

TOWN OF WINCHESTER

DRIVEWAY REGULATIONS

SECTION 1 – DEFINITIONS

1.1 "Town" shall mean Town of Winchester

1.2 "Driveway" shall mean access and associated parking for vehicles from any road leading to, and upon, property adjacent thereto. This definition shall include the driveway apron, which is the portion of the driveway from the traveled roadway to the street line.

- A "Common Driveway" is any driveway that serves two or more parcels.

1.3 "Person" shall include any person, firm, corporation, association or partnership, limited liability company, trust, or other legal entity.

1.4 "Road" shall mean public and private roads, streets, alleys, travel ways, common driveways, or highways. This definition includes all town and state roads, all public and private roads whether existing or proposed, and roads both improved and unimproved, documented, and undocumented.

- A Road is considered "improved" if it has a durable paved surface finished with hot-mix bituminous or cement binders or another equivalent substance as determined by the Director of Public Works.
- A "Private Road" is a road that has not been formally accepted by the Town.
- A "Town Road" is a road that has been formally accepted by the Town, has not been formally abandoned/discontinued by the town, and appears on the list of town-maintained roads as updated from time to time. New roads can be accepted onto this list only by the Board of Selectmen.
- An "Undocumented Road" is a road which may appear on the list of town-maintained roads but may NOT have documentation of ever being formally accepted by the Town.

1.5 "Property owner" shall mean a person or persons having legal title to the Real Property. Such person shall sign the Driveway Permit Application.

1.6 "Construction entrance" shall mean an accessway constructed of raw materials according to the General Conditions of these regulations for the purpose of ingress and egress to the property for the duration of construction.

1.7 "Temporary access" shall mean any entrance from a roadway to a property for the purpose of logging, construction of any type, brush clearing, well drilling, and/or septic replacements, etc. which will be removed within six (6) months.

1.8 "Driveway apron" shall mean that portion of a driveway from the road edge to the street line or to a distance of six (6) feet whichever is greater. The Director of Public Works may require a longer apron if site conditions require.

1.9 "Plot plan" shall mean a drawing of the lot, drawn to scale, and showing property lines, open spaces, structure and building areas and the location of the lot with reference to all abutting properties and

streets; At their discretion, the Planning & Zoning Commission may require any such plot plan to be prepared by a Connecticut licensed surveyor, certified to the A-2 Standard of Accuracy.

1.10 “New driveways” shall mean a completely new construction which did not exist with adequate/significant base aggregate and/or properly paved surface.

1.11 “Reconstruction” shall mean activities which go above and beyond routine maintenance. Including but not limited to; paving or re-paving, changing the footprint of an existing driveway, removing, and replacing pavement, or removal and replacement of aggregate base material.

1.12 “Routine maintenance” shall mean sweeping, shoveling, snow blowing, snow plowing, Crack Sealing, Chip Sealing, and Seal Coating, pothole patching, shimming tire ruts, as well as shoulder maintenance, the application of new processed aggregate on existing gravel driveways, maintenance of water bars, or removing rocks heaved to the surface.

1.13 “Site Plan” shall mean a drawing of the lot, drawn to scale, and showing property lines, open spaces, structure and building areas and the location of the lot with reference to all abutting properties and streets, existing and proposed contours, drainage, and erosion controls. At their discretion, the Planning & Zoning Commission and/or the Director of Public Works may require any such site plan to be prepared by a Connecticut licensed professional engineer.

1.14 “Street Line” shall mean the property line where a parcel meets the road right-of-way line.

1.15 “Driveway Apron Permit” shall mean a permit for new construction or reconstruction of just the portion of a driveway from the edge of the road to the Street Line.

SECTION 2 – PERMITS, BONDS & INSURANCE

2.1 No person shall construct, reconstruct, relocate, alter the footprint of, pave, or re-pave, or modify the slope of any driveway in the Town without a Driveway Permit issued by the Planning & Zoning Commission, in addition to other permits/authorizations required by other agencies/commissions.

