

WELLESLEY PETITION TO REPAIR PRIVATE WAY

INFORMATION ABOUT PETITIONS TO MAKE MINOR TEMPORARY REPAIRS TO PRIVATE WAYS

Mail or deliver your petition to:

Board of Public Works
20 Municipal Way
Wellesley, MA 02481

Town of Wellesley Bylaw Article 29.10 reads as follows:

"The Town may make temporary minor repairs to private ways which have been opened to public use for two years or more, provided that such repairs are required by public necessity as shall be determined solely by the Board of Public Works. Such repairs shall be made only if petitioned for by the majority of the abutters, except in the case of special emergency involving the health or safety of people or property as determined by the Board of Public Works in its sole discretion. Cash deposits or payments shall not be required and betterment charges shall not be assessed for said repairs. The extent and type of repairs shall be determined by the Board of Public Works and shall only include the filling in of holes or depressions with material to be the same as, or similar to, those materials existing on such ways, but shall not include drainage. The Town shall not incur any liability whatsoever on account of action or inaction resulting from repairs made pursuant to this Bylaw."

The responsibility for maintenance of private ways is the responsibility of the abutters. However, the Town *may* make temporary minor repairs under certain conditions, as follows:

- 1. The extent and type of repairs are limited to only the filling in of holes and depressions with materials the same as, or similar to, the material on the existing roadway. This does not include rebuilding the road or changing the grading or the wearing surface of the road, such as from gravel to asphalt. The exact type and extent of repairs will be determined by the Board of Public Works and will depend on the availability of funding and the scheduling and capacity of the DPW to do the work.*
- 2. Temporary minor repairs shall not include the repair or installation of drainage system.*
- 3. Repairs will be made only if required for public necessity as determined by the Board of Public Works.*
- 4. Repairs will be made only on receipt by the Board of Public Works of a petition signed by the majority of abutters, except in a special emergency. This includes the majority of abutters along the entire private way, or if the way has more than one type of surface, by the majority of abutters along the portion of the way which has the same type of surface, not just a portion thereof. One parcel of property abutting the private way is one abutter.*
- 5. Betterments will not be assessed by the Town.*
- 6. Cash deposits or payments are not required. The cost of repairs will be paid from town funds. If town funds are not available, the work must wait until sufficient funding is available.*
- 7. The private way to be repaired must have been open to public use for two or more years. "Open to public use" means available for use by the public at large for travel purposes, not just for use by the immediate abutters.*
- 8. The Town, its boards, officers and employees, shall have no liability whatsoever on account of actions or inactions resulting from repairs made pursuant to Bylaw Article 29.10.*

WELLESLEY BOARD OF PUBLIC WORKS

DATE: _____

PETITION

TO THE TOWN OF WELLESLEY BOARD OF PUBLIC WORKS TO MAKE MINOR TEMPORARY REPAIRS TO A PRIVATE WAY

The undersigned residents of _____, a private way,
(Name of Street)
hereby request that minor temporary repairs be made to our private way pursuant to Town Bylaw Article 29.10.

We affirm that:

- 1) our private way has been open to public use for two or more years and shall remain open to public use;
- 2) the undersigned constitute a majority of the abutters to our private way;
- 3) we understand that we are responsible for this private way;
- 4) we agree to indemnify and hold harmless the Town, its boards, officers and employees from any liability whatsoever which may result from action or inaction involving the private way repairs.

The minor temporary repairs requested are as follows (give specific locations):

SIGNED:

NAME

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DPW may contact our representative, _____, at

(_____) _____
(Telephone Number)

TO BE FILLED IN BY DPW: PETITION # _____

DATE REC'D: _____