



NATICK BOARD OF SELECTMEN  
AGENDA  
Edward H. Dlott Meeting Room  
Monday, December 10, 2018  
5:30 PM

Agenda Posted Thursday, 12/6/18 at 4:58 p.m.

(Times listed are approximate. Agenda items will be addressed in an order determined by the Chair.)

1. 5:30 CONVENE OPEN SESSION: 1) Call to Order 2) Roll Call Vote to Enter Executive Session

2. 5:31 EXECUTIVE SESSION

This portion of the meeting is not open to the public.

A. To consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body:

- a. Sawin House
- b. Winona Farm

B. Purpose 4 - To discuss the deployment of security personnel or devices, or strategies with respect thereto: Natick Army Labs

C. Approve Executive Session Minutes

3. 8:00 RECONVENE OPEN SESSION

4. ANNOUNCEMENTS

A. Resignation of Amy Mistrot, Chair, Board of Selectmen-Effective March 2019

B. Coyote Warning

To Report a Coyote Sighting: <http://www.natickma.gov/formcenter/misc-forms-9/report-a-coyote-sighting-55>

C. Recreational Marijuana Moratorium Rejected by Attorney General

5. CITIZENS' CONCERNS

Any individual may raise an issue that is not included on the agenda and it will be taken under advisement by the Board. There will be no opportunity for debate during this portion of the meeting. Any individual addressing the Board during this section of the agenda shall be limited to five minutes.

6. 8:15 REQUESTED ACTION

- A. Chair, Affordable Housing Trust Fund: Transfer 69R Bacon Street to the AHTF
- B. Review Request to Increase Overnight Parking Fine
- C. Appoint Lisa Mead as Special Counsel

7. 8:45 BOARD OF SELECTMEN UPDATES

- A. Response to Attorney General RE: Open Meeting Law Complaint

8. 9:00 DISCUSSION AND DECISION

- A. Review and Approve South Main Street Design Contract Revision
- B. Request for Address Change-377 Bishop Street
- C. Director of Public Works: Unaccepted\_Private Roadways & Street Acceptance Update
- D. Review and Establish Business Parking Permit Fees and Approve Senior Citizen Parking Permit Fee

9. SELECTMEN SUBCOMMITTEE/LIAISON UPDATES

10. 10:30 CONSENT AGENDA

- A. Approve Meeting Minutes
- B. Approve After Prom Party Banner Request 5/13-5/24/18
- C. Approve Grant of Location for Eversource-Pole Relocation
- D. Approve TCAN Letter of Support

11. TOWN ADMINISTRATOR NOTES

12. SELECTMEN'S CONCERNS

13. CORRESPONDENCE

- A. Correspondence 12/10/18

14. ADJOURNMENT

NEXT MEETING DATES: Monday, 12/17/18; Monday, 1/7/19; Tuesday, 1/22/19

Agenda posted in accordance with Provisions of M.G.L. Chapter 30, Sections 18-25

Meeting recorded by Natick Pegasus



---

**ITEM TITLE:** Resignation of Amy Mistrot, Chair, Board of Selectmen-Effective March 2019  
**ITEM SUMMARY:**

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Resignation Letter-A. Mistrot	12/6/2018	Cover Memo

Dear Natick residents,

I want to thank you for allowing me to serve on your behalf for the last ten years, eight years on School Committee and almost two years on the Board of Selectmen. It has been an honor and a privilege to serve the residents of Natick in these two capacities; however, I write now to share that I will not serve the last year of my three-year term on the Board of Selectmen, as I make a shift in my life professionally.

My plan is to return to school in the fall, which will not allow me to continue to serve you in the manner that is required. Given the “mature” age at which I am making this change, I don’t feel that I can wait another year to start what will be a multi-year process. Municipal service is a serious time commitment, which I will not do if I cannot serve with an appropriate level of engagement. In fairness to the residents, I will relinquish the last year of my term to someone who can fully commit the time and attention needed to serve the community in a holistic manner.

By leaving my term after two years, this creates a unique opportunity of a one-year term on the Board of Selectmen. There are two three-year positions open for the March election, and now there will also be this one-year term to serve on the Board, which is a complex entity with varied responsibilities. It is a board that requires at least some prior municipal service and a broad-based appreciation for the interests and needs of all residents. Selectmen must understand both the immediate and long-term impact to our residents from the decisions made and actions taken by the Board and by the town’s administration, over which the Board has oversight.

When I leave the Board in March, I will take pride in effecting a change in leadership for our town; helping to transition Melissa Malone, our new Town Administrator; increasing responsiveness to residents; fostering collaboration with other boards; and working closely with my fellow Board members to help govern Natick responsibly and respectfully.

I will continue to serve with full enthusiasm until the March election on March 26<sup>th</sup>, 2019. I have told the Board not to expect any fewer meetings, nor any less intensity from me over these remaining months. There is work to be done, which we will endeavor to do collectively with the residents of Natick as our first priority.

Many thanks,

Amy Mistrot, Chair  
Natick Board of Selectmen

---

**ITEM TITLE:** Coyote Warning

**ITEM SUMMARY:** To Report a Coyote Sighting: <http://www.natickma.gov/formcenter/misc-forms-9/report-a-coyote-sighting-55>

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Coyote Information	12/6/2018	Cover Memo
Coyotes 101	12/6/2018	Cover Memo



# DIVISION OF FISHERIES & WILDLIFE

Jack Buckley, *Director*

## Understanding Coyotes: Advice for Parents, School Officials, and Child Care Providers

Here in Massachusetts, there are many kinds of wildlife that thrive by living near people, including coyotes, red and gray fox, skunks, raccoons, wild turkey, and deer. In fact, almost all of our citizens live in close proximity to coyotes and other smaller predators. This information focuses on coyotes, but also applies to foxes, another commonly seen wild canid (dog). Coyotes live in urban, suburban, and rural areas and are naturally wary of people, but can definitely become comfortable in neighborhoods where they are not discouraged (by noise and other forms of hazing) or are actually encouraged (by ready sources of food, provided either directly and indirectly).

### Preventing Conflicts

**Leave wildlife wild.** People should never approach, touch, or give food to any animal (including a pet that doesn't belong to them). Such contact is not safe for people, pets, or wildlife.

#### Why?

- Normally, wild animals have a natural fear of people. However, sick or fed (including indirectly) wildlife may be more likely to lose the fear of people.
- Some children may think that a coyote (or fox) is someone's dog, and many more people are bitten every year in the U.S. by aggressive dogs than by wild animals.
- Outdoor cats and wildlife can carry diseases that can be spread to people through direct contact.

**Keep food sources indoors or locked in outbuildings.**

#### Why?

- Food (including snacks, pet food, birdseed, suet, and food-related trash) can attract coyotes, foxes, and other kinds of wildlife. Left outside, these foods encourage wild animals to visit residential areas or schoolyards more frequently. Prevent unwanted visitors by only feeding pets indoors, discontinuing bird-feeding, keeping dumpster areas clean, and using covered, secure trash barrels.
- Outdoor cats and wildlife can carry diseases that are spread when the animals feed in a concentrated area.

**Spend time in your backyard; keep playgrounds, schoolyards, and trails mown and open.**

#### Why?

- Wild animals, including coyotes and foxes, generally try to avoid people. This natural fear of people is reinforced when play areas, backyards, and trails are kept open and actively used by people. These animals are less likely to spend time or be seen in areas that are used by people, especially when people make noise to deter wildlife.

## When Children See a Coyote Nearby

Some parents express concern about their children's safety when they see or hear about coyotes in the neighborhood. In the vast majority of instances, there is no cause for alarm. Actual coyote attacks are extremely rare: Since the 1950s, when the Eastern Coyote first appeared in Massachusetts, there have been **only 7 confirmed reports of coyotes** attacking a person. Two of those incidents involved confirmed rabid animals, three more were suspected as rabid but the animals could not be found and tested. At least one of the other animals had become so used to people, it no longer considered people a threat and just walked up to someone and bit them. By contrast, and according to the Centers for Disease Control, about 4.5 million people are bitten by domestic dogs each year in the U.S.

When children are at a bus stop, in a backyard or neighborhood, or on a playground, there's a chance they might see a coyote or a fox. **Explain to children:**

**Never go near or try to feed wild animals or any animal you don't know. Talk loudly, so the coyote or fox knows you are there. Don't run, but slowly back away, toward a building or house. Make yourself look bigger by putting your arms over your head or opening your jacket.**

### Why?

- The animal might not be aware that you are there. Talking loudly makes sure the animal is not surprised and frightened to find that a person is nearby.
- Instinctively, coyotes and foxes (and pet dogs) will follow after anything that runs, including a person, so you don't want to run from them.
- The bigger you look, the scarier you look to an animal

### Find and Tell an Adult.

### Why?

- Adults can harass and scare away these animals, to reinforce their natural fear of people. Adults can also quickly decide whether a wild animal or large dog is acting strangely or aggressively, and can call Public Safety for help.

## Coyote Basics

Coyotes are now found in every city and town in Massachusetts, except on the islands of Martha's Vineyard and Nantucket. Coyotes are frequently seen individually, in pairs, or in small groups where food is commonly found. A family group consists of an adult breeding pair, their pups, and, occasionally, the previous year's pups. Coyotes can be active night or day, and sightings at dawn or dusk are common.

For more advice and facts about coyotes, foxes, and other common neighborhood wildlife, go to: [Mass.gov/masswildlife](https://mass.gov/masswildlife).

If you have exhausted these information sources but still have safety concerns or questions, contact the Division of Fisheries and Wildlife at (508) 389-6300, or email us at [mass.wildlife@state.ma.us](mailto:mass.wildlife@state.ma.us).

If you decide that a situation requires an immediate response, contact local public safety officials (911), or the Massachusetts Environmental Police at 800-632-8075.

**Continue to enjoy the great outdoors and your wild neighbors... from a distance!**



MASSWILDLIFE



# Coyotes 101

Presented by

**Patricia Huckery – Northeast District Manager**

**Dave Wattles – Black Bear and Furbearer Biologist**





MASSWILDLIFE

# MassWildlife Mission Statement

**The Massachusetts Division of Fisheries and Wildlife is responsible for the conservation - including restoration, protection, and management - of the state's natural heritage of wildlife and habitat diversity for the benefit and enjoyment of the public now and into the future.**

# Eastern Coyote – *Canis latrans*

- The subspecies of coyote in the eastern U.S.
- Result of western coyotes interbreeding with gray wolves and domestic dogs
  - More on natural history later
- Eastern coyote DNA is **60-84% coyote** in northeastern states
  - Very little wolf DNA





# Physical Description

- Medium-sized dog
- Not very large animals
  - Females average 33-40lbs
  - Males average 34-47 lbs
    - Very large males may weigh up to 60lbs, exceptional
- Often look much larger due to thick fur
- Variety of coat colors



# Activity

- Typically shy and elusive
- Active day or night
  - Often most active dawn/dusk
- Active year round
  - Do not hibernate



# Coyote Life Cycle

## Time of Year

## Activity

February – March \*

Breeding

April – May

Young born

June – August \*

Teach young to hunt

September – November

Young disperse

\* Most visible & vocal during breeding and while raising young



# Coyote Young

- Average 6 pups per litter
  - Range from 1-9
- Weaned after 35 days
  - No longer depend on mother's milk
  - Leave den site, explore surroundings
- Disperse at 6-8 months old
  - Some pups may stay with family group



# Howling & Other Vocalizations

- A means of communication
  - Among family group members
  - To defend home range against transients
  - Attract a mate during breeding season
  - Pups practice during summer, learning to communicate
- Not malicious or used to announce predation





# Food

- Omnivorous
- Opportunistic





# Habitat

- Adapted to just about any habitat type



# Home Range Size

- Dependent on
  - Food abundance
  - Rural vs. suburban

## Family Group

- Rural home range
  - Average 20 mi<sup>2</sup>
- Suburban home range
  - Average 6 mi<sup>2</sup>



## Transient individuals

- Home range as large as 200 mi<sup>2</sup>

Travel 7 to 16 miles daily



# Adaptability

- Habitat
- Food
- Behavior



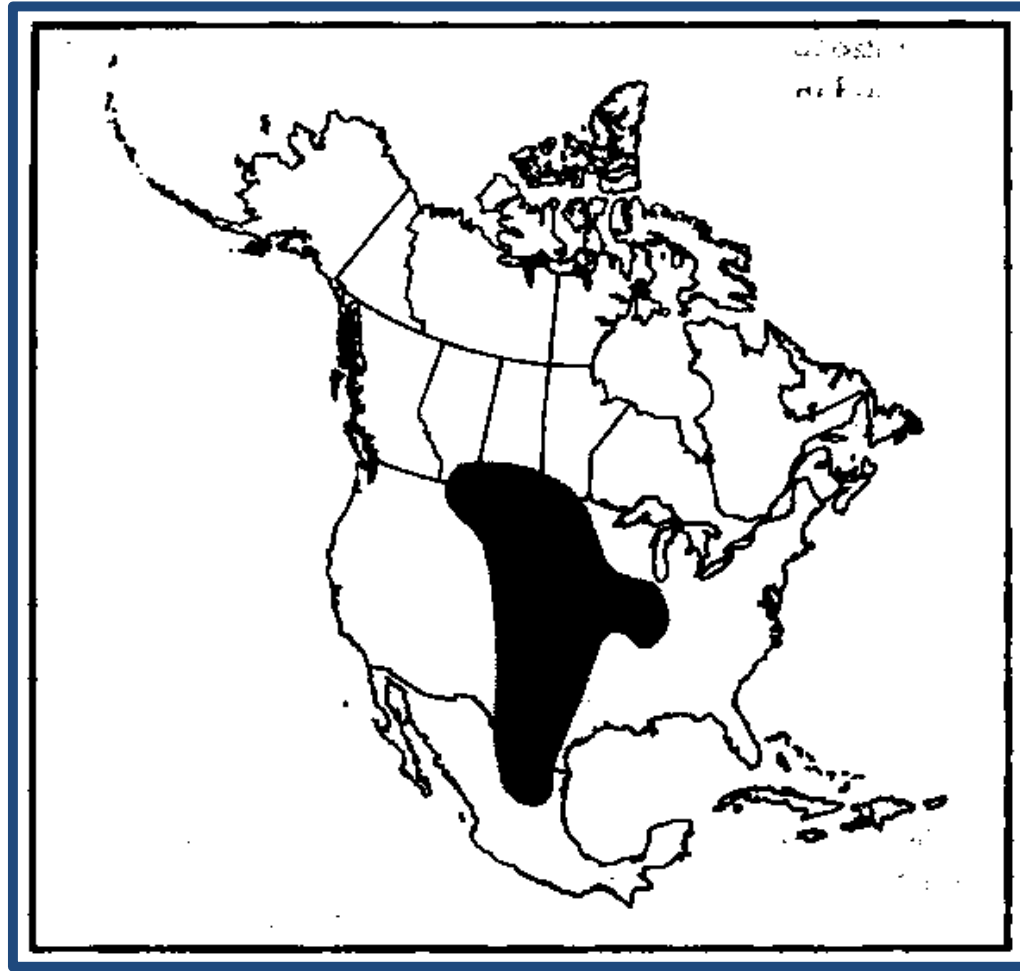


MASSWILDLIFE

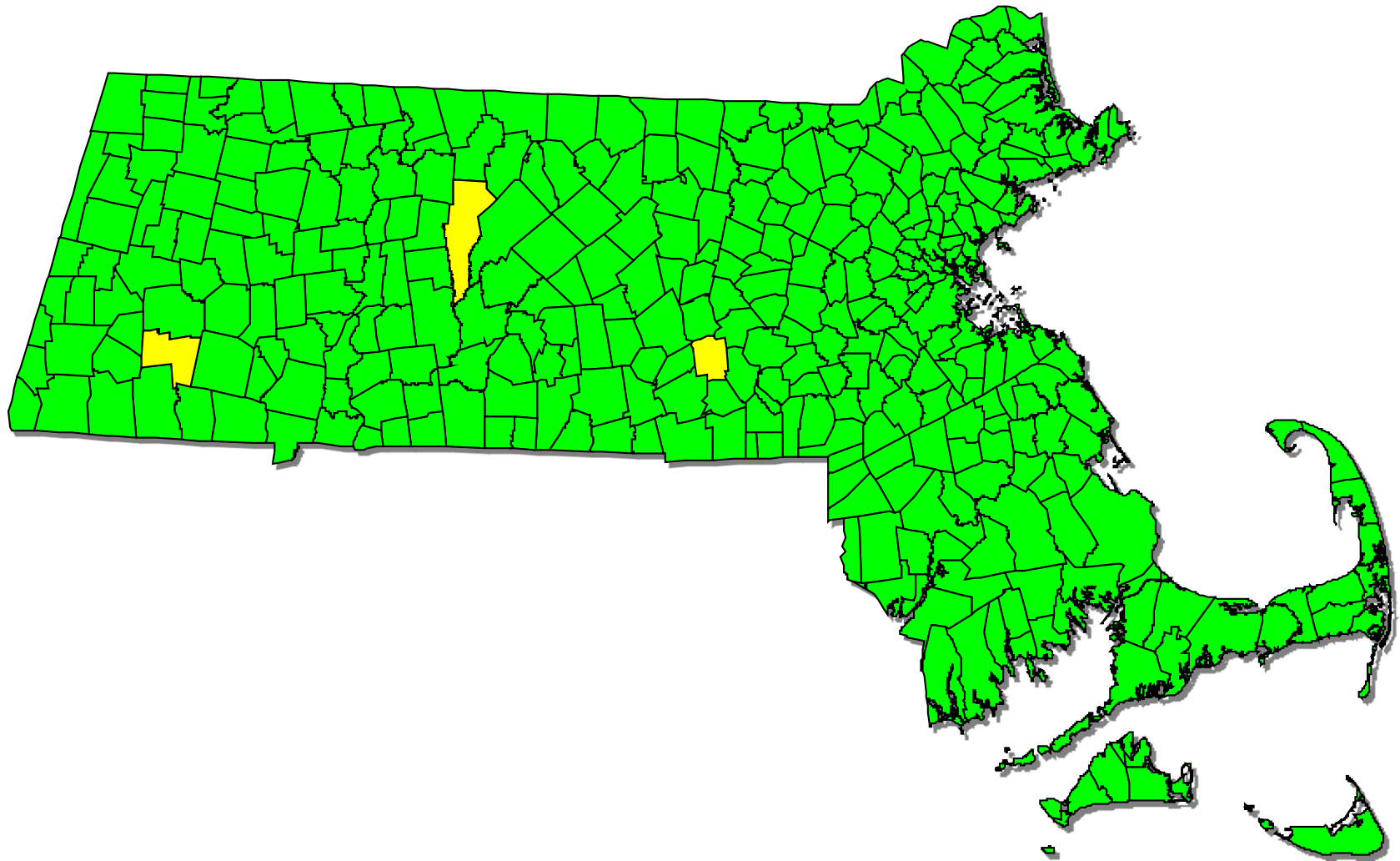
# Natural History of the Eastern Coyote

*How did they get here?*

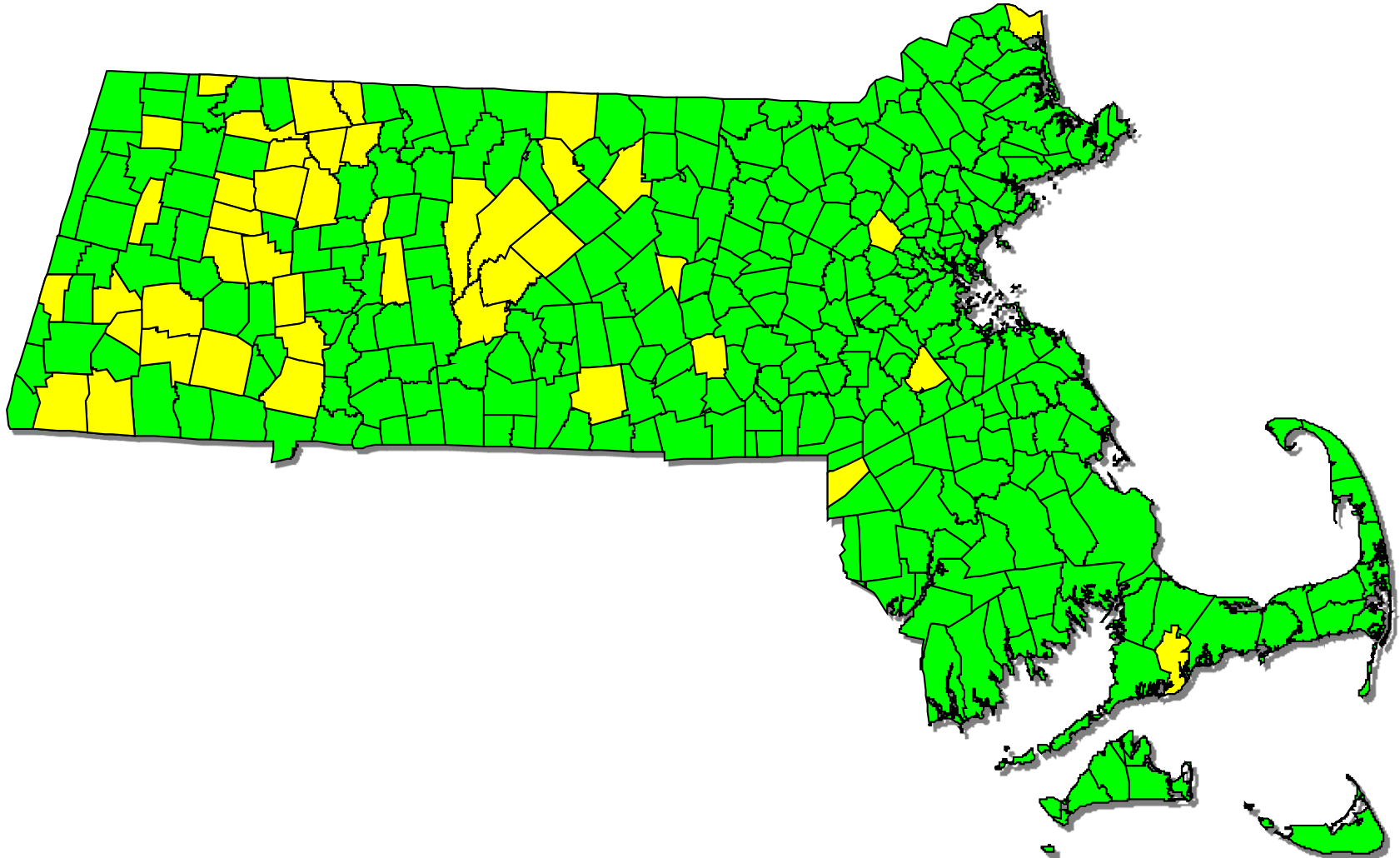
# Coyote Range in the U.S. Pre-Settlement



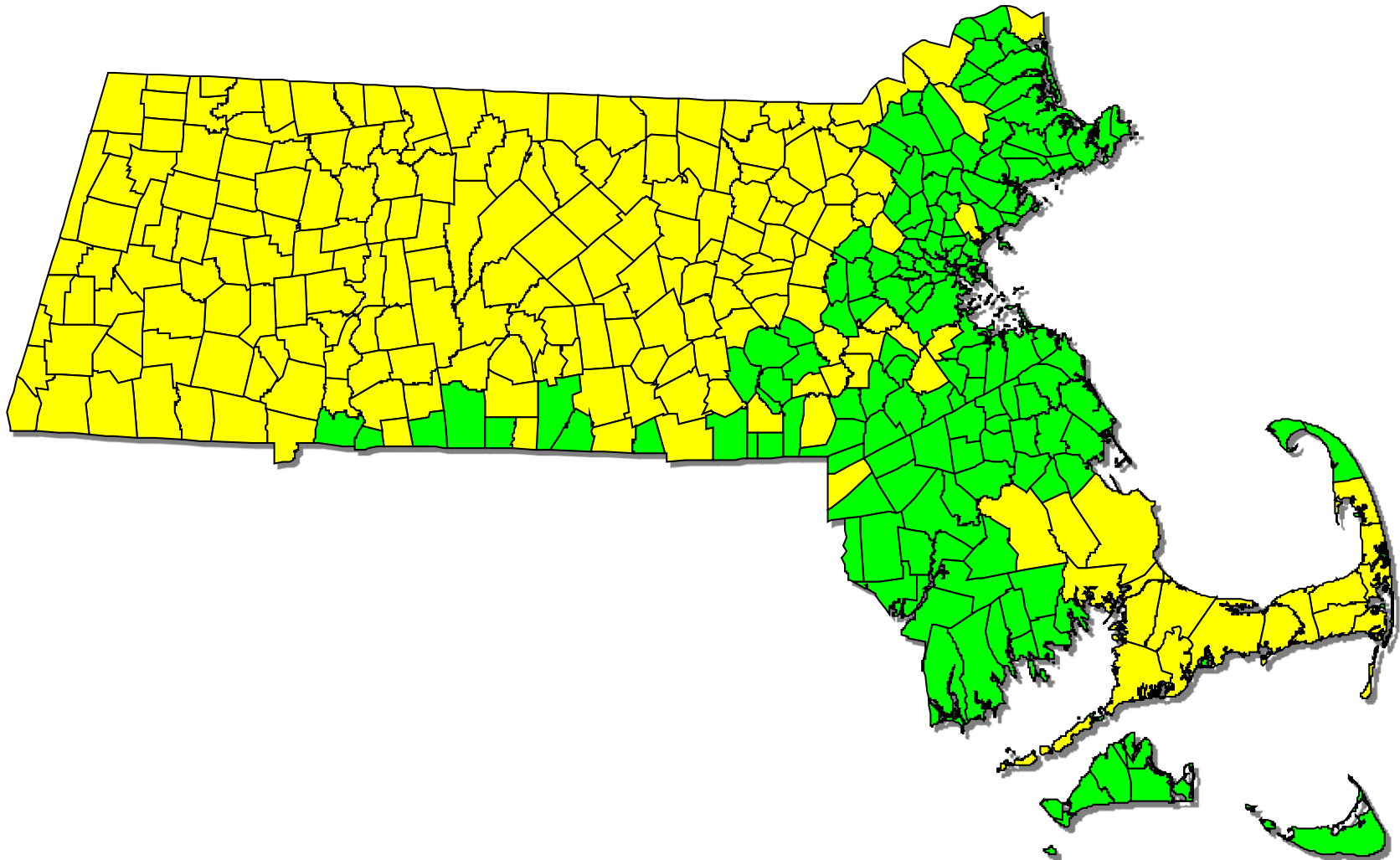
# Coyote Distribution - 1959



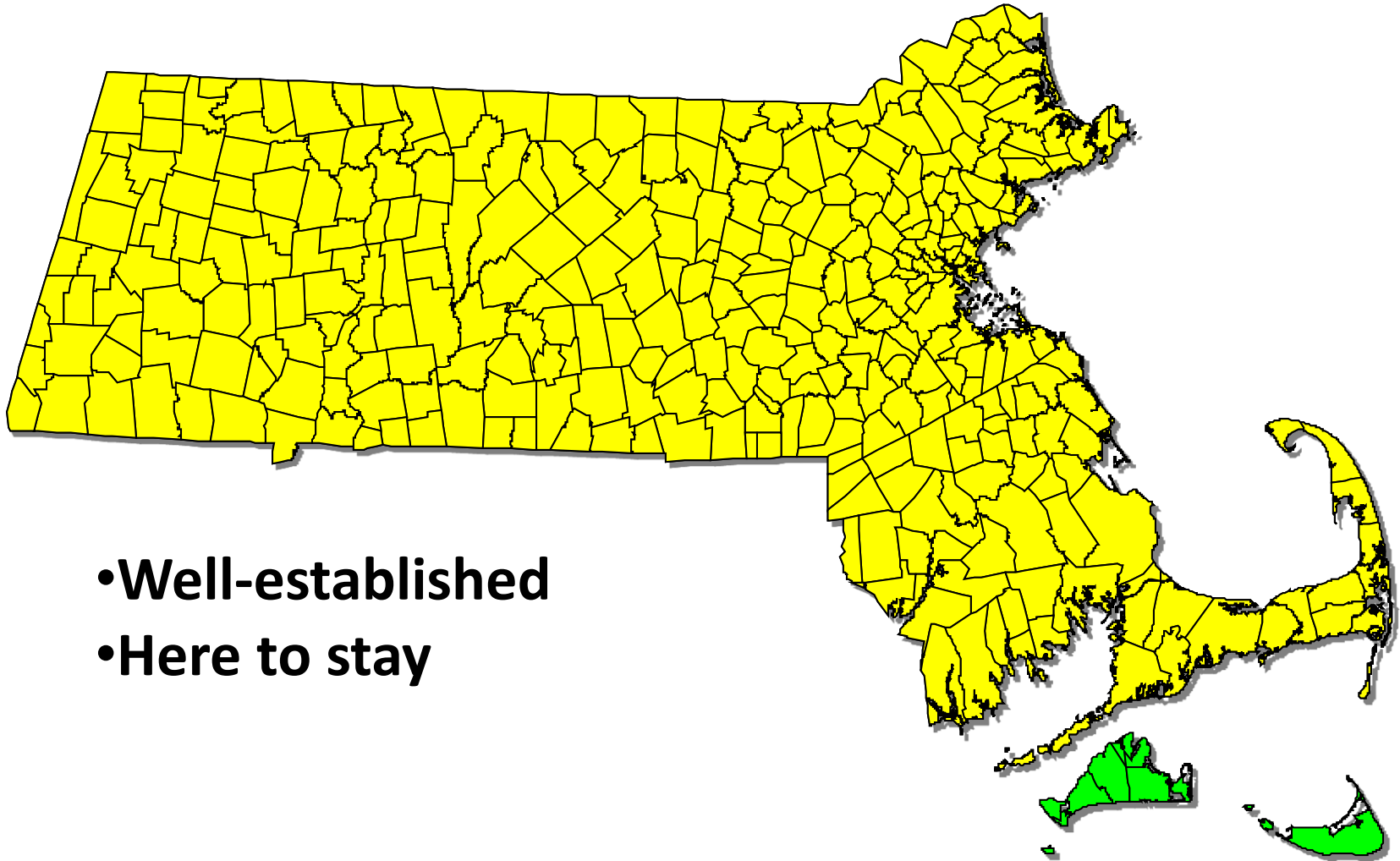
# Coyote Distribution - 1980



# Coyote Distribution - 1990



# Coyote Distribution - Present



- Well-established
- Here to stay



# Coyotes are a valuable species

- Ecologically
- Intrinsically
- Educationally
- Recreationally





# MassWildlife Coyote Management



- MassWildlife manages coyotes as an important natural resource
- Work to resolve conflicts and support values
  - Regulating hunting and trapping seasons
  - Regulating Problem Animal Control Agents
    - Currently 52 coyote certified agents
  - Public education





MASSWILDLIFE

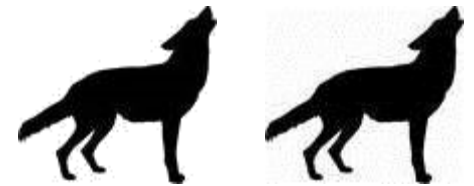
# Population Dynamics

# Social Organization

Population consists of:



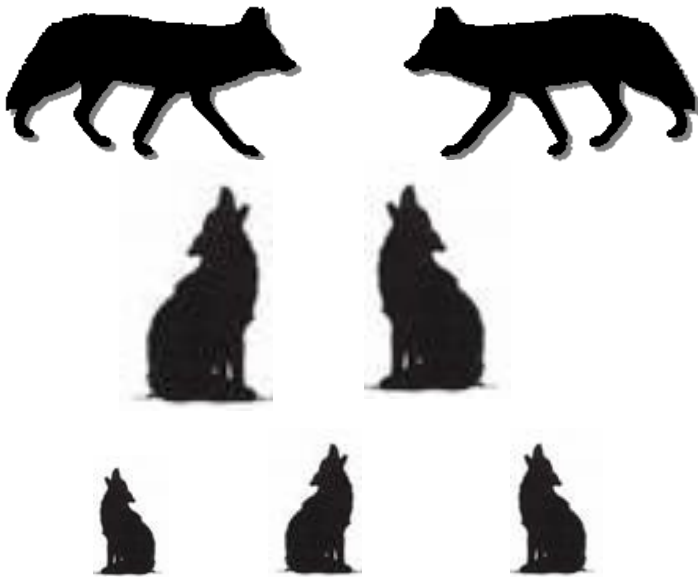
**Transients**



**Family group centers  
around adult alpha pair**

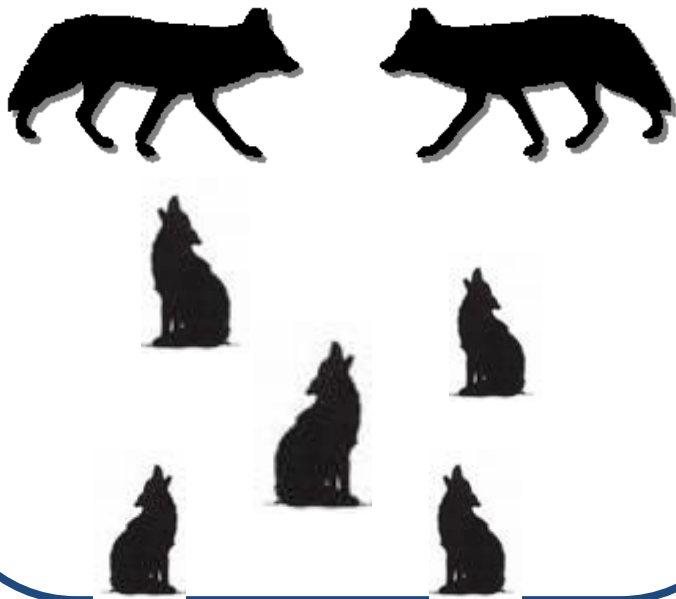
**Highly territorial**

**Residents with stable  
home range**



# What happens at the town level?

Residents with stable  
home range



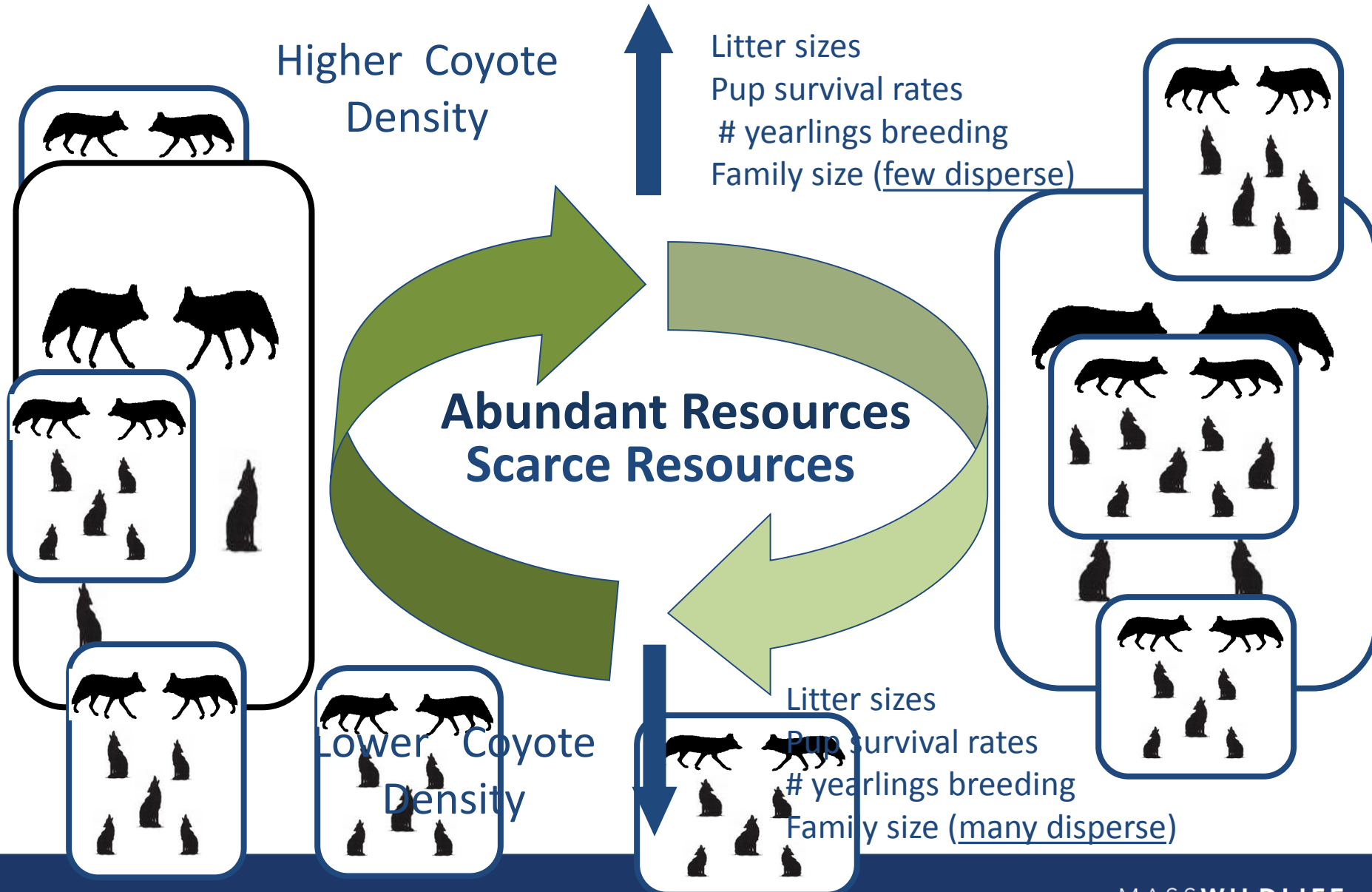
< 1 year



Transients

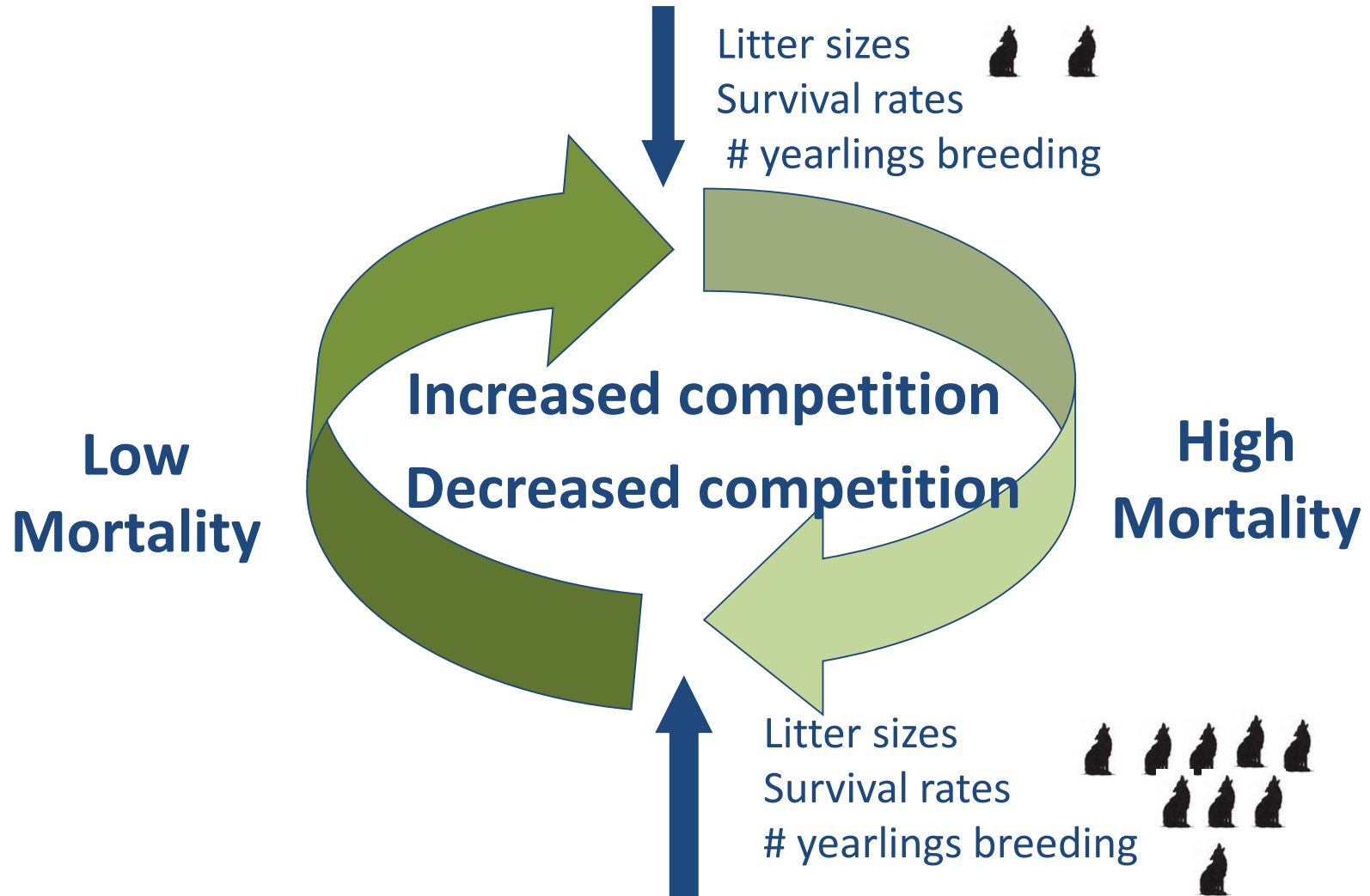


# Coyotes and Resources



# Coyotes and Mortality

1. Vehicle 2. Disease 3. Hunting



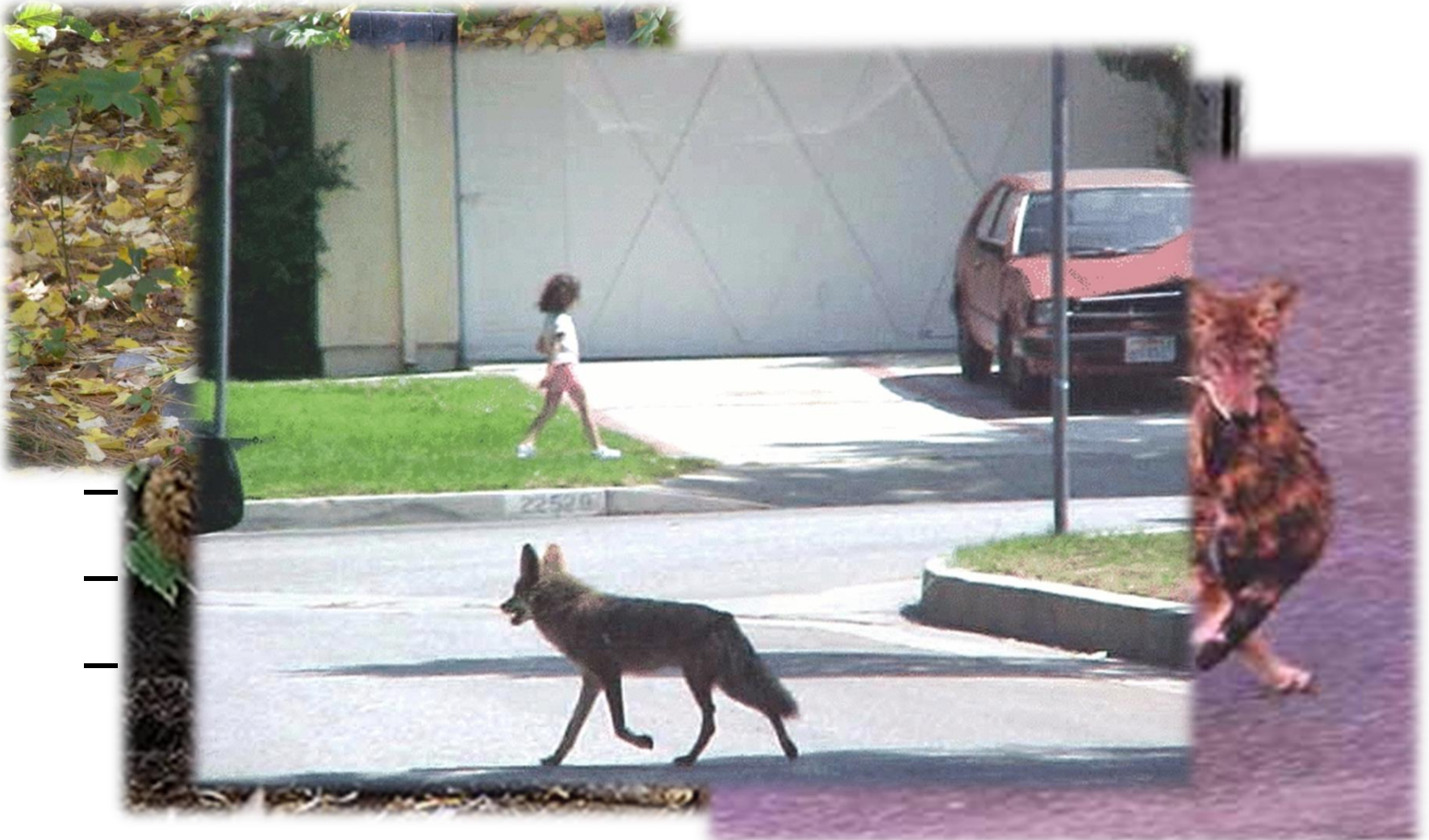


MASSWILDLIFE

# Human – Coyote Conflicts



# What are people concerned about?





# Why do these conflicts occur?

- Human behavior and tendencies
  - Intentional feeding
  - Unintentional feeding
  - Lack of harassment



# Attacks on People

- Are very RARE
- Only 7 confirmed incidences since 1950's
  - 2 confirmed rabid, 3 suspected rabid
  - 2 highly habituated
- Put in perspective: there are ~4.5 million dog bites every year in the U.S.

## Northborough man turns tables on attacking coyote

'Grampy' not badly injured after assault

m Fish  
By Lisa Gentes

and were standing there in an open grassy area talking and then the female coyote attacked me from behind and bit me in one of my legs," Cole recalled yesterday. "The attack was un-

ote, which was still biting Cole. Police then killed the coyote. "We basically choked the animal to death," Northborough Police Sgt. James Bruce said.

"Peter tried stopping her

## Suspected coyote attacks prompt warnings in Sudbury

By Kristen Green  
GLOBE CORRESPONDENT

Fisheries and Wildlife, said there is no conclusive proof that either

more aggressive approach has to

life in the suburbs, where their

that two coyotes were stalking

# Rabies and Coyotes in MA

- Coyotes are not a major rabies vector species
- Since 1992, there have only been **13** coyotes that tested positive for rabies
- **0.034%** of all rabid animals
- 138 coyotes submitted
- ~9% of all coyotes submitted tested positive
- **21** cows have tested positive (20%)



# Habituation

- Occurs when:
  - Lack of threats
  - Acclimated to human presence
  - Human-associated food sources
  - Food rewards






# Human-associated food sources

- Bird feeders
- Garbage
- Compost
- Pet food





# Progression of Problem Behavior

Coyote Behavior	Progression	Not at all
Frequent use of residential areas	Normal	 SEVERITY
Frequent daytime activity	Normal	
Nighttime attack on <i>unsupervised</i> pet	Somewhat bold	
Daytime attack on <i>unsupervised</i> pet	More bold	
Attack on leashed pet (human present)	Very bold	
Approaches/ <i>closely</i> follows people; does not flee when heavily harassed	Extremely bold	
Physically attacks people	Aggressive	Extreme

These behaviors do not constitute a threat to public safety

These behaviors do constitute a threat to public safety



MASSWILDLIFE

# Resolving and Preventing Conflicts

# Modify Human Behavior

- Remove human-associated food sources
- Harassment



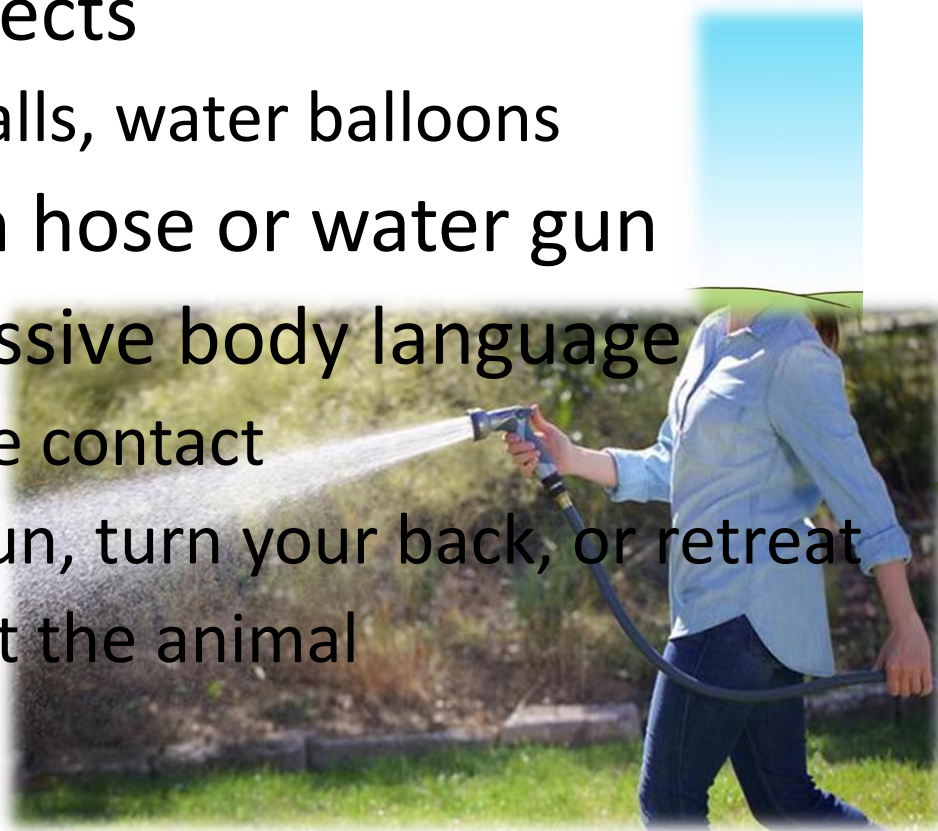
# Eliminate Food Sources

- Remove all bird feeders
- Secure garbage
- Use compost containers



# Harassment

- Loud, offensive noises – not everyday sounds
  - Air horn, whistle, bang pots and pans
- Throw objects
  - Tennis balls, water balloons
- Spray with hose or water gun
- Use aggressive body language
  - Make eye contact
  - Do not run, turn your back, or retreat
  - Charge at the animal





# What should kids do?

- Know the difference between a coyote and a dog
  - Parents teach them not to approach an animal they don't know
- Make themselves look bigger
  - Open coat, wave arms over head
- Slowly back away, do not run
- Find an adult to harass the coyote

# Modify Habitat

- Cut back brushy areas
- Remove brush/rock piles
- Disturb/eliminate den sites



# Exclusion

- Fencing
  - At least 6 feet high
  - Install roll bars
- Containment of livestock & pets
  - Electric fencing
  - Avoid free-range practices
  - Keep house cats indoors
  - Keep dogs leashed and closely supervised
    - A leash does nothing to protect your dog if there isn't a person attached to the other end!



# Tolerance

- Tolerate behavior well within reason
  - General presence w/out nuisance behaviors
  - Howling
  - Pursuit of naturally available food sources





MASSWILDLIFE

# Removal of Problem Coyotes



# Removal of a problem coyote is necessary when....

- There is a direct threat to human health and safety
- Property is damaged

ONLY when the responsible coyote can be identified definitively and caught in the act

Cannot indiscriminately remove wildlife

# Legality Issues & Limitations

- **Relocation of wildlife is prohibited**
  - Liberation of wildlife prohibited (321 CMR 2.15, Section 4)
  - Transportation for the purposes of euthanasia only (321 CMR 2.14 Section 20c)
- **Trapping restrictions**
  - Trapped animals must be euthanized or released on same property where caught (321 CMR 2.14 Section 20c)
  - Box traps only – not effective for coyote
  - Effective trap types prohibited in 1996 (MGL Chapter 131, Section 80A)
    - Foothold traps and snares
- **Hunting/firearm discharge restrictions** (MGL Chapter 131 Section 58)
  - 150' from a road
  - 500' from occupied dwellings
  - Additional town bylaws or ordinances
  - Artificial light prohibited (MGL Chapter 131 Section 68)

# Who can legally remove individual problem coyotes lethally?

- Local law enforcement officers
  - Animal Control Officers, if deputized
  - MA Environmental Police Officers
- If the animal is confirmed a threat to public safety**

- Coyote certified Problem Animal Control Agents
- Municipal Problem Animal Control Agents
- Licensed hunters and trappers

**All trapping and firearms discharge restrictions apply**

# Who can legally remove individual problem coyotes lethally?

- Property owner (MGL Chapter 131, Section 37)
  - Immediate family member
  - Permanent employee
- Only by legal means (no poison, no prohibited traps, no discharge of firearms within 150' of road)
- Only if animal is caught in the act of damaging property



MASSWILDLIFE

# COYOTES 101

Presented by

**Patricia Huckery** – Northeast District Manager

[pat.huckery@state.ma.us](mailto:pat.huckery@state.ma.us)/978-772-2145

**Dave Wattles** – Bear and Furbearer Biologist

[dave.wattles@state.ma.us](mailto:dave.wattles@state.ma.us)/508-389-6359



---

**ITEM TITLE:** Recreational Marijuana Moratorium Rejected by Attorney General

**ITEM SUMMARY:**

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Decision RE: Marijuana Moratorium-Attorney General	12/6/2018	Cover Memo



# THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
[www.mass.gov/ago](http://www.mass.gov/ago)

December 3, 2018

Diane Packer, Town Clerk  
Town of Natick  
13 East Central Street  
Natick, MA 01760

**Re: Natick Special Town Meeting of October 2, 2018 -- Case # 9159**  
**Warrant Articles # 2 and 3 (Zoning)**  
**Warrant Article # 4 (General)**

Dear Ms. Packer:

Under Articles 2 and 4 of the October 2, 2018 Special Town Meeting, the Town voted to amend its zoning and general by-laws (respectively) to allow for adult use marijuana establishments by special permit in an overlay district and to establish an adult use marijuana establishment licensing requirement. We approve the amendments adopted under Articles 2 and 4, and the map amendments related to Article 2.

Under Article 3, the Town voted to extend its existing temporary moratorium on marijuana establishments for an additional six months through June 30, 2019 "to ensure Natick has a comprehensive Zoning By-law on Adult Use Marijuana in place." As explained below, the extension of the moratorium on recreational marijuana establishments adopted under Article 3 does not continue to have a discernible legitimate zoning purpose because the Town has now completed the planning process that served as the reason for the moratorium. In addition, the Town did not follow the required G.L. c. 40A, § 5 Planning Board hearing process for the extension of the temporary moratorium voted under Article 3. For these reasons, we disapprove the extended moratorium adopted under Article 3. We explain our decision below.

## **I. SUMMARY OF BY-LAW AND WARRANT TEXT**

As brief background, in October 2017 (before the Cannabis Control Commission issued its final regulations) the Town adopted a temporary moratorium regarding recreational marijuana establishments (Section III-K) through "December 31, 2018 or six (6) months from the date of adoption of regulations to implement the Acts by the Cannabis Control Commission, whichever is later." We approved that by-law on April 4, 2018 (Case # 8779).

Under Article 3 of the October 2, 2018 Special Town Meeting, the Town voted to extend the moratorium from December 31, 2018 to June 30, 2019 so that, as amended, it would read as follows (deletion in strike-through and new text in italics):

### Section III-K: Marijuana Establishments

#### A. PURPOSE

This moratorium is intended to provide restrictions that will allow the Town of Natick (“Town”) adequate time to consider whether and/or how to allow or prohibit marijuana establishments and related uses, in accordance with applicable state laws and regulations, and to undertake a planning process as described herein. By vote at the Massachusetts state election on November 8, 2016, the voters of the Commonwealth approved “The Regulation and Taxation of Marijuana Act”...Among other requirements, pursuant to the Acts, the Cannabis Control Commission is charged with promulgating future regulations regarding administration and implementation of the Acts. Regulations to be promulgated by the Cannabis Control Commission are expected to provide guidance in the licensing and regulation of marijuana establishments.

The regulation of marijuana establishments raises novel and complex legal, planning, and public safety issues, among others. In turn, the Town needs time to study and consider the regulation of marijuana establishments and other related uses, so that it will have the opportunity: to address such novel and complex issues; to study and consider the potential impacts of such establishments and other related uses on adjacent uses and on the general public health, safety and welfare; to study and consider the potential impact of the Acts, and any future regulations on local zoning; and to undertake a planning process to appropriately address these considerations through zoning bylaws and other applicable bylaws and regulations, consistent with state laws and future regulations. A temporary moratorium on the use of land and structures in the Town for marijuana establishments and related uses will allow the Town sufficient time to engage in a planning process to address zoning issues and the effects of such establishments and use in the Town, and to enact bylaws in a manner consistent with sound land use planning goals and objectives, the Acts, and future regulations.

#### B. TEMPORARY MORATORIUM

The use of land or structures for marijuana establishments as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, and any related use, shall not be permitted in any zoning district in the Town so long as this moratorium is effective, as set forth in Section C below. Use variances shall be strictly prohibited. During this moratorium, the Town shall undertake a planning process consistent with the purposes set forth herein.

### C. EXPIRATION

For the reasons set forth above *and to ensure Natick has a comprehensive Zoning By-law on Adult Use Marijuana in place* and notwithstanding any other provision of the Natick Zoning Bylaws to the contrary, the temporary moratorium set forth in Section B above shall be ~~in effect through December 31, 2018 or six (6) months from the adoption of regulations to implement the Acts by the Cannabis Control Commission, whichever is later,~~ *in effect through June 30, 2019*, unless extended, modified or rescinded by a subsequent action of Town Meeting.

\* \* \* \* \*

The warrant includes the following explanatory text regarding Article 3:

[T]he purpose of said moratorium extension is to allow the Town of Natick adequate time to consider whether and/or how to allow, prohibit and/or regulate marijuana establishments and related uses as outlined in the Acts, in accordance with applicable state laws and regulations, and to undertake an appropriate planning process.

### II. ATTORNEY GENERAL’S STANDARD OF REVIEW OF ZONING BY-LAWS.

Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986). The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, in order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass. 136, 154 (1973). “The legislative intent to preclude local action must be clear.” Id. at 155. Massachusetts has the “strongest type of home rule and municipal action is presumed to be valid.” Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted).

Article 3, as an amendment to the Town’s zoning by-laws, must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) (“With respect to the exercise of their powers under the Zoning Act, we accord municipalities deference as to their legislative choices and their exercise of discretion regarding zoning orders.”). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General’s standard of review is equivalent to that of a court.

“[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare.” Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). Because the adoption of a zoning by-law by the voters at Town Meeting is both the exercise of the Town’s police power and a legislative act, the vote carries a “strong presumption of validity.” Id. at 51. “Zoning has always been treated as a local matter and much weight must be accorded to the judgment of the local legislative body, since it is familiar with local conditions.” Concord v. Attorney General, 336 Mass. 17, 25 (1957) (*quoting* Burnham v. Board of Appeals of Gloucester, 333 Mass. 114, 117 (1955)). “If the reasonableness of a zoning bylaw is even ‘fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.’” Durand, 440 Mass. at 51 (*quoting* Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). In general, a municipality “is given broad authority to establish zoning districts regulating the use and improvement of the land within its borders.” Andrews v. Amherst, 68 Mass. App. Ct. 365, 367-368 (2007). However, a municipality has no power to adopt a zoning by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

### **III. ANALYSIS OF MORATORIUM LENGTH.**

The Town has the authority to “impose reasonable time limitations on development, at least where those restrictions are temporary and adopted to provide controlled development while the municipality engages in comprehensive planning studies.” Sturges v. Chilmark, 380 Mass. 246, 252-253 (1980). Such a temporary moratorium is within the Town’s zoning power when the stated intent is to manage a new use, such as adult use recreational marijuana establishments and related uses, and there is a stated need for “study, reflection and decision on a subject matter of [some] complexity...” W.R. Grace, 56 Mass. App. Ct. at 569 (City’s temporary moratorium on building permits in two districts was within city’s authority to zone for public purposes).

Section III-K(A) of the by-law states that the purpose of the temporary moratorium is to provide the Town “time to consider whether and/or how to allow or prohibit marijuana establishments and related uses, in accordance with applicable state laws and regulations, and to undertake a planning process as described herein.” Further, the Town has explained that it “needs time to...undertake a planning process to appropriately address these considerations through zoning bylaws and other applicable bylaws and regulations.” *Id.* Because the final version of the Cannabis Control Commission (CCC) regulations on the Adult Use of Marijuana (935 CMR 500.00) were filed with the Secretary of State on March 9, 2018, it was reasonable in October 2017 for the Town to adopt a moratorium for a limited period of time to study the CCC regulations and develop zoning and other by-laws in light of the regulations.

However, the Town has not provided, and we cannot discern, a legitimate zoning purpose for any present extension of the moratorium from December 31, 2018 to June 30, 2019. The Town has adopted a comprehensive zoning by-law regulating where, and under what conditions, adult use recreational marijuana establishments will be allowed in the Town (Article 2, Special Town Meeting of October 2, 2018, approved herein); and a comprehensive general by-law adopting a licensing requirement for adult use marijuana establishments (Article 4, Special Town



Meeting of October 2, 2018, approved herein). Importantly, neither of these by-laws triggers the requirement for a local ballot vote under G.L. c. 94G, § 3,<sup>1</sup> and thus, after approval by this Office, the by-laws need only be posted and published pursuant to G.L. c. 40, § 32 to have lawful effect. (See explanatory note below, p. 7). The votes approving Articles 2 and 4 reflect the reality that the Town has completed the planning process that served as the purpose for the original temporary moratorium. Thus, we cannot see how an extension of the moratorium period through June 30, 2019 would presently be considered reasonable under the Sturges standard, because it does not appear to be tied to a legitimate planning need.

No Massachusetts appellate court has defined what number of months or years qualifies as a “reasonable time limitation[] on development...” Sturges, 380 Mass. at 252-253, and this determination will depend upon the facts of each case. We recognize that every town’s planning needs are different, and that some towns have professional planning staff while other towns rely solely upon volunteer planning board members. However, an extension of the moratorium a full eight months after the time the Town has completed its planning process and adopted comprehensive by-laws is likely to be determined unconstitutional because it is not tied to legitimate planning needs. See Zuckerman v. Hadley, 442 Mass. 511, 520-521 (2004) (Noting that “the town has had more than ample time to fulfill [the] legitimate purpose” of the initial moratorium adoption.) The Zuckerman holding is a useful guardrail for towns considering the adoption of moratoriums: “Except when used to give communities breathing room for periods reasonably necessary for the purposes of growth planning generally, or resource problem solving specifically, as determined by the specific circumstances of each case, such [moratorium] zoning ordinances do not serve a permissible public purpose, and are therefore unconstitutional.” Id. at 520-521 (citing Sturges, 380 Mass. at 257).

We note that what may qualify as a reasonable time period for a moratorium will vary depending upon the facts and circumstances in each community. See Sturges, 380 Mass. at 257 (“[A]s a practical matter we have never dealt with a zoning regulation in a vacuum. The circumstances existing in a municipality have always been considered in the process of passing on the constitutionality of a zoning provision.”) See also Zuckerman, 442 Mass. at n. 16 (“Where the needs of a town to plan for an aspect of growth prove to exceed the time limits of a bylaw,

---

<sup>1</sup> The statute creates the following process for by-laws and ordinances that would *prohibit* or *limit the number* of establishments (as opposed to by-laws and ordinances that would reasonably regulate their operation, which will continue to be adopted by Town Meeting or City Council):

- (a) Through December 31, 2019, towns/cities in which a majority of voters voted no on Question 4 on the 2016 state election ballot, entitled “Legalization, Regulation, and Taxation of Marijuana”) (“Question 4”) may adopt a by-law or ordinance at Town Meeting or City Council;
- (b) After December 31, 2019, towns/cities in which a majority of voters voted no on Question 4 may adopt a by-law/ordinance at Town Meeting/City Council *and* must have the by-law/ordinance approved at a municipal election; and
- (c) Towns/cities in which a majority of voters voted yes on Question 4 may adopt a by-law/ordinance at Town Meeting/City Council *and* must have the by-law/ordinance approved at a municipal election.

the town may extend the restriction for such limited time as is reasonably necessary to effect its specific purpose”). We conclude only that, based on the circumstances presented here, there appears to be no current legitimate zoning purpose for the Town’s extension of the moratorium through June 30, 2019.

#### **IV. PROCEDURAL DEFICIENCIES IN PLANNING BOARD HEARING PROCESS.**

As required by G.L. c. 40, § 32, the Town filed with this Office the Town Meeting votes along with the documents intended to qualify as “adequate proof that all of the procedural requirements for the adoption of such by-law[s] have been complied with.” G.L. c. 40, § 32. The filed documents include a copy of the Planning Board hearing notice (as posted in Town Hall and as mailed to abutting cities and towns, DHCD, and the regional planning agency); a copy of the hearing notice as published in the newspaper; and a copy of the written report of the Planning Board documenting the Board’s recommendations. (See Form 7 and attachments 2-5.) None of these documents mention the prospect of extending the temporary moratorium or reflect any deliberation by the Planning Board regarding Article 3 – they all refer to the proposed zoning by-law amendments regulating where, and under what conditions, adult use marijuana establishments will be allowed in Town. As such, it does not appear that the Planning Board held a hearing on Article 3 as required by G.L. 40A, § 5. Even if the Planning Board did hold a hearing on Article 3, the notice of hearing was deficient in that it did not mention the topic of extending the temporary moratorium, pursuant to G.L. c. 40A, § 5, which requires “[n]otice of the time and place of such public hearing, [and] of the subject matter, sufficient for identification.” Because the Town did not comply with the G.L. c. 40A, § 5, Planning Board hearing requirements, this serves as an additional ground for our disapproval of Article 3.<sup>2</sup>

#### **V. CONCLUSION.**

To summarize, we approve the adult use recreational marijuana establishments zoning by-law amendments adopted under Article 2; and the adult use recreational marijuana establishments licensing by-law adopted under Article 4; but disapprove the extended moratorium adopted under Article 3 because it appears to have no current legitimate zoning purpose in light of the Town’s votes under Articles 2 and 4, and because the Town failed to follow the statutory requirements for a Planning Board hearing on Article 3. Please feel free to contact this Office with any questions about this decision.

---

<sup>2</sup> We recognize that the posted and published notice of the Planning Board hearing refers to consideration of “zoning amendments include, but is (*sic*) not limited to, replacing and/or modifying the existing Section III-K ‘Marijuana Establishments’...” and that the existing Section III-K is the original temporary moratorium. However, the remainder of the notice refers to the proposed zoning by-law amendments allowing for recreational marijuana establishments, and the word “moratorium” is not in the notice of hearing or the Planning Board report. Thus, there is insufficient notice of the subject matter of the hearing, and no indication that the Planning Board held a hearing on the proposed moratorium extension in Article 3.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Margaret J. Hurley*

by: Margaret J. Hurley, Assistant Attorney General  
Chief, Central Massachusetts Division  
Director, Municipal Law Unit  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 x 4402

cc: Town Counsel Karis North

---

**ITEM TITLE:** Chair, Affordable Housing Trust Fund: Transfer 69R Bacon Street to the AHTF  
**ITEM SUMMARY:**

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Request to Acquire-R. Johnson	12/6/2018	Cover Memo
Map	12/6/2018	Cover Memo
Photos	12/11/2018	Cover Memo

---

**Natick Affordable Housing Trust Fund**

December 6, 2018

Selectmen's Office  
Natick Town Hall, 2nd floor  
13 East Central Street

Re: 69R Bacon Street  
Transfer of Property to NAHTF


Dear Board of Selectmen,

At the December 10, 2018 B.O.S. meeting, the Trust is on the agenda to discuss the 69R Bacon Street property.

The property, depicted on the attached portion of the town GIS assessors mapping, is a "tax title" property.

