ANY SIDEWALK OR CURB, OR OPEN, FOR ANY REASON, ANY PORTION OF ANY TOWN OWNED STREET, ROADWAY, RIGHT-OF-WAY OR EASEMENT WITHIN THE TOWN MUST FIRST OBTAIN A PERMIT FROM THE BOARD OF SELECTMEN. PERMIT SHALL BE GRANTED ONLY UPON AN APPLICANT'S COMPLETION OF THE APPLICATION PROCEDURE SET FORTH IN SECTION 2 OF THIS BYLAW AND SHALL BE SUBJECT TO AND LIMITED BY THE APPLICABLE PERMIT TERMS OF THIS BYLAW, ANY OTHER APPLICABLE BYLAW OF THE TOWN OF STOCKBRIDGE, AND ANY APPLICABLE FEDERAL OR STATE LAWS. NOTHING IN THIS BYLAW SHALL BE CONSTRUED TO EXCEPT ANY PERSON FROM COMPLYING WITH APPLICABLE PROVISIONS OF THE TOWN'S ZONING BYLAWS.

SECTION 2. APPLICATION PROCEDURE

- 2.1 ANY PROPERTY OWNER, CONTRACTOR, OR PUBLIC UTILITY MAY REQUEST A PERMIT. AN APPLICANT MUST COMPLETE, IN FULL, A PERMIT APPLICATION, WHICH MAY BE OBTAINED FROM THE BOARD OF SELECTMEN. APPLICATIONS SHALL BE SUBMITTED, TOGETHER WITH A CERTIFIED CHECK FOR THE PROCESSING OF THE APPLICATION IN ACCORDANCE WITH A SCHEDULE OF FEES DETERMINED BY THE BOARD OF SELECTMEN.
- 2.2 APPLICANTS SHALL SUBMIT, BY CERTIFIED MAIL OR HAND DELIVERY, WRITTEN NOTICE OF THE PROPOSED WORK, INCLUDING THE ADDRESS OF THE SITE WITH A REASONABLY ACCURATE DESCRIPTION OF THE LOCATION OF THE WORK AND THE NAME, ADDRESS AND PHONE NUMBER OF THE PARTY PERFORMING THE WORK, TO THE CHIEF OF POLICE AND TO ALL PUBLIC UTILITIES OPERATING IN THE VICINITY OF THE SITE. APPLICANTS SHALL ALSO COMPLY WITH THE NOTICE REQUIREMENTS SET FORTH IN M.G.L. C.82, SECTION 40.
- 2.3 APPLICANTS MAY BE REQUIRED TO SUBMIT A PERFORMANCE BOND, IN THE AMOUNT OF THE TOTAL COST OF THE WORK TO BE PERFORMED, TO SERVE AS A GUARANTEE OF THE TIMELY AND SATISFACTORY COMPLETION OF THE WORK.
- 2.4 THE ISSUANCE OF A PERMIT SHALL CONSTITUTE AN AGREEMENT BETWEEN THE HOLDER AND THE TOWN, WHICH SAVES HARMLESS AND INDEMNIFIES THE TOWN, AND WHICH RELEASES THE TOWN FROM ANY AND ALL LIABILITY ARISING IN ANY MANNER RELATED TO THE PERMIT AND THE WORK PERFORMED PURSUANT TO THE PERMIT.

SECTION 3. PERMIT TERMS

3.1 TERMS APPLICABLE TO ALL PERMITS

UNLESS OTHERWISE SPECIFICALLY AUTHORIZED BY THE BOARD OF SELECTMEN, THE PERMIT HOLDER SHALL:

- A) OBTAIN ALL NECESSARY STATE AND FEDERAL APPROVALS CONCURRENTLY WITH THAT OF THE TOWN.
- B) COMMENCE WORK NO LATER THAN 30 DAYS AFTER THE ISSUANCE OF A PERMIT.
- C) PERFORM WORK ONLY BETWEEN THE HOURS OF 7:30 A.M. AND 5:30 P.M.
- D) PERFORM NO WORK ON SATURDAY, SUNDAYS, HOLIDAYS OR DURING THE PERIOD NOVEMBER 15-APRIL 1
- E) KEEP THE PERMIT, OR A COPY THEREOF, AT THE SITE.
- F) ALLOW THE HIGHWAY SUPERINTENDENT TO MAKE PERIODIC INSPECTION OF THE SITE, WORK PERFORMED AND THE PERMIT.
- G) TAKE APPROPRIATE PRECAUTIONS TO PROTECT PUBLIC SAFETY AND CONVENIENCE.
- H) BARRICADE, MARK, AND LIGHT AFFECTED AREAS, AS NECESSARY TO PREVENT PUBLIC ENTRANCE OR ACCESS INTO THE WORK AREA.
- I) IF RECOMMENDED BY THE CHIEF OF POLICE, PROVIDE FOR POLICE OFFICERS TO BE PRESENT AT ANY WORK SITE FOR THE PUBLIC SAFETY AND THE DIRECTION OF TRAFFIC.
- J) MAINTAIN PROPER ACCESS TO ANY ROADWAYS, PRIVATE PROPERTY, SEWER GRATE, FIRE HYDRANT, CATCH BASIN OR SIDEWALK.
- K) PERFORM AND COMPLETE ALL WORK WITHOUT CREATING ANY ADVERSE EFFECT ON DRAINAGE OR RISK OF EROSION.
- L) IF A PUBLIC UTILITY LINE, WIRE, CONDUIT, MAIN PIPE, OR OTHER FACILITY IS DAMAGED IN ANY MANNER OR TO ANY DEGREE, IMMEDIATELY NOTIFY THE UTILITY IN ACCORDANCE WITH M.G.L. C. 82 SECTION 40.
- M) MAINTAIN THE WORK SITE IN PROPER ORDER AND CONTAIN ANY NOISE, VIBRATION AND DUST EMITTED THEREFROM TO THE GREATEST EXTENT POSSIBLE.
- N) RETURN ANY AFFECTED PUBLIC OR PRIVATE PROPERTY, OR STRUCTURE THEREON, TO ITS ORIGINAL CONDITION IMMEDIATELY UPON COMPLETION OF THE WORK. ANY WATER MAIN, SEWER GRATE, MANHOLE COVER OR OTHER SURFACE LEVEL HARDWARE SHALL BE SET FLUSH WITH THE COMPLETED SIDEWALK OR ROADWAY

3.2 TERMS APPLICABLE TO ALL PERMITS

UNLESS OTHERWISE SPECIFICALLY AUTHORIZED BY THE BOARD OF SELECTMEN, ALL WORK PERFORMED PURSUANT TO A CURB CUT PERMIT SHALL CONFORM TO THE FOLLOWING STANDARDS:

- A) LOTS WITH 200 FEET OR LESS OF FRONTAGE SHALL BE ALLOWED NO MORE THAN ONE CURB CUT. LOTS WITH GREATER THAN 200 FEET OF FRONTAGE MAY BE ALLOWED NO MORE THAN TWO CURB CUTS.
- B) ALL CURB CUTS SHALL BE BETWEEN 8 FEET TO 16 FEET WIDE AND ALL DRIVEWAYS CREATED THEREBY SHALL BE CAPABLE OF SERVING MOTOR VEHICLES, INCLUDING EMERGENCY VEHICLES.
- C) DRIVEWAY ENTRANCES SHALL BE LOCATED TO THE BEST ADVANTAGE WITH REGARD TO STREET ALIGNMENT, PROFILE, SIGHT DISTANCE AND SAFETY CONDITIONS.

