



**HIGHWAY DEPARTMENT
345 ANAWAN STREET, REHOBOTH MA 02769**

DRIVEWAY PERMIT

Date: _____

Permission is hereby granted to _____ (Installer) to install a driveway at _____ (address) which will connect with the Town Highway subject, to inspection and approval of the Superintendent, or duly authorized agent of the Rehoboth Highway Department.

REHOBOTH HIGHWAY DEPARTMENT

Authorized Signature

Job Start: _____

INSPECTION DONE BY: _____

☐

APPROVED

☐

DENIED

*******PLEASE REVIEW THE SCENIC ROAD BYLAW & LIST*******

ROADWAY BYLAWS

ACCESS TO ROADWAYS

SECTION 1 - No new access to a town way shall be created without first obtaining a "Statement of Road Condition" from the Highway Department. The Statement of Road Condition shall be a description of the road condition permitting access to the property. As the issuing authority, the Highway Department shall inspect the roadway upon written request from the project generator, his agent, or the Highway Department, and issue a finding, agreeable to, and signed by, both parties within (5) days. The lack of a finding within five days shall be a default of the Town.

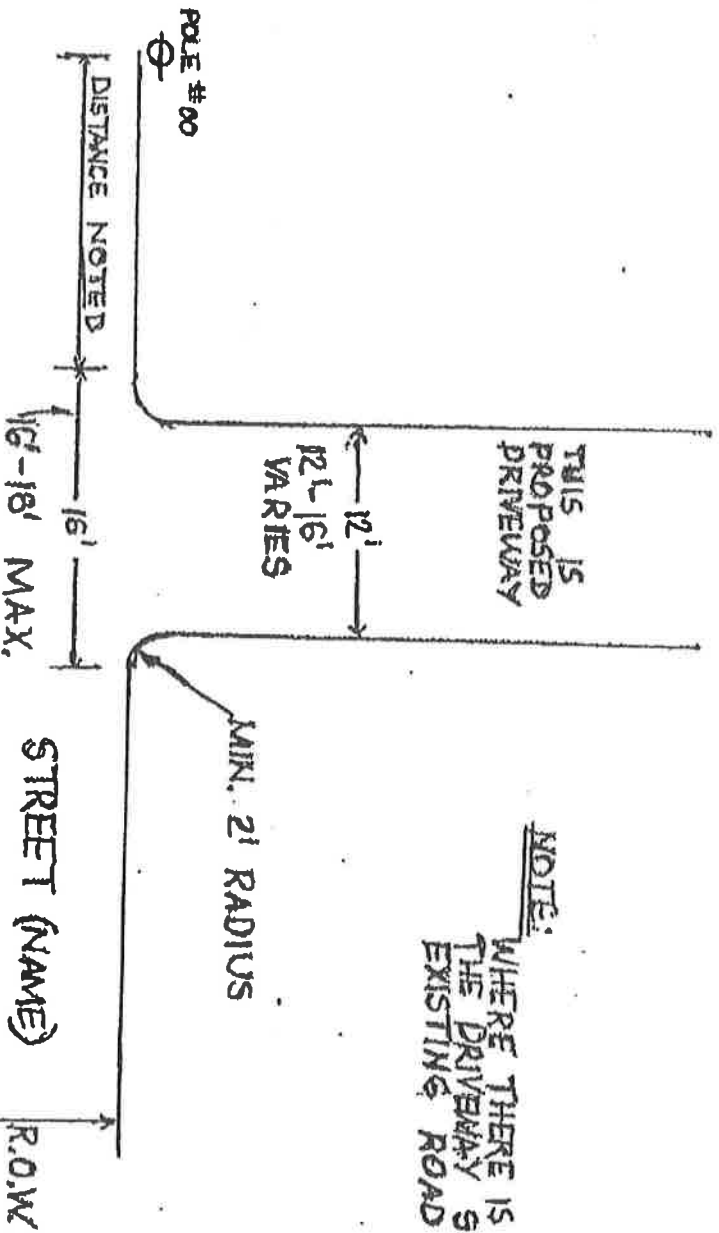
SECTION 2 - Any unreasonable and abnormal degradation to the roadway shall be repaired, and the cost of them borne by the owner of the property or his agent, under the supervision of, by the standards of, and to the satisfaction of, the Highway Department.