As such, the Trust has interest in acquiring this asset, in support of our mission. The Trust has voted to request that the BOS deed the property to the Trust.

Thank you for your assistance,

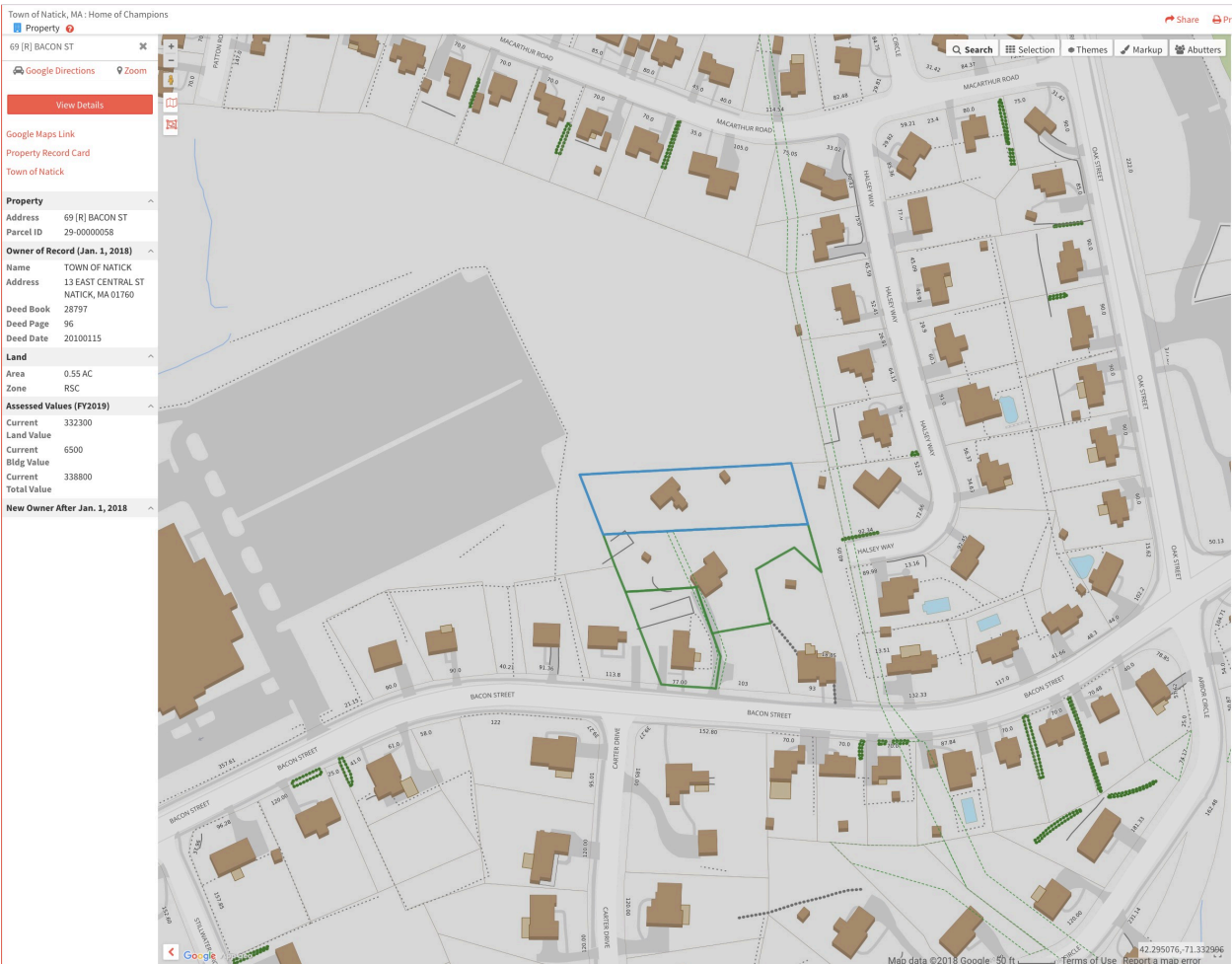


Randy Johnson,  
Chair

Natick Town Hall  
13 East Central Street  
Natick, MA 01760



# Natick Affordable Housing Trust Fund



69R Bacon Street is the property surrounded by the blue lines.

Property

69 [R] BACON ST

Google Directions Zoom

View Details

Google Maps Link

Property Record Card

Town of Natick

Property

Address 69 [R] BACON ST

Parcel ID 29-0000058

Owner of Record (Jan. 1, 2018)

Name TOWN OF NATICK

Address 13 EAST CENTRAL ST

NATICK, MA 01760

Deed Book 28797

Deed Page 96

Deed Date 20100115

Land

Area 0.55 AC

Zone RSC

Assessed Values (FY2019)

Current 332300

Land Value

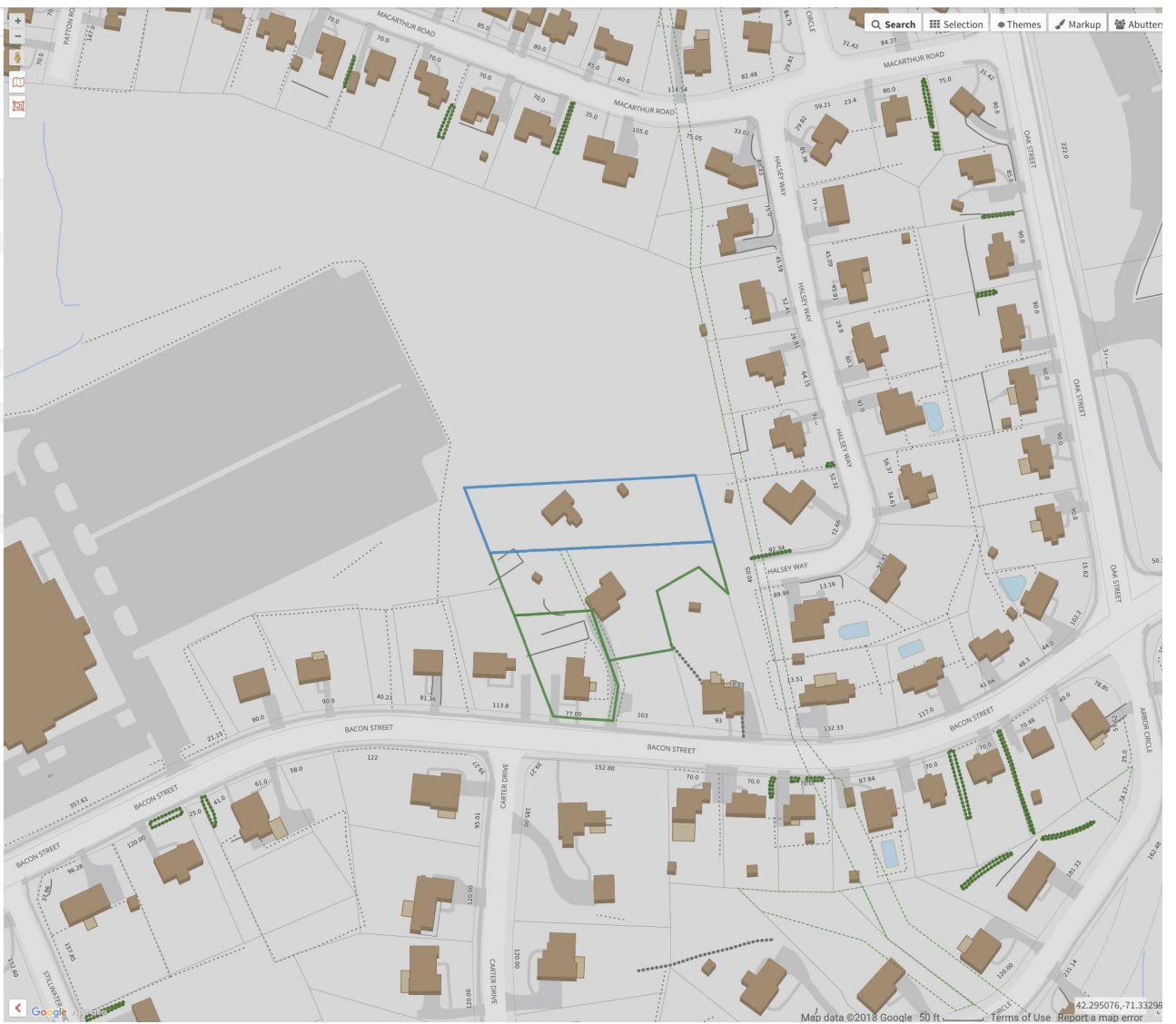
Current 6500

Bldg Value

Current 338800

Total Value

New Owner After Jan. 1, 2018





69R Bacon Street  
December 9, 2018



Photo 1  
Existing structure on site.



Photo 2  
View from existing structure looking west.



Photo 3  
NW corner of property, with view of maintenance building on adjacent property. Fence is approximate location of property line.



Photo 4  
View from western property line looking east. Existing structure is visible through the trees.

---

**ITEM TITLE:** Review Request to Increase Overnight Parking Fine

**ITEM SUMMARY:**

---

**ATTACHMENTS:**

Description	Upload Date	Type
Request-J. Chamberlain	12/6/2018	Cover Memo
Traffic Rules & Orders	12/8/2018	Cover Memo
2018 FATM- Article 41	12/8/2018	Cover Memo

Date: Monday, November 19, 2018

To: Assistant to the Selectmen  
Natick Town Offices  
13 East Central Street  
Natick, MA 01760

Re: Motion to increase the fine for §480-24 (No All-Night Parking) violation

Please enter into the agenda for the town meeting of Monday, November 26, 2018, a motion to increase the fine for violations of Section 480-24 (No All-Night Parking) of the Traffic Rules and Orders of the Town of Natick.

-----  
Petitioner:  
-----

John Stephen Chamberlain, resident of the Town of Natick at 12 Florence Street since 1999.

-----  
Motion:  
-----

Resolved, that the fine for violating Section 480-24 (No All-Night Parking) of the Traffic Rules and Orders of the Town of Natick shall increase from \$20 to \$50 and that Schedule K of the Rules shall be updated to reflect that change.

-----  
Informational Background and Argument:  
-----

Section 480-24 of the Traffic Rules and Orders reads as follows:

**§ 480-24 No All-Night Parking**

**It shall be unlawful for the driver of any motor vehicle, other than one acting in an emergency, to park said motor vehicle on any street, public way, or municipal lots between the hours of 1:00 a.m. and 6:00 a.m. on any day between October 1 and April 30.**

This rule has been enacted by members of the Town Meeting of Natick under the authority conferred by Section 22 Chapter 40 of the General Laws of the Commonwealth of Massachusetts.

The current fine for violations of this rule is twenty dollars (\$20) per Schedule K of the same document. Due to the passage of time and monetary inflation, the deterrent effect of this fine has decreased. For people who are using the public ways of Natick to permanently store their cars, the value of this storage is well worth an occasional \$20 fine. These cars being stored on public ways continually obstruct and inconvenience motorists and public works vehicles that must steer around them. Therefore, the penalty for overnight parking should be increased.



Date: Monday, November 19, 2018

To: Assistant to the Board of Selectmen  
Natick Town Offices  
13 East Central Street  
Natick, MA 01760

Re: Motion to demand enforcement of §480-24 (No All-Night Parking)

Please enter into the agenda for the town meeting of Monday, November 26, 2018, a motion to demand enforcement of Section 480-24 (No All-Night Parking) of the Traffic Rules and Orders of the Town of Natick.

-----  
Petitioner:  
-----

John Stephen Chamberlain, resident of the Town of Natick at 12 Florence Street since 1999.

-----  
Motion:  
-----

The Town Clerk will prepare a letter to the Captain of Police of the Town of Natick on behalf of the Board of Selectmen having the message as follows:

The Board of Selectmen of the Town Meeting of the Town of Natick hereby instruct the Captain of Police of the Town of Natick to enforce Section 480-24 (No All-Night Parking) of the Traffic Rules and Orders of the Town of Natick by ticketing and fining the offender according to the rules and regulations when any resident of the town shall make a complaint about a vehicle or vehicles parked on a public way in violation of Section 480-24.

and will send that letter within three (3) business days of this meeting and will post that letter as a notice to the public at the Town Hall for 90 days.

-----  
Informational Background:  
-----

The patrolmen of the Town of Natick are routinely refusing to enforce Section 480-24 of the Traffic Rules and Orders either spontaneously or when they receive a citizen complaint. The text of this rule is as follows:

**§ 480-24 No All-Night Parking**

**It shall be unlawful for the driver of any motor vehicle, other than one acting in an emergency, to park said motor vehicle on any street, public way, or municipal lots between the hours of 1:00 a.m. and 6:00 a.m. on any day between October 1 and April 30.**

This rule has been enacted by members of the Town Meeting of Natick under the authority conferred by Section 22 Chapter 40 of the General Laws of the Commonwealth of Massachusetts.

I, John Stephen Chamberlain resident at 12 Florence Street in Natick since 1999, have made multiple complaints to the police concerning vehicles illegally parked on public ways in Natick this year which the police have uniformly refused to act on. One patrolman told me to my face that he was refusing to ticket the offending vehicle after I flagged him down on the street where the vehicle was located and after he had examined it. As I recall, I have made at least four (4) complaints of this type this year, all of which have been refused by the police.

As evidence of this I submit to the Town Meeting a photograph taken at approximately 6:30 a.m. on Friday, November 16, 2018, at the intersection of Harvard Street and Washington Street showing two illegally parked vehicles that had been there all night. I called in a complaint on these two vehicles at approximately 4:30 a.m. Nevertheless, the police took no action and refused to ticket the offending vehicles. As can be seen in the photographs the vehicles prevented town snow plows from removing snow from that section of the street. There was no ticket on either vehicle. These vehicles had been parked in that locations since at least 5:00 p.m. the previous day.





## **Chapter 480**

### **MOTOR VEHICLES AND TRAFFIC**

**[HISTORY: The Selectmen of the Town of Natick, acting under authority conferred by Section 22 of Chapter 40 of the General Laws and by virtue of any and every other enabling power, do hereby make, adopt, and establish the following rules and orders for the regulations of carriages and vehicles used in said Town and hereinafter referred to collectively as "rules." These "rules" are a compilation of the Full Set of Rules and orders adopted by the Board of Selectmen on February 19, 1951 and the subsequent amendments thereto, all of which have existing approval of the Department of Public Works, Commonwealth of Massachusetts.]**

#### **ARTICLE I Terminology**

##### **§ 480-1. Definitions.**

For the purposes of these rules and orders, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning:

**BICYCLE** - A human-powered vehicle with two wheels in tandem design to transport by the act of peddling one or more persons seated on one or more saddle seats on it frame.

**BICYCLE LANE** - Any area or space except sidewalks set aside within a roadway for the exclusive use of bicyclists and which has been indicated by signs or markings.

**BUS STOP** - An area in the roadway set aside for the Boarding of or alighting from and the parking of buses.

**BUSINESS DISTRICT** - The territory contiguous to any way which is built up with structures devoted to business.

**CHIEF OF POLICE** - The top official in the chain of command of the Natick Police Department.

**COMMERCIAL MOTOR VEHICLE** - Any vehicle used in the transportation of goods, wares or merchandise.

**CROSSWALK** - That portion of a roadway ordinarily included within the prolongation or connection of curblines and property lines at intersections, or at any portion of roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

**EMERGENCY RESPONSE VEHICLE** - A fire apparatus, police vehicle, ambulance, or disaster vehicle.

**FIRE LANE** - According to the NFPA, a fire lane is an access road used by fire departments that must have a width of at least 20 feet and a clearance of at least 13.5 feet. Fire lanes are required to provide access to a point at least 50 feet from at least one exterior door of a building, though this distance can be increased in a family home with a sprinkler system. In addition, no part of a



building may be farther than 150 feet from an access point provided by a fire lane, though again, this distance may be greater in a home with a sprinkler system.

**FUNERAL PROCESSION** - Any procession of mourners properly identified as such accompanying the remains of a human body. A funeral procession is two or more vehicles, including a lead or escort vehicle, traveling during daylight hours with the body or cremated remains of a deceased person. The rules for operating in and around a funeral procession are set by MGL c. 85, § 14A. Funeral processions have the right-of-way at intersections, with the exception that they must yield to emergency vehicles with flashing lights or sirens or when directed by law enforcement. If the lead vehicle in a funeral procession (which may be a hearse or a police vehicle) legally drives through an intersection, all vehicles in the procession may also drive through the intersection, even if a traffic light changes or there is a stop sign.

**HEAVY COMMERCIAL VEHICLE** - Any commercial vehicle which with its load weighs in excess of 2 1/2 tons/5,000 pounds.

**HIGHWAY MAINTENANCE VEHICLE** - A vehicle used for the maintenance of highways and roadways:

- A. That is owned or operated by the executive office of transportation and public works, a county, a municipality or any political subdivision thereof: or
- B. That is owned or operated by a person under contract with the executive office of transportation and public works, a county a municipality or any political subdivision thereof.

#### **INTERSECTION**

- A. The area embraced within the extensions of the lateral curblines, or, if none, then the lateral boundary lines of intersecting ways as defined in Section 1 of Chapter 90 of the General Laws, including divided ways.
- B. The rules and regulations herein contained governing and restricting the movement of motor vehicles at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals, whether or not such place is an intersection as herein defined.

**LANE** - A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of motor vehicles.

**LOADING ZONE** - An area in the roadway set aside for the accommodation of commercial and transient vehicular traffic.

**MOTOR VEHICLE** - All vehicles constructed and designed for propulsion by power other than muscular power, including such vehicles when pulled or towed by another motor vehicle, except railroad and railway cars, vehicles operated by the system known as trolley motor or trackless trolley under Chapter 163 or § 10 of Ch. 544, Acts of 1947, vehicles running only upon rails or tracks, vehicles used for other purposes than the transportation of property and incapable of being driven at a speed exceeding 12 miles per hour and which are used exclusively for the building, repair and maintenance of highways or designed especially for use elsewhere than on the traveled part of ways, wheelchairs owned and operated by invalids and vehicles which are

operated or guided by a person on foot; provided, however, that the exception for trackless trolleys provided herein shall not apply to MGL c. 90, §§ 17, 21, 24, 24I, 25 and 26. The definition of "motor vehicles" shall not include motorized bicycles. In doubtful cases, the registrar may determine whether or not any particular vehicle is a motor vehicle as herein defined. If he determines that it should be so classified, he may require that it be registered under this chapter, but such determination shall not be admissible as evidence in any action at law arising out of the use or operation of such vehicle previous to such determination.

**MOVE OVER LAW** - Upon approaching a stationary emergency vehicle, highway maintenance vehicle or recovery vehicle with flashing lights an operator shall:

- A. Proceed with due caution, reduce the speed of the vehicle to that of a reasonable and safe speed for road conditions, and, if practicable and on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the operator's vehicle, yield the right-of-way by making a lane change into a lane not adjacent to that of the emergency response vehicle, highway maintenance vehicle or recovery vehicle; or
- B. If changing lanes is impracticable, proceed with due caution and reduce the speed of the vehicle to that of a reasonable and safe speed for road conditions.

**OFFICER** - For the purpose of these rules and orders, "an officer" shall be construed to mean a Police Officer, Constable, Auxiliary or Special Officer, provided he has his badge of office conspicuously displayed upon his outer garment.

**OFFICIAL CURB MARKING** - That portion of a curbing, the painting of which has been authorized by the Board of Selectmen, and which has the written approval of the Massachusetts Department of Transportation.

**OFFICIAL STREET MARKING** - Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been approved by the Massachusetts Department of Transportation in writing.

**OFFICIAL TRAFFIC SIGNS** - All signs, signals and devices, conforming to the standards as prescribed by the Massachusetts Department of Transportation, not inconsistent with these rules and orders, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing or warning traffic.

**PARKING** - The stopping or standing of a motor vehicle, whether occupied or not, otherwise than temporarily, except that a motor vehicle shall not be deemed parked when stopped or standing for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic control signs or while arrangements are being made to move such motor vehicle. No motor vehicle shall park upon and/or obstruct any sidewalk which has more than any one part of wheel is on obstructing sidewalk or driveway.

**PARKING CONTROL OFFICER** - Enforces parking meter violations and other illegal parking violations in the downtown area, business area and municipal parking lots by appropriate ticketing of offenders using a handheld digital parking ticket device.

**PARKING METER SPACE** - Any space within a parking meter zone, adjacent to a parking meter which is duly designated for the parking of a single motor vehicle by lines painted on the surface of the street or off-street parking area adjacent to or adjoining each parking meter.

**PARKING METER ZONE** - Any street or off-street parking area or portion thereof upon which parking meters are installed and in operation and upon which parking of motor vehicles is permitted for a limited time subject to compliance with the further provisions of this regulation.

**PARKING METER/KIOSK** - Any mechanical or electrical device, not inconsistent with the provisions of these rules and orders, and placed or erected on any public way or off-street parking area within the Town of Natick for the regulation of parking. Each parking meter or kiosk installed shall indicate by proper legend the legal parking time established by this chapter and when operated/shall at all times indicate the balance of legal parking time permitted and at the expiration of such period shall indicate illegal or overtime parking.

**PEDESTRIAN** - Any person afoot or riding on conveyance moved by human power, or by motorized wheelchair, except bicycles.

**PERSON** - Any individual, firm, copartnership, association or corporation.

**RAILROAD CROSSING** - Any intersection of ways with a railroad right-of-way.

**ROADWAY** - That portion of a street or highway between the regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

**SAFETY ZONE** - Any area or space set aside within a roadway for the exclusive use of pedestrians and which has been indicated by signs, lines or markings, having the written approval of the Massachusetts Department of Transportation.

**SCHOOL ZONE SPEED LIMITS** - School zone speed limits are a statutory speed limit, but may be marked with regulatory (black legend on white background) signage. Speed limits within a school zone must be set at 20 miles per hour, but the limit is only in effect during days of the week and hours of the day when children are accessing the school grounds. School must include one or more grades between Grade 1 and Grade 8, inclusive.

**SIDEWALK** - That portion of a street or highway set aside for pedestrian travel.

**SPECIAL SPEED REGULATIONS** - Shall only be established after an engineering study has been conducted in compliance with standard traffic engineering practices; a special speed regulation that has been signed by the roadway owner, the Registry of Motor Vehicles, and the MassDOT Traffic and Safety Engineering Section, and the appropriate numerical speed limit signage erected to clearly define the special speed zones.

**STREET or HIGHWAY** - The entire width between property lines of every way open to the use of the public for purposes of travel.

**TAXICAB STANDS** - An area in the roadway in which certain taxicabs are required to park while waiting to be engaged.

**TRAFFIC** - Pedestrians, motor vehicles, or other conveyances either singly or together while using any street or highway for the purpose of travel.

**TRAFFIC CONTROL AREA** - Any area along a way, other than an intersecting way, at which drivers are to be controlled by traffic control signals, or others on duty in the performance of their duties.

TRAFFIC CONTROL SIGNAL - Any device using colored lights which conforms to the standards as prescribed by the Massachusetts Department of Transportation, which traffic may be alternately directed to stop or proceed.

TRAFFIC ISLAND - Any area or space set aside, within a roadway, which is not intended for use by vehicular traffic.

U-TURN - The turning of a motor vehicle by means of a continuous left or right turn whereby the direction of such motor vehicle is reversed.

## ARTICLE II **Authority and Duties of Police**

### **§ 480-2. Officers to Direct Traffic.**

It shall be the duty of the officers designated by the Chief of Police to enforce the provisions of these rules and orders. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of these rules and orders, provided that in the event of a fire or other emergency to expedite traffic or safeguard pedestrians, officers of the Police or Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of these rules and orders.

### **§ 480-3. Police May Close Streets Temporarily.**

The Chief of Police is hereby authorized to prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency or for a lawful assemblage, demonstration or procession, provided there is reasonable justification for such prohibition. Motor vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

### **§ 480-4. Public Employees to Obey Traffic Regulations.**

The provisions of these rules and orders shall apply to the operator of any motor vehicle owned by or used in the service of the United States Government, this State, County or Town, and it shall be unlawful for any said operator to violate any of the provisions of these rules/and orders, except as otherwise provided by law.

### **§ 480-5. Exemptions.**

The provisions of these rules and orders shall not apply to drivers actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties, nor to drivers of emergency motor vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and orders. These exemptions shall not, however, protect the driver of any motor vehicle from the consequence of reckless disregard of the safety of others.

## ARTICLE III **Traffic Signs, Markings and Zones**

#### **§ 480-6. Traffic Signs and Signals.**

The Director of Public Works is hereby authorized and as to those signs and signals required hereunder it shall be his duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, markings and safety zones shall conform to the standards as prescribed by the Massachusetts Department of Transportation and or Manual on Uniform Traffic Control Devices (MUTCD).

- A. Section 480-3 and Section 480-4 of Article II and §§ 480-14 through to 480-21B of Article III, inclusive, and § 480-22 of Article IV relating to parking, and §§ 480-35 and 480-46 of Article VI, shall be effective only during such times as a sufficient number of official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers.
- B. Sections relating to one-way streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at each of the exits for each one-way street, so that at least one sign will be clearly visible for a distance of at least 75 feet to drivers approaching such an exit.

#### **§ 480-7. Unauthorized Signs, Signals, and Markings Prohibited.**

No person or corporation shall place, maintain or display upon, or in view of any street any unofficial device, sign, signal, curb marking or street marking which purports to be or is an imitation of or resembles an official traffic device, sign, signal, curb marking or street marking or which attempts to direct the movement of traffic or which hides from view any official sign, signal, marking or device. The Chief of Police is hereby empowered to remove every such prohibited sign, signal marking or device or cause it to be removed without notice.

#### **§ 480-8. Obedience to Traffic Signs, and Markings.**

No driver of any motor vehicle shall disobey the instructions of any official traffic control signal, sign, marking, marker or legend unless otherwise directed by a police officer.

#### **§ 480-9. Interference with Signs, Signals and Markings.**

Any person who willfully defaces, injures, moves, or interferes with any official, traffic sign, signal, or marking, shall be liable to a penalty not exceeding \$20 for each and every offense.

#### **§ 480-10. Location of Bus Stops, Taxicabs Stand and Loading Zones.**

The location of all bus stops, taxicab stands and zones shall be specified by the Board of Selectmen, and in the case of taxicab stands, the Board of Selectmen shall designate who may use them as such.

#### **§ 480-11. Selectmen Authorized to Designate Crosswalks.**

The Board of Selectmen is hereby authorized to establish and to designate and shall cause to be maintained official markings or lines upon the surface of the roadway, crosswalks at intersections where in its opinion there is particular danger to pedestrians crossing the roadway, and at such places as it may deem necessary.



**§ 480-12. Handicap Signs.**

All requests for installation of handicap signs or handicap parking spots must appear before Commission on Disability. The Commission on Disability will review on annual basis. All handicap signs and handicap parking spots must be ADA compliant and shall be prominently displayed, as well as, a painted symbol on the ground for each designated space.

**ARTICLE IV**  
**Stopping, Standing, and Parking**

**§ 480-13. General Prohibitions.**

No person shall stand or park any motor vehicle in any street, way, highway, road or parkway under the control of the Town of Natick, and no person shall allow, permit, or suffer any motor vehicles registered in his name to stand or park in any street, way, highway, road or parkway under the control of the Town of Natick in violation of any of the Traffic Rules and Orders adopted by the Board of Selectmen, and in particular in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic sign or signal. Motor vehicles found violating any of the provisions of this section may be moved by or under the direction of an officer, and at the expense of the owner, to a place where parking is allowed.

- A. Within an intersection, except in those areas where the installation of parking meter or kiosks has been approved by the Natick Board of Selectmen.
- B. Upon and/or obstructing any sidewalk which has more than any one part of wheel is or obstructing sidewalk or driveway in any way.
- C. Upon any crosswalk.
- D. Upon any bicycle lane.
- E. Upon any roadway where parking is permitted unless both wheels on the right side of the motor vehicle are within 12 inches of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets, motor vehicles shall be parked in the direction in which said motor vehicle is moving and with both wheels within 12 inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by these rules and regulations.
- F. Upon the roadway in a rural or sparsely settled district.
- G. Upon any roadway where the parking of a motor vehicle will not leave clear an unobstructed lane at least 10 feet wide for passing traffic.
- H. Upon any street or highway within 10 feet of a fire hydrant.
- I. In front of any private road or driveway.
- J. Upon any street or highway within 20 feet of an intersecting way, except alleys.
- K. Within 15 feet of the wall of a fire station or directly across the street from such station, provided signs are erected acquainting the driver of such regulation or restriction.

- L. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

**§ 480-14. Parking Prohibited on Certain Streets.**

Refer to Schedule A.<sup>1</sup>

Upon the following streets or highways or parts thereof, parking is hereby prohibited, except as may be otherwise permitted by this article.

**§ 480-15. Prohibited at Safety Zones.**

No person shall park a motor vehicle within 20 feet of either end of a safety zone which is located within 30 feet of the curb or edge of the roadway.

**§ 480-16. Bus Stops.**

- A. No person shall park a motor vehicle other than a bus in a bus stop.
- B. No person shall park a bus upon any street within the business district at any place other than a bus stop, when a nearby bus stop is available for use.

**§ 480-17. Taxicab Stands.**

- A. No person shall park a motor vehicle other than a taxicab licensed by the Board of Selectmen, in any authorized taxi stand upon any street.
- B. No person shall park a taxicab upon any street within the business district, at any place other than the taxicab stand or stands designated for the use of his taxicab or taxicabs except while actually engaged or while waiting for an opportunity to use a taxicab stand designated for his use.

**§ 480-18. Loading Zones.**

No person shall park a motor vehicle upon any street in any loading zone for a period of time longer than 30 minutes and unless actually engaged in loading or unloading.

**§ 480-19. Parking Time Limited in Designated Places.**

Refer to Schedule B.<sup>2</sup>

- A. No person shall park a motor vehicle longer than a period of two consecutive hours on the following described streets or parts thereof between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday. This restriction shall not apply on Sundays or during hours of legal holidays during which business establishments are required by law to remain closed.
- B. No person shall park a motor vehicle longer than a period of two consecutive hours on the

---

1. Editor's Note: Schedule A is included as an attachment to this chapter.

2. Editor's Note: Schedule B is included as an attachment to this chapter.

following described streets or parts thereof during the hours indicated. This restriction shall not apply on Sundays or during hours of legal holidays during which business establishments are required by law to remain closed.

**§ 480-20. Parking Meter/Kiosk Zones.**

Refer to Schedule C.<sup>3</sup>

No person shall park a motor vehicle in a parking meter zone for a period longer than designated in Schedule C, between the hours 9:00 a.m. and 5:00 p.m. Monday through Friday, and Saturday 9:00 a.m. and 1:00 p.m., on any of the streets hereinafter designated in Schedule C, or as may hereafter be fixed by the Board of Selectmen, on any day. No person shall park a motor vehicle for a period of time longer than allowed by the kiosk zones as designated in Schedule C, between the hours 7:00 a.m. and 5:00 p.m., Monday through Friday. This restriction shall not apply on Sundays or during hours of legal holidays during which business establishments are required by law to remain closed. In accordance with the foregoing, parking meter or kiosk zones are hereby established in the streets or parts of streets in Schedule C.

**§ 480-21. Parking Meter and Kiosk Regulations.**

Whenever any motor vehicle shall be parked adjacent to a parking meter or kiosk, the owner or operator of said motor vehicle shall park within the space designated by street marking lines and, upon entering such space, shall immediately deposit in said meter or kiosk the required coin of the United States for no more than the maximum legal parking period as indicated or shown on the meter, except any motor vehicle owned and bearing indicia of ownership by the Town of Natick or state government; those with "Council on Aging COA Permits" or handicap placards shall not be required to deposit any fee in a parking meter or kiosk as provided in this section.

- A. It shall be unlawful for any person to deposit or cause to be deposited in a parking meter or kiosk any coin for the purpose of permitting the motor vehicle of which he is in charge to remain in a parking space beyond the maximum period of time allowed in a particular zone. For the purposes of Article IV, a motor vehicle shall be deemed to have parked beyond the maximum period of time allowed if the motor vehicle has not been moved to a different block upon the expiration of the parking time limit posted on the parking meter or kiosk.
- B. It shall be unlawful for any person to park a motor vehicle within a parking meter or kiosk space unless such motor vehicle is wholly within the painted lines adjacent to such meter or kiosk.
- C. It shall be unlawful for any unauthorized person to tamper with, break, or injure or destroy any parking meter or kiosk or to deposit or cause to be deposited in such meter any slug, device, or metallic substance or any other substitute for the coins required.
- D. Operators of commercial motor vehicles may park in a metered space without depositing a coin for a period not to exceed 30 minutes for the purposes of loading or unloading. Parking in excess of this time limit without depositing the proper coin shall be deemed a

---

3. Editor's Note: Schedule C is included as an attachment to this chapter.

violation of the provisions of these rules and orders.

- E. The Chief of Police is hereby designated as the person authorized to collect monies deposited in parking meter or kiosks or to cause the same to be collected. Such monies shall be deposited forthwith with the Town Treasurer in a separate account to be known as the "Natick Parking Meter Account."
- F. All fees received by said Town Treasurer of the Town of Natick from the operation and use of parking meter or kiosks shall be used by the Board of Selectmen and the Town of Natick as authorized by Statute 1947, Chapter 442, of the General Laws.
- G. It shall be the duty of officers to enforce the provisions of this section.
- H. Any person who violates any parking provision of these rules and orders shall be subject to the penalties provided by Chapter 90, Section 20a, of the General Laws and any other violation shall be punished as may be provided by law.

**§ 480-22. Angle Parking.**

Refer to Schedule D.<sup>4</sup>

- A. The Board of Selectmen shall determine upon what angle parking shall be permitted and shall mark or sign such streets or cause to be marked or signed.
- B. Upon the following streets or parts thereof which have been marked or signed for angle parking. The motor vehicle shall be parked wholly within the painted lines approved.

**§ 480-23. Parking Motor Vehicles for Sale Prohibited.**

It shall be unlawful for any person to park upon any street or highway any motor vehicle displayed for sale.

**§ 480-24. No All-Night Parking.**

It shall be unlawful for the driver of any motor vehicle, other than one acting in an emergency, to park said motor vehicle on any street, public way, or municipal lots between the hours of 1:00 a.m. and 6:00 a.m. on any day between October 1 and April 30.

ARTICLE V  
**One-Way Streets**

**§ 480-25. One-Way Streets Designated.**

Refer to Schedule E.<sup>5</sup>

Upon the following streets or parts of streets, vehicular traffic shall move only in the direction indicated.

---

4. Editor's Note: Schedule D is included as an attachment to this chapter.

5. Editor's Note: Schedule E is included as an attachment to this chapter.

ARTICLE VI  
**Operation of Motor Vehicles**

**§ 480-26. Drive Within Marked Lanes.**

When any roadway has been marked or divided into lanes, a driver of a motor vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

**§ 480-27. Use Right Lane.**

Upon all roadways, the driver of a motor vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel except when overtaking another motor vehicle or when preparing for a left turn.

**§ 480-28. Overtake Only When There is Space Ahead.**

The driver of a motor vehicle shall not overtake and pass a motor vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any motor vehicle ahead.

**§ 480-29. Driver to Give Way to Overtaking Motor Vehicle.**

The driver of a motor vehicle, when about to be overtaken and passed by another motor vehicle approaching from the rear, shall give way to the right in favor of the overtaking motor vehicle, on suitable and audible signal being given by the driver of the overtaking motor vehicle, and shall not increase the speed of his motor vehicle until completely passed by the overtaking motor vehicle.

**§ 480-30. Obstructing Traffic.**

- A. No person shall drive in such a manner as to obstruct unnecessarily the normal movement to traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the right side of the roadway and wait until such traffic as has been delayed has passed.
- B. No driver shall enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the motor vehicle he is operating without obstructing the passage of other motor vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

**§ 480-31. Following too Closely.**

The driver of a motor vehicle shall not follow another motor vehicle more closely than is reasonable and prudent, having due regard to the speed of such motor vehicle and to the traffic upon and conditions of the street or highway.

**§ 480-32. Slow Motor Vehicles to Stay 200 Feet Apart.**



Upon roadways less than 27 feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving motor vehicle, when traveling outside of a business or residential district, shall not follow another slow-moving motor vehicle within 200 feet, but this shall not be construed to prevent such slow-moving motor vehicle from overtaking and passing another slow-moving motor vehicle. This section shall not apply to funerals or other lawful processions.

**§ 480-33. Care in Starting, Stopping, Turning and Backing.**

- A. The driver of any motor vehicle, before starting, stopping, turning from a direct line or backing, shall first see that such movement can be made in safety, or if it interferes unduly with the normal movement of other traffic, said driver shall wait for a more favorable opportunity to make such movement.
- B. If the operation of another motor vehicle should be affected by a stopping or turning movement, the driver of such other motor vehicle shall be given a plainly visible signal, as required by the following sections.

**§ 480-34. Stopping and Turning Signals.**

- A. Any signal herein required shall be given sufficient time in advance of the movement indicated to give ample warning to any person who may be affected by said movement, and shall be given either by means of the hand or arm in the manner specified, or by suitable mechanical or electrical devices, except that when a motor vehicle is so constructed or loaded as to prevent the hand and arm signal from being made or being visible both to the front and rear, the signal shall be given by a suitable device.
- B. Hand and arm signals, as required herein, shall be made as follows:
  - (1) An intention to stop shall be indicated by extending the arm horizontally to the left of and beyond the side of the motor vehicle.
  - (2) An intention to turn to the left shall be indicated by extending the arm horizontally to the left of and beyond the side of the motor vehicle, and by pointing to the left with the index finger.
  - (3) An intention to turn to the right shall be indicated by extending the arm horizontally to the left of and beyond the side of the motor vehicle, and by moving the hand in a circle.

**§ 480-35. U-Turn Prohibited.**

Refer to Schedule F.<sup>6</sup>

No operator shall back or turn a motor vehicle so as to proceed in the direction opposite to that in which said motor vehicle is traveling.

**§ 480-36. Sound Horn When Necessary.**

---

6. Editor's Note: Schedule F is included as an attachment to this chapter.

The driver of a motor vehicle shall give an audible warning with his horn or other suitable warning device whenever necessary to insure the safe operation.

**§ 480-37. Emerging from Alley or Private Driveway.**

The operator of a motor vehicle emerging from an alley, driveway or garage shall stop such motor vehicle immediately prior to driving on to a sidewalk or on to the sidewalk area extending across alleyway or driveway.

**§ 480-38. Obedience to Traffic Control Signals.**

Refer to Schedule G.<sup>7</sup>

Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meanings, and every driver of a motor vehicle, railway car or other conveyance shall comply with them, except when otherwise directed by an officer or by a lawful regulating sign (other than a "Stop" sign), signal or device, or except as provided in Schedule G of these rules and orders. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection regardless of what the indications may be given by traffic control signals.

- A. Green. While the green lens is illuminated, driver facing the signal may proceed through the intersection, but shall yield the right-of-way to pedestrians and motor vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited. Drivers of motor vehicles making a right or left turn shall yield the right-of-way to pedestrians crossing with the flow of traffic.
- B. Right, left and vertical green arrows.
  - (1) When a right green arrow is illuminated, drivers facing said signal may turn right.
  - (2) When a left green arrow is illuminated, drivers facing said signal may turn left.
  - (3) When a vertical green arrow is illuminated, drivers facing said signal may go straight ahead.
- C. Yellow. While the yellow lens is illuminated, waiting drivers shall not proceed and any driver approaching the intersection or a marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by such arrow.
- D. Red. While the red lens is illuminated, drivers facing the signal shall stop outside the intersection, or such a point as may be clearly marked by a sign or line; provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by such arrow.
- E. Red arrow. Right turn allowed unless prohibited by signage.

---

7. Editor's Note: Schedule G is included as an attachment to this chapter.

- F. Flashing red. When a red lens is illuminated in a traffic control signal by rapid intermittent flashes, and its use has been specifically authorized by the Massachusetts Department of Transportation, drivers shall stop before entering the nearer line or crosswalk of the street intersection, or at a stop line, when marked, and the right to proceed shall then be governed by provisions of Chapter 89, Section 8, of the General Laws.
- G. Flashing yellow. A flashing yellow lens shall indicate the presence of a hazard and drivers may proceed only with caution.
- H. Flashing green. A flashing green lens shall indicate an intersection or pedestrian crosswalk in use or subject to use by entering or crossing traffic. Drivers may proceed only with caution and shall be prepared to comply with a change in the signal to red or yellow or red and yellow.

**§ 480-39. Obedience to Isolated Stop Signs and Signals.**

Refer to Schedule H.<sup>8</sup>

Except when directed by a police officer, every driver of a vehicle approaching a stop sign or a flashing red signal indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

**§ 480-40. Keep to the Right of Roadway Division.**

Upon such roadways as are divided by a parkway, grass plot, reservation viaduct, subway or by any structure or area, drivers shall keep to the right of such division except when otherwise directed by an officer, signs, signals, or markings.

**§ 480-41. Driving on Road Surfaces Under Construction or Repair.**

No operator shall enter upon the road surface of any street or highway section thereof, when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights, or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the Town, either audibly or by signals.

**§ 480-42. No Driving on Sidewalks.**

The driver of a motor vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

---

8. Editor's Note: Schedule H is included as an attachment to this chapter.

**§ 480-43. No Driving Through Safety Zones.**

It shall be unlawful for the driver of a motor vehicle, except on signal from a police officer, to drive the same over or through a safety zone.

**§ 480-44. Funerals to Be Properly Identified.**

A vehicle being operated in any funeral procession must have its headlights and taillights illuminated. The turn signals must be flashing simultaneously as warning lights on a vehicle that is the first vehicle in a funeral procession and on a vehicle which the operator has reason to believe is the last vehicle in the funeral procession.

**§ 480-45. Rights and Duties of Drivers in Funerals or Other Processions.**

- A. It shall be the duty of each driver in a funeral or other procession to keep as near the right edge of the roadway as it is feasible and to follow the motor vehicles ahead as closely as practicable and safe.
- B. At an intersection where a traffic control signal is operating, the driver of the first motor vehicle of a funeral procession shall be the only one required to stop for red, or red and yellow indication.
- C. At an intersection where a lawful stop sign or flashing red lens exists, the driver of the first motor vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

**§ 480-46. Commercial Motor Vehicles Prohibited.**

Refer to Schedule I.<sup>9</sup>

- A. No heavy commercial motor vehicles, except as hereinafter indicated, shall be operated at any time.
- B. The provisions of this section shall not apply to:
  - (1) Heavy commercial motor vehicles going to or from premises situated on any street or portion thereof named or referred to in this section, from or to which vehicular access cannot be had by means of a public way, except by the use of said street or portions thereof;
  - (2) Heavy commercial motor vehicles belonging to the Town of Natick and operated by or in connection with departments thereof or such motor vehicles/belonging to or operated by public service or public utility corporations, in connection with work required to be done on such streets or portions thereof; Carby's Lumber, 155 Hartford Street, Framingham, MA, is excluded from this restriction.
  - (3) Police or Fire Department vehicles, ambulances or funeral processions;
  - (4) Motor vehicles engaged in collecting or distributing United States Mail;

---

9. Editor's Note: Schedule I is included as an attachment to this chapter.

- (5) Heavy commercial motor vehicles owned or operated by the federal government or an instrumentality thereof, or motor vehicles in interstate commerce, so far as the Town does not have legal right to regulate or control the operating of such motor vehicles to exclude them from the use of any street or portion thereof.

**§ 480-47. Prohibited Turns on Red Signals.**

Refer to Schedule J.<sup>10</sup>

No person shall make a right turn when facing a steady red signal as described in Schedule J.

**§ 480-48. Left Turns Prohibited.**

Refer to Schedule J.<sup>11</sup>

No driver operating a motor vehicle shall make a left turn at intersections as described in Schedule J.

**§ 480-49. Right Turns Prohibited.**

Refer to Schedule J.<sup>12</sup>

No driver operating a motor vehicle shall make a right turn at intersections as described in Schedule J.

**ARTICLE VII**

**Accident Reports, Responsibility, Penalties and Repeals**

**§ 480-50. Drivers Must Report Accidents.**

- A. As per MGL c. 90, § 26, every person operating a motor vehicle which is involved in an accident in which any person is killed or injured or in which there is damage in excess of \$1,000 to any one vehicle or other property shall, within five days after such accident, report in writing to the registrar on a form approved by him and send a copy thereof to the police department having jurisdiction on the way where such accident occurred; provided, however, that such police department shall accept a report filed by an owner or operator whose vehicle has been damaged in an accident in which another person has unlawfully left the scene of such accident. Such report shall not be required during the period of incapacity of any person who is physically incapable of making a report. If the operator is not the owner of the vehicle and is physically incapable of making such written report, the owner shall within five days after the accident make such report based on such knowledge as he may have and such information as he can obtain regarding the accident.
- B. The registrar may require any such operator or owner to file a supplementary written report whenever in the opinion of the registrar the original report is insufficient. The registrar may

---

10. Editor's Note: Schedule J is included as an attachment to this chapter.

11. Editor's Note: Schedule J is included as an attachment to this chapter.

12. Editor's Note: Schedule J is included as an attachment to this chapter.

revoke or suspend the license of any person violating any provision of this section.

**§ 480-51. Violations and Penalties.**

Refer to Schedule K.<sup>13</sup>

- A. Any person convicted of a violation of any rule, regulation or order made hereunder, excepted or otherwise provided shall be punished by a fine not exceeding \$20 for each offense.
- B. Pursuant to the authority granted by Chapter 90, Section 20c, of the General Laws (Ter. Ed.), any person violating any rule, regulation or order made herein regulating the parking of motor vehicles shall be punished by a fine for each offense as hereinafter set forth in Schedule K.

**§ 480-52. Effect of Regulations.**

These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other except insofar as by express reference or necessary implication of any rule or any part of a rule is made dependent upon another rule or part thereof.

---

13. Editor's Note: Schedule K is included as an attachment to this chapter.



**FALL 2018 ANNUAL TOWN MEETING ARTICLE 41**  
**Motion to be offered by Joshua Ostroff, Precinct 6**

---

**MOTION:**

“Move to replace Article 50, Section 18 of the Town of Natick Bylaws in its entirety with the following:

**Article 50     Police Regulations**  
**Section 18     Snow Removal**

- a. The purpose of this ~~Bylaw~~Section is to help ensure the safety and convenience of the public on public ways and sidewalks following winter weather, and providing the Town and the Police Department with a basis for education and enforcement.
- b. For purposes of this ~~Section~~Bylaw, “public way” is defined as a paved, publicly accepted street, sidewalk or walking path, or any paved street, sidewalk or walking path to which the public has the right of access.
- c. Any person leaving a vehicle upon a public way so as to obstruct snow removal operations shall be subject to a fine of \$50.00.
- d. No person shall deposit snow or ice into or upon any public way so as to impede Town snow removal operations, or to obstruct travel, or against or upon any fire hydrant, without the authority of the Town Administrator or his designee.
- e. The Board of Selectmen or their designee may temporarily suspend any provisions of this ~~Section~~bylaw in the case of extreme conditions.
- f. The Board of Selectmen may exempt any public way or portions thereof from any provisions of this ~~Section~~Bylaw.”

---

**ITEM TITLE:** Appoint Lisa Mead as Special Counsel  
**ITEM SUMMARY:**

---

**ATTACHMENTS:**

Description	Upload Date	Type
Fee Agreement	12/7/2018	Cover Memo

## CLIENT FEE AGREEMENT

1. The Town of Natick, Natick Board of Selectmen, c/o Melissa Malone, Town Administrator, 13 E Central Street, Natick, MA 01760 (the “Client”), hereby agrees to retain the Law Firm of Mead, Talerman & Costa, LLC, 30 Green Street, Newburyport, MA 01950 (the Firm), in connection with:

Draft and negotiate various contracts for municipal services including compensation and appropriate consideration for same. Work to include research, drafting, negotiations and participation in various meetings.

2. Legal services actually performed by the Firm for the Client shall be charged at the following hourly rates:

Partners:	\$210.00 per hour
Associates:	\$200.00 per hour

3. The client has not provided the Firm with a retainer. Interim billings will be submitted to the Client from time to time, and said interim billings will be paid in full by the Client within thirty (30) days of their date.

4. The Client understands that it has the right to consult with another lawyer in connection with any of the terms of this agreement prior to signing it.

5. The Firm’s internal costs, such as telephone services, utilities, and clerical assistance, are not billed to the Client. Nor are standard mailing fees or routine copying costs charged to the Client. Filing fees, the cost of bulk copying and extraordinary mailing fees (e.g. certified mailings, overnight mailings), recording costs, and costs for other similar items will be billed on a direct basis to the Client. Expert consulting fees, title examinations, and costs for stenographic transcripts shall also be the responsibility of the Client. If a particular charge is substantial, we may request that you pay it directly to the vendor or reimburse us immediately. The Firm agrees to obtain the Client's prior approval before incurring any disbursement in excess of \$1,000.00, except with regard to the expenses of noticed depositions. The Client agrees to pay for all of said out-of-pocket expenses within thirty (30) days of the date of any bill of statement of account for said out-of-pocket expenses.

6. It is understood and agreed that the hourly time charges for legal services include, but are not

limited to, the following: court or agency appearances; travel; conferences; telephone calls; correspondence; legal research; preparing for and conducting depositions; preparation of pleadings and memoranda; reading and reviewing file materials; preparation for agency, pre-trial hearings, and trial; and post-trial proceedings. Telephone calls and correspondence shall be billed also at a minimum rate of two-tenth (2/10's) of one hour.

7. The Firm shall not at any time be required to continue to represent the Client unless all of the Firm's prior bills have been paid when due. In addition, the Firm shall not be required to represent the Client at trial unless the Client has paid to the Firm a retainer to cover the reasonably expected fees and expenses of trial required by the Firm.

8. In the event that the Firm ceases to represent the Client and the Client owes an outstanding indebtedness to the Firm, the Firm shall return to the Client all papers, documents and tangible materials which the Client furnished to the Firm, if requested by the Client. The Client is not entitled to any other items such as investigative reports, depositions, or the lawyers' work product, unless said items have been paid for.

9. It is understood and agreed that interim bills, and the final bill, to be rendered by the Firm shall, in addition to reflecting the time expended, take into account the factors prescribed by the Supreme Judicial Court to be considered as guides when determining the reasonableness of fees for legal services, including the following:

- (a) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (b) the fee customarily charged in the locality for similar legal services;
- (c) the amount involved and the results obtained;
- (d) the time limitations imposed by the Client or by the circumstances;
- (e) the nature and length of the professional relationship with the Client;
- (f) the experience, reputation and ability of the lawyer or lawyers performing the services.

10. The foregoing represents the entire agreement between the Firm and Client. By signing below, Client acknowledges that it has carefully read this agreement, understands its contents, and agrees to be bound by all of its terms and conditions; that the Firm has made no representation to the Client as to the likelihood of the outcome of any proceeding now pending or to be brought by or against the Client; and that the Client believes this agreement to be fair and reasonable.

12. The Firm will retain the Client's file for six (6) years following the close of the Client matter. After that time the Firm will destroy the Client File. All originals will be provided to the Client during the representation of the Client. Once the matter is closed and the file is stored, there will be a \$100 fee to pull and provide the Client File to the Client.

Date:\_\_\_\_\_

The Town of Natick  
Board of Selectmen

By: \_\_\_\_\_  
Its: Chair

By: \_\_\_\_\_  
Lisa L. Mead, Esq.

\_\_\_\_\_  
Town Accountant

---

**ITEM TITLE:** Response to Attorney General RE: Open Meeting Law Complaint  
**ITEM SUMMARY:**

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Response to Attorney General from Town Counsel	12/6/2018	Cover Memo





**Karis L. North**  
***knorth@mhtl.com***

December 5, 2018

**VIA FIRST CLASS MAIL  
AND EMAIL ([openmeeting@state.ma.us](mailto:openmeeting@state.ma.us))**

Office of the Attorney General  
Division of Open Government  
One Ashburton Place  
Boston, MA 02108

**Re: Open Meeting Law Complaint – Ron Alexander v. Natick Board of Selectmen**

Dear Sir or Madam:

This firm represents the Town of Natick (“Town”) and its Board of Selectmen (“Board”). In particular, this correspondence is in response to two Open Meeting Law Complaints (“Complaints”) filed against the Board by Ron Alexander (“Mr. Alexander”). Pursuant to M.G.L. c. 30A, §23(b) a copy of the documents purporting to be such Complaints dated November 15, 2018 are attached hereto as Exhibit A.<sup>1</sup> I am responding on behalf of the Board based upon a vote of the Board on November 26, 2018 in a properly noticed executive session for such purpose, under Exemption 1.

## **I. BACKGROUND**

The Complaints concerns Mr. Alexander’s assertion that the Board improperly entered into executive session at its meeting of October 15, 2018. Complaint #9 alleges that the Board provided insufficient notice of the executive session by failing to include the name of the nonunion personnel with which it was negotiating. Complaint #10 alleges that a Board member other than the Chair stated the purpose for entering the executive session.

## **II. ANALYSIS**

### **A. The Complaint is Untimely.**

Pursuant to M.G.L. c. 30A, § 23, all complaints concerning alleged Open Meeting Law violations must be filed within 30 days of the date of the alleged violation. Here, the deadline to file any complaint concerning a meeting which occurred on October 15, 2018, was November 14, 2018. Although Mr. Alexander appeared to sign his complaint forms on November 14, 2018, he did not file

---

<sup>1</sup> Mr. Alexander appears to have signed the Complaint forms on October 14, 2018. However, the Complaints were not sent to the Chair of the Board until the following day, October 15, 2018. Ex. B. The Town’s response is due 14 business days thereafter, which, in this instance because Town Hall was closed for business on Thursday and Friday November 22 and 23 for the Thanksgiving holiday, is December 7, 2018.

Division of Open Government  
December 5, 2018  
Page 2

the Complaints with the Chair of the Board until November 15, 2018. Ex. B. Therefore, the Complaints are untimely, and should be dismissed.

**B. The Complaint is Unsupported by the Facts and the Law and Should be Dismissed.**

The Division has held that a public body is not obligated to respond to an improperly filed Open Meeting Law complaint. See 11-2-2015 OML Declination (Stoneham Board of Selectmen) Accordingly, it is unnecessary for the Town to address, or for the Division to consider, the substantive content of the Complaint. Nonetheless, even if the Division was to consider the Complaint—and the Town suggests that the Division need not do so—the Board properly entered into executive session at its October 15, 2018 meeting.

First, the Complaint suggests that the Board did not provide sufficient information in its notice of the executive session, where the meeting notice listed “Negotiation with non-union personnel” and did not provide the name of the person. M.G.L. c. 30A, § 21 states, a proper reason for executive session, under purpose (2), is “to conduct strategy sessions in preparation for negotiations with nonunion personnel.” The Division’s Open Meeting Law Guide, states:

Generally, a public body must identify the specific non-union personnel or collective bargaining unit with which it is negotiating before entering into executive session under Purpose 2. *A public body may withhold the identity of the non-union personnel or bargaining unit if publicly disclosing that information would compromise the purpose for which the executive session was called.*

Open Meeting Law Guide, p. 12 (emphasis added).

Here, disclosing the identity of the non-union personnel with which the Board was negotiating would have compromised the purpose for which the executive session was called. Specifically, as noted by the Chair when entering into executive session, identifying the non-union personnel would have had a detrimental effect on the bargaining position of the Board in this negotiation. The Division should defer to the Board’s finding in this matter, and find no violation occurred.

Second, Mr. Alexander asserts that Board member Richard Jennett stated the purposes for entering into executive session, rather than the Chair. Upon reviewing the Natick Pegasus video on demand of the meeting, it is clear what transpired. Mr. Jennett made the Motion to enter into executive session (which included reciting the purposes for entering into executive session, as per the posted Notice of the meeting). Thereafter, in compliance with the law, the Chair stated that she reiterated those purposes, and then made the appropriate findings concerning the purpose for which the executive session was held.

Division of Open Government  
December 5, 2018  
Page 3

The video can be viewed here:

<https://videoplayer.telvue.com/player/994DtmGEsi0VDYK3jJl2BJ72GfgNIpU2/playlists/4738/media/387918?sequenceNumber=36&autostart=false&showtabssearch=true>

Mr. Jennett made his motion to enter into executive session at 0:52 seconds into the video recording of the meeting.

Chair Mistrot stated the purposes for entering into executive session and made the requisite finding at 1:42 minutes into the video recording of the meeting.

Because the Chair complied with the Open Meeting Law, no violation occurred.

### **C. The Remedies Requested Are Not Within the Scope of the Attorney General to Order.**

Mr. Alexander seeks several remedies in the Complaints. He seeks a public statement and an apology from the Board in an Open Session of a meeting, and he seeks a finding that the alleged violation was intentional and requests fines to be assessed. Such a public statement and apology is outside the authority of the Division to order. Concerning any finding of intent to violate the Open Meeting Law, Mr. Alexander sets forth no facts to support a finding of intentional violation, and in fact since there is no violation as set forth above, the request for remedies is moot. However, if for some reason the Division finds a violation, the Committee asserts that any such violation was not intentional, and its actions were based on a good faith attempt to comply with the law.

According to the regulations, the standard for an intentional violation is:

An act or omission by a public body thereof, in knowing violation of M.G.L. c. 30A, §§ 18 through 25. Evidence of an intentional violation of M.G.L. c. 30A, §§ 18 through 25 shall include, but not be limited to, the public body member that: (a) acted with specific intent to violate the law; (b) acted with deliberate ignorance of the law's requirements; or (c) was previously informed by receipt of a decision from a court of competent jurisdiction or advised by the Attorney General, pursuant to 940 CMR 29.07 or 940 CMR 29.08 that the conduct violates M.G.L. c. 30A, §§ 18 through 25.

940 CMR 29.02. Nothing the Board did was a violation of law, and there are no prior adverse decision regarding this (or any) conduct of the Board.

### **III. CONCLUSION**

Accordingly, the Town respectfully submits that the Complaint is untimely and therefore warrants no further consideration. Even if the Division were to consider the Complaint, the Board properly

Division of Open Government  
December 5, 2018  
Page 4

entered executive session under Purpose 2. Accordingly, the Town respectfully requests that the Division decline any action in response to the Complaint and determine that no violations of the Open Meeting Law occurred.

Thank you for your review of this response. Please contact me if I can provide any further information to assist the Division in its review of this matter.

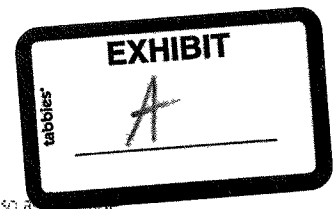
Sincerely,

A handwritten signature in black ink, appearing to read 'Karis L. North', with a long horizontal flourish extending to the right.

Karis L. North  
Natick Town Counsel

Enclosures

cc: Ron Alexander, Complainant (via email only)  
Diane Packer, Natick Town Clerk (via email only)  
Amy Mistrot, Chair, Natick Board of Selectmen (via email only)



**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and provide the reasons supporting your belief.

Input: This text field has a maximum of 3000 characters.

Summary of The Matter: MA Board of Selections Committee provided multiple Determinations regarding candidates for the Committee meeting on October 17, 2013. All Committee members provided their own Methods of Law DMR on October 17, 2013.

<sup>1</sup> Data by author and unpublished data of author's laboratory.

1. The following are the results of the analysis of variance for the effect of the treatment on the response variable:

© 1997 Blackwell Science Ltd, *Journal of Clinical Pharmacy and Therapeutics*, 22, 1-6

[illegible]

2. The  $\mathcal{H}^1$ -norm of  $\mathbf{u}_h$  is bounded by  $C(\|\mathbf{u}\|_{\mathcal{H}^1})$  for all  $\mathbf{u}_h \in \mathbf{V}_h$  such that  $\mathbf{u}_h = \mathbf{u}$  on  $\Gamma_D$ . This is a consequence of the fact that  $\mathbf{u}_h$  is the  $\mathcal{H}^1$ -projection of  $\mathbf{u}$  onto  $\mathbf{V}_h$ .

$$1. \text{ 如果 } (A \cup B) \cap C = \emptyset, \text{ 那么 } A \cap C = \emptyset \text{ 且 } B \cap C = \emptyset. \text{ 证明: } (A \cup B) \cap C = \emptyset \Rightarrow (A \cap C) \cup (B \cap C) = \emptyset. \text{ 因为 } A \cap C \subseteq (A \cup B) \cap C, \text{ 所以 } A \cap C = \emptyset. \text{ 同理 } B \cap C = \emptyset.$$
[illegible]

© 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678,

to 50 km. Columns 17–21 show the date of the *in situ* analysis. The temperature was 200–250 °C and the pressure was 10–15 MPa.

[illegible][illegible]

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

(1) want the Committee to make a public statement and apology, during an Open Session of the Committee, admitting that they violated Open Meeting Law by improperly posting the sessions on October 15, 2019.

(2) request that the Attorney General invalidate the October 15 executive session, and order the Committee to disclose the minutes from that executive session immediately;

'3) I request that the Attorney General find that the above violation(s) are intentional, and fine the Committee.

### Review, sign, and submit your complaint

#### **8. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

## 11. Consulting With a Private Attorney

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should consult a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by mail in 1617, 967, 3543 or by email to [openmeeting@state.nj.us](mailto:openmeeting@state.nj.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:

Hernando de Ojeda

Date:

Date: Nov 14, 2018

For Use By:         

Data Generated by *clustsig* Module

1798-1800

DATA RELEASED BY AGC

NATICK DEC #67



The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

#### Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
  - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
  - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

#### Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

#### Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).





## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Ronald Last Name: Alexander

Address: P.O. Box 81003

City: Wellesley State: MA Zip Code: 02481

Phone Number: +1 (617) 651-1120 Ext. \_\_\_\_\_

Email: ron.alexander10@comcast.net

Organization or Media Affiliation (if any): Self

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

### Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Natick, MA Board of Selectmen

Specific person(s), if any, you allege committed the violation: All Members

Date of alleged violation: Oct 15, 2018

## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Summary: The Natick, MA Board of Selectmen (Committee) provided Insufficient Detail in the posted agenda for the Committee meetings on October 15, 2018. The Committee therefore violated the Open Meeting Law (OML) on October 15, 2018.

Details (unless otherwise specified all dates below refer to dates in 2018):

- 1) On October 15, 2018, starting at approximately 6:00 p.m., the Committee convened in open and executive sessions. The posted agenda for the meetings that day is attached hereto.
- 2) The posted agenda states that there will be Open and Executive Sessions:
  - D. To conduct strategy sessions in preparation for negotiations with nonunion personnel
- 3) The "official" video of the meeting(s) on October 15 may be viewed at <https://www.natickpegasus.org/>. This video makes it clear that these meetings did indeed occur, and what transpired at those meetings.
- 4) Review of the posted agenda shows that the Committee committed the following errors:
  - a. The posted agenda failed to name the nonunion personnel to be discussed under Purpose 2. OML-2014-141; 2015-193; 2016-70. See also July 27, 2018 responses from Kevin Manganaro of the Attorney General's office (attached hereto), Issue #2, stating that "Public bodies should identify, both in their notice and in the open session announcement, the name of the specific nonunion personnel that is the subject of discussion under Purpose 2".
- 5) The Committee therefore violated several of the requirements for posting the meeting(s) on October 15, 2018.
- 6) Since October 15, 2018 was the date of the alleged violation, this Complaint is being filed "within 30 days...".
- 7) Also attached are one or more precedent determinations where other public bodies were found guilty of similar violation(s) of the Open Meeting Law and its regulations.
- 8) Note that at least two (2) Open Meeting Law training sessions have been conducted in Natick, MA this year: 1) By the MASC on Monday

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

- 1) I want the Committee to make a public statement and apology, during an Open Session of the Committee, admitting that they violated Open Meeting Law by improperly posting the sessions on October 15, 2018.
- 2) I request that the Attorney General invalidate the October 15 executive session, and order the Committee to disclose the minutes from that executive session immediately.
- 3) I request that the Attorney General find that the above violation(s) are intentional, and fine the Committee.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

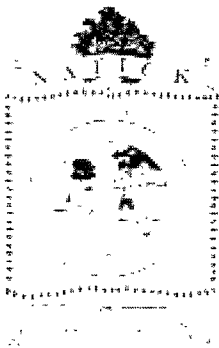
Date: \_\_\_\_\_

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



NATICK BOARD OF SELECTMEN  
AGENDA  
Edward H. Diott Meeting Room  
Monday, October 15, 2018  
6:00 PM

Agenda Posted Thursday, 10/11/18 at 5:16 PM

(Times listed are approximate. Agenda items will be addressed in an order determined by the Chair.)

1. 6:00 - OPEN SESSION

Call to Order

Roll Call Vote to Enter Executive Session

2. 6:05 - EXECUTIVE SESSION

This portion of the meeting is not open to the public.

A. Purpose 3-To discuss strategy with respect to litigation where discussion in open session could be detrimental to the Town's position: Kurfin, et al. v. Natick Planning Board, et al, 18-MISC-00456 (Land Court)

B. To consider the purchase, exchange, lease, or value of real property where discussion in an open meeting may have a detrimental effect on the Town's negotiating position

- Mechanic Street
- 22 Pleasant Street

C. Approve Executive Session Meeting Minutes - 10/2/18

D. To conduct strategy sessions in preparation for negotiations with nonunion personnel

3. 7:30 - RECONVENE OPEN SESSION

Pledge of Allegiance / Moment of Silence

4. 7:35 - ANNOUNCEMENTS

A. Open Meeting Law Complaints

B. 2018 Natick Trails Day-10/20/18

C. Natick High School After Prom Party-5/25/18 Midnight-5:00 AM

D. Route 27/North Main Street Update

E. Fall Hydrant Flushing

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

<sup>1</sup> "FOIAE: The Linking Of Founder/Telecoms Companies", *Telecoms International*, 1991 (the article was written by the author of this report) and *Telecoms International*, 1991.

7. In conclusion, we suggest several explanations for the observed differences in the pattern of

[illegible][illegible]

As noted, the last two 2007 World Bank meetings were the last attended by the 2007 President, Eyal Weizman. Weizman was "MIA" and "homecoming" letters to his family dated September 17, 2007, in the latest year, inform members of their immediate families and other close friends of his status. Additionally, the members of the "MIA" list were notified by the organization that they have received the 2007 missing materials, have read them and understand the consequences of missing the last meeting. Weizman was "MIA" and "homecoming" letters to his family dated September 17, 2007, in the latest year, inform members of their immediate families and other close friends of his status. Additionally, the members of the "MIA" list were notified by the organization that they have received the 2007 missing materials, have read them and understand the consequences of missing the last meeting. Weizman was "MIA" and "homecoming" letters to his family dated September 17, 2007, in the latest year, inform members of their immediate families and other close friends of his status. Additionally, the members of the "MIA" list were notified by the organization that they have received the 2007 missing materials, have read them and understand the consequences of missing the last meeting.

Note: This text field has a maximum of 500 characters.

3. I request that the Attorney General find that the above violation(s) are intentional, and fine the Committee

## Page 2



The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

#### Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
  - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
  - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

#### Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

#### Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).



## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Ronald Last Name: Alexander

Address: P.O. Box 81003

City: Wellesley State: MA Zip Code: 02481

Phone Number: +1 (617) 651-1120 Ext. \_\_\_\_\_

Email: ron.alexander10@comcast.net

Organization or Media Affiliation (if any): Self

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

### Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Natick, MA Board of Selectmen

Specific person(s), if any, you allege committed the violation: All Members

Date of alleged violation: Oct 15, 2018

## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

SUMMARY: The Natick, MA Board of Selectmen (Committee) Improperly Entered into an Executive Session meeting on October 15, 2018. The Committee therefore violated the Open Meeting Law (OML) on October 15, 2018.

