

TOWN OF BROOKFIELD

Highway Department
56 Mill St.
Brookfield, MA 01506

Driveway Permit Regulations

These driveway permit regulations are adopted by the Board of Selectmen upon recommendation of the Highway Superintendent.

1. The term "Street" is used herein as defined in the Zoning By-Law for the Town of Brookfield.
2. Purpose. The purpose of these Driveway Permit Regulations (the "Regulations") is to: promote safety while maintaining reasonable motor vehicle access to private property; provide uniformity in design and construction of entrances and exits onto Streets; provide maximum protection to the public through the orderly control of traffic moving onto and from a Street; minimize slope erosion; provide necessary drainage in areas adjacent to Streets and provide uniform standards for the granting of driveway and curb cut Permits.
3. Authority: The Regulations are made pursuant to Chapter X, Section 16 of the By-Laws of the Town of Brookfield, and G.L. c. 44 §53G1/2. The Regulations do not apply to driveways or other access to a State Highway under the control of the Massachusetts Department of Transportation Highway Division.
4. Permit Required: No driveway or other access to a Street shall be constructed or altered at the point of intersection with a Street unless a written Permit authorizing said construction or alteration is first obtained from the Town of Brookfield Highway Superintendent.
5. Security Funds: All applications for a driveway permit must be secured by a security deposit, in an amount determined by the Highway Department Superintendent (the "Security funds"). That amount will be between \$1,500-\$2,500, for single curb cuts, depending upon various factors such as the location of the driveway, conditions at the site, whether a culvert is required, or other similar factors. Where there is more than one curb cut requested, the security fund amount will be multiplied by the number of curb cuts.

In accordance with G.L. c. 44, §53G1/2, the Security Funds will be deposited in a special account established by the Town Treasurer, shall be kept separate and apart from other monies, and interest earned, if any, shall be retained by the Town. In the event of a Default, as specified in paragraph 9 of the Regulations, some or all of an applicant's Security Funds may be expended without further appropriation, by the Highway Department, at the discretion of the Highway Superintendent, to complete work authorized by a permit issued pursuant to these Regulations. Any unused funds will not be returned to the applicant, but will be retained by the Town, pursuant to G.L. c.44, § 53G1/2.

6. Application requirements & Procedure: Each applicant for a driveway permit must submit the following to the Highway Superintendent:

- a. A complete application. Applications for driveway permits may be obtained from the Highway Department office. If the applicant is not the owner of the property for which the driveway permit is sought, the owner must sign and authorize the application.
- b. A plan depicting the proposed driveway or curb cut may be required.
- c. A non-refundable \$25.00 application fee payable to the "Town of Brookfield".
- d. Proof of compliance with any other applicable laws, Regulations or Conditions including, without limitation, to those imposed by the Town of Brookfield Conservation Commission, Planning Board, or Zoning Board of Appeals.

Upon receipt of a completed application, the Highway Superintendent shall review the proposed work and inspect the location of the proposed work, for purpose of determining the amount of the security funds to secure performance of the work authorized by a permit issued pursuant of these Regulations. The security deposit, made by certified check or money order payable to the "Town of Brookfield" in the amount determined by the Highway Superintendent, must be deposited with the Town prior to issuance of a permit.

7. Release of Deposit: Upon completion of work authorized under a driveway permit, the applicant shall notify the Highway Department and schedule a time for inspection by the Highway Superintendent or his designee. If the Highway Superintendent is satisfied that the work is adequate, complete and meets the permit requirements, the Highway Superintendent shall notify the applicant and Town Treasurer in writing that the deposit may be released to the person or entity that posted the Security Funds.
8. Construction Guidelines: The Highway Superintendent shall have final discretion in the application of the Regulations and shall apply the following general guidelines with as much uniformity and consistence as reasonably practicable:
 - a. The proposed driveway entrances shall be located to minimize points of traffic conflict, both pedestrian and vehicular.
 - b. All driveways must comply with the requirements of the Zoning By-Law for the Town of Brookfield as to driveways in effect at the time of application hereunder.
 - c. Driveway grade from the edge of the traveled road to the ditch line of the Street shall be the same as the shoulder grade of the Street.
 - d. If the shoulder grade is not suitable for entry, the grade within the proposed driveway area shall be constructed on a down slope from the curb, back to the ditch line, thence on an upslope to meet the proposed grade.
 - e. All surface water runoff from the property for which a permit is issued hereunder shall be made to enter the existing ditch line.
 - f. The applicant shall be responsible for any ponding that may develop within the Town Highway layout as a result of work undertaken pursuant to a permit issued hereunder.
 - g. Each driveway shall be paved for a minimum of ten feet (10') from the edge of the Street surface, at the expense of the applicant.
 - h. Culvert pipe shall be installed when required by the Highway Superintendent.

- i. All work proposed to be undertaken in reliance on a permit issued hereunder, associated with temporary or permanent installation, erection, or construction of any fences, walls (stone or otherwise) or other barriers, shall be approved by the Highway Superintendent prior to commencing.
 - j. The Highway Superintendent may impose other conditions or requirements necessary to advance the purpose of the Regulations.
- 9. Default: The Highway Superintendent may declare an applicant in default and apply applicant's Security Funds to complete work authorized by the permit issued to that applicant under Regulations in the following instances:
 - a. If all work authorized by a permit hereunder is not complete to the satisfaction of the Highway Superintendent within two (2) years of the date of issuance of the Permit;
 - b. At any time, by agreement between the applicant and Highway Superintendent; or
 - c. Sixty (60) days following written notice from the Highway Superintendent that work inspected pursuant to paragraph 7 herein is unacceptable or incomplete, where the applicant has failed to adequately address the concerns of the Highway Superintendent by either correcting or finishing the work or arranging for the work to be corrected or finished by a date acceptable to the Highway Superintendent.
- 10. Appeal: Any person aggrieved by the denial of the driveway permit by the Highway Superintendent may appeal such denial to the Board of Selectmen within twenty (20) days from the date of denial.