

Town of Natick Board of Selectmen

Policy on Private Ways

Section 1 Purpose and Criteria

This policy is promulgated pursuant to Article 70 Section 8 of the Town of Natick General Bylaws. The purpose of this policy is to provide guidance as to the implementation of the Bylaw and to set forth an understanding of the level of service the Town will provide and the responsibilities of property owners of private ways.

Cities and towns may make temporary repairs on private ways by ordinance or bylaw pursuant to Massachusetts General Law Chapter 40 Section 6N. Cities and towns may remove snow and ice from private ways pursuant to Massachusetts General Law Chapter 40 Section 6 C.

Section 2 Definitions

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

Barricade – An object or physical entity placed within the traveled way that blocks, impedes or hinders prompt and appropriate emergency vehicle access.

Defect – Pothole, rut, rock, trench, or similar blemish on a traveled way that blocks, impedes, or deters prompt and appropriate emergency access.

Private Way – A way (Right of Way) which has not been accepted or taken by the Town, including any way owned and maintained by private individuals, organizations, or companies. A list of all ways (public and private) is included in the Town of Natick Street Listing published annually by the Town Clerk.

Snow and Ice Removal – The removal of winter precipitation from a roadway by means of chemical treatment, plowing, or otherwise.

Temporary Repair – A repair made to alleviate a roadway defect until a permanent repair can be made. Temporary Repairs constitute the minimum improvement necessary to abate the defect. Temporary Repairs are not to be considered maintenance and are not intended to establish the way as a public way.

Town of Natick Street Listing – Listing of all ways (public and private) within Natick published annually by the Town Clerk.

Way – A description of the ten categories of ways is included in Attachment A

Section 3 Snow and Ice Removal

The Town may remove snow and ice from Private Ways for the purpose of providing emergency access. Snow and ice may be removed by the Town from Private Ways that meet the following minimum standards:

- The private way shall be either uniformly paved with asphalt or cement concrete with an minimum width of 12 feet; or shall be unpaved with a gravel or a crushed stone surface with a minimum width of 10 feet.
- Roadways that have a right of way greater than 15 feet but less than 20 feet shall have a minimum travelled way measuring eight feet.
- Roadways that have a right of way greater than 15 feet but less than 20 feet shall be free of vegetation and objects for a minimum width of 12 feet at all times
- The roadway surface of the private way shall be free of vegetation and of objects that protrude more than two inches above the roadway surface.
- The roadway surface of the private way shall be free of Defects exceeding 2 inches in depth.
- The minimum height clearance of objects above the roadway surface of the private way shall be at least 14 feet.
- The shoulder, in the case of a paved roadway or gravel surface, shall be free of obstacles on both sides of the roadway surface for a minimum distance of two feet. In instances where the right of way is greater than 15 feet but less than 20 feet there is no minimum distance required for shoulders.
- No vehicles may be parked within the private way during snow and ice removal operations
- The Private Way shall not contain any speed bumps or other traffic-calming devices that narrow the roadway surface to a width less than that specified above, or that protrude above or below the roadway surface as specified above.
- The Private Way shall not contain any barricades, gates, or other access-control measures.

The Department of Public Works will annually conduct inspection of all private ways included in the snow and ice removal program, and will notify property owners of the private ways not meeting the minimum standards. Property owners on private ways will be required to perform all repairs needed to bring the way into compliance with the minimum standards before snow and ice removal operations will be conducted.

Private Ways that are not marked with street name signs, including unconstructed or paper streets, will not be plowed.

Private Ways that have signs posted reading “No Trespassing”, “Private Residents Only”, “Keep Out”, etc. will not be plowed.

Private Ways that meet minimum standards for snow and ice removal will be signified with distinct “Private Way” signs in *blue*. This sign will be attached to the top of the street name sign. Only ways that are listed in Attachment B (as from time to time amended) will be included in the snow and ice removal program.

Private Ways that are not included in the snow and ice removal operations will be signified with distinct “Private Way” signs in *red*, or have no sign posted.

Private Ways that are restricted by a Planning Board decision or agreement regarding snow and ice removal will not be plowed.

Section 4 Barricades

Barricades on private ways that deter immediate and appropriate emergency access, such as, but not limited to fire vehicles, police vehicles, ambulances, and public utilities (gas, electric, etc.) vehicles, shall be removed by order of the Fire Chief. Barricaded streets will not be included in the snow and ice removal program.

Section 5 Temporary Repairs

Property owners abutting Private Ways are responsible for the maintenance of the Private Way. Private Ways shall be maintained to facilitate the safe passage of emergency vehicles.

The Town may perform temporary repairs to Private Ways if such repairs are determined by the Director of Public Works to be required for public necessity, in accordance with this policy. Such repairs must be considered necessary to abate an immediate hazard caused by the defect and shall not be considered as maintenance of the Private Way, nor shall the way be considered a Public Way.

Drainage will not be included as part of any such repairs, and the Private Way.

The Town shall not be liable for any damage to private property caused by such repairs.

Section 5 Temporary Repairs

The Town Administrator is authorized to make exceptions to this policy if it is deemed to be in the best interest of the community.

Attachment A

Categories of Ways

Accepted Public Ways: These ways are accepted by Town Meeting. The Town can own an easement over the layout, or own the way in fee. Most ways are created through subdivision control, and once created and recorded are private until accepted by Town Meeting.

State Public Ways: These ways are the property of the Commonwealth which is responsible for their care and maintenance. The only State roads in Natick are Route 9 (Worcester Street) and Route 90 (Massachusetts Turnpike).

County Ways: When the engineering departments of county government were being “dismantled”, ways owned and laid out by the county became town ways and are considered public. Examples in Natick include Bishop Street, Eliot Street, Everett Street, Glen Street, Hartford Street, Mill Street, North Main Street, Pond Street, South Main Street, South Street, and Speen Street.

Accepted Private Ways Open and Dedicated to Public Use: This is a scarcely used category, generally (but not always) reserved for ways leading to a public facility.

Private Ways Constructed of Pavement: Private ways constructed of pavement are treated in different ways for the purposes of plowing based on historical practice or based on Planning Board decisions during the subdivision control process. For example, the Planning Board determined that Azalea Circle, Phillips Pond Road, and Fairway Circle were to be plowed by residents. The Town does not yet have a comprehensive database indicating which private ways should and should not be plowed based on Planning Board Decisions.

Private Ways Constructed of Gravel: The Town plows some but not all ways constructed of gravel based on historical practice. The Town should limit plowing of ways constructed of gravel to those that are maintained in a passable condition.

Private Ways that are Paper Streets: Paper streets are those that have not been constructed but that have legal frontage which would allow for development.

Rights of Way for Which Frontage Cannot Be Derived: These ways have no legal frontage which would allow for development. They are typically access easements.

Attachment B

Private Ways Currently Included in Snow and Ice Removal Operations

December 21, 2018