DETAILS (all dates below refer to dates in 2018 unless otherwise specified):

- 1) On October 15, 2018, starting at approximately 6:00 p.m., the Committee convened in open and executive sessions. The posted agenda for the meetings that day is attached hereto.
- 2) The posted agenda states that there will be Open and Executive Sessions:
  - D. To conduct strategy sessions in preparation for negotiations with nonunion personnel
- 3) The "official" video of the meeting(s) on October 15 may be viewed at <https://www.natickpegasus.org/>. This video makes it clear that these meetings did indeed occur, and what transpired at those meetings.
- 4) Review of the video shows that the Committee committed the following errors:
  - a. A Committee member (Richard Jennett) other than Chair Amy Mistrot stated the reasons for entering executive session. G.L. c. 30A, §§21 (b) (3)
  - b. The Chair failed to name the nonunion personnel to be discussed under Purpose 2. OML-2014-141; 2015-193; 2016-70. See also July 27, 2018 responses from Kevin Manganaro of the Attorney General's office (attached hereto), Issue #2, stating that "Public bodies should identify, both in their notice and in the open session announcement, the name of the specific nonunion personnel that is the subject of discussion under Purpose 2".
- 5) The Committee therefore violated several of the requirements for entering executive session on October 15, 2018.
- 6) Since October 15, 2018 was the date of the alleged violation, this Complaint is being filed "within 30 days..."
- 7) Also attached are one or more precedent determinations where other public bodies were found guilty of similar violation(s) of the Open

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

- 1) I want the Committee to make a public statement and apology, during an Open Session of the Committee, admitting that they violated Open Meeting Law by improperly entering in executive session on October 15, 2018.
- 2) I request that the Attorney General invalidate the Oct 15 executive session, and order the Committee to disclose the minutes from that executive session immediately.
- 3) I request that the Attorney General find that the above violation(s) are intentional, and fine the Committee.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

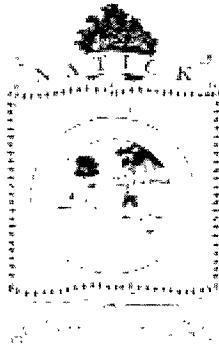
*For Use By Public Body*

*Date Received by Public Body:*

*For Use By AGO*

*Date Received by AGO:*





NATICK BOARD OF SELECTMEN  
AGENDA  
Edward H. Diott Meeting Room  
Monday, October 15, 2018  
6:00 PM

Agenda Posted Thursday, 10/11/18 at 5:15 PM

(Times listed are approximate. Agenda items will be addressed in an order determined by the Chair.)

1. 6:00 - OPEN SESSION

Call to Order

Roll Call Vote to Enter Executive Session

2. 6:05 - EXECUTIVE SESSION

This portion of the meeting is not open to the public.

A. Purpose 3-To discuss strategy with respect to litigation where discussion in open session could be detrimental to the Town's position: Kurtin, et al v. Natick Planning Board, et al, 18-MISC-00456 (Land Court)

B. To consider the purchase, exchange, lease, or value of real property where discussion in an open meeting may have a detrimental effect on the Town's negotiating position

- Mechanic Street
- 22 Pleasant Street

C. Approve Executive Session Meeting Minutes - 10/2/18

D. To conduct strategy sessions in preparation for negotiations with nonunion personnel

3. 7:30 - RECONVENE OPEN SESSION

Pledge of Allegiance / Moment of Silence

4. 7:35 - ANNOUNCEMENTS

A. Open Meeting Law Complaints

B. 2018 Natick Trails Day-10/20/18

C. Natick High School After Prom Party-5/25/18 Midnight-5:00 AM

D. Route 27/North Main Street Update

E. Fall Hydrant Flushing

----- Forwarded message -----

From: **Ron Alexander** <[ron.alexander10@comcast.net](mailto:ron.alexander10@comcast.net)>

Date: Thu, Nov 15, 2018 at 10:46 AM

Subject: Natick Board Of Selectmen - OML Complaint Form #9 - October 15, 2018 - Insufficient Detail in October 15, 2018 Meeting Notice

To: Amy Mistrot <[amistrot@natickma.org](mailto:amistrot@natickma.org)>, Diane Packer <[dpacker@natickma.org](mailto:dpacker@natickma.org)>, Diane Packer <[dpacker@natickps.org](mailto:dpacker@natickps.org)>

Cc: <[Selectmen@natickma.org](mailto:Selectmen@natickma.org)>, ron alexander10 <[ron.alexander10@comcast.net](mailto:ron.alexander10@comcast.net)>

Dear Natick, MA Board of Selectmen Chair and Natick, MA Municipal Clerk,

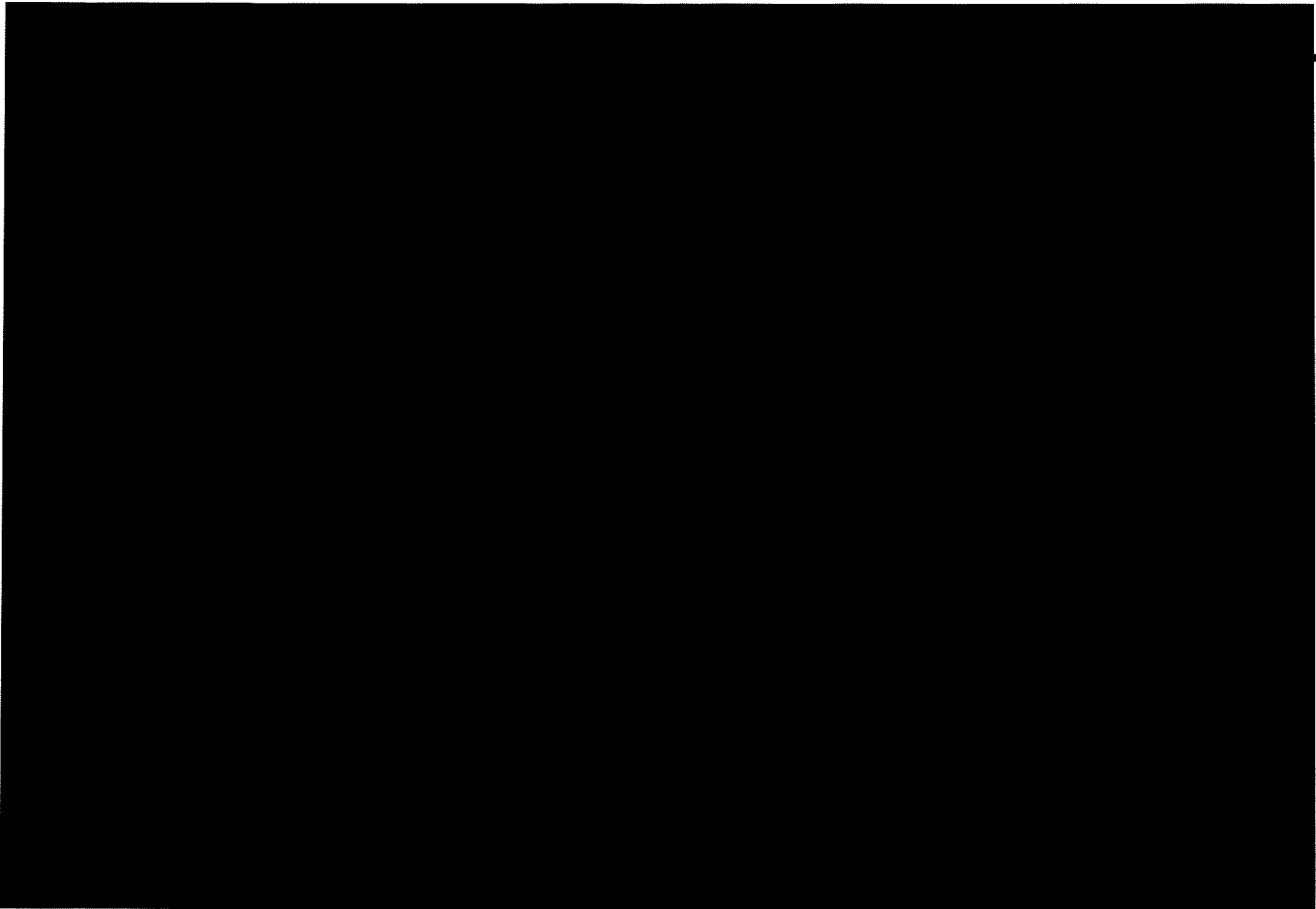
Per the Massachusetts Open Meeting Law, please find attached Open Meeting Law Complaint #9 and supporting documentation.

Please acknowledge receipt of this Complaint at your earliest convenience.

Sincerely,

Ron Alexander





----- Forwarded message -----

From: **Ron Alexander** <[ron.alexander10@comcast.net](mailto:ron.alexander10@comcast.net)>

Date: Thu, Nov 15, 2018 at 10:53 AM

Subject: Natick-BOS\_OML Complaint Form #10 - October 15, 2018 - Improper Entry into October 15, 2018 Executive Session

To: Amy Mistrot <[amistrot@natickma.org](mailto:amistrot@natickma.org)>, Diane Packer <[dpacker@natickma.org](mailto:dpacker@natickma.org)>, Diane Packer <[dpacker@natickps.org](mailto:dpacker@natickps.org)>

Cc: <[Selectmen@natickma.org](mailto:Selectmen@natickma.org)>, ron alexander10 <[ron.alexander10@comcast.net](mailto:ron.alexander10@comcast.net)>

Dear Natick, MA Board of Selectmen Chair and Natick, MA Municipal Clerk,

Per the Massachusetts Open Meeting Law, please find attached Open Meeting Law Complaint #10 and supporting documentation.

Please acknowledge receipt of this Complaint at your earliest convenience.

Sincerely,

Ron Alexander

---

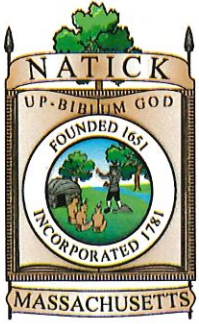
**ITEM TITLE:** Review and Approve South Main Street Design Contract Revision

**ITEM SUMMARY:**

---

**ATTACHMENTS:**

Description	Upload Date	Type
Design Contract Amendment	12/7/2018	Cover Memo



## *TOWN OF NATICK MASSACHUSETTS*

JEREMY T. MARSETTE, P.E.  
DIRECTOR

WILLIAM E. MCDOWELL, P.E.  
TOWN ENGINEER

**TO:** Natick Board of Selectmen  
Melissa Malone, Town Administrator  
Bill Chenard, Deputy Town Administrator – Operations  
Jeremy Marsette, P.E. Director, Natick Public Works

**FROM:** Bill McDowell, Town Engineer

**DATE:** December 7, 2018

**SUBJECT:** South Main Street Reconstruction – Engineering Design Contract Amendment

This memorandum is to summarize a meeting between the Town and Green International Affiliates, Inc. on December 6<sup>th</sup>.

The Town re-iterated its understanding that the final design as represented in the public meetings on November 28, 2017 and March 28, 2018 and as voted by the Selectmen, acting as Street Commissioners on April 17, 2018 did not include relocating curb lines and guard rails in the portion of South Main Street between the Sherborn Town Line and West Street, referred to as Segment 1 during the presentations. The final design would not require wetlands alteration or wetlands replication design work.

The Town further directed Green International to perform the additional design work to prepare the final construction plans and specifications to present the sidewalk on the easterly side of South Main Street between West Street and Hunter's Lane as an Add/Alternate for bidding purposes.

The Town understands that their decision to re-locate curbing along the South Main Street corridor, to create ten and one half foot wide travel lanes and four foot wide shoulder widths, relocating utility poles to accommodate ADA requirements for accessibility and repairing sidewalk surface and driveway aprons, all within the existing right of way, in conformance with the selected design



alternative, will require additional design work in excess of the scope of the original contract with Green International executed in January of 2017.

In order to accommodate the additional design required for the approved roadway section and the Add/Alternate design for the extension of sidewalk from Hunter's Lane to West Str, it is necessary to amend the contract with Green International in the amount of \$ 81,224.63. Green International is currently revising their existing scope of work to include specific tasks required to complete the final design and the level of effort anticipated by these additional tasks and will forward this schedule to the Engineering Division on Monday December 10th. This information will be forwarded to the Board for their review. It should be noted that this is a not to exceed contract and Green International will only bill for actual work performed. This is not a lump sum contract.

The Engineering Division respectfully recommends that the Board of Selectmen vote to amend the Contract for Consulting Engineering Services for Roadway and Drainage Improvements To South Main Street in the amount of \$ **81,224.63** for a total amount Not To Exceed \$ **344,276.73**.



**GREEN INTERNATIONAL AFFILIATES, INC.**  
239 LITTLETON ROAD, SUITE 3 WESTFORD, MA 01886  
T: (978) 923-0400 | F: (978) 399-0033 | WWW.GREENINTL.COM

**ATTACHMENT A**

Amendment for Additional Engineering Services

Engineer's Person-Hour Estimate and Fee Schedule

Town of Natick Department of Public Works  
Roadway and Drainage Improvements to South Main Street

TASK No.	TASK DESCRIPTION	PROJECT MANAGER \$	PROJECT ENGINEER \$	SURVEYOR PLS \$	SURVEYOR \$	CIVIL ENGINEER \$	CAD/GIS OPERATOR \$	SURVEYOR \$	TOTAL LABOR	TOTAL LABOR	Travel Mileage	Printing	Mailing	Misc.	TOTAL EXPENSES
<b>Task 1.0 Startup/Data Collection</b>															
1.1	Startup Meeting	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1.2	Subsurface Exploration (lab analysis of test pits and performing ledge)	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1.3	Accident Data	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1.4	Field Reconnaissance	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1.5	Traffic Data	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Task 1.0 Startup / Data Collection</b>										0 \$	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Task 2.0 Field Survey and Base Plans</b>															
2.1	Compile Right-of-Way	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2.2	Utility Coordination	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2.3	Survey Coordination and Controls	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2.4	Complete Field Survey	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2.5	Cross Section	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2.6	Base Plan	1	1	1	0	16	4	0	22	\$2,150.00	\$46.33	\$0.00	\$0.00	\$0.00	\$46.33
<b>Total Task 2.0 Field Survey and Base Plans</b>										22 \$	\$46.33	\$0.00	\$0.00	\$0.00	\$46.33
<b>Task 3.0 Conceptual Design</b>															
3.1	Alternatives Analysis	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3.2	Prepare and Submit Memorandum with Recommendations	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3.3	Attend Meeting with the Town	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Task 3.0 Conceptual Design</b>										0 \$	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Task 4.0 Preliminary Roadway</b>															
4.1	Evaluate Pavement Cores/Pavement Design	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4.2	Apply Typical Section	0	2	0	0	4	8	0	14	\$1,320.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4.3	Horizontal Design	1	1	0	0	2	4	0	8	\$820.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4.4	Vertical Design	0	0	0	0	2	2	0	4	\$360.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Task 4.0 Preliminary Roadway</b>										26 \$	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Task 5.0 Preliminary Drainage/Utility</b>															
5.1	Drainage Layout and Analysis	4	16	0	0	24	16	0	60	\$6,360.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5.2	BMP Determination and Meet with Natick ConCom	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5.3	Utility Coordination	18	24	0	0	20	16	0	78	\$9,260.00	\$185.30	\$0.00	\$0.00	\$0.00	\$185.30
<b>Total Task 5.0 Preliminary Drainage/Utility</b>										138	\$15,620.00	\$185.30	\$0.00	\$0.00	\$185.30



# GREEN INTERNATIONAL AFFILIATES, INC.

239 LITTLETON ROAD, SUITE 3 WESTFORD, MA 01886

T: (978) 923-0400 | F: (978) 399-0033 | WWW.GREENINTL.COM

TASK No.	TASK DESCRIPTION	PROJECT MANAGER \$	PROJECT ENGINEER \$	SURVEYOR PLS \$	SURVEYOR \$	CIVIL ENGINEER \$	CAD/IGS OPERATOR \$	SURVEYOR 80.00 \$	TOTAL LABOR	TRAVEL Mileage	Printing	Mailing	Misc.	TOTAL EXPENSES
Task 6.0	Preliminary Design Submittal													
6.1	Prepare and Submit Plans	20	60	0	0	101	182	0	363	\$0.00	\$156.00	\$0.00	\$0.00	\$156.00
	Title Sheet/Index of Sheets (1)	0	0	0	0	0	0	0	0					
	Plan Symbols and Notes Sheet (1)	0	0	0	0	0	0	0	0					
	Key Plan (1)	0	0	0	0	0	0	0	0					
	Base Bid Typical Sections (3)	0	1	0	0	1	2	0	4					
	Base Bid Construction Plans @ 1"=20' (14)	2	8	0	0	10	20	0	40					
	Base Bid Construction Profile @ 1"=20' (14)	0	0	0	0	2	2	0	4					
	Base Bid Drainage and Utility Plan @ 1"=20' (14)	2	4	0	0	4	4	0	14					
	Base Bid Pavement Marking and Signing Plan @ 1"=40' (7)	1	2	0	0	4	4	0	11					
	Base Bid Wetland Replication Plans and Details (up to 5 sheets)	0	0	0	0	0	0	0	0					
	Base Bid Cross Section Sheets (70)	8	24	0	0	56	108	0	196					
	Acid Alternate Typical Sections (1)	0	1	0	0	2	4	0	7					
	Acid Alternate Construction Plans @ 1"=20' (5)	2	6	0	0	8	12	0	28					
	Acid Alternate Pavement Marking and Signing Plan @ 1"=40' (assu)	1	2	0	0	2	2	0	7					
	Acid Alternate Cross Section Sheets (assume included on Base Bid)	4	12	0	0	12	24	0	52					
6.2	Prepare and Submit Estimate	1	4	0	0	8	12	0	25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6.3	Attend Meeting with the Town	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Total Task 6.0 Preliminary Design Submittal	21	64	0	0	109	194	0	388	\$0.00	\$156.00	\$0.00	\$0.00	\$156.00
Task 7.0	Permitting													
7.2a	Wetland Replication as part of NOI	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7.2b	Calculate BFE and Compensatory Flood Storage as part of NOI	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7.3	Prepare and Submit MWRA 8(m) Permit Application	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7.4	Other Permits	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Total Task 7.0 Permitting	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Task 8.0	Project Meetings and Public Meeting													
8.1	Prepare for and Attend up to Four Project Meetings with the Town	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8.2	Prepare for and Attend up to One Public Meeting	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Total Task 8.0 Project Meetings and Public Meeting	0	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00





# GREEN INTERNATIONAL AFFILIATES, INC.

239 LITTLETON ROAD, SUITE 3 WESTFORD, MA 01886

T: (978) 923-0400 | F: (978) 399-0033 | WWW.GREENINTL.COM

TASK No.	TASK DESCRIPTION	PROJECT MANAGER	PROJECT ENGINEER	SURVEYOR PLS	CIVIL ENGINEER	CAD/IS OPERATOR	SURVEYOR	TOTAL LABOR	TRAVEL Mileage	PRINTING	MAILING	MISC.	TOTAL EXPENSES
Task 9.0	Final Design	14	51	0	103	125	0	293	\$0.00	\$116.00	\$0.00	\$0.00	\$116.00
9.1	Final Roadway Design	1	1	0	4	0	0	6	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9.2	Finalize Drainage	2	2	0	8	0	0	12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9.3 & 9.5	Prepare and Submit Final Plans	11	42	0	75	117	0	245	\$0.00	\$116.00	\$0.00	\$0.00	\$116.00
	Title Sheet/Index of Sheets (1)	0	0	0	0	0	0	0					
	Plan Symbols and Notes Sheet (1)	0	0	0	0	0	0	0					
	Key Plan (1)	0	0	0	0	0	0	0					
	Base Bid Typical Sections (4)	0	1	0	1	1	0	3					
	Base Bid Construction Plans @ 1"=20' (14)	1	2	0	8	16	0	27					
	Base Bid Construction Profile @ 1"=20' (14)	0	0	0	0	0	0	0					
	Base Bid Drainage and Utility Plan @ 1"=20' (14)	1	4	0	4	8	0	17					
	Base Bid Curb Tie and Layout Plan @ 1"=20' (14)	1	2	0	2	2	0	7					
	Base Bid Pavement Marking and Signing Plan @ 1"=40' (7)	1	2	0	4	4	0	11					
	Base Bid Traffic Sign Summary Sheet (1)	0	0	0	1	1	0	2					
	Base Bid Wetland Replication Plans and Details (up to 5 sheets)	0	0	0	0	0	0	0					
	Base Bid Traffic Management Plan (3)	0	0	0	0	0	0	0					
	Base Bid Construction Details (4)	0	2	0	2	4	0	8					
	Base Bid Driveway and Wheelchair Ramp Details (2)	0	0	0	0	0	0	0					
	Base Bid Cross Section Sheets (77)	4	16	0	32	48	0	100					
	Add Alternate Typical Sections (1)	1	1	0	1	2	0	4					
	Add Alternate Construction Plans @ 1"=20' (5)	1	4	0	8	12	0	25					
	Add Alternate Pavement Marking and Signing Plan @ 1"=40' (3)	0	1	0	1	1	0	3					
	Add Alternate Construction Details (1)	0	1	0	1	2	0	4					
	Add Alternate Driveway and Wheelchair Ramp Details (1)	1	2	0	2	4	0	9					
	Add Alternate Cross Section Sheets (21)	1	4	0	8	12	0	25					
9.4	Prepare and Submit Special Provisions	0	2	0	12	0	0	14	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9.6	Prepare and Submit Final Cost Estimate with Quantities	0	4	0	4	8	0	16	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9.7	Submit Final Plans and Meet with Town	0	0	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Task 9.0 Final Design		14	51	0	103	125	0	293	\$0.00	\$116.00	\$0.00	\$0.00	\$116.00
Task 10.0	Prepare Contract Bid Documents	1	4	0	8	8	0	21	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10.1	Address Final Plan Comments	0	0	0	0	0	0	0	\$0.00	\$544.00	\$0.00	\$0.00	\$544.00
10.2	Prepare and Print Contract Documents (Up to 15 Copies)	1	2	0	4	2	0	9	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10.3	Bid Phase Support including attending bid opening	2	6	0	12	10	0	30	\$0.00	\$544.00	\$0.00	\$0.00	\$544.00
Total Task 10.0 Prepare Contract Bid Documents		2	6	0	12	10	0	30	\$0.00	\$544.00	\$0.00	\$0.00	\$544.00
TOTALS FOR ALL TASKS		61	165	-	292	379	-	897	\$ 231.63	\$ 816.00	\$ -	\$ -	\$ 1,047.63
TOTAL LABOR COST \$									\$ 91,165.00				
DIRECT EXPENSES \$									\$ 1,047.63				
TOTAL COST FOR DESIGN AND PERMITTING FOR ADDITIONAL WORK \$									\$ 92,212.63				
SUBTRACT FEE ASSOCIATED WITH REMOVAL OF SCOPE RELATED TO BENNETT AND JOHNSON SCHOOL (SEE ATTACHED) \$									(\$10,988.00)				
TOTAL AMENDMENT REQUEST \$									\$ 81,224.63				

Cost Includes work for Revised Alt 3 and add Alternate only. Does not include widening of Segment 1 or the associated permitting

---

**ITEM TITLE:** Request for Address Change-377 Bishop Street

**ITEM SUMMARY:**

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Recommendation-M. Malone	12/9/2018	Cover Memo
Request-D. Green	12/6/2018	Cover Memo
Plot	12/6/2018	Cover Memo
Residential Property Record Card	12/6/2018	Cover Memo
Public Safety Committee Minutes-5/30/17	12/7/2018	Cover Memo
Public Safety Committee Explanation-5/30/17	12/7/2018	Cover Memo

## Memo

To: Town of Natick Board of Selectmen  
From: M.Malone, Town Administrator  
Date: December 9, 2018  
Re: Recommendation of address change request of 377 Bishop Street, Framingham MA

---

The parcel at issue straddles the border of Framingham and Natick. I am recommending that the Board of Selectmen (Board) maintain its existing policy standard in evaluating address request changes – ensuring address changes are made with a focus on public safety issues. This means denying the petitioner’s request for the “Natick” address.

This matter was heard before the Safety Committee (hereinafter Committee) on May 30, 2017 (the petitioner was not present) and then again on October 2, 2018 (the petitioner was present). At both meetings the Committee determined that the address change request was not required to improve public safety responses to the property, and in both instances took no action on the request. Additionally, given discussions with staff members there is concern that deviation from the existing address change policy would mean preferential and financially advantageous address request changes (with no public safety need) will now be entertained.

Currently, requests for address changes are analyzed by the Committee from the lens of a first responder. The objective is to ensure the best response should assistance be needed. In this instance, modification of the property address would modify the current public safety response that has been deemed appropriate by the Committee. Specifically, the address change would trigger all 911 landline calls to be routed to Natick as the Public Safety Answering Point (PSAP). This would result in Natick being the primary responders for fire and police response. The closest Natick fire station to the parcel would be Station 4 (1.6 miles away), with an ambulance (currently 3.5 miles away). The closest Framingham fire station (Station 5) is .5 miles away from 377 Bishop and this station also houses an ambulance. Chief Hicks will be present to provide further context on the call routing issues.

Other related factors that you may want to consider in your deliberations include the following: (1) the property was purchased with a Framingham address; (2) the property owners are able to avail themselves of Natick community public services including Natick Public Schools (and clarification can be provided as needed to Town departments related to this address to ensure the family members are able to continue to utilize Natick’s community programs); and (3) if the Board is inclined to grant this address change request, it would be most helpful for the Board to articulate the new standard it will be utilizing to evaluate address modification requests, and require that this address fall into sequential order based upon the Natick addresses (currently, 28 Bishop is the highest property number in Natick).

Dear Board of Selectmen,

My wife and I purchased 377 Bishop Street in July of 2016. The address is currently designated as Framingham, however, the Natick-Framingham town line runs through our house and property, and we would like to change the address to Natick.

I have spoken with Marylee Watkin, executive assistant for the Natick Chief of Police, who facilitated review of our property at the Safety Committee in May 2017. Unfortunately, I was unable to attend this meeting due to late notice. The committee felt that we would be better served by the town of Framingham, and they recommended that I speak to the Board of Selectmen if I would like to move forward with our request for change. After speaking with Donna in the selectmen's office, she suggested that the best course of action would be to write this letter. Below, I have outlined my case for having my home address changed to Natick instead of Framingham.

Our property currently sits on the town line with 2,128 square feet (16% of the property) in Framingham and 10,890 square feet (84% of the property) in Natick. Despite these measurements, our property address has remained Framingham.

Our single-family home and property border five other properties in Natick, all of which are single-family homes. In Framingham, our property borders one company, two rental multi family properties and one single-family home.

After reviewing the Property Assessment card in Natick, it appears that there is inaccurate information regarding our property. The Property Assessment states that the house contains two bedrooms, but it actually contains three. Furthermore, the aerial plot does not include the addition that was built in 2006. This addition expands the property onto the Natick lot, and to date, 75% of the home sits in Natick. (Please see the attached PDFs.)

Over the last year, we have worked establish ourselves as members of the Natick community. We have joined a Natick religious establishment, and our daughter will begin attending day care in Natick. The superintendent has also communicated that our daughter will be able to attend Brown Elementary when she is old enough.

We have also experienced several incidents in which, despite our property outline and paying town taxes to Natick, we encountered challenging barriers while attempting to receive important services. Before our daughter was born, we sought inspection of the car seat from a Certified Child Passenger Safety individual. Unfortunately, the Framingham police department does not offer this service, and the Natick police department was reluctant to help us as the service "is for Natick residents only." In addition, our neighbors at 22 Bishop Street are planning on doing work to their house, which would affect marshland that involves our property. They were supposed to notify their neighbors of the project so that we could attend the town meeting to learn more and express concerns. However, because of our Framingham address, we were not notified. Finally, the Safety Committee feels we would be better served by Framingham, however, when I called 911 after witnessing a pedestrian hit by a motor vehicle on Bishop Street, emergency services were delayed as the operator spent time trying to find out which town to notify.



As I previously mentioned, my daughter has been approved to attend Natick public schools. However, we were unable to register to vote in Natick last month on the important topic of tax increases to rebuild JFK Middle School. This is a topic that affects us directly as taxpayers and as parents. However, I am pleased to note that after working with the Secretary of Commonwealth Elections Division, we will soon be able to vote in Natick in the future.

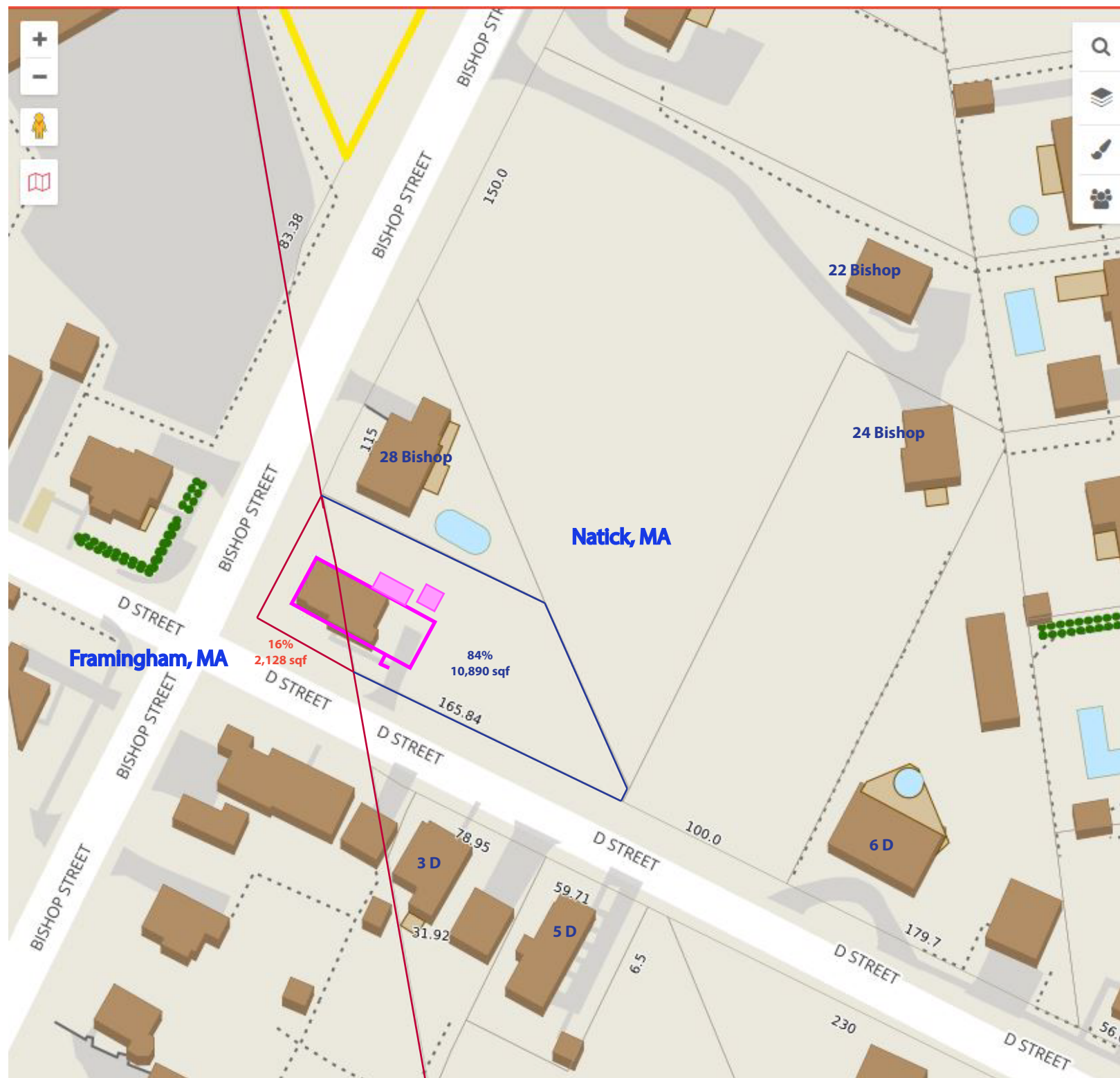
In addition, because our primary residence is listed as Framingham, although 84% of our property resides in Natick, the excise tax on our vehicle goes to Framingham. If granted Natick residency, we could change our driver's licenses and car registration to appropriately pay the excise tax to Natick.

If you have any questions I would appreciate the opportunity to speak to you further on this matter.

Regards,

Daniel C. Green  
860-966-4338  
dcgreen53@gmail.com

# 377 Bishop Street Natick / Framingham



**Prepared by Daniel Green**  
**Aug 2017**

## Town of Natick

## Residential Property Record Card

**FY 2017**

**PARCEL:** 31-0000214B      **STATE CLASS:** 101

**LOCATION:** 377 BISHOP ST

**ASSESSMENT: \$326,800**

## NEIGHBORHOOD: 201

**OWNER NAME 1:** CINTOLO DEBRA A

**OWNER NAME 2:** KATHLEEN M MCCALLION

**OWNER\_NAME\_3:**

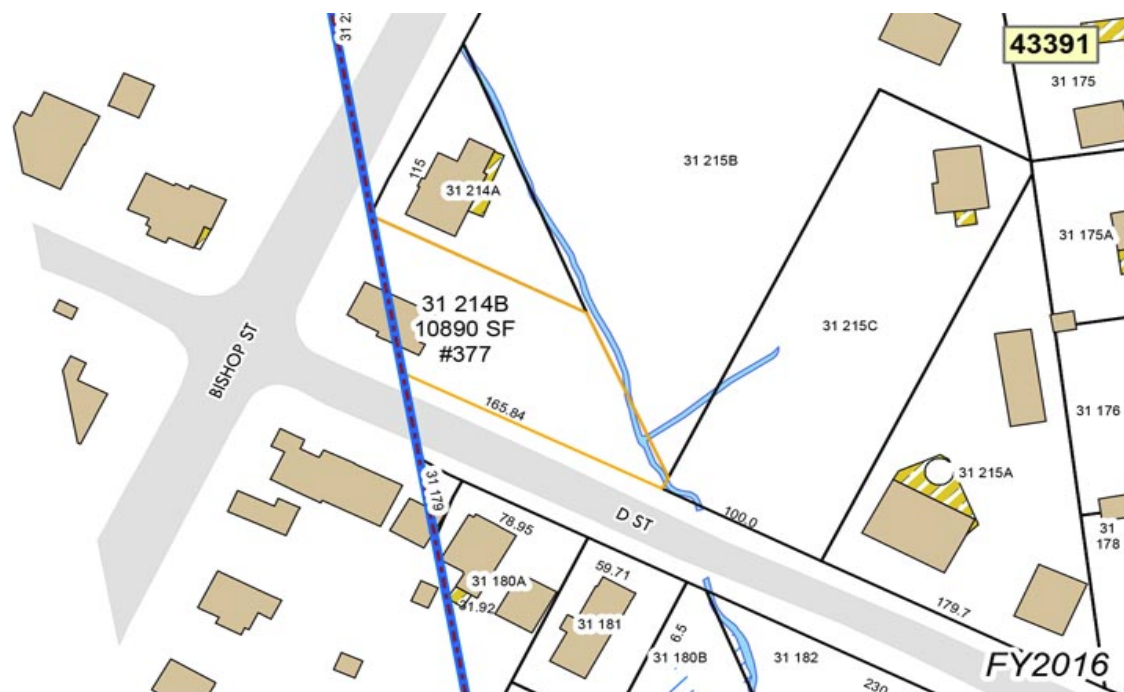
**ZONING:** RSA

**DEED BOOK: 48485**

DEED\_PAGE: 00203

DEED DATE: 20061113

**TOTAL ACRES: 0.25**



**LAND DATA**

<u>TYPE</u>	<u>AREA</u>	<u>INFL FACT 1</u>	<u>INFL FACT 1</u>	<u>%</u>
PRIMARY	10890	REST-NONCONF	SHAPE/SIZE	-35%
	0			0%
	0			0%
	0			0%
	0			0%
	0			0%

### **OUTBUILDINGS AND YARD IMPROVEMENTS**

<u>DESCRIPTION</u>	<u>QTY</u>	<u>SIZE1</u>	<u>SIZE2</u>	<u>COND</u>
SHED-FRAME	1	8	10	A
GARAGE-1S STG	1	24	24	A
	0	0	0	
	0	0	0	
	0	0	0	
	0	0	0	

**BUILDING DESCRIPTION**

STYLE: OLD STYLE STORY\_HEIGHT: 2.0  
 EXTERIOR\_WALLS: ALUM/VINYL COLOR: GRAY  
 BASEMENT: FULL ATTIC: NONE  
 YEAR\_BUILT: 1898 EFFECTIVE\_YR\_BLT: 2006  
 YEAR\_REMODELED: 2008  
 PHYSICAL\_CONDITION: GOOD  
 GRADE: B  
 CONDITION-UTILITY: AV

**HEATING AND AIR CONDITIONING**

FUEL\_TYPE: OIL  
 SYSTEM\_TYPE: HOT WATER A/C: BASIC

**ROOM COUNTS**

TOTAL\_ROOMS: 5  
 BEDROOMS: 2  
 FAMILY\_ROOMS: 0  
 KITCHENS: 1  
 FULL\_BATHS: 2  
 HALF\_BATHS: 0  
 ADDL\_PLUMBING\_FIXTURES: 1  
 TOTAL\_PLUMBING\_FIXTURES: 9

**FIREPLACES**

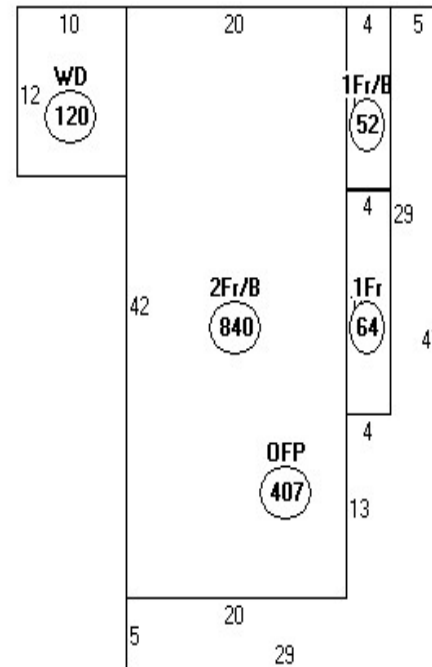
CHIMNEY: 0 OPENINGS: 0  
 METAL\_CHIMNEY: 0 OPENINGS: 0

**TRIM & AMENITIES**

BRICK\_TRIM: 0 X 0 STONE\_TRIM: 0 X 0  
 BASEMENT\_GARAGE: 0  
 CARPORT: 0 CANOPY: 0  
 FGST\_TILE\_PATIO: 0 MS\_STOOP\_TERRACE: 0

**BUILDING SKE**Descriptor/Area

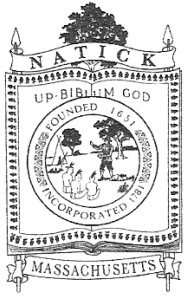
A: 2Fr/B  
840 sqft  
 B: 1Fr/B  
52 sqft  
 C: 1Fr  
64 sqft  
 D: OFP  
407 sqft  
 E: WD  
120 sqft

**AREAS (SQUARE FEET)**

TOTAL GFLA: 956 TOTAL TLA: 1796  
 BASE GFLA: 840 BASE TLA: 1796  
 BSMT\_REC\_ROOM: 0 X 0 FIN\_BSMT: 0 X 0  
 UNFINISHED\_ATTIC: 0 FINISHED\_ATTIC: 0  
 WOOD DECK FIRST FLOOR: 120 UPPER FLOORS: 0

**DESCRIPTION****FRAME AREA****MASONRY AREA**

FIRST FLOOR AREA:	956	0
UPPER FLOOR AREA:	840	0
HALF STORY AREA:	0	0
UTILITY AREA:	0	0
FIRST FLOOR BAY OR OVERHANG:	0	0
UPPER FLOOR BAY OR OVERHANG:	0	0
ATTACHED GARAGE:	0	0
ENCL PORCH FIRST FLOOR:	0	0
ENCL PORCH UPPER FLOORS:	0	0
OPEN PORCH FIRST FLOOR:	407	0
OPEN PORCH UPPER FLOORS:	0	0



# Town of Natick

## Minutes

---

**Board or Committee:** SAFETY COMMITTEE

**Meeting Date:** Tuesday, May 30, 2017

**Meeting Location:** Community Room, Natick Police Department

**Members and Staff Present:** Chief Hicks, Jaime Errickson, Alan Grady, Peter Gray, Tom Hladick, Lt. Lauzon, Joe Weisse, Chief White, Jim Kane, Jeremy Marsette, John DiGiacomo, Patricia Paine

**Members not Present:** David Gusmini, Bob Ward

**The meeting was called to order at:** 10:06

Minutes from the March 28, 2017 were reviewed and approved.

### **Meeting Motions/Actions and Summary of Discussions:**

#### **OLD BUSINESS:**

**Main Street Improvements** – TABLE James Errickson Director Community and Economic Development updates Committee on Main Street Improvements. Long term solution relies on parking structure but would like go ahead with temporary pavement bump outs. DPW will need an engineering plan on where to put bump out once received they will go ahead with improvements, DPW to address drainage. MUTCD has approved center roadway pedestrian crossing sign. DPW to purchase 3 and put at following locations: Main Street and Summer Street

Main Street at Middlesex Avenue

Main Street at South Avenue

#### **Street Light Requests**

Superior Drive Committee VOTED to TAKE NO ACTION, at this time no safety issues.

#### **NEW BUSINESS:**

**Request address change from 377 Bishop Street Framingham to 377 Bishop Street Natick. Taxes paid to both municipalities 75% taxes to Town of Natick 25% to City of Framingham.** Committee VOTED to TAKE NO ACTION, not a Safety issue.

**Request Address Change of both 72 and 72A Oakland Street Extension.** Committee VOTED to recommend to Board of Selectmen to hold a Public Hearing to change the permanent addresses for both 72 and 72A Oakland Street Extension.

72A Oakland Street Extension to 72 Oakland Street Extension,

72 Oakland Street Extension to 74 Oakland Extension Street.

**DPW Director Jeremy Marsette Proposal to change current 12 foot wide travel lanes on Pond Street** Committee VOTED to accept traffic calming measure, Natick Police to monitor parking, DPW to go forward with work prior to July 1. Chief Hicks to advise Board of Selectmen. Joe Weiss to notify Traffic Advisory Group.

**Request to add Pedestrian Crossing Electronic lights at existing Pedestrian Crossing signed crosswalk on Hartford Street at Lamplight Circle** TABLE Natick Police Department will reach out to neighbors for voluntary compliance to relocate recycle bin and trash bags in order to clear sidewalk making room for students to ride bicycles to Brown School.

**Request to add Pedestrian Crossing Electronic lights at existing Pedestrian Crossing signed Crosswalk on West Street at Mahan Field** Committee VOTED to recommend to Board of Selectmen to approve removing one parking space length on both sides of crosswalk on West Street at Mahan Field. DPW will block parking spaces with barrels temporarily until Board of Selectmen vote on recommendation. "No Parking", "No Stopping" signs to be erected. Natick Public Schools Athletic Director to be notified to advise visiting teams buses to load and unload in adjacent parking lot.

**DPW Director Jeremy Marsette to address Committee on Municipal Modernization Act new speed limit rules/practices.**

**Request to Post 20 MPH speed limit signs on Pegan Lane** TABLE pending Joe Weiss to have discussions with Traffic Advisory as well as data from speed study.

**DPW Director Jeremy Marsette to present Preliminary Analysis of possible roadway crosssections for South Main Street, Roadway Reconstruction Update of South Main Street** DPW Director Jeremy Marsette addressed committee, town meeting has appropriated funds for road improvements for South Main Street 11'4" travel lane with curbing Cottage to West Street will have sidewalks on both sides West Street to Town line will have 11'4" travel lane due to wetlands no sidewalks. No Action necessary of Safety Committee.

**Resident Request to make Palmer Avenue a one-way Street** TABLE pending sidewalk Comprehensive Study

**Minutes submitted by:** Marylee Watkins

**Meeting adjourned at:** 12:05 PM

**Next Meeting Date:** Tuesday, June 27th

## Bishop Street

Daniel Greene of 377 Bishop Street Framingham taxes paid both to Natick and Framingham. Front door sits on Bishop Street back door faces Natick. House 50% Natick 50% Framingham majority of property is in Natick.

House is sequentially numbered for Framingham and has Framingham 911. Chief White felt by changing address we are creating more of a safety hazard. Public Safety facilities in Framingham are just down the street from property, Natick Public Safety would respond from West Natick Fire Department which is much further away, would require a longer response time from Natick.

Committee Take no action this is not a safety issue – potentially creating a safety issue by approving request.



---

**ITEM TITLE:** Director of Public Works: Unaccepted\_Private Roadways & Street Acceptance Update

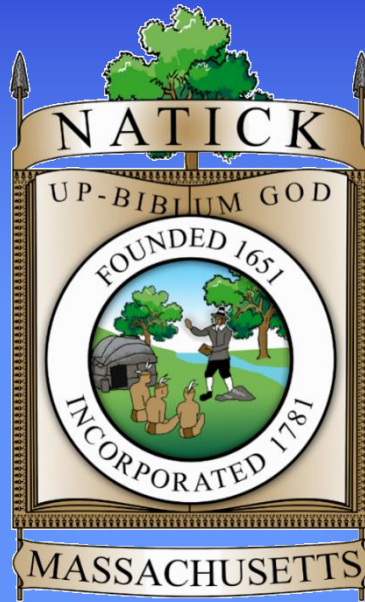
**ITEM SUMMARY:**

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
PowerPoint Presentation	12/9/2018	Cover Memo
2016 Street Listing	7/17/2018	Cover Memo
Acts of 2016 Ch 271	7/17/2018	Cover Memo
Bourne Memo	7/17/2018	Cover Memo
Canton BOS Policy	7/17/2018	Cover Memo
Dedham Bylaws Art 33	7/17/2018	Cover Memo
Mass Practice Highways & Streets	7/17/2018	Cover Memo
MCLE Streets & Ways	7/17/2018	Cover Memo
MGL Ch 40 Sec 6C	7/17/2018	Cover Memo
MGL Ch 82 Sec 17	7/17/2018	Cover Memo
MGL Ch 84 Sec 12	7/17/2018	Cover Memo
Middleton BOS Policy	7/17/2018	Cover Memo
Natick Bylaws Art 70	7/17/2018	Cover Memo
Needham BOS Policy	7/17/2018	Cover Memo
Needham Bylaws	7/17/2018	Cover Memo
Wellesley BOS Policy	7/17/2018	Cover Memo
Wellesley Bylaws Art 29	7/17/2018	Cover Memo
Wellesley Petition to Repair Private Way	7/17/2018	Cover Memo
Westford BOS Policy	7/17/2018	Cover Memo
Westford Bylaws Appendix 5	7/17/2018	Cover Memo
Westford Report	7/17/2018	Cover Memo

# **Town of Natick Department of Public Works**



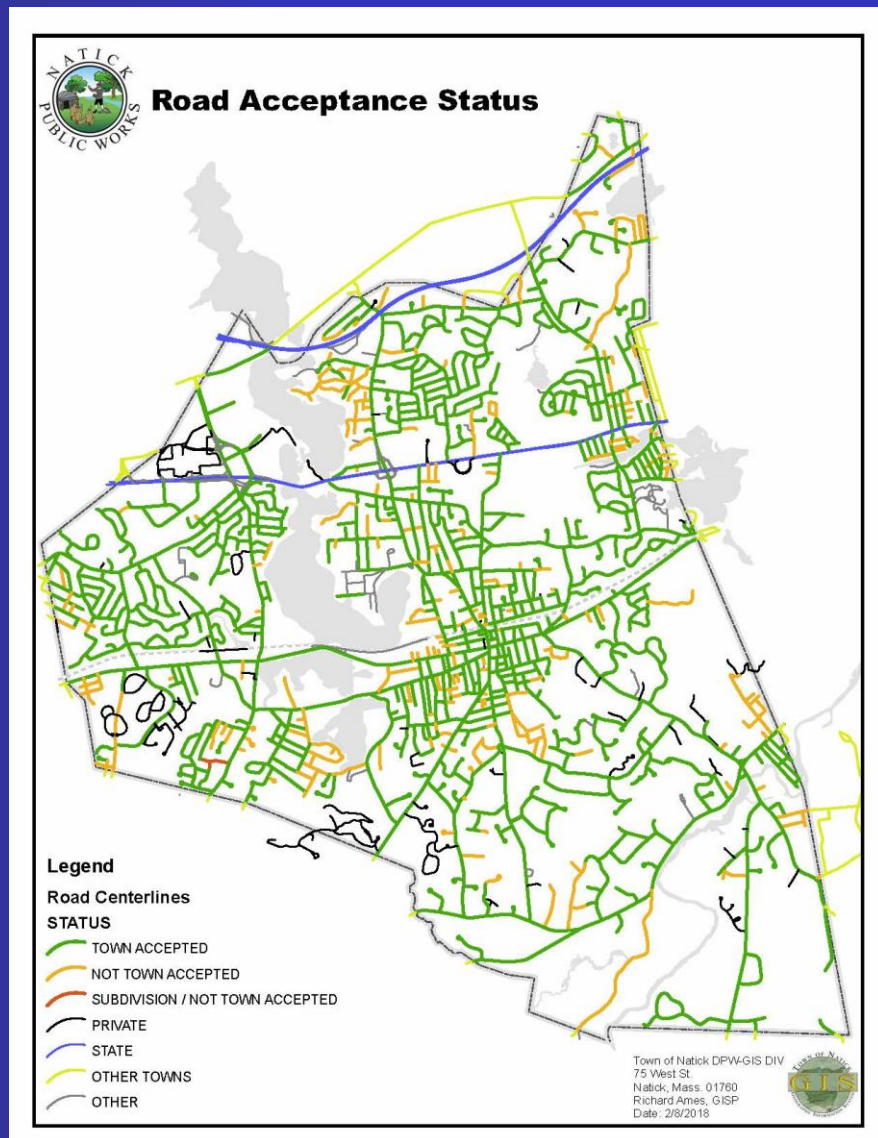
## **Unaccepted/Private Roadways and Street Acceptance**

### **Overview**

**June 19, 2018**



# Roadway Profile



Type	Miles
Town – Accepted	128.07
Town - Unaccepted	25.98*
<b>Total</b>	<b>154.05</b>

- \* Unaccepted Amount includes:
- 24.89 miles Paved Roads
  - 1.09 miles Gravel Roads



Available at Town Clerk

# Engineering Division Webpage

<http://natickma.gov/259/Engineering-Division>

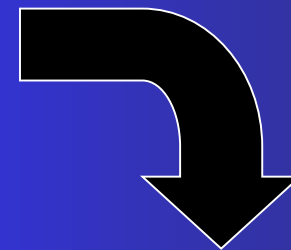
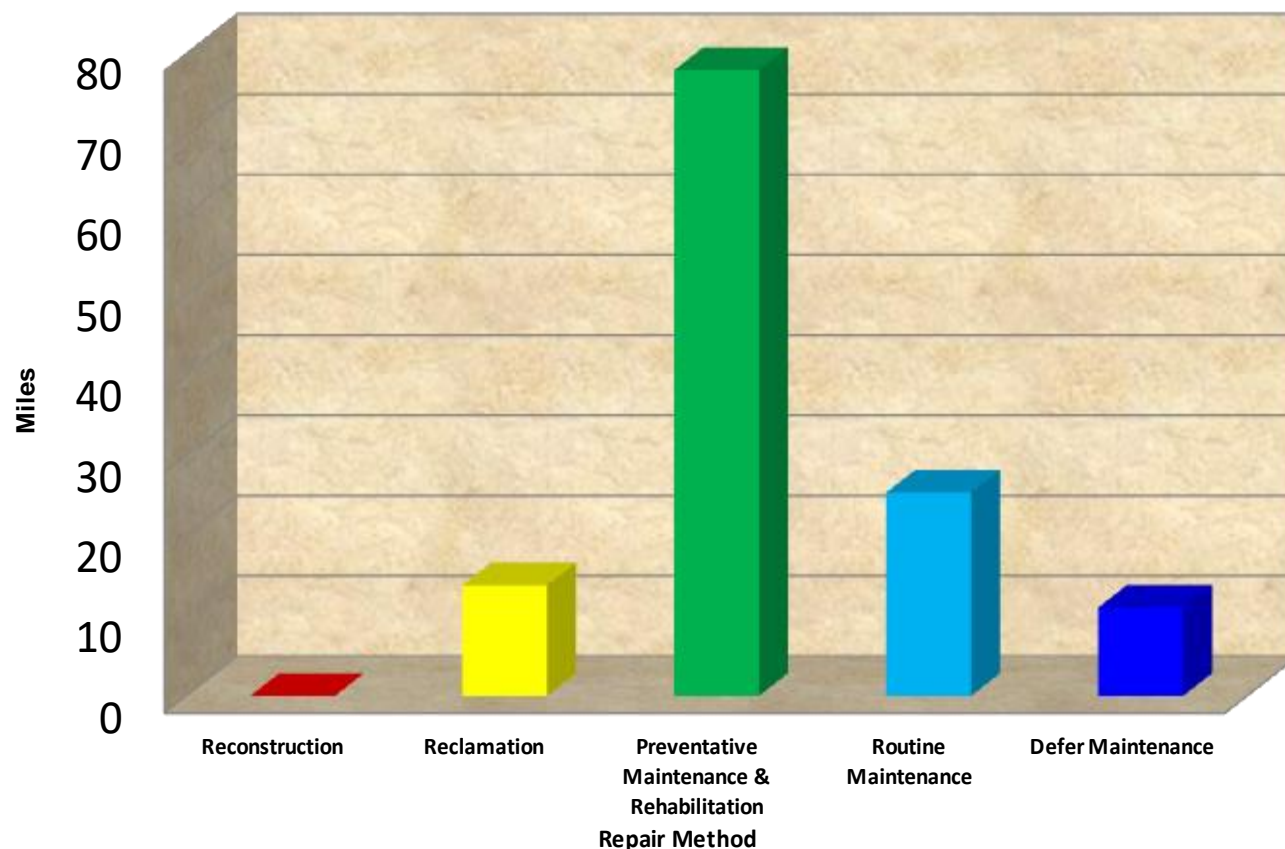




# Pavement Management Program

## Existing Conditions Summary

### General Rating by Mile (Town Accepted Roadways)



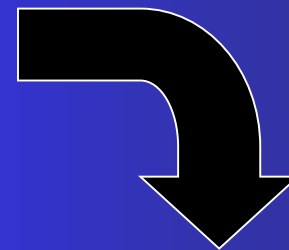
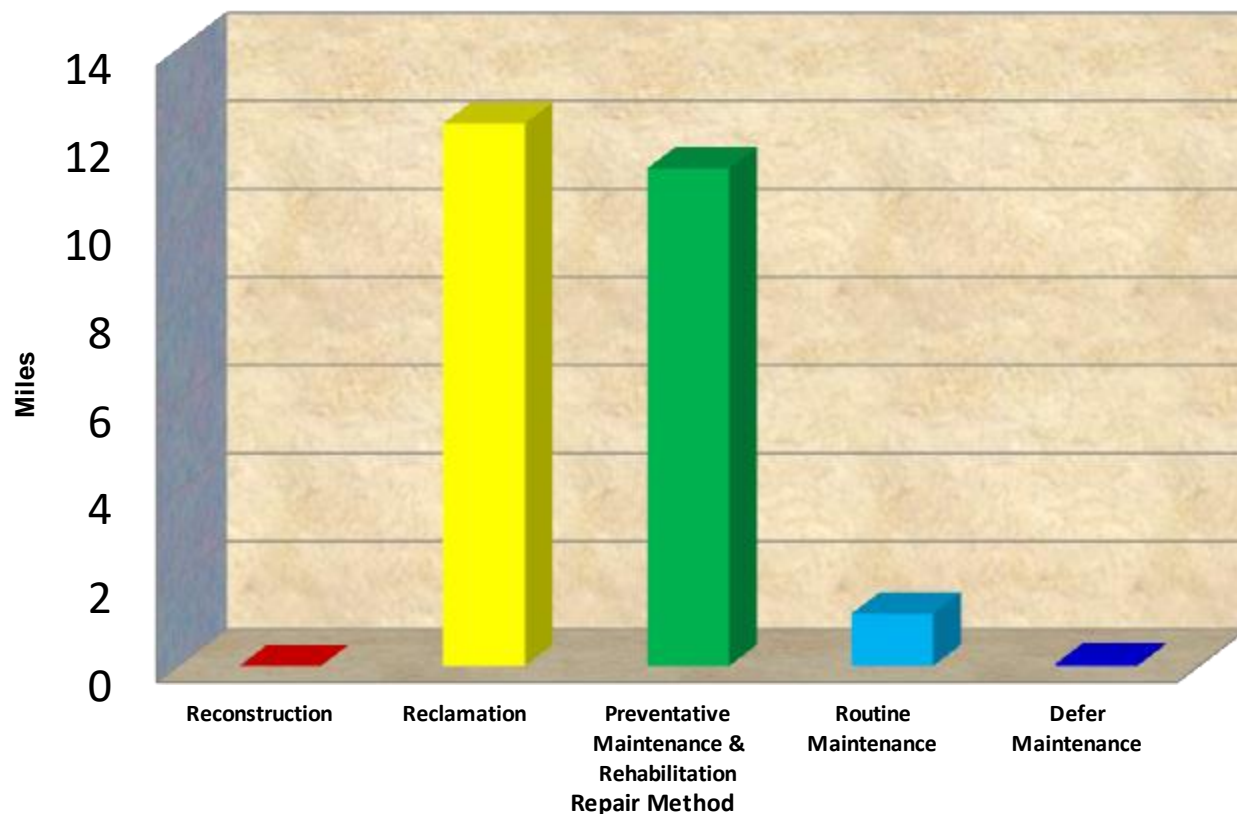
**Approx. 128.07**  
**Road Miles**  
**RSR = 76.45**  
**Backlog =**  
**\$33 Million**



# Pavement Management Program

## Existing Conditions Summary

### General Rating by Mile (Unaccepted Roadways)



Approx. 24.89  
Road Miles  
RSR = 63.37  
Backlog =  
\$8.9 Million

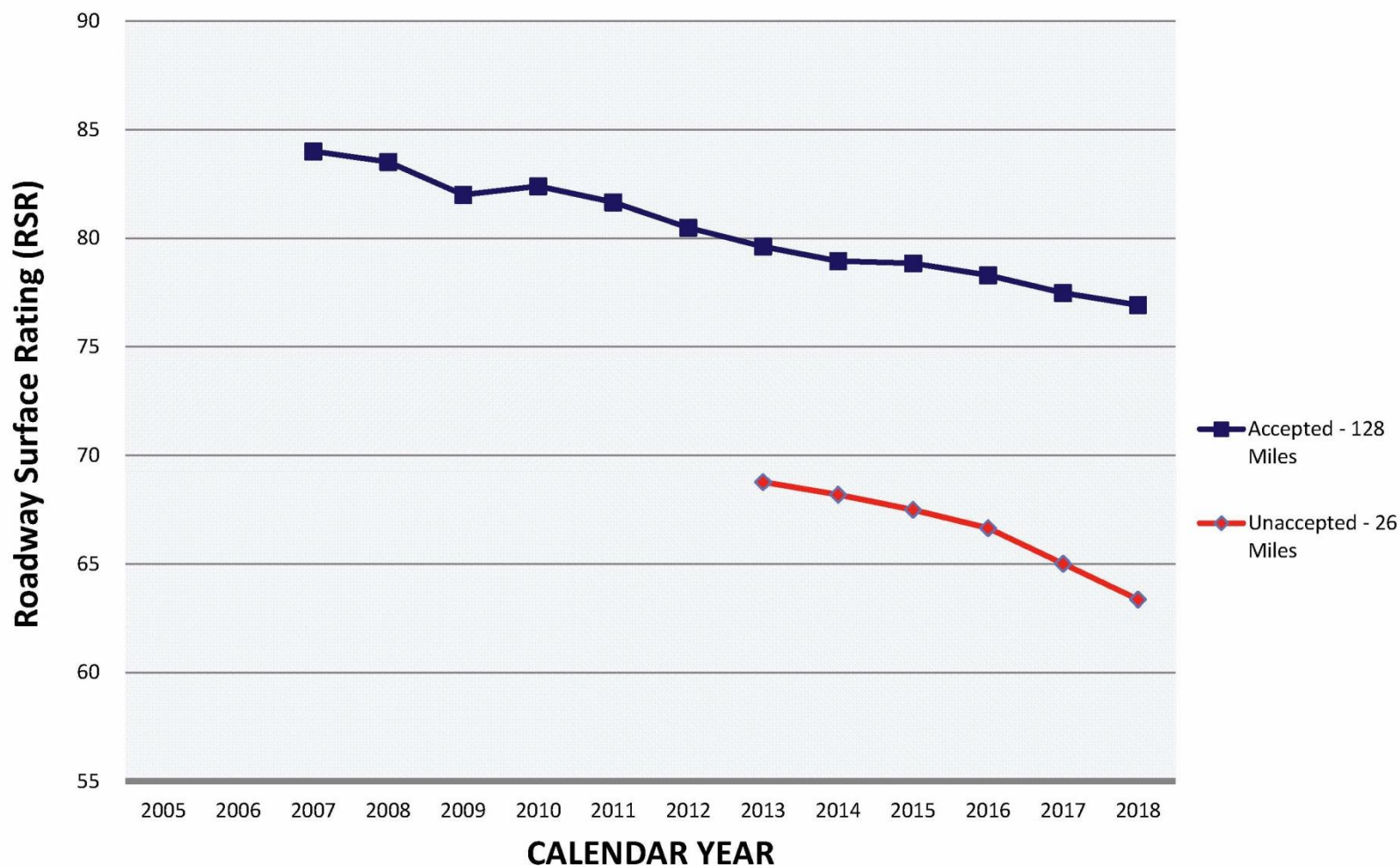




# Pavement Management Program

## Historical Condition

ROADWAY CONDITION TREND







# Private Way = Unaccepted

“If a road has never been dedicated and accepted, laid out by a public authority, or established by prescription, such a road is private.”

*W.D. Cows, Inc. v. Woicekoski, 7 Mass. App. Ct. at 19, 385 N.E.2d at 522*

“A Way is not public unless it has become such in one of three ways (1) a laying out by public authority in a manner prescribed by statute; (2) prescription; or (3) prior to 1846, a dedication by the owner coupled with acceptance by the public”

*Fenn v. Town of Middleborough, 7 Mass. App. Ct. 80, 83-84, N.E. 2d 740, 742-743*



# Case Law

- The burden of proof as to whether a way is public or private can no longer be met, as it was in 1915, by a “presumption” that all necessary public actions were accomplished
- The burden of proof as to the status of the way as public or private is on he or she who claims it is public
- The proponent that a way is public must prove it “conclusively”

*MCLE Chapter 23 Streets and Ways, 2008*



# Public Street Acceptance Process

## MGL c. 82 Sections 17 through 32

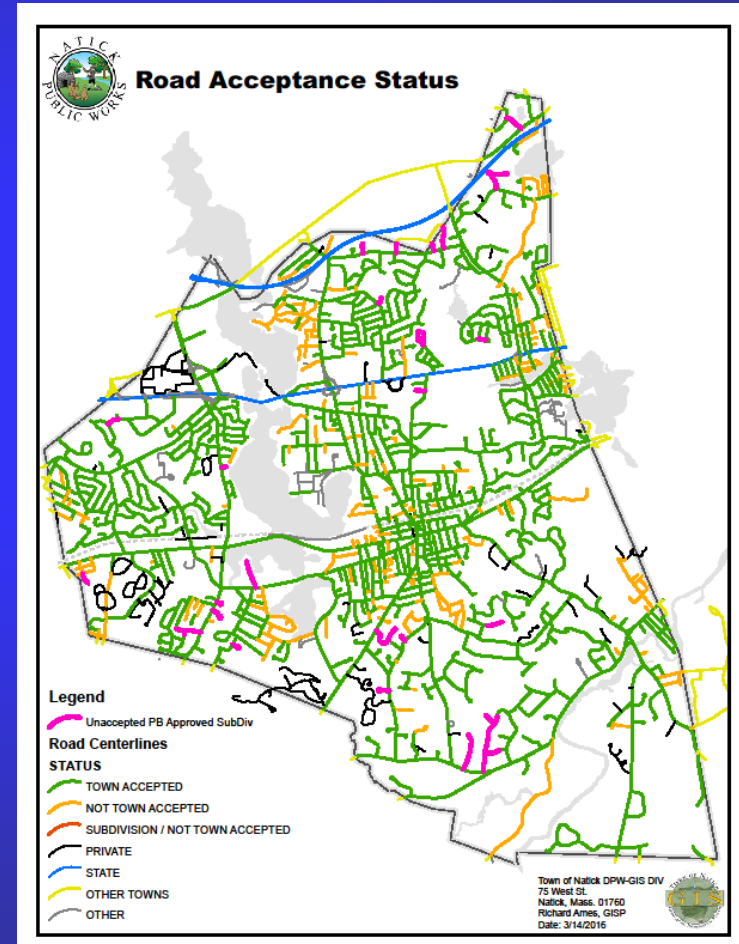
- Petition received by Town requesting Selectmen lay out a way as a public way. Board then vote that they “intend” to lay out way.
- Referral to Planning Board for a report. Planning Board has 45 days to make report.
- Roadway Layout Plans and Layout Document prepared.
- All land encompassed by proposed roadway layout must be deeded by fee interest or permanent easement to the Town of Natick. This may be accomplished by gift, purchase, or eminent domain taking.
- Town Meeting votes to accept the road as laid out by the Selectmen as a public way. Town Meeting authorizes Selectmen accept interest in land via gift, purchase, or taking. All interest in land must be formalized and deeded to the Town within 120 days after Town Meeting vote.
- If acquisition is via taking, then eminent domain process must be followed.
- After affirmative Town Meeting vote, the Roadway Layout Plan and Documents are endorsed by the Selectmen and recorded at the County Registry within a time set by statute.



# Simplified Street Acceptance Process

## Chapter 271 of the Acts of 2016

- Enabled by special legislation of the General Court Acts of 2016
- “Streamlined” the procedures for the public acceptance of subdivision streets
- Reduced requirements for deed research and street acceptance plan preparation
- Approximately 12% of unaccepted roadways (20 separate streets) may be accepted using the “Simplified Acceptance Process”





# Private Way Maintenance

## *MGL Chapter 84 Section 23*

“A way opened and dedicated to public use, which has not become a public way, shall not ... be chargeable upon a town has a highway or town way unless laid out and established in the manner prescribed by statute”

## *MGL Chapter 84 Section 12*

Private ways are maintained at the expense of abutters



# Removal of Ice and Snow from Private Ways

## *MGL Chapter 40 Section 6C*

“A city or town which accepts this section in the manner provided in section six D may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council or selectmen; provided, that, for the purposes of section twenty-five of chapter eighty-four, the removal of snow or ice from such a way shall not constitute a repair of a way.”

Adopted by Natick Town Meeting 1952



# Private Ways; Temporary Repairs

## *MGL Chapter 40 Section 6N*

“Cities and towns may by ordinance or by-law provide for making temporary repairs on private ways. Such ordinance or by-law shall determine (a) the type and extent of repairs; (b) if drainage shall be included; (c) if the repairs are required by public necessity; (d) the number of percentage of abutters who must petition for such repairs; (e) if betterment charges shall be assessed; (f) the liability limit of the city or town on account of damages caused by such repairs; (g) if the ways shall have been opened to public use for a term of years; and (h) if a cash deposit shall be required for said repairs.”





