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MIIA Health Benefits Trust
3 Center Plaza, Suite 610
Boston, MA 02108
800-374-4405
617-542-6513

MIIA HEALTH BENEFITS TRUST
Monterey
Renewal Proposal
07/01/2023 - 06/30/2024

MONTHLY CONTRIBUTION RATES				
PRODUCTS		CURRENT	RENEWAL	
Unified Plan Name for FY2024	COVERAGE	RATES	RATES	CHANGE
Network Blue NE	Individual	\$769.28	\$777.36	1.05%
	Two Person	\$1,615.49	\$1,632.45	
	Family	\$2,485.82	\$2,511.92	
Dental Blue Freedom	Individual	\$45.23	\$42.38	-6.30%
	Two Person	\$90.48	\$84.78	
	Family	\$140.23	\$131.40	

The offering of an indemnity plan (PPO) is a requirement of MGL Chapter 32B.
Renewal rates are based on final plan design and enrollment.
Senior plans will renew on January 1, 2024.
Please provide a copy of the in-force PEC or IAC agreement, if applicable.
Signed commitment is due on or before April 1, 2023.

Renewal rates are based on continuing the current enrollment level.

Signature for Acceptance of Rates	Title	Date
	Select Board, Chair	3/1/23
Print Name		
Justin Makur		



TOWN OF MONTEREY

435 Main Rd. P.O. Box 308
Monterey, MA 01245

March 1, 2023

Malcolm Harper
Massachusetts Department of Environmental Protection
Bureau of Water Resources
8 New Bond Street
Worcester, MA 01606

RE: Hupi Road Drainage Improvements to Reduce Sediment Inflow to Lake Garfield (#22-07 319)

Dear Mr. Harper,

The Town of Monterey would like to request additional funds for the 22-07 319 Project entitled Hupi Road Drainage Improvements to Reduce Sediment Inflow to Lake Garfield. Outlined here is the additional funding request breakdown and rationale:

Summary of Rationale	Additional Funding Request	Description of Rationale
Construction costs to add two additional deep sump catch basins.	\$30,000	The current Highway Superintendent reviewed the designs and determined that two additional two deep sump catch basins should be added in order to capture more stormwater. This determination was made based on the Superintendent's knowledge and observations of the project site. The additional catch basins will reduce the TSS and Phosphorus loading by capturing more stormwater. The estimated construction and materials cost for adding two deep sump catch basins is \$30,000.
Construction costs increase from grant based on match increase.	\$70,732	In the original budget, the Town included \$70,737 in cash match for construction costs. However, the Town would like to use in-kind match from funds allocated toward Diver Assisted Suction Harvesting (DASH) – a process that addresses the aquatic invasive species impairment on Lake Garfield. This will not increase the overall cost of construction.
Additional Education and Outreach	\$25,100	In the original proposal Berkshire Regional Planning Commission (BRPC) was written in to complete Grant Administration and perform Public Outreach using match funds from Friends of Lake Garfield Support. We are requesting to move funds from match to 319 so that Friends of Lake Garfield can keep these funds to work on complimentary Lake programs that improve water quality. Moreover, we request an increase of \$24,100 to add the following elements to the Education and Outreach plan: <ul style="list-style-type: none">• Perform homeowners BMP property assessments – individual property reports and support installation of BMPs (similar to VT Lake Wise Program)

Phone: 413.528.1443 x114 Fax: 413.528.9452

admin@montereyma.gov

www.montereyma.gov

- Installation of vegetative buffers and/or rain gardens at least three additional sites
- Youth & Senior programming regarding stormwater and the Hupi Rd. project in collaboration with Monterey Library and Community Center/Council on Aging – including stormwater modeling, volunteer events, and presentations on designs and DIY stormwater controls.

This increase in outreach funding will allow BRPC to search for and subcontract with W/MBE businesses for outreach support.

Total Request \$120,000

*Note: this table doesn't reflect the decrease in engineering expenses based on match.

To match these increased funds requested above the Town commits a cash match of \$35,000 awarded through a State Community Compact grant toward engineering costs, thereby reducing the amount of 319 funds going toward engineering by \$16,832. In addition, the Town will provide in-kind match of \$137,121 used for DASH invasive removal in Lake Garfield since October 2019. We would like to put this spending forth as matching funds and calculate phosphorus removal loads based on amount of invasives removed since October 2019. This increases total match by \$76,621 (40% of the total project funds).