“Routine Maintenance” of existing driveways shall not require a driveway permit. (See 1.12)

2.2 Application for such permit shall be made by the property owner (see 1.5) on forms furnished by the Planning & Zoning Commission and shall be accompanied by a plan showing the existing and proposed locations, dimensions, and approximate grades of the driveway, any easements that may have bearing upon the size and placement of the driveway, and any requisite work that will occur in the surrounding area. A Certificate of Insurance shall be submitted to the Town of Winchester by the Contractor. (Affidavit will be part of the permit application.)

2.3 The Town shall not be liable for errors and omissions, and the results thereof, contained in any application. Omission of pertinent information shall be grounds for revocation of a permit or the denial of a permit application.

2.4 Permits shall be valid for a period of two (2) years from the date of issuance. If driveway construction is not completed within two years of the date of issuance, the permit shall thereupon terminate, and the property owner must reapply for a new permit.

2.5 A Performance Bond **or** a refundable cash bond **may** be required to secure completion of any paving, grading, or drainage improvements, or site restoration required by the permit. The bond amount may

be increased by any amount determined by the Planning & Zoning Commission or the Zoning Enforcement Official to cover the cost of the improvements in the permit. The applicant may apply in writing for a refund of the cash bond at the completion of the construction and after final inspection by the Public Works Director and the Zoning Enforcement Official.

2.6 A Driveway Apron Permit is available for new construction or reconstruction of just the portion of a driveway from the edge of the road to the Street Line. A CT. Department of Transportation Encroachment Permit may be substituted for aprons intersecting State Highways.

2.7 No driveway permit will be issued without a current “Call Before You Dig” number, and Certificate of Insurance.

SECTION 3 - GENERAL CONDITIONS OF CONSTRUCTION

3.1 The sightline along the edge of the road shall be taken at a point 10 feet back from the edge of the existing or proposed travel way at a height of 3.5-feet, sighting a 3.5-foot-high object. The unobstructed distance in either direction shall be determined based on the attached chart. **(DETAIL #1)**

3.2 The Provisions of sections 3.1 shall not apply to driveways entering a permanent dead-end turnaround (“cul-de-sac”).

3.3 Driveways shall enter roads at right angles when possible and in no case shall the angle be less than 75 degrees. This shall apply for twenty-five (25) feet from the edge of the travel-way.

3.4 The driveway apron shall be a minimum of ten (10) feet wide at the street line. It shall be a minimum of sixteen (16) feet and a maximum of twenty-four (24) feet wide at the roadway edge. No **new** driveway shall exceed eight percent (8%) grade along its length, within twenty-five (25) feet off the edge of road. More than 8% may only be granted by the Planning & Zoning Commission. When determined by the DPW Director, driveways entering curbed roadways shall have curbing extending to the street line. **(DETAIL #2)**

3.5 No **new** driveway shall have any portion narrower than ten (10) feet in width. No **new** driveway shall have a grade greater than fifteen percent (15%) along its length. Any **new** driveway grade between twelve percent (12%) and fifteen percent (15%) may not exceed a cumulative total of twenty percent (20%) of the driveway’s surface area or length unless such section of the driveway is paved with an appropriate material as determined by the DPW Director & Zoning Enforcement Official.

3.6 Not including the driveway apron or switchbacks, no **new** driveway shall contain any portion having a grade of more than five percent (5%) across its width.

3.7 No driveway shall be constructed or maintained as to allow roadway water to enter the driveway apron. When determined by the DPW Director, a paved lip, berm, or swale shall be constructed and maintained by the owner of the premises to prevent road drainage from entering the driveway.

3.8 Water from a driveway must be diverted or intercepted before reaching the roadway travel path. Ditches, catch basins, culverts, or other devices with appropriate design, location, and capacity shall be installed and maintained by the owner of the premises.

3.9 The DPW Director or the Zoning Enforcement Official may, at their discretion, require an Engineered Site Plan prepared by a Connecticut Licensed professional engineer for the driveway and its associated improvements.

3.10 Water from existing gutters, ditches or swales may not be obstructed by driveway construction, modification, or maintenance. Driveway culverts, ditches or swales must be sized and maintained appropriately for the expected flows.