SECTION 3 - No paving of private access onto a roadway shall occur without the consent of the Highway Department. Consent may take into consideration drainage, traffic safety, and detriment to roadway maintenance.

SECTION 4 - Any person who violates any provision of this bylaw shall be subject to remedial costs and \$50.00 per day for each day the violation exists.

REHOBOTH HIGHWAY DRIVEWAY SPECIFICATIONS

NOTE:
WHERE THERE IS NO CURB
THE DRIVEWAY SHALL BUTT THE
EXISTING ROAD PAVEMENT.



PROFILE

ADDENDUM TO DRIVEWAY PERMIT

Driveways, when entering onto a public way (sidewalks) must be compliant with 521 CMR (handicap access). Refer to 780 CMR (Architectural Access Board) section 20-23.

Section 15C: Scenic road designations; improvements; fines

Section 15C. Upon recommendation or request of the planning board, conservation commission or historical commission of any city or town, such city or town may designate any road in said city or town, other than a numbered route or state highway as a scenic road; provided, however, that a numbered route may be designated by a city or town as a scenic road if its entire length is contained within the boundaries of said city or town, and no part of said route is owned or maintained by the commonwealth.

After a road has been designated as a scenic road any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or if there is no planning board, the selectmen of a town, or the city council of a city, after a public hearing duly advertised twice in a newspaper of general circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing; provided, however, that when a public hearing must be held under the provisions of this section and under section three of chapter eighty-seven prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the tree warden and the planning board, or if there is no planning board, the selectmen of a town, or the city council of a city, and notice of such consolidated public hearing shall be given by the tree warden or his deputy as provided in said section three of chapter eighty-seven. Any city or town making said scenic road designation may make an ordinance or by-law establishing that a violation of this paragraph shall be punished by a fine not to exceed three hundred dollars.

Designation of a road as a scenic road shall not affect the eligibility of a city or town to receive construction or reconstruction aid for such road pursuant to the provisions of chapter ninety.

Section 28. No person shall permit a tree, branch thereof, hedge, bush or shrubbery growing on his land to extend over or overhang any street, sidewalk or highway so as to interfere with the free and full use of such street, sidewalk, or highway.

Section 29. The word "vehicle" as used in this Article shall include every description of carriage or other artificial contrivance used or capable of being used as a means of transportation on land, except as otherwise provided herein or by law.

Section 30. No person shall build or construct a private sidewalk on a public way without a permit by the Board of Selectmen after recommendation by the Superintendent of Streets.

Section 31. The Superintendent of Streets shall supply any property owner of the Town of Rehoboth or the officer or agent of any such property owner with the lines and grades for sidewalks and streets upon the first laying out, acceptance or relocation of the same. After such time, however, there shall be charged for such data a fee to be fixed and regulated by the Superintendent of Streets with the approval of the Selectmen, and said fees so collected shall be turned over to the Town Treasurer.

Section 32. (Approved as Section 33.) It shall be the duty of the Building Inspector, after consulting maps in the Board of Assessors' office, to assign street numbers to all buildings or parts thereof on or near the line of public or private ways within the Town. A list of the street numbers shall at all times be on file in Town Clerk's Office. Every occupant or owner of such building or buildings shall cause to be displayed upon some suitable portion of said building, or sign or other suitable device, visible from such street or way, the proper street number of said building. No number other than the proper street number as shown by the list on file in the Town Clerk's Office shall be displayed on any such building or part thereof. (Amended/Effective 6/20/1988)

Section 33. Any person violating any of the provisions of this Article shall be liable to a fine of not more than twenty dollars, unless otherwise especially provided.

Section 34. No person shall in any way obstruct or cause to be obstructed a culvert or drainage ditch running under or along a Town Street. Whoever violates this provision shall be liable for costs incurred in the removal of the obstruction. (Added/Effective 1/15/1977)

Section 35. Any person planning to build a driveway or other construction that might cause to be obstructed a culvert or drainage ditch running under or along a Town Street shall first obtain approval from the Superintendent of Streets. The Superintendent of Streets shall require such person to have installed culvert pipes as deemed necessary. (Added/Effective 1/15/1977)

Section 36. Scenic Roads (Added/Effective July 21, 1993)

