SEC. 142 DRIVEWAY ORDINANCE

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut:
1. No driveway shall be constructed connecting to a Town road prior to the issuance of a Driveway Permit by the Director of Public Works or his designated representative (Superintendent of Streets). No building permit will be issued until such time as applicant secures a Driveway Permit.
2. Every driveway shall meet the edge of the highway pavement at an angle of no less than 75 degrees and shall adhere to this angle to a distance of 40 feet, measured from the centerline of the highway.
3. Every driveway shall have an area extending from the edge of the highway pavement to a distance of 40 feet, measured from the centerline of the highway, that is not more than 4 percent grade.
4. No driveway shall contain any portion having a grade greater than 14 percent along its length.
5. No driveway shall contain any portion having a grade of more than 5 percent across its width.
6. No driveway shall be constructed or maintained so as to discharge water into any roadway, or gutterline of any roadway, except water which previously had drained thereon as a natural condition. Driveways entering Town roads may require a culvert, or more extensive drainage structures, depending on runoff conditions. The size, type and dimensions of culverts and drainage structures will be subject to review by the Public Works Director or his designated representative prior to the issuance of a Driveway Permit. All culverts required by the Public Works Director shall be a minimum of 18 feet in length or 2 feet wider than the driveway on each side.
7. No driveway shall be constructed or maintained so as to allow roadway water to enter the main portion of the driveway.
8. All driveways shall have a minimum width of at least 10 feet and shall be at least 14 feet across where joining any highway. A bituminous concrete apron at least 2 1/2 inches thick will be constructed from the edge of the adjoining Town road for a length of at least 12 feet.
9. No public or commercial driveway of over thirty (30) feet in width shall be permitted without special approval of the Planning and Zoning Commission.
10. Adequate site lines, as determined by the Public Works Director shall be established and maintained.
11. No driveway shall be located within 20 feet of an intersection or within 20 feet of a regularly constituted crosswalk.
12. All driveways entering State highways must conform to the current specifications as set forth by the Department of Transportation, and must be approved by the State Department of Transportation.
13. Every reasonable precaution shall be exercised by Owner throughout the construction of the driveway to prevent, control and abate siltation, sedimentation and pollution of all waters, underground water systems and inland wetlands. Unless a specific type of sedimentation control system is ordered by the Director of Public Works, the type of system will be at the contractors option. Hay bale systems will be allowed to remain in the
toe-of-slope areas unless ordered removed by the Director of Public Works. The permittee will immediately remove any siltation accumulating in a Town road.

14. All earth slopes and areas of disturbed soil produced in the process of driveway construction shall be stabilized to the satisfaction of the Director of Public Works.

15. Applicants for driveway permits shall pay a permit fee of $25 to the Town of Winchester.

16. This ordinance shall apply only to new construction of driveways and to substantial reconstruction of existing driveways. Substantial reconstruction, for the purposes of this section, shall mean any reconstruction of 50% or more of the length of a driveway.

17. Variances. Determinations. The effect of this Ordinance may be determined and varied as follows:

a) The Board of Selectmen shall serve as the Board which may grant variances or determine the effect of this ordinance.

b) It shall be the duty of the Board of Selectmen to determine and vary the application of the Driveway Ordinance in harmony with its general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a 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 exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

c) A simple majority vote is required to grant a variance or make a determination. No public hearings are required, although variances and determinations must be made at a public meeting. No notice or publication will be necessary beyond those required for regular commissions by the Freedom of Information Commission respecting posting of meetings and filing of minutes.

d) An application to vary this ordinance or to determine the effect of this ordinance shall be made in writing at least two weeks prior to a meeting of the Board of Selectmen; this requirement may be waived by the Board of Selectmen 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 this ordinance. 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 Board of Selectmen. The application fee shall accompany the application.

e) The application fee shall be $25.00.

18. Any person who violates any of the terms thereof shall be subject to a fine of not more than one hundred ($100) dollars and each day that a violation thereof continues shall constitute a separate offense. INITIAL ORDINANCE OPERATIVE FEBRUARY 26, 1986, AS AMENDED EFFECTIVE AUGUST 4, 1988 AND NOVEMBER 24, 1988.