3.11 All earth slopes and areas of disturbed soil produced during the process of driveway construction shall be controlled on site during construction, and stabilized to the satisfaction of the DPW Director and the Zoning Enforcement Official, or an engineer licensed in CT. Erosion and sediment controls shall be consistent with the 2002 E&S Control Manual.

3.12 The responsibility to prevent the migration of any detrimental materials (dirt, mud, sand, gravel, sediment, ice) from any driveway onto a public right of way, belongs to the property owner. If the owner fails to promptly mitigate and prevent these conditions, the Town reserves the right to perform the necessary work and **ALL** associated costs shall be paid by the property owner.

3.13 Passing/pull-off locations must be provided such that no portion of the driveway exceeds five hundred (500) feet in length or sight line distance from a location where two (2) vehicles can pass. Passing/pull-offs shall be a minimum of twelve feet wide by fifty feet long (12'x50').

3.14 Upon completion, all driveways require a final inspection by the DPW Director and the Zoning Enforcement Officer.

SECTION 4 - PAVING PROCEDURES

4.1 For a minimum distance (The DPW Director may require more) of six (6) feet from the edge of any paved road, a paved driveway apron shall be constructed and maintained of the appropriate, type and gradation, aggregate and pavement, as determined by the design engineer or DPW Director. Where the driveway meets the road, it shall be tack coated to ensure proper pavement adhesion. **(DETAIL #3)**

SECTION 5 - STATE HIGHWAYS

5.1 In addition to complying with all conditions of these regulations, Driveways intersecting State Highways must comply with all requirements of the State of Connecticut, Department of Transportation and acquire all required permits from appropriate departments. In situations where conflict exists between these regulations and those of the State, the stricter regulations will take precedent.

SECTION 6 – CONSTRUCTION AND TEMPORARY ACCESS REQUIREMENTS

6.1 Construction or temporary access driveways shall be allowed for a specific purpose only, including but not limited to well drilling, logging or septic replacements, and must include antitracking pads at a minimum. **(DETAIL #4)**

6.2 Any permit for a temporary access will be issued at the discretion of the Zoning Enforcement Official for a limited period that will be specified on the permit.

6.3 Any permit for a temporary access driveway will require a minimum one thousand (\$1,000) refundable cash bond to secure completion and subsequent removal of the temporary access. A property owner may apply in writing for a refund of the bond after removal, restoration, and inspection by the Zoning Enforcement Official. The bond amount may be increased by any amount determined by the Planning & Zoning Commission or the Zoning Enforcement Official to cover the cost of the improvements in the permit.

6.4 At the expiration of the permit, temporary access shall be removed. If removal does not conform to the provisions of these regulations, the property owner will forfeit the bond.

SECTION 7 - PENALTIES AND ENFORCEMENT

7.1 The primary enforcement agency for these regulations shall be the Planning and Zoning Commission. The Commission has Primary agency of the entire driveway outside of the public right of way, the DPW Director or its designee is the primary enforcement agency for the "Driveway Apron" area only. The Planning & Zoning Commission may cause any driveway in the Town of Winchester to be inspected and/or issue orders in writing to remedy any condition found to exist which is in violation of these Regulations. See section 8.1

7.2 When a violation of these regulations is determined to exist, the Zoning Enforcement Official shall give written notice of the violation to the property owner. If the violation persists for fourteen (14) days following the issuance of the notice, a Citation shall be issued by the Zoning Enforcement Official per Chapter 215 of the Winchester Town Code.

7.3 In addition to any other remedies, the Zoning Enforcement Official is authorized to prohibit access to the public highway from any driveway constructed, located, or relocated in violation of this ordinance. No regular ingress or egress from any premises by any vehicle shall be provided except by an approved driveway.

7.4 No Building Permit for new dwelling construction shall be issued by the Building Official until the driveway and any related improvements have been approved in accordance with these regulations.

7.5 No permanent Certificate of Occupancy, shall be issued by the Building Official until the driveway and any related improvements, and paved driveway apron have been constructed in accordance with the requirements of these regulations and inspected and approved by the Zoning Enforcement Official.

7.6 There may be **"After the Fact" fees** imposed upon the owner of a driveway which was constructed, reconstructed, relocated, footprint altered, paved, repaved, or had its slope modified without obtaining the appropriate permits and authorization.

