

ARTICLE II  
**Access to Public Ways**  
**[Adopted 5-11-1987 ATM, Art. 16]**

**§ 153-10. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

ABUTTING PROPERTY OWNER — A person or entity owning property bordering on a way.

DRIVEWAY — A driveway, private road, logging road, temporary access for construction, logging or testing and other privately owned access to and egress from a way; see also § 153-12 below.

PUBLIC WAY — A way laid out by a public agency or dedicated to public use or laid out for public use or used and maintained as a public way.

WAY — Any public way which is not subject to MGL c. 81, § 21 (state curb cut permit).

**§ 153-11. Purpose.**

The purpose of this article is to:

- A. Provide maximum protection to the public through the orderly control of traffic moving onto and from a way.
- B. Provide a uniform practice in the design and construction of entrances and exits.
- C. Provide the necessary drainage.

**§ 153-12. Pedestrian and other nonvehicular access.**

This article shall also govern the creation of privately owned nonvehicular access to and egress from a way, including but not limited to walks, footpaths, bridle paths, bicycle paths, cow paths, steps and stairs. For the purpose of this article, any nonvehicular access shall be considered a driveway.

**§ 153-13. Permits.**

Any abutting property owner desiring to gain access to a way or desiring to alter, change or close an existing driveway shall do so only in accordance with the provisions of a permit issued by the Board of Selectmen.

## A. Application.

- (1) Before beginning construction, the abutting property owner or his duly authorized agent shall make written application to the Board of Selectmen on forms provided by the Board, including a plan showing any driveway that is to be created, altered or closed and details on drainage.
- (2) The application shall contain a description of the proposed construction as far as it encroaches upon or affects the public road or public way and its shoulders, banks, ditches, drainage and other features. The application shall also describe the effect on traffic. A fee shall be paid to the Town of Great Barrington when the application is submitted to the Board of Selectmen. **[Amended 5-14-2007 ATM, Art. 28]**

B. Processing of applications by Highway Superintendent. The Highway Superintendent shall examine the application in order to determine if it conforms to sound design requirements, including those listed in § 153-14 below. He shall make a recommendation to the Board of Selectmen within 10 days after receipt of the written application, setting forth conditions that he deems reasonable.

C. Action by the Board of Selectmen. The Board of Selectmen shall issue or deny a permit within 10 days after receiving a recommendation from the Highway Superintendent. The permit shall set forth conditions which the Selectmen deem reasonable. The denial shall give reasons; it may contain suggestions for a revised application.

**§ 153-14. Design requirements.**

A. The Highway Superintendent shall consider the requirements of the State Department of Public Works Manual on Uniform Traffic Control Devices, but shall modify these to accord with:

- (1) Local conditions.
- (2) Compatibility with local road design.
- (3) Size of the proposed project.

B. Driveways shall be located to the best advantage with regard to alignments with the way, profile, sight distance conditions and the like. Unless conditions require it, a driveway should not be located at the extreme edge of a property.

- C. No more than two driveways shall normally be allowed for any property unless there is clear necessity for more. Leasing of a portion of the property does not affect this requirement. If a number of establishments will be constructed on one parcel, a service road may be required, to connect with allowable exit and entrance.
- D. Driveways shall not normally be approved at intersections, particularly signalized intersections, because of the potential safety hazard which arises when a driver enters a road from a corner driveway and is not faced with a direct signal indication. Access directly into a rotary is also discouraged.
- E. Culverts taking the place of roadside ditches shall have a diameter of not less than 15 inches. A larger diameter may be required.
- F. The elevation of driveways at the point of entry into the public right-of-way should be no more than the elevation of the shoulder of the road.
- G. Driveways should be so constructed that water from the driveway shall not drain onto the crown of the road.
- H. In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.
- I. Individual driveways should not be less than eight feet nor more than 16 feet in width within the Town right-of-way. Any curb at the entrance shall be rounded off with a radius of three feet.
- J. Wherever possible, driveways should be pitched downward from the roadway. However, where topography prevents the driveway from being pitched downward in its entirety, the driveway must be constructed on a downgrade from the road surface to the side line of the Town right-of-way with a pitch of at least 1/4 inch per foot. From the side line the driveway may be pitched toward the roadway; however, in no instance shall a driveway have a pitch toward the roadway of greater than one inch per foot unless adequate provisions have been made and approved by the Highway Superintendent for the diversion of driveway surface runoff away from the roadway. The Highway Superintendent may require methods of diversion for driveways having a pitch of less than one inch per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way.
- K. Driveways should be located to the best advantage with respect to alignment with the way, profile, sight distance conditions and

the like. In no instance shall a driveway intersect the way at less than a sixty-degree angle. Unless there is no other alternative, a driveway should not be located within a required side yard.

- L. No permit shall be issued for any driveway to a structure or proposed structure on a grade in excess of 10% above the road or street level until and unless the applicant submits plans to the Highway Superintendent or person acting in that capacity showing that the driveway will be constructed in such a way so as not to discharge water, stones or other materials onto any public street, road or highway. Before issuance of certificate of occupancy for any structure served by such a driveway, the Inspector of Buildings shall receive written certification from the Highway Superintendent or person acting in that capacity that the driveway has been constructed in accordance with said plans and to his satisfaction. **[Added 5-7-1990 ATM, Art. 18]**

#### **§ 153-15. Inspection of work.**

All work shall be inspected during and after construction. The Highway Superintendent may halt any work not done in accordance with the permit.

#### **§ 153-16. Exceptions.**

No permit shall be required for:

- A. Driveways already in existence, except for significant alterations.
- B. Driveways reviewed by municipal boards under other existing regulations or bylaws.

#### **§ 153-17. Continuing responsibility of owners.**

Abutting property owners shall be responsible for keeping culverts under their driveways cleared and for maintaining driveways in condition conforming to the requirements of the permit and to the intent and spirit of this article. Driveways already in existence on the effective date of this article shall be maintained by the abutting property owners in their best preexisting condition.

#### **§ 153-18. Waiver of compliance.**

Strict compliance with the requirements of this article may be waived by the vote of the Board of Selectmen at a duly posted meeting when in the judgment of the Board such action is in the public interest and not in opposition to the intent of the article.