- D) IN NO EVENT SHALL A DRIVEWAY ENTRANCE BE LOCATED: 1.) ON A TRAFFIC INTERSECTION; 2.) IN THE CASE OF A RESIDENCE, NO LESS THAN 50 FEET FROM THE NEAREST PAVEMENT EDGE OF THE ROADWAY INTERSECTING THE ONE THE DRIVEWAY BORDERS; 3.) ANY PLACE WHERE THE BOARD OF SELECTMEN DETERMINES IT WILL CREATE AN UNREASONABLE RISK TO PUBLIC SAFETY.
- E) IN THE INTEREST OF PUBLIC SAFETY THE BOARD OF SELECTMEN MAY REQUIRE: 1.) THAT A DRIVEWAY BE RIGHT TURN IN AND RIGHT TURN OUT ONLY; OR 2.) THAT A CHANNELING ISLAND AND/OR ACCELERATION AND DECELERATION LANES BE CONSTRUCTED TO SERVE A DRIVEWAY ENTRANCE IN AN AREA OF HIGH TRAFFIC CONGESTION.
- F) DRIVEWAYS SHALL HAVE A STOPPING AREA SET AT LEASE 12 FEET BACK FROM THE BORDERING ROADWAY AND A SLOPE NO GREATER THAN 4%.
- G) DRIVEWAYS SHALL BE SET BACK FROM ABUTTING PROPERTY BY AT LEASE 5 FEET.
- H) UNDER-DRIVEWAY DRAINAGE SYSTEMS SHALL NOT BE INSTALLED WITHOUT THE APPROVAL OF THE BOARD OF SELECTMEN.
- I) DRIVEWAY ENTRANCES SHALL CONTAIN SLOPED BORDERS CAPABLE OF SERVING AS RAMPS TO FACILITATE SIDEWALK ACCESS FOR THE HANDICAPPED.
- J) AFFECTED CURBING SHALL BE REPLACED WITH CURBING OF THE SAME MATERIAL AND WIDTH AS THAT OF ADJACENT AREAS AND SHALL BE SET AT AN EQUIVALENT DEPTH.
- K) AFTER COMPLETION, A DRIVEWAY SHALL BE CONSIDERED A PART OF ANY PUBLIC SIDEWALK IT TRAVERSES, EXCEPT THAT A PROPERTY OWNER MAY NOT PETITION THE TOWN FOR IMPROVEMENTS THEREOF.

3.3 TERMS APPLICABLE TO STREET OPENING PERMITS

UNLESS OTHERWISE SPECIFICALLY AUTHORIZED BY THE BOARD OF SELECTMEN, ALL WORK PERFORMED PURSUANT TO A STREET OPENING PERMIT SHALL CONFORM TO THE FOLLOWING STANDARDS:

- A) ALL EXCAVATIONS SHALL BE ACCOMPLISHED THROUGH SAW CUTTING OF ROADWAY SO AS TO PRODUCE SMOOTH, STRAIGHT LINES AND AVOID TEARING OF THE ROADWAY.
- B) ALL EXCAVATED MATERIAL THAT IS UNSUITABLE FOR RE-USE SHALL BE DISPOSED OF IN A PROMPT AND PROPER MANNER.
- C) OPENINGS SHALL BE RETURNED TO THEIR ORIGINAL CONDITION THROUGH THE USE OF MATERIALS OF THE SAME TYPE AND QUALITY AS THOSE BEING REPLACED AND PROCEDURES APPROVED BY THE HIGHWAY DEPARTMENT.

SECTION 4. PENALTIES FOR VIOLATION

ANY PARTY PERFORMING A CURB CUT OR STREET OPENING PERFORMED IN VIOLATION OF THE PROVISIONS OF THIS BYLAW SHALL BE SUBJECT TO A FINE OF \$100.00 FOR EACH OFFENSE. EACH CONTINUING DAY OF ANY VIOLATION SHALL BE CONSIDERED A SEPARATE OFFENSE. A VIOLATION SHALL CONTINUE UNTIL THE TIME THAT THE SUBJECT WORK IS BROUGHT INTO COMPLIANCE WITH THE STANDARDS OF THIS BYLAW. ANY WORK PERFORMED THAT DOES NOT CONFORM TO THE STANDARDS SET FORTH IN SECTION 2 OR 3 OF THIS BYLAW SHALL BE SUBJECT TO CORRECTION BY THE TOWN AT THE PERMIT HOLDER'S OR RESPONSIBLE PARTY'S EXPENSE.