Expense Items	Grant Amount (319)	Match	Total
Salary - by title and salary range			
DPW Director (\$50/hr)			
DPW Maintenance Crew (\$25/hr)			
Subtotal	\$0	\$1,500	\$1,500
Subcontractual Services			
Engineering, Final Design, Permitting, and Procurement	\$1,000	\$32,564	\$33,564
Construction oversight, construction, and technical support	\$221,900	\$0	\$221,900
Operation and Maintenance Plan	\$0	\$2,436	\$2,436
Subtotal	\$222,900	\$35,000	\$257,900
Other Services			
Public Outreach, Education Plan and Technology Transfer	\$30,100	\$0	\$30,100
Reporting and Project Administration	\$6,000	\$0	\$6,000
Invasive removal (DASH)		\$137,121	\$137,121
Subtotal	\$36,100	\$137,121	\$173,221
Total	\$259,000	\$173,621	\$432,621
<i>Percent</i>	<i>60%</i>	<i>40.1%</i>	
<i>Total Increase</i>	<i>\$120,000</i>	<i>\$76,621</i>	

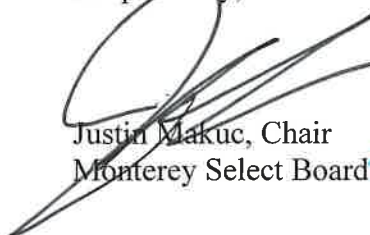
Please see the proposed amended budget below:

Finally, the Town would like to request an extension in which to complete this project to September 30, 2024. This allows us to time to complete engineering designs by fall 2023, put together bid packages over the winter 2023, and select a construction contractor early spring 2024. With this timeline, we will be able to release bid documents well ahead of the 2024 construction season and hopefully reduce the cost of bids for construction contractors. We will plan on completing construction by end of July 2024 at the latest in order to wrap up grant materials, calculate load reductions, and finish the final 319 grant report in August and September 2024. The additional funds and deliverables requested will be incorporated into the existing scope of work and will not extend the timeline.

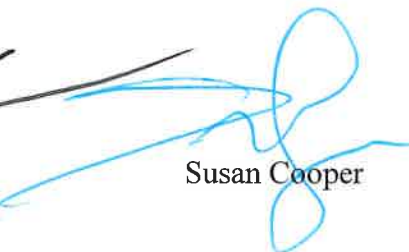
If you have any questions or would like to discuss the request, please get in touch with Monterey's Town Administrator, Melissa Noe (admin@montereyma.gov) and the contractor working with us on this project, Courteny Morehouse at Berkshire Regional Planning Commission (cmorehouse@berkshireplanning.org).

Thank you for your consideration.

Respectfully,



Justin Makuc, Chair
Monterey Select Board



Susan Cooper



Scott Jensen

SECOND AMENDMENT

Agreement By and Between

Berkshire Regional Planning Commission

and

the Town of Monterey

Re: Monterey MVP Action Grant for Main St. Culvert Replacement

This Agreement (the "Amendment") is the Second Amendment to the AGREEMENT made as of 21st of September, 2022 by and between the Berkshire Regional Planning Commission (the "COMMISSION"), and the Town of Monterey. The COMMISSION and the Town desire to amend the Agreement as hereinafter set forth.

Now, therefore, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereby agree as set forth herein.

- 1. Paragraph 6. COMPENSATION is hereby amended as follows:
 - a. The TOWN will pay the COMMISSION a total fee in the amount not to exceed \$51,770.50 based on mutually agreed upon invoice procedure

Except as specifically amended hereby, the Agreement is hereby ratified and confirmed and shall remain in full force and effect. From and after the date hereof, all references to the Agreement shall be construed as references to the Agreement, as affected and amended by this Amendment.

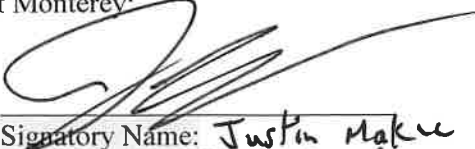
IN WITNESS thereof, the COMMISSION and the Town of Monterey have executed this Amendment to the Agreement dated October 7, 2022.

