

Chapter 176

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Special Town Meeting of the Town of Lee 5-26-1971 by Art. 10 as Ch. 14 of the 1971 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Scenic roads — See Ch. 164.

Public Works Department — See Ch. 229.

Vehicles and traffic — See Ch. 246.

ARTICLE I General Provisions

§ 176-1. Excavations; earth and gravel removal.

No person shall make any excavation in any public way, or remove earth or gravel therefrom, without first having obtained a written permit therefor from the Superintendent of Streets.

§ 176-2. Solid waste.

No person shall deposit or sweep rubbish onto any public way.

§ 176-3. Connection to or interference with public way. [Added 6-22-1978 STM by Art. 2]

No person shall connect a driveway or roadway to a public way maintained by the Town without written approval of the plans and specifications for said connection having first been approved by the Superintendent of Public Works, and no person shall fill, dig, dredge or otherwise interfere with any ditch or shoulder along a way maintained by the Town which lies within the public right-of-way without said written approval.

§ 176-4. Snow and ice; violations and penalties. [Added 5-12-1994 ATM by Art. 29; amended 5-11-2000 ATM by Art. 46]

No person other than an employee in the service of the Town of Lee or in the service of an independent contractor acting for the Town of Lee shall pile, push or plow snow or ice onto a Town highway or sidewalk so as to impede the flow of traffic on such way. Whoever violates this section shall be punished, after three offenses, by a fine of not more than \$50 per additional violation.

ARTICLE II Acceptance of Streets

§ 176-5. Compliance with specifications.

A nonaccepted street presented for acceptance by the Town shall conform to the specifications of

this article.

§ 176-6. Streets constructed prior to January 1, 1954.

- A. Medium width generally. No street or highway constructed prior to January 1, 1954, shall be accepted if the width thereof is less than 40 feet.
- B. Minimum width of traveled way. In order for any street which was constructed previous to January 1, 1954, to be accepted by the Town, the traveled way thereof shall have the minimum width of 18 feet.
- C. Requisites for favorable report of Selectmen. The Selectmen shall not report favorably on any petition for street acceptance for a street constructed before January 1, 1954, until the petitioners shall have furnished to the Selectmen a plan of such street made by a competent surveyor. The plan shall include an agreement referring to such plans signed by all abutters releasing such land with no claim for damages.
- D. Specifications for plan. The plan required by Subsection C shall meet the specifications of this subsection. Such plan shall:
 - (1) Be made by a competent surveyor.
 - (2) Show the land to be taken.
 - (3) State the names of the owner or owners.
 - (4) Be scaled 40 feet to one inch.
 - (5) Show a close survey of street lines.
 - (6) Show angles to one minute.
 - (7) Show distances to a tenth of a foot.
 - (8) Show that the proposed street has access from a public way.
 - (9) Show intersecting street lines.
 - (10) Show that the proposed street has a minimum width of 40 feet.
 - (11) Show public utilities above and below ground.
 - (12) Show drainage systems.
- E. Angle points to be marked. All angle points of streets proposed to be accepted which were constructed previous to January 1, 1954, shall be marked by some permanent marker, such as a stone bound or iron pipe.
- F. Street profile and sections to be presented with plan. A profile of any street constructed previous to January 1, 1954, which is proposed for acceptance by the Town shall be presented with the plan. Sections of such street for every 100 feet shall also be presented.
- G. Presentation of petition for street acceptance. The Selectmen shall present the petition for the acceptance of the street constructed previous to January 1, 1954, to the next Annual

Town Meeting after such petition is presented to the Selectmen and has been favorably reported by them. An estimate shall be made by the Highway Superintendent of the amount of money needed to make such roads safe and suitable for the use of the public at that time. The plan of such streets shall be posted in the Town Hall where the Town Meeting is to be held.

§ 176-7. Streets constructed from January 1, 1954, to June 25, 1956.

- A. Compliance with section required. Streets to be built on or after January 1, 1954, must conform to the specifications of this section to be accepted by the Town.
- B. Plan required; information to be given. The Selectmen shall not favorably report on any petition for street acceptance filed under this section until the petitioner shall have furnished to them a plan of the street made by a competent surveyor. Such plan shall show the land to be taken, the names of the owners or the owner thereof and an agreement referring to such plan signed by all abutters for releasing the land with no claim for damages.
- C. Scale of plan; street lines; angles; distances. The plan required by this section shall be scaled 40 feet to one inch. Such plan shall show a close survey of street lines, angles to one minute and distances to a tenth of a foot.
- D. Access required. Any street proposed to be accepted pursuant to this section shall have access from a public way.
- E. Intersecting streets to be shown on plan. Streets proposed for acceptance under this section shall have the intersecting street line shown on the plan required by this section.
- F. Minimum width of traveled ways. The traveled ways of streets proposed for acceptance under this section shall have a minimum width of 18 feet.
- G. Minimum width of street. A street proposed for acceptance under this section shall have a minimum width of 40 feet.
- H. Public utilities and drainage systems. Public utilities, above and below the ground, and drainage systems shall be indicated on the plan required for this section.
- I. Angle points to be marked. All angle points shall be marked by some permanent marker, such as a stone bound or iron pipe.
- J. Grade and profile to be shown on plan. The proposed grades of sidewalks and the road and profile cross section sufficient to indicate in detail the construction of the street shall be shown on the plan required by this section.
- K. Grading and filling. On all streets proposed for acceptance under this section, all loam, peat or unstable material within and inside the traveled way shall be removed from the limits of the street to a depth of 12 inches, or as directed by the Highway Superintendent, depending on ground conditions. In this excavation shall be placed a layer of clean gravel with no stone content over six inches in diameter up to three inches of finished grade, the top three inches to finish grade to contain no stone content over two inches in diameter. All other areas and side slopes shall be surfaced up to grade with suitable excavated material or

borrow and covered with a two-inch layer of good loam accurately graded. All gravel, fill and loam shall be thoroughly compacted.

- L. Highway Superintendent to check plans; action by Selectmen. The Highway Superintendent shall check the proposed plans on the site and determine if drainage, depth of gravel and side grading are to specifications. The Selectmen shall then approve or disapprove the petition filed pursuant to this section.
- M. Presentation of plan to Town Meeting. If a favorable report is presented by the Highway Superintendent on petitions filed under this section, the Selectmen shall present such petition to the next Annual Town Meeting, together with a plan and profile of said street. Such plan and profile shall be posted in the hall where the Town Meeting is to be held.

§ 176-8. Streets constructed after June 25, 1956.

No street or highway constructed after June 25, 1956, shall be accepted which does not conform to the subdivision rules and regulations adopted on June 25, 1965, under MGL c. 41, § 81K.