

Ordinance Concerning the Attachment to Town Road Right-of-Way

Whereas: The Town of Lyme adopted an ordinance regulating the construction of driveways intersecting with any town road effective June 6, 1967 as amended in 1976 and 2013 (now existing as Town of Lyme Code ARTICLE II Section 272), and

Whereas: The Town of Lyme maintains over 40 miles of municipally owned roads, and,

Whereas: The town road Right-of-Way exceeds the width of the actual travel surface, and,

Whereas: The Right-of-Way is used by the town to hold and maintain a stormwater collection system, safety guide rails along stretches of steep roadside incline, and safety signage that all require access for maintenance and repair or future alteration, and,

Whereas: Property owners may want to connect a property to the travel surface or make alterations in the town's right of way, and

Be it therefore ordained that:

Any such activity in the town owned right-of-way requires a Road Frontage/Driveway Permit, and

Town of Lyme Code ARTICLE II Section 272 be amended to include reference to alterations of the road Right-of-Way and expanded to describe the manner of driveway connection with the travel surface.

Revised ARTICLE II Section 272 is attached.

ARTICLE II
Driveways, Approaches to Town Roads and use of Road Right-of Ways
[Adopted effective 6-6-1967; amended in its entirety 5-20-2013 by Ord. No. 2013-1]

§ 272-7. Permit required.

Any owners or occupants of real estate, their employee or agent or anyone acting on their behalf intending to construct a driveway or other type of approach which will connect with any Town accepted road or make any alterations within the road right-of-way shall first apply for a permit from the Board of Selectmen or its agent (the Board) authorizing such construction or alteration.

§ 272-8. Grant of permit.

The Board shall grant a permit, provided it finds that said approach or right-of-way alteration is in conformity with applicable sections of Article I, Acceptance of Roads; Minimum Road Construction Specifications, of this chapter, and will not affect sight lines, road maintenance, stormwater control or other uses by the Town.

§ 272-9. Bond; inspection fee. [Amended 12-10-2019 by Ord. No. 2019-4]

The Board is authorized to require a cash or surety bond from an applicant in such amounts as it deems sufficient to cover the construction and inspection of said approach or right-of-way alteration to the satisfaction of said Board. The applicant shall notify the Board when construction is completed and request release of the bond. To ensure compliance with the terms of the permit, the Board shall inspect the construction and, if satisfactory, release the bond upon payment by the applicant of an inspection fee set by the Board of Selectmen which may be deducted from the cash bond. Current fees are available for review at Town Hall and on the Town's website at Townlyme.org.

§ 272-10. Inspection. [Amended 12-10-2019 by Ord. No. 2019-4]

If the applicant fails to notify the Board when construction or right-of-way alteration is completed, the Board may conduct an inspection and, if the construction is satisfactory, deduct the inspection fee from the cash bond and forward the balance to the applicant at his/her last known address.

§ 272-11. Unsatisfactory construction.

In the event construction or right-of-way alteration is not completed to the satisfaction of the Board within such time and under such conditions as the Board deems reasonable, it is authorized to take such action as it deems necessary.

§ 272-12. Penalties for offenses.

Any owners or occupants of real estate, their employee or agent or anyone acting on their behalf who connects a driveway or any other type of approach to a Town-accepted Road or makes a right-of-way alteration without first securing a permit shall be in violation of this article and subject to legal action and costs to remediate the action or any other action the Board deems reasonable.

§ 272-13. Applicability.

The compliance inspection and inspection fee provisions of this article are applicable to all existing and future permit applications.

§ 272-14. Revocation of permit.

The Board, or its agent, shall have the authority to revoke any permit when it deems stipulated terms and conditions have not been met.

§ 272-15. Driveway Construction.

The driveway or access road shall be constructed in such a manner that it does not interfere with the existing drainage, the movement of traffic or the removal of snow from the abutting roadway. It shall be constructed to not permit the runoff of water from the abutting Town roadway to enter into the property of the applicant or adjacent properties, thereby creating a nuisance to the Town or property owner, unless an easement, approved by the Board of Selectmen, is granted by such owner to the Town for such drainage.

Driveway construction will be governed by the permit instructions as amended. Driveway connections to the road travel section shall be a minimum of 12 feet wide with the minimum corner radius at the intersection of a Town roadway and sides of a driveway apron shall be five (5) feet. Driveway grades within the road right-of-way shall not exceed 8%. Driveways shall extend a minimum of eight (8) feet from the travel surface of the road and shall be designed in such a manner so as to confine the surface water to the gutter areas and permit free flowage of the water in the drainageways of the Town roadway. The driveway apron paving shall consist of a minimum of two inches, after compaction, of bituminous concrete over a minimum of eight inches of well-graded bank-run gravel.

§ 272-16. Conditions Under Which the Town May Complete.

If the work to be done under this permit shall be abandoned, or the work or any part thereof is unnecessarily or unreasonably delayed, or the applicant has violated any of the provisions of the permit, the Town may notify the applicant, in writing, to discontinue all work or such part thereof as the Town may designate, and may restore or have restored, to a satisfactory condition, the site in accordance with Chapter 195. Said work shall be done at the expense of the applicant.