BERKSHIRE REGIONAL PLANNING COMMISSION:

By: _____
Thomas Matuszko
Executive Director

Date: _____

Town of Monterey:

By: 
Signatory Name: Justin Makee
Signatory Title: Select Board, Chair

Date: 3/1/23

For BRPC Use Only
Agreement Reviewed by Office Manager _____ Finance _____ Dpt# _____

**Town of Monterey
Policy Statement**

REQUEST TO USE LEGAL COUNSEL – FORM

Prior to completing this form, please check this box to confirm that you are familiar with the Town's policy for Contacting Town Counsel: <input checked="" type="checkbox"/> x
Name: Melissa Noe & Town Accountant
Department/multimember group: n/a
If multimember group, was this request approved by group at a meeting? n/a
Date submitted: 2/28/23
Requesting contact with: <input checked="" type="checkbox"/> Town Counsel <input type="checkbox"/> Special Counsel
Form of questions: <input checked="" type="checkbox"/> Written questions via email <input type="checkbox"/> Phone conversation <input type="checkbox"/> Other:
Description of legal services needed/issue faced (attach written questions if applicable and/or explanatory documentation): The accountant and I would like counsel to confirm that it would be a proper use of the funds Conservation Commission has saved in their reserve account as governed by MGL c40 §8c to use toward paying Greenagers to create a walking trail on town owned land around the Brewer Pond Dam. The estimated cost is below \$10k.
Is this matter time sensitive? If so, please explain: no but sooner rather than later would be great in case this is not an appropriate expenditure and needs to be added to the FY24 proposed budget.
Is this matter confidential/subject to attorney-client privilege? If so, please explain: no

REQUEST: Approved Denied

Date	Select Board, Chair
Date	Select Board
Date	Select Board

For use by Select Board Chair (or alternate Counsel Liaison) if request is reviewed by less than a majority of the Select Board. I deem this matter to be: Time sensitive Confidential

Town Administrator

From: Justin Makuc
Sent: Monday, February 27, 2023 11:06 AM
To: Town Administrator
Subject: Fwd: Steering Committee

From: Peter Murkett <[REDACTED]>
Sent: Sunday, February 26, 2023 11:25 AM
To: Justin Makuc <justin@montereyma.gov>
Subject: Steering Committee

Hi Justin,

With the Beacon contract signed, I plan to nominate you, or any other SB member you all agree on, to join the recommended Steering Committee at the next meeting of the REWG, this Wed 3/1 at 5 pm at the Community Center (and over Zoom, see town website on Monday for link).

Thanks,

Peter M

ARTICLE XX: To see if the Town will vote to adopt a local option room occupancy excise as allowed by G.L. c64G, § 3A, and further to adopt a local excise rate of 6%, or to take any other action relative thereto.

ARTICLE XX: To see if the Town will vote to adopt a local option community impact fee in the amount of 3% as allowed by G.L. c 64G, § 3D (a) as it applies to each transfer of occupancy of a “professionally managed unit,” which is defined as one of two or more short-term rental units in Monterey not located in a single- or two- or three-family dwelling that includes the operator’s (owner’s) primary residence. The impact fee applies to transfers of occupancies on or after July 1, 2023 for which a rental contract was entered into on or after January 1, 2023. It does not apply to occupancy for which the rental contract was entered into before January 1, 2023, or to take any other action relative thereto.

ARTICLE XX: To see if the Town will vote to adopt a local option community impact fee in the amount of 3% as allowed by G.L. c 64G, § 3D(b) as it applies to short-term rental units in Monterey located within a two- or three-family dwelling that includes the operator’s (owner’s) primary residence under G.L. c. 64G, § 3D(b). The impact fee applies only to transfers of occupancies on or after July 1, 2023 for which a contract was entered into on or after January 1, 2023, or to take any other action relative thereto.

