

**Minutes of Meeting of 5/18/23  
Egremont Bylaw Review Committee via Zoom**

In Attendance:

Mary McGurn (MM), Chairwoman

Robert Sandor (RS)

Richard Allen (RA)

Steve Goodman (SG), Secretary/Treasurer

Absent was Eileen Vining (EV)

Chairwoman MM convened the meeting at 4:09 pm.

SG pointed out that the text of Bylaw 16.6.1 adopted as reflected in the minutes of the meeting of 4/11/23 contained an incorrect reference to a state agency, namely "the State DPW". He suggested that the Committee amend Section 16.6.1 to change this reference to "MassDOT". RA announced that because he believed that minutes were a waste of time, he would abstain on all motions to approve minutes. Therefore, upon motion duly made and seconded, by a vote of 3 in favor and one abstention, it was

RESOLVED, that the reference to "the State DPW" in the text of Bylaw 16.6.1 adopted at the meeting of the Committee on 4/11/23 be, and hereby is, amended to refer to "MassDOT".

The Committee then considered the draft minutes of the meeting of 4/17/23. Upon motion duly made and seconded, by a vote of 3 in favor and one abstention, the minutes of the meeting of the Committee from 4/17/23 were approved.

The Committee then considered new language for Bylaw 16.6 (Design Requirements, formerly Bylaw 17.1.7) and 16.7 (formerly Bylaw 17.1.7.13.1) prepared by SG in response to the meeting he and MM had with the Highway Superintendent. The newly proposed language for Bylaw 16.6.1 was the first topic of discussion. After discussion, upon motion duly made and seconded, by a vote of 3 in favor and one opposed, it was

RESOLVED, that the language of Bylaw 16.6.1 previously adopted by this Committee be amended to read in its entirety as follows:

16.6.1 Driveways subject to the permitting requirements of this Bylaw 16 shall comply with the design requirements of this Bylaw, as well as with the Massachusetts Amendments to the 2009 Manual on Uniform Traffic Control Devices and the 2006 Project Development and Design Guide (the "State Guides"), or whatever version of the State Guides are in effect at the time of the permit application, except that the Highway Superintendent shall have discretion to modify those design requirements if reasonably required by local conditions, compatibility with local road design or the size of the proposed project.

The Committee proceeded to consider new language for Bylaw 16.6.2. After discussion, upon motion duly made and seconded, it was unanimously

RESOLVED, that the language of Bylaw 16.6.2 previously adopted by this Committee be amended to read in its entirety as follows:

16.6.2 Driveways shall be located to best advantage with regard to alignment with the road, profile, sight distance conditions, distance from intersections and the like. The Highway Superintendent may require a leveling area or apron to be provided at the edge of the road sufficient for safe access on to the road. Unless conditions require it, a driveway shall not be located at the extreme edge of the property.

The Committee next turned its attention to Bylaw 16.6.3. It was determined that the language of this Bylaw as adopted by the Committee at its meeting of 4/11/23 would remain unchanged.

Pursuant to its mandate to rationalize and (where possible) to simplify the existing Bylaws of the Town, the Committee then considered newly proposed Bylaw 16.6.4 intended to clarify existing requirements regarding driveway culverts and aprons. After discussion, upon motion duly made and seconded, it was unanimously

RESOLVED, that a new Bylaw 16.6.4 be adopted to read in its entirety as follows:

16.6.4 If the driveway is to pass over a drainage ditch at the side of the road, the Highway Superintendent may require that a culvert of specified size be installed under the driveway and that the portion of the driveway passing through the shoulder and over the culvert be graded so as to prevent water runoff from the driveway from draining onto the road.

The Committee proceeded to discuss a newly-proposed Bylaw 16.6.5 intended to reduce specific design requirements with respect to water flows from driveways and defer to the judgment of the Highway Superintendent in addressing the unique topography of each property in the Town. After discussion, upon motion duly made and seconded, it was unanimously

RESOLVED, that a new Bylaw 16.6.5 be adopted, to read in its entirety as follows:

16.6.5 The Highway Superintendent shall have authority to specify the pitch and other design features of the driveway to the extent reasonably necessary to minimize water flows from the driveway onto the road.

The Committee then considered a new Bylaw 16.6.6, clarifying certain design features which the Highway Superintendent regarded as important for ensuring suitable access to the driveway by public vehicles such as ambulances and fire equipment. After discussion, upon motion duly made and seconded, it was unanimously

RESOLVED, that a new Bylaw 16.6.6 be adopted, to read in its entirety as follows:

16.6.6 Individual driveways shall not be less than ten (10) feet in width within the Town right of way. Unless otherwise permitted by the Highway Superintendent, no structure shall be erected on either side of the driveway within four (4) feet of the road.

The Committee next turned its attention to a newly-proposed Bylaw 16.7 (intended to replace former Bylaw 17.1.7.13). After discussion, upon motion duly made and seconded, by a vote of 3 in favor and one opposed, it was

RESOLVED, that a new Bylaw 16.7 be adopted, to read in its entirety as follows:

16.7 Continuing Responsibility of Owners

An abutting property owner shall maintain the area where a driveway on that owner's property intersects with the public right of way (including maintaining any leveling area or apron at the end of the driveway and clearing and maintaining any culvert under the driveway) so that the condition of the driveway in that area does not present any hazardous condition to pedestrian or vehicular traffic in the road or disrupt the proper drainage of water away from the public right of way. In addition, if a driveway has been constructed pursuant to a permit, the abutting property owner shall maintain that driveway so that it continues to conform to the requirements of the permit.

The Committee then considered Bylaw 16.8 (replacing former Bylaw 17.1.8). After discussion, upon motion duly made and seconded, it was unanimously

RESOLVED, that former Bylaw 17.1.8 be replaced with a new Bylaw 16.8, to read in its entirety as follows:

16.8 Oversight by Select Board.

Strict compliance with the requirements of this Bylaw may be waived by the Select Board if, in the judgment of the Select Board such waiver does not materially conflict with the intent of this Bylaw.

The Committee then turned to consideration of methods for enforcement of Bylaw 16, currently partially addressed in Bylaw 17.1.9. It was determined that MM would consult with the Highway Superintendent and the Building Inspector to clarify current practices, if any, for enforcing compliance with the terms of the permit issued for driveway discussion. The matter would be considered at the next meeting of the Committee.

The Committee agreed that its next meeting would take place on June 7 at 4:30 pm.

Upon motion duly made and seconded, the meeting was adjourned at 6:05 pm.

SG

SMG