# Current Practice in Natick

- Town provides snow plowing on unaccepted ways
- Town provides curbside sanitation collections on unaccepted ways
- Town repairs pot holes and winter plow damage on unaccepted ways
- Unaccepted ways not included in town roadway repair or improvement plan
- Town Bylaw Article 70 Section 6 - Betterments



# Examples from other Communities

## Needham

- Accepted MGL Chap 40 Sections 6c and 6n
- Town Bylaw Article 2.2.5.1.2 Acceptance of New Streets
- Town Bylaw Article 2.2.5.6 Private Ways
  - Board of Selectmen Policy BOS-DPW-008 Private Ways
  - Snow and Ice Removal
  - Temporary Repairs – abutters pay expense

## Wellesley

- Accepted MGL Chap 40 Sections 6c and 6n
- Town Bylaw Article 29.10 Temporary Minor Repairs to Private Ways
  - Formal Petition to Board of Public Works Required
  - \$20,000 annual operating budget appropriation
- Board of Selectmen Street Acceptance Policy



# Examples from other Communities

## Dedham

- Town Bylaw Section 250-7 Temporary Repairs to Private Ways
- Town Bylaw Section 250-8 Laying out and Improvements of Private Ways
- Private Ways Road Acceptance Policy and Procedures

## Westford

- Unaccepted Roads Committee Report
- Selectmen Street Improvement/Betterment Policy
- Temporary Repairs to Private Way Bylaw
- Street Acceptance/Improvement Flow Chart and Reference Document
- Posting “Private Way” Signs

## Middleton, Canton

- Board of Selectmen Street Acceptance Policy and Procedure



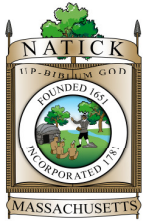
# What Next?

- **Adopt MGL Chapter 40 Section 6N – Temporary Repairs to Private Ways**
- **Adopt Town Bylaw for Maintenance of Unaccepted Roadways**
  - Needham, Westford, Dedham, Wellesley
- **Create Board of Selectmen Policy for Maintenance of Unaccepted Roadways**
  - Needham, Westford, Wellesley
- **Adopt Town Bylaw for Street Acceptance**
  - Needham, Dedham
- **Create Board of Selectmen Policy for Street Acceptance**
  - Canton, Middleton



# Reference Documents

- Cost Study of Unaccepted Ways – Engineering Division Webpage
- Massachusetts Continuing Legal Education (MCLE), Chapter 23 Streets and Ways, 2008
- Massachusetts Practice Series, Chapter 23.5 Public and Private Ways – Generally, Westlaw 2010
- Municipal Services on Private Ways Town of Bourne, Robert Troy ESQ, 2002



**TOWN OF NATICK  
MASSACHUSETTS**

**STREET LISTING 2016**

*Last Updated 12/31/15*

STREET NAME	STATUS	FROM....	TO	DATES ACCEPTED IN FULL	DATES ACCEPTED PORTIONS	ASSESSOR MAP	STATE RID#
ABBOTT ROAD	PUBLIC/TOWN ACCEPTED	OAK STREET	LONGFELLOW ROAD	1942 ATM 20		15	96
ADAMS STREET	PUBLIC/TOWN ACCEPTED	SOUTH AVENUE	COURT STREET	1874 ATM 4		44	708
ALDEN STREET	NOT TOWN ACCEPTED	WINTER STREET	DEAD END			4	79
ALGER STREET	NOT TOWN ACCEPTED	LEACH LANE	GILMORE AVE			54	521
ALGONQUIAN DRIVE	PUBLIC/TOWN ACCEPTED	UNION STREET	ALGONQUIAN DRIVE	2001 ATM 28		45	0
ALLEN COURT	NOT TOWN ACCEPTED	WALNUT STREET	DEAD END			43	184
ALLEN STREET	PUBLIC/TOWN ACCEPTED	MORSE STREET	SCHOOL STREET	1955 ATM 24		44	441
AMBLER COURT	NOT TOWN ACCEPTED	SOUTH MAIN STREET	DEAD END			51	467
ANDREW CIRCLE	PUBLIC/TOWN ACCEPTED	OAK HILL	DEAD END	1992 ATM 39		4	693
APPLE RIDGE DRIVE	PUBLIC/TOWN ACCEPTED	GLEN STREET	GLEN STREET	1993 ATM 25		78	649
APPLETON ROAD	PUBLIC/TOWN ACCEPTED	WETHERSFIELD ROAD	EMERSON STREET	1954 ATM 25		13	39
APPLETREE LANE	PUBLIC/TOWN ACCEPTED	EAST EVERGREEN	DEAD END	1987 ATM 43		12	697
AQUEDUCT ROAD	PUBLIC/TOWN ACCEPTED	RIVERBEND ROAD	ELIOT HILL ROAD		1970 ATM 39    1978 ATM 18	68	529
ARBOR CIRCLE	PUBLIC/TOWN ACCEPTED	OAK & BACON STREET	END	1993 ATM 25		37	707
ARCADIA ROAD	NOT TOWN ACCEPTED	LOKER STREET	DEAD END			26	203
ARCHER DRIVE	PUBLIC/TOWN ACCEPTED	ROBINHOOD ROAD	DEAD END	1952 ATM 27		25	276
ARLINGTON CIRCLE	PUBLIC/TOWN ACCEPTED	ARLINGTON ROAD	ARLINGTON ROAD	1952 ATM 27		20	109
ARLINGTON ROAD	PUBLIC/TOWN ACCEPTED	HARWOOD ROAD	HARWOOD ROAD	1952 ATM 27		14	107
ARROW PATH	PUBLIC/TOWN ACCEPTED	UNION STREET	NOKOMIS WAY	2002 STM29		53	659
ARTHUR STREET	PUBLIC/TOWN ACCEPTED	BEACON STREET	EASTERLY 380' +/-		1954 ATM 39	27	173
ARTHUR STREET	NOT TOWN ACCEPTED	FROM ACCEPTED	EASTERLY 290' +/-			27	0
ASH STREET	NOT TOWN ACCEPTED	EVERGREEN ROAD	CYPRESS ROAD			12	50
ATHERTON STREET	NOT TOWN ACCEPTED	PITTS STREET	EASTERLY 360' +/-			51	0

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>			<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
ATHERTON STREET	PUBLIC/TOWN ACCEPTED	HIGH STREET	PITTS STREET		1906 ATM 11			51	412
AUBURN STREET	PUBLIC/TOWN ACCEPTED	ELIOT STREET	S.E. 436'	1869 ATM 28				54	513
AUSTIN WAY	PUBLIC/TOWN ACCEPTED	BACON STREET	DEAD END	2002 STM29				28	0
AUTUMN LANE	PUBLIC/TOWN ACCEPTED	PHEASANT HOLLOW ROAD	PHEASANT HOLLOW ROAD	1997 ATM 31				48	0
AVON LANE	PUBLIC/TOWN ACCEPTED	SHERWOOD ROAD	SPEEN STREET		1950 ATM 18	1958 ATM 22		25	265
AVON STREET	PUBLIC/TOWN ACCEPTED	MORSE STREET	SHERIDAN STREET		1876 ATM 35	1878 ATM 18	1923 ATM 36	44	459
AZALEA CIRCLE	PRIVATE	UNION STREET	DEAD END					53	0
BACON STREET	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	WELLESLEY TOWN LINE		1880 ATM 36	1909 ATM 43	1954 ATM 27	26	156
BADGER AVENUE	PUBLIC/TOWN ACCEPTED	ELIOT STREET	DEAD END	1896 ATM 32				63	509
BAILEY HILL ROAD	PRIVATE	BADGER AVENUE	DEAD END					63	0
BARCHESTEAD PLACE	NOT TOWN ACCEPTED	LAKEVIEW AVENUE	FAIRVIEW AVENUE					50	0
BARNESDALE ROAD	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	HARTFORD STREET	1950 ATM 18				24	258
BASS ROAD	NOT TOWN ACCEPTED	GANNETT ROAD	DEAD END					21	638
BASS TERRACE	NOT TOWN ACCEPTED	BASS ROAD	COOPER ROAD					21	134
BAY STATE ROAD	PUBLIC/TOWN ACCEPTED	BACON STREET	DEAD END		1950 ATM 18	1952 ATM 27		28	163
BAYBERRY ROAD	PUBLIC/TOWN ACCEPTED	CYPRESS ROAD	DEAD END	1993 ATM 2				12	698
BEACON STREET	PUBLIC/TOWN ACCEPTED	GROVE STREET	BACON STREET		1927 ATM 25	1952 ATM 27	1880 ATM 36	27	172
BEACONSFIELD DRIVE	PUBLIC/TOWN ACCEPTED	CHARLES STREET	BEACON STREET	1952 ATM 27				27	180
BEAR HILL ROAD	PUBLIC/TOWN ACCEPTED	SOUTH MAIN STREET	DEAD END		2001 ATM 29			60	0
BEAVER DAM ROAD	PUBLIC/TOWN ACCEPTED	MILL STREET	END	1952 ATM 27				32	319
BEE STREET	PUBLIC/TOWN ACCEPTED	SCHOOL STREET	CHURCH STREET	1878 ATM 18				44	439
BELLEVUE ROAD	NOT TOWN ACCEPTED	WASHINGTON AVENUE	END					43	373
BELMORE ROAD	PUBLIC/TOWN ACCEPTED	SPEEN STREET	END	1960 ATM 28				41	284
BELVIDERE STREET	PUBLIC/TOWN ACCEPTED	WALNUT STREET	BACON STREET	1902 ATM 18				35	168
BENNETT STREET	NOT TOWN ACCEPTED	SOUTH MAIN STREET	HIGH STREET EXT.					51	0
BENNETT STREET	PUBLIC/TOWN ACCEPTED	CURVE STREET	HIGH STREET EXT.		1952 ATM 27			51	414
BERKELEY ROAD	PRIVATE	MORNINGSIDE AVENUE	DEAD END	PAPER				62	0
BEVERLY ROAD	PUBLIC/TOWN ACCEPTED	WELLS STREET	HARWOOD ROAD		1942 ATM 23	1952 ATM 27		14	97
BIGELOW AVENUE	NOT TOWN ACCEPTED	NORTH MAIN STREET	DEAD END					35	187



STREET NAME	STATUS	FROM....	TO	DATES ACCEPTED IN FULL	DATES ACCEPTED PORTIONS	ASSESSOR MAP	STATE RID#
BIRCH ROAD	NOT TOWN ACCEPTED	EVERGREEN ROAD	CYPRESS ROAD			12	0
BIRCH ROAD	PUBLIC/TOWN ACCEPTED	N. MAIN ST WESTERLY 280' +/- &	EVERGREEN RD SOUTHERLY 510' +/-		1956 ATM 26      1968 ATM 29	12	44
BISHOP STREET	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	FRAMINGHAM TOWN LINE	COUNTY LAYOUT		31	327
BLOSSOM CIRCLE	PUBLIC/TOWN ACCEPTED	RUTLEDGE ROAD	DEAD END	1999 FATM31		18	0
BLUEBERRY HILL ROAD	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	DEAD END	1955 ATM 29		31	333
BLUESTONE WAY	PUBLIC/TOWN ACCEPTED	COBBLESTONE DRIVE	END	1993 ATM 2		67	674
BODEN LANE	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	WEST CENTRAL STREET	1772 ATM 5		31	307
BOLSER AVENUE	PUBLIC/TOWN ACCEPTED	FISKE STREET	END	1950 ATM 15		49	382
BORDER ROAD	PUBLIC/TOWN ACCEPTED	OAK STREET	WELLESLEY TOWN LINE	1929 ATM 24		29	145
BRADFORD ROAD	PUBLIC/TOWN ACCEPTED	IRVING ROAD	END	1957 ATM 33		13	13
BRAEMORE ROAD	PUBLIC/TOWN ACCEPTED	BODEN LANE	RANGER ROAD	1952 ATM 27		40	306
BRIAR LANE	PUBLIC/TOWN ACCEPTED	WINTER STREET	DEAD END	1993 STM 3		4	692
BRIGHAM COURT	NOT TOWN ACCEPTED	EAST CENTRAL STREET	DEAD END			45	489
BROADS AVENUE	PUBLIC/TOWN ACCEPTED	UNION STREET	DEAD END	1870 STM 4		54	505
BROOK HOLLOW ROAD	PRIVATE	BROOK STREET	DEAD END			54	654
BROOK STREET	PUBLIC/TOWN ACCEPTED	UNION STREET	DEAD END	1903 ATM 7		54	503
BROOKDALE ROAD	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	MILLBROOK ROAD	1955 ATM 29		31	311
BROWNING ROAD	NOT TOWN ACCEPTED	WHITTIER ROAD	DEAD END			21	120
BUCKINGHAM ROAD	PUBLIC/TOWN ACCEPTED	SURREY LANE	DEAD END	1950 ATM 18		32	264
BUCKSKIN LANE	PUBLIC/TOWN ACCEPTED	CLEARVIEW DRIVE	DEAD END	1996 ATM 20		52	665
BUENA VISTA ROAD	NOT TOWN ACCEPTED	GROVE ROAD	WELLESLEY TOWN LINE			21	149
BUNKER LANE	PUBLIC/TOWN ACCEPTED	SYLVESTER ROAD	SHERBORN TOWN LINE		1954 ATM28      1999 FATM31	58	387
BURNING TREE ROAD	PUBLIC/TOWN ACCEPTED	BODEN LANE	MILL STREET	1979 ATM 29		40	237
BURNING TREE TERRACE	PRIVATE	BURNING TREE ROAD	DEAD END			40	646
BYRON ROAD	NOT TOWN ACCEPTED	END OF ORCHARD ROAD	EASTERLY 350' +/-			21	0
BYRON ROAD	PUBLIC/TOWN ACCEPTED	WORCESTER ROAD	NORTHERLY 680' +/-		1931 ATM 20	21	122
CABOT STREET	NOT TOWN ACCEPTED	ALDEN STREET	OAK HILL ROAD			4	84
CAMP STREET	PRIVATE	PRESCOTT AVENUE	MARSHALL AVENUE	PAPER		48	0
CAMPUS DRIVE	PUBLIC/TOWN ACCEPTED	WEST STREET	POND STREET	1995 ATM 17		50	399

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
CAPE STREET	PUBLIC/TOWN ACCEPTED	WATER STREET	LINCOLN STREET	1867 STM 3	1993 ATM 25      1967 ATM 48	64	526
CARLISLE TERRACE	NOT TOWN ACCEPTED	WALNUT STREET	DEAD END			28	240
CARLSON CIRCLE	PUBLIC/TOWN ACCEPTED	SYLVESTER ROAD	CARLSON CIRCLE			58	709
CARSHA DRIVE	PUBLIC/TOWN ACCEPTED	ROCKLAND STREET	DEAD END	1987 AMT 43		66	647
CARTER DRIVE	PUBLIC/TOWN ACCEPTED	BACON STREET	DEAD END	2003 FATM 15		37	0
CARVER HILL STREET	NOT TOWN ACCEPTED	ELIOT STREET	DEAD END			63	510
CASWELL STREET	NOT TOWN ACCEPTED	ELIOT STREET	DEAD END			55	516
CECIL ROAD	NOT TOWN ACCEPTED	TRAVIS ROAD	NORTHERLY 110' +/-			24	0
CECIL ROAD	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	TRAVIS ROAD			24	255
CEDAR AVENUE	PUBLIC/TOWN ACCEPTED	CURVE STREET 272'	SOUTHERLY	1909 ATM 43		51	415
CEDAR STREET	NOT TOWN ACCEPTED	FRONT STREET	DEAD END			54	0
CEDAR TERRACE	PRIVATE	CEDAR AVENUE	DEAD END			60	0
CEMETERY STREET	NOT TOWN ACCEPTED	WEST CENTRAL STREET	POND STREET			42	351
CENTRE STREET	PUBLIC/TOWN ACCEPTED	ROUTE 9	MANOR AVENUE		1953 ATM 18	20	65
CENTRE STREET	NOT TOWN ACCEPTED	ACCEPTED PORTION 1130' +/-	ACCEPTED PORTION			20	0
CHALCOM CIRCLE	PUBLIC/TOWN ACCEPTED	ELIOT HILL ROAD	DEAD END	2002 STM29		68	0
CHARLES STREET	NOT TOWN ACCEPTED	GROVE STREET	NORTHERLY 285' +/-			35	0
CHARLES STREET	PUBLIC/TOWN ACCEPTED	GROVE STREET	NORTH MAIN STREET		1874 ATM25	35	178
CHARLES STREET	PUBLIC/TOWN ACCEPTED	BACON STREET	SOUTHERLY 2130' +/-		1952 ATM 27	27	178
CHERYL ROAD	PUBLIC/TOWN ACCEPTED	SPEEN STREET	DEAD END	1957 ATM 33		25	266
CHESTER STREET	PUBLIC/TOWN ACCEPTED	MORSE STREET	EASTERLY 438' +/-		1899 ATM 13	44	460
CHESTER STREET	NOT TOWN ACCEPTED	SHERIDAN STREET	WESTERLY 110' +/-			44	0
CHESTNUT STREET	PUBLIC/TOWN ACCEPTED	BACON STREET	BEACON STREET	1889 ATM 37		27	170
CHIEFTAIN LANE	PUBLIC/TOWN ACCEPTED	MOCCASIN PATH	DEAD END	2002 STM29		53	0
CHRISLIN WAY	PRIVATE	NORTH MAIN STREET	DEAD END			6	0
CHRYSLER ROAD	PUBLIC/TOWN ACCEPTED	SPEEN STREET	DEAD END	1968 ATM 27		16	300
CHURCH STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	EAST STREET		1867 STM 3      1870 STM 5	44	436
CIDER MILL LANE	PUBLIC/TOWN ACCEPTED	ROCKLAND STREET	DEAD END	2015 ATM23		66	0
CIRCULAR AVENUE	PUBLIC/TOWN ACCEPTED	SOUTH MAIN STREET	COTTAGE STREET	1924 ATM 55		51	465

STREET NAME	STATUS	FROM....	TO	DATES ACCEPTED IN FULL	DATES ACCEPTED PORTIONS	ASSESSOR MAP	STATE RID#
CLARENDON STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	SOUTH AVENUE	1873 ATM 5		44	248
CLARKS COURT	PRIVATE	WEST CENTRAL STREET	SUMMER STREET			43	365
CLAYBROOK ROAD	NOT TOWN ACCEPTED	PLEASANT STREET	DOVER TOWN LINE			70	605
CLEARVIEW DRIVE	NOT TOWN ACCEPTED	CLEARVIEW DR EASTERLY END	640' +/- WESTERLY			52	0
CLEARVIEW DRIVE	PUBLIC/TOWN ACCEPTED	JUNIPER LN WESTERLY 710' +/-	JUNIPER LN EASTERLY 160' +/-		1970 ATM 39	52	627
CLIFF ROAD	PRIVATE	VALE STREET	NERN STREET	PAPER		36	0
CLIFTON ROAD	PUBLIC/TOWN ACCEPTED	SPEEN STREET	RIDGE AVENUE	1944 ATM 17		25	278
CLOVER LANE	PUBLIC/TOWN ACCEPTED	WOODLAND STREET	CLOVER TERRACE		1967 ATM 48    1980 ATM 25	62	34
CLOVER TERRACE	PUBLIC/TOWN ACCEPTED	CLOVER LANE	S. WESTERLY DEAD END		1980 ATM 25    1990 ATM 48	62	481
CLUBHOUSE LANE	PUBLIC/TOWN ACCEPTED	WAYLAND TOWN LINE	WAYLAND TOWN LINE	1967 ATM 48		2	600
COACHMAN LANE	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	LAMPLIGHT CIRCLE	1987 ATM 43		31	688
COBBLESTONE DRIVE	PUBLIC/TOWN ACCEPTED	COTTAGE STREET	BLUESTONE WAY	1993 ATM 2		67	673
COCHITUATE STREET	NOT TOWN ACCEPTED	HARRISON STREET	NORTH MAIN STREET			43	0
COCHITUATE STREET	PUBLIC/TOWN ACCEPTED	HARRISON STREET	WASHINGTON AVENUE		1861 ATM 23    1868 STM 2	43	235
COHNS STREET	PUBLIC/TOWN ACCEPTED	RIVER STREET	LINCOLN STREET	1867 STM 3		64	610
COLBURN STREET	NOT TOWN ACCEPTED	SCHOOL STREET EXT.	EDGEWOOD AVENUE			52	446
COLEMAN COURT	NOT TOWN ACCEPTED	BACON STREET	DEAD END			26	199
COLLEGE ROAD	PUBLIC/TOWN ACCEPTED	BACON STREET	WELLESLEY TOWN LINE	1947 ATM 26		30	157
COLLINS AVENUE	NOT TOWN ACCEPTED	FAIRVIEW AVENUE	WINDSOR AVENUE			50	390
COLUMBIA AVENUE	PUBLIC/TOWN ACCEPTED	HAMPTON ROAD	RIDGE AVENUE	1946 ATM 32		25	270
COMMON STREET	PUBLIC/TOWN ACCEPTED	SOUTH MAIN STREET	MORSE STREET		1874 ATM 27    1867 STM 3    1855 ATM 2	44	433
COMMONWEALTH ROAD	PUBLIC/TOWN ACCEPTED	WAYLAND TOWN LINE	WESTON TOWN LINE	1928 ATM 52		2	71
COMMONWEALTH ROAD	PUBLIC/TOWN ACCEPTED	FRAMINGHAM TOWN LINE	WAYLAND TOWN LINE	1928 ATM 52		11	301
CONCORD PLACE	NOT TOWN ACCEPTED	CONCORD STREET	DEAD END			43	0
CONCORD STREET	PUBLIC/TOWN ACCEPTED	WESTERN AVENUE	WABAN STREET		1878 ATM 18    1890 STM 14	43	427
CONNECTICUT AVENUE	NOT TOWN ACCEPTED	OAK STREET	END			21	123
COOLIDGE AVENUE	PUBLIC/TOWN ACCEPTED	COTTAGE STREET	SCHOOL STREET EXT.		1885 ATM 29	52	444
COOLIDGE AVENUE EXT	PRIVATE	SCHOOL STREET	EASTERLY 345' +/-	PAPER		52	0
COOPER ROAD	PUBLIC/TOWN ACCEPTED	WORCESTER ROAD	END	1955 ATM 25		21	132

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
CORDIAL WAY	PUBLIC/ TOWN ACCEPTED	GLEN STREET	DEAD END	2005 FTM 28	1970 ATM 39	69	653
COTTAGE STREET	PUBLIC/TOWN ACCEPTED	SOUTH MAIN STREET	EVERETT STREET	2007 FTM 13		52	453
COUNTRYSIDE ROAD	PUBLIC/TOWN ACCEPTED	COTTAGE STREET	END	1970 ATM 39		60	401
COURSE BROOK LANE	NOT TOWN ACCEPTED	BUNKER LANE	DEAD END			58	0
COURT STREET	PUBLIC/TOWN ACCEPTED	MAIN STREET	WASHINGTON STREET	1874 ATM 3		44	233
CRAFT ROAD	PUBLIC/TOWN ACCEPTED	EUCLID AVENUE	HARWOOD STREET	1946 ATM 38		14	106
CRAIGIE STREET	NOT TOWN ACCEPTED	WOODLAND STREET	PARKVIEW STREET			52	451
CRESCENT STREET	PUBLIC/TOWN ACCEPTED	SPEEN STREET	SPEEN STREET	1946 ATM 31		33	282
CREST ROAD	NOT TOWN ACCEPTED	BIRCH ROAD	EVERGREEN ROAD			12	47
CROSS STREET	PUBLIC/TOWN ACCEPTED	SOUTH MAIN STREET	COTTAGE STREET	1857 ATM 22		51	462
CURTIS ROAD	PUBLIC/TOWN ACCEPTED	VIRGINIA ROAD	PILGRAM ROAD	1951 ATM 20	1968 ATM 28	32	303
CURVE STREET	PUBLIC/TOWN ACCEPTED	SOUTH MAIN STREET	OAKLAND STREET	1884 STM 5		51	404
CYPRESS ROAD	NOT TOWN ACCEPTED	BAYBERRY ROAD	EVERGREEN ROAD			12	45
CYPRESS ROAD	PUBLIC/TOWN ACCEPTED	BIRCH ROAD	BAYBERRY ROAD			12	45
D STREET	PUBLIC/TOWN ACCEPTED	IVY LANE	FRAMINGHAM TOWN LINE	1926 STM 5		31	324
DARBY COURT	NOT TOWN ACCEPTED	PINE STREET	DEAD END			7	37
DARTMOUTH STREET	NOT TOWN ACCEPTED	EVERGREEN ROAD	BIRCH ROAD			12	51
DAVID DRIVE	PUBLIC/TOWN ACCEPTED	HARVARD	DEAD END	1993 ATM 25		36	703
DAVIS BROOK DRIVE	PUBLIC/TOWN ACCEPTED	WOODLAND STREET	DEAD END	2006 FTM 16		62	0
DEAN ROAD	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	MERCER ROAD	1963 ATM 23		24	614
DEEPWOODS DRIVE	PUBLIC/TOWN ACCEPTED	ELIOT STREET	DEAD END	1992 ATM 39	1952 ATM 27      1954 ATM 28	68	668
DEER PATH	PUBLIC/TOWN ACCEPTED	WHISPERING LANE	END	2010 STM 23		61	0
DEERFIELD LANE	PUBLIC/TOWN ACCEPTED	WALNUT STREET	END	1968 ATM 27		27	242
DEVIN DRIVE	PRIVATE	WINTER STREET	DEAD END			8	0
DEWEY STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	END	1882 ATM 26		44	245
DIAMOND STREET	PUBLIC/TOWN ACCEPTED	PEARL STREET	PLAIN STREET	1880 STM 4		43	431
DIGREN ROAD	PUBLIC/TOWN ACCEPTED	BAY STATE ROAD	END			28	164
DONCASTER DRIVE	PUBLIC/TOWN ACCEPTED	SURREY LANE	DEAD END	1950 ATM 18		33	263
DONOVAN LANE	PUBLIC/TOWN ACCEPTED	MARION STREET	DEAD END	1998 FATM 26		36	252

STREET NAME	STATUS	FROM....	TO	DATES ACCEPTED IN FULL	DATES ACCEPTED PORTIONS	ASSESSOR MAP	STATE RID#
DORSET LANE	NOT TOWN ACCEPTED	STRAWBERRY HILL ROAD	DEAD END			37	0
DOTTIES COURT	PUBLIC/TOWN ACCEPTED	PINE STREET	DEAD END	2007 STM 28		7	0
DOUGLAS AVENUE	PRIVATE	PLEASANT STREET	DEAD END	PAPER		70	0
DOVER ROAD	NOT TOWN ACCEPTED	PLEASANT STREET	DOVER TOWN LINE			64	533
DRAPER STREET	PUBLIC/TOWN ACCEPTED	LAKEVIEW AVENUE	FISKE STREET	1944 STM 1		49	395
DRURY LANE	PUBLIC/TOWN ACCEPTED	STRATFORD ROAD	FELCH ROAD	1950 ATM 18		13	25
DURANT ROAD	NOT TOWN ACCEPTED	WEST STREET	DEAD END			50	398
DWIGHT AVENUE	PUBLIC/TOWN ACCEPTED	WESTLAKE ROAD	FARRANT ROAD	1954 ATM 25		13	21
DWIGHT AVENUE EXT	NOT TOWN ACCEPTED	WESTLAKE ROAD	DEAD END			13	0
EAST CENTRAL STREET	PUBLIC/TOWN ACCEPTED	MAIN STREET	UNION STREET			30	234
EAST CENTRAL STREET	PUBLIC/TOWN ACCEPTED	UNION STREET	WELLESLEY TOWN LINE	12/08/2010		30	234
EAST EVERGREEN ROAD	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	WENTWORTH ROAD	1954 ATM 25		12	29
EAST STREET	PUBLIC/TOWN ACCEPTED	SOUTH MAIN STREET	MORSE STREET	1868 ATM 19		44	454
EASTLEIGH LANE	PUBLIC/TOWN ACCEPTED	WINDSOR AVENUE	DEAD END	1993 ATM 25		59	0
EDEN STREET	NOT TOWN ACCEPTED	HOME AVENUE	DEAD END			40	618
EDGEWOOD AVENUE	NOT TOWN ACCEPTED	WOODLAND STREET	END			52	447
EDSON ROAD	PUBLIC/TOWN ACCEPTED	GLEN STREET	DEAD END	1999 SATM26		69	0
EDWARDS ROAD	PUBLIC/TOWN ACCEPTED	SPEEN STREET	BELMORE ROAD	1960 ATM 30		41	286
EISENHOWER AVENUE	PUBLIC/TOWN ACCEPTED	OAK STREET	MACARTHUR ROAD	1947 ATM 24		29	150
ELIOT HILL ROAD	NOT TOWN ACCEPTED	EVERETT STREET	205' +/- NORTH OF AQUEDUCT RD			68	608
ELIOT HILL ROAD	PUBLIC/TOWN ACCEPTED	ELIOT STREET	205' +/- NORTH OF AQUEDUCT		1970 ATM 39 1975 STM 3 1978 ATM 18	68	608
ELIOT STREET	PUBLIC/TOWN ACCEPTED	WELLSLEY TOWN LINE	SHERBORN TOWN LINE	COUNTY LAYOUT		54	473
ELM STREET	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	POND STREET	1867 STM 3		43	355
ELMWOOD AVENUE	NOT TOWN ACCEPTED	COTTAGE STREET	WESTERLY 280' +/-			51	0
ELMWOOD AVENUE	PUBLIC/TOWN ACCEPTED	SOUTH MAIN STREET	EASTERLY 960' +/-		1953 ATM 12	51	466
ELWIN ROAD	PUBLIC/TOWN ACCEPTED	BROOKDALE ROAD	BROOKDALE ROAD	1955 ATM 29		31	315
EMERSON STREET	PUBLIC/TOWN ACCEPTED	APPLETON ROAD	END		1954 ATM 25 1969 ATM 35	13	41
ENGLAND ROAD	PUBLIC/TOWN ACCEPTED	SPEEN STREET	DEAD END	1993 ATM2		58	681
ERIE DRIVE	PUBLIC/TOWN ACCEPTED	OAK STREET	OAK STREET	1961 ATM 23		8	9

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
ERLANDSON ROAD	PUBLIC/TOWN ACCEPTED	JENNINGS POND ROAD	BORDER ROAD	1930 STM 7		21	138
ERNEST DRIVE	PUBLIC/TOWN ACCEPTED	RIVERBEND ROAD	DEAD END	1980 ATM 25		62	506
ESSEX ROAD	NOT TOWN ACCEPTED	HARWICK ROAD	DEAD END			23	337
EUCLID AVENUE	PUBLIC/TOWN ACCEPTED	LONGFELLOW ROAD	ARLINGTON ROAD		1942 ATM 25 1946 ATM 37	14	103
EUCLID CIRCLE	PUBLIC/TOWN ACCEPTED	EUCLID AVENUE	EUCLID AVENUE	1949 ATM 32		14	104
EVANS DRIVE	NOT TOWN ACCEPTED	NORTH MAIN STREET	DEAD END			6	642
EVERETT STREET	PUBLIC/TOWN ACCEPTED	ELIOT STREET	SHERBORN TOWN LINE	COUNTY LAYOUT		71	472
EVERETT TERRACE	PUBLIC/TOWN ACCEPTED	EVERETT STREET	DEAD END	1991 ATM 43		72	671
EVERGREEN ROAD	NOT TOWN ACCEPTED	NORTH MAIN STREET	DEAD END			11	46
FAIRBANKS PLACE	PUBLIC/TOWN ACCEPTED	BACON STREET	DEAD END	2001 ATM 29		27	0
FAIRS LANE	NOT TOWN ACCEPTED	GLENWOOD STREET	DEAD END			69	0
FAIRVIEW AVENUE	PUBLIC/TOWN ACCEPTED	FISKE STREET	PROCTOR STREET		1931 ATM 22	50	392
FAIRVIEW AVENUE	NOT TOWN ACCEPTED	PROCTOR STREET	LAKEVIEW AVENUE			50	0
FAIRWAY CIRCLE	PRIVATE	SPEEN STREET	DEAD END			33	0
FARM HILL ROAD	PUBLIC/TOWN ACCEPTED	ELIOT STREET	DAVIS BROOK DRIVE		1987 ATM 43 1992 ATM 39 2006 FTM 16	63	663
FARRANT ROAD	PUBLIC/TOWN ACCEPTED	EAST EVERGREEN	WARING ROAD	1954 ATM 25		13	28
FARWELL STREET	PUBLIC/TOWN ACCEPTED	COTTAGE STREET	ROCKLAND STREET	1752 ATM 4		52	476
FAY WAY	PRIVATE	FARWELL STREET	DEAD END			52	0
FELCH COURT	NOT TOWN ACCEPTED	NORTH MAIN STREET	STRATFORD ROAD			12	63
FELCH ROAD	PUBLIC/TOWN ACCEPTED	STRATFORD ROAD	PINE STREET		1950 ATM 18 1957 ATM 34	7	6
FENNESSEY LANE	PRIVATE	WASHINGTON AVENUE	END	PAPER		43	0
FERN STREET	NOT TOWN ACCEPTED	PROCTOR STREET	MOORE STREET			58	0
FERN STREET	PUBLIC/TOWN ACCEPTED	FISKE STREET	PROCTOR STREET		1954 ATM 28 1973 ATM 42	58	383
FERNDAL ROAD	PUBLIC/TOWN ACCEPTED	FELCH ROAD	FELCH ROAD	1954 ATM 28		7	26
FERRIN COURT	NOT TOWN ACCEPTED	CONCORD STREET	DEAD END			43	0
FIELDSTONE LANE	PUBLIC/TOWN ACCEPTED	ELIOT TO DEAD END	DEAD END	1992 ATM 39		71	669
FIFTH STREET	NOT TOWN ACCEPTED	FISHER STREET	DEAD END			26	212
FIRST STREET	NOT TOWN ACCEPTED	FISHER STREET	DEAD END			26	209
FISHER STREET	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	END		1876 ATM 33 1878 ATM 18 1951 ATM 21	26	205

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
FISKE LANE	PUBLIC/TOWN ACCEPTED	POND STREET	FISKE STREET	1928 ATM 29		49	378
FISKE STREET	PUBLIC/TOWN ACCEPTED	POND STREET	SYLVESTER ROAD		1928 ATM 28      1954 ATM 28	49	380
FLORAL AVENUE	PUBLIC/TOWN ACCEPTED	PLAIN STREET	WESTERN AVENUE		1879 ATM 16	51	423
FLORAL AVENUE EXT	NOT TOWN ACCEPTED	WABAN STREET	EASTERLY 310' +/-			51	0
FLORENCE STREET	PUBLIC/TOWN ACCEPTED	NORTH AVENUE	HIGHLAND STREET		1885 ATM 35      1888 ATM 24	36	218
FLYNN STREET	PUBLIC/TOWN ACCEPTED	EAST EVERGREEN ROAD	RUTLEDGE ROAD	1954 ATM 25		19	35
FOLEY DRIVE	PUBLIC/TOWN ACCEPTED	LOKER STREET	DEAD END	1957 ATM 33		26	204
FORD COURT	NOT TOWN ACCEPTED	CROSS STREET	END			51	0
FOREST AVENUE	PUBLIC/TOWN ACCEPTED	POND STREET	CURVE STREET		1874 ATM 26      1905 ATM 27	43	408
FOREST AVENUE EXT	PUBLIC/TOWN ACCEPTED	CURVE STREET	SOUTHERLY 570' +/-		1952 ATM 27	51	416
FOREST AVENUE EXT	NOT TOWN ACCEPTED	FOREST AVE EXT ACCEPTED	SOUTHERLY 150' +/-			51	0
FOREST STREET	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	POND STREET	1874 ATM 3		43	353
FOREST STREET	NOT TOWN ACCEPTED	WEST CENTRAL STREET	DEAD END			43	
FOSKETT COURT	NOT TOWN ACCEPTED	WALNUT STREET	DEAD END			35	183
FOXHILL DRIVE	PUBLIC/TOWN ACCEPTED	INGLESIDE ROAD	FOXHILL DRIVE	1963 ATM 23		9	117
FRANCES AVENUE	PUBLIC/TOWN ACCEPTED	SPEEN STREET	RIDGE AVENUE	1961 ATM 24		33	280
FRANCONIA AVENUE	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	BACON STREET	1954 ATM 38		27	191
FRANKLIN STREET	PUBLIC/TOWN ACCEPTED	NORTH AVENUE	HAVARD STREET	1874 STM 2		36	231
FRONT STREET	NOT TOWN ACCEPTED	LEACH LANE	DEAD END			54	519
FROST STREET	NOT TOWN ACCEPTED	WINTER STREET	COMMONWEALTH ROAD			3	76
GANNETT ROAD	NOT TOWN ACCEPTED	OAK STREET	END			21	133
GARDEN ROAD	NOT TOWN ACCEPTED	LINWOOD ROAD	FRAMINGHAM TOWN LINE			39	347
GARFIELD STREET	PUBLIC/TOWN ACCEPTED	MORSE STREET	SCHOOL STREET	1928 ATM 30		44	440
GIBBS STREET	PUBLIC/TOWN ACCEPTED	CENTRE STREET	MANOR AVENUE	1953 ATM 17		20	66
GIBSON ROAD	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	HEMLOCK DRIVE	1955 ATM 29		31	314
GILBERT STREET	NOT TOWN ACCEPTED	PARK AVENUE	FRANCONIA AVENUE			35	192
GILMORE AVENUE	NOT TOWN ACCEPTED	LEACH LANE	ALGER STREET			55	520
GLEN COURT	PRIVATE	MORSE STREET	END	PAPER		44	0
GLEN STREET	PUBLIC/TOWN ACCEPTED	PLEASANT STREET	DOVER TOWN LINE	COUNTY LAYOUT		63	531



<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
GLENWOOD STREET	PUBLIC/TOWN ACCEPTED	GLEN STREET	SOUTHERLY 1012' +/-		1868 ATM 17	69	536
GORDON ROAD	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	DEAD END	1971 ATM 34		12	636
GRACE CIRCLE	PUBLIC/TOWN ACCEPTED	ELMWOOD AVE	DEAD END	2006 STM 46		51	0
GRANBY ROAD	PUBLIC/TOWN ACCEPTED	BEAVER DAM ROAD	KELSEY ROAD	1952 ATM 27		33	320
GRANDVIEW STREET	NOT TOWN ACCEPTED	WOODLAND STREET	ZOAR STREET			52	450
GRANT STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	SHERMAN STREET	1887 ATM 11		44	458
GREAT ROCK CIRCLE	PUBLIC/TOWN ACCEPTED	LOOKOUT AVENUE	DEAD END	2001 ATM 29		48	0
GREEN STREET	NOT TOWN ACCEPTED	FISKE STREET	LAKEVIEW AVENUE			49	394
GREENLEAF STREET	PUBLIC/TOWN ACCEPTED	BODEN LANE	BROOKDALE ROAD	1955 ATM 29		31	312
GREENWOOD ROAD	PUBLIC/TOWN ACCEPTED	BARNESDALE ROAD	BARNESDALE ROAD	1950 ATM 18		24	260
GRISTMILL LANE	PUBLIC/TOWN ACCEPTED	ELIOT STREET	DEAD END	1987 ATM 43		73	38
GROVE ROAD	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	END		1925 STM 5    1927 ATM 26    1928 ATM 33	21	140
GROVE STREET	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	WALNUT STREET		1877 STM 2    1909 ATM 43	35	175
GROVE TERRACE	NOT TOWN ACCEPTED	GROVE ROAD	END			21	0
GUYS WAY	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	DEAD END	1992 ATM 39		37	704
HALSEY WAY	PUBLIC/TOWN ACCEPTED	MACARTHUR ROAD	DEAD END		1950 ATM 18    1955 ATM 29	29	155
HAMMOND AVENUE	NOT TOWN ACCEPTED	HAMMOND AVE ACCEPTANCE	OAK KNOLL ROAD			12	0
HAMMOND AVENUE	PUBLIC/TOWN ACCEPTED	HAMMOND ROAD	EASTERLY 671' +/-	1928 ATM 36		6	3
HAMMOND ROAD	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	HAMMOND AVENUE	1928 ATM 36		6	4
HAMMOND ROAD EXTENTION	NOT TOWN ACCEPTED	HAMMOND ROAD ACCEPTANCE	END			12	0
HAMPSHIRE DRIVE	PUBLIC/TOWN ACCEPTED	WETHERSFIELD ROAD	WHEELER LANE	1969 ATM 35		19	635
HAMPTON ROAD	PUBLIC/TOWN ACCEPTED	PURINGTON AVENUE	ROBINHOOD ROAD		1952 ATM 27    1954 ATM 32	25	269
HARDING ROAD	NOT TOWN ACCEPTED	KENDALL LANE	FRAMINGHAM TOWN LINE			56	344
HARDWICK ROAD	PUBLIC/TOWN ACCEPTED	PORTER ROAD	PORTER ROAD	1950 ATM 18		23	336
HARP COURT	NOT TOWN ACCEPTED	ALGER STREET	END			54	523
HARRISON STREET	PUBLIC/TOWN ACCEPTED	COCHITUATE STREET	NORTH AND SOUTH END		1859 STM 2    1885 ATM 21	43	366
HARTFORD STREET	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	FRAMINGHAM TOWN LINE	COUNTY LAYOUT		24	257
HARVARD STREET	PUBLIC/TOWN ACCEPTED	WASHINGTON STREET	VALE STREET		1874 STM 2    1891 ATM 20    1904 STM 2	36	222
HARVARD STREET EXT	PUBLIC/TOWN ACCEPTED	VALE STREET	RICE STREET	1910 ATM 31		36	226

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
HARVEST MOON DRIVE	PUBLIC/TOWN ACCEPTED	DEER PATH	END	2010 STM 23	1952 ATM 27	61	0
HARWOOD CIRCLE	PUBLIC/TOWN ACCEPTED	LELAND ROAD	END	1945 ATM 10		20	108
HARWOOD ROAD	PUBLIC/TOWN ACCEPTED	CRAFT ROAD	BEVERLY ROAD			14	102
HARWOOD ROAD	NOT TOWN ACCEPTED	CRAFT ROAD	LELAND ROAD			14	0
HAWTHORNE STREET	NOT TOWN ACCEPTED	PARK AVENUE	END			27	194
HAYES STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	SOUTH AVENUE	1904 ATM 12	1866 ATM 17    1869 STM 5    1889 ATM 37    1892 ATM 15	44	247
HEARTHSTONE CIRCLE	NOT TOWN ACCEPTED	PINE STREET	WAYLAND TOWN LINE			8	645
HEARTHSTONE CIRCLE	NOT TOWN ACCEPTED	PINE STREET	WAYLAND TOWN LINE			7	42
HEIDI LANE	NOT TOWN ACCEPTED	PERRY ROAD	LOWELL ROAD			18	632
HEMLOCK DRIVE	PUBLIC/TOWN ACCEPTED	BROOKDALE ROAD	BROOKDALE ROAD	1955 ATM 29		31	313
HERBERT ROAD	PUBLIC/TOWN ACCEPTED	FISKE STREET	LENA ROAD	1950 ATM 14	1952 ATM 27	49	381
HERITAGE LANE	PRIVATE	KANSAS STREET	DEAD END			34	0
HF BROWN WAY	PUBLIC/TOWN ACCEPTED	KENDALL LANE	EASTERLY 460' +/-	1964 ATM 37		47	343
HICKORY ROAD	PUBLIC/TOWN ACCEPTED	OAK STREET	DEAD END	1964 ATM 37		8	86
HIGH STREET	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	CURVE STREET			43	368
HIGH STREET EXT	PUBLIC/TOWN ACCEPTED	BENNET STREET	NORTHERLY 140' +/-		1900 ATM 9    1911 ATM 27	51	413
HIGH STREET EXT	NOT TOWN ACCEPTED	CURVE STREET	SOUTHERLY 240' +/-			51	0
HIGHLAND STREET	PUBLIC/TOWN ACCEPTED	WALNUT STREET	EASTERLY 1820' +/-			35	219
HIGHLAND STREET	PUBLIC/TOWN ACCEPTED	MIDDLE STREET	EASTERLY 700' +/-			35	0
HILL STREET	NOT TOWN ACCEPTED	MADONNA STREET	HOWE STREET			31	326
HILLCREST AVENUE	NOT TOWN ACCEPTED	FARWELL STREET	END		1953 ATM 13	51	479
HILLSIDE ROAD	PUBLIC/TOWN ACCEPTED	FLORENCE STREET	SHATTUCK STREET	1901 ATM 29		36	217
HOFFMAN COURT	NOT TOWN ACCEPTED	WEST CENTRAL STREET	DEAD END			43	0
HOME AVENUE	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	PROSPECT STREET			40	341
HOME AVENUE	PRIVATE	PROSPECT STREET	SOUTHERLY 220' +/-	PAPER		40	0
HOMEWARD LANE	NOT TOWN ACCEPTED	WESTVIEW ROAD	DEAD END		PAPER	47	0
HOMEWARD ROAD	NOT TOWN ACCEPTED	WEST CENTRAL STREET	WESTVIEW ROAD			39	349
HOPE STREET	PRIVATE	PINEHURST AVENUE	END	PAPER		49	0
HOPEWELL FARM ROAD	NOT TOWN ACCEPTED	EVERETT STREET	NORTHERLY 800' +/-			71	672

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
HOPEWELL FARM ROAD	PUBLIC/TOWN ACCEPTED	800' NORTH OF EVERETT STREET	DEAD END	1993 ATM 2		71	672
HOVEY AVENUE	NOT TOWN ACCEPTED	WINTER STREET	LAKESIDE AVENUE			4	81
HOWE STREET	NOT TOWN ACCEPTED	NOLIN STREET	NOLIN STREET			31	0
HOWE STREET	PUBLIC/TOWN ACCEPTED	NOLIN ST SOUTHERLY 90' +/-	LONGVIEW STREET		1952 ATM 32    1963 ATM 27	31	329
HUDSON STREET	PUBLIC/TOWN ACCEPTED	FISKE STREET	PROCTOR STREET	1960 ATM 27		49	393
HUME STREET	PRIVATE	NORTH AVENUE	HAVARD STREET	PAPER		36	0
HUNTERS HILL COURT	NOT TOWN ACCEPTED	WASHINGTON AVENUE	DEAD END			43	0
HUNTERS LANE	SUBDIVISION/NOT TOWN ACCEPTED	SOUTH MAIN STREET	DEAD END			60	0
HUNTINGTON STREET	PUBLIC/TOWN ACCEPTED	EMERSON ROAD	DEAD END	1969 ATM 35		14	633
HURON DRIVE	PUBLIC/TOWN ACCEPTED	ERIE DRIVE	ERIE DRIVE	1961 ATM 23		8	87
ICE HOUSE LANE	PUBLIC/TOWN ACCEPTED	WINDSOR	DEAD END	2009 ATM 21		59	0
INDIAN RIDGE ROAD	PUBLIC/TOWN ACCEPTED	INDIAN RIDGE WAY	INDIAN RIDGE ROAD	1972 ATM 31		78	538
INDIAN RIDGE WAY	PUBLIC/TOWN ACCEPTED	GLEN STREET	INDIAN RIDGE ROAD	1972 ATM 31		78	0
INDIAN ROCK ROAD	NOT TOWN ACCEPTED	COMMONWEALTH ROAD	SOUTHERLY 1450' +/-			2	0
INDIAN ROCK ROAD	PUBLIC/TOWN ACCEPTED	1450' +/-	END 460' +/-		1997 ATM 31	2	74
INDIAN SPRINGS ROAD	PUBLIC/TOWN ACCEPTED	SASSAMON ROAD	DOVER TOWN LINE	1965 ATM 25		78	539
INGLESIDE ROAD	PUBLIC/TOWN ACCEPTED	PETERSON ROAD	WELLESLEY TOWN LINE	1959 ATM 24		15	116
IRVING ROAD	PUBLIC/TOWN ACCEPTED	WETHERSFIELD ROAD	BRADFORD ROAD		1954 ATM 25    1957 ATM 33	13	14
IVY LANE	PUBLIC/TOWN ACCEPTED	ELWIN ROAD	OLD D STREET	1955 ATM 29		31	316
JACK PATRICK LANE	PRIVATE	COTTAGE STREET	END			67	0
JACKSON COURT	NOT TOWN ACCEPTED	JACKSON COURT ACCEPTED	WESTERLY 160' +/-			26	0
JACKSON COURT	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	WESTERLY 355' +/-		1890 ATM 23	26	201
JACQUELINE CIRCLE	PUBLIC/TOWN ACCEPTED	WHEELER LANE	DEAD END	2003 FATM 15		19	0
JAMESON STREET	PUBLIC/TOWN ACCEPTED	FARWELL STREET	DEAD END	1949 ATM 22		60	477
JEFFERSON STREET	NOT TOWN ACCEPTED	SCHOOL STREET EXT	LINCOLN STREET EXT			52	0
JEFFERSON STREET	PUBLIC/TOWN ACCEPTED	COTTAGE STREET	SCHOOL STREET EXT.		1911 ATM 27	52	443
JENNIFER CIRCLE	NOT TOWN ACCEPTED	SPEEN STREET	DEAD END			49	678
JENNINGS POND ROAD	PUBLIC/TOWN ACCEPTED	OAK STREET	GROVE ROAD	1928 ATM 32		21	135
JENNISON CIRCLE	PUBLIC/TOWN ACCEPTED	WINTER STREET	DEAD END	2008 STM 33		4	0

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
JOSHUA PATH	PUBLIC/TOWN ACCEPTED	FARWELL STREET	DEAD END	2005 FTM 28		60	0
JUDITH ROAD	PUBLIC/TOWN ACCEPTED	FISHER STREET	DEAD END	1967 ATM 48		26	210
JUNIPER LANE	PUBLIC/TOWN ACCEPTED	WOODLAND STREET	CLEARVIEW DRIVE	1970 ATM 35		52	625
JUSTIN ROAD	PUBLIC/TOWN ACCEPTED	ELIOT STREET	DEAD END	1993 ATM 25		68	667
KANSAS STREET	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	THIRD STREET	1884 STM 7		34	208
KAPRELIAN COURT	PRIVATE	NORTH MAIN STREET	DEAD END			18	0
KAREN LANE	PUBLIC/TOWN ACCEPTED	LANES END	NORTHERLY 850' +/-		1993 ATM 2      2012 FTM 24	57	684
KAREN LANE	SUBDIVISION/NOT TOWN ACCEPTED	ACCEPTED SECTION	KYLIE LANE			57	0
KATIE PATH	PUBLIC/TOWN ACCEPTED	PHEASANT HOLLOW ROAD	KAREN LANE	2012 FTM 25		57	0
KEANE ROAD	NOT TOWN ACCEPTED	OAK STREET	COOPER ROAD			21	130
KEANE TERRACE	NOT TOWN ACCEPTED	KEANE ROAD	DEAD END			21	0
KELLEY WAY	PUBLIC/TOWN ACCEPTED	BACON STREET	DEAD END	1992 ATM 39		27	702
KELSEY ROAD	PUBLIC/TOWN ACCEPTED	BEAVER DAM ROAD	END	1952 ATM 27		33	321
KENDALL LANE	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	SOUTHERLY 865' +/-		1982 ATM 25	39	342
KENDALL LANE	NOT TOWN ACCEPTED	FRAMINGHAM TOWN LINE	NORTHERLY 2570' +/-			39	0
KENSINGTON ROAD	PRIVATE	WINTER STREET	RATHBUN ROAD	PAPER		9	0
KIMBALL COURT	NOT TOWN ACCEPTED	POND STREET	DEAD END			43	432
KINSMAN PLACE	PUBLIC/TOWN ACCEPTED	GROVE STREET	NORTHERLY 644' +/-		1906 ATM 11	35	188
KINSMAN PLACE	NOT TOWN ACCEPTED	PAYSON ROAD	SOUTHERLY 230' +/-			35	0
KNOX COURT	NOT TOWN ACCEPTED	CROSS STREET	DEAD END			51	463
KYLIE LANE	SUBDIVISION/NOT TOWN ACCEPTED	SPEEN STREET	PRESCOTT AVE			58	0
LACONIA ROAD	PUBLIC/TOWN ACCEPTED	JENNINGS POND ROAD	GROVE ROAD	1954 ATM 37		21	139
LACOSTA DRIVE	PUBLIC/TOWN ACCEPTED	BURNING TREE ROAD	BURNING TREE ROAD	1979 ATM 29		40	238
LAGRANGE STREET	NOT TOWN ACCEPTED	WASHINGTON AVENUE	CSX TRACKS			35	0
LAGRANGE STREET	PUBLIC/TOWN ACCEPTED	LAKE STREET	WASHINGTON AVENUE	1926 ATM 7		35	375
LAKE STREET	PUBLIC/TOWN ACCEPTED	LAGRANGE STREET	WASHINGTON AVENUE	1926 ATM 6		35	376
LAKESHORE ROAD	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	WORCESTER STREET		1928 ATM 35      1950 ATM17	18	61
LAKESIDE AVENUE	NOT TOWN ACCEPTED	MILFORD AVENUE	END			4	82
LAKEVIEW AVENUE	NOT TOWN ACCEPTED	POND STREET	FAIRVIEW AVENUE			49	397

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
LAKEWOOD ROAD	PUBLIC/TOWN ACCEPTED	FISHER STREET	SOUTHERLY 685' +/-		1951 ATM 22	26	213
LAKEWOOD ROAD	PRIVATE	END	NORTHERLY 520' +/-	PAPER		26	0
LAMPLIGHT CIRCLE	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	END	1987 ATM 43		31	687
LANES END	PUBLIC/TOWN ACCEPTED	SPEEN STREET	DEAD END	1993 ATM 2		57	682
LANGDON ROAD	NOT TOWN ACCEPTED	PINE STREET	WAYLAND TOWN LINE			8	72
LANTERN LANE	PUBLIC/TOWN ACCEPTED	INDIAN RIDGE ROAD	DEAD END	1972 ATM 31		77	606
LARCHWOOD LANE	PUBLIC/TOWN ACCEPTED	TAMARACK ROAD	DEAD END	1971 ATM 34		39	613
LARKSPUR WAY	PRIVATE	KENDALL VILLAGE	WOODBINE ROAD			48	85
LAUREL ROAD	PRIVATE	WEST CENTRAL STREET	GARDEN ROAD	PAPER		39	0
LAURIE LANE	PUBLIC/TOWN ACCEPTED	PINE STREET	MARK STREET	1970 ATM 39		7	7
LEACH LANE	NOT TOWN ACCEPTED	ELIOT STREET	DEAD END			46	518
LEAVITT STREET	NOT TOWN ACCEPTED	PARK AVENUE	FRANCONIA AVENUE			27	0
LEDGE LANE	PUBLIC/TOWN ACCEPTED	COUNTRYSIDE ROAD	MICHAEL TERRACE	1971 ATM 34		60	95
LEIGHTON STREET	PUBLIC/TOWN ACCEPTED	WESTLAKE ROAD	FARRANT ROAD	1954 ATM 25		13	22
LELAND ROAD	PUBLIC/TOWN ACCEPTED	HARWOOD ROAD	EUCLID ROAD	1942 ATM 24		14	105
LENA ROAD	PUBLIC/TOWN ACCEPTED	FISK LANE	BOLSER AVENUE	1950 ATM 16		49	379
LENOX STREET	NOT TOWN ACCEPTED	LOWELL ROAD	DEAD END			12	55
LIBBY ROAD	PUBLIC/TOWN ACCEPTED	SCARSDALE ROAD	DEAD END	2004 ATM 22		53	0
LIBERTY STREET	PUBLIC/TOWN ACCEPTED	IRVING ROAD	PINE STREET		1957 ATM 33    1970 ATM 39	8	8
LINCOLN CIRCLE	PUBLIC/TOWN ACCEPTED	LINCOLN STREET EXT.	DEAD END	1967 ATM 48		52	624
LINCOLN PLACE	PUBLIC/TOWN ACCEPTED	MARION STREET	DEAD END	1911 ATM 27		44	244
LINCOLN SREET EXT	PUBLIC/TOWN ACCEPTED	AVON STREET	DEAD END	1904 ATM 11		44	461
LINCOLN STREET	PUBLIC/TOWN ACCEPTED	ELIOT STREET	CAPE STREET	1867 STM 3		55	515
LINCOLN STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	SHERMAN STREET	1880 ATM 36		44	455
LINDEN STREET	NOT TOWN ACCEPTED	WORCESTER STREET	HAWTHORNE STREET			19	196
LINWOOD ROAD	NOT TOWN ACCEPTED	WEST CENTRAL STREET	WESTVIEW ROAD			39	346
LODGE LANE	NOT TOWN ACCEPTED	SPEEN STREET	DEAD END			33	281
LODGE ROAD	PUBLIC/TOWN ACCEPTED	SPEEN STREET	BELMORE ROAD	1959 ATM 34		41	285
LOIS STREET	NOT TOWN ACCEPTED	CHESTNUT STREET	ARTHUR STREET			27	171

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
LOKER STREET	PUBLIC/TOWN ACCEPTED	BACON STREET	FISHER STREET	1911 ATM 27		26	202
LONGFELLOW ROAD	PUBLIC/TOWN ACCEPTED	MELVIN ROAD	HARWOOD ROAD		1942 ATM 22    1952 ATM 27	14	98
LONGVIEW STREET	PUBLIC/TOWN ACCEPTED	HOWE STREET	MORENCY STREET		1952 ATM 33	31	331
LONGVIEW STREET	PRIVATE	HOWE STREET	SHADY OAK LANE	PAPER		31	0
LOOKOUT AVENUE	NOT TOWN ACCEPTED	PINEHURST AVENUE	PRESCOTT AVENUE			49	294
LOOKOUT FARM ROAD	PUBLIC/TOWN ACCEPTED	PLEASANT STREET	DEAD END	1987 ATM 43		70	651
LOTUS PATH	NOT TOWN ACCEPTED	ASH STREET	MAGNOLIA ROAD			12	52
LOWELL ROAD	NOT TOWN ACCEPTED	NORTH MAIN STREET	END			18	54
LUPINE STREET	NOT TOWN ACCEPTED	WORCESTER STREET	HAWTHORNE STREET			19	195
LYMAN STREET	PUBLIC/TOWN ACCEPTED	WESTLAKE ROAD	BRADFORD ROAD	1957 ATM 33		13	16
LYNN STREET	PUBLIC/TOWN ACCEPTED	AVON LANE	DEAD END	1958 ATM 22		25	267
MACARTHUR ROAD	PUBLIC/TOWN ACCEPTED	OAK STREET	OAK STREET	1949 ATM 31		21	152
MADISON STREET	PUBLIC/TOWN ACCEPTED	COTTAGE STREET	SCHOOL STREET	1956 ATM 25		52	445
MADONNA STREET	NOT TOWN ACCEPTED	D STREET	HOWE STREET			31	0
MADONNA STREET	PUBLIC/TOWN ACCEPTED	HILL STREET	D STREET		1970 ATM 39	31	325
MAGNOLIA ROAD	PUBLIC/TOWN ACCEPTED	EVERGREEN ROAD	BAYBERRY ROAD		1954 ATM 34    1993 ATM 2	12	49
MAIN STREET	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	MIDDLESEX AVE	2013 STM 41		44	249
MAINE AVENUE	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	CONNECTICUT AVENUE	1927 ATM 28		21	127
MAINSTONE ROAD	PUBLIC/TOWN ACCEPTED	COMMONWEALTH ROAD	WAYLAND TOWN LINE	1980 ATM 25		2	0
MALDEN STREET	NOT TOWN ACCEPTED	WESTVIEW AVENUE	MILK STREET			44	499
MANCHESTER PLACE	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	DEAD END	2006 SPTM 1		45	488
MANOR AVENUE	PUBLIC/TOWN ACCEPTED	GIBBS STREET	CENTRE STREET	1954 ATM 28		20	69
MANSFIELD STREET	NOT TOWN ACCEPTED	EAST CENTRAL STREET	MARION STREET			44	243
MAPLE AVENUE	PUBLIC/TOWN ACCEPTED	POND STREET	DEAD END	1892 ATM 14		50	402
MAPLE STREET	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	POND STREET	1868 STM 2		43	359
MARIE PATH	PUBLIC/TOWN ACCEPTED	SAMUEL PATH	DEAD END	2005 FTM 28		57	0
MARION STREET	PUBLIC/TOWN ACCEPTED	BACON STREET	EAST CENTRAL STREET			36	166
MARJORIE LANE	NOT TOWN ACCEPTED	SPEEN STREET	DEAD END			49	680
MARK STREET	PUBLIC/TOWN ACCEPTED	LIBERTY ROAD	END	1970 ATM 39		7	11

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
MARSHALL AVENUE	NOT TOWN ACCEPTED	LOOKOUT AVENUE	CAMP STREET			48	296
MARSHALL AVENUE	PRIVATE	CAMP STREET	DEAD END	PAPER		48	0
MARSHALL ROAD	PUBLIC/TOWN ACCEPTED	EISENHOWER AVENUE	MACARTHUR ROAD	1950 ATM 18		29	151
MARSTON LANE	NOT TOWN ACCEPTED	GLEN STREET	FAIRS LANE			69	652
MASSACHUSETTS AVENUE	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	CONNECTICUT AVENUE	1928 ATM 37		21	124
MATHEW COURT	NOT TOWN ACCEPTED	LEACH LANE	DEAD END			54	522
MEADOW POND LANE	PUBLIC/TOWN ACCEPTED	BUNKER LANE	DEAD END	1999 FATM31		58	0
MEADOW STREET	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	BACON STREET	1859 ATM 21		26	198
MECHANIC STREET	NOT TOWN ACCEPTED	NORTH MAIN STREET	DEAD END			35	186
MEETING HOUSE LANE	PUBLIC/TOWN ACCEPTED	BACON STREET	WIGHT FARM ROAD	1988 ATM 8		27	700
MEGONKO ROAD	NOT TOWN ACCEPTED	NORTH MAIN STREET	DEAD END			18	59
MELODY WAY	PRIVATE	RANGER ROAD	DEAD END			40	0
MELVIN ROAD	PUBLIC/TOWN ACCEPTED	OAK STREET	LONGFELLOW ROAD	1942 ATM 21		21	100
MERCER ROAD	PUBLIC/TOWN ACCEPTED	STRATHMORE ROAD	END	1963 ATM 23		24	615
MEREDITH PATH	PRIVATE	COLLEGE ROAD	DEAD END			30	0
MERIFIELD LANE	PUBLIC/TOWN ACCEPTED	ELIOT HILL ROAD	WESTERLY 280' +/-		1975 STM 3	72	502
MERIFIELD LANE	NOT TOWN ACCEPTED	ELLIOT HILL ROAD	EASTERLY 510' +/-			72	0
MERRILL ROAD	NOT TOWN ACCEPTED	PLEASANT STREET	DEAD END			63	530
MICHAEL TERRACE	PUBLIC/TOWN ACCEPTED	WESTERLY END	EASTERLY 380' +/-		1976 ATM 34	60	420
MICHAEL TERRACE	NOT TOWN ACCEPTED	EASTERLY END	WESTERLY 390' +/-			60	0
MICHIGAN DRIVE	PUBLIC/TOWN ACCEPTED	OAK STREET	DEAD END		1971 ATM 34    1961 ATM 23	9	88
MIDDLE STREET	PUBLIC/TOWN ACCEPTED	HARVARD STREET	HIGHLAND STREET		1903 ATM 5	36	228
MIDDLESEX AVENUE	PUBLIC/TOWN ACCEPTED	MAIN STREET	WASHINGTON AVENUE		1898 ATM 48	43	364
MIDDLESEX AVENUE	NOT TOWN ACCEPTED	WASHINGTON AVENUE	WESTERLY 266' +/-			43	0
MILFORD AVENUE	NOT TOWN ACCEPTED	WINTER STREET	LAKESIDE AVENUE			4	80
MILK STREET	NOT TOWN ACCEPTED	UNION STREET	DEAD END			44	500
MILL LANE	PUBLIC/TOWN ACCEPTED	ELIOT STREET	PLEASANT STREET	1877 STM 4		63	511
MILL STREET	PUBLIC/TOWN ACCEPTED	POND STREET	WEST CENTRAL STREET	1892 ATM 19		32	297
MILL STREET	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	WEST CENTRAL STREET	COUNTY LAYOUT		32	0



<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
MILLBROOK ROAD	PUBLIC/TOWN ACCEPTED	BODEN LANE	OXBOW ROAD	1955 ATM 29	1975 ATM 39	31	310
MOCCASIN PATH	PUBLIC/TOWN ACCEPTED	NOKMIS WAY	DEAD END	2002 STM29		53	661
MOHEGAN TRAIL	PUBLIC/TOWN ACCEPTED	KENDALL LANE	DEAD END	1973 ATM 43		47	348
MOORE STREET	NOT TOWN ACCEPTED	WINDSOR AVENUE	END			58	385
MORAN COURT	NOT TOWN ACCEPTED	WALNUT STREET	DEAD END			35	0
MORENCY STREET	PUBLIC/TOWN ACCEPTED	NOLIN STREET	PUMPKIN PINE ROAD			39	332
MORENCY STREET	NOT TOWN ACCEPTED	NOLIN STREET	FRAMINGHAM TOWN LINE			39	0
MORNINGSIDE AVENUE	PUBLIC/TOWN ACCEPTED	WOODLEIGH ROAD	CLOVER LANE	1967 ATM 48		61	482
MORSE LANE	NOT TOWN ACCEPTED	UNION STREET	DEAD END			54	504
MORSE STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	COOLIDGE AVENUE EXT			44	437
MULLIGAN STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	SOUTH AVENUE	1892 ATM 14	1873 ATM 6    1876 ATM 34    1877 STM 5    1898 ATM 28	44	246
MURDOCK ROAD	PUBLIC/TOWN ACCEPTED	UNIVERSITY DRIVE	RETROP ROAD	1954 ATM 26		37	492
NANCY ROAD	PUBLIC/TOWN ACCEPTED	WINTER STREET	DEAD END	1987 ATM 43		3	690
NAPLES ROAD	NOT TOWN ACCEPTED	WHITTIER ROAD	DEAD END			21	119
NASHOBAH CIRCLE	PUBLIC/TOWN ACCEPTED	TYLER COURT	DEAD END	1992 ATM 39		26	699
NEIL CIRCLE	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	END	2005 FTM 28		26	0
NELSON COURT	NOT TOWN ACCEPTED	WABAN STREET	DEAD END			51	422
NELSON STREET	NOT TOWN ACCEPTED	HIGH STREET	WABAN STREET			51	411
NERN STREET	NOT TOWN ACCEPTED	MARION STREET	VALE STREET			36	225
NEW HAMPSHIRE AVENUE	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	CONNECTICUT AVENUE	1925 ATM 38		21	126
NEW ROAD	NOT TOWN ACCEPTED	NORTH MAIN STREET	HEIDI LANE			18	60
NEWFIELD DRIVE	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	HF BROWN WAY	2009 FTM 20		40	161
NEWMAN CIRCLE	PUBLIC/TOWN ACCEPTED	WHITNEY CIRCLE	DEAD END	1998 ATM 27		9	0
NIMITZ CIRCLE	PUBLIC/TOWN ACCEPTED	MACARTHUR ROAD	MACARTHUR ROAD	1950 ATM 18		29	154
NOBBY LANE	NOT TOWN ACCEPTED	POND STREET	DEAD END			43	360
NOKOMIS WAY	PUBLIC/TOWN ACCEPTED	ARROW PATH	DEAD END	2002 SATM 29		53	660
NOLIN STREET	NOT TOWN ACCEPTED	HOWE & BROOKDALE 14' +/- MORENCY ST S'ERLY 170' +/-				39	0
NOLIN STREET	PUBLIC/TOWN ACCEPTED	BROOKDALE RD S'ERLY 120' +/-	HOWE ST S'ERLY 137' & N'ERLY 136' +/-		1955 ATM 29    1963 ATM 28	39	323
NONESUCH DRIVE	NOT TOWN ACCEPTED	FROST STREET	DEAD END			4	691