Re: Private roads

Donna Brewer <dbrewer@miyares-harrington.com>

Fri 2/24/2023 1:44 PM

To: Justin Makuc <justin@montereyma.gov>

Hi Justin, as things stand now, there is little the town can do to deal with this issue. The town can file a lawsuit against all the abutters to the private way that is causing the problem, assert claims for nuisance and trespass, and seek damages for the costs of repairing the public way. This as you know is not a fast remedy and we aren't entitled to claim attorneys' fees as part of the damages. You can just issue invoices to the owners but the invoices are not legally enforceable. If the owners choose to ignore them, we would have to file the lawsuit for nuisance/trespass. The town cannot go onto the private road to maintain or repair the private way, unless there is a Special Act or a bylaw that permits the town to do that. G.L. c. 40, § 6N is the statute that replaced 6E. It is a possible avenue for redress but it only allows for temporary repairs. Nonetheless, the bylaw can provide that the Town can be repaid for the repair work and it can specify the type of repairs that the town is authorized to do. Hopkinton, one of our town clients, has a comprehensive bylaw under 6N that you can find at Hopkintonma.gov, General Bylaws, Ch. 174, Article VI. Holland has a much more basic bylaw under 6N.

As for Special Acts, there are a number of examples that permit towns to appropriate money to improve private ways. Plymouth, Westminster, and Brewster all have special acts that authorize repairs on private or unaccepted roads. Many of these special acts mirror 6N to allow only temporary repairs but Manchester-by-the-Sea has a special act that permits the town to make permanent repairs. The acts typically permit the town to recoup the expenditure from the owners of the way through the imposition of betterment assessments.

If the town is already considering a 6N bylaw, I recommend that it consider a comprehensive scheme such as that provided in Hopkinton.

On the issue of emergency vehicles, what we have found to work is a letter notifying the owner/residents that due to the poor or unpassable condition of the way, the emergency vehicles will be unable to respond to a call for service. No one wants that.

I am happy to discuss this further if you like.

Donna Brewer

dbrewer@miyares-harrington.com

(617) 804-2423 dd

From: Justin Makuc <justin@montereyma.gov>

Date: Tuesday, February 21, 2023 at 12:17 PM

To: Donna Brewer <dbrewer@miyares-harrington.com>

Subject: Re: Private roads

Hi Donna,

It is certainly the case that the Town has residences on private roads that are inaccessible to the larger fire trucks and occasionally are not accessible to vehicles without 4 wheel drive. Some of these roads were previously only occupied during the summer, but increasingly have residents year-round when access can be even more difficult. As it stands, sometimes only the smaller more capable vehicles will respond in such a case. This is an issue that we have discussed briefly. I would welcome any advice you have here.

I do think what we are after immediately is knowing what recourse the Town has when a private way washes out gravel and debris onto a public road. What options does the Town have in response and could these options be improved with a new Bylaw or MGL acceptance?

Thank you,
Justin

From: Donna Brewer <dbrewer@miyares-harrington.com>
Sent: Tuesday, February 21, 2023 9:46:09 AM
To: Justin Makuc <justin@montereyma.gov>
Subject: Re: Private roads

Justin, does the poor condition of the private roads impede or prevent access by emergency vehicles?

Donna Brewer
dbrewer@miyares-harrington.com
(617) 804-2423 dd

From: Justin Makuc <justin@montereyma.gov>
Date: Tuesday, February 21, 2023 at 7:24 AM
To: Donna Brewer <dbrewer@miyares-harrington.com>
Subject: Private roads

Hi Donna,

There are many private roads in Monterey, and occasionally poorly designed and maintained private roads have washed out onto public roads. What recourse does the Town have when private roads wash out onto and damage public roads?

If the Town has to spend time cleaning its public roadway from the damage, can the Town invoice the private property owner(s) for the time and equipment?

If the Town deems it necessary to go onto the private road to maintain it enough to prevent further damage to the public road, can the Town do so? Can the Town invoice the private property owner(s) for the same work?

Would damages done by private driveways (one property owner) be treated any differently than damages done by private roads (multiple owners)?

In 1968, Monterey Town Meeting approved the following: "The Town voted to accept Section 6E of Chapter 40 of the General Laws, to permit a Town to make temporary minor repairs on private ways which have been opened to public use for six years or more, at the expense of the abutters, such temporary minor repairs include only filling in of holes and do not include resurfacing or permanent construction." However, it appears that Section 6E was repealed in 1977.

The Select Board has also been considering Section 6N of the same chapter. Does the Town need to approve a Bylaw or accept a section of MGL to have more options to respond to damage to a public road from a poorly maintained private road?