7.7 It is the responsibility of the owner to request a final inspection from the Zoning Enforcement Official promptly upon completion of the driveway, or any time that is warranted during construction.

SECTION 8 – NONCONFORMITIES

Within the Town of Winchester there exist driveways which existed at the time that these regulations were adopted or amended, but which would be prohibited, regulated, or restricted under current or

future provisions. Such driveways are declared non-conforming, and it is the intent of these regulations to allow these non-conformities to continue until they are discontinued/removed, but not to encourage their survival. It is also the intention of these regulations to prohibit the enlargement, expansion, or extension of these non-conformities if such a change would increase the non-conformity.

8.1 Non-conforming driveways that existed on the date these regulations, or amendments to these regulations became effective may continue except as provided below. These regulations shall not require change in the plans, construction, or designated use of a driveway, provided that:

- a. Commencement of the construction of the driveway predates the effective date of these Regulations or amendments to these Regulations.
- b. All permits required for the permitting of said driveway, including any approvals necessary from any board or commission as well as any required zoning or building permits, were filed with the appropriate bodies prior to the adoption of these regulations or amendments to these regulations.

8.2 A non-conforming driveway that is destroyed or damaged by calamity (fire, explosion, wind, flood, accident, act of God, act of the public enemy, etc.) may be reconstructed and restored, provided that:

- a. The area occupied by the non-conforming driveway must be no larger than, and in the same location as, the driveway immediately prior to the calamity. Size and location of the driveway before the calamity shall be determined from the best available information on file in the Public Works Department, Town Hall, and/or via a submitted survey or plan showing the old driveway signed by a licensed surveyor, architect or engineer, any other legitimate historical documents, or photos.
- b. If opportunities exist to improve non-conforming, or hazardous, or inappropriate features, they shall be made as part of the restoration.
- c. A driveway permit is issued prior to reconstruction.

8.3 A non-conforming driveway may be expanded or altered, by permit, provided that no new non-conformities are created, or existing non-conformities expanded or increased. If a non-conforming driveway is modified to become conforming or more conforming, the driveway may never be modified to become non-conforming or less conforming.

SECTION 9 - VARIANCES

The effect of these regulations may be determined and varied as follows:

9.1 It shall be the duty of the Zoning Board of Appeals to determine and vary the application of the Driveway Regulations in harmony with its general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values. Such determination shall be made solely with respect to the parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such driveway ordinance would result in exceptionally difficulty or unusual hardship so that substantial justice will be done, and the public safety and welfare secured.

9.2 Following a properly noticed Public Hearing, the Zoning Board of Appeals may grant a variance with a simple majority vote.

9.3 An application to vary these regulations or to determine the effect of these regulations shall be made in writing at least two weeks prior to a meeting of the Zoning Board of Appeals; this requirement may be waived by the Zoning Board of Appeals for good cause. The application must set forth the reasons for which a variance or a determination is sought, including any hardship resulting from a literal enforcement of these regulations. The application shall provide the location of the property, the name of the owner, the name of the applicant and any other information which may be helpful to the Zoning Board of Appeals. The application fee shall accompany the application.

SECTION 10 – FEES

10.1 A fee shall accompany any application for a driveway permit, or Driveway Apron Permit. Fee amount is posted within the permit application.

10.2 A fee shall accompany any application to vary these regulations. Fee amount is posted within the application to the Zoning Board of Appeals.

10.3 The Planning & Zoning Commission may assess fees for an after-the-fact permit up to one hundred dollars per day (\$100/day), for each day the violation exists.

SECTION 11 - NONRESPONSIBILITY

11.1 Nothing in these regulations shall require the Town to repair or improve any driveway, driveway apron, or culverts thereto, or shall render the Town liable to a property owner for failure to make said repair or improvement except where such repair or improvement is made necessary as a result of the widening, repair, maintenance, or relocation of a Town road.

SECTION 12 - EFFECTIVE DATE AND MANNER OF PUBLICATION

12.1 These regulations shall take effect fifteen (15) days after publication of a summary of these regulations on the Town's website.

Adopted: December 11, 2023

Published: December 15, 2023

Effective: December 30, 2023