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
NORTH AVENUE	NOT TOWN ACCEPTED	WALNUT STREET	NORTH MAIN STREET			36	0
NORTH AVENUE	PUBLIC/TOWN ACCEPTED	WALNUT STREET	MARION STREET		1855 STM 3      1874 STM 2	36	223
NORTH MAIN STREET	PUBLIC/TOWN ACCEPTED	RAILROAD	150' +/- NW OF RAILROAD		2010 FTM 27	43	0
NORTH MAIN STREET	PUBLIC/TOWN ACCEPTED	150' +/- NW OF RAILROAD	WAYLAND TOWN LINE	COUNTY LAYOUT		6	1
NORTHWOOD LANE	PUBLIC/TOWN ACCEPTED	MAINSTONE ROAD	DEAD END	1998 ATM 27		2	0
NOTTINGHAM DRIVE	PUBLIC/TOWN ACCEPTED	SPEEN STREET	BARNESDALE ROAD	1947 ATM 23		25	259
OAK HILL ROAD	NOT TOWN ACCEPTED	WINTER STREET	END			4	77
OAK KNOLL ROAD	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	WESTERLY 993' +/-		1928 ATM 39	6	2
OAK KNOLL ROAD	NOT TOWN ACCEPTED	OAK KNOLL ACCEPTANCE	HAMMOND AVENUE			12	0
OAK STREET	PUBLIC/TOWN ACCEPTED	BACON STREET	WAYLAND TOWN LINE			8	10
OAKLAND STREET	PUBLIC/TOWN ACCEPTED	POND STREET	CURVE STREET	1884 STM 6		51	400
OAKLAND STREET EXT	PUBLIC/TOWN ACCEPTED	CURVE STREET	DEAD END	1907 ATM 24		51	405
OAKLAND TERRACE	PUBLIC/TOWN ACCEPTED	OAKLAND STREET	DEAD END	1993 ATM 25		50	676
OAKRIDGE AVENUE	PUBLIC/TOWN ACCEPTED	BACON STREET	BACON STREET	1952 ATM 27		29	159
OLIVER STREET	NOT TOWN ACCEPTED	FOREST AVENUE	PITTS STREET			51	620
OLIVIER STREET	NOT TOWN ACCEPTED	SHADY OAK LANE	MORENCY STREET			31	330
ORCHARD ROAD	NOT TOWN ACCEPTED	OAK STREET	BYRON ROAD			21	118
OTIS STREET	PRIVATE	ACCEPTED	WESTERLY 280' +/-	PAPER		15	0
OTIS STREET	PUBLIC/TOWN ACCEPTED	OAK STREET	WESTERLY 666' +/-		1946 ATM 29	15	91
OVERBROOK TERRACE	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	DEAD END	1928 ATM 34		21	121
OVERHILL ROAD	NOT TOWN ACCEPTED	PARK AVENUE	NORTH MAIN STREET			27	190
OVERLOOK ROAD	NOT TOWN ACCEPTED	PLEASANT VIEW	BORDER ROAD			29	146
OWBOW ROAD	PUBLIC/TOWN ACCEPTED	BODEN LANE	DEAD END		1971 ATM 34      1955 ATM 29	39	309
OXFORD STREET	PUBLIC/TOWN ACCEPTED	OAK STREET	UPLAND ROAD	1955 ATM 27		15	110
PALMER AVENUE	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	POND STREET	1890 ATM 29		43	361
PAMELA ROAD	PUBLIC/TOWN ACCEPTED	PINE STREET	LIBERTY STREET	1970 ATM 39		8	634
PARK AVENUE	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	WORCESTER STREET		1859 ATM 20      1877 ATM 15	19	189
PARK STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	COMMON STREET	1855 STM 2		44	435
PARKER COURT	NOT TOWN ACCEPTED	WEST CENTRAL STREET	DEAD END			43	358

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
PARKMAN STREET	PUBLIC/TOWN ACCEPTED	WALNUT STREET	BEACON STREET	1887 STM 5	1997 ATM 39	35	174
PARKVIEW STREET	NOT TOWN ACCEPTED	EDGEWOOD AVENUE	DEAD END			52	448
PARSONS WAY	PUBLIC/TOWN ACCEPTED	FARM HILL ROAD	DEAD END	1987 ATM 43		63	664
PATTON ROAD	PUBLIC/TOWN ACCEPTED	MACARTHUR ROAD	DEAD END	1950 ATM 18		29	153
PAUL STREET	PUBLIC/TOWN ACCEPTED	CENTRE STREET	MANOR AVENUE	1954 ATM 28		20	67
PAULINE DRIVE	PUBLIC/TOWN ACCEPTED	MARION STREET	DEAD END	1972 ATM 31		37	629
PAYSON ROAD	NOT TOWN ACCEPTED	PARK AVENUE	CHARLES STREET			35	179
PEARL STREET	PUBLIC/TOWN ACCEPTED	POND STREET	FLORAL AVENUE	1872 ATM 2		43	425
PEGAN LANE	PUBLIC/TOWN ACCEPTED	PLEASANT STREET	SOUTHERLY 2175' +/-			75	534
PELHAM ROAD	PUBLIC/TOWN ACCEPTED	PORTER ROAD	DEAD END	1950 ATM 18		31	335
PENACOOK LANE	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	WORONOCO DRIVE	1996 ATM 20	2005 FTM 28  1997 ATM 31	45	658
PENOBSCOT DRIVE	PUBLIC/TOWN ACCEPTED	WORONOCO DRIVE	DEAD END	1996 ATM 20		45	657
PERRY ROAD	NOT TOWN ACCEPTED	NORTH MAIN STREET	END			18	57
PETERSON ROAD	PUBLIC/TOWN ACCEPTED	OXFORD STREET	END	1959 ATM 24		15	114
PHEASANT HOLLOW ROAD	PUBLIC/TOWN ACCEPTED	THERESA LANE	NORTHERLY 670' +/-			48	0
PHEASANT HOLLOW ROAD	PUBLIC/TOWN ACCEPTED	PINEHURST AVENUE	SOUTHERLY 1670' +/-			48	0
PHILLIPS POND ROAD	PRIVATE	GLEN STREET	DEAD END			74	650
PHILLIPS STREET	PUBLIC/TOWN ACCEPTED	PLEASANT STREET	DOVER STREET	1874 STM 2		64	532
PICKEREL ROAD	NOT TOWN ACCEPTED	OAK STREET	OTIS STREET			15	90
PILGRIM ROAD	PUBLIC/TOWN ACCEPTED	BODEN LANE	END			32	304
PINE STREET	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	OAK STREET	1827 STM 2	1951 ATM 20    1952 ATM 27	6	5
PINEHURST AVENUE	PUBLIC/TOWN ACCEPTED	SPEEN STREET	PRESCOTT AVENUE	1926 STM 8		49	289
PINERIDGE ROAD	NOT TOWN ACCEPTED	GROVE ROAD	WELLESLEY TOWN LINE			21	148
PINEWOOD AVENUE	NOT TOWN ACCEPTED	FARWELL STREET	HILLCREST AVE			51	478
PITTS STREET	PUBLIC/TOWN ACCEPTED	POND STREET	CURVE STREET	1895 ATM 28		43	417
PLAIN STREET	PUBLIC/TOWN ACCEPTED	POND STREET	SOUTH MAIN STREET	1852 ATM 25		43	424
PLEASANT STREET	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	PARK AVENUE	1889 ATM 43		26	193
PLEASANT STREET	PUBLIC/TOWN ACCEPTED	ELIOT STREET	DOVER TOWN LINE			63	512
PLEASANT VIEW ROAD	NOT TOWN ACCEPTED	GROVE ROAD	WELLESLEY TOWN LINE			21	147

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>			<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
POINT STREET	NOT TOWN ACCEPTED	POND STREET	DEAD END					49	377
POND RIDGE ROAD	PRIVATE	COTTAGE STREET	DEAD END					61	0
POND STREET	PUBLIC/TOWN ACCEPTED	SOUTH MAIN STREET	SPEEN STREET	COUNTY LAYOUT	1860 STM 2	1868 STM 2		43	298
POND TERRACE	PRIVATE	BORDER ROAD	WELLESLEY TOWN LINE	PAPER				30	0
PONDVIEW CIRCLE	PUBLIC/TOWN ACCEPTED	OAK HILL ROAD	DEAD END	1993 ATM 25				4	694
PORTER ROAD	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	END	1950 ATM 18				23	334
POSSUM HOLLOW LANE	PUBLIC/TOWN ACCEPTED	RABBIT RUN ROAD	RIDGE AVENUE	1963 ATM 23				25	277
POST OAK LANE	PRIVATE	KENDALL VILLAGE	NEWFIELD DRIVE					48	0
PREBLE STREET	NOT TOWN ACCEPTED	SOUTH MAIN STREET	DEAD END					51	468
PRESBREY PLACE	PUBLIC/TOWN ACCEPTED	ROCKLAND STREET	DEAD END	1993 ATM 25				60	648
PRESCOTT AVENUE	PUBLIC/TOWN ACCEPTED	PINEHURST AVENUE	DEAD END	2005 FTM 30				48	293
PRINCETON ROAD	PUBLIC/TOWN ACCEPTED	WELLS STREET	MELVIN ROAD	1946 ATM 36				21	99
PROCTOR STREET	PUBLIC/TOWN ACCEPTED	LAKEVIEW AVENUE	FERN STREET	1931 ATM 21				49	384
PROSPECT STREET	PUBLIC/TOWN ACCEPTED	WELLSLEY AVENUE	DEAD END	1952 ATM 34				40	340
PRYOR ROAD	PUBLIC/TOWN ACCEPTED	FELCH ROAD	DEAD END	1954 ATM 28				7	27
PUMPKIN PINE ROAD	PUBLIC/TOWN ACCEPTED	MORENCY STREET	END	1973 ATM 43				39	162
PURINGTON AVENUE	PUBLIC/TOWN ACCEPTED	SPEEN STREET	END	1929 STM 10				25	272
QUINCE STREET	NOT TOWN ACCEPTED	POND STREET	END					51	406
RABBIT RUN ROAD	PUBLIC/TOWN ACCEPTED	PURINGTON AVENUE	POSSUM HOLLOW LANE	1963 ATM 23				25	273
RANDALL COURT	NOT TOWN ACCEPTED	WEST CENTRAL STREET	DEAD END					43	357
RANGER ROAD	PUBLIC/TOWN ACCEPTED	PILGRIM ROAD	MILL STREET		1952 ATM 27	1979 ATM 29		32	305
RATHBUN ROAD	NOT TOWN ACCEPTED	WINTER STREET	OAK STREET					4	78
RAY STREET	NOT TOWN ACCEPTED	ALDEN STREET	DEAD END					4	83
REDMEN DRIVE	PUBLIC/TOWN ACCEPTED	WEST STREET	DEAD END	2000 FTM 31				59	675
RETROP ROAD	PUBLIC/TOWN ACCEPTED	STRAWBERRY HILL ROAD	STRAWBERRY HILL ROAD	1954 ATM 26				37	495
REYNOLDS AVENUE	PUBLIC/TOWN ACCEPTED	POND STREET	OLIVER STREET		1879 ATM 16	1902 ATM 49	1912 ATM 49	43	409
RHODE ISLAND AVENUE	NOT TOWN ACCEPTED	WORCESTER STREET	OAK STREET					21	128
RICE STREET	PUBLIC/TOWN ACCEPTED	NORTH AVENUE	NERN STREET	1906 ATM 11				36	224
RICHARD ROAD	PUBLIC/TOWN ACCEPTED	IRVING ROAD	BRADFORD ROAD	1957 ATM 33				13	15

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
RICHMOND ROAD	PUBLIC/TOWN ACCEPTED	JENNINGS POND ROAD	BORDER ROAD	1929 ATM 25	1946 ATM 33    1952 ATM 27    1963 ATM23	21	137
RIDGE AVENUE	PUBLIC/TOWN ACCEPTED	POSSUM HOLLOW LANE	NORTH TO END			25	279
RIDGE AVENUE	NOT TOWN ACCEPTED	POSSUM HOLLOW LANE	SOUTH TO END			25	271
RIVER STREET	PUBLIC/TOWN ACCEPTED	ELIOT STREET	WELLESLEY TOWN LINE	1867 STM 3	1874 STM 2    1911 ATM 27	55	517
RIVERBEND DRIVE	PUBLIC/TOWN ACCEPTED	ELIOT STREET	END	1970 ATM 39		68	508
ROBINHOOD ROAD	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	RIDGE AVENUE	1952 ATM 27		25	275
ROCKLAND STREET	PUBLIC/TOWN ACCEPTED	SOUTH MAIN STREET	EVERETT STREET	1852 ATM 23		60	469
ROCKLAND TERRACE	NOT TOWN ACCEPTED	ROCKLAND STREET	DEAD END			66	211
ROCKRIDGE ROAD	PUBLIC/TOWN ACCEPTED	RIVERBEND DRIVE	AQUEDUCT ROAD	1972 ATM 31		68	528
ROCKWOOD ROAD	PUBLIC/TOWN ACCEPTED	WOODLAND STREET	SCARSDALE ROAD	1999 FATM 32		53	483
ROCKY HILL ROAD	PRIVATE	OAKLAND STREET	DEAD END			51	0
ROLLING LANE	PUBLIC/TOWN ACCEPTED	COLLEGE ROAD	MEREDITH PATH	1947 ATM 25		30	158
ROSEWOOD LANE	PUBLIC/TOWN ACCEPTED	OAK STREET	DEAD END	1993 ATM 25		8	689
ROUNDWOOD ROAD	PUBLIC/TOWN ACCEPTED	WALNUT STREET	DEERFIELD LANE	1968 ATM 27		28	241
ROXBURY AVENUE	PUBLIC/TOWN ACCEPTED	POND STREET	DEAD END	1913 STM 12		43	407
ROY STREET	PRIVATE	PRESCOTT AVENUE	MARSHALL AVENUE	PAPER		48	0
RUNNINGBROOK CIRCLE	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	DEAD END	1987 ATM 43		18	696
RUSSELL CIRCLE	PUBLIC/TOWN ACCEPTED	LIBERTY STREET	LIBERTY STREET	1957 ATM 33		13	12
RUTLEDGE LANE	NOT TOWN ACCEPTED	RUTLEDGE ROAD	DEAD END			18	631
RUTLEDGE ROAD	PUBLIC/TOWN ACCEPTED	EAST EVERGREEN	WENTWORTH ROAD	1954 ATM 25		18	33
SADDLEBROOK ROAD	NOT TOWN ACCEPTED	COMMONWEALTH ROAD	CLUBHOUSE LANE			2	0
SAMUEL PATH	PUBLIC/TOWN ACCEPTED	PHEASANT HOLLOW ROAD	PHEASANT HOLLOW ROAD	2005 FTM 28	1874 STM 2    1911 ATM 27	57	0
SANCTUARY BLVD	PUBLIC/TOWN ACCEPTED	COTTAGE STREET	WHISPERING LANE	2010 STM 23		61	0
SASSAMON ROAD	PUBLIC/TOWN ACCEPTED	GLEN STREET	END	1965 ATM 25		78	537
SAWIN STREET	PUBLIC/TOWN ACCEPTED	NORTH AVENUE	HIGHLAND STREET			36	221
SCARSDALE ROAD	PUBLIC/TOWN ACCEPTED	WOODLAND STREET	END	1999 FATM32		53	484
SCHALLER STREET	PUBLIC/TOWN ACCEPTED	RIVER STREET	WELLESLEY TOWN LINE	1891 STM 20		55	524
SCHOOL STREET	PUBLIC/TOWN ACCEPTED	COMMON STREET	EAST STREET	1868 ATM 19		44	434
SCHOOL STREET EXT	NOT TOWN ACCEPTED	COLBURN STREET	NORTHERLY 930' +/-			52	0

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
SCHOOL STREET EXT	PUBLIC/TOWN ACCEPTED	EAST STREET	SOUTHERLY 1335' +/-		1885 ATM 28    1904 ATM 27	52	623
SECOND STREET	NOT TOWN ACCEPTED	FISHER STREET	END			26	0
SECOND STREET	PUBLIC/TOWN ACCEPTED	KANSAS STREET	FISHER STREET		1878 ATM 18	26	207
SHADY OAK LANE	PUBLIC/TOWN ACCEPTED	FRAMINGHAM TOWN LINE	END	1999 SATM19		31	328
SHATTUCK STREET	PUBLIC/TOWN ACCEPTED	WINNEMAY ST E'ERLY 810' +/- &	HILLSIDE RD E'ERLY 199' +/-		1855 STM    1878 ATM 18    1901 ATM 22    1908 ATM 21	35	181
SHATTUCK STREET	NOT TOWN ACCEPTED	HILLSIDE ROAD	WESTERLY 370' +/-			35	0
SHEFFIELD ROAD	PUBLIC/TOWN ACCEPTED	WESTLAKE ROAD	WEDGEWOOD ROAD	1954 ATM 25		13	19
SHERIDAN STREET	PUBLIC/TOWN ACCEPTED	SHERMAN STREET	END	1894 ATM 14		44	457
SHERMAN STREET	PUBLIC/TOWN ACCEPTED	MORSE STREET	WESTVIEW AVENUE		1877 STM 6    1887 ATM 11    1890 ATM 28    1898 ATM 24	44	438
SHERMAN TERRACE	PUBLIC/TOWN ACCEPTED	SHERMAN STREET	DEAD END	1986 ATM 24		44	0
SHERWOOD ROAD	PUBLIC/TOWN ACCEPTED	NOTTINGHAM DRIVE	SURREY LANE	1950 ATM 18		25	262
SHORE ROAD	PUBLIC/TOWN ACCEPTED	GROVE ROAD	WELLESLEY TOWN LINE	1930 ATM 2		21	141
SHORE TERRACE	NOT TOWN ACCEPTED	SHORE ROAD	WELLESLEY TOWN LINE			21	143
SILVERHILL LANE	PRIVATE	KENDALL VILLAGE	NEWFIELD DRIVE			48	0
SKOHEGAN WAY	PUBLIC/TOWN ACCEPTED	WORONOCO DRIVE	DEAD END	1996 ATM 20		45	656
SOUTH AVENUE	PUBLIC/TOWN ACCEPTED	MAIN ST - WASHINGTON ST &	CLARENDON ST - DEWEY ST		1868 STM 2    1880 ATM 36    1887 STM 4	44	232
SOUTH AVENUE	NOT TOWN ACCEPTED	WASHINGTON STREET	CLARENDON STREET			44	0
SOUTH MAIN STREET	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	SHERBORN TOWN LINE	COUNTY LAYOUT		51	370
SOUTH STREET	NOT TOWN ACCEPTED	ELIOT STREET	SHERBORN TOWN LINE			68	474
SPEEN STREET	PUBLIC/TOWN ACCEPTED	FRAMINGHAM TOWN LINE	SHERBORN TOWN LINE	COUNTY LAYOUT		10	253
SPOONER AVENUE	NOT TOWN ACCEPTED	PINEHURST AVENUE	LOOKOUT AVENUE			49	291
SPRING STREET	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	COCHITUATE STREET		1846 STM 4    1861 ATM 23	43	362
SPRING VALLEY ROAD	PUBLIC/TOWN ACCEPTED	WESTLAKE ROAD	FARRANT ROAD	1954 ATM 25		13	20
SPRUCE LANE	PRIVATE	WOODBINE ROAD	WOODBINE ROAD			48	369
SQUIRE COURT	PRIVATE	THONEAU COURT	WALDEN DRIVE			48	0
ST MARYS DRIVE	PRIVATE	WOODLAND STREET	DEAD END			54	0
ST THOMAS AVENUE	NOT TOWN ACCEPTED	PLEASANT STREET	WARREN ROAD			64	0
STACEY STREET	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	HOME AVENUE	1953 ATM 12		40	338
STAGG DRIVE	PUBLIC/TOWN ACCEPTED	HAMPTON ROAD	ROBINHOOD ROAD	1952 ATM 27		25	274

STREET NAME	STATUS	FROM....	TO	DATES ACCEPTED IN FULL	DATES ACCEPTED PORTIONS				ASSESSOR MAP	STATE RID#
STANLEY STREET	PUBLIC/TOWN ACCEPTED	EAST EVERGREEN ROAD	RUTLEDGE ROAD	1954 ATM 25					19	36
STEPPING STONE LANE	PRIVATE	GLEENWOOD STREET	DEAD END						69	0
STETSON ROAD	NOT TOWN ACCEPTED	END	SOUTHERLY 110' +/-						24	0
STETSON ROAD	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	NORTHERLY 420' +/-	1952 ATM 31					24	256
STEVEN CIRCLE	PUBLIC/TOWN ACCEPTED	PAULINE DRIVE	DEAD END	1972 ATM 31					37	630
STILLMAN CIRCLE	PUBLIC/TOWN ACCEPTED	STILLMAN STREET	DEAD END	2003 SATM 23					56	0
STILLMAN STREET	NOT TOWN ACCEPTED	FRAMINGHAM TOWN LINE	STILLMAN CIRCLE						56	345
STILLWATER CIRCLE	PUBLIC/TOWN ACCEPTED	BACON STREET	DEAD END	1996 ATM 20					37	706
STONE TERRACE	PRIVATE	HARTFORD STREET	DEAD END						31	0
STONEBRIDGE CIRCLE	PUBLIC/TOWN ACCEPTED	RANGER ROAD	DEAD END	1979 ATM 29					40	371
STONES END ROAD	NOT TOWN ACCEPTED	FARWELL STREET	DEAD END						60	0
STRATFORD ROAD	PUBLIC/TOWN ACCEPTED	NORTH MAIN STREET	FELCH ROAD	1950 ATM 18					6	24
STRATHMORE ROAD	PUBLIC/TOWN ACCEPTED	MERCER ROAD	WORCESTER STREET	1963 ATM 23					24	616
STRAWBERRY HILL ROAD	PUBLIC/TOWN ACCEPTED	UNIVERSITY DRIVE	RETROP ROAD	1954 ATM 26					37	493
SUMMER STREET	NOT TOWN ACCEPTED	MAIN STREET	SPRING STREET						43	363
SUMMER STREET	PUBLIC/TOWN ACCEPTED	SPRING STREET	212' +/- WEST OF WASHINGTON AVE		1846 ATM 4	1864 ATM 13	1884 ATM 14	2013 FTM 13	43	363
SUMMIT ROAD	NOT TOWN ACCEPTED	HIGHLAND STREET	DEAD END						36	220
SUNDANCE WAY	PUBLIC/TOWN ACCEPTED	BUCKSKIN LANE	DEAD END	1996 ATM 20					52	666
SUNNYSIDE ROAD	NOT TOWN ACCEPTED	LAKE SHORE ROAD	WORCESTER STREET						18	62
SUNSET PATH	NOT TOWN ACCEPTED	EVERGREEN ROAD	DEAD END						12	48
SUNSHINE AVENUE	PUBLIC/TOWN ACCEPTED	OAK STREET	WHITTIER ROAD EXT.	1958 ATM 25					15	92
SUPERIOR DRIVE	PUBLIC/TOWN ACCEPTED	SPEEN STREET	DEAD END	1959 ATM 24					17	299
SURREY LANE	PUBLIC/TOWN ACCEPTED	BARNESDALE ROAD	END	1950 ATM 18					32	261
SYLVESTER ROAD	PUBLIC/TOWN ACCEPTED	MOORE STREET	CARLSON CIRCLE	1954 ATM 28					58	386
SYLVIA AVENUE	NOT TOWN ACCEPTED	PINEHURST AVENUE	LOOKOUT AVENUE						48	292
TAMARACK ROAD	PUBLIC/TOWN ACCEPTED	BODEN LANE	END		1973 ATM 43	1971 ATM 34			39	612
TAYLOR AVENUE	NOT TOWN ACCEPTED	WEST CENTRAL STREET	DEAD END						43	354
TECH CIRCLE	PUBLIC/TOWN ACCEPTED	OAK STREET	DEAD END		1963 ATM 23	1971 ATM 34			8	89
TEMPLE STREET	NOT TOWN ACCEPTED	WEST CENTRAL STREET	DEAD END						43	356



<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
TERRACE ROAD	PUBLIC/TOWN ACCEPTED	DIGREN ROAD	DEAD END	1952 ATM 27		28	165
TERRANE AVENUE	PUBLIC/TOWN ACCEPTED	WETHERSFIELD ROAD	WETHERSFIELD ROAD	1954 ATM 25		19	32
TEXAS LANE	PRIVATE	PILGRIM ROAD	END	PAPER		32	0
THERESA LANE	PUBLIC/TOWN ACCEPTED	LANES END	PHEASANT HOLLOW ROAD	1993 ATM 2		57	683
THIRD STREET	PUBLIC/TOWN ACCEPTED	KANSAS STREET	FISHER STREET	1952 ATM 28		26	206
THOMPSON COURT	NOT TOWN ACCEPTED	POND STREET	NELSON STREET			43	250
THOREAU COURT	PRIVATE	KENDALL VILLAGE	NEWFIELD DRIVE			48	0
TIBBETTS STREET	PUBLIC/TOWN ACCEPTED	NORTH AVENUE	HARVARD STREET	1874 STM 2		36	230
TIMBER LANE	PUBLIC/TOWN ACCEPTED	SPEEN STREET	HAMPTON ROAD	1946 ATM 35		25	268
TOURNAMENT ROAD	PUBLIC/TOWN ACCEPTED	RANGER ROAD	BURNING TREE ROAD	1979 ATM 29		40	251
TOWER COURT	NOT TOWN ACCEPTED	BACON STREET	DEAD END			27	197
TOWNSEND CIRCLE	NOT TOWN ACCEPTED	SPEEN STREET	DEAD END			49	679
TRAVERSE ROAD	NOT TOWN ACCEPTED	JENNINGS POND ROAD	GROVE ROAD			21	144
TRAVIS ROAD	PUBLIC/TOWN ACCEPTED	SPEEN STREET	END		1950 ATM 18    1952 ATM 11	24	254
TREVOR LANE	PRIVATE	SURREY LANE	END	PAPER		32	0
TUCKER STREET	NOT TOWN ACCEPTED	CEMETERY STREET	FOREST STREET			42	352
TYLER STREET	PUBLIC/TOWN ACCEPTED	BACON STREET	SOUTHERLY 600' +/-	1968 ATM 30		26	200
UNION COURT	PUBLIC/TOWN ACCEPTED	MAIN STREET	DEAD END	1882 ATM 26		43	410
UNION STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	ELIOT STREET		1892 ATM 13    1854 ATM 6	44	486
UNIVERSITY DRIVE	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	END	1954 ATM 26		37	491
UPLAND ROAD	NOT TOWN ACCEPTED	SHORE ROAD	DEAD END			21	142
UPLAND ROAD	NOT TOWN ACCEPTED	OXFORD STREET	DEAD ENDS			15	115
UPLAND ROAD	NOT TOWN ACCEPTED	INGLESIDE ROAD	DEAD END			15	142
VALE STREET	PUBLIC/TOWN ACCEPTED	NORTH AVENUE	HARVARD STREET		1896 ATM 33	36	227
VALE STREET	PRIVATE	HARVARD STREET	HIGHLAND STREET	PAPER		36	0
VALLEY ROAD	PUBLIC/TOWN ACCEPTED	WASHINGTON AVENUE	WESTERLY 315' +/-		1956 ATM 26	35	374
VALLEY ROAD	NOT TOWN ACCEPTED	BELLEVUE ROAD	NORTHERLY 740' +/-			35	0
VERMONT AVENUE	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	CONNECTICUT AVENUE	1928 ATM 40		21	125
VERNON ROAD	PUBLIC/TOWN ACCEPTED	CURTIS ROAD	PILGRAM ROAD	1951 ATM 20		32	308

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
VESTA ROAD	NOT TOWN ACCEPTED	LOWELL ROAD	END	1993 ATM 25		18	56
VICTORIA CIRCLE	PUBLIC/TOWN ACCEPTED	SPEEN STREET	DEAD END			49	685
VILLAGE BROOK LANE	PRIVATE	KENDALL VILLAGE	KENDALL LANE			47	0
VILLAGE GREEN A	PRIVATE	PHILLIPS POND ROAD	DEAD END			74	0
VILLAGE GREEN B	PRIVATE	PHILLIPS POND ROAD	DEAD END			74	0
VILLAGE GREEN LANE	PRIVATE	KENDALL VILLAGE	VILLAGE WAY			39	0
VILLAGE HILL LANE	PRIVATE	KENDALL VILLAGE	KENDALL LANE			47	0
VILLAGE ROCK LANE	PRIVATE	KENDALL VILLAGE	KENDALL LANE			47	0
VILLAGE WAY	PRIVATE	KENDALL VILLAGE	NEWFIELD DRIVE			47	0
VIRGINIA ROAD	PUBLIC/TOWN ACCEPTED	HARTFORD STREET	PILGRAM ROAD	1951 ATM 20		32	302
VISION DRIVE	PRIVATE	WORCESTER STREET	DEAD END			19	0
WABAN STREET	NOT TOWN ACCEPTED	NELSON STREET	SOUTHERLY 500' +/-			43	0
WABAN STREET	PUBLIC/TOWN ACCEPTED	POND STREET	NELSON STREET		1901 ATM 39      1894 ATM14	43	421
WALCOTT STREET	PUBLIC/TOWN ACCEPTED	COTTAGE STREET	SOUTH MAIN STREET			51	464
WALDEN DRIVE	PRIVATE	KENDALL VILLAGE	NEWFIELD DRIVE		1859 STM 2	48	0
WALKUP COURT	NOT TOWN ACCEPTED	EAST CENTRAL STREET	DEAD END			45	487
WALNUT AVENUE	PUBLIC/TOWN ACCEPTED	WALNUT STREET	DEAD END			19	239
WALNUT HILL DRIVE	PUBLIC/ TOWN ACCEPTED	HIGHLAND STREET	DEAD END			36	0
WALNUT PARK ROAD	PUBLIC/TOWN ACCEPTED	CENTRE STREET	MANOR AVENUE			20	68
WALNUT STREET	PUBLIC/TOWN ACCEPTED	MAIN STREET	WORCESTOR STREET		1852 ATM 24      1859 ATM 21      1867 ATM 9      1877 ATM 3	20	169
WARING ROAD	PUBLIC/TOWN ACCEPTED	WESTLAKE ROAD	WESTLAKE ROAD			12	23
WARING ROAD	NOT TOWN ACCEPTED	WESTLAKE ROAD	FELCH ROAD	1954 ATM 25		13	0
WARREN ROAD	NOT TOWN ACCEPTED	DOVER ROAD	END			64	535
WASHBURN COURT	NOT TOWN ACCEPTED	SOUTH MAIN STREET	DEAD END			51	0
WASHINGTON AVENUE	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	LAKE STREET		1887 STM 3      1864 ATM 13      1877 ATM 7      1878 ATM 18	43	236
WASHINGTON STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	SHATTUCK STREET			36	215
WATER STREET	PUBLIC/TOWN ACCEPTED	ELIOT STREET	END			55	514
WATERVIEW LANE	PRIVATE	GLEN STREET	DEAD END	1867 STM 3		63	0
WATSON STREET	NOT TOWN ACCEPTED	WEST CENTRAL STREET	MILL STREET			41	287

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
WAYSIDE ROAD	NOT TOWN ACCEPTED	ROCKLAND STREET	DEAD END			66	621
WEBSTER STREET	PUBLIC/TOWN ACCEPTED	COTTAGE STREET	SCHOOL STREET EXT.	1923 ATM 94		52	442
WEDGEWOOD ROAD	PUBLIC/TOWN ACCEPTED	WENTWORTH ROAD	SPRING VALLEY ROAD	1954 ATM 25		13	30
WELLESLEY AVENUE	PUBLIC/TOWN ACCEPTED	WEST CENTRAL STREET	END	1925 ATM 32		40	339
WELLESLEY ROAD	NOT TOWN ACCEPTED	OXFORD ST NORTHERLY 730' +/-	ACCEPTED SECTION			15	0
WELLESLEY ROAD	PUBLIC/TOWN ACCEPTED	WORCESTER ST TO OXFORD ST &	SUNSHINE AVE - SOUTH 440' +/-		1927 ATM 27    1960 ATM 29	15	93
WELLESLEY ROAD EXT	NOT TOWN ACCEPTED	SUNSHINE AVENUE	NORTHERLY TO END			15	111
WELLS STREET	PUBLIC/TOWN ACCEPTED	BEVERLY ROAD	PRINCETON ROAD	1946 ATM 39		21	101
WENTWORTH ROAD	PUBLIC/TOWN ACCEPTED	TERRANE AVENUE	RUTLEDGE ROAD	1954 ATM 25		19	31
WEST CENTRAL STREET	STATE LAYOUT	STA 84+00	STA 87+50			42	288
WEST CENTRAL STREET	PUBLIC/TOWN ACCEPTED	MAIN STREET	FRAMINGHAM EXCLUDES STA 84 to 87+50	12/08/2010		39	288
WEST STREET	PUBLIC/TOWN ACCEPTED	OAKLAND STREET	SOUTH MAIN STREET		1903 ATM 8    1941 ATM 16    1995 ATM 17	50	391
WESTERN AVENUE	PUBLIC/TOWN ACCEPTED	POND STREET	FLORAL AVENUE	1877 ATM 15		43	426
WESTFIELD ROAD	PUBLIC/TOWN ACCEPTED	MILL STREET	MILL STREET	1952 ATM 27		40	318
WESTLAKE ROAD	PUBLIC/TOWN ACCEPTED	IRVING ROAD	NORTH MAIN STREET	1954 ATM 25		12	18
WESTVIEW AVENUE	NOT TOWN ACCEPTED	UNION STREET	END			44	497
WESTVIEW ROAD	NOT TOWN ACCEPTED	LINWOOD ROAD	END			47	0
WESTVIEW TERRACE	NOT TOWN ACCEPTED	WESTVIEW AVENUE	DEAD END			44	498
WESTWOOD ROAD	NOT TOWN ACCEPTED	ORCHARD ROAD	OXFORD STREET			15	113
WETHERSFIELD ROAD	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	WEDGEWOOD ROAD		1954 ATM 25    1964 ATM 37	19	17
WHALEN LANE	NOT TOWN ACCEPTED	SOUTH MAIN STREET	PLAIN STREET			43	430
WHEELER LANE	NOT TOWN ACCEPTED	WORCETER STREET	APPLETON ROAD			19	70
WHISPERING LANE	PUBLIC/TOWN ACCEPTED	HARVEST MOON DRIVE	END	2010 STM 23		61	0
WHITCOMB STREET	NOT TOWN ACCEPTED	LAKEVIEW AVENUE	FISKE STREET			49	396
WHITNEY CIRCLE	PUBLIC/TOWN ACCEPTED	RATHBUN ROAD	END	1998 ATM 27		9	640
WHITRIDGE ROAD	NOT TOWN ACCEPTED	EVERETT STREET	DEAD END			72	670
WHITTIER ROAD	PUBLIC/TOWN ACCEPTED	WORCESTER STREET	OXFORD STREET		1924 ATM 52    1925 ATM 30	15	112
WHITTIER ROAD EXT	NOT TOWN ACCEPTED	SUNSHINE AVENUE	NORTH AND SOUTH END			15	94
WIGHT FARM ROAD	PUBLIC/TOWN ACCEPTED	MEETINGHOUSE LANE	DEAD END	1988 ATM 8		27	701

<i>STREET NAME</i>	<i>STATUS</i>	<i>FROM....</i>	<i>TO</i>	<i>DATES ACCEPTED IN FULL</i>	<i>DATES ACCEPTED PORTIONS</i>	<i>ASSESSOR MAP</i>	<i>STATE RID#</i>
WILDEMEADOW LANE	PUBLIC/TOWN ACCEPTED	EVERETT STREET	DEAD END	2000 FTM 31		66	0
WILDWOOD PLACE	NOT TOWN ACCEPTED	SPEEN STREET	DEAD END			33	283
WILLOW STREET	PUBLIC/TOWN ACCEPTED	WALNUT STREET	END		1868 ATM 18      1870 ATM 10	35	182
WIOLOGREEN ROAD	PUBLIC/TOWN ACCEPTED	MURDOCK ROAD	STRAWBERRY HILL ROAD	1954 ATM 26		37	494
WILSON STREET	PUBLIC/TOWN ACCEPTED	EAST CENTRAL STREET	SHERMAN STREET	1878 ATM 18		44	456
WINCH WAY	NOT TOWN ACCEPTED	WALNUT STREET	SHATTUCK STREET			35	216
WINDSOR AVENUE	NOT TOWN ACCEPTED	PROCTOR STREET	WEST STREET			58	389
WINNEMAY STREET	PUBLIC/TOWN ACCEPTED	WILLOW STREET	GROVE STREET	1873 ATM 26		35	117
WINSLOW ROAD	PUBLIC/TOWN ACCEPTED	JENNINGS POND ROAD	BORDER ROAD	1946 ATM 30		21	136
WINTER STREET	PUBLIC/TOWN ACCEPTED	OAK STREET	WESTON TOWN LINE	1995 ATM 17		3	75
WOLFE TERRACE	NOT TOWN ACCEPTED	FARWELL STREET	DEAD END			60	705
WOODBINE ROAD	PRIVATE	KENDALL VILLAGE	NEWFIELD DRIVE			48	470
WOODBURY LANE	PUBLIC/TOWN ACCEPTED	DAVIS BROOK DRIVE	DEAD END	2006 SPTM 1		62	0
WOODCOCK PATH	NOT TOWN ACCEPTED	ELIOT HILL	DEAD END			67	0
WOODLAND HEIGHTS	PRIVATE	WOODLAND STREET	END			62	0
WOODLAND STREET	PUBLIC/TOWN ACCEPTED	COTTAGE STREET	UNION STREET		1857 ATM      1866 ATM 18	52	452
WOODLEIGH ROAD	PUBLIC/TOWN ACCEPTED	WOODLAND STREET	SOUTHERLY 635' +/-		1967 ATM 48	61	480
WOODLEIGH ROAD	PRIVATE	MORNINGSIDE AVENUE	SOUTHERLY 180' +/-	PAPER		61	0
WOODS COURT	NOT TOWN ACCEPTED	FLORENCE STREET	DEAD END			36	229
WORCESTER STREET	STATE LAYOUT	WEST BOUND	ROUTE 9			18	40
WORONOCO DRIVE	PUBLIC/TOWN ACCEPTED	UNION STREET	ALGONQUIAN DRIVE	2001 ATM 28		45	655
YORKSHIRE DRIVE	PUBLIC/TOWN ACCEPTED	HAMPSHIRE DRIVE	DEAD END		1969 ATM 35      2009 ATM 23	19	637
YUBA PLACE	NOT TOWN ACCEPTED	NORTH MAIN STREET	DEAD END			35	185
ZOAR STREET	NOT TOWN ACCEPTED	EDGEWOOD AVENUE	CRAIGIE STREET			52	449

271.  
Chapter  
of the Acts of 2016

THE COMMONWEALTH OF MASSACHUSETTS

*In the One Hundred and Eighty-Ninth General Court*

AN ACT RELATIVE TO THE PROCEDURE FOR MUNICIPAL ACCEPTANCE OF SUBDIVISION  
ROADS IN THE TOWN OF NATICK.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Notwithstanding chapters 79 and 82 of the General Laws or any other general or special law to the contrary, the town of Natick may employ the procedure set out in this act for municipal acceptance of roads constructed within a subdivision in accordance with a definitive subdivision plan that has been approved pursuant to the subdivision control law, as defined in section 81K of chapter 41 of the General Laws.

The board of selectmen of the town of Natick shall hold a public hearing, after first giving: (i) written notice by first-class mail, postage prepaid, to the owner of record of each property abutting the road, as appearing in the records of the assessors of the town of Natick; and (ii) notice by publication in a newspaper of local circulation not less than 7 days before the hearing. The records of the assessors of the town of Natick shall be conclusive evidence of ownership for purposes of this act. If the board of selectmen determines, after the public hearing, that it is in the public interest to accept the road, they shall so vote, by a majority vote, and place an article on the warrant for the next annual or special town meeting for acceptance of the road.

Upon a 2/3 vote of town meeting to accept the road, the board of selectmen shall prepare an order of acceptance setting forth the vote of the town meeting for recording at the Middlesex county registry of deeds. The order of acceptance shall contain a description of or reference to a plan showing the boundaries and measurements of the road, which may be an existing approved and recorded definitive subdivision plan. The order of acceptance shall be recorded not later than 60 days after the town meeting vote and, upon recordation, shall vest ownership of a permanent roadway easement in the road for all purposes for which public ways are commonly used in the town of Natick, together with ownership of all utility, drainage, access and other easements shown on the plan and specifically identified in the order of acceptance, as well as all pipes, structures and other improvements located therein, in the town of Natick with no additional notice or other action required.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, September 19, 2016.

Passed to be enacted,

*Paul J. Donato*

Acting  
Speaker.

In Senate, September 19, 2016.

Passed to be enacted,

*Kathleen O'Connor Pres.*

Acting  
President.

*Sept 18*, 2016.

Approved,

at

11 o'clock and 18 minutes, A. M.

*Charles D. Bass*

Governor.

**ROBERT S. TROY AND ASSOCIATES**  
ATTORNEYS AND COUNSELLORS AT LAW

90 ROUTE 6A • SANDWICH, MASSACHUSETTS 02563-1866 • 508-888-5700

ROBERT S. TROY

TO: WILLIAM R. GRIFFIN  
TOWN ADMINISTRATOR

FROM: ROBERT S. TROY *RST*  
TOWN COUNSEL

DATE: JULY 11, 2002

RE: MUNICIPAL SERVICES ON PRIVATE WAYS

RECEIVED  
JUL 15 2002  
TOWN COUNSEL

This Memorandum serves to respond to your request for my Opinion as Town Counsel with respect to the question of whether there are any statutory provisions that limit non-emergency municipal services to those streets and ways that are open to public use.

In a previous Opinion, I advised that authority to remove snow and ice from private ways by the Town is limited to those private ways that are "open to public use." That Opinion was predicated upon M.G.L. c. 40, § 6C which specifically provides that a Town which accepts the statute "may appropriate money for the removal of snow and ice from such private ways within its limits and *open to the public use* as may be designated by the ... selectmen." (Emphasis added).

M.G.L. c. 40, § 6C is a specific statute that serves at least two statutory purposes. First, it confirms that a Town can utilize public funds to remove snow and ice from private ways that are "open to public use." Second, it provides that the removal of snow or ice should not be construed to be a repair to a public way. This second part of the statute shields the Town from liability that could arise from the performance of services to a private way. Indeed, without this statutory protection, the Town would be exposed to liability arising from any injury that resulted from the snow removal. See, M.G.L. c. 84.



July 11, 2002

Page 2

Pursuant to a somewhat related statute, M.G.L. c. 40, § 6N, Towns are empowered to enact By-laws that authorize the making of temporary repairs to private ways. Bourne has adopted such a By-law. *See*, Bourne General By-laws Section 3.1.28. Both the statute and the By-law similarly limit the Town's authority to make such repairs to those private ways that are "open to public use." Bourne's By-law further provides that "the Town shall be held harmless on account of any damages whatever caused by such repairs by agreements executed by the abutters ...."

These statutes reflect public policy concerns (1) about public funds being utilized for the benefit of private individuals and (2) that the "repair" of a way can be the basis for assertion of a claim of municipal liability.

Other than these two statutes, there are no other statutes that address the provision of municipal services to private ways.

In making the request, you explicated the purpose underlying the request with a specific example regarding collection of trash. You wrote: "For instance, may the Town collect trash on private ways not open for public use? Is the Town obligated to collect trash on private ways that are open to public use?"

The example raises questions that are different from the initial question regarding limitations on municipal authority with respect to provision of services to private ways. Indeed, the example raises questions regarding the provision of municipal services to individuals situated on private ways which are or are not open to public use.

The authority of a municipality to provide particular services to its residents is limited by two fundamental maxims. First, municipalities are restricted in the expenditure of public funds raised by taxation to public purposes sanctioned by the legislature. The collection of trash is such a public function. Baumgardner v. City of Boston, 304 Mass. 100 (1939). Accordingly, the Town may provide trash collection services if it elects to do so.

July 11, 2002

Page 3

Second, the United States Constitution mandates that, when a municipality provides services, it must do so on a non-discriminatory basis. *See*, 18 Mass. Prac. § 412 (Randall and Franklin, Municipal Law, 1993). Thus, if the Town elects to provide trash collection, it must provide the service to Bourne residents in a non-discriminatory manner.

This Constitutional requirement does not mean that the Town is prohibited from making any distinctions between residents. The Town may discriminate so long as the discrimination is rationally related to a legitimate State interest. This principle was affirmed in the recent case of Flatley v. Malden, 40 Mass. App. Ct. 38 (1996).

In Flatley, the Appeals Court affirmed the city of Malden's works commission's classification system of incrementally increasing rates to consumers for higher consumption of water. The plaintiff – who owned thirteen apartment buildings – challenged the classification system by arguing that it was impermissibly discriminatory to determine the rate for apartment buildings by measuring the total consumption of all units while, for an individual homeowner, the rate was set by measuring flow to just one house. The Appeals Court determined that, in order to prevail, the plaintiff was required to show that the discrimination was “unreasonable.” The Appeals Court ruled that the plaintiff failed to make the required showing because the city had a legitimate basis for creating a tiered system of water rates – water conservation.

In my Opinion, as Town Counsel, there is not a rational distinction or a legitimate basis to distinguish between public ways and private ways open to public use in the context of municipal trash collection. However, there is a rational distinction between public or private ways open to the public and ways which are closed to the public and which contain impediments to access. The Town is entitled to make distinctions based upon these practical, tangible considerations. For example, the Town could develop a set of criteria for eligibility for trash collection service based upon accessibility to the particular property. Such criteria could include:

July 11, 2002

Page 4

- minimum road width
- minimum road grade
- minimum road conditions
- accessibility (i.e., no locked gates)

These criteria are objective and non-discriminatory since they are based upon considerations of being able to provide service in a safe, efficient and cost effective manner.

In summary, whether the Town has authority to provide services to residents on streets and ways is subject to a determination whether the service is a legitimate public function and whether the service will be provided in a non-discriminatory manner. Such an analysis is highly fact dependent and thus, specific questions regarding such municipal activities must be reviewed on a case by case basis.

RST:bjw

Cc: Board of Selectmen



## Policy on Converting Private Streets into Public Ways

**Policy Number XXV**

**Issue date:** October 2, 2012

**Type of policy:** New ( x )    Amendment ( )

**Effective date:** October 15, 2012

**Level:** Department ( )    Division ( )    Town Wide ( x )

### Policy Statement

This is a formal policy for the Town of Canton ("Town") Board of Selectmen ("Board") to consider for the handling of requests by multiple property owners to convert a private street into a public way. It is not intended as a legal memorandum to detail the various legal and procedural requirements in connection with the Town laying out a public way, which can be provided upon request.

### Special Terms

None.

### Policy Description

#### I. Response to Request for Layout of Public Way Informing Owners of Costs.

The Town's policy is for the property owners abutting the private street to be laid out as a public way to bear all costs for the layout and improvement of that street. When the Town first receives a request to convert a private street into a public way, the Board will provide proponents and other property owners a notice outlining the property owners' responsibilities to create the public way. A sample notice is attached as Exhibit 1.

II. A Strong Majority (approximately 75%) of Lot Owners to Confirm Assumption of Costs.

Because the property owners will be required to bear all costs for the layout and improvement of the way, a strong majority – if not all – of the owners must represent to the Town in writing that they support the project and will assume a share of the costs and obligations related to the layout and improvement of the way. One way to accomplish this is to request each property owner to sign and return the sample outline attached as Exhibit 1.

III. All Benefited Lot Owners To Bear All Engineering and Legal Costs.

The property owners will bear all engineering and legal costs to create the public way. All affected property owners will be responsible to engage and to pay: (i) an engineer for all surveying, layout design, installing surveyor monuments, and any as-built plans, and (ii) an attorney for title work and title certification to the Town. The property owners will be directly responsible for these costs per arrangements with their engineer and attorney whether or not the public way is ever finally accepted.

IV. All Benefited Lot Owners to Bear All Construction Costs.

The property owners will be responsible to pay all construction costs to improve the way to a condition, as the Board shall determine, suitable for the Town to accept it, including but not limited to full-depth reconstruction of the existing street, more temporary methods of resurfacing and installing surveyor monuments, sidewalks and drains. Depending on the construction required, the property owners may be able to pay for construction costs through a combination of upfront payment or betterment assessment for a period not to exceed 10 years or other period allowed by law or otherwise advisable based on available rates and conditions for any borrowing by the Town. To the extent the Board may assess betterments, the Board will determine the shares that each property owner will be responsible to pay.

V. The Survey Plan.

The property owners, through their engineer and at their cost, must provide to the Town at least three copies of a survey plan showing the proposed roadway with precise linear measurements, area calculations, necessary property boundaries, grade, property owner names, property owner addresses and Town map and parcel numbers. A copy of the plan should be forwarded to the Town's Engineering Department. Once the Town's Engineering Department determines that the survey is acceptable, the property owners' engineer will also be required to forward the Town a final version of the survey in mylar form.

VI. Title.

Once the Town's Engineering Department determines that the survey is acceptable, the survey must be forwarded to Town Counsel for review together with a certification by the property owners' attorney regarding ownership of the affected parcels so that Town Counsel can confirm ownership and prepare easements for execution by the property owners. Coordination by the Engineering Department and Town Counsel for review of the survey may be appropriate when the Town first receives a survey to prevent the need for further modification to the survey and unnecessary costs.

VII. All Benefited Lot Owners to Grant the Town Easements for Property Rights.

Once title is confirmed, then all affected property owners will be required to grant to the Town an easement for the Town to use their properties for public way purposes, including any rights reasonably necessary for sloping, sidewalks or drainage that might be located outside the paved portion of the street, based upon the Town's standard form easement. A sample standard form easement (with exhibits for a plan and mortgagee assent) is attached as Exhibit 2.

VIII. Collection of Signed Easements before Board of Selectmen Meeting.

The proponents of the public way must ensure that all necessary easements to the Town are executed, collected and delivered to the Town at least 60 days prior to the deadline for the submission of articles for the annual Town Meeting warrant. All necessary easements should be so delivered prior to the Board meeting to create the public way. Once executed, the easements can be delivered to the Town and held in escrow until Town Meeting votes to accept the street as a public way and to authorize the Board to acquire the easements.

IX. Referral to Planning Board for Planning Board Report.

Once all easements have been collected, the Board must forward the Planning Board the survey pursuant to G.L. c. 41, § 81I for the Planning Board to make its non-binding report to the Board regarding the proposed layout, including the dimensions, condition and characteristics of the street and its recommendation as to whether the street should become a public way.

X. Meeting to Lay Out Way.

Once all necessary easements are executed and delivered to the Board and the Planning Board has issued its report (or 45 days have passed since the Board referred the matter to the Planning Board), the Board should meet to (i) find whether common convenience and necessity support laying out the street as a public way, and (ii) vote as to whether the way should be laid out as a public way.

XI. Town Meeting Acceptance.

If the Board votes to lay out the street as a public way, then (i) Town Meeting must accept the street as a public way, and (ii) the easements (or any order of taking) must be recorded at the Registry of Deeds within 120 days of the Town Meeting, unless betterments are to be assessed, in which case the Town should record the easements together with any initial order for betterments *within 90 days* of Town Meeting acceptance. A sample warrant article is attached hereto as Exhibit 3.



## XII. Betterments for Layouts.

In furtherance of a Town policy to require benefited property owners to pay for all construction costs related to the layout, the Board may order a betterment (i.e., a special tax) to be assessed against each of the benefited property owners for their proportionate share of the costs for the improvement of the way. As part of this policy, the Board has determined that all road and other improvements and associated necessary for acceptance, as determined by the Board, will be borne by the property owners as (i) a full sum payment per agreement with the Board paid to the Town before the Board votes to layout the street as a public way, (ii) a betterment assessment, or (iii) some combination thereof, as determined by the Board in the Board's sole discretion, based upon any relevant factors and all applicable laws, regulations and bylaws. The duration of any betterment assessment not to exceed 10 years or other period allowed by law or otherwise advisable based upon available rates, terms and conditions for any borrowings by the Town and to seek guidance from the Town's Finance Director with respect to the duration of the assessments.

## XIII. Conveyance of Benefited Parcels of Land

Upon conveyance or refinance of any benefited individual parcel of land, the remaining amount of its proportionate share of the betterment assessment must be paid in full to the Town at the time of such conveyance and or refinance. No failure to pay the Town in full at the time of such conveyance or refinancing shall terminate or affect the responsibility of any current or prior owner of any benefitted parcel or any successors in interest to such parcel to pay the Town the full amount assessed nor the validity or enforcement of any order or lien related to or arising from a betterment assessment.



**EXHIBIT 1**

**Sample Outline for Property Owners**

## **NOTICE TO PROPERTY OWNER**

### **Of Town Policy to Create a Public Way**

- The creation of a public way generally requires (1) a survey to show the boundaries of the public way; (2) grants to the Town by you and your neighbors of permanent property rights for the Town to use your properties for a public way; (3) Planning Board review and report to the Board of Selectmen regarding the creation of the public way; (4) a public meeting of the Board of Selectmen to determine whether your street should be laid out as a public way; (5) acceptance by Town Meeting of your street as a public way; and (6) the recording of instruments granting property rights (easements and orders for takings or betterments) at the Registry of Deeds in the chain of title for your property.
- The Town is not guaranteeing or representing to you that a public way will ever be laid out or accepted by the Town, even if you have undertaken necessary steps toward the creation of the public way and incurred costs in doing so.
- All expenses incurred by you in connection with the creation of the public way are at your risk, even if no public way is ever created or accepted by the Town.
- You will be responsible, at your cost, for all engineering and legal work for the creation of the public way, whether or not your street is ultimately laid out or accepted street as a public way.
- You will be responsible, at your cost, for all expenses to improve your street to a suitable condition of the Town to accept as a public way through a payment, betterment assessment (i.e., a special tax) or a combination payment/betterment assessment. No betterment will be assessed until after meeting has accepted your street as a public way.
- Because you and your neighbors will be required to pay the costs to create the public way, the Town will wish to see neighborhood support to have your street accepted as a public way. To indicate neighborhood support, the Town requests that you provide the Town a written representation, signed by a strong majority (approximately 75%) of the affected property owners that you support and are willing to pay the costs for the creation of the public way.
- The work and costs will at minimum include the preparation of a survey of the street showing the boundaries of the street and title work and certification for all affected properties.
- The survey should show precise linear measurements for the boundaries of the street and all parcels comprising a portion of the street, area calculations, names of current owners, Town map and parcel IDs, and title reference information.
- The title work should include names of current owners, names of all current mortgagees and lien holders, appropriate title reference information for deeds, mortgages and liens for such parties, and a title certification by the property owners' attorney regarding ownership of the affected parcels.
- Once title is confirmed by the Town, you and all affected property owners will be required to sign the Town's standard form easement (copy attached) to grant to the Town a permanent right to use your property for the public way.
- Once all easements are signed, collected by the neighborhood and returned to the Board of Selectmen, the Board will consider holding a public meeting to lay out your street as a public way.
- The Board of Selectmen may consider not holding a public meeting to determine whether the public way should be created until all executed easements are obtained and delivered to the Board. If even one easement is not obtained, then the Town may not create the public way.

- Because the Town may elect not to consider creating the public way without a voluntary grant of all the easements, you should strongly consider whether and how all affected property owners should agree to bear the engineering, legal and construction costs required to create the public way prior to incurring any costs.
- If betterments are assessed to assist with financing improvements, it may affect your sale or refinancing of your property.

Please sign below and return this form to the Town to indicate that you have read and understand the above and that all expenses you incur are at your own risk without any warranties or representations by the Town that your street will be established as a public way, even if you have incurred expenses for such purposes.

Your signature below may have legal consequences. The layout of public ways and the ordering of betterments are legal processes that will create binding legal obligations and that will affect your rights to your property. If not understood, we recommend you consult with an attorney.

UNDERSTOOD AND AGREED:

Sign: \_\_\_\_\_  
 Print: \_\_\_\_\_  
 Address: \_\_\_\_\_

Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
 Print: \_\_\_\_\_  
 Address: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT 2**

**Standard Form Easement for Public Way**

GRANT OF PERMANENT EASEMENT  
FOR PUBLIC WAY

[ADDRESS], Canton

[NAME] of [ADDRESS], Canton, Massachusetts ("Grantor"), for consideration given, do hereby grant to the **TOWN OF CANTON**, a body politic and corporate having an address of Memorial Hall, 801 Washington Street, Canton, Massachusetts (the "Town"), acting by and through its Board of Selectmen, with quitclaim covenants, a permanent right and easement over that portion of Grantor's Premises located at \_\_\_\_\_, Canton Massachusetts and shown as "\_\_\_\_\_" (the "Easement Area") on the plan entitled "\_\_\_\_\_" dated \_\_\_\_\_, prepared by \_\_\_\_\_ and recorded at the Norfolk County Registry of Deeds ("Registry") in Plan Book \_\_\_\_\_ as Plan No. \_\_\_\_\_ ("Plan") for the Town and the general public for access, travel and use for all other purposes for which ways are used in the Town of Canton and Commonwealth of Massachusetts, including but not limited to entering upon and traveling over the Easement Area by foot and by vehicle, installation of utilities, and the construction, maintenance, grading, sloping, repair, replacement and removal of asphalt paving, sidewalks and other such improvements.

A reduced copy of the Plan is attached hereto as Exhibit A. An assent by the current holders of a mortgage Grantor's property, if any, is recorded herewith.

For Grantor's title, see the deed dated \_\_\_\_\_ and recorded at the Registry in Book \_\_\_\_\_, Page \_\_\_\_\_.

EXECUTED under seal this \_\_\_\_\_ day of \_\_\_\_\_.

GRANTOR:

\_\_\_\_\_  
[NAME]

\_\_\_\_\_  
[NAME]

Commonwealth of Massachusetts  
Norfolk County, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were ☐ photographic identification with signature issued by federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person(s) whose names are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:

Commonwealth of Massachusetts  
Norfolk County, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were ☐ photographic identification with signature issued by federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person(s) whose names are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:

Acceptance of Easement

The undersigned, constituting a majority of the Town of Canton Board of Selectmen, hereby accept from Grantor the rights and easements granted hereby pursuant to the Town Meeting vote on Article \_\_\_\_ of the Town's \_\_\_\_ Town Meeting.

EXECUTED under seal this \_\_\_\_\_ day of \_\_\_\_\_.

TOWN OF CANTON  
By its Board of Selectmen

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chair

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

Commonwealth of Massachusetts  
Norfolk County, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned notary public, personally appeared the members of the Town of Canton Board of Selectmen and proved to me through satisfactory evidence of identification, which were ☐ photographic identification with signature issued by federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person(s) whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the Town of Canton Board of Selectmen.

\_\_\_\_\_  
Notary Public  
My commission expires:



Exhibit A to Easement

Copy of Street Acceptance Plan

[Insert 8.5" x 11" Copy of Plan]

Exhibit B for Use with Easement

Standard Form Assent by Mortgagee

MORTGAGEE ASSENT

[ADDRESS], Canton

[LENDER], a Massachusetts banking institution having a usual place of business at \_\_\_\_\_ and the present holder of that certain mortgage to [PROPERTY OWNER NAME] ("Owner(s)") dated \_\_\_\_\_ and recorded at the Norfolk County Registry of Deeds ("Registry") in Book \_\_\_\_\_, Page \_\_\_\_\_ (the "Mortgage"), hereby assents to the grant to the Town of Canton by Owner(s) of that certain Grant of Permanent Easement for Public Way related to the property known as \_\_\_\_\_, Canton, Massachusetts and recorded at the Registry herewith ("Easement"), and agrees for itself and its successors and assigns that the Mortgage is subordinate to the Easement and that no action or proceedings to enforce the Mortgage shall result in the termination of any rights or obligations in such Easement.

Executed as a sealed instrument on this \_\_\_\_\_ day of \_\_\_\_\_.

[LENDER]

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Duly authorized

State of \_\_\_\_\_  
\_\_\_\_\_ County, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, as \_\_\_\_\_ for \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were ☐ photographic identification with signature issued by federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person(s) whose names are signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:

### EXHIBIT 3

#### Sample Warrant Article

Article to Lay out \_\_\_\_\_ as a Town Way.

Article \_\_\_\_\_. To see if the Town will vote to accept \_\_\_\_\_ in Canton as a public way where it intersects with \_\_\_\_\_, as recommended by the Planning Board and laid out by the Board of Selectmen pursuant to G. L. c. 41 and c. 82 more particularly described by the plan entitled "\_\_\_\_\_" dated \_\_\_\_\_, prepared by \_\_\_\_\_ and on file with the Town of Canton Board of Selectmen; to see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the land or easements in all or any portions of those parcels of land abutting \_\_\_\_\_ and listed below, as shown on the above-referenced plan for access, grading, drainage, utilities, sloping, trails, public access and all purposes related to the creation and maintenance of a public way; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; and further to authorize the Board of Selectmen and Town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article; or to take any other action related thereto.

<u>Property Address</u>	<u>Town Assessor ID</u>
123 Some Street	Map xx, Parcel yy
456 Some Street	Map xx, Parcel zz

# DEDHAM TOWN BYLAWS

Dedham Annual Town Meeting MAY 19, 2014

---

**BY-LAW: LAYING OUT & IMPROVEMENTS TO PRIVATE WAYS REQUIRES  
MAJORITY VOTE**

**ARTICLE THIRTY-THREE:** *By Selectman Michael L. Butler and Planning Board Member Michael Podolski.* To see if the Town will vote to amend the Revised By-laws of the Town of Dedham by deleting Section 250-7, Repairs and Improvements to Private Ways, in its entirety and replacing it with the following:

**\* Section 250-7. Temporary Repairs to Private Ways**

The Director of Public Works may, at his discretion, undertake such action as may be necessary to keep private ways which have been open to public

use for a period in excess of ten (10) years passable for emergency vehicles.

This By-law shall not be construed so as to allow complete repaving or rebuilding

projects for any private way, nor shall any such repairs exceed in cost the amount of one thousand five hundred dollars (\$1,500) for any given private way in any given fiscal year.

The liability limit of the Town for any claim arising from any such work on any private way shall be Five Thousand Dollars (\$5,000).

**\* Section 250-8. Laying Out and Improvements of Private Ways**

Owners of land abutting any private way that is open to public use may petition the Board of Selectmen to lay out and accept such way as public and improve such way to standards acceptable to the Board of Selectmen. The Board may determine to approve such petition and establish standards for the improvement of such way in accordance with a policy implemented by said Board after due notice and hearing. The following conditions shall be met:

- a. 100% of the owners of land abutting on the private way or who otherwise own any part of the way shall agree to the laying out and acceptance of the way as public and the construction of such improvements to the way as the Board of Selectmen shall determine.
- b. 100% of said owners shall agree to pay such portion of the cost of laying out and improving the private way as the Board of Selectmen may determine to assess as a betterment, which assessment may be up to and including 100% of such costs. Such costs shall include the costs to the Town of ascertaining ownership of the way and related properties

## Dedham Annual Town Meeting MAY 19, 2014

and obtaining such property rights as are necessary to public use and maintenance of the way. Said betterment assessment shall be equally assessed on all benefited properties if all benefited properties are existing or potential single family lots and otherwise shall be assessed proportionately pursuant to G.L. c.80, and pursuant to G.L. c.80, §13, interest shall be at a rate equal to 2% above the rate of interest chargeable to the Town for the project to which the assessments relate, as determined by the Town Treasurer. All improvements and/or assessments shall be in accord with applicable Massachusetts General Laws.

- c. Prior to any expenditure by the Town on construction, said owners and all others specially benefited by such layout and improvement or owning property in which rights must be acquired by the Town for use and maintenance of such ways shall, as applicable: (i) release the Town from all liability in connection with the project; (ii) agree to indemnify and hold harmless the Town from all claims of injury or damage by third parties; (iii) grant to the Town and its agents, contractors and employees a license to enter the way to perform the project; (iv) agree to provide for the ongoing maintenance and repair of said way unless and until said way shall be accepted as a public way; (v) waive rights to appeal the amount of the betterment assessment pursuant to G.L. c.80, §§5-10A; and (vi) waive claims for damages from any taking of land or easements for public way purposes in connection therewith, such agreement to be acknowledged by a notary public and to be binding upon successors and assigns of such property owners.
- d. Upon completion of the layout of the way as a public way by the Board of Selectmen, including referral of such layout to the Planning Board for its recommendation and filing of the layout plan with the Town Clerk pursuant to G.L. c.82, §§21-24, such private way shall be submitted to the next Annual Town Meeting for acceptance by the Town as a public way.

or take any other action relative thereto.

**Voted:** That it be so voted.

**BY UNANIMOUS VOTE**

# DEDHAM B.O.S POLICY

## Private Ways

### Road Acceptance Policy and Procedures FAQ's

**Q: What is the purpose of this policy?**

A: The purpose of this policy is to establish a uniform and equitable procedure by which the Board of Selectmen will consider requests to lay out existing private ways in the Town as public. The policy is intended to improve the overall condition of those ways in Town open to public use, many of which were laid out and constructed prior to the adoption of formal planning regulations and road construction standards. It does not create rights in any property owner and does not in any manner create a legal obligation on the part of the Town, its officials and boards, to act in conformance herewith.

**Q: When did Town Meeting approve this change?**

A: Town Meeting approved this change in May 2014. It approved Article 33 which deleted Section 250-7 (Temporary Repairs to Private Ways) of the By-laws and replaced it with new language. It also added Section 250-8 (Laying Out and Improvements of Private Ways). The By-laws can be found on the Town website. <http://ecode360.com/documents/DE3083/source/543785.pdf>

**Q: What is a private way?**

A: A private way is a road that has not been accepted as a public road.

**Q: What is the history of private ways in Dedham?**

A: Private streets have a long history in Dedham, some as far back as the 1800's. The fact that they exist at all is not unique to Dedham; other communities also have private streets. There are about 18 miles of private streets in our town.

Most private streets were never constructed to acceptable standards. They often lack basic road requirements like proper drainage or a suitable foundation. Their origin can be traced to the days before the early 1950's when subdivision control laws were first adopted to regulate land development.

They represent an ongoing neighborhood and public works problem, The fact that private streets were constructed without meeting acceptable engineering standards is the reason they pothole, washout or erode and cause abutters to seek help from the Town. However, the help that the DPW can offer is limited because the street is private. Because it was never accepted as a public street, the town has no legal interest in the street and any service provided by the town needs to be in full accordance with state statutes that regulate how Dedham can spend public funds on private roads. By way of contrast public streets are those in which the town has a public interest and which were built to town standards.

**Q: How many private ways are there in Dedham?**

A: There are about 200 private ways totaling 18.7 miles in length. There are about 65 private drives totaling 3 miles in length.

**Q: Who will pay for improvements to bring the private way up to the required standards?**

A: In most cases, the Town will pay 100% of the cost of the improvements. There may be some cases where the town will pay only a portion of the cost. In these cases the Town would assess a betterment and the abutters would be required to agree to pay their share before construction began. The Board of Selectmen will make the decision on what portion of the costs should be paid by the Town.

**Q: What is the timeline for doing this work?**

A: There is no specific timeline. The current backlog of public roads awaiting improvements is 10 – 12 years. Private ways which are accepted through this process will be added to the list and addressed in accordance with the Town's Pavement Management Program . Work may be done sooner than 10- 12 years from now. It may not. It depends on how much money is invested annually in Town roads.

**Q: How can I find out if I live on a public road, a private road or a private drive?**

A: There is a master list of all Dedham roads, and their classification. Here is the link to the Town Clerk's website:

<http://www.dedham-ma.gov/index.cfm?cdid=26323&pid=12480>

**Q: Isn't there a budget to maintain these roads of \$1,500 per year per private road?**



A: There is no specific budget for Private ways. There is a by-law that stops the town from spending more than \$1,500 on a private way. It will do limited patching. It is not enough to do repairs to such roads in the conditions that many private roads are in.

**Q: Can we just have a good bulldozer come to our private road and flatten it out and level it?**

A: Town by-laws and state law do not allow us to do that on private property. This revised by-law, approved by the May, 2014 Town Meeting, will give private way abutters a way for them to have the private way accepted as a public road, which at some point will be rebuilt.

**Q: How can we tell if a road is passable for emergency vehicles?**

A: The Town will get a phone call from the trash collectors or Fire department saying they can't travel on a certain road.

**Q: I am thinking about buying a home on a private way. What advice can you provide?**

A: We recommend you speak with a lawyer so you understand your rights and obligations. You may also want to speak with an insurance agent to understand the implications of living on a private way.