Thank you,
Justin

TOWN OF HOPKINTON

and a separate affirmative vote of the Town Meeting on each street recommended; nor shall any action taken under this article be interpreted as infringing upon the exclusive right of the Select Board to determine what streets they shall lay out and recommend to Town Meeting for acceptance as public ways.

§ 174-5. Apportionment of assessments in installments.

Betterment assessments to be apportioned in equal annual installments over a ten-year period.

§ 174-6. Relationship with other laws.

No action taken under this article shall be interpreted as an amendment of Chapter 210, Zoning, or as in any way qualifying or in conflict with the rules and requirements of the Planning Board relating to the subdivision of land and the requirements of said rules and regulations relating to the construction of ways within subdivisions under the jurisdiction of the Planning Board.

ARTICLE V

Obstruction of Streets and Sidewalks

[Adopted 11-10-1983 STM, Art. 3]

§ 174-7. Obstruction of streets and sidewalks prohibited.

No person shall by any method or means cause material, whether natural or artificial, including but not limited to snow, leaves, sand or other debris, to be deposited or placed onto any public or private way of the Town that is open to public use, including the travel way, parking lanes, sidewalk, or other public appurtenances thereto, so as to unreasonably impair the use and function of the way.

§ 174-8. Exceptions.

This Article shall not apply to any person authorized by the Town to cause any material to be deposited or placed in a public or private way of the Town.

§ 174-9. Violations and penalties.

Whoever violates this article shall be liable to a penalty not exceeding \$25 for each such violation. Each day that the impairment of the use and function of the way continues shall constitute a separate violation of this Article.

ARTICLE VI

Temporary Repairs on Private Ways

[Adopted 10-3-2001 STM, Art. 23]

§ 174-10. Authorization to make repairs.

The Town of Hopkinton may make temporary repairs on private ways when such repairs are deemed necessary or appropriate by the Director of the Department of Public Works (the Director) and are approved by the Select Board. The Director shall make such determination based on the public convenience and necessity, the protection of the health and safety of the general public using such ways, and the protection of the environment adjacent to the way and in the surrounding area.

§ 174-11. Type and extent of repairs.

TOWN OF HOPKINTON

The repairs may include the patching and filling of holes; oiling and treatment of road surfaces; the repair of specific portions of the way; cleaning of catch basins and drainage structures; installation of guardrails or other infrastructure; and the reconstruction of a way, including the removal of roadway surface and the regrading and installation of fill and roadway surface materials, including asphalt and concrete.

§ 174-12. Drainage improvements.

As part of the repair of any private way, the Town may make such drainage repairs and improvements to the private way as are deemed necessary or appropriate by the Director. The Town shall not perform any such drainage repairs or improvements on a private way unless the Director has indicated that such repairs or improvements are required by public necessity or for the protection of the environment.

§ 174-13. Abutters.

The Town may only perform such repairs, reconstruction, or improvements on a private way upon the occurrence of any of the following events: the request of the Planning Board to the Select Board; the request of the Director to the Select Board; or at least 80% of the owners of properties which abut the way to be repaired have signed a petition to the Select Board requesting that such repairs to the way be performed. Such petition must state that the public convenience and necessity require such repairs, reconstruction and improvements and shall request that the Director make an investigation of the condition of the way and report the findings to the Select Board.

§ 174-14. Easements.

If any easements are necessary for the completion of such repairs, reconstruction or improvements, the owners of the properties abutting the way and the owners of any land or interest in land upon which such easement would be required, shall be responsible for the cost of the preparation and the grant of such easements to the Town. Such easement shall include the grant of the right to the Town, its agents, contractors and employees, to enter upon the way for the performance of the work.

§ 174-15. Approval and method of payment.