(1) Procedures

1.1 Filing

This by-law applies only to Town Roads that are designated as Scenic Roads. Any person seeking the consent of the Planning Board under MGL Ch. 40, Sec. 15C (The Scenic Roads Act) regarding road repair and utility services construction, maintenance, reconstruction, or paving work that will involve the cutting or removing of trees or the tearing down of stone walls, or portions thereof, shall file a request with the Planning Board together with the following:

- a. Information identifying the location of the proposed action in terms enabling readers to reasonably locate it on the ground, and describing the proposed changes to trees and stone walls;
- b. Plans, drawings or other explanatory reference material showing the specific design or engineering details;
- c. Except in the case of town agencies, a deposit sufficient for the cost of advertising and notification.

1.2 Notice

The Planning Board shall, as required by statute, give notice of its public hearing by twice advertising in a newspaper of general circulation in the area. The Board shall also send copies of that notice to the Selectmen, Conservation Commission, Historical Commission, Town Engineer, Highway Surveyor, Tree Warden, Department of Public Works, and owners as of the preceding January first of property located in whole or in part within 500 feet of the proposed action.

1.3 Timing

The Planning Board shall hold a public hearing within forty-five days of receipt of a properly filed request, and shall make a decision within sixty days of that receipt, unless a longer time is agreed to by the applicant. The date and time of the public hearing shall be set outside of normal weekday hours (8:00 AM - 5:00 PM, Monday - Friday) so as to encourage maximum citizen participation.

1.4 Tree Warden

Whenever feasible, Planning Board hearings shall be held in conjunction with those to be held by the Tree Warden acting under MGL Ch 87. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or vice versa.

1.5 Emergency Repair

The procedures of this article shall not be required when the Tree Warden or his deputy act in an emergency in accordance with MGL Ch. 87 to remove fallen trees or limbs which cause an obstruction to public travel or a dangerous situation with respect to utility lines

(2) Definitions

In the absence of contrary meanings established through legislative or judicial action pursuant to MGL Ch. 40, Sec. 15C, these terms contained in that statute and herein shall have the following meanings:

"Road" shall mean the entire right of way of a vehicular traveled way plus its necessary appurtenances including bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways. The right of way includes the area on and within the boundaries of the public way. If the boundaries are not officially known, any affected tree or stone wall shall be presumed to be within the public right of way until shown otherwise.

"Cutting or removal of trees" shall mean the destruction of more than one tree having a trunk diameter of four inches or more measured one foot from the ground. Trimming of roots, sufficient in the Tree Warden's opinion, to cause eventual destruction of a tree is included in this definition.

"Tearing down or destruction of stone walls" shall mean the destruction of more than twelve linear feet of stone wall involving more than one cubic foot of wall material per linear foot, but shall not include temporary removal and replacement at the same location with the same materials.

(3) Considerations

In acting on scenic roads, the Planning Board shall take into consideration the following:

1. Preservation of natural resources;
2. Environmental and historical values;
3. Scenic and aesthetic characteristics;
4. Public Safety;
5. The characteristics of local residential traffic and resident expectations;
6. Relationship of road design to the standards of the Planning Board's subdivision regulations

Action Item #1: Discussion Re: Scenic Roads in Rehoboth

Last week the Town Clerk's office received a few emails from residents that live near or on Perryville Road that were concerned with tree removal and stone wall removal on this Scenic Road without taking the proper steps. There is a bylaw in town that lists the scenic roads and prohibits removal of trees and stone wall without first receiving approval from the Planning Board.

The Scenic Roads in Town as voted at Town Meeting, are as follows:

Ash Street

Bay State Road (Moulton Street westerly to Winthrop St),

Carpenter Street (from Perryville Rd to Danforth St)

Davis Street (from Pleasant St to Mason St)

Fairview Avenue (from Anawan St easterly to Dighton line)

Hillside Avenue (from River St to Pine St)

Holmes Street

Locust Avenue

Perryville Road (from Anawan St to Homestead Ave)

Rocky Hill Road

School Street

Summer Street

The builder will need to put the wall back to its preexisting form to the specifications of the Planning Board, and replant trees to replace the ones they cut down, after consulting with tree warden Rob Johnson. The Building Department and the Planning Board are working together to assure this does not happen again. The Planning Board Agent has reached out to the residents that contacted the Town Clerk's office as well.