**Q: There are three houses on the street and one large lot of land. I know this street (Forest Street) will never become a public way so it is my understanding that the people who live on this street will have to pay for improvements to this street.**

A: Forest Street is a Category 3 street. If all of the abutters sign a petition which has been designed for that purpose and go through the rest of the process it may become a public road.

**Q: Do abutters pay any money out of their own pocket at all?**

A: In most cases, no. For some existing private ways there may be a cost involved. The Board of Selectmen make the decision as to what share of the costs will be paid by the Town.

**Q: I understand you need 100% but is there any flexibility there?**

A: Town Counsel recommends, and the Board of Selectmen agrees, that 100% of abutters need to sign off the petition. If not all 100% of the abutters sign off then one of them can go to court and stop the process. This will mean the Town begins to incur legal costs, which it does not want to do.

**Q What type of construction will we undertake? Is it just an overlay or are we talking about drainage and sewer systems also?**

A: Every road is going to be on a case-by-case scenario. Some private ways are in very good condition and will only need routine maintenance such as filling in cracks. Most private ways are in complete disrepair and will need to be fully reclaimed. Depending on what type of rehabilitation is going to be required we will also be taking a look at what is below the road. Then we will know if there is a sewer line that has collapsed or a drain line that needs repair just like we do now with the public ways. Right now when it rains the water finds its way into the cracks and pot holes on the roadway. Once you have a new roadway you need to have that water redirected to a storm drain. That's another thing that needs to be looked at and again it is a case by case basis.

**Q: What is the minimum width that is needed to become a Public way?**

A: There is info again on the website that has details about the typical cross sections. Here is the link to the private way design standards developed by the Town's Engineering Department:

<http://www.dedham-ma.gov/dedham/file/Selectman/DRAFT%20Pvt%20Ways%20Design%20Standard%20-%20RS.pdf>

We are trying to figure out a roadway that can accommodate safety for everyone not just for vehicles but for emergency response and pedestrians, too. Depending on the right of way the width can be 22-28 feet.

**Q: If it is going to become a public way are there going to be sidewalks on both sides or just one side?**

A: As far as sidewalks they will only be installed on Group 1 and Group 2 roads. A Group 1 road is a private way that leads to a public facility. Obviously there is going to be a sidewalk there because it is heavily traveled. We want safety to

have access to those locations. Group 2 roads, which are private ways between 2 public ways, will have sidewalks because the Town wants to continue the walkability of that street and install a sidewalk on that road. We are really not looking at doing sidewalks on both sides. One sidewalk on one side is sufficient. Certain cases where we would not have a sidewalk is a private way that goes to a public way or another private way that does have a sidewalk now really doesn't need one. It would be unusual to have a sidewalk and it dead ended and didn't go anywhere. Another area we might do a sidewalk would be where there was one that previously existed before. Even if it did not go somewhere the people on that street might feel it is important to keep that sidewalk so we would do that for them, unless they all unanimously said let's get rid of it because it does not connect to anything. That would be a case by case basis also. There is a blue print of these plans if you go on the website mentioned above that shows the different designs. For example: Park Street is on the design and there would be a sidewalk because it joins to Mt. Vernon and East St.

**Q: When I purchased my house I paved the front so I could park there. Will I still be able to do that?**

A: Parking is a level of detail we cannot answer now. We can give you some insight into the way roads are being rebuilt now and how careful Engineering and DPW are when they take into consideration individual home owner's preferences. You can drive around town and see how new roads have been recently repaved. In some places you will see a green strip and in others it doesn't make sense to have a green strip.

**Q: If they put sidewalks in and take away from my property will our taxes change?**

A: It is unlikely it will affect taxes. You should talk to the assessor's office to see if it will affect your property values. You may also want to speak with a realtor.

**Q: On Clough Road there are condominiums with about 40 owners and 2 abutters – are you saying that all of them need to attend the second meeting? The condo association has 5 board members. Will they be responsible for speaking on the owner's behalf?**

A: They don't have to attend as long as they send in their signatures. Your attorney would have to refer to your master deed and bylaws. Once we have the

petition in-place and we have the agreement and the 2 documents that people have to sign you can take those to the condominium association attorney and get his or her opinion whether the deed allows the Board of Directors to make that decision.

**Q: In some cases I would think that the property deed would need to be updated and if so the property owner would know before they have to sign.**

A: Once the layout is adopted by town meeting the town must acquire certain property rights within the layout to establish the public way. We expect to do this by eminent domain, which requires the Selectmen to execute and record an order with the Registry of Deeds to take the necessary property rights. The property rights taken will be an easement for public way purposes throughout the layout, and any appurtenant easements needed for drainage and utilities. The recording of the order of taking will place notice in your title of the location of the layout. Because the town is taking only easements, the amount of property you own will not change, but the taking will alter the so-called street line if it is different than what is now shown by your deed and plans of record. We cannot say if it will change your property values.

**Q: What is an easement?**

A: An easement is a non-possessory right to use and/or enter onto the property of another to do a specific thing on that property. In this case the town is going to acquire an easement for public way purposes throughout the layout. Ordinarily, property owners own the land in front of their lot to the center line of any roadway they abut, and thus when the town acquires an easement in the layout it will be acquiring an easement in a portion of each abutter's property.

**Q: The land at the end of Whiting Ave Extension was purchased from the railroad by a couple of abutters. It is a dead end Street – will they have to sign off?**

A: From River Street to Quincy Ave would be done, so those particular abutters would not.

**Q: How much does the Town spend on roads every year?**

A: About \$2million a year is invested in roads – that does not always go to the roads with the lowest pavement condition index (PCI), a measure between 0 and

100 of what shape the road is in. What we try to do is tackle the most important roads but we also try to distribute it to the entire town. That means there may be a road in a neighborhood that is a 40 and gets repaired and another that is a 30 and does not get repaired.

**Q: Is that a mix of public and private?**

A: Right now it is 100% public but if that private road has a low PCI and becomes a public road and carries that PCI forward then again it is prioritized a little bit based on the low score, but not always.

**Q: What rights and damages will I have to waive as an abutter?**

A: The right to require the town to obtain an appraisal and the right to claim damages for the property rights the town is going to acquire by eminent domain to complete the layout. That would make it a so-called "friendly" taking. Essentially it is an agreement to let the town take the property rights in question.

**Q: What vote is required at Town Meeting to accept a private way as a public road?**

A: A majority vote is all that is required if the proposed layout follows the boundaries of a way as shown on a definitive plan approved under the Subdivision Control Law. Acceptance of a layout not shown on an approved subdivision plan requires a 2/3's vote of Town meeting.

**Q: Does it really make sense for the town to ever invest in the sidewalks? Do the abutters have a say in what side of the street the sidewalk is and does it need to be 100% of the people to agree. For Example if one person on the left side of the street disapproves and everyone agrees on the right side what will the Town do?**

A: We are going to come up with a proposal and listen to people's comments and decide which side the sidewalk should go on. Over time we want to develop a walkable area.

**Q: Why is Jenny Lane listed in group 5? It seems like it should be in group 3. It has seven residents, it is a dead end street and it intersects a public way.**

A: To answer the first question – We set up these categories based on our assessment to benefit the general public.

**Q: Assuming all people sign to have the town layout the road and it takes 10 years to get to it, what happens if one person sells their property? In other words, if the request goes through the process and then to the Selectman and is approved and then someone sells their property, does the new owner have the right to reverse the process?**

A: The answer would depend a lot on timing. If the 1<sup>st</sup> round of approvals was met and then the 2<sup>nd</sup> round was met the Selectman would lay it out and it would go to Town meeting for a vote. The town would have all the signed waivers and agreements at the time and it would be everyone, so after the town meeting the Selectman would execute the taking to acquire the necessary rights. If the property owners change after that point it doesn't matter. If they sell the property before that they will need a waiver from the new owner or need their approval.

**Q: Will the Town provide any assistance getting through the 1<sup>st</sup> process of petitioning?**

A: Yes. The necessary assistance will be coordinated through the Town manager's office.

**Q: How can abutters find out who owns other properties?**

A: The Town Manager's office will coordinate with the Assessors department to obtain the necessary ownership information.

**Q: Is there a procedure that if not everyone agrees can it be addressed later if a new owner comes in?**

A: If there was only one person that said no and a year later that person moves out and a new person moved in and agreed to go thru the process. You should go for it.

**Q: I live on Nay Circle. We don't have 24 feet of width available. Will we be excluded from this process?**

A: There are about a dozen roads that fall into that category. We hope but can't promise we can get to some solutions for the tax payers. There are at least a dozen roads around town that are not wide enough to allow the min 24 foot road. We do not have an answer at this time. A lot of these roads were laid out in the 1700 and 1800 for one reason or another. They were never accepted as public roads. As reasonable a proposal this is, it is not going to solve 100% of the issues.

There are some of the roads that are private that are not going to be addressed by this issue. Some situations will have to be a separate process all together.

**Q: I live on Churchill Place. Anytime in the next 50 years will the road be fixed so that people can go down to see the baseball games at the field?**

A: If 100% of the abutters agree to go through the process.

**Q: So we don't have to worry about public taking of the land for the greater good of the town?**

A: The Town does not intend to take any land. The process requires 100% of the abutters to sign first, the Public Way Layout Petition Form, and second, the Approval of Conceptual Overlay Map form. Only when 100% of the abutters have signed both forms will their request move forward to Town Meeting.

**Q: So if the Churchill Place abutters go through the process and it is approved what will parking be like during softball games?**

A: There is no obligation on the part of abutters to request a layout. It is recommended that all the neighbors get together to see what a layout would actually look like, to see what improvement might happen. Once they receive a layout but do not like it they can decline to move ahead. On the other hand a layout gives everyone better information with which to make an informed decision.

**Q: What role does the Planning Board play?**

A: The Selectmen will refer the proposed layout to the Planning Board for a "report". The Planning Board may report to the Selectmen on the proposed layout if it wishes but is not required to. If it chooses not to report, the Selectmen can move ahead with the layout after 45 days have passed following the referral. If the Planning Board does choose to report it may do so in any way it wishes. It may approve or disapprove the proposed layout, but does not have to take a position one way or the other. If it does report and makes a recommendation, the Selectmen may choose to follow or to ignore that recommendation. A positive recommendation is not required in order to allow the Selectmen to move forward with an order of layout. The Planning Board's report does not constitute approval under the Subdivision Control Law. Subdivision approval is a completely separate process by which land can be divided into two or more lots and private ways providing access to those lots. It

requires notice and public hearing and if successful results in a definitive plan endorsed by the Planning Board for recording showing the approved division of land and the layout boundaries of the new way(s). If the proposed layout of a public way follows the boundaries of the way as shown on an approved definitive plan, a majority vote of Town Meeting is sufficient to accept that layout as public. If the layout is not shown on a previously approved subdivision plan, a 2/3's vote of Town Meeting is required to accept the layout.

**Q: Who submits the article to Town Meeting?**

A: By law the Selectmen are given complete control over the layout of public ways and the submission of proposed layouts to Town Meeting for acceptance. An article to accept a layout of a way as public cannot be placed before Town Meeting by petition of registered voters pursuant to G.L. c.39, s.10. As a matter of law the primary beneficiary of laying out a public way is the public, although there is certainly an ancillary practical benefit to abutters.

The article could read: "By the Board of Selectmen" or "By the Board of Selectmen on behalf of the abutters of..."



Massachusetts Practice Series TM  
Current through the 2010 Pocket Parts

Municipal Law and Practice  
Douglas A. Randall[a0], Douglas E. Franklin[a1], Pocket Part by Douglas E. Franklin

Chapter  
23. Highways and Streets

**§ 23.5. Public and private ways—Generally**

**West's Key Number Digest**

West's Key Number Digest, [Highways](#)  1

West's Key Number Digest, [Municipal Corporations](#)  269, 646 to 649

**Legal Encyclopedias**

[C.J.S., Highways §§ 1 to 5, 13 to 14](#)

[C.J.S., Municipal Corporations §§ 1422, 1427 to 1429, 1432, 1511](#)

Since 1846, the establishment of a public way has required public action as prescribed by statute[1] or public, adverse, and continuous use for the prescriptive period.[2]

A way is not public unless it has become such in one of three ways: (1) a laying out by public authority in the manner prescribed by statute; (2) prescription; or (3) prior to 1846, a dedication by the owner coupled with acceptance by the public.[3]

**Whether a way is public or private** is based on the use of the way, not solely on who owns it.[3.1] A prescriptive easement is established by showing the continuous, open, notorious, and adverse use of another's land, conducted under a claim of right, for a period of twenty years.[3.5] Where the entity asserting the right to a prescriptive easement is a town, corporate action is required. There is sufficient corporate action when the municipality has expressed dominion and control over the land in its corporate capacity through authorized acts of its employees, agents or representatives to conduct or maintain a public use thereon for the general benefit of its inhabitants.[3.10] The town bears the burden of proving a public way by prescription.[3.15]

Selectmen or road commissioners of a town, or the city council of a city, may lay out, relocate or alter public ways within the city or town, and private ways for the use of one or more inhabitants, or they may order specific repairs to be made on any such way.[4] A town meeting or a city council may vote to discontinue a public or a private way.[5]

Non-use or apparent abandonment of a public way by a town does not result in a discontinuance of the public status of the way.[6]

The selectmen or road commissioners of a town or the city council of a city must, at least seven days before laying out, relocating or altering a town way or private way cause written notice of their intention to be left at the regular places of abode of the owners of land which will be taken for the purpose, or delivered in hand to each such owner, his tenant or agent.[7]

No town way or private way which has been laid out, relocated or altered by the selectmen or road commissioners shall be established until the laying out, relocation or alteration, with the boundaries and measurements of the way, is filed in the office of the town clerk and, not less than seven days thereafter, is accepted by the town at a town meeting.[8]

Within one hundred twenty days after the termination of a town meeting at which a laying out, alteration or relocation is accepted by the town, the selectmen or road commissioners must either acquire the necessary land by purchase or otherwise, or adopt an order for the taking by eminent domain of such land as is required for the purposes of such way.[9] A person sustaining damage by reason of a taking may recover under the eminent domain statute.[10] A person sustaining damage by reason of the discontinuance of a way or of specific repairs may also recover under the eminent domain statute.[11] If no entry is made on land taken or the location for any reason has become void, a person suffering loss or put to expense by the proceedings may recover indemnity.[12] ] Persons applying for the laying out, relocation, alteration or discontinuance of, or the making of specific repairs upon, a private way, or for the discontinuance of a public way, will be required to give the city or town security to indemnify it for all damages and charges which it may be obliged to pay as a result of such laying out, relocation, alteration, discontinuance or specific repairs, and such security must be given before entry is made upon such way for the purposes of construction or such way is closed up. All such damages and charges must be repaid to the city or town by such applicants except in the case of the discontinuance of a public way when the city council or selectmen may order a part of the damages paid by the city or town.[13] In towns accepting the applicable statutory section, the selectmen, road commissioners or sewer commissioners may enter and lay sewers and water pipes in town ways which are laid out, relocated or altered and this may be done before construction of the particular way has been commenced.[14]

When a city or town way or private way is laid out, relocated or altered, the city council, selectmen, road commissioners, or county commissioners, as the case may be, must record their action, with a description of the location and bounds, with the city or town clerk. No city or town may later contest the legality of a way laid out by it, accepted and thus recorded.[15]

A city or town may purchase, receive or take by eminent domain easements or other rights or interests in land adjacent to a public way for the purpose of erecting and maintaining snow fences.[16]

Town ways are open equally to all members of the general public, residents and nonresidents alike. Use of town ways by nonresidents under a claim of right for over twenty years will not transform town ways into highways by prescription. All of the public have the right to use town ways at their pleasure. The exercise of that right cannot change the nature of the way or withdraw it from the jurisdiction of the town.[17]

Access to a public way is one of the incidents of ownership of land bounding thereon, and this right is appurtenant to the land.[18]

An existing way in a city or town is not a public way unless it has become public in character by: (1) a laying out by public authority in the manner prescribed by statute; (2) by prescription; or (3) dedication prior to 1846 by the owner to public use, permanent and unequivocal, coupled with an express or implied acceptance by

the public.[19] There can be private ways, which are defined ways for travel, not laid out by public authority or dedicated to public use that are wholly the subject of private ownership, which are open to public use by license or permission of the owner.[20]

The words “private way” include defined ways for travel, not laid out by public authority or dedicated to public use, that are wholly the subject of private ownership, either by reason of the ownership of the land upon which they are laid out by the owner thereof, or by reason of ownership of easements of way over land of another person.[21]

The only three methods by which one can acquire the right to pass over private land are: adverse user, grant, or act of public authority.[22]

A declaratory action may be brought to determine if a road is a public way.[23]

[FN0] Of The Massachusetts Bar.

[FN1] Of The Massachusetts Bar.

---

[FN1] See M.G.L.A. c. 82, §§ 21 to 24.

See, special act relative to layout and acceptance of certain ways in Agawam, St.2000, c. 45.

See discussion of historic layout of public and private ways, *Moncy v. Planning Board of Scituate*, 50 Mass.App.Ct. 715, 741 N.E.2d 82 (2001).

[FN2] See *Commonwealth v. Coupe*, 128 Mass. 63, 64 (1880) and *Fenn v. Town of Middleborough*, 7 Mass.App.Ct. 80, 83, 386 N.E.2d 740, 742 (1979).

That there was continued use by the public for more than twenty years does not in itself raise a presumption that such use was adverse. *Town of Boxborough v. Joatham Spring Realty Trust*, 356 Mass. 487, 490, 253 N.E.2d 335, 337 (1969).

[FN3] *Fenn v. Town of Middleborough*, 7 Mass.App.Ct. 80, 83–84, 386 N.E.2d 740, 742–743 (1979).

From the time of the Province Laws of 1693–1694, c. 6, § 3, “town ways” or “town roads” have carried the connotation of public ways laid out and usually paid for by the town. *United States v. 125.07 Acres of Land*, 707 F.2d 11, 14 (1st Cir.1983). See *Newburyport Redevelopment Authority v. Commonwealth*, 9 Mass.App.Ct. 206, 223, 401 N.E.2d 118, 132 (1980), dating the term back to 1639. But, see, *W. D. Cows, Inc. v. Woicekoski*, 7 Mass.App.Ct. 18, 20, 385 N.E.2d 521, 522 (1979), doubt expressed whether the use of such terms as “town land” in all deeds suffices by itself to establish a laying out.

Evidence did not support determination that discontinued roads were “public” ways. *Rivers v. Town of Warwick*, 37 Mass.App.Ct. 593, 641 N.E.2d 1062 (1994).

Finding that road was laid out in manner prescribed by statute was not clearly erroneous. *Martin v. Building Inspector of Freetown*, 38 Mass.App.Ct. 509, 649 N.E.2d 779 (1995).

[FN3.1] See [Fenn v. Town of Middleborough](#), 7 Mass.App.Ct. 80, 83–84, 386 N.E.2d 740 (1979); [Haugh v. Simms](#), 64 Mass.App.Ct. 781, 835 N.E.2d 1131 (2005), road which Commonwealth purchased was a private way.

[FN3.5] [Daley v. Town of Swampscott](#), 11 Mass. App. Ct. 822, 827, 421 N.E.2d 78 (1981).

[FN3.10] [Daley v. Town of Swampscott](#), 11 Mass. App. Ct. 822, 829, 421 N.E.2d 78 (1981).

See [Rivers v. Town of Warwick](#), 37 Mass. App. Ct. 593, 597, 641 N.E.2d 1062 (1994) (sporadic use of discontinued roads, even for more than twenty years, was not continuous or necessarily adverse).

See also [Gower v. Town of Saugus](#), 315 Mass. 677, 681–82, 54 N.E.2d 53 (1944) (use by police, fire and town officials, combined with some evidence that road was used by private automobiles, was insufficient to make way public by prescription).

Town failed to exercise the requisite corporate action and failed to demonstrate open, notorious and adverse use for a continuous period of twenty years. [McLaughlin v. Town of Marblehead](#), 68 Mass. App. Ct. 490, 863 N.E.2d 61 (2007), review denied, 449 Mass. 1103, 865 N.E.2d 1141 (2007).

[FN3.15] See [Bullukian v. Inhabitants of Town of Franklin](#), 248 Mass. 151, 155, 142 N.E. 804 (1924).

[FN4] M.G.L.A. c. 82, § 21. It should be noted that “private ways”, as used in this section, mean “ways of a special type laid out by public authority for the use of the public”. Such “private ways” are private only in name, but in all other respects public. See [Opinion of the Justices](#), 313 Mass. 779, 47 N.E.2d 260 (1943).

Where a petition calls for a “relocation”, selectmen can not order an “alteration.” See [Holbrook v. Selectmen of Town of Douglas](#), 200 Mass. 94, 85 N.E. 854 (1908).

The land damages occasioned by the laying out of a private way for the use of one or more of the inhabitants of a city or town are assessed in whole or in part upon the person or persons for whose benefit the way is constructed. However, the road, once laid out, is subject to be used by the public generally. See [Denham v. Bristol County Commissioners](#), 108 Mass. 202 (1871).

For a case upholding the discontinuance of a public way by vote of the town, see [Boyce v. Town of Templeton](#), 335 Mass. 1, 138 N.E.2d 276 (1956).

Selectmen lacked jurisdiction to lay out town ways below high water mark where there was no legislative authorization and town did not own the flats itself. [Newburyport Redevelopment Authority v. Commonwealth](#), 9 Mass.App.Ct. 206, 401 N.E.2d 118 (1980).

Where selectmen of town closed public way without first securing from Department of Public Works certification in writing that regulation closing public way was consistent with public interest, and without having published regulation in one or more newspapers (M.G.L.A. c. 90, § 18), owners of businesses and realty along public way were entitled to preliminary injunctive relief prohibiting closing of public way. [Nabhan v. Board of Selectmen of Salisbury](#), 12 Mass.App.Ct. 264, 423 N.E.2d 1023 (1981).

The Laws of the Province of Massachusetts for the years 1693–94 and 1713–14 describe three kinds of “public roads” that existed in eighteenth century Massachusetts. First, there were highways laid out and paid for by the county. Prov.Laws 1693–94, ch. 6, § 3. Second, there were town ways, laid out and paid for by the town. Prov.Laws 1693–94, ch. 6, § 4. Third, there were certain “particular and private ways” necessary for access to “the lands of particular persons or proprietors”. These were also laid out by the town, but they might be paid for by either the town or the “inhabitants or proprietors who desire and reap the benefit of the same.” Prov.Laws 1713–14, ch. 8, § 1. Such a road is public in the sense of providing access ([Denham v. Bristol County Commissioners](#), 108 Mass. 202 (1871); [Flagg v. Flagg](#), 82 Mass. (16 Gray) 175 (1860)), but its later day descendant is the “statutory public way” (M.G.L.A. c. 82, § 21. See [Casagrande v. Town Clerk of Harvard](#), 377 Mass. 703, 387 N.E.2d 571 (1979)), a kind of road for which neither town, county nor Commonwealth bears upkeep responsibility. See [Opinion of the Justices](#), 313 Mass. 779, 47 N.E.2d 260 (1943).

Contract by which mayor allegedly agreed to assist in construction of retail shopping mall was not enforceable where it involved making necessary improvements and additions to streets adjacent to mall and garage, as city charter required city council approval on laying out, locating a new or discontinuing of, or making specific repairs in all streets and ways, and city council did not subsequently approve the contract. [Ungerer v. Smith](#), 765 F.2d 264 (1st Cir.1985).

[FN5] M.G.L.A. c. 82, § 21.

City council's order, which discontinued all public rights in all ways lying within locus was not invalid where alleged ways were not highways, but town ways whose discontinuance was governed by another statute which contained no notice requirements (M.G.L.A. c. 82, § 21). [Newburyport Redevelopment Authority v. Commonwealth](#), 9 Mass.App.Ct. 206, 401 N.E.2d 118 (1980). There is no constitutional requirement that a city council give notice of its intention to discontinue a town way or hold a hearing before doing so.

Though a town meeting may properly vote to discontinue a town way, it may not legally vote to alter it, alteration requiring specific procedure. See [Lincoln v. Inhabitants of Warren](#), 150 Mass. 309, 23 N.E. 45 (1889).

Property owner was not entitled to damages for discontinuance of public street abutting his property, where he suffered the same loss as the community at large, and still had access to property from another street. [Kiernan v. City of Salem](#), 58 Mass.App.Ct. 181, 788 N.E.2d 992 (2003).

Discontinuance of a public way can only be accomplished by a vote of the town or city. [Mahan v. Rockport](#), 287 Mass. 34, 37, 190 N.E. 810, 811 (1934); [Carmel v. Baillargeon](#), 21 Mass.App.Ct. 426, 428, 487 N.E.2d 867, 869 (1986).

[FN6] [Martin v. Building Insp. of Freetown](#), 38 Mass.App.Ct. 509, 511, 649 N.E.2d 779, 780 (1995).

[FN7] M.G.L.A. c. 82, § 22. See this section for the mode of notice if no person is found in the city or town upon whom notice may be served. Note that no such notice is required for a discontinuance of a way, except the required notice of the warrant for the town meeting. [Bigelow v. City Council of Worcester](#), 169 Mass. 390, 48 N.E. 1 (1897). In [Merrill v. Selectmen of Saugus](#), 334 Mass. 151, 134 N.E.2d 128 (1956), it was held *certiorari* was not the proper method for challenging the legality of a

way.

This section does not apply to cities. [Newburyport Redevelopment Authority v. Commonwealth](#), 9 Mass.App.Ct. 206, 401 N.E.2d 118 (1980).

[FN8] M.G.L.A. c. 82, § 23. This section does not apply to cities. The filing with the town clerk need not necessarily be before the town meeting warrant is issued, so long as it is filed seven days before the meeting. See [Revere Water Co. v. Town of Winthrop](#), 192 Mass. 455, 78 N.E. 497 (1906).

A majority of selectmen may act to lay out a town way. See [Inhabitants of Dartmouth v. County Commissioners](#), 153 Mass. 12, 26 N.E. 425 (1891).

The requirement for filing with the town clerk is mandatory, and noncompliance renders a vote on the layout of no effect. See [Inhabitants of Town of Greenfield v. Burnham](#), 250 Mass. 203, 145 N.E. 306 (1924) (In this case, the plan was placed in a vault in the town building but not in the clerk's office; this was not “filing” with the town clerk).

See [Loriol v. Keene](#), 343 Mass. 358, 179 N.E.2d 223 (1961), filing of layout is indispensable condition.

See St.2000, c. 376 authorizing Tewksbury to accept certain streets.

A vote of a town meeting to indefinitely postpone a vote on “accepting” a street as laid out by the selectmen was held to be a final rejection of the layout in [Wood v. Town of Milton](#), 197 Mass. 531, 84 N.E. 332 (1908).

[FN9] M.G.L.A. c. 82, § 24. This requirement does not apply to cities. The order may be under either chapter 79 or chapter 80A of the General Laws.

[FN10] M.G.L.A. c. 79 or c. 80A, whichever applies.

[FN11] In this case, M.G.L.A. c. 79.

[FN12] Again, under M.G.L.A. c. 79.

[FN13] M.G.L.A. c. 82, § 24. It was said in [Inhabitants of Watertown v. Dana](#), 255 Mass. 67, 150 N.E. 860, 44 A.L.R. 1374 (1926) that as the establishment of a building line is a taking of property by eminent domain, the procedure outlined in this section must be followed.

Note that under [M.G.L.A. c. 82, § 32B](#), a city or town authorized to take by eminent domain under chapter 79 of the general laws for the purposes of a public way may take slope easements in land adjoining the location of the public way.

Drainage easement held not to have arisen by implication. [Van Szyman v. Town of Auburn](#), 345 Mass. 444, 188 N.E.2d 453 (1963).

Statute allowing a landowner to recover damages pursuant to the laying out, alteration or relocation of a town way did not apply. [Soeder v. County Comm'rs of Nantucket County](#), 60 Mass.App.Ct. 780, 805 N.E.2d 1026 (2004).

[FN14] [M.G.L.A. c. 82, § 25](#). Until the way is constructed, sewer assessments will be levied only on the estates of persons connecting their drains to such sewers. If the laying out, relocation or alteration becomes void for any reason, the sewers and pipes so laid will nevertheless be deemed to have been legally laid and placed. In such case, a right to damages under chapter 79 of the general laws will accrue when the laying out, relocation or alteration becomes void. This section does not apply to cities.

[FN15] [M.G.L.A. c. 82, § 32](#). The procedure required under this chapter 82 must have been followed. The object of this § 32 is to give public notice, in detail, of the action being taken. See [Inhabitants of Brookline v. County Commissioners of Norfolk](#), 114 Mass. 548 (1874).

[FN16] [M.G.L.A. c. 82, § 32C](#). Snow fences may not be erected prior to November first of each year. They must be removed by May first of the following year.

A taking of any interest in land by eminent domain under this section will be deemed a taking for highway purposes under [M.G.L.A. c. 79, § 5B](#).

[FN17] [Newburyport Redevelopment Authority v. Commonwealth](#), 9 Mass.App.Ct. 206, 401 N.E.2d 118 (1980).

[FN18] See [Anzalone v. Metropolitan Dist. Com'n](#), 257 Mass. 32, 36, 153 N.E. 325, 327 (1926). Access to the public way exists when the fee of the way is in the municipality as well as when it is in private ownership.

See [Anderson v. Healy](#), 36 Mass.App.Ct. 131, 629 N.E.2d 312 (1994), landowners, as members of public, had right to access cul-de-sac, a public way.

[FN19] [Fenn v. Town of Middleborough](#), 7 Mass.App.Ct. 80, 386 N.E.2d 740 (1979), ways held to be private. In the absence of evidence that the ways have been laid out by public authority or by dedication prior to 1846, there must be conclusive proof of adverse non-permissive use by the general public continuous and uninterrupted for a period of twenty years or more. Use for the requisite period cannot be found by inference from the age of the ways, the fact they connect to public ways, or the presence of street signs. Age by itself is a neutral factor, there being ancient private, as well as ancient public ways.

Facts fell short of showing that road had become a public way through prescription. The fact that town listed the road as a public way on its annual estimate to the Commonwealth for assistance under M.G.L.A. c. 81 did not cure deficiencies in the case. [Lynch v. Town of Groton](#), 11 Mass.App.Ct. 1008, 418 N.E.2d 1281 (1981).

Whether an overgrown trail abutting landowner's property was a public way entitling landowners to building permit for house on the property was question of fact. [W.D. Cows, Inc. v. Woicekoski](#), 7 Mass.App.Ct. 18, 385 N.E.2d 521 (1979). The burden of proof lay with plaintiffs. [Witteveld v. Haverhill](#), 12 Mass.App.Ct. 876, 421 N.E.2d 783 (1981). The fact that a road connects to public ways at both ends does not require a conclusion that it is itself a public way. [Fenn v. Town of Middleborough](#), 7 Mass.App.Ct. 80, 386 N.E.2d 740 (1979).

Evidence did not mandate conclusion that overgrown trail abutting property owner's land was public way entitling landowners to building permit.

Town record of vote in 1737 indicating that town accepted certain ways, coupled with proprietor's vote, satisfied pre-1846 requirement for creation of “public way” of permanent and unequivocal dedication by owner coupled with acceptance by public. [Sturdy v. Planning Bd. of Hingham](#), 32 Mass.App.Ct. 72, 586 N.E.2d 11 (1992).

Layout was voided by town's failure to take possession of the property within the requisite two year period provided by statute (St. 1917, c. 344, part 2). [McLaughlin v. Town of Marblehead](#), 68 Mass. App. Ct. 490, 863 N.E.2d 61 (2007), review denied, 449 Mass. 1103, 865 N.E.2d 1141 (2007).

[FN20] In such a case, use may be terminated at any time at the will of the owner. [W.D. Cowls, Inc. v. Woicekoski](#), 7 Mass.App.Ct. 18, 385 N.E.2d 521 (1979).

[FN21] [Opinion of the Justices](#), 313 Mass. 779, 782–783, 47 N.E.2d 260, 263 (1943).

See [Haugh v. Simms](#), 64 Mass.App.Ct. 781, 788, 835 N.E.2d 1131 (2005), court in [Opinion of the Justices](#), 313 Mass. 779, 47 N.E.2d 260 (1943), did not set out an exclusive definition of private way.

[FN22] [Dolan v. Board of Appeals of Chatham](#), 359 Mass. 699, 700–701, 270 N.E.2d 917, 918–919 (1971).

[FN23] [Martin v. Building Inspector of Freetown](#), 38 Mass.App.Ct. 509, 649 N.E.2d 779 (1995).

Westlaw. © 2010 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

18B MAPRAC § 23.5

END OF DOCUMENT



## **Chapter 23**

# **STREETS AND WAYS**

**REBECCA B. LAPHAM, ESQ.**

**Latham, New York**

**F. SYDNEY SMITHERS IV, ESQ.**

**Cain Hibbard Myers & Cook PC, Pittsfield**

<b>§ 23.1</b>	<b>DEFINITIONS AND CLASSIFICATION OF MASSACHUSETTS STREETS AND WAYS.....</b>	<b>23-1</b>
<b>§ 23.1.1</b>	<b>Public Ways .....</b>	<b>23-1</b>
	(a) State Highways.....	23-4
	(b) County Ways/ Highways .....	23-8
	(c) Town Ways .....	23-9
	(d) Statutory Private Ways.....	23-12
<b>§ 23.1.2</b>	<b>Private Ways .....</b>	<b>23-15</b>
<b>§ 23.2</b>	<b>ESTABLISHMENT AND ACCEPTANCE OF STREETS AND WAYS .....</b>	<b>23-16</b>
<b>§ 23.2.1</b>	<b>State Highways.....</b>	<b>23-16</b>
<b>§ 23.2.2</b>	<b>County Highways .....</b>	<b>23-16</b>
<b>§ 23.2.3</b>	<b>Town Ways and Statutory Private Ways .....</b>	<b>23-17</b>
<b>§ 23.2.4</b>	<b>Private Ways .....</b>	<b>23-18</b>
<b>§ 23.3</b>	<b>MAINTENANCE.....</b>	<b>23-19</b>
<b>§ 23.4</b>	<b>INSTALLATION OF UTILITIES IN WAYS .....</b>	<b>23-20</b>
<b>§ 23.5</b>	<b>OBTAINING FEE TITLE OR EASEMENTS OF PASSAGE FOR PUBLIC WAYS .....</b>	<b>23-22</b>
<b>§ 23.5.1</b>	<b>Eminent Domain.....</b>	<b>23-22</b>
<b>§ 23.5.2</b>	<b>Dedication.....</b>	<b>23-24</b>

§ 23.5.3	Adverse Possession/Prescription .....	23-25
§ 23.5.4	Boundary on a Way .....	23-26
(a)	Fee Interest in a Way .....	23-26
(b)	Easements by Estoppel and by Implication.....	23-28
§ 23.6	<b>DISCONTINUANCE OF STREETS AND WAYS.....</b>	<b>23-31</b>
§ 23.6.1	Statutory .....	23-31
§ 23.6.2	Adverse Possession/Prescription .....	23-38
§ 23.6.3	Damages for Discontinuance .....	23-38
§ 23.6.4	Title to Discontinued Portions.....	23-39
§ 23.7	<b>SUBDIVISION CONTROL, PLANS, AND PUBLIC WAYS .....</b>	<b>23-41</b>

## Chapter 23

# STREETS AND WAYS\*

**REBECCA B. LAPHAM, ESQ.**

**Latham, New York**

**F. SYDNEY SMITHERS IV, ESQ.**

**Cain Hibbard Myers & Cook PC, Pittsfield**

### Scope Note

Beginning with the definition, classification, establishment and acceptance of streets and ways, and then addressing such issues as municipal maintenance responsibilities and the acquisition of titles and easements, this chapter offers practical guidance for municipal counsel on the law pertaining to streets and ways.

## § 23.1 DEFINITIONS AND CLASSIFICATION OF MASSACHUSETTS STREETS AND WAYS

### § 23.1.1 Public Ways

“Public ways” as a generic term includes state highways, county highways, town ways, and statutory private ways. Generally speaking, an existing way in a city or town in the Commonwealth is not a “public way”—that is, one which a city or town has the duty to maintain free from defects, G.L. c. 84, §§ 1, 15, 22, and *First National Bank of Woburn v. Woburn*, 192 Mass. 220, 78 N.E.2d 307 (1906)—unless it has become public in character by one of three ways: (i) a laying out by public authority in the manner prescribed by statute (for example, G.L. c. 82, §§ 1–32); (ii) prescription; and (iii) prior to 1846, a dedication by the owner to public use, permanent, and unequivocal (*see Longley v. Worcester*, 304 Mass. 580, 587–89, 24 N.E.2d 533, 537–38 (1939)), coupled with an express or implied acceptance by the public. *Fenn v. Town of Middleborough*, 7 Mass. App. Ct. 80, 83–84, 386 N.E.2d 740, 742–43 (1979).

---

\* Updated for the 2008 Supplement by MCLE.

For the creation of a public way by prescription, see G.L. c. 187, § 2; *Carmel v. Bailargeon*, 21 Mass. App. Ct. 426, 429-31, 487 N.E.2d 867, 869-71 (1986); *Fenn v. Town of Middleborough*, 7 Mass. App. Ct. 80, 83-84, 386 N.E.2d 740, 742-43 (1979); and *Schulze v. Huntington*, 24 Mass. App. Ct. 416, 417, 509 N.E.2d 927, 929 (1987). For the creation of public ways by dedication, see G.L. c. 84, § 23 (1846 Mass Acts 203, § 1), and *Loriot v. Keene*, 343 Mass. 358, 360-61, 179 N.E.2d 223, 224-25 (1961). Given the unavailability of dedication as a means of establishing a public way after the effective date of G.L. c. 84, § 23 and the difficulties in establishing a public way by prescription, most public ways now assume their public character by laying out by a public authority under statute.

Public ways in Massachusetts consist of state highways, highways/county ways, town ways, and statutory private ways, each of which is governed by statute.

The manner of layout, alteration, acquisition of land and easements, discontinuance, construction, maintenance, and repair of state highways is set forth in G.L. c. 81, which dates from 1893. General Laws c. 82 (which dates from 1693) governs the method of layout of town and county ways. Unlike the usual situation in state highways, a town or county way is usually a mere easement. This is so because of a long standing judicial doctrine that there will not be created a greater interest or estate than is essential for the public use. Thus an easement for travel is to be *presumed* unless otherwise stated.

When a public street or highway is laid out and constructed under the general laws of this Commonwealth, the public acquires an easement in the land, which includes a right to occupy it for every kind of travel and communication of persons and every movement of property, that is reasonable and proper in the use of a public street. (Citation omitted). Subject to this paramount right, the owner of the fee retains his ownership of every valuable interest in the land, and he may use it in any way that does not interfere with the right of the public to the enjoyment of its easement.

*Opinion of the Justices*, 208 Mass. 603, 605 (1911).

It has been the presumption of the courts that a public way is limited to an easement. In *City of Boston v. Richardson*, 95 Mass. (13 Allen) 146, 159 (1866), the court made a declaration of public policy by stating:

The right of the public in a highway, even when so ancient that its origin is unknown, is ordinarily limited to an easement for the purposes of travel; and

upon the taking of land for a highway by authority of the legislature, very clear words are necessary in order to vest in the public the fee in soil.

This theory of law was explained in *Smith v. Slocomb*, 75 Mass. (9 Gray) 36, 37 (1857), as follows:

[I]n this commonwealth. . . by taking land for a highway the public take an easement only, and not a fee; that the fee must be in somebody, and not in abeyance, and remains in the abutter; that the public easement so completely takes all that can be made serviceable to the owner, that what remains cannot be considered of much value. . .

It should also be noted that the term "highway" in Massachusetts is an expansive term, including not only the paved surfaces of a roadway but areas other than and outside of those surfaces, so long as the purpose of the area is to assist in travel.

The term "highway," as generally understood, does not have a restrictive or static meaning. It denotes ways laid out or constructed to accommodate modes of travel (and other related purposes) that change as customs change and as technology develops. "In the most primitive state of society the conception of highway was merely a footpath; in a slightly more advanced state it included the idea of a way for pack animals; and, next, a way for vehicles drawn by animals. . . . And thus the methods of using public highways expanded with the growth of civilization until today our urban highways are devoted to a variety of uses not known in former times, and never dreamed of by the owners of the soil when the public easement was acquired."

Because of this view of the scope of the term "highway," a footpath has been considered to be a part of a highway, and a sidewalk beside a roadway has been deemed part of that way (citation omitted). . . . The same reasoning has led to the inclusion of bicycle paths along roadways within the scope of those ways.

*Opinion of the Justices*, 370 Mass. 895, 901–02, 352 N.E.2d 197, 200–01 (1976) (citation omitted). (This case held that highway trust fund moneys could be expended on the construction and maintenance of bicycle pathways in Massachusetts.)

Thus, “[t]he word ‘highway’ in a popular sense includes all public traveled ways, whether county or town ways. So, of the word ‘road.’” *Clark v. Hull*, 184 Mass. 164, 166, 68 N.E.2d 60, 61 (1903) (citation omitted). But see the technical distinction between “highways” and “town ways” in *Newburyport Redevelopment Authority v. Commonwealth*, 9 Mass. App. Ct. 206, 223, 401 N.E.2d 118, 132 (1980), where it is stated:

The distinction between highways and town ways, which has existed since at least 1693, lies in the fact that the former are and have been laid out under G.L. c. 82, § 1, or its statutory predecessors, while the latter are and have been laid out under G.L. c. 82, § 21, or its predecessors. [While now a city council or board of aldermen may, if their city charter so provides, lay out highways, previously G.L. c. 82] § 1 provided for the laying out of highways by authorities having jurisdiction throughout a county [now county commissioners], while the predecessors of § 21 provided for the laying out of town ways by a board of selectmen with the approval of the town meeting.

An important distinction between highways and town ways is that highways may not be discontinued without notice to towns and abutters and concurrence of the county commissioners, G.L. c. 82, §§ 1, 3, while town ways may be discontinued by town meeting vote or vote of a city council without notice to abutters, G.L. c. 82, § 21. On discontinuance, a state highway becomes a town way. As to the effect of a discontinuance, see § 23.6, *Discontinuance of Streets and Ways*, below, and the discussion of *Nylander v. Potter*, 423 Mass. 158, 667 N.E.2d 244 (1996).

### **(a) State Highways**

A state highway, as distinguished from other streets and ways, is laid out and maintained by the Massachusetts Highway Department (MHD). The layout or assumption of maintenance of a state highway can be by petition of county commissioners or selectmen, G.L. c. 81, § 4, or on MHD’s own determination that the public convenience and necessity require the layout, G.L. c. 81, § 5. Although MHD may abandon any land or rights in land that may have been taken or acquired by it provided that it follow the procedures required under

G.L. c. 81, § 12, after layout and construction of a state highway MHD has no authority to abandon any portion of such highway once the same has been committed to the charge of the Commonwealth. *See* 2 Op. Att'y. Gen. 378 (1902). Also see the general discussion in *Gillis v. Bonelli-Adams Co.*, 284 Mass. 176, 178–79, 187 N.E.2d 535, 535–36 (1933).

The statute also provides for limited access ways, G.L. c. 81, § 7C, and grants to the MHD very expansive powers to acquire needed land outside the existing way, G.L. c. 81, § 7, to alter connecting ways, be they town or county ways, G.L. c. 81, § 7A, to dispose of excess lands or rights in land, G.L. c. 81, § 7E, to enter on private property for surveys and test borings, G.L. c. 81, § 7F, to relocate public utilities and to acquire land and easements to do so G.L. c. 81, § 7G and the right to acquire land to provide road building materials, G.L. c. 81, § 11.

When the MHD lays out a limited access highway it is sometimes necessary, in order to provide access to a public way for abutting properties whose access has been cut off by the limited access highway, for it to take land not needed for the highway itself but rather to provide private access to a public way. G.L. c. 81, § 7A. While originally not viewed as constitutional by some because such a taking was viewed as the expenditure of public funds for private benefit, a challenge to this aspect of the law failed in the case, *Luke v. Massachusetts Turnpike Authority*, 337 Mass. 304, 149 N.E.2d 225 (1958). In the *Luke* case, the court acknowledged that the eminent domain power may not be exercised for private purposes, but found that the public purpose was served by taking easements for private use. To do otherwise the Turnpike might have had to be laid out “over a length of miles” to avoid a taking which would otherwise landlock a parcel of land.

Landowners who had frontage on a state highway have a cause of action for damages for diminution in value of their holdings if the highway is thereafter made a limited access highway. “The petitioners were entitled to recover the damage to what remained of their real estate after the appurtenant easement had been taken away from it and as a result of losing the easement. Nothing turns on the fact that the petitioners’ acreage was the same before the taking.” *Wenton v. Commonwealth*, 335 Mass. 78, 80–81, 138 N.E.2d 29, 609, 611 (1956) (citations omitted).

General Laws c. 81, § 12 deals with discontinuances and abandonment, which are discussed in § 23.6 below.

General Laws c. 81, §§ 13–21 set forth the obligation of the state to maintain its highways including snow removal, at its expense and, for the purposes of maintenance, “state highways” includes “such public roads in state forests, parks and reservations outside of the metropolitan parks district, and such public roads

within the limits of any property [under the control of the Commonwealth] as may . . be designated. . .as roads for general public use. . .” G.L. c. 81, § 13. The Commonwealth is liable to motorists damaged by its failure to maintain its highways. G.L. c. 81, § 18. General Law. c. 81, § 21 was amended in 1975 to add the following provision:

In the case of a driveway opening on a state highway, the said department shall not grant a permit for a driveway location or alteration if the board or department in a city or town having authority over public ways and highways has notified the department by registered mail, return receipt requested, of their objection to the driveway; provided, that such objection shall be based on highway safety and accepted by the said department.

This section is referred to in a Land Court case *Pinney v. Planning Board of Scituate*, Misc. Case No. 119950, which suggests this section, rather than the subdivision control law, may be a means of limiting access to state highways.

In April 1988 G.L. c. 81, § 21 was substantially revised and the potential for mischief became an actual impediment to access to highways. Prior to such amendment, the section had provided that an abutting landowner wanting to build or expand a business or residence that would generate a substantial increase in traffic could be required to bear the expense of up to 75 percent of the cost of necessary highway improvements.

General Laws c. 81, § 21 requires an abutting landowner, whether intending to use an existing or a new access to a state highway (“curb cut”), to obtain a permit from the state before building or using the access. The landowner can be required to bear 100 percent of the cost of improvements installed by the department.

Depending on the administration in office, the MHD has, on occasion, had a very expansive view of its powers under this amendment. It has gone to the extent of imposing a year-long curb cut moratorium on at least one highway and strictly regulating the number and location of curb cuts in many other locations.

General Laws c. 81, § 22 was amended in 1985 and now provides in part:

No length of possession, or occupancy of land within the limits of a state highway, by an owner. . .of adjoining land shall give him any title thereto . . . [and any encroaching objects] *other than a building used for residential purposes* [may be removed by the state if not removed by the owner].



This amendment is designed, obviously, to protect dwellings against summary removal to the nearest MHD maintenance area; presumably a dwelling may be removed only after further process.

By G.L. c. 81, §§ 24–28, the MHD is given the right to expend public funds on town or county, as opposed to state, highways.

Under G.L. c. 85, § 2, municipalities must seek the approval of MHD with reference to

- a way that intersects a state highway;
- any project which is or was federally aided, in whole or in part;
- any traffic control signal or flasher in any city or town which does not employ a registered professional engineer to design, redesign, or change the timing and sequence of signal or flasher;
- any sign excluding heavy commercial vehicles;
- any school zone establishment or signing in relation to which a city or town intends to seek reimbursement from the Commonwealth; and
- certain one-way street signs.

If any city or town installs and maintains any of the above control devices without requesting and obtaining the required approval, MHD may withhold or withdraw the unexpended balance of any funds assigned to the city or town for certain highway purposes.

General Laws. c. 81 App. established the Massachusetts Turnpike Authority and authorized it to issue revenue bonds for the purpose of constructing a “toll express highway” from Boston to the New York State line. This was later amended to permit the takeover of the Sumner Tunnel, and the construction of the Callahan Tunnel, and now the Third Harbor Tunnel under Boston Harbor. For the governing statute relating to the Massachusetts Turnpike Authority, see G.L. c. 81 App. Chapter 81 App. of the General Laws has been repealed by Chapter 3 of the Acts of 1997. *See* G.L. c. 81A, added by Chapter 3 of the Acts of 1997.

Nowhere in G.L. c. 81 is it required that the state acquire the fee in land over which it lays out the state highway, and in earlier times. Some state highways may merely have been easements, where the fee remained in the landowner over whose land the highway was laid. It is now usual, however, that the MHD makes

an eminent domain (G.L. c. 79) taking of the underlying fee for the purpose of state highway construction.

## **(b) County Ways/ Highways**

General Laws c. 82, § 1 gives authority to the county commissioners (and city councils and boards of aldermen when the city charter so provides) to "lay out, alter, relocate and discontinue highways and order specific repairs thereon." Such highways are commonly known as "county ways."

The commissioners may, on their own motion (G.L. c. 82, § 1), or on a petition by others (G.L. c. 82, § 2), and after hearing (G.L. c. 82, § 3) and a view (G.L. c. 82, § 4), adjudicate that public convenience and necessity requires the layout, alteration, relocation, or discontinuance of a highway. *Inhabitants of Pembroke v. County Comm'rs of Plymouth*, 66 Mass. (12 Cush.) 351 (1853). A court cannot overturn a factual determination of common convenience and necessity. *Denman v. County of Barnstable*, 346 Mass. 412, 415, 193 N.E.2d 572, 573-74 (1963) (citing *Blackstone v. County Comm'rs of Worcester*, 108 Mass. 68, 69 (1871)).

As is the case with state highways, specific statutory authority is given to the commissioners and their agents, including surveyors, to enter on private land without creating a trespass, for the purposes of "reconnaissances, surveys, soundings, inspections or examinations to obtain information for the layout and construction of highways." G.L. c. 82, § 11A.

General Laws. c. 82, § 1 states that highway construction is performed by towns, and the county apportions the expense between the county and the town or towns within which the highway is constructed, or with the state as well. G.L. c. 82, § 8.

Towns thereafter have the responsibility to maintain highways, and can be required to make specific repairs, G.L. c. 82, § 10, in addition to routine maintenance, repairs, and snow removal.

If a town refuses to construct a highway laid out by the commissioners, the commissioners may contract with another party to have it constructed at the expense of the town, G.L. c. 82, § 14. Prior to 1917, commissioners could be compelled, in a mandamus action, to complete a highway laid out by them, *Richards v. County Comm'rs of Bristol*, 120 Mass. 401 (1876). General Laws c. 82, § 14 was subsequently amended to provide that the commission "may" complete a highway and mandamus will not lie to compel construction of a highway. *Marcus v. County Comm'rs of Norfolk*, 344 Mass. 749, 750, 181 N.E.2d 654, 655 (1962).

Prior to Chapter 276 of the Acts of 1985, which repealed G.L. c. 82, §§ 26 and 27, the county commissioners could override the refusal of the selectmen to lay out a town way (G.L. c. 82, § 26) or the refusal of the town meeting to accept such a way, G.L. c. 82, § 27. Interestingly, the county still has the power to override the will of a town and discontinue a town way or statutory private way. G.L. c. 82, § 30.

It should be noted that with the abolition of certain county governments pursuant to G.L. c. 34B, responsibilities for the maintenance, method of layout, relocation, and discontinuance of ways laid out by those counties shifted. Depending on whether specific legislation was passed clarifying to which governmental entity such responsibilities were shifted, confusion could result.

For example, under Chapter 48 of the Acts of 1997, which abolished Hampden County government, and under Chapter 300 of the Acts of 1998, relating to the abolition of Hampshire, Essex, and Berkshire Counties, essentially the same provisions existed under both special acts. However, where the Senate and House of Representatives passed additional legislation in the form of Chapter 159 of the Acts of 2000, specifically addressing the transfer of responsibilities for county ways in Berkshire County to the city or town in which the ways were located, no such legislation was passed for Hampden County.

Because a county way layout creates an easement that encumbers the property over which it is laid, a property owner in Hampden County seeking to cure such an encumbrance would have difficulty in determining how to do so. In contrast, a person owning property in Berkshire County could easily determine that a discontinuance from the city or town in which the county way layout had been made would be all that was necessary to cure the easement created by the county way.

Therefore, it is wise for government officials in a county subject to abolition to pursue specific legislation which would clearly set forth which government entity would have authority and power to lay out, relocate, discontinue, or maintain county ways after such abolition.

### (c) *Town Ways*

The selectmen of a town or city council of a city may lay out a town way in accordance with G.L. c. 82, §§ 21–23 and, on acceptance by the city council or town meeting, the way becomes a city or town way. Only a town meeting may discontinue a town way (*see further discussion, at § 6 herein*).

Each step of the process must be followed or the layout or acceptance is invalid. In *Loriol v. Keene*, 343 Mass. 358, 179 N.E.2d 223 (1961), Mrs. Loriol owned

land at the end of a way known as Fairfax Street. The Keenes owned land adjoining Mrs. Loriol, on either side of Fairfax Street. The Keenes blocked off Fairfax Street so Mrs. Loriol could not use it to get to her property and she sued.

A map of Fairfax Street leading to Mrs. Loriol's property had been recorded in 1913, and in 1929 the Town voted to "accept" Fairfax Street without stating which portions or whether all of it was to be accepted. No plan of Fairfax Street was filed with the town clerk prior to the acceptance vote in accordance with Section 23 and no "notice of intention" was given to the Keenes in accordance with Section 22.

The giving of notice and filing of a layout required by the provisions of G.L. c. 82, §§ 22 and 23 are not mere procedural technicalities. The requirement that a layout be filed . . . was manifestly not intended to prescribe a mere formality, but to lay down the indispensable conditions on compliance with which the right of appropriating private property to public uses of this kind can lawfully be exercised. As one of the safeguards . . . against inconsiderate or capricious action on the part of municipal authorities, it establishes a rule to secure *precision* and *exactness of description* on the part of the selectmen as to the changes which they propose to make. *Loriol v. Keene*, 343 Mass. at 361, 179 N.E.2d at 225 (citations omitted) (emphasis supplied). *But see Reed v. Mayo*, 220 Mass. 565, 108 N.E. 366 (1915).

In the *Reed* case, which was a registration petition in the Land Court, there was no laying out of the way and no plan showing the boundaries and measurements of the way prior to the 1852 town meeting which voted to accept Mayo Road as petitioned by James Roy.

It does not necessarily follow, however, that the provisions of the statute were not complied with. The main purpose of giving seven days' notice of the intention to lay out the way was to inform the landowner as to what portion of his land was to be taken. In this instance the only owner interested was James Roy, who had petitioned the town to lay out Mayo Road and had given the land needed for that purpose. Even though evidence of notice and filing does not appear in the town records, it may be presumed or inferred after sixty years that the statutory requirement was complied with. All reasonable presumptions are to be taken in favor of [the validity] of such ancient records. *Reed v. Mayo*, 220 Mass. at 568, 108 N.E. at 367 (citation omitted).

It should be noted that the Land Court found that since 1852 Mayo Road had been used by the public and had been maintained by the town. It may have been that uninterrupted adverse use of Mayo Road since 1852 was enough to establish a way by prescription.

The distinction between the *Loriol* case, and its requirement for exactly following the statutory scheme, and the *Reed* and *Clark v. Hull* cases, cited above, deserves mention here.

Both the *Reed* and *Clark* cases found a public way on evidence that would not currently be sufficient. In *Reed* there was no evidence of notice and filing of the layout, but its existence was “presumed.” In *Clark*, based on “ancient records” and “ancient deeds referring to the ‘road,’” the court found a public way.

*Loriol* is the first case where strict evidence of compliance with the statute was required, but not the last. The burden of proof by the party claiming a public way must show that the way:

has become public in character in one of three ways: (1) a laying out by public authority in the manner prescribed by statute (*see* G.L. c. 82, §§ 1–32); (2) prescription; and (3) prior to 1846, a dedication by the owner to public use, permanent) and unequivocal, coupled with an express or implied acceptance by the public.

*Fenn v. Town of Middleborough*, 7 Mass. App. Ct. 80, 83–84, 386 N.E.2d 740, 742–43 (1979); *see also* *Matulewicz v. Planning Bd. of Norfolk*, 438 Mass. 37, 42–43 (2002); *Rivers v. Warwick*, 37 Mass. App. Ct. 593, 594–95, 641 N.E.2d 1062, 1063–64 (1994); *Schulze v. Huntington*, 24 Mass. App. Ct. 416, 417, 509 N.E.2d 927, 929 (1987).

The trial lawyer in the *Fenn* case had obviously read the *Clark* case, as he put into evidence the same type of evidence that had satisfied the Supreme Court in 1903, i.e., that the “road leading to Jeffries Neck” was a public way. The same evidence was insufficient in 1979 to convince the Appeals Court that Tispaquin and Short Streets in Middleborough were public. The court observed rather acidly that “[a]ge by itself is a neutral factor, there being ancient private, as well as ancient public ways.” *Fenn v. Middleborough*, 7 Mass. App. Ct. 80 at 85, 386 N.E.2d 740 at 743.

A 1995 Appeals Court decision confirms that although mere age and use are insufficient, the courts may nonetheless show some leniency in their interpretations of the types of evidence that will satisfy the statutory requirements, even where the court acknowledges that the evidence may support “different and possibly contrary inferences.” *Martin v. Building Inspector of Freetown*, 38 Mass. App. Ct. 509,

512, 649 N.E.2d 779, 781 (1995). In *Martin*, the court found that a public way was validly established where the evidence included

- plans dating back to June 7, 1763;
- testimony of an experienced local surveyor who was also director of the town's historical society;
- minutes of a town meeting in 1764 including, as among those items of business that required action, the decision as to "what they think proper in respect of highways laid out by the selectmen of Freetown on June 7, 1763," and a notation in the margin stating "voted"; and
- a high degree of congruence between the 1763 plans and the town's assessors maps and the 1979 U.S. Geological Survey map.

*Martin v. Building Inspector of Freetown*, 38 Mass. App. Ct. at 511, 649 N.E.2d at 781.

The courts are unwilling to merely assume that ways are "public" and require a quantum of proof that such is the case to avoid the consequences attendant to a way being public, such as liability for failure to maintain, the expense of maintenance and snow removal and, not coincidentally, ready divisibility of land by approval not required (ANR) plans.

#### (d) *Statutory Private Ways*

Note that G.L. c. 82, §§ 21–24 refer as well to "private ways." Massachusetts is alone, so far as the authors know, in having this anomalous creature called a "private way" which is laid out by public authority. The existence of this creature in the statutes has been the cause of much litigation and uncertainty.

A statutory private way is open to use by the public. It is laid out by the selectmen by the same procedure as a town way, although usually on the petition of one or more persons to whom the way will be of most benefit. The costs of the layout, necessary land acquisition, construction, maintenance, and repairs are chargeable to "the persons on whose application such way is laid out, relocated, altered or discontinued or on whose application specific repairs are made. . . ." G.L. c. 82, § 24. The town has no obligation to maintain a statutory private way and, while such a way is laid out on the petition of individual, it is not only he who has the right to use the way; the public likewise has an easement of passage over statutory private ways.

A private way laid out across land of Denham from a public way to land of Slade, which Denham alleged to be for the "use of a single individual, and not for any public use; that the effect (of the layout was) to compel them to sell an easement in their land (to Slade, and was therefore an unconstitutional action)" led the Supreme Judicial Court to say:

It is true that ways of this description are denominated "private ways," and that the [predecessor statute] allow them to be laid out for the use of one person, who may be, and in this case is, ordered to pay the whole amount of land damages thereby incurred. It appears to us however that such a way is not distinguishable in any other respect from a town way, properly so called. The easement or right of passage, created by laying it out, is not the private right of the individual whose for special accommodation it may have been laid out, nor is it meant exclusively for his individual travel. It is laid out on his petition; but it is not his way, in the sense of belonging to him personally, or as one of the appurtenances or easements of the farm or estate with which it communicates. He has no power to close, alter, widen or control it; and he has no right in it, except in common with all others who have occasion to pass over it. The public easement is exactly the same as it is in all other ways laid out by public authority.

All the different ways, which towns are authorized by law to lay out, are in truth public highways, for the public without discrimination has the right to use them. It is wholly immaterial by what name they are called. Our system for the laying out and establishment of public roads recognizes three different kinds: 1, highways, technically and properly so-called, which are laid out by county officers, and in which the land damages are paid from the county treasury; 2, town ways, which may be laid out by town authorities, and in which the town is required to pay the land damages; and 3, private or particular ways, in which the selectmen (or in case of appeal, the county commissioners) may order the whole or part of the land damages, as they deem reasonable, to be paid by the persons or persons specially and peculiarly benefited

by the laying out. In all these different kinds of ways, the towns are to pay all the expense of construction with their respective limits; and as has been shown, all are public roads.

*Denham v. County Comm'rs of Bristol*, 108 Mass. 202, 204–05 (1871) (citations omitted).

Thus, a “statutory” private way is a way laid out by a town, but the land damages occasioned by the layout, are charged to the petitioner. G.L. c. 82, § 24.

A “statutory” private way is not a “public way” or a way “maintained and used as a public way” for the purposes of the subdivision control law, G.L. c. 41, §§ 81L, 81P, *Casagrande v. Town Clerk of Harvard*, 377 Mass. 703, 387 N.E.2d 571 (1979), and hence the division of land abutting on a statutory private way requires compliance with the definitive subdivision process and frontage on a statutory private way does not qualify for an ANR endorsement. *Cf. Matulewicz v. Planning Bd. of Norfolk*, 438 Mass. 37, 42–46 (2002) (discussing *Casagrande* and the evidentiary effect of a clerk’s certificate in upholding a finding that the plaintiffs’ land had frontage on a way “maintained and used as a public way” and therefore that their plan did not require approval under the subdivision control law).

In passing on whether the legislature could pass a law permitting the expenditure of public funds to remove ice and snow from “private ways open to the public use,” the Supreme Judicial Court said, in *Opinion of the Justices*, 313 Mass. 779, 47 N.E.2d 260 (1943), that while the words “‘private ways’ may occasionally be used in the statutes with a different meaning [citing G.L. c. 84, §§ 12–14], they commonly mean ways of a special type laid out by public authority for the use of the public [(citing G.L. c. 82, §§ 21–32A)]. Such ‘private ways’ are private only in name, but are in all other respects public.” The court then went on to discuss ways open to the public use by virtue of dedication (discussed below) and then added to the confusion by saying:

But the words “private ways,” as commonly understood and as sometimes used in the opinions of this court, have a broader meaning than either of the meanings here mentioned. The words may well mean or include defined ways for travel, not laid out by public authority or dedicated to public use, that are wholly the subject of private ownership, either by reason of the ownership of the land on which they are laid out be the owner thereof or by reason of ownership of easements of way over land of another person.



*Opinion of the Justices*, 313 Mass. at 782, 47 N.E.2d at 263.

### § 23.1.2 Private Ways

In distinguishing the “statutory” private ways from the more commonly understood private way last referred to in the *Opinion of the Justices*, above, it can be seen that there is also in Massachusetts a “private way” which is not available for public use.

In *W.D. Cows, Inc. v. Woickoski*, 7 Mass. App. Ct. 18, 385 N.E.2d 521 (1979), the plaintiff sought to enjoin the defendants from interfering with its use of Old Stage Road in Belchertown, claiming that Old Stage Road was a public way and defendants could not maintain a barrier across it.

If a road has never been dedicated and accepted, laid out by public authority, or established by prescription, such a road is private. If any road could be made public solely by acts of the landowners, with no accompanying act by public authorities, the municipality would be responsible for the maintenance and repair of countless roads.

*W.D. Cows, Inc. v. Woickoski*, 7 Mass. App. Ct. at 19, 385 N.E.2d at 522 (citations omitted).

After reviewing the facts in the case including words in deeds describing the way as a “town road” and “the highway” and an 1830 map showing Old Stage Road, the court held “no *conclusive* evidence was presented which would have shown that the road came under the ‘public’, rather than the ‘private’ designations.” *W.D. Cows, Inc. v. Woickoski*, 7 Mass. App. Ct. at 20, 385 N.E.2d at 522; see also *Witteveld v. City of Haverhill*, 12 Mass. App. Ct. 876, 421 N.E.2d 783 (1981).

The *W.D. Cows* case and several of its progeny, including *Fenn v. Town of Middleborough*, 7 Mass. App. Ct. 80, 386 N.E.2d 740 (1979); *Casagrande v. Town Clerk of Harvard*, 377 Mass. 703, 387 N.E.2d 571 (1979); and *Rivers v. Town of Warwick*, 37 Mass. App. Ct. 593, 641 N.E.2d 1062 (1994) make it clear

- the burden of proof as to whether a way is public or private can no longer be met, as it was in 1915 in *Reed v. Mayo*, by a “presumption” that all necessary public actions were accomplished;
- there can be ancient private ways as well as public ways;

- the burden of proof as to the status of the way as public or not is on he or she who claims it is public, *Witteveld v. City of Haverhill*, 12 Mass. App. Ct. 876, 421 N.E.2d 783 (1981);
- the proponent that a way is public must prove it “conclusively”; and
- that a statutory private way, G.L. c. 82, § 21, is not a “public way” or a “way maintained and used as public way” under the Subdivision Control Law, G.L. c. 41, §§ 81K–81GG.

Private ways most commonly known to us in our practice are subdivision ways; private ways are in all respects private, being laid out, constructed and maintained by private individuals for their private purposes. The public uses such ways only with the consent of the owner, although such consent is so often given in the case of residential subdivisions it is often assumed by laymen that subdivision roads are “public” long before they are accepted by town meetings.

## **§ 23.2 ESTABLISHMENT AND ACCEPTANCE OF STREETS AND WAYS**

### **§ 23.2.1 State Highways**

General Laws c. 81, § 4 permits the county commissioners, aldermen, or selectmen to petition the MHD to lay out a highway to be “taken charge of by the Commonwealth,” and G.L. c. 81, § 5 provides that the MHD may, on its own motion, lay out a state highway after a public hearing and a determination that the public necessity and convenience require it.

The MHD then files with the appropriate county commissioners’ and town clerks’ offices a certified copy of the highway plan and a certificate to the effect “that it has laid out and taken charge of said way,” whereon the proposed highway becomes a state highway. “[T]hereafter said way . . . shall be constructed . . . at the expense of the Commonwealth [unless] abandoned or discontinued as provided in section twelve.” G.L. c. 81, § 5.

### **§ 23.2.2 County Highways**

The procedure for layout of county highways is more cumbersome. *See generally* G.L. c. 82, §§ 1–7. The commissioners or another party by petition in writing to the Commissioners start the process to layout, alter, relocate or discontinue

highways. G.L. c. 82, §§ 1, 2. If a petition commences the process, the commissioners may require a suitable bond to assure reimbursement of the county's expense if the petitioners do not prevail. G.L. c. 82, § 2.

The commissioners must hold a hearing regarding the layout to "adjudicate" whether common convenience and necessity require the layout. G.L. c. 82, § 4. On their own motion, or if requested by any party interested, the commissioners will hold a "view" of the premises. G.L. c. 82, § 4.

Notice of the hearing (and view, if applicable) must be given to the town clerk fifteen days before the date of each, together with a copy of the petition, and also publish and post notice of the proceeding seven days before the hearing or view. G.L. c. 82, § 3.

General Laws. c. 82, § 3 also requires notice by regular mail to the "recorded owners of land subject to a taking" seven days before the hearing, with copies of the layout plan, if prepared. If not prepared, copies must be provided at least seven days before the final approval of plans.

After hearing, G.L. c. 82, § 5 provides that if "no person interested objects, the commissioners may, within twelve months thereafter, lay out" the highway; but if such a person objects another hearing, with new notice, must be held.

Obviously, if the layout is the subject matter of private petition the expense, if the petitioners do not prevail, can be substantial.