Upon receipt of a request from the Director, or from the Planning Board, or upon receipt of a petition from the owners of abutting properties, the Select Board shall review the report of the Director, and determine whether such repairs, reconstruction or improvements are required for the public health or safety, the protection of the environment, and the public convenience and necessity, and, if it so determines, the Select Board may approve the project and determine whether such repairs, reconstruction or improvements shall be paid by the abutters by a cash deposit; shall be paid by the abutters by betterment charges which shall be assessed to the abutters; shall be paid partly by the abutters and partly by the Town by the assessment of betterment charges for a portion of the work; or shall be paid by the Town. In the event the Select Board determines that the project should be funded in whole or in part by the assessment of betterments or by a cash deposit from the abutters, the Select Board shall hold a public hearing on such determination within 30 days thereof. The Select Board shall notify the owners of the properties abutting the way by regular mail at least seven days prior to the date of the hearing, and shall cause notice of such hearing to be published in a newspaper of general circulation in the Town at least seven days prior to the date of the hearing. Such notices shall indicate that the Select Board is considering the assessment of betterments or a cash deposit to fund the project. The Select Board shall make the decision on the request and the method of payment therefor, within 60 days of the close of the public hearing. If the appropriation of funds or the assessment of betterments is necessary, the Select Board shall thereupon submit an article to the next ensuing Town

TOWN OF HOPKINTON

Meeting for approval by the Town of the repairs, reconstruction or improvements to the way and the method of payment therefor.

§ 174-16. Select Board action.

If the appropriation of funds, the assessment of betterments or a cash deposit is not to be required in conjunction with the project, the Select Board shall review the request at a public meeting within 21 days of receipt of the request, and shall make a decision on the request within 45 days of its receipt.

§ 174-17. Liability of town.

To the fullest extent permitted by law, the Town shall not be liable for any claim, damage, loss, cost, liability, or expense, of any name, nature or description, including attorney's fees and costs, arising out of or as a result of the repairs, reconstruction or improvements performed on any private way by the Town or any damage resulting therefrom, including that to third parties. The Select Board may in relation to any such project as it deems appropriate, require the owners of the properties abutting the way to execute an agreement pursuant to which all such owners agree to save, indemnify and hold harmless the Town from any and all such claims, damages, losses, costs, liabilities or expenses, including attorney's fees, arising out of or as a result of such repairs, reconstruction or improvements.

§ 174-18. Ways to be open to public use.

The ways upon which the Town may perform any such repair, reconstruction or improvement, must have been open to public use for no less than one year prior to the date of the vote of the Select Board which approves such project or which authorizes the submission of the article relating thereto to the Town Meeting.

§ 174-19. Standard of work.

All work to be performed by the Town on any such way pursuant hereto must be to the standards established by the Department of Public Works of the Town.

§ 174-20. Basis for assessment of betterments.

In the event the Town Meeting authorizes such repair, reconstruction or improvement to such way, and authorizes the assessment of betterments for all or a portion of the cost of such work, it shall determine the percentage of project cost to be assessed, and such assessments shall be made based upon either the fixed uniform rate method using the linear frontage of each lot on the street as the standard for computation, or the uniform unit method, pursuant to which each existing or potential lot abutting the way shall constitute a unit.

§ 174-21. Town Meeting appropriation of funds.

No repair, reconstruction or improvement requiring an appropriation of funds shall be made to any way pursuant hereto unless and until the Town Meeting has appropriated any funds necessary for the project.

§ 174-22. Minor repairs.

Upon the request of the Director, the Planning Board or the owners of properties abutting a way, the Select Board, based on the recommendation and report and the certification of the Director that the funds necessary

TOWN OF HOPKINTON

for the project are available, may authorize the Town to make minor repairs to private ways to a sum not to exceed \$1,000 in total on any way in any one fiscal year.

§ 174-23. Definitions.

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

PRIVATE WAY -- Shall not include driveways, common driveways, roadways and driveways within condominium projects, private access roads, and ways to which the public does not have access.

§ 174-24. Severability.

The invalidity of any provision of this chapter shall not invalidate any other section or provision thereof, which shall remain in full force and effect.

ARTICLE VII

Driveways

[Added 5-2-2005 ATM, Art. 33]

§ 174-25. Construction of Driveways.

This Article shall apply to all driveway permits issued after the adoption of this Article. No driveway permit shall be issued unless the requirements of this Article shall have been complied with. The provisions of this Article shall not apply to roadways or driveways in Garden Apartment or Village Housing developments. [Amended 5-1-2017 ATM, Article 49]

§ 174-26. Permits.

Any person, organization, public agency or other entity proposing the construction of a driveway shall first obtain a driveway permit from the Department of Public Works. The Department may require the submission of an application, fee, and other materials containing such information which it determines to be necessary prior to issuing a permit.

§ 174-27. Regulations

- A. The slope of a driveway within 20 feet of the edge of the pavement of a public or private way shall not exceed 10%.
- B. No driveway for which a permit has been issued this Article shall be constructed or maintained so as to allow the discharge of stormwater runoff onto a public or private way of the Town, including the travel way, parking lanes, sidewalk, or other public appurtenances thereto, and thereby to cause flooding, icing, erosion or sedimentation, accumulation of debris, or other negative effects that unreasonably impair the use and function of the way. If, in the opinion of the Director of Public Works (the "DPW Director"), the use and function of a way has been so impaired, the property owner shall be responsible for mitigating the condition by implementing such measures as are necessary to prevent the discharge onto the way. Prior to the implementation of mitigation measures, the owner may consult the DPW Director to review any measures that would be implemented outside the way. Any measures which would be implemented within the layout of the way must be approved in advance by the DPW Director.

Chapter 10
Roads and Driveways

Section 10.1 Acceptance of Ways as Public Highways

- 10.1.1 All private roads that are to be petitioned to be considered for acceptance by the town as public highways and which are later to be petitioned by the town for inclusion as part of the Chapter 81 mileage for such town shall be laid out in accordance with the provisions of Chapter 82, Sections 21 to 23 inclusive and any other requirements of eligibility for Chapter 81 reimbursement

Approved January 6, 1970

Section 10.2 Driveways and Access Roads

- 10.2.1 No one shall construct a driveway or access road so as to drain surface water from said driveway or access road onto the surface of any town road or way dedicated to public use. In the event the owner of land does so construct a driveway or access road, or cause any other construction to be made, which has the effect of causing surface water to drain onto town roads or ways dedicated to a public use, the town Highway Superintendent shall have the right to change the town road, or way dedicated to a public use, so as to prevent such drainage or surface water from going upon said roads, or ways dedicated to public use

- 10.2.2 A permit is required from the Board of Selectmen, with the approval of the Highway Superintendent, before anyone shall construct a driveway or access road so as to connect for vehicular access privately owned property to a town road. A written application together with a plan or map shall be submitted to the Board of Selectmen showing the following

- (1) Abutting roads and property ownership with existing contours and grades at pertinent locations
- (2) Existing drainage channels and proposed drainage after regrading
- (3) Access from the property to the public road

Any permit issued by the Board of Selectmen as herein described shall expire within two years of the date of said permit, but may be renewed by the Board of Selectmen for an additional period of time

Approved November 8, 1974

- 10.2.3 No person or business shall cause any surface water, drainage, perimeter drains or water of any source to flow on a town road or on a way open to public use

Approved as amended June 14, 1994

- 10.2.4 No person or business shall obstruct or allow the obstruction of any Town of Holland drainage system

- 10.2.5 Any violation of this section shall be corrected by the Town of Holland Highway Department or its agents, all costs to be paid by that person or business that causes this violation to exist. Any such violation may be disposed of as a civil violation pursuant to Section 21D of Chapter 40 of the General Laws with a civil assessment of \$25.00

Subsections (10.2.4) and (10.2.5) approved September 24, 1992
Approved as amended January 3, 1995

Section 10.3 Maintenance of Private Ways

10.3.1 The town may make temporary repairs on private ways which have been open to public use for six years or more

10.3.2 Such temporary repairs may include the regrading of gravel roads, the oiling of oiled roads, filling of potholes, depressions and ruts with suitable materials and replacement of damaged culverts, but not including original construction

10.3.3 No such repairs shall be made unless The Board of Selectmen determines that such repairs are necessary for public convenience and safety

Approved October 27, 1993

10.3.4 No betterment charges shall be assessed and no cash deposit shall be required for such repairs

10.3.5 The town shall not be liable for bodily injury, death or damage to property caused by any defect or want of repair in a private way

Approved October 27, 1993

Section 10.4 Plowing of Private Ways

10.4.1 The town may plow snow from and sand private ways on which year-round residents reside and where the Board of Selectmen, in consultation with the Highway Surveyor, have determined that a turnaround exists which is adequate for safe operation of plowing equipment in winter storm conditions

10.4.2 No private driveways shall be plowed

10.4.3 The town shall not be liable for damages of any kind caused by failure to plow a private way.

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