If it is adjudicated that public convenience and necessity do require the layout, the commissioners must make the requisite takings, G.L. c. 82, § 7, and determine the sharing of expenses thereof, G.L. c. 82, §§ 8, 12, and shall order the construction to be undertaken by the respective towns within which the layout is made "unless other provision is made." G.L. c. 82, § 8.

Finally, the commissioners must file with each town clerk description and a plan of the location and bounds of the highway. G.L. c. 82, § 8.

### **§ 23.2.3 Town Ways and Statutory Private Ways**

General Laws c. 82, §§ 21–24 set forth the manner in which selectmen (and certain other parties if authorized) lay out and have the town meeting accept town ways and statutory private ways, which can be on their own motion or on petition.

Chapter 41, § 81I provides (in towns not having adopted an official map) that "no public way shall be laid out, altered, relocated, or discontinued" unless the

proposed action has been referred to the planning board for its report or the passage of forty-five days without a report.

Seven days prior to adopting a layout the selectmen must give notice of their intention to do so to land owners whose land will be taken for such purpose. G.L. c. 82, § 22.

After the selectmen vote to accept the layout, it is not established until the layout, with the boundaries and measurements of the way, if filed with the town clerk, and "not less than seven days thereafter," is accepted by the town meeting. G.L. c. 82, § 23.

The town meeting vote to accept a layout requires only a majority vote, but if funds for construction are to be appropriated, or land taken, a two-thirds vote is required.

General Laws c. 82, § 24 requires that the selectmen adopt an order of taking for the layout within 120 days of the town meeting vote accepting the layout; obviously, this is not required if the way is to be given to the town, as would be the case with a private subdivision way.

### **Practice Note**

There is no statutory requirement for the MHD, county or towns, to record highway plans at the registry of deeds!

## **§ 23.2.4 Private Ways**

Private ways, if they are intended to constitute frontage for zoning purposes, must be laid out and constructed in accordance with the provisions the Subdivision Control Law, G.L. c. 41, §§ 81K–81GG, otherwise a landowner may create such private ways crossing his property as he wishes.

A landowner whose interests will be served by the layout and acceptance of a public way may make a voluntary gift of the land or an easement in the land over which the way is constructed or to be constructed. All governmental entities are authorized to accept gifts of land or interests in land, but must do so by some objective, overt act (such as accepting a deed of the land at the time the layout is accepted by the town meeting or city council); mere acquiescence to a purported gift is insufficient. A common form of voluntary transfer is the conveyance to a town of an approved subdivision way and the town's acceptance of the developer's layout of such way by town meeting vote.

## § 23.3 MAINTENANCE

Public ways are maintained at public expense. Chapter 81 state highways must be maintained by the state and G.L. c. 82 highways and town ways must be maintained at town expense (some of which may be reimbursed by the state). For taking gravel for roads, see G.L. c. 82, § 38 and G.L. c. 81, § 11.

Failure to maintain a state highway results in the imposition of liability on the state. G.L. c. 81, § 13. This is also true of G.L. c. 82 highways and town ways for a town. G.L. c. 84, §§ 1, 15, 22.

General Laws c. 84, § 23 sets the obligations of a town not only to maintain, repair, and remove snow and ice from highways and town ways, but also dedicated ways in certain circumstances. G.L. c. 84, §§ 23–25.

Section 23 of G.L. c. 84 states: “A way opened and dedicated to the public use, which has not become a public way, shall not, except as provided in the following two sections, be chargeable upon a town as a highway or town way unless laid out and established in the manner prescribed by statute.”

Section 24 of G.L. c. 84 imposes liability for failure to maintain dedicated ways where the town fails to maintain barriers between a public way and an unsafe dedicated way, and Section 25 imposes liability if it can be proven that the town maintained the dedicated way at any time within six years prior to the accident.

Private ways and statutory private ways are maintained at the expense of abutters. G.L. c. 84, § 12; see *United States v. 125.07 Acres of Land More or Less*, 707 F.2d 11 (1st Cir. 1983); *Popponesset Beach Ass’n, Inc. v. Marchillo*, 39 Mass. App. Ct. 586, 658 N.E.2d 983 (1996), *review denied*, 422 Mass. 1104, 661 N.E.2d 935 (1996). This suggests that G.L. c. 84, § 12 is the proper and adequate legal remedy for a homeowners’ association to collect road maintenance costs from reluctant nonmembers, but public monies may, if the town so votes, be expended on private ways for removal of snow and ice, G.L. c. 40, §§ 6C, 6D, and temporary repairs of private ways may be authorized in municipalities adopting a bylaw pursuant to G.L. c. 40, § 6N. The expenditure of public funds to remove ice and snow does *not* make the private way become public. *Brugge-man v. McMullen*, 26 Mass. App. Ct. 963, 526 N.E.2d 1338 (1988).

*United States v. 125.07 Acres of Land More or Less*, 707 F.2d 11 (1st Cir. 1983), assists in understanding the distinctions among ways. There, the issue was whether the town of Truro or private parties had the burden of maintaining a way (the estimated cost of upgrading Pond Road was subtracted from an eminent domain damage award in a Cape Cod National Seashore taking). The court said that the fact that Pond Road is public for purposes of *access* does not show that

Truro has an obligation to maintain it. The court observed that a statutory private way, G.L. c. 82, § 21, is a kind of road for which neither town, county, nor Commonwealth bears upkeep responsibility.

The ancient statutes make clear that whether a road is public or private for upkeep purposes depends, not just on *whether* it was laid out, but on *why* it was laid out. The “why” of it is best indicated by who paid for it [the town or the private petitioner]. . . .

*United States v. 125.07 Acres of Land More or Less*, 707 F.2d at 14 (emphasis in original).

The court went on to state:

Whether the town has an obligation to pay for its upkeep, however, depends, at a minimum, on whether the layout was made under [present G.L. c. 82 town and county ways statutory authority] and, if under the [that statute] who was meant to pay for it. The landowners presented no . . . evidence [on this issue]. Since the landowners had the burden of showing that the town had an upkeep obligation, the District Court correctly ruled against them.

*United States v. 125.07 Acres of Land More or Less*, 707 F.2d at 14 (citations omitted).

## § 23.4 INSTALLATION OF UTILITIES IN WAYS

Although the installation of utility lines in public ways is not often a debated issue since such installation is permitted by statute, the right to install utility lines in private ways depends on how the parcel of land along the private way in question way was conveyed to the property owner seeking such installation. Where a lot bounded on private ways is conveyed “together with the right to use ‘Private Street’ for all purposes for which streets on ways are now or may hereafter be used in the ‘Town of Locus,’” this conveys a perpetual, non-exclusive appurtenant easement to use the entire width and length of “Private Street” for the installation and maintenance of pipes, wires and lines for all commonly used utilities, including cable TV and cable modem. *See William V. Hovey, Utility Lines In Private Ways: An Overview*, Mass. Law. Wkly., September 25, 2000, p. B3, 29 MLW 215.

If the lot abutting a private way is simply conveyed with “a right of way to use ‘Private Street,’” the property owner would have to utilize G.L. c. 187, § 5 in order to get the necessary utility lines to the parcel. General Laws c. 187, § 5 provides, in relevant part:

[T]he owner or owners of real estate abutting on a private way who have by deed existing rights of ingress and egress on such way or other private ways shall have the right by implication to place, install or construct in, on, along, under and on said private way or other private ways pipes, conduits, manholes and other appurtenances necessary for the transmission of gas, electricity, telephone, water and sewer service.

General Laws c. 187, § 5 is retroactive in its application. *Nantucket Conservation Found., Inc. v. Russell Mgmt., Inc.*, 380 Mass. 212, 402 N.E.2d 501 (1980).

Therefore, in order for this statute to apply

- the rights of ingress and egress must be “by deed,”
- the way must be a “private way,” and
- the property must be “abutting” the private way.

The term “abutting” as used in the statute has been defined to mean “to touch at the end; . . . end at; . . . reach or touch with an end.” *Barlow v. Chongris*, 38 Mass. App. Ct. 297, 299, 647 402 N.E.2d 437, 439 (1995) (quoting *Black’s Law Dictionary* 11 (6th ed. 1990)). Compare G.L. c. 187, § 5 and *Emery v. Crowley*, 371 Mass. 489, 494, 359 N.E.2d 1256, 1259 (1976), where the term “abutting” property means property abutting along the length of the way.

Accordingly, if an abutter to a paper street which is definitely laid out on a recorded plan is granted easement rights over such way in a deed, then such abutter has the authority to install utilities in such way pursuant to G.L. c. 187, § 5, provided that such utilities do not unreasonably obstruct or interfere with the way or are not inconsistent with the use thereof. See Gerald P. Ciejka, *Paper Streets*, Feb. 18, 1998. It also appears that a holder of an express driveway easement would likewise be entitled to the benefit of G.L. c. 187, § 5. See *Barlow v. Chongris*, 38 Mass. App. Ct. 297, 647 N.E.2d 437 (1995).

If a grantee of lots bounded on private ways is deemed to only have an implied access easement (including an easement by necessity), however, the grantee would not likely be entitled to the benefit of an implied utility line easement under G.L. c. 187, § 5 since there would be a lack of “deeded rights of ingress

and egress.” See William V. Hovey, *Utility Lines In Private Ways: An Overview*, Mass. Law. Wkly., September 25, 2000. Where a grantee of lots abutting on a private way has an easement by estoppel due to the fact that the lots were conveyed with a description bounding on a way, or by reference to a plan depicting a boundary on a way, such grantee would be deemed to have rights of access by deed whereby G.L. c. 187, § 5 would apply to provide an implied easement for utility lines. William V. Hovey, *Utility Lines In Private Ways: An Overview*, Mass. Law. Wkly., September 25, 2000. Any prescriptive access rights, however, can never be transferred into “deeded rights” and accordingly cannot benefit from G.L. c. 187, § 5. See William V. Hovey, *Utility Lines In Private Ways: An Overview*, Mass. Law. Wkly., September 25, 2000; see also *Cumbe v. Goldsmith*, 387 Mass. 409, 439 N.E.2d 815 (1982).

## **§ 23.5 OBTAINING FEE TITLE OR EASEMENTS OF PASSAGE FOR PUBLIC WAYS**

### **§ 23.5.1 Eminent Domain**

Usually, common convenience and necessity require the lay out or alteration of a public way where a voluntary transfer is impossible, either because the landowner is unwilling to make a gift or because of the numbers of landowners involved. In this situation, the Massachusetts Constitution authorizes takings for highway purposes:

[A]nd whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefore.

The legislature may by special acts for the purpose of laying out, including or relocating highways or streets, authorize the taking in fee by the commonwealth, or by a county, city or town, of more land and property than are needed for the actual construction of such highway or street.

Mass. Const. pt. 1, art. 10, amend. art. 39.

General Laws c. 79 provides the mechanism by which a landowner is paid compensation for the taking. A landowner is entitled to recover the market value of the property taken at the highest and best use to which the land could reasonably be put. The Nantucket County Superior Court has found that damages may be



awarded under G.L. c. 79 even where the plaintiff is unable to prove that he is the owner of a way taken by a town, provided that he has suffered "special and peculiar injuries" that differ from those "of the general public" as a result of such taking. *Soeder v. Desrocher*, No. 97-018, 1999 Mass. Super. LEXIS 406, at \*13 (Super. Ct. Sept. 1, 1999).

Although several plaintiffs who have had portions of their property taken have attempted to claim an easement by necessity over the taken portion where the remainder of their land has become landlocked due to a taking by eminent domain, the Massachusetts courts have essentially held that the only relief such a plaintiff may receive is in the form of monetary damages. See *Darman v. Dunderdale*, 362 Mass. 633, 289 N.E.2d 847 (1972); *Morse v. Benson*, 151 Mass. 440, 24 N.E.2d 675 (1890); *New England Cont'l Media, Inc. v. Town of Milton*, 32 Mass. App. Ct. 374, 588 N.E.2d 1382 (1992); see also *Mugar v. Mass. Bay Transp. Auth.*, 28 Mass. App. Ct. 443, 445, 552 N.E.2d 121, 123 (1990), where it was held that "[t]he principles of interpretation designed to give effect to the express or implied intent of parties contracting for or acquiring an interest in land. . . are, in general, inapplicable to eminent domain proceedings." But see *Flax v. Smith*, 20 Mass. App. Ct. 149, 479 N.E.2d 183 (1985), review denied, 396 Mass. 1102, 484 N.E.2d 102 (1985), where the court found that property adjacent to a parcel which had been taken for nonpayment of taxes was burdened by easements for water and sewer lines in favor of an adjacent parcel. The court in *Flax* stated that where there are such involuntary conveyances as those resulting from a taking, "the degree of necessity required must be greater than in the case of a voluntary conveyance." *Flax v. Smith*, 20 Mass. App. Ct. at 154, 479 N.E.2d at 186. Because the court believed that continued water and sewer services to occupants of residential property constituted the required higher degree of necessity, an easement of necessity was found despite the taking for nonpayment of taxes.

A full discussion of G.L. c. 79 and damages is beyond the scope of these materials, but it should be pointed out that there are restrictions on the taking of land already dedicated to other public purposes for highway purposes, G.L. c. 79, § 5, and, fortunately, a taking cannot be made without recordation of the order of taking at the appropriate registry of deeds, G.L. c. 79, § 3. The state's power of eminent domain as to state highways is set forth in G.L. c. 81, §§ 7, 7A, 7C, 7G, 7M. Where parcels of land are deprived of all or some means of access to an existing public way by construction of a turnpike, the taking authority has the power to take easements over other parcels for the purpose of access. See *Luke v. Mass. Bay Transp. Auth.*, 337 Mass. 304, 149 N.E.2d 225 (1958). Damages can be awarded to the owner of a parcel of land *not taken* if there is "special and peculiar injury to such parcel." G.L. c. 79, § 12. Compare this statute with the

*dicta* in *Nylander v. Potter*, 423 Mass. 158, 163 n.10, 667 N.E.2d 244, 248 n.10 (1996), discussed below.

General Laws c. 40, § 14 permits municipalities to take land not already appropriated to public use for any municipal purpose. See also G.L. c. 82, § 7 for authority for county commissioners to make eminent domain takings and G.L. c. 81, § 24 for similar authority for towns. Under G.L. c. 40, § 14, the taking must be approved by the city council or town meeting, the appropriation of money damages must be approved by a two-thirds majority of the city council or town meeting and a taking for highway purposes must be for the "public convenience and necessity."

### § 23.5.2 Dedication

In *Hemphill v. Boston*, 62 Mass. (8 Cush.) 195 (1851), dedication was described as "the gift of land by the owner, for a way, and an acceptance of the gift by the public, either by some express act of acceptance, or by strong implication arising from obvious convenience, or frequent and long continued use, repairing, lighting or other significant acts, of persons competent to act for the public in that behalf." *Hemphill v. Boston*, 62 Mass. at 196. The gift must also be permanent. *Hobbs v. Lowell*, 36 Mass. (19 Pick.) 405 (1837). The burden of establishing that a way is public as the result of a dedication by a land owner and acceptance by the municipality is on he who avers the way is public. *Witteveld v. City of Haverhill*, 12 Mass. App. Ct. 876, 421 N.E.2d 783 (1981).

Since St. 1846, c. 203, now appearing as G.L. c. 84, §§ 23, 24, "a public highway or town way cannot be created in this Commonwealth by dedication and acceptance." *Longley v. Worcester*, 304 Mass. 580, 585, 24 N.E.2d 533, 536 (1939). The reason for the statute is to prevent municipalities from being charged with the responsibilities of maintenance of ways which may not be laid out and constructed in a manner prescribed by law.

Cases decided construing the state of the law prior to 1846 (*Hemphill v. Boston*, above, and *Morse v. Stocker*, 83 Mass. (1 Allen) 150 (1861)), approved the dedication of land by a landowner where he prescribed terms and limitations on his gift and, if it were given for a special and limited use or purpose, as for a footway, it must be accepted and held for that purpose only. See *Longley v. Worcester*, 304 Mass. at 587, 24 N.E.2d at 536.

Obviously such a set of circumstances would be unthinkable now, for to permit a landowner to subject the municipality to liability for failure to maintain a way (particularly where conditions limiting the way's usefulness to the public are present) would soon bankrupt municipalities.

But dedication is one of the means by which public ways can exist and, particularly with ancient ways, this should not be dismissed where one wishes to prove, for ANR divisions of land or other purposes, that a way is "public." Unlike prescription, proof of a public highway by dedication requires no minimum period of time. *Abbott v. Cottage City*, 143 Mass. 521, 10 N.E.2d 325 (1887).

### § 23.5.3 Adverse Possession/Prescription

It is well settled that the creation of a public way by adverse use depends on a showing of "actual public use, general, uninterrupted, continued for [the prescriptive period]." It is sometimes said that to establish such a use "the further fact must be proved, or admitted, that the general public used the way as a public right; and that it did must be proved by facts which distinguished the use relied on from a rightful use by those who have permissive right to travel over the private way." . . . Other cases indicate that the necessary adversity and lack of permissiveness may be inferred by the finder of fact from the uninterrupted use by the public, unexplained for the prescriptive period.

*Fenn v. Town of Middleborough*, 7 Mass. App. Ct. 80, 84–85, 386 N.E.2d 740, 742–43 (1979) (citations omitted).

The common law relating to prescriptive use is reviewed in detail in *Edson v. Munsell*, 92 Mass. (10 Allen) 557 (1865).

The party seeking to establish that a way is public by virtue of prescriptive use of the way by the public has the burden of establishing the same. "When the fact of a public way is disputed, the burden of proof falls on the party asserting the fact." *Witteveld v. City of Haverhill*, 12 Mass. App. Ct. 876, 877, 421 N.E.2d 783, 785 (1981) (citations omitted).

Establishing a public way by prescription is extraordinarily difficult: to meet his or her burden of proof a claimant must show not only that the use of the way was open, continuous, and notorious for twenty years, but also that the use was nonpermissive and by the public generally—not simply by users who may have gained their own prescriptive rights but whose use did not constitute a "public" use. *See Rivers v. Warwick*, 37 Mass. App. Ct. 593, 641 N.E.2d 1062 (1994).

The public adverse use must constitute the corporate action of the municipality, which usually takes the form of some kind of ratification, expenditure of public funds for improvement, or other corporate acknowledgment that the way in question is public. See *Cerel v. Framingham*, 342 Mass. 17, 21, 171 N.E.2d 840, 842 (1961); *Teague v. City of Boston*, 278 Mass. 305, 179 N.E. 806 (1932) (maintenance of utilities within the way); *Reed v. Inhabitants of Northfield*, 30 Mass. (13 Pick.) 94 (1832) (maintenance and repair of the way). "That a highway may be proved by long and continued use and enjoyment by the public, on the ground that a conclusive presumption arises from such use that it had been originally laid out or established by competent authority, is well settled in the Commonwealth." *Commonwealth v. Coupe*, 128 Mass. 63, 64 (1880).

While St. 1846, c. 203 prevented the creation of public ways by dedication, that statute (now G.L. c. 84, § 23) has no application to the creation of public ways by prescription. *Commonwealth v. Coupe*, 128 Mass. at 66.

It should be noted that in each of the cases of eminent domain, dedication and adverse possession/prescription, the quality of title, whether it is fee simple or a mere easement of passage, is a separate and distinct question.

As stated earlier, unless there is clear evidence to the contrary, an easement of passage (which comprehends within it expansive rights to use and occupy the way for every kind of travel) is to be presumed. In the *Coupe* case, cited above, it is clear that the court focused on the distinction when it held that "[w]ays by prescription . . . [are] established upon evidence of user by the public, adverse and continuous for a period of twenty years or more; from which use arises a presumption of a reservation or grant, and the acceptance thereof, or that it has been laid out by the proper authorities, of which no record exists." *Commonwealth v. Coupe*, 128 Mass. 63, 65 (1880).

## § 23.5.4 Boundary on a Way

### (a) *Fee Interest in a Way*

With regard to title to discontinued ways, G.L. c. 183, § 58 was enacted as a supposed aid in the construction of deeds bounding on a way (and water courses, walls, fences, and other monuments). This statute provides that such conveyance will include any fee interest of the grantor in such way unless

- the grantor retains other real estate abutting the way, in which case

- if the retained real estate is on the same side of the way, the division line between the conveyed land and retained land extends into the way to the extent the grantor owns the fee; or
- if the retained estate is on the other side of the way between the division lines extended, the title conveyed shall be to the center line of the way, if the grantor owns so far; or
- the instrument evidences a different intent by an express exception.

The statute is retroactive. See *e.g.*, *Tattan v. Kurlan*, 32 Mass. App. Ct. 239, 588 N.E.2d 699, *review denied*, 412 Mass. 1105, 595 N.E.2d 326 (1992), where the way was as yet unconstructed.

Prior to this statute, the general rule of construction was that the mention of a way as a boundary conveyed to the center line thereof and bounding by the “sideline” of the way conveyed only to the sideline, whether the grantor owns to the centerline, or the entire way. Generally, G.L. c. 183, § 58 has been interpreted to provide that “the title of persons who acquire land bounded by a street or way runs to the center line of the way. . . and carries with it the right to use the way along its entire length.” *Brennan v. DeCosta*, 24 Mass. App. Ct. 968, 511 N.E.2d 1101, 1111 (1987) (citations omitted). This right, however, can be challenged by abutters if the way has not been laid out or used. *Brennan v. DeCosta*, 24 Mass. App. Ct. at 968, 511 N.E.2d at 1111. These challenges normally stem from claim of abandonment or adverse possession. Absent some other form of easement estoppel, implication or necessity, and in light of the decision in *Nylander v. Potter*, 423 Mass. 158, 667 N.E.2d 244 (1995), discussed below, it is unlikely that a claim of an easement of ingress and egress in a way could be made solely on this statute.

In *Tattan v. Kurlan*, 32 Mass. App. Ct. 239, 243, 588 N.E.2d 699, 702, *review denied*, 412 Mass. 1105, 595 N.E.2d 326 (1992), the Appeals Court of Massachusetts stated that G.L. c. 183, § 58

mandates that every deed of real estate abutting a way includes the fee interest of the other grantor in the way—to the centerline if the grantor retains property on the other side of the way or for the full width if he does not—unless the instrument evidences a different intent by an express exception or reservation and not alone by bounding by a side line.

In *Emery v. Crowley*, 371 Mass. 489, 494, 359 N.E.2d 1256, 1259-60 (1976), the court found that a parcel of property with frontage located only at the end of a paper street could not receive the benefit of G.L. c. 183, § 58.

General Laws c. 183, § 58 is retroactive in its application and applied to a paper street provided that the street has been sufficiently designated on a recorded plan. *Silva v. Planning Bd. of Somerset*, 34 Mass. App. Ct. 339, 341-43, 611 N.E.2d 257, 258-60 (1993); *Tattan v. Kurlan*, 32 Mass. App. Ct. 239, 240 n.2, 588 N.E.2d 699, 701 n.2 (1992); *Brennan v. DeCosta*, 24 Mass. App. Ct. 968, 968, 511 N.E.2d 1101, 1111 (1987). This is true as long as the grantor has not reserved his or her right in the fee of the roadway. Note however that reference on a plan marked "reserved for a future roadway" does not constitute a sufficient reservation of rights to prevent the application of G.L. c. 183, § 58. *Tattan v. Kurlan*, 32 Mass. App. Ct. at 245, 588 N.E.2d at 703. The reservation must be contained in the deed. *Tattan v. Kurlan*, 32 Mass. App. Ct. at 247, 588 N.E.2d at 704-05.

Application of G.L. c. 183, § 58 creates obvious difficulties in the event of a discontinuance. It is not at all certain that G.L. c. 183, § 58 improves the situation too much, since the underlying title at the time of the layout and the extent of the property interest taken by the laying out authority will still have to be determined.

### **(b) *Easements by Estoppel and by Implication***

The early case *Farnsworth v. Taylor*, 75 Mass. (9 Gray) 162 (1857), stands for the proposition that an appurtenant right of way is created by necessary implication where a parcel of land is conveyed by a deed description bounding on a way, or by reference to a plan which shows a boundary on a way. That case established the doctrine "that where land is conveyed which is situate on a street or way, and reference is made in the deed of conveyance to a plan on which said street is delineated, the plan exhibited at the sale, and subsequently recorded by the grantor in the registry of deeds, is made a part of the deed, and estops the grantor and those claiming under him to deny the existence of the street as delineated on the plan, is well maintained by authority and sound in principal." *Farnsworth v. Taylor*, 75 Mass. at 166.

Such an easement exists even if there are other streets or ways providing access to the land (*Hill v. Taylor*, 296 Mass. 107, 4 N.E.2d 1008 (1936)), and there is created by implication, or estoppel, a perpetual easement appurtenant to the premises conveyed providing the owner of such premises with a right of passage over such streets or ways as shown on the plan for the entire distance of the way, as it is then actually laid out or clearly indicated and described. *See Oldfield v.*

*Smith*, 304 Mass. 590, 24 N.E.2d 544 (1939). The easement is created by implication, even if the way is not then in existence, so long as it was clearly contemplated and sufficiently designated. See *Murphy v. Mart Realty of Brockton Inc.*, 348 Mass. 675, 205 N.E.2d 222 (1965). In the *Murphy* case, the way shown on the plan was in fact treed and overgrown, stony, and rocky; it was not passable by motor vehicle or on foot and was entirely undeveloped. The court found that the way had been sufficiently delineated as a proposed street on a plan and was thus "adequately designated," and that the owner of the adjacent parcel had the right to develop the formerly unusable way for ingress and egress by blacktopping it.

Therefore, an easement by estoppel can apply where

- a property description contains a course either bounding on a way or refers to a plan showing that the property bounds on a way;
- the way is laid out or clearly indicated on a plan;
- the chain of title is out of the same grantor; and
- rights in the way are not reserved by the grantor.

A property description which describes the property bounding along "other land of the grantor" when such "other" land is a paper street, is not a sufficient course description to invoke the principle of easement by estoppel. *Emery v. Crowley*, 371 Mass. at 495, 359 N.E.2d at 1260. Easements in "paper streets" can be abandoned. See, e.g., *Sindler v. William M. Bailey Co.*, 348 Mass. 589, 204 N.E.2d 717 (1965).

Not only may there arise an implied easement to use a street abutting on a parcel of land, but by further implication a property owner can use other streets and ways shown on a plan to the extent that such use is necessary to reach a public way. See *Fox v. Union Sugar Refinery*, 109 Mass. 292 (1872). In a case which probably would not now be decided in the same way, the Supreme Judicial Court held in 1909, in *Downey v. H.P. Hood and Sons*, 203 Mass. 4, 89 N.E.2d 4 (1909), that an owner whose property is bounded by a way which connects at each end with a road leading to the highway, is entitled to have access going in either direction if all roads appear on the plan. Later cases have limited the doctrine established by *Downey*, which is, in essence, that a property owner, although having access (by virtue of an implied easement arising by conveyance of a lot by reference to a plan) can elect to take either of two means, including a less convenient one, to reach a public way. Now, it is the general rule that an implied easement of this type will be implied only to the extent necessary for the enjoyment of the land conveyed, in the absence of a clear intent to the contrary. See, e.g., *Prentiss v. City of Gloucester*, 236 Mass. 36, 127 N.E.2d 796 (1920) and,

*Wellwood v. Havrah Mishna Anshi Sphard Cemetery Corp.*, 254 Mass. 350, 150 N.E. 203 (1926)

More recent cases, *Murphy v. Donovan*, 4 Mass. App. Ct. 519, 352 N.E.2d 210 (1976), and *Boudreau v. Coleman*, 29 Mass. App. Ct. 621, 564 N.E.2d 1 (1990), have held, notwithstanding the doctrine of implied easements arising by virtue of conveyance by reference to a plan, that the intent of the parties is determined from

- the language of the instrument “when read in light of the circumstances attending” at the time the deed was given;
- the physical condition of the premises;
- knowledge of the parties;
- reasonably necessity of the easement; and
- whether there existed open and obvious use of the street prior to conveyance.

*Bourdeau v. Coleman*, 29 Mass. App. Ct. at 628, 564 N.E.2d at 4; *Murphy v. Donovan*, 4 Mass. App. Ct. at 527, 352 N.E.2d at 216.

A mere reference in a deed to a plan and a lot number which bounds on a street or roadway does not give the grantee an easement in all ways shown on the plan. *Walter Kassuba Realty Corp. v. Akeson*, 359 Mass. 725, 727, 271 N.E.2d 660, 661 (1971). Nor does it prevent the grantor of the property from utilizing his or her property or making changes as long as such use or changes are not inconsistent with the rights of the easement holders. *Walter Kassuba Realty Corp. v. Akeson*, 359 Mass. at 727, 271 N.E.2d at 661.

*Prentiss v. City of Gloucester* also held that no easement can arise by implication where the rights of way appurtenant to the premises conveyed are expressly described and defined in the deed of conveyance. Further, an easement by implication, as it is appurtenant to the parcel conveyed, may not be used for the benefit of other land adjacent to the original tract without overloading the easement. See *Murphy v. Mart Realty of Brockton Inc.*, 348 Mass. 675, 205 N.E.2d 222 (1965).

*Anderson v. Healy*, 36 Mass. App. Ct. 131, 629 N.E.2d 312 (1994), reveals an interesting dilemma for the defendant who abuts a town highway layout and had a right of access to the town way which, at that point was not wrought on the ground and existed only as an easement, on plaintiff's land; the defendant was found to have exceeded his easement rights in constructing a driveway to his land.



## § 23.6 DISCONTINUANCE OF STREETS AND WAYS

### § 23.6.1 Statutory

General Laws c. 81, § 12 sets forth the procedure for discontinuance as requiring concurrence of the county commissioners and the filing by the MHD of a plan of the way so discontinued and a certificate of discontinuance with the commissioners and town clerk; “and thereafter the way or section of way so discontinued shall be a town way.”

Assume the Commonwealth had taken the fee in the way, then discontinued it. Does the fact that the way thereafter is a town way mean that the town now owns the fee? We think not; the town now has the maintenance obligation, but not the fee interest.

General Laws c. 81, § 12 goes on to provide that the MHD “*may* also abandon any land or rights in land which may have been taken or acquired by it” by the same filing of plans and certificates procedure, and *also* by filing in the registry of deeds “a description and plan of the land so abandoned; and said abandonment shall revert the title to the land or rights abandoned in the persons in whom it was vested at the time of the taking, or their heirs or assigns.”

In the event of the discontinuance a state highway resulting from an alteration in the state highway layout, it would be better practice that the discontinuance be accompanied by an abandonment of the former layout if the two routes substantially parallel each other, as where the new layout straightens and widens the former layout. Many such new layouts, in our experience, are not coupled with an abandonment, however, which has the legal effect of leaving a town liable for maintenance of portions of the former layout. A town by its meeting vote may discontinue a way which became a town way by virtue of a state highway discontinuance, and may do so without notice; it is not an “alteration” requiring a layout. *See Boyce v. Town of Templeton*, 335 Mass. 1, 138 N.E.2d 276 (1956).

General Laws c. 82 § 1 gives authority to the county commissioners to discontinue (note, not “abandon”) highways, and G.L. c. 82, § 21 gives the same authority to *town meetings*. In *Mahan v. Rockport*, 287 Mass. 34, 190 N.E.2d 810 (1934), where the Land Court judge found the town of Rockport had taken an easement for layout of a highway forty years previously but never entered on the portion of the land in question nor constructed a way thereon, and consequently ruled the town had abandoned its easement, the Supreme Judicial Court held:

It is settled that a public way once duly laid out continues to be such until legally discontinued. A town way may be discontinued by vote of the town and not otherwise. The rights of the public in the whole width of the way as laid out by the selectmen, and accepted by the town in town meeting, were not lost by using less than the whole width of the way.

*Mahan v. Rockport*, 287 Mass. at 37, 190 N.E.2d at 811 (citations omitted). Contrast this holding with *Perry v. Planning Board of Nantucket*, 15 Mass. App. Ct.144, 444 N.E.2d 389 (1983), discussed below. *Nylander v. Potter*, 423 Mass. 158, 667 N.E.2d 244 (1996).

An alteration of a county highway or town way automatically constitutes a discontinuance of the portions of the former layout no longer needed. *Inhabitants of Cohasset v. Moors*, 204 Mass. 173, 90 N.E.2d 978 (1919) (It should be noted that the *Moors* case is one of only a very few cases holding that an individual can obtain title as against the Commonwealth or its political subdivisions by adverse possession. See generally G.L. c. 260, § 31, as most recently amended by Chapter 654 of the Acts of 1987. Massachusetts is in the distinct minority on this rule.); *Commonwealth v. Westborough*, 3 Mass. 406 (1807). The fact that specific portions of the old road are officially discontinued by direct action of the county commissioners will not save the remaining portions of the old road from discontinuance as well. *Recore v. Town of Conway*, Land Court Misc. Case No. 248455 (Sept. 18, 2000) (Green, J.).

In *Recore*, the plaintiffs attempted to meet the town's frontage requirements by utilizing a certain road which they claimed was a public way. In 1845, a new road was laid out by the county commissioners which essentially replaced the portion of the road being utilized by the plaintiffs, and in 1847 other portions of the old road were officially discontinued by the county commissioners. The Land Court held that the "subsequent actions of the county commissioners to discontinue portions of the old road do not establish that it remained an active county highway at the time of such discontinuance," and that whether or not the portion of the old road utilized by plaintiffs was within the portion specifically discontinued by the 1847 discontinuance, the construction of the new road "just to the west of the locus effected a discontinuance of that portion of (the old road) by operation of law." *Recore v. Town of Conway*, Land Court Misc. Case No. 248455 (Sept. 18, 2000) (Green, J.). The Land Court further held that an official discontinuance action on the part of the county commissioners was not necessary to effect a discontinuance by law, that the old road could no longer be considered a public way, and that the plaintiffs could not employ the old road to meet frontage requirements. *Recore v. Town of Conway*, Land Court Misc. Case

No. 248455 (Sept. 18, 2000) (Green, J.). Better practice, however, would require an actual discontinuance of the unneeded portions.

It is obvious that there remains much confusion about the distinction between a “discontinuance” and an “abandonment.” Many towns vote to “discontinue *and* abandon” town ways; some do one, some do the other. At least one Berkshire County town has voted to “close” town ways. It is helpful to contrast three statutory sections, G.L. c. 81, § 12, G.L. c. 82, § 21, and G.L. c. 82, § 32A.

General Laws c. 81, § 12 relates to state highways and reads as follows:

Discontinuance or abandonment. The department, with the concurrence of the county commissioners, may discontinue as a state highway any way or section of way laid out and constructed under the provisions of section five by filing in the office of the county commissioners for the county and in the office of the clerk of the town in which such way is situated a certified copy of a plan showing the way so discontinued and a certificate that it has discontinued such way; and thereafter the way or section of way so discontinued shall be a town way. Said department may also abandon any land or rights in land which may have been taken or acquired by it by filing in the office of the county commissioners for the county and in the office of the clerk of the town in which such land is situated a certified copy of a plan showing the land so abandoned and a certificate that it has abandoned such land, and by filing for record in the registry of deeds for the county or district in which the land lies a description and plan of the land so abandoned; and said abandonment shall revert the title to the land or rights abandoned in the persons in whom it was vested at the time of the taking, or their heirs and assigns.

This section was originally enacted in 1900 and has not been amended since 1931; it speaks of discontinuing state highways as ways which the state is obliged to maintain and, secondarily (and not always) to the process of relinquishing the Commonwealth's interest in land. General Laws c. 82 § 21 reads as follows:

Authority to lay out ways. The selectmen or road commissioners of a town or city council of a city may lay out, relocate or alter town ways for the use of the

town or city, and private ways for the use of one or more of the inhabitants thereof; or they may order specific repairs to be made on such ways; and a town, at a meeting, or the city council of a city, may discontinue a town way or a private way.

This section was originally enacted in 1693 and has not been amended since 1917; it speaks of laying out and discontinuing town ways, generally easements.

Section 32A of G.L. c. 82, prior to the 1983 amendment, read as follows:

Discontinuance of public ways. On petition in writing to the board or officers of a town having charge of a public way, the county commissioners may, whenever common convenience and necessity no longer require such way to be maintained in a condition reasonably safe and convenient for travel, adjudicate that said way shall thereafter be a private way and that the town shall no longer be bound to keep the same in repair, and thereon such adjudication shall take effect; provided, that sufficient notice to warn the public against entering thereon is posted where such way enters on or unites with an existing public way. This section shall not apply to ways in cities.

This section was adopted in 1924 and remained the same until it was amended in 1983 and 2006 (effective January 30, 2007), so that it now reads:

Abandonment of municipal ways. The board or officers of a city or town having charge of a public way may, after holding a public hearing, notice of which shall be sent by registered mail, return receipt requested, to all property owners abutting an affected road and notice of which shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting in a conspicuous place in the office of the city or town clerk for a period of not less than fourteen days before the day of the hearing, on finding that a city or town way or public way has become abandoned and unused for ordinary travel and that the common convenience and necessity no longer requires said town way or public way to be

maintained in a condition reasonably safe and convenient for travel, shall declare that the city or town shall no longer be bound to keep such way or public way in repair and on filing of such declaration with the city or town clerk such declaration shall take effect, provided that sufficient notice to warn the public that the way is no longer maintained is posted at both ends of such way or public way, or portions thereof. Upon petition in writing of the board or officers of a city or town in which a county highway is located, the county commissioners, whenever common convenience and necessity no longer require such way to be maintained in a condition reasonably safe and convenient for public travel, after giving notice in the manner prescribed in section 3, and after viewing the premises and hearing the interested parties in the manner prescribed in section 4, may adjudicate that the town shall no longer be bound to keep the way in repair, and thereupon the adjudication shall take effect; provided, that sufficient notice to warn the public that the way is no longer maintained is posted at both ends of the way, or portions thereof.

It may be that the legislative draftsmen of the earlier part of the century and before had a better grasp of the legal niceties of highway law than the craftsmen of Chapter 136 of the Acts of 1983 and the use of the word "abandonment" in the caption of G.L. c. 82, § 32A may simply be a mislabeling of the statute.

When construing town meeting warrant articles and votes and determining just what the town meeting intended when it voted to "abandon Curtin Road" or "close Tower Mountain Road," the author is less prickly. We consider it better practice to try to give effect to the intent, even if not stated with great precision, as a town meeting really only has two choices: to accept a layout and to discontinue a way; so by whatever reasonable words the voters express one or the other intent, we are content.

Because of the presumption that only an easement for public passage is acquired by towns and counties (see *Opinion of the Justices*, 208 Mass. 603 (1911)), there is no provision in G.L. c. 82 relating to "abandonment" (except for the misleading section heading in Section 32A). A discontinuance does three things. First, the public's easement of passage disappears and the underlying fee reverts to the owners thereof, free of such easement. *Nylander v. Potter*, 423 Mass. 158, 667 N.E.2d 244 (1996). Second, the town's obligation of maintenance ceases. And third, abutting owners on the former highway have a cause of action for damages

to the value of their land occasioned by the fact that they have lost a valuable bundle of rights. G.L. c. 82, § 24; *Rivers v. Warwick*, 37 Mass. App. Ct. 593, 641 N.E.2d 1062 (1994). Damages consist, obviously, of the loss of subdivisability of land, the loss of assurance of town maintenance and snow plowing and the attendant increase in private expenditure and the probable loss of access by emergency vehicles, together with any particular loss that they may be able to show.

*Coombs v. Board of Selectmen of Deerfield*, 26 Mass. App. Ct. 379, 528 N.E.2d 136 (1988), *review denied*, 403 Mass. 1104, 530 N.E.2d 797 (1988), contains a helpful discussion of the statutory history and application of G.L. c. 82, § 32A in holding that Section 32A does not permit the selectmen of a town to discontinue maintenance of county highways.

Prior to *Nylander v. Potter*, 423 Mass. 158, 667 N.E.2d 244 (1996), a practitioner had to assemble several cases to satisfy oneself that there was no private easement of passage over a discontinued road. Now, absent a private easement of passage in the road location that predates the layout of the way, by grant, prescription, or implication, on discontinuance of a way an interior landowner has no so-called “abutters easement” to travel over the discontinued road. *Nylander v. Potter*, 423 Mass. at 162, 667 N.E.2d at 247.

In deciding *Nylander* the court upheld long settled Massachusetts law and struck down a novel right of passage that was argued would have been very disruptive to real estate titles and, not unimportantly, to long settled municipal practice. In the latter connection, for example, it was pointed out in a brief (Brief Amici Curiae, The Massachusetts Conveyancers Association, Inc. and the Abstract Club, p. 18) that if the Appeals Court was right,

municipalities now must do something more than a simple discontinuance if they wish to insure that what was a public way will not be used for passage by abutters. In the case of a new discontinuance, the municipality presumably must both discontinue the way (under G.L. c. 82, § 21), and take, under G.L. c. 79, the subsisting private right of passage that otherwise still would exist in favor of the abutters. In the case of a discontinuance made years ago, the municipality may well need to act anew to take the abutters' right of passage, if the municipality desires to complete a process it felt it had been done with long ago. Doing so would reopen municipalities to damages for this later taking, a prospect few municipalities will have anticipated or contemplated in their budgets.

The novel right of passage fashioned by the Appeals Court in its decision in *Nylander v. Potter*, 38 Mass. App. Ct. 605, 609, 650 N.E.2d 803, 806 (1995), was that although a “discontinuance of a public way terminates the public easement of travel, we hold that the discontinuance does not terminate the private easement of travel which abutters enjoy.”

The Supreme Judicial Court disagreed “and conclude[d] that Potter does not have an easement of travel over the Nylander stretch of [the discontinued] road. We reject both the Appeals Court’s theory of a so-called ‘abutters easement’ and the Superior Court’s theory of a ‘public access’ private way as contrary to settled Massachusetts law.” *Nylander v. Potter*, 423 Mass. at 162, 667 N.E.2d at 247.

*[Text continues on p. 37.]*





Although the Supreme Judicial Court's decision can be viewed as a vindication of what had long been thought settled law, several features of the court's decision leave a few questions unanswered. For example, the court stated in dicta that "a discontinuance of maintenance under [G.L. c. 82,] § 32A would create a 'public access' *private* way." *Nylander v. Potter*, 423 Mass. at 161 n.7, 667 N.E.2d at 247 n.7 (emphasis added). However, it could be argued that a discontinuance of maintenance under G.L. c. 82, § 32A does not change the status of the way as a public way, it merely avoids town liability for maintenance.

Although it is true that the Nylanders owned the fee in the first 100 foot stretch of the disputed Bachellor Road, they also owned the fee in the westerly half of the next 788 feet of the road *Nylander v. Potter*, 423 Mass. at 161, 667 N.E.2d at 247. The court's remand to the superior court, dealing as it does with only the first 100 feet of the road, also appears to leave some issues unresolved. It may have been more helpful to have a clear enunciation of the principle that Potter couldn't travel over *any* part of Bachellor Road owned by Nylander.

Finally, the court stated, again only in dicta, that "[a] claim for monetary damages is only available if a parcel is rendered *landlocked* by the discontinuance of a public way." *Nylander v. Potter*, 423 Mass. at 163 n.10, 667 N.E.2d at 248 n.10 (emphasis added). Under G.L. c. 82, § 24 and G.L. c. 79, § 12, it appears that an action for damages lies for a taking which does *less* than landlock a parcel.

While not explicitly holding that abutting landowners continue to have some easement of passage over a discontinued town way, the Land Court, and later the Appeals Court in *Schuffels v. Bell*, 21 Mass. App. Ct. 76, 484 N.E.2d 1343 (1985), preserved for such landowners a right of access to parcels without other frontage on the ground that the plaintiff's predecessors in title had gained prescriptive rights to use "Old County Road" for access. In its decision, the Land Court clearly reached very far to come to the conclusion; there was none of the usual detailed evidence of continuous and uninterrupted adverse use of the way discussed in Judge Randall's decision. The Appeals Court merely noted "in stating the facts, we avoid details. The opinion of the Land Court, with which we agree in substance, has a fuller and more graphic statement." *Schuffels v. Bell*, 21 Mass. App. Ct. at 77, 484 N.E.2d at 1344. It is probable that both courts were offended by the defendant's efforts to impede plaintiffs' efforts to reach their land, and even though plaintiffs could not (and did not) prove adverse use by persons in the 1840s and 1850s, the courts said they had. *Contrast Lynch v. Town of Groton*, 11 Mass. App. Ct. 1008, 418 N.E.2d 1281 (1981).

If a town acquired the fee in the location of a town way or county highway prior to its discontinuance, and if the fee interest in land were considered surplus and unnecessary to the municipality after discontinuance, affirmative action by town

meeting is required before that interest in land can be abandoned and conveyed. G.L. c. 40, § 15.

## § 23.6.2 Adverse Possession/Prescription

The simple answer to a claim that a public highway can be lost by adverse possession or prescription is that such is not the law in Massachusetts, with the exception hereafter noted. See G.L. c. 81, § 22 as to state highways, discussed above, and G.L. c. 86, § 3 as to public ways, both of which provide in essence that if the boundaries of the way are known or can be established, no length of possession within the limits of the way gives any title in the way to an abutter *except* in the case of a building used as a residence. G.L. c. 81, § 22. It is interesting to note that there is no comparable exception for dwellings in G.L. c. 86, § 3. We conclude that the residential exception in G.L. c. 81, § 22 is not authority to continue to maintain the encroachment represented by the dwelling, but rather protection against summary removal.

A certain few cases arising before the 1917 enactment of the latter statute, and turning, it seems, more on a difficulty in determining the location of the way, did allow a claimant to establish a street line by the location of his or her abutting fence. *See, e.g., Holt v. Sargent*, 81 Mass. (15 Gray) 97 (1860).

Another early case that permitted adverse possession of a “highway” as against a town is *Cohasset v. Moors*, 204 Mass. 173, 90 N.E.2d 978 (1919). In the original division of lots in Cohasset in 1670 there was a reservation of land for highways in various places, including along the shore, between the nearest lot laid out for an individual and the sea, which reservation covered locus. Cohasset sought to register title to locus (a thirty-acre parcel described by the court as being “the rough, rocky, irregular indented shore of the sea”), while Mrs. Moors claimed title to it by adverse possession. In 1867 the county commissioners altered, improved, and directed repairs on Jerusalem Road and defined it on a plan (containing much less than thirty acres of land). The court held that by so doing the county commissioners automatically discontinued so much of any highway as might have been reserved previously and that “at least since 1867, the title of the town [to the area reserved for a highway in 1670] has been like that of any other private owner.” The court went on to hold that Mrs. Moors had disseized the town. *Cohasset v. Moors*, 204 Mass. at 176, 90 N.E.2d at 979.

## § 23.6.3 Damages for Discontinuance

Because a state highway discontinuance creates a town way, it is only on the subsequent discontinuance of the town way that a right to damages vests in an

abutter. G.L. c. 82, § 24. An action for monetary damages is the exclusive remedy for a landowner damaged by the discontinuance of a public way. *Nylander v. Potter*, 423 Mass. at 163, n.10, 667 N.E.2d at 248 n.10. General Laws c. 82, § 7 provides for damages in the event of the discontinuance of a county highway. Note that a person damaged by a G.L. c. 82, § 24 discontinuance of a private way is entitled to damages, and an indemnity can be required by the town prior to discontinuing. Damages for discontinuance, like damages for a taking, are governed by G.L. c. 79 and vest on recordation of the discontinuance order.

In the first instance, a determination must be made as to whether the public convenience and necessity requires that a way be discontinued as no longer needed for the public use or convenience. See *Newburyport Redevelopment Auth. v. Commonwealth*, 9 Mass. App. Ct. 206, 401 N.E.2d 118 (1980) ("The question whether to discontinue a town way is political or legislative rather than adjudicatory.") (emphasis supplied). (It can be argued that a G.L. c. 82, § 32A decision is adjudicatory in nature, as certain findings must be made before maintenance can be discontinued.)

Because the closing of a public highway is a "taking" of some portion of the value of an abutter's land, he or she becomes entitled to damages. G.L. c. 82, § 24; G.L. c. 79, § 12. It has been held that damages are not allowed if the plaintiff's land "does not abut on the portion of the way discontinued if there is access by any public way, because in such a case the damage suffered is only from loss of the enjoyment of a public right which is also suffered in greater or less degree by every member of the community." *Harte v. Town of Dartmouth*, 45 Mass. App. Ct. 779, 782, 702 N.E.2d 29, 31 (1998) (quoting *Rand v. Boston*, 164 Mass. 354, 363, 41 N.E.2d 484 (1895) (Knowlton, J., dissenting)). Compensability in such cases turns on "the distinction between, on the one hand, impairment of access which if substantial may figure as a special and peculiar injury deserving compensation, and on the other hand, diversion of traffic which lies outside the compensable category even if it results in a decline in the property's market value." *Harte v. Town of Dartmouth*, 45 Mass. App. Ct. at 781, 702 N.E.2d at 30-31, (quoting *Malone v. Commonwealth*, 378 Mass. 74, 78, 389 N.E.2d 975 (1979)). The measure of damages is outside the scope of these materials.

## § 23.6.4 Title to Discontinued Portions

Since the beginning of reported cases in the Commonwealth, it has been black-letter law that an easement for public travel over a person's land leaves the underlying soil in the individual. "By the location of a way over the land of any person, the public have acquired an easement, which the owner of the land cannot lawfully extinguish or unreasonably interrupt. But the soil and freehold remain in the owner although encumbered with a way." *Perley v. Chandler*,

6 Mass. 454, 455 (1810). *Nylander v. Potter*, 423 Mass. 158, 161, 667 N.E. 2d 244, 246-47 (1996).

A natural corollary to this proposition is that if the way is discontinued, the freehold, free of the encumbrance of the highway, reverts to the owner. Title reverts in abutters to the center line of the way.

But if the authority laying out the way took the fee, on discontinuance, title remains in the public. Hence the necessity in G.L. c. 81, § 12 for an abandonment by the state in the event of a discontinuance of a state highway.

A *discontinuance* relieves the laying out authority of its obligation to maintain a way; an *abandonment* relinquishes the interest of the authority in any rights to land.

It is curious that no words of "abandonment" are used in G.L. c. 82 relating to county highways and town ways except, as noted previously, in the section caption of Section 32A. An important distinction between highways and town ways is that highways may not be discontinued without notice to towns and abutters and the concurrence of county commissioners, G.L. c. 82, §§ 1, 3, while town ways may be discontinued by town meeting or city council vote without notice to abutters, G.L. c. 82, § 21.

Before a town can discontinue a town way it must refer the contemplated action to its planning board for its recommendation and give the board forty-five days to respond. G.L. c. 41, § 81I. In those few municipalities that have not established a planning board under G.L. c. 41, § 81A, and that have a board of survey, see G.L. c. 41, § 73, the board of survey regulates the opening of private ways for public use.

Previously, a town way could be converted to a private way by the county commissioners under G.L. c. 82, § 32A; as amended, it has been suggested that Section 32A leaves the way a public way but absolves the town of its maintenance obligations.

Pursuant to G.L. c. 40, § 15, a town may vote to abandon "any land, easement or right taken for such . . . town, otherwise than by purchase" on a two-thirds vote of the town, and authorize its conveyance on such terms and conditions as the town may fix.

## § 23.7 SUBDIVISION CONTROL, PLANS, AND PUBLIC WAYS

The Subdivision Control Law, G.L. c. 41, §§ 81K–81GG, was enacted as a “comprehensive statutory scheme,” *Nantucket Land Council, Inc. v. Planning Bd. of Nantucket*, 5 Mass. App. Ct. 206, 361 N.E.2d 937 (1977), requiring “adequate access” to lots within a subdivision. G.L. c. 41, § 81M. Lots having frontage on an inaccessible way (limited access highway) do not have frontage on a “public way” as those words are used in the Subdivision Control Law. *Hrenchuk v. Planning Bd. of Walpole*, 8 Mass. App. Ct. 949, 397 N.E.2d 1292 (1979).

It was always assumed, until the “Tristram’s Landing” case, *Gifford v. Planning Board of Nantucket*, 376 Mass. 801, 383 N.E.2d 1123 (1978), *Hrenchuk, Casagrande* (discussed above), and *Perry* (discussed below), that a “public way” was a public way for the purposes of considerations of title, status, laying, and so forth, as well as for Subdivision Control Law. Such is not the case. See *LeBlanc v. Bd. of Appeals of Danvers*, 32 Mass. App. Ct. 760, 594 N.E.2d 906 (1992) (holding that an unconstructed, paper street can provide the necessary “frontage” to afford a lot abutting thereon a G.L. c. 40A, § 6 zoning dimensional freeze).

Whether a way provides the required legal frontage for lots that may be divided without planning board approval (“ANR plans”) is no longer the sole question. Rather, the question has become, by a series of decisions, whether the way provides vital access to the buildable area of the lot. The transition from a mere question of frontage to a much more subjective issue of actual accessibility can be traced in *Rettig v. Planning Board of Rowley*, 332 Mass. 476, 126 N.E.2d 104 (1955), *Malaguti v. Planning Board of Wellesley*, 3 Mass. App. Ct. 797, 339 N.E.2d 246 (1975), *Casagrande v. Town Clerk of Harvard*, 377 Mass. 703, 387 N.E.2d 571 (1979), *Spalke v. Board of Appeals of Plymouth*, 7 Mass. App. Ct. 683, 389 N.E.2d 788 (1979), *Perry v. Planning Board of Nantucket*, 15 Mass. App. Ct. 144, 444 N.E.2d 389 (1983), *Hutchinson v. Planning Board of Hingham*, 23 Mass. App. Ct. 416, 502 N.E.2d 572 (1987), and *Sturdy v. Planning Board of Hingham*, 32 Mass. App. Ct. 72, 586 N.E.2d 11 (1992), all dealing with the adequacy of the way, and *Cassani v. Planning Board of Hull*, 1 Mass. App. Ct. 451, 300 N.E.2d 746 (1973), *Gifford v. Planning Board of Nantucket*, 376 Mass. 801, 383 N.E.2d 1123 (1978), *McCarthy v. Planning Board of Edgartown*, 381 Mass. 86, 407 N.E.2d 348 (1980), *Gallitano v. Board of Survey & Planning Board of Waltham*, 10 Mass. App. Ct. 269, 407 N.E.2d 359 (1980), *DiCarlo v. Planning Board of Wayland*, 19 Mass. App. Ct. 911, 471 N.E.2d 753 (1984), *Fox v. Planning Board of Milton*, 24 Mass. App. Ct. 572, 511 N.E.2d 30 (1987), *Corcoran v. Planning Board of Sudbury*, 406 Mass. 248, 547 N.E.2d 911 (1989), and *Stefanick v. Planning Board of Uxbridge*, 39 Mass. App. Ct. 418,

657 N.E.2d 475 (1996), *review denied*, 422 Mass. 1104, 661 N.E.2d 935 (1996), to adequacy of access from the way to the buildable portion of the lot.

The *Perry* court added an additional, judicial requirement for approval of ANR plans:

We conclude that whatever status might be acquired by ways as "public ways" for the purposes of other statutes by virtue of their having been "laid out," . . . such ways will not satisfy the requirements of the "public way" exemption in § 81L . . . unless they in fact exist on the ground in a form which satisfies the previously quoted goals of § 81M.

*Perry v. Planning Bd. of Nantucket*, 15 Mass. App. Ct. 144, 150–51, 444 N.E.2d 389, 392 (1983).

In effect, two categories of access on public ways come into focus out of this decisional history. "There is the 'could be better but manageable' category and the 'illusory' category. The first category warrants an [ANR] endorsement; the second does not." *Gates v. Planning Bd. of Dighton*, 48 Mass. App. Ct. 394, 399, 722 N.E.2d 477, 481 (2000), *review denied* 726 N.E.2d 414, 726 N.E.2d 414 (2000).

An example of the first category of cases is *Sturdy v. Planning Board of Hingham*, 32 Mass. App. Ct. 72, 586 N.E.2d 11 (1992). In this case, Robert Sturdy was confronted with a not uncommon dilemma; his land fronted on a way which had not been maintained by the town and was not passable. He proposed an ANR division of land abutting Side Hill Road. Whether Sturdy was entitled to the endorsement depended on whether Side Hill Road was a public way and whether the access it afforded was illusory. The Hingham Planning Board denied the endorsement. On appeal to the Superior Court the judge found Side Hill Road to be a public way but in its then condition it did not afford safe access to the lots in question and thus the Board's decision was not in excess of its authority.

Sturdy moved for a new trial and, relying on G.L. c. 84, §§ 1 and 4, brought an action in the nature of mandamus seeking to compel the town to make Side Hill Road accessible. The two cases were consolidated and the Superior Court judge reconsidered his earlier ruling, now ruling that Sturdy was entitled to the ANR endorsement, notwithstanding deficiencies in Side Hill Road, and allowed the town's motion for summary judgment in the mandamus action. Both sides appealed.

After restating the test in *Fox v. Planning Board of Milton*, 24 Mass. App. Ct. 572, 574, 511 N.E.2d 30, 32 (1987), for whether access provided by a public way is “illusory in fact,” the court held:

Deficiencies in a public way are insufficient ground for denying the endorsement. The ANR endorsement for lots fronting on a public way, provided for in G.L. c. 41, § 81L...is a legislative regulation that ordinarily “lots having such a frontage are fully accessible, and as the developer does not contemplate the construction of additional access routes there is no need for supervision by the planning board on that score.” Moreover, since municipal authorities have the obligation to maintain such ways, there is already public control as to how perceived deficiencies, if any, in such public ways are to be corrected.

*Sturdy v. Planning Bd. of Hingham*, 32 Mass. App. Ct. at 76, 586 N.E.2d at 13 (citations omitted).

The Appeals Court affirmed the trial court’s denial of mandamus. In doing so, it noted that public officials are presumed to do their duty, particularly when it is pointed out to them, *Sturdy v. Planning Bd. of Hingham*, 32 Mass. App. Ct. at 78, n.15, 586 N.E.2d at 14 n.15; if they do not, there is at least the possibility of criminal sanctions, *Sturdy v. Planning Bd. of Hingham*, 32 Mass. App. Ct. at 77, 586 N.E.2d at 14.

An example of the second category of cases is *Poulos v. Planning Board of Braintree*, 413 Mass. 359, 597 N.E.2d 417 (1992), where the owner presented a plan that showed twelve lots with the required frontage along an existing paved public way. Parallel to that way was a guardrail installed by the Department of Public Works to keep vehicles from pitching down a steep slope. Practical access was barred until the Department of Public Works took down the guardrail which it would not do unless the owner filled in the grade that produced the dangerous slope. Although removal of the guardrail and regrading might occur, in the sense the neither was an impossible task, the court held that “in absence of present adequate access from the public way of each of the plaintiff’s lots,” the planning board had rightly refused endorsement under G.L. c. 41, § 81P. *Poulos v. Planning Bd. of Braintree*, 413 Mass. at 362, 597 N.E.2d at 419.

Recently, a case similar to *Poulos* was decided by the Appeals Court with a different result. In *Hobbs Brook Farm Property Co. v. Planning Board of Lincoln*, 48 Mass. App. Ct. 403, 721 N.E.2d 398 (2000), *review denied*, 431 Mass. 1102, 726 N.E.2d 414 (2000), the planning board denied ANR approval to the plaintiff’s

plan because frontage on a state highway for four out of five proposed lots was partially obstructed by a metal guardrail or concrete Jersey barrier and curb cut permits had not been obtained from MHD. The court found that “[i]t is simply not correct . . . that the entire frontage required for a lot under [the town’s] zoning by-law must be unobstructed.” The court also noted that as for the “guard-rails, Jersey barriers, and Cape Cod berms, those partial obstructions do not have the physical barrier effect described in *Poulos v. Planning Board of Braintree*.” *Hobbs Brook Farm Prop. Co. v. Planning Bd. of Lincoln*, 48 Mass. App. Ct. at 406, 721 N.E.2d at 400. The court in *Hobbs* also went on to state:

The requirement that one obtain permission from the commission to make a curb cut and to build a driveway across the green did not constitute a physical or legal barrier to access. Securing permission is a necessary step to be taken in the development process, but it is not the business of the planning board to anticipate that the grant of the requisite permit by the responsible governmental body would be improvident or might not occur.

*Hobbs Brook Farm Prop. Co. v. Planning Bd. of Lincoln*, 48 Mass. App. Ct. at 405, 721 N.E.2d at 400 (citation omitted). Likewise, as MHD has exclusive authority to regulate driveway openings on a state highway, a town planning board may not, as a condition for its approval of a definitive subdivision plan, prohibit curb cuts on a state highway. *Sullivan v. Planning Bd. of Acton*, 38 Mass. App. Ct. 918, 645 N.E.2d 703 (1995). In any event, a “public way,” properly laid out, is not necessarily a “public way” for Subdivision Control Law purposes.

*The authors express their gratitude to Donald J. Schmidt, editor of the Land Use Manager, a publication of the Executive Office of Communities and Development, for his insightful analysis entitled The ANR Handbook, May 2000.*



# MGL PRIVATE WAYS SNOW PLOWING - TEMP REPAIRS

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title VII** CITIES, TOWNS AND DISTRICTS

**Chapter 40** POWERS AND DUTIES OF CITIES AND TOWNS

**Section 6C** REMOVAL OF ICE AND SNOW FROM PRIVATE WAYS;  
CONDITIONS

Section 6C. A city or town which accepts this section in the manner provided in section six D may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council or selectmen; provided, that, for the purposes of section twenty-five of chapter eighty-four, the removal of snow or ice from such a way shall not constitute a repair of a way.

**Part I** ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40** POWERS AND DUTIES OF CITIES AND TOWNS**Section 6D** REMOVAL OF ICE AND SNOW FROM PRIVATE WAYS;  
SUBMISSION TO ELECTORATE; BALLOT

Section 6D. Section six C shall be submitted for acceptance to the registered voters of a city at a regular city election if the city council thereof so votes, and of a town at an annual town election upon petition of two hundred registered voters or of twenty per cent of the total number of registered voters, substantially in the form of the following question, which shall be placed on the official ballot used for the election of officers at such city or town election:

Shall the city (or town) vote to accept the provisions of section six C of chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use?



If a majority of the votes in answer to said question is in the affirmative, then said section shall thereupon take full effect in such city or town, but not otherwise.

**Part I** ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40** POWERS AND DUTIES OF CITIES AND TOWNS**Section 6N** PRIVATE WAYS; TEMPORARY REPAIRS, ORDINANCES OR BY-LAWS

Section 6N. Cities and towns may by ordinance or by-law provide for making temporary repairs on private ways. Such ordinance or by-law shall determine (a) the type and extent of repairs; (b) if drainage shall be included; (c) if the repairs are required by public necessity; (d) the number of percentage of abutters who must petition for such repairs; (e) if betterment charges shall be assessed; (f) the liability limit of the city or town on account of damages caused by such repairs; (g) if the ways shall have been opened to public use for a term of years; and (h) if a cash deposit shall be required for said repairs.

# MGL

# STREET ACCEPTANCE

## Part I

ADMINISTRATION OF THE GOVERNMENT

## Title XIV

PUBLIC WAYS AND WORKS

## Chapter 82

THE LAYING OUT, ALTERATION, RELOCATION AND DISCONTINUANCE OF PUBLIC  
WAYS, AND SPECIFIC REPAIRS THEREON

## Section 17

JURISDICTION

Section 17. The city council of a city and the selectmen or road commissioners of a town may exercise original jurisdiction, concurrent with the county commissioners, of petitions for altering, relocating or making specific repairs upon a highway within the town limits, but except as to such parts thereof as, by such action, become unnecessary for public use, a city or town shall not discontinue any highway or diminish the width thereof, nor shall it assess upon the county any part of the expense of altering, relocating or repairing. The proceedings of cities and towns and their officers hereunder shall be the same as in the laying out of highways or town ways. Nothing in sections seventeen to nineteen, inclusive, shall diminish the powers over highways granted to a city by its charter.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XIV** PUBLIC WAYS AND WORKS

**Chapter 82** THE LAYING OUT, ALTERATION, RELOCATION AND DISCONTINUANCE OF PUBLIC  
WAYS, AND SPECIFIC REPAIRS THEREON

**Section 21** AUTHORITY TO LAY OUT WAYS

Section 21. The selectmen or road commissioners of a town or city council of a city may lay out, relocate or alter town ways, for the use of the town or city, and private ways for the use of one or more of the inhabitants thereof; or they may order specific repairs to be made upon such ways; and a town, at a meeting, or the city council of a city, may discontinue a town way or a private way.

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title XIV</b>	PUBLIC WAYS AND WORKS
<b>Chapter 82</b>	THE LAYING OUT, ALTERATION, RELOCATION AND DISCONTINUANCE OF PUBLIC WAYS, AND SPECIFIC REPAIRS THEREON
<b>Section 22</b>	NOTICE OF INTENTION

Section 22. Seven days at least prior to the laying out, relocation or alteration of a town way or private way a written notice of the intention of the selectmen or road commissioners of the town to lay out, relocate or alter the same shall be left by them, at the usual place of abode of the owners of the land which will be taken for such purpose, or delivered to such owner in person or to his tenant or authorized agent. If the owner has no such place of abode in the town and no tenant or authorized agent therein known to the selectmen or if, being a resident in the town, he is not known as such to the selectmen or road commissioners, such notice shall be posted in a public place in the town seven days at least before the laying out, relocation or alteration of such way. This section shall not apply to cities.

**Part I**

ADMINISTRATION OF THE GOVERNMENT

**Title XIV**

PUBLIC WAYS AND WORKS

**Chapter 82**THE LAYING OUT, ALTERATION, RELOCATION AND DISCONTINUANCE OF PUBLIC  
WAYS, AND SPECIFIC REPAIRS THEREON**Section 23**

FILING AND ACCEPTANCE OF PLAN

Section 23. No town way or private way which has been laid out, relocated or altered by the selectmen or road commissioners shall, except as hereinafter provided, be established until such laying out, relocation or alteration, with the boundaries and measurements of the way, is filed in the office of the town clerk and, not less than seven days thereafter, is accepted by the town at a town meeting. This section shall not apply to cities.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XIV** PUBLIC WAYS AND WORKS

**Chapter 82** THE LAYING OUT, ALTERATION, RELOCATION AND DISCONTINUANCE OF PUBLIC WAYS, AND SPECIFIC REPAIRS THEREON

**Section 24** TAKING BY EMINENT DOMAIN; DAMAGES

Section 24. If it is necessary to acquire land for the purposes of a town way or private way which is laid out, altered or relocated by the selectmen, road commissioners or other officers of a town under this chapter, such officers shall, within one hundred and twenty days after the termination of the town meeting at which the laying out, alteration or relocation of such town way or private way is accepted by the town, acquire such land by purchase or otherwise, or adopt an order for the taking of such land by eminent domain under chapter seventy-nine or institute proceedings for such taking under chapter eighty A. Any person sustaining damage in his property by the laying out, alteration or relocation of a town way or private way shall be entitled to recover the same under said chapter seventy-nine, unless such damage was sustained in connection with a taking made in proceedings instituted under said chapter eighty A, and any person sustaining damage in his property by the discontinuance of a town way or private way or by specific repairs thereon shall be entitled to recover the same under said chapter seventy-nine. If no entry has been made upon land taken under said chapter seventy-nine for the purpose of a town way, or if the location has for any other cause become void, a person who has suffered loss or been put to expense by the proceedings shall be entitled to recover indemnity therefor under said chapter seventy-nine. If a private way is laid out, relocated, altered or discontinued by a town, or if a town makes specific repairs thereon, or if a town way is discontinued, the persons upon whose application such way is laid out, relocated, altered or discontinued or upon whose application specific repairs are made thereon shall, before such way is entered upon for the purposes of construction, or is closed up, give such town security satisfactory to the selectmen that they will indemnify such town for all damages and charges which it is obliged to pay by reason thereof, and all such damages and charges shall be repaid to the town by the persons making such application; provided, however, that in case of the discontinuance of a town way the selectmen may order a part of the damages to be paid by the town. The first sentence of this section shall not apply to cities.



**Part I**

ADMINISTRATION OF THE GOVERNMENT

**Title XIV**

PUBLIC WAYS AND WORKS

**Chapter 82**THE LAYING OUT, ALTERATION, RELOCATION AND DISCONTINUANCE OF PUBLIC  
WAYS, AND SPECIFIC REPAIRS THEREON**Section 32**

REPORT OF LAID OUT, RELOCATED OR ALTERED ROADS; RECORDATION

Section 32. When a town way or private way is laid out, relocated or altered by the selectmen or road commissioners or by the county commissioners, they shall in their report or return thereof specify the manner in which such way is laid out, relocated or altered and shall transmit to the town clerk a description of the location and bounds thereof, which shall within ten days be recorded by him in a book kept for that purpose; and no town shall contest the legality of a way laid out by it and accepted and recorded as provided in this chapter. Sections twenty-six to thirty-two, inclusive, shall apply to cities.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XIV** PUBLIC WAYS AND WORKS

**Chapter 84** REPAIR OF WAYS AND BRIDGES

**Section 12** MEETING OF PROPRIETORS AND OCCUPANTS OF PRIVATE WAY OR BRIDGE;  
WARRANT; CLERK AND SURVEYOR

Section 12. If four or more persons are the proprietors and rightful occupants of a private way or bridge, and three of them make application in writing to a clerk of the district court of the district or the clerk of the city or town wherein the private way or bridge is located or to a justice of the peace to call a proprietors' meeting, the clerk or justice may issue his warrant therefor, stating the time, place and purpose of the meeting. The warrant shall be posted in a public place of the town in which such way or bridge is situated, seven days at least before the time appointed for the meeting. The proprietors and occupants so assembled shall choose a clerk and surveyor, who shall be sworn. They may determine the manner of calling future meetings, what repairs of the way or bridge are necessary and the proportion of money and of labor and materials to be furnished by each proprietor and occupant for such repairs. The surveyor shall have the same powers with respect to such way or bridge as are exercised by surveyors of highways.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XIV** PUBLIC WAYS AND WORKS

**Chapter** REPAIR OF WAYS AND BRIDGES

**84**

**Section 23** DEDICATED WAYS


Section 23. A way opened and dedicated to the public use, which has not become a public way, shall not, except as provided in the two following sections, be chargeable upon a town as a highway or town way unless laid out and established in the manner prescribed by statute.

# MIDDLETON B.O.S. POLICY/PROCEDURES


Town of Middleton, MA  
Thursday, June 7, 2018

## Chapter 383. Roadway Acceptance Procedures

[HISTORY: Adopted by the Board of Selectmen of the Town of Middleton 1-14-2014; amended in its entirety 3-31-2015. Amendments noted where applicable.]

Attachment 1 - Attachment A 

Attachment 2 - Attachment B 

Attachment 3 - Attachment C 

### § 383-1. Procedures accepted; compliance required.

- A. The Board of Selectmen of the Town of Middleton set forth the following procedures (the "Roadway Acceptance Procedures") for the layout and acceptance of subdivision roads and other ways as public ways. The Roadway Acceptance Procedures contain the procedures required by MGL c. 82, §§ 21 through 23, MGL c. 41, § 81I, and the Middleton Town Code, Chapter 250 and must be followed by applicants who wish to submit roads created through the Subdivision Control Act<sup>[1]</sup> or other roads for acceptance by the Town of Middleton.
- [1] *Editor's Note: See MGL c. 41, § 81K et seq.*
- B. Final approval of a subdivision plan by the Planning Board does not constitute the laying out or acceptance by the Town of any road or entitle the road to such acceptance. Under the Planning Board's Subdivision Rules and Regulations (Chapter 250 of the Town Code, Attachment 1: Street Construction Standards), the maintenance of all roadways and the operating costs of all installed streetlights within the subdivision are the responsibility of applicants and their successors until such roadways are accepted by Town Meeting. This maintenance shall include the repair and maintenance of roadway, curbs, sidewalks, drainage system, sidewalks, and utilities. Snow removal, salting, and sanding of roadway surfaces adequate for public safety shall be included in the maintenance responsibility.
- C. All applicants who wish to have a private way be accepted as a public way, and their attorneys and engineers, must review, understand and follow these Roadway Acceptance Procedures, provide the required documents, and meet all deadlines. Compliance with these Roadway Acceptance Procedures and adherence to deadlines will minimize confusion, costs, and delay for all parties.
- D. Compliance with the Roadway Acceptance Procedures is the legal and financial responsibility of the applicant. The Roadway Acceptance Procedures are not intended to give legal advice.
- E. The applicant should meet with the Planning Coordinator to review any outstanding issues or missing information with the subdivision and/or file before initiating the Roadway Acceptance Procedures. Applicants should also consult with their own attorney to ensure compliance with the Roadway Acceptance Procedures. The applicant is responsible for ensuring all documents are correct and that the Town boards, departments, and Town Counsel are satisfied with the supplied documentation.
- (1) Acceptance of a road as a public way involves three steps:
- (a) First, the Board of Selectmen must lay out the road as a public way in accordance with the requirements of MGL c. 82, §§ 21 through 24, which includes a referral of the layout to the Planning Board for its recommendations in accordance with MGL c. 41, § 81I.
- (b) Second, Town Meeting must vote to accept a road as a public way.
- (c) Third, the Board of Selectmen must acquire by gift the deed in the road and drainage, water, sewer, utility, access, buffer, and/or other related easements (the "appurtenant easements") within 120 days from the close of the Town Meeting at which the road is accepted as a public way.
- (2) Compliance with all three steps is necessary for a road to become a public, Town way.
- F. Applicants are strongly cautioned to examine the title to the road they wish the Town of Middleton to accept as a public way and to any lots on which the Town needs appurtenant easements before they commence the Roadway Acceptance Procedures. If the subdivision developer reserved the fee to the road and the appurtenant easements that need to be granted to the Town, the grant of deed may be signed only by the developer. However, if the developer did not reserve the fee to the road and/or the appurtenant easements, each and every person owning the fee to the road and/or the lots on which the Town needs the appurtenant easements must grant the Town such easements. The Town of Middleton will exercise its right to acquire easements by eminent domain only under limited circumstances and in the sole and absolute discretion of the Board of Selectmen. As a condition of acquiring easements by eminent domain, all the owners of the roads and the lots subject to the appurtenant easement must sign a waiver of appraisal, damages, and relocation benefits. It is the Town's preference to acquire the fee in the roadway, rather than an easement; the Selectmen shall, at their discretion, determine if, in any particular instance, they are willing to accept fee or easement interests in the roadway.

### § 383-2. Submission of petition and documents.

Days prior to Town Meeting: 120 to 150.

(The deadline for an applicant to submit a petition for street acceptance to the Selectmen shall be no later than 120 days prior to the scheduled Town Meeting. Applicants are encouraged to commence the Roadway Acceptance Procedures as early in the process as possible)

Submit petition and documents to Board of Selectmen. The applicant must petition the Board of Selectmen in writing to lay out a road as a Town way. The petition must include three copies of the following:

- A. Title certification: A title certification prepared by an attorney licensed in Massachusetts, running to the benefit of the Town, listing the names and addresses of all persons currently owning the fee to the road (generally either the developer of the subdivision and/or the abutting lot owners) and the lots affected by drainage, water, sewer, utility, access, buffer, and/or other related easements (the "appurtenant easements") to be granted to the Town;

Copies of deeds and other instruments: A copy of the deed into the applicant, if none of the lots have been conveyed, if any of the lots have been conveyed, the applicant shall also submit a copy of all the deeds out from the developer, deeds either granting or reserving easements to the developer, and any covenants, declarations or other instruments by which the developer retains or reserves the fee in the roadway and appurtenant easements. Unless the developer expressly states in the deed to a lot that the developer is reserving the fee to the road, it is presumed that the lot owner owns the fee to the centerline of the road abutting the lot;

- C. As-built plans: A copy of the definitive subdivision as-built plan, prepared and stamped by a Massachusetts registered professional engineer and professional land surveyor, showing the existing roadway and all utilities, public and private, above and below grade, and in compliance with the other requirements of the Subdivision Rules and Regulations. All pages of the final version of the as-built plans submitted to the Town should contain a stamp from the same engineer and have the identical date.
- D. Roadway acceptance or definitive subdivision plans: A copy of the roadway acceptance, showing the metes and bounds of the road and any and all other easement areas, in recordable form, with a signature block provided for the Planning Board. This plan is referred to as the "layout plan." The definitive subdivision plan or the as-built plan can be used as the layout plan, provided it shows the correct metes and bounds boundaries of the roads as built and the easement areas;
- E. Legal descriptions. Legal description, with metes and bounds, of the road and all other easement areas that are to be conveyed to the Town. Legal descriptions are not required if the metes and bounds of the road and the easement area is legibly shown on the layout plan;
- F. Draft warrant article. Draft article shall refer to the layout plan, which shall include the metes and bounds description of the road and all other easement areas to be conveyed to the Town; and

### § 383-3. Vote and referral.

Approximately 90 to 120 days prior to Town Meeting:

- A. Vote of intent to lay out as a public way. The petition is placed on the Selectmen's agenda and the Selectmen formally vote their intention to lay out the road as a public way.
- B. Referral to Planning Board and Planning Board review. The Selectmen forward the layout plan and legal descriptions to the Planning Board for its report (per MGL c. 41, § 81). The vote to refer to the Planning Board can be taken at the same time the Selectmen vote their intention to lay out the road as a public way. Once the Planning Board receives such notice, the Planning Board may solicit recommendations from the Public Works Superintendent, the Police Chief, the Fire Chief, and/or other officers or boards. The Planning Board may forward the layout plan and legal description to the Town's review engineer for review and comment. The Town's engineer and/or the Public Works Department may inspect the road and easement areas to determine if the road has been properly constructed and all subdivision improvements have been properly installed. The applicant must meet with the Planning Board or its designee, if so requested, to review any outstanding issues related to the road and/or the easement areas. The applicant shall correct any deficiencies, at its sole expense. The Planning Board will discuss the layout plan at a public meeting after notifying all abutters to the way shown in the layout plan by mail at least seven days before the meeting.

### § 383-4. Warrant article.

As determined by the Board of Selectmen:

A warrant article is prepared for each road that the Selectmen vote to lay out.

### § 383-5. Notice; adoption of order of layout.

Approximately 30 to 60 days prior to Town Meeting:

- A. Notice to owners. The Selectmen will notify owners of the land included within the layout plan by certified mail of the public meeting at which the Selectmen will vote to adopt the layout of the road as a public way. Notice will be given to owners at least seven days prior to the public meeting.
- B. Adopt order of layout. Once the Planning Board has made its recommendations or 45 days lapse since the layout was referred to the Planning Board, whichever is earlier, the Selectmen hold a public meeting to determine if the road is ready for acceptance. The owners and abutters are asked for input in this decision. At this meeting, the Selectmen may vote to lay out the road as a public Town way, or decline to lay out the road, or may continue the matter to a later meeting in order to obtain additional information, i.e., Planning Board report, site visit, among others. Abutters will not be formally notified of the continued public meeting. For those roads that the Selectmen vote to lay out, a formal vote will be taken and an order of layout will be signed. The vote and order of layout cannot be taken until the Planning Board has made its recommendations or 45 days lapse since the layout was referred to the Planning Board, whichever is earlier.

### § 383-6. File layout with Town Clerk.

At Least seven days prior to Town Meeting:

The original signed order of layout, the layout plan, and the legal descriptions are filed with the Town Clerk by the Selectmen.

### § 383-7. Town Meeting vote.

Town Meeting must vote on whether to accept the listed road as a public Town way, and authorize the Board of Selectmen to acquire the fee in the roadway and the appurtenant easements by gift, purchase or eminent domain and appropriate funds for the fee acquisition, if needed. A majority vote is needed to accept a road that is shown on an approved subdivision plan. A two-thirds vote is needed to accept any other way. A two-thirds vote is needed to appropriate funds for acquisition by purchase or eminent domain, if needed.

NOTE: Roads do not automatically become public ways upon Town Meeting acceptance. In order to complete the Roadway Acceptance Procedures, the Town must obtain easements in the road and/or abutting lots within a certain period of time, as stated below.

### § 383-8. Updated title certification required within 14 days after Town Meeting.

Promptly after Town Meeting, the applicant's attorney must submit to the Town an updated certification listing the names and addresses of persons then owning the fee to the road and all easement areas.

## § 383-9. Acquisitions and waiver.

Within 120 Days of close of Town Meeting at which road is accepted:

- A. Acquisition of land and easements. The Town must acquire the necessary deed and easements by gift and record the deed, easements and layout plan within 120 days of the close of the Town Meeting at which the road is accepted as a public way. The Town must acquire the deed and easements by grant of fee in roadway, easements and/or by eminent domain.
- B. Acquisition by grant. The developer and/or the lot owners grant the Town the necessary roadway fee and appurtenant easements, if any, by gift. The following must occur:
  - (1) Grant of fee in roadway by deed. The developer and/or lot owners must grant the Town the fee in the roadway and appurtenant easements by gift. A form of grant of easements is attached (Attachment A).<sup>[1]</sup> The form must be adapted to fit the particulars of each roadway acceptance;  
[1] *Editor's Note: Attachment A is included as an attachment to this chapter.*
  - (2) Subordination of mortgages. If the road and/or the lots to be subject to the Town's easements are encumbered by a mortgage (including lines of credit, whether used or not) or other lien, it is the applicant's responsibility to provide the Town with a signed subordination of mortgage from each and every mortgagee, expressly subordinating their lien to the Town's easement. A form of subordination is attached (Attachment B).<sup>[2]</sup> If the Town does not receive subordinations from all mortgagees, the Selectmen may decide, in their sole and absolute discretion, not to accept the road;  
[2] *Editor's Note: Attachment B is included as an attachment to this chapter.*
  - (3) Acceptance. The Board of Selectmen will sign an acceptance of the grant of the fee in the roadway and appurtenant easements, and attach to it a certified copy of the Town Meeting vote authorizing the acceptance; and
  - (4) Recording. The grant of the fee in the roadway and appurtenant easements, the layout plan, the acceptances and Town Meeting vote are recorded by the applicant with the South Essex Registry of Deeds within the aforesaid one-hundred-twenty-day period at the applicant's cost.
- C. Acquisition by eminent domain:
  - (1) Waiver of appraisal, damages, and relocation benefits. Before the Town will exercise its powers of eminent domain, all persons owning the fee to the road and the lots that will be subject to the Town's fee in the roadway and appurtenant easements must sign a waiver of appraisal, damages, and relocation benefits. The Selectmen may, in their sole and absolute discretion, decide not to proceed with the roadway acceptance until all owners have signed the waiver. The form of waiver is attached (Attachment C).<sup>[3]</sup>  
[3] *Editor's Note: Attachment C is included as an attachment to this chapter.*
  - (2) Indemnification. If the road and/or the lots are subject to mortgages (including lines of credit, whether used or not) or other lien and the developer and/or lot owners has not obtained subordination of mortgages from the mortgagees, the Selectmen may, in their sole and absolute discretion, require indemnifications from the applicant and/or the lot owners, protecting the Town from liability if the mortgagees bring a claim against the Town. Such indemnification, if required, shall last for the period of time within which mortgagees may bring claims against the Town for the taking;
  - (3) Order of taking. The Selectmen sign an order of taking, taking the fee in the roadway and appurtenant easements by eminent domain. A certified copy of the Town Meeting vote authorizing the taking is attached to and recorded with the order of taking;
  - (4) Recording. The order of taking, the layout plan, and certified Town Meeting vote are recorded by the applicant with the South Essex Registry of Deeds within the aforesaid one-hundred-twenty-day period, and within 30 days of the Selectmen's execution of the order of taking, at the applicant's cost; and
  - (5) Notice of taking. The Town will send notice of the taking by certified mail to the owners and mortgagees affected by the taking.
- D. Waiver. The Selectmen may waive any of the Roadway Acceptance Procedures that are not mandated by statute if, in their sole and absolute discretion, the circumstances warrant a waiver.



## ROADWAY ACCEPTANCE PROCEDURES

383 Attachment 1



### TOWN OF MIDDLETON Roadway Acceptance Procedures

#### Attachment A

#### QUITCLAIM DEED

\_\_\_\_\_, (the "Grantor"), having an address of \_\_\_\_\_, for consideration of One Dollar (\$1.00) paid, hereby conveys and grants to the Inhabitants of the Town of Middleton (the "Town"), a Massachusetts municipal corporation acting by and through its Board of Selectmen, having an address of 48 South Main Street, Middleton, Massachusetts, with Quitclaim Covenants,

All right, title, and interest in and for all purposes for which public ways are used in the Town of Middleton, in, on, and under a parcel of land shown as "\_\_\_\_\_" on the plan entitled "\_\_\_\_\_", dated \_\_\_\_\_, prepared by \_\_\_\_\_, recorded herewith (the "Plan"), including with respect to such Right of Way, all improvements thereon and appurtenances thereto, including without implied limitation, all utilities that are located under, on, or above such Right of Way.

The aforementioned conveyance is made together with the benefit of, and subject to, any and all easements, agreements, restrictions, and rights of record, including the following perpetual rights and easements to the Town of Middleton:

1. A perpetual easement to construct, inspect, repair, remove, replace, operate and forever maintain and abandon in place (a) a sanitary sewer or sewers with any manholes, pipes, conduits and other appurtenances, (b) pipes, conduits and their appurtenances for the conveyance of water, and (c) a covered surface and ground water drain or drains with any manholes, pipes, conduits and their appurtenances, and to do all other acts incidental to the foregoing, in, over, under, through, across, upon and along the Roadway Easement Premises, including the right to pass along and over the Roadway Easement Premises for the aforesaid purposes.
2. *If applicable:* A perpetual easement to construct, inspect, repair, remove, replace, operate and forever maintain and abandon in place a drain or drains with any manholes, pipes, conduits, basins, detention ponds, retention pond, and other drainage facilities, and to do all other acts incidental to the foregoing, in, on, and under the parcels of land shown on the Plan as "\_\_\_\_\_", "\_\_\_\_\_", and "\_\_\_\_\_" (the "Drainage Easement Premises"). Said Drainage Easement Premises are described more particularly in Exhibit B, attached hereto and incorporated herein.



MIDDLETON CODE



TOWN OF MIDDLETON  
Roadway Acceptance Procedures

3. *If applicable:* A perpetual easement to construct, inspect, repair, remove, replace, operate and forever maintain and abandon in place sewer pipes, conduits, pump stations, manholes and other sewer facilities and to do all other acts incidental to the foregoing, in, on, and under the parcels of land shown on the Plan as "\_\_\_\_\_, "\_\_\_\_\_, " and "\_\_\_\_\_" (the "Sewer Easement Premises").

Said Sewer Easement Premises are described more particularly in Exhibit C, attached hereto and incorporated herein.

4. *If applicable:* A perpetual easement to construct, inspect, repair, remove, replace, operate and forever maintain and abandon in place water lines and pipes, conduits and other appurtenances (the "Water Easement Premises") for the conveyance of water appurtenances and to do all other acts incidental to the foregoing, in, on, and under the parcels of land shown on the Plan as "\_\_\_\_\_, "\_\_\_\_\_, " and "\_\_\_\_\_" (the "Water Easement Premises"). Said Water Easement Premises are described more particularly in Exhibit D, attached hereto and incorporated herein

*If applicable:* The Grantor also hereby conveys to the Town the sewer, water and drainage facilities within the Roadway Easement Premises, except that the Grantor does not convey and the Town does not accept the sewer laterals, that is, the particular sewers from the sewer main to the individual lots in the subdivision.

The Town shall have the right of entry upon and passage over said Roadway Easement Premises, the Drainage Easement Premises, the Sewer Easement Premises, and the Water Easement Premises (collectively, the "Easement Premises"), together with all reasonable rights of ingress and egress across the Easement Premises for all purposes stated herein and uses incidental thereto, by, without limitation, foot, motor vehicle, and heavy equipment.

The Grantor may grant any easements, leases or licenses to the Easement Premises to others provided that as the use of the Easement Premises by others will not interfere with the Town's rights and easements on the Easement Premises or result in the Town incurring any additional cost or expense. Any easements, leases or licenses granted in violation of this provision shall be null and void.

The Grantor agrees that the Town may assign the rights granted pursuant to this Easement.

For the Grantor's title, see deed recorded with the South Essex District Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_.

The Town's Acceptance of this Grant of Easements is attached hereto and recorded herewith.

ROADWAY ACCEPTANCE PROCEDURES



**TOWN OF MIDDLETON**  
Roadway Acceptance Procedures

Executed as a sealed instrument as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
(Official Signature and Seal of Notary)

MIDDLETON CODE



TOWN OF MIDDLETON  
Roadway Acceptance Procedures

ACCEPTANCE OF EASEMENT

The Town of Middleton, acting by and through its Board of Selectmen pursuant to the vote taken under Article \_\_\_\_\_ of the \_\_\_\_\_, 20\_\_\_\_ Annual/Special Town Meeting, a certified copy of which is attached hereto, G.L. c. 82, §§ 21-24, and any other authority in any way appertaining, hereby accepts the foregoing Grant of Easements from \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

TOWN OF MIDDLETON,  
By its Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

South Essex, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, Selectman of the Town of Middleton, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Middleton.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

ROADWAY ACCEPTANCE PROCEDURES

383 Attachment 2



TOWN OF MIDDLETON  
Roadway Acceptance Procedures

Attachment B

SUBORDINATION OF MORTGAGE

\_\_\_\_\_, having an address of \_\_\_\_\_, the present holder of a mortgage from \_\_\_\_\_, dated \_\_\_\_\_ and recorded with the South Essex Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, for consideration of \$1.00 paid, the receipt and sufficiency of which is hereby acknowledged, hereby subordinates the lien of said mortgage to the Grant of Easements granted to the Town of Middleton by the mortgagor, recorded with said Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ or recorded herewith, as if said Grant of Easements had been recorded prior to said mortgage.

Executed under seal this \_\_\_\_\_ day of, 20\_\_\_\_\_.

By: \_\_\_\_\_

Name:

Its:

THE COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which was a \_\_\_\_\_, to be the person whose name is signed on the above signature line of the attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



# ROADWAY ACCEPTANCE PROCEDURES

383 Attachment 3



## TOWN OF MIDDLETON Roadway Acceptance Procedures

### Attachment C

#### TOWN OF MIDDLETON, MASSACHUSETTS

##### WAIVER OF APPRAISAL, DAMAGES, AND RELOCATION BENEFITS

\_\_\_\_\_, (the "Owner"), having an address of \_\_\_\_\_, is the owner of property located at \_\_\_\_\_ in Middleton, Massachusetts, and described in a deed recorded with the South Essex Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ (the "Property"). The Owner, in consideration of the sum of \$1.00 paid, hereby acknowledges such consideration to be full compensation for all damages sustained by the Owner on account of an eminent domain taking to be made by the Town of Middleton (the "Town"), by and through its Board of Selectmen, pursuant to an Order of Taking to be recorded forthwith, of a permanent public way easement in, on, under, and along the roadway shown as "\_\_\_\_\_" on a plan entitled "\_\_\_\_\_" dated \_\_\_\_\_, prepared by \_\_\_\_\_, to be recorded with said Deeds [if applicable: and an easement on a portion or portions of the Property, as shown on said plan], and, for himself/herself/themselves and his/her/their successors and assigns, hereby waives, releases and forever discharges the Town and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, from or in consequences of said taking, consents to said taking, waives an appraisal of damages, waives all rights to damages for said taking, and further waives all relocation benefits under G.L. c. 79A. The Owner acknowledges that the Owner has received a copy of the Order of Taking and the aforementioned plan.

Executed under seal on this day of, 20\_\_\_\_.

[name]

Name: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_



# NATICK TOWN BYLAW

## ARTICLE 70

### PUBLIC WORKS REGULATIONS

#### **Section 1 Powers and Duties**

The Town Administrator shall have the general direction and management of the affairs of the Town concerning public water supply, public sewerage, highways, sidewalks, the removal of public shade trees, sign posts, garbage and refuse collections and Town Gravel Pit, and shall operate and administer the Town Recycling Center in accordance with rules and regulations established by the Board of Health.

#### **Section 2 Rental Charges**

The Town Administrator may make a charge for use or rental of road machinery used on construction work authorized by Town Meeting vote.

#### **Section 3 Receipts**

All receipts from charges for use or rental of road machinery shall be paid over to the Town Treasurer and credited to an account entitled Road Machinery Account, the proceeds to be thereafter appropriated as voted by the Town for road machinery purposes.

#### **Section 4 Restrictions on Use of Equipment**

Road machinery and equipment owned by the Town shall not be used for purposes other than Town or civic projects.

#### **Section 5 Removal of Vehicles Impeding Snow Removal**

The Director of Public Works or other officer having charge of ways, for the purpose of removing or plowing snow, or removing ice from any way may remove or cause to be removed to some convenient place, including a public garage, any vehicle interfering with such work. He shall keep, or cause to be kept, records of the registration number of each vehicle so removed and the place to which it is removed and shall within twelve (12) hours report said information to the Police Department of Natick who shall notify the owner or his agent.

Before the owner or his agent shall be permitted to claim a vehicle which has been removed as aforesaid to a public garage or other convenient place, he shall:

- a. Furnish satisfactory evidence to the owner or person in charge of said public garage or to the Chief of Police of his identity and ownership or right to the possession of said vehicle.
- b. Pay the cost of removing and storing said vehicle, together with the cost of publishing or sending any notices as may be required.



## **Section 6            Betterments**

Whenever betterments are assessed in connection with a public way, the entire cost of the construction of streets on said ways shall be assessed to the abutters and one-half (1/2) of the costs of construction of sidewalks shall be assessed to the abutters, provided, however, that this section shall not apply to a subdivision of land under Section 81 of Chapter 41 of the General Laws as amended.

\* The Director of Public Works may make repairs to private ways providing that an Annual or Special Town Meeting determines that the repairs are required by public necessity and convenience and a majority of the abutters petition for such repairs to be made and that the way has been open to public use for a period of six (6) years. Such repairs shall include the installation and construction of drainage if necessary, and the filling of holes in the sub-surface of such ways and repairs to the surface materials thereof. Materials for such repairs shall, where practical, be the same as or similar to those used for existing surfaces of such ways but may include surfacing the ways with bituminous materials including but not limited to bituminous concrete. \*

The Town Administrator shall assess betterments upon the owners of estates which derive particular advantage from the making of such repairs on any such private way. Such assessment shall be a sum equal, in the aggregate, to the total cost of such repairs and, in the case of each such estate, in proportion to the frontage thereof on such way. Except as otherwise provided, the provisions of Chapter 80 of the General Laws, as amended relating to public improvements and assessments thereof shall apply to repairs to private ways ordered to be made under this section; provided that no assessment amounting to less than five hundred (\$500.00) shall be apportioned and no assessment may be apportioned into more than twenty (20) portions.

The Town shall not be liable on account of any damage caused by such repairs.

## **Section 7            Tank and/or Contaminated Soil Betterment**

### **a.        Basic Requirements**

The Board of Selectmen of the Town of Natick shall assess tank and/or soil contamination abatement net costs to all private properties whose tank and/or contaminated soil was removed and lawfully disposed of at Town expense.

### **b.        Method of Apportionment of Costs**

The owners of each dwelling unit shall be charged a betterment equal to the net cost of removing and disposing of such tank and/or soil from that owner's property.

The net cost of removing and disposing of such tank and/or soil from an owner's property is defined as the Town's cost to remove and lawfully dispose of such material, not to exceed five thousand dollars (\$5,000.00), on the condition that any cost over five thousand dollars (\$5,000.00) shall be paid from the Commonwealth of Massachusetts and/or the United States government. If no such grant is provided to the Town, this paragraph shall not take effect and further action of Town Meeting will be required to fund the project.

**c. Terms of the Betterment**

The owners who are assessed betterments for the above purposes will have the option of paying the betterment immediately or paying it over a number of years up to a maximum total of 20 years.

Such property owners shall have the right to pay off the remaining balance of a betterment at any time.

When a property with such a betterment is conveyed to another party, the remaining balance of the betterment may be paid or the obligation of the betterment may be transferred to the new property owner.


The interest paid by a property owner on the betterment will be equal to the rate of interest paid by the Town on any bond or note issued for this improvement.



# NEEDHAM B.O.S. POLICY

1 of 17

## Town of Needham Board of Selectmen

<b>Policy Number:</b>	BOS-DPW-008
<b>Policy:</b>	Private Ways
<b>Date Approved:</b>	September 10, 2014
<b>Date Revised:</b>	
<b>Approved:</b>	 Chairman, Board of Selectman

### Section 1. Purpose and Criteria

This policy is promulgated pursuant to Section 2.2.5.6 of the Town of Needham General By-laws. The purpose of the policy is to provide guidance as to the implementation of the By-law and to set forth an understanding of the level of service the Town will provide and the responsibilities of property owners on 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.<sup>1</sup>

### Section 2. Definitions

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

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

Defect – Pothole, rut, rock, trench, or similar blemish on a travelled 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 private ways in Needham is included as Attachment C.

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

<sup>1</sup> The Town accepted the provisions of MGL c 40 s 6C by referendum at the 1945 Annual Town Election on March 12, 1945 and by the Town Meeting on March 19, 1945.

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.

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

### **Section 3. Snow and Ice Removal**

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

- 3.1.1** The private way shall be either uniformly paved with asphalt or cement concrete with a minimum width of 12 feet; or shall be unpaved with a gravel or a crushed stone surface with a minimum width of 10 feet.
- 3.1.2** 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.
- 3.1.3** 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 distance of 12 feet at all times.
- 3.1.4** 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.
- 3.1.5** The roadway surface of the Private Way shall be free of Defects exceeding 2 inches in depth.
- 3.1.6** The minimum height clearance of objects above the roadway surface of the private way shall be at least 14 feet.
- 3.1.7** 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
- 3.1.8** No vehicles may be parked within the private way during snow and ice removal operations.
- 3.1.9** The private Way shall not contain any speed bumps, humps, raised tables, 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.
- 3.1.10** The private way shall not contain any barricades, gates, or other access-control measures.

**3.2** The Department of Public Works will annually conduct inspections of all private ways included in the snow and ice removal program, and will notify property owners of 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.

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

3.4 Private ways that have signs posted reading "No Trespassing", "Private-Residents Only"; "Keep Out", etc. will not be plowed.

3.5 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.

3.6 Private ways that are not included in snow and ice removal operations have been signified with distinct "Private Way" signs in *red*, or have no sign posted.

3.7 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. If barricades are not removed within the specified timeframe set in the order, all abutters on the private way may be subject to penalties, including a fine of \$50 pursuant to Section 8.2.2.8 (D) of the General Bylaws of the Town of Needham. Barricaded streets will not be included in the snow and ice removal program.

#### **Section 5 Temporary Repairs**

5.1 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.

5.2 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.

##### **5.3 Repairs Requested by Abutters**

5.3.1 Abutters to the private way may petition the Town to perform temporary repairs.

5.3.2 In such cases, fifty one percent of the abutters to the private way must petition the Director of Public Works for the repairs to be made by the Town.

**5.3.3** Upon receipt of a petition and a determination of the necessity of such repairs, the Town shall provide the petitioners with a statement of the cost of such repairs.

**5.3.4** Within seven (7) days of receipt of the statement of cost, the petitioners shall be entitled to withdraw the petition. Unless the petition is withdrawn, the Town shall promptly make the repairs and the petitioners shall thereafter reimburse the Town for the cost of the repairs, if the cost exceeds \$300.

**5.3.5** The reimbursement amount shall be equal to the petitioner's pro rata share of the cost of repairs based on the ratio that each petitioner's frontage bears to the total frontage on the private way. Betterment charges will not be assessed for such repairs.

**5.3.6** If the cost of repairs does not exceed \$300, no petition will be required and the abutters will not be required to reimburse the Town.

**5.4** Drainage will not be included as part of any such repairs, and the private way need not have been open to public use prior to the repairs being made.

**5.5** The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law.

## **Section 6      Exceptions**

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

Attachment A  
Categories of Ways

1. ***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.
2. ***Public Ways in Existence:*** These ways are shown on an official street map prior to the creation of the Planning Board in 1922. These ways are considered public even though they may not have been officially accepted by Town Meeting. For example, in 1878 two ways in existence (Washington Street, Wellesley and Union Street, Needham) that were considered to be public streets since they had been used as such for the previous 5 or 6 years were accepted as public ways by Town Meeting. Brookside Road is an example of a way believed to be public (circa 1875) for which the Town Clerk's Office has no record.
3. ***Ancient Town Ways:*** These ways are very old ways that the Town owns in fee. They are generally ways in existence prior to the creation of the Town as it currently exists. They are a subset of *Public Ways in Existence*. There are only a dozen or so of such ways in Needham, including Cheney Street, Hardy Street, Wellesley Avenue, Hamlin Lane and a portion of High Rock Street.
4. ***State Public Ways:*** These ways are the property of the Commonwealth which is responsible for their care and maintenance. The only State roads in Needham are Route 128, Highland Avenue from Webster Street to the Charles River/Newton border, and Great Plain Avenue from Peacedale Road to the Dedham border.
5. ***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 Needham include portions of Central Avenue, Great Plain Avenue, Dedham Avenue and Chestnut Street.
6. ***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. Examples in Needham include Eaton Square, and Webster Park.
7. ***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 Parkman Street, Homsy Lane, and Marant Drive 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.



8. ***Private Ways Constructed of Gravel:*** The Town plows some but not all ways constructed of gravel based on historical practice. As outlined below, the Town should limit plowing of ways constructed of gravel to those that are maintained in a passable condition.
9. ***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.
10. ***Rights of Way from Which Frontage Cannot be Derived:*** These ways have no legal frontage which would allow for development. They are typically access easements. Examples are Alder Brook Lane and the portion of East Militia Heights Road that is closest to Forest Street.

**Attachment B**  
**Private Ways Currently Included in Snow and Ice Removal Operations**  
**December 1<sup>st</sup>, 2011**

The Private Ways currently included in the Snow and Ice Removal program are as follows:

Aldridge Road	from Richardson Dr to End
Allen Street	from Harris Ave to Railroad
Allindale Road	from Broadmeadow Rd to Dawson Dr
Alpine Terrace	from Birds Hill Ave to Hillcrest Rd
Appleton Road	from Hillcrest Rd to Thornton Rd
Arbor Street	from Highland Ave to Railroad
Avery Street	from Hillside Ave to Railroad
Brewster Drive	from 580' south of Alden Rd to End
Bridge Street	from Reservoir St to End
Carey Place	from Highland Ave to Railroad
Central Terrace	from Central Ave to End
Clyde Street	from Chestnut Pl to Marsh Rd
Colonial Road	from High Rock St to Gay St
Crane Street	from Central Ave to Eliot School
Curve Street	from Great Plain Ave to Marked Tree Rd
Dale Street	from 360' West of Hillside Ave to End
Davenport Road	from Mills Rd to Sachem Rd
Dana Place	from Longfellow to End
Falcon Street	from Paul Revere Rd to Oak Hill Rd
Fenton Road	from Pershing Rd to West St
Freeman Place	from Chestnut St to End
Fremont Street	from Wexford St to End
Fuller Road	from Lancaster Rd to Elmwood Rd
Garden Street	from 445' North of Tamarack Lane to End
Garfield Street	from Lincoln St to End
Gay Street	from Central Ave to 340' east of Pond St
Gayland Road	from 520' west of Warren St to End
Geneva Terrace	from Hillcrest Rd to Hillcrest Rd
George Street	from Great Plain Ave to Pond St
Great Plain Terrace	from Great Plain Ave to End
Guild Road	from Webster St to End
Hamilton Place	from Central Ave to End
Hemlock Street	from Melrose Ave to Page Rd
Highland Circle	from Highland Ave to Highland Ave
Highview Street	from Riverside St to Highland Terrace
Hunnewell Terrace	from Hunnewell St to End
Ingleside Road	from Birds Hill Ave to Hillcrest Rd
John Street	from Accepted portion to Frank St
Junction Street	from Chestnut St to Warren St
Kent Road	from Prospect St to End
Lawrence Road	from Washington St to End

Ledge Street	from Reservoir St to End
Longfellow Road	from Webster St to Dana Pl
Maple Place	from Maple St to End
Marshall Street	from Accepted portion to Brentwood Cir
Masonic Way	from Highland Ave to Railroad
Melvorn Road	from Webster St to Sutton Rd
Memorial Circle	from Sylvan Rd to End
Mercer Road	from Webster St to Park Ave
Miller Street	from Henderson St to End
Moseley Avenue	from Charles River St to End
Murphy Road	from Linden St to High Rock St
Needhamdale Road	from Green St to South St
Norman Road	from Green St to Parkvale Rd
Oakcrest Road	from Henderson St to Sylvan Rd
Parkland Road	from Accepted Portion to End
Parkvale Road	from South St to End
Pennsylvania Road	from May St to End
Perrault Road	from Tillotson Rd to End
Pickering Place	from Pickering St to End
Pleasant Terrace	from Pleasant St to End
Pond Street	from Gay St to Central Ave
Reservoir Avenue	from Reservoir St to End
Reservoir Street	from Accepted portion to Railroad
Ridgeway Avenue	from Great Plain Ave to Hillcrest Rd
Ridgeway Terrace	from Ridgeway Ave to End
Rivard Road	from Accepted portion to Curve St
River Park Street	from Central Ave to Crawford St
Rosegate Road	from Central Ave to End
Sachem Road	from Highland Ave to Hunting Rd
Sachem Road	from Accepted portion to End
St Cloud Avenue	from Greendale Ave to Highgate St
Sherman Street	from St Mary St to St Mary St
Smith Street	from Pond St to Gay St
Summit Road	from Linden St to End
Sunnyside Road	from Wayne Rd to beyond Avery St
Thornton Road	from Thornton Rd to End
Truman Street	from Highland Ave to End
Upland Terrace	from Upland Rd to Brookline St
Valley Road	from 660; from Norwich Rd to End
Vara Lane	from Reservoir St to End
Wachusett Road	from Birds Hill Ave to Mt Vernon Ave
Walker Lane	from Accepted portion to Central Ave
Webster Park	from Webster St to End
Wheaton Avenue	from Brook Rd to RTE 128
Yurick Road	from Linden St to Murphy Rd

## Appendix C

## List of Private Ways in Needham: Limits, Widths, Surface Types, and Plow Status of Each

Street Name	Limits of Right of Way		Width of ROW	Constructed or Unconstructed	Surface Type	Plow Status (y/n)
	From	To				
Access Easement	George Street (#6 easterly)	End	10'	Constructed	Paved	No
Adams Hillway	Ridgeway Terrace	End	15'-7.5'	Constructed	Paved	No
Alden Rd	Pilgrim Road	160' West of Stockdale Road	40'	Unconstructed	N/A	No
Alden Rd	Mary Chilton Road	Pilgrim Road	40'	Unconstructed	N/A	No
Alder Brook Ln	Dedham Avenue	End	15'	Constructed	Paved	No
Aldridge Rd	500' south of Richardson Drive	End	40'	Constructed	Paved	Yes
Allen St	Harris Avenue	Cook Street	30'	Constructed	Paved	Yes
Allindale Rd	Broad Meadow Road	Dawson Drive	40'	Constructed	Gravel	Yes
Alpine Tr	180' northwest of Birds Hill Avenue	100' southwest of Hillcrest Road	15'	Constructed	Gravel	Yes
Alpine Tr	Birds Hill Avenue	90' northwest of Birds Hill Avenue	15'	Constructed	Gravel	Yes
Alpine Tr	100' southwest of Hillcrest Road	Hillcrest Road	15' - Variable	Constructed	Paved	Yes
Alpine Tr	90' northwest of Birds Hill Avenue	180' northwest of Birds Hill Avenue	15'	Constructed	Paved	Yes
Appleton Rd	Hillcrest Road	Shady Lane	40'	Constructed	Gravel	Yes
Appleton Rd	Shady Lane	Thornton Road	40'	Constructed	Paved	Yes
Arbor St	Highland Avenue	End	40'	Constructed	Paved	Yes
August Way	Wellesley Avenue	End	40'	Constructed	Paved	No
Avery St	242' southeast of Hillside Avenue	Hillside Avenue	40'	Constructed	Gravel	Yes
Avery St	Greenough Street	Sunnyside Road	40'	Constructed	Paved	Yes
Beard Way	Wellesley Town Line (713' from Grove Street)	End	71' / variable	Constructed	Paved	No
Birds Hill Av	Thornton Road	120' southwest of Woodbury Drive	40'	Unconstructed	N/A	No
Blake St	140' east of Linden Street	Linden St.	40'	Unconstructed	N/A	No
Brewster Dr	430' south of Alden Road	580' S of Alden Road	40'	Constructed	Paved	No
Bridge St	300' north of Reservoir Street	End	40'	Constructed	Paved	Yes
Bridge St	Reservoir Street	300' N of Reservoir Street	Variable	Constructed	Paved	Yes
Burnside Rd	Hoover Road	Dartmouth Avenue	40'	Unconstructed	N/A	No
Burr Dr Ext	Burr Drive	End	20'	Constructed	Paved	No
Burrill Ln	Forest Street	560' W of Forest Street	Variable	Constructed	Paved	No
Burrill Ln	560' west of Forest Street	End	Variable	Unconstructed	N/A	No
Captain Robert Cook Dr	Evergreen Street	End		Constructed	Paved	No
Carey Pl	Highland Avenue	End	40'	Constructed	Paved	Yes
Carriage Ln	Chestnut Street	End	30'	Constructed	Paved	No
Cartwright Rd	End	740' southeast of Wellesley Town Line	Variable	Constructed	Gravel	No
Cartwright Rd	740' SE of Wellesley Town Line	439' SW Wellesley Town Line	Variable	Constructed	Paved	No

Street Name	Limits of Right of Way		Width of ROW	Constructed or Unconstructed	Surface Type	Plow Status (y/n)
Central Ter.	Central Avenue	End	30'	Constructed	Paved	Yes
Chambers St	Linden Street	End	Variable	Constructed	Paved	No
Chestnut Cr	Chestnut Street	End	40'	Constructed	Paved	No
Clyde St	Chestnut Street	Marsh Road	20'	Constructed	Paved	Yes
Colonial Rd	High Rock Street	130' south of Gay Street	40'	Constructed	Paved	Yes
Colonial Ro	130' south of Gay Street	Gay Street	40'	Unconstructed	N/A	No
Cook St	Prince Street	End	40'	Unconstructed	N/A	No
Cook St	Allen Street	Plymouth Road	40'	Unconstructed	N/A	No
Crane St	Central Avenue	End	33'	Constructed	Paved	Yes
Crawford St	Kearney Road	Station Street	40'	Constructed	Paved	No
Crescent Rd	1130' northwest of Union Street	End	40'	Constructed	Paved	Yes
Cross St	100' northwest of Highland Avenue	92' northwest of Putnam Street	40'	Constructed	Paved	No
Cross St	Highland Avenue	100' northwest of Highland Avenue	Variable	Constructed	Paved	No
Cross St	92' northwest of Putnam Street	Guild Road	40'	Unconstructed	N/A	No
Curve St	Great Plain Avenue	Marked Tree Road	30'	Constructed	Paved	Yes
Cypress St	Willow Street	End	40'	Unconstructed	N/A	No
Dale St	360' west of Hillside Avenue	End	Variable	Constructed	Paved	Yes
Dana Pl	Longfellow Road	End	40'	Constructed	Paved	Yes
Davenport Rd	125' east of Greendale Avenue	Greendale Avenue	20'	Constructed	Paved	No
Davenport Rd	Mills Road	Sachem Road	40'	Constructed	Paved	Yes
Davenport Rd	Sachem Road	125' east of Greendale Avenue	20'	Unconstructed	N/A	No
Denmark Ln	Maple Street	End	Variable	Constructed	Paved	No
Duncan Dr	Old Greendale Avenue	End	40'	Constructed	Paved	No
Dwight Rd	Central Avenue	1160' west of Central Avenue	50' - Variable	Constructed	Paved	No
Dwight Road	Central Avenue	1160' west of Central Avenue	50' - Variable	Constructed	Paved	No
Echo Road	Wellesley Town Line	End	40'	Constructed	Paved	No
Evans Road	215' southeast of Ridgeway Avenue	Broad Meadow Road	40'	Constructed	Paved	No
Evans Road	150' southeast of Ridgeway Avenue	215' southeast of Ridgeway Avenue	30'	Constructed	Paved	Yes
Evans Road	Ridgeway Avenue	150' southeast of Ridgeway Avenue	20'	Constructed	Paved	Yes
Fairview Road	Sylvan Road	Linden Street	50'	Constructed	Paved	Yes
Falcon Street	Paul Revere Road	Oak Hill Road	40'	Constructed	Gravel	No
Fenton Road	Pershing Road	210' north of Pershing Road	40'	Constructed	Gravel	Yes
Fenton Road	210' north of Pershing Road	West Street	14' - Variable	Constructed	Paved	Yes
Frances Street	80' west of Gilbert Road	End	40'	Constructed	Paved	Yes
Frank Street	William Street	100' west of William Street	Variable	Constructed	Conc. Driv'wy	No
Frank Street	Webster Street	Horace Street	40'	Constructed	Gravel	No
Freeman Place	Chestnut Street	End	36'	Constructed	Paved	Yes
Freer Hillway	Hillcrest Road	Birds Hill Avenue	15'	Unconstructed	N/A	No
Fremont Street	Wexford Street	115' east of Charles Street	50'	Constructed	Paved	Yes

Street Name	Limits of Right of Way		Width of ROW	Constructed or Unconstructed	Surface Type	Flow Status (y/n)
Fuller Road	100' northwest of Lancaster Road	Elmwood Road	40'	Constructed	Gravel	Yes
Garden Street	445' north of Tamarack Lane	Tamarack Lane	40'	Constructed	Paved	Yes
Garfield Street	Lincoln Street	End	50'	Constructed	Gravel	Yes
Gay Street	Gay Street (#96 easterly)	End	40'	Constructed	Paved	No
Gay Street	Central Avenue	340' east of Pond Street	40'	Constructed	Paved	Yes
Gayland Road	520' west of Warren Street	End	40'	Constructed	Paved	Yes
Geneva Terrace	Hillcrest Road	Hillcrest Road	15'	Constructed	Paved	Yes
George Street	Pond Street	Great Plain Avenue	40'	Constructed	Paved	No
Glen Terrace	Glenwood Road	360' south of Glenwood Road	40'	Constructed	Paved	No
Glen Terrace	200' north of Glenwood Road	Glenwood Road	40'	Constructed	Paved	No
Glen Terrace	360' south of Glenwood Road	Dedham Avenue	40'	Unconstructed	N/A	No
Glen Terrace	Harris Avenue	200' north of Glenwood Road	40'	Unconstructed	N/A	No
Great Plain Terrace	Washington Avenue	End	40'	Constructed	Gravel	Yes
Greendale Terrace	Greendale Avenue	End	20'	Constructed	Paved	No
Guild Road	Webster Street	30' west of Arbor Street	30'	Constructed	Paved	Yes
Guild Road	Arbor Street	Cross Street	40'	Unconstructed	N/A	No
Guild Road	30' West of Arbor Street	Arbor Street	30'	Unconstructed	N/A	No
Hamilton Place	Central Avenue	End	30'	Constructed	Paved	Yes
Haven Street	Wellesley Avenue	End	33'	Unconstructed	N/A	No
Hemlock Street	Melrose Avenue	Page Road		Constructed	Paved	Yes
Highland Circle	300' northwest of Highland Avenue	End	20'	Constructed	Paved	Yes
Highland Circle	Highland Avenue	Highland Avenue	20' - Variable	Constructed	Paved	Yes
Highland Court	Oakland Avenue	End	20'	Constructed	Paved	No
Highland Place	Highland Avenue	End	25'	Constructed	Paved	No
Highland Terrace	Highview Street	End	40'	Constructed	Paved	No
Highview Street	Riverside Street	Highland Terrace	40'	Constructed	Paved	Yes
Homsy Lane	Cedar Street	End	40'	Constructed	Paved	No
Horsford Road	Central Avenue	End (Near Woods End Drive)	Variable	Constructed	Gravel	No
Hunnewell Terrace	120' west of Hunnewell Street	End	15'	Constructed	Gravel	No
Hunnewell Terrace	Hunnewell Street	120' west of Hunnewell Street	21'	Constructed	Gravel	Yes
Hunters Way	Bridge Street	End	20'	Constructed	Paved	No
Ingleside Road	Birds Hill Avenue	Hillcrest Road	40'	Constructed	Gravel	Yes
John Street	162' northwest of Frank Street	50' northwest of Frank Street	40'	Constructed	Paved	Yes
John Street	50' northwest of Frank Street	Frank Street	40'	Unconstructed	N/A	No
Junction Street	Chestnut Street	Warren Street	40' - Variable	Constructed	Paved	Yes
Keith Place	Chestnut Street	End	30'	Constructed	Paved	No
Kent Road	Prospect Street	End	25'	Constructed	Paved	Yes
Lawrence Road	Washington Avenue	End	40'	Constructed	Gravel	Yes
Ledge Street	Reservoir Street	End	40'?	Constructed	Paved	Yes

Street Name	Limits of Right of Way		Width of ROW	Constructed or Unconstructed	Surface Type	Plow Status (y/n)
Leonard Street	St. Mary Street	Circumferential State Highway	40'	Constructed	Paved	Yes
Longfellow Road	Webster Street	End	40'	Constructed	Paved	Yes
Map Hill Drive	Wellesley Town Line	Wellesley Town Line	50'	Constructed	Paved	No
Maple Court	Maple Street	End	10'	Constructed	Paved	No
Maple Place	Maple Street	End	25'	Constructed	Paved	Yes
Marant Drive	South Street	End	40'	Constructed	Paved	Yes
Marr Road	South Street	End	20'	Constructed	Block	No
Marshall Street	150' north of Gage Street	300' north of Gage Street	40'	Constructed	Paved	Yes
Marshall Street	300' north of Gage Street	Brentwood Circle	40'	Unconstructed	N/A	No
Masonic Way	Highland Avenue	End	40'	Constructed	Paved	Yes
Melvorn Road	Sutton Road	175' west of Melvorn Road	40'	Constructed	Paved	Yes
Melvorn Road	175' west of Melvorn Road	Webster Street	40'	Unconstructed	N/A	Yes
Memorial Circle	Sylvan Road	End	40'	Constructed	Paved	Yes
Mercer Road	Park Avenue	Webster Street	40'	Constructed	Gravel	Yes
Miller Street	Henderson Street	End	40'	Constructed	Gravel	Yes
Moseley Avenue	Charles River Street	End	20'	Constructed	Paved	Yes
Murphy Road	High Rock Street	Linden Street	Approx. 40'	Constructed	Paved	Yes
Needhamdale Road	South Street	Green Street	40'	Constructed	Paved	Yes
Norman Road	Green Street	Parkvale Road	40'	Constructed	Gravel	Yes
North Hill Avenue	Mackintosh Avenue	End	40'	Unconstructed	N/A	No
Oak Hill Road	Falcon Street	End	40'	Unconstructed	N/A	No
Oakcrest Road	Henderson Street	Sylvan Road	40'	Constructed	Gravel	Yes
Old Road	Hunnewell Street (# 31 southerly)	End	Variable	Unconstructed	N/A	No
Olin Way	Great Plain Avenue	End	50'	Constructed	Paved	No
Page Road	35' southwest of Gibson Street	Hemlock Street	40' - Variable	Unconstructed	N/A	No
Pandolf Lane	Sachem Road	End	40'	Constructed	Paved	No
Parcel	Geneva Terrace (southerly)	End	15'	Constructed	Paved	No
Parcel	Rosemary Street (# 66 southeasterly)	End	40'	Constructed	Paved	No
Parkland Road	400' northeast of Central Avenue	End	30'	Constructed	Paved	No
Parkman Way	Chestnut Street	End	40'	Constructed	Paved	No
Parkvale Road	South Street	End	40'	Constructed	Gravel	Yes
Pennsylvania Avenue	May Street	End	?	Constructed	Gravel	Yes
Perrault Road	Tillotson Road	End	40'	Constructed	Paved	No
Pickering Place	Pickering Street	End	14'	Constructed	Paved	No
Pinehurst Terrace	Great Plain Avenue (#772 southerly)	End	18'	Constructed	Paved	No
Pleasant Terrace	Pleasant Street	End	20'	Constructed	Paved	Yes
Pond Street	Central Avenue	Gay Street	40'	Constructed	Paved	Yes
Poplar Street	Linden Street	Willow Street	40'	Unconstructed	N/A	No
Powder House Road	Great Plain Avenue	Powder House Circle	20'	Constructed	N/A	No
Powder House	Powder House Circle	Cartwright Road	20'	Unconstructed	N/A	No

Street Name	Limits of Right of Way		Width of ROW	Constructed or Unconstructed	Surface Type	Plow Status (y/n)
Road						
Private Driveway	Whitman Road (#156 easterly)	End	30'	Constructed	Paved	No
Private Way	Greendale Avenue (#992 easterly)	End	40'	Constructed	Paved	No
Proposed Road	South Street (#436 southerly)	End	40'	Constructed	Paved	No
Proposed Street	Ivy Road	Wilshire Park	40'	Unconstructed	N/A	No
Putnam Street	Cross Street	End	30'	Constructed	Paved	No
Putnam Street	Webster Street	100' west of Arbor Street	30'	Constructed	Paved	No
Putnam Street	Arbor Street	Cross Street	15'	Unconstructed	N/A	No
Putnam Street	100' west of Arbor Street	Arbor Street	30'	Unconstructed	N/A	No
R.O.W	Great Plain Avenue (#1327 northeasterly)	End	20'	Constructed	Gravel	No
R.O.W	Bird Street (#31 westerly)	End	20'	Constructed	Paved	No
R.O.W	Brookside Road	350' northwest of Brookside Road	30'	Constructed	Paved	No
R.O.W	Dedham Avenue (#179 southerly)	End	10'	Constructed	Paved	No
R.O.W	Rosemary Street (# 36 southeasterly)	End	40'	Constructed	Paved	Yes
R.O.W	South Street (#24 southeasterly)	End	40'	Constructed	Paved	No
R.O.W	Whitman Road (#100 easterly)	100' east of Whitman Road	40'	Constructed	Paved	No
R.O.W	Whitman Road (#155 westerly)	End	40'	Constructed	Paved	Yes
R.O.W	Wilson's Lane (#34 southeasterly)	End	25'	Constructed	Paved	No
R.O.W	Wilson's Lane (#72 easterly)	End	20'	Constructed	Paved	No
R.O.W	Brewster Drive	Great Plain Avenue	20'	Unconstructed	N/A	No
R.O.W	Brewster Drive (#91 southerly)	End	20'	Unconstructed	N/A	No
R.O.W	350' northwest of Brookside Road	Clarke Circle	30'	Unconstructed	N/A	No
R.O.W	Oxbow Road (#115 westerly)	End	40'	Unconstructed	N/A	No
R.O.W	100' east of Whitman Road	End	40'	Unconstructed	N/A	No
R.O.W	Central Avenue (#749 westerly)	End	12'	Constructed	Gravel	No
R.O.W	Hunnewell Street (#354 northeasterly)	End	8'	Constructed	Gravel	No
R.O.W	Wilson's Lane (#34 easterly)	End	15'	Constructed	Gravel	No
R.O.W	Chapel Street (#53 westerly)	End	30'	Constructed	Paved	Yes
R.O.W	Bridge Street (#42 easterly)	60' south of Bridge Street	20'	Constructed	Paved	No
R.O.W	Central Avenue (#107 northwesterly)	40' north of Central Avenue	12'	Constructed	Paved	No
R.O.W	Central Avenue (#143 northwesterly)	100' north of Central Avenue	20'	Constructed	Paved	No
R.O.W	Central Avenue (#745 westerly)	End	Variable	Constructed	Paved	Shovel
R.O.W	Chapel Street (#91 westerly)	End	8'	Constructed	Paved	No
R.O.W	Charles River Street (#338 southeasterly)	180' south of Charles River Street	20'	Constructed	Paved	No
R.O.W	Charles River Street (#478 southeasterly)	End	40'	Constructed	Paved	No
R.O.W	Charles River Street (#634 southerly)	End	40'	Constructed	Paved	No
R.O.W	Charles River Street (#699 northwesterly)	End	Variable	Constructed	Paved	No
R.O.W	Chestnut Street (#433 westerly)	End	20'	Constructed	Paved	No



Street Name	Limits of Right of Way		Width of ROW	Constructed or Unconstructed	Surface Type	Plow Status (y/n)
R.O.W	Chestnut Street (#768 easterly)	End	15'	Constructed	Paved	No
R.O.W	Crescent Road (#100 southwesterly)	End	24'	Constructed	Paved	No
R.O.W	Dedham Avenue (#84 northeasterly)	End	10'	Constructed	Paved	No
R.O.W	Great Plain Avenue (#1058 southerly)	End	12'	Constructed	Paved	No
R.O.W	Great Plain Avenue (#1249 southerly)	End	12'	Constructed	Paved	No
R.O.W	Great Plain Avenue (#1362 southwesterly)	End	20'	Constructed	Paved	No
R.O.W	Great Plain Avenue (#1476 southwesterly)	60' south of Great Plain Avenue	12'	Constructed	Paved	No
R.O.W	Highland Avenue (# 781 northwesterly)	End	12'	Constructed	Paved	No
R.O.W	Highland Avenue (#1410 easterly)	End	12'	Constructed	Paved	No
R.O.W	Highland Place (#15 easterly)	End	10'	Constructed	Paved	No
R.O.W	Hillside Avenue (#130 southeasterly)	End	10'	Constructed	Paved	No
R.O.W	Hillside Avenue (#249 westerly)	End	9'	Constructed	Paved	No
R.O.W	Hillside Avenue (#460 southerly)	End	40'	Constructed	Paved	No
R.O.W	Hunnewell Street (#336 northeasterly)	End	8'	Constructed	Paved	No
R.O.W	Hunnewell Street (#348 northeasterly)	End	10'	Constructed	Paved	No
R.O.W	Junction Street (#20 northerly)	End	24'	Constructed	Paved	No
R.O.W	Kearney Road (#47 northerly)	20' north of Kearney Road	17'	Constructed	Paved	No
R.O.W	Lincoln Street (#31 westerly)	End	15'	Constructed	Paved	No
R.O.W	Maple Street (#1096 Great Plain Avenue easterly)	End	10'	Constructed	Paved	No
R.O.W	Maple Street (#13 westerly)	End	10'	Constructed	Paved	No
R.O.W	Marked Tree Road (# 29 northwesterly)	80' northwest of Marked Tree Road	8'	Constructed	Paved	No
R.O.W	Mellen Street (#53 northerly)	End	30'	Constructed	Paved	No
R.O.W	Nehoiden Street (#172 northerly)	End	20'	Constructed	Paved	No
R.O.W	Nehoiden Street (#208 northeasterly)	End	20'	Constructed	Paved	No
R.O.W	Oak Street (#17 northerly)	End	10'	Constructed	Paved	No
R.O.W	Pickering Street (#1484 Highland Avenue westerly)	End	25'	Constructed	Paved	No
R.O.W	Reservoir Street (#301 southwesterly)	End	10'	Constructed	Paved	No
R.O.W	Reservoir Street (#318 northeasterly)	End	10'	Constructed	Paved	No
R.O.W	South Street (#154 southerly)	End	20'	Constructed	Paved	No
R.O.W	Walnut Street (#27 northerly)	End	20'	Constructed	Paved	No
R.O.W	Warren Street (#150 easterly)	End	12'	Constructed	Paved	No
R.O.W	Webster Street (#208 northeasterly)	End	12'	Constructed	Paved	No
R.O.W	Brentwood Circle (#20 northwesterly)	End	15'	Unconstructed	N/A	No
R.O.W	60' south of Bridge Street	End	20'	Unconstructed	N/A	No
R.O.W	Carey Road (#54 southerly)	End	15'	Unconstructed	N/A	No
R.O.W	Cedar Street (#328 northeasterly)	End	15'	Unconstructed	N/A	No
R.O.W	40' north of Central Avenue	End	12'	Unconstructed	N/A	No
R.O.W	100' north of Central Avenue	End	20'	Unconstructed	N/A	No
R.O.W	Central Avenue (#371 West Street	End	20'	Unconstructed	Gravel	No

Street Name	Limits of Right of Way		Width of ROW	Constructed or Unconstructed	Surface Type	Plow Status (y/n)
	easterly)					
R.O.W	Charles River Street (#157 northeasterly)	End	Variable	Unconstructed	N/A	No
R.O.W	Charles River Street (#300 southwesterly)	End	14'	Unconstructed	N/A	No
R.O.W	180' south of Charles River Street	End	20'	Unconstructed	N/A	No
R.O.W	1200' north of Charles River Street	1400' north of Charles River Street	16'	Unconstructed	N/A	No
R.O.W	Country Way (#160 northwesterly)	End	40'	Unconstructed	N/A	No
R.O.W	Curve Street	Trout Pond Lane	10'	Unconstructed	N/A	No
R.O.W	Dedham Avenue (#361 southwesterly)	End	20'	Unconstructed	N/A	No
R.O.W	60' south of Great Plain Avenue	End	12'	Unconstructed	N/A	No
R.O.W	Great Plain Avenue (#3 Mary Chilton Road southwesterly)	End	50'	Unconstructed	N/A	No
R.O.W	Grove Street (#359 westerly)	End	20'	Unconstructed	N/A	No
R.O.W	Grove Street (#471 westerly)	End	15'	Unconstructed	N/A	No
R.O.W	Guild Road	Gould Street	40'	Unconstructed	N/A	No
R.O.W	Hunnell Street (#223 southwesterly)	End	10'	Unconstructed	N/A	No
R.O.W	Hunnell Street (#565 southwesterly)	End	10'	Unconstructed	N/A	No
R.O.W	Lake Drive (#48 northerly)	End	10'	Unconstructed	N/A	No
R.O.W	80' northwest of Marked Tree Road	End	8'	Unconstructed	N/A	No
R.O.W	Marked Tree Road (#159 northerly)	End	15'	Unconstructed	N/A	No
R.O.W	Neholden Street (#220 easterly)	Pennsylvania Avenue	Variable	Unconstructed	N/A	No
R.O.W	Pickering Place (#10 southerly)	End	4'	Unconstructed	N/A	No
R.O.W	Pine Street (#57 northwesterly)	End	20'	Unconstructed	N/A	No
R.O.W	Reservoir Park	End	Variable	Unconstructed	Gravel	No
R.O.W	Reservoir Street	Vara Lane	15'	Unconstructed	Gravel	No
R.O.W	Reservoir Street (#320 northeasterly)	End	10'	Unconstructed	Paved	No
R.O.W	Rosemary Street (#300 southerly)	End	20'	Unconstructed	N/A	No
R.O.W	Rosemary Way (northerly)	End	16'	Unconstructed	N/A	No
R.O.W	Stratford Road (#250 northerly)	End	20'	Unconstructed	N/A	No
R.O.W	Upland Road (#74)	End	Variable	Unconstructed	N/A	No
R.O.W	Valley Road (#242 easterly)	End	25'	Unconstructed	N/A	No
R.O.W	Webster Street (#978 northeasterly)	End	20'	Unconstructed	N/A	No
R.O.W - Cart Road	Central Avenue (Rear of #1968 southerly)	End	Variable	Unconstructed	N/A	No
R.O.W (formerly Easy Street)	Hillside Avenue (#444 easterly)	End	40'	Constructed	Paved	No
R.O.W	20' north of Kearney Road	End	17'	Unconstructed	N/A	No
Reservoir Avenue	Reservoir Street	End	30'	Constructed	Paved	Yes
Reservoir Park	Reservoir Street	End	40'	Constructed	Paved	No
Reservoir Street	1150' south of Central Avenue	End	40' - Variable	Constructed	Paved	Yes
Ridge Hill Road	Grove Street	End	40'	Unconstructed	N/A	No
Ridgeway Avenue	150' east of Hillcrest Road	50' east of Hillcrest Road	40'	Constructed	Gravel	Yes

Street Name	Limits of Right of Way		Width of ROW	Constructed or Unconstructed	Surface Type	Plow Status (y/n)
Ridgeway Avenue	50' east of Hillcrest Road	Hillcrest Road	40'	Constructed	Paved	Yes
Ridgeway Avenue	Great Plain Avenue	150' east of Hillcrest Road	40' - Variable	Constructed	Paved	Yes
Ridgeway Terrace	Ridgeway Avenue	153' southwest of Ridgeway Avenue	40'	Constructed	Paved	Yes
Ridgeway Terrace	153' southwest of Ridgeway Avenue	End	15'	Unconstructed	N/A	No
Rivard Road	253' east of Curve Street	Curve Street	40'	Constructed	Paved	Yes
River Park Street	325' south of Central Avenue	Crawford Street	15'	Constructed	Paved	Yes
River Park Street	325' south of Central Avenue	Hampton Avenue	40'	Constructed	Paved	Yes
River Park Street	Central Avenue	325' south of Central Avenue	20'	Constructed	Paved	Yes
Riverbend Lane	South Street	End	40'	Constructed	N/A	No
Rosegate Road	Central Avenue	End	40' - Variable	Constructed	Paved	Yes
Rosemary Way	Hillside Avenue	End	40'	Constructed	Paved	No
Sachem Road	130' southwest of Pandolf Lane	Davenport Road	40'	Constructed	Gravel	Yes
Sachem Road	Highland Avenue	Hunting Road	40'	Constructed	Paved	Yes
Saint Cloud Avenue	Greendale Avenue	375' west of Greendale Avenue	40'	Constructed	Paved	Yes
Saint Cloud Avenue	375' west of Greendale Avenue	Highgate Street	40'	Unconstructed	N/A	No
Seabeds Way	Capt. Robert Cook Drive	End		Constructed	Paved	No
Sherman Street	Circumferential State Highway - Route 128	St. Mary Street	30' - Variable	Constructed	Gravel	Yes
Smith Street	Gay Street	Pond Street	40'	Constructed	Paved	Yes
Southfield Court	Chestnut Street	End	20'	Constructed	Paved	No
Spruce Street	Linden Street	Willow Street	40'	Unconstructed	N/A	No
Station Street	Crawford Street	End	40'	Constructed	Paved	No
Street	Curve Street (#58 northeasterly)	End	40'	Unconstructed	N/A	No
Summit Road	Linden Street	End	40'	Constructed	Paved	No
Sunnyside Road	Wayne Road	Avery Street	40'	Constructed	Gravel	Yes
Sunnyside Road	Avery Street	End	40'	Constructed	Paved	Yes
Thornton Road	335' northwest of Birds Hill Avenue	End	40'	Constructed	Paved	Yes
Truman Street	Highland Avenue	End	40'	Constructed	Paved	Yes
TV Place	Gould Street	End	40'	Constructed	Paved	No
Upland Terrace	Brookline Street	Upland Road	12'	Constructed	Gravel	Yes
Valley Road	End	660' north of Norwich Road	40'	Constructed	Paved	Yes
Vara Lane	Reservoir Street	End	30'	Constructed	Paved	Yes
Wachusett Road	Birds Hill Avenue	Mount Vernon Avenue	40'	Constructed	Paved	Yes
Walker Lane	Central Avenue	190' west of Russell Road	40'	Constructed	Paved	Yes
Walker Lane	190' west of Russell Road	195' west of Russell Road	40'	Unconstructed	N/A	No
Walnut Court	Walnut Street	End	20'	Constructed	Paved	No
Walnut Place	Walnut Street	End	20'	Constructed	Paved	No
Way	Alder Brook Lane	Marr Road	15'-20'	Unconstructed	N/A	No
Way	Thornton Road (#74 southwesterly)	End	40'	Unconstructed	N/A	No
Way	Central Avenue (#1545 northerly)	End	40'	Constructed	Paved	No

Street Name	Limits of Right of Way		Width of ROW	Constructed or Unconstructed	Surface Type	Plow Status (y/n)
Way	First Avenue (#114 easterly)	End	25'	Constructed	Paved	No
Way	Charles River Street (#463 rear northerly)	End	20'	Unconstructed	N/A	No
Way	Forest Street (#116 easterly)	End	20'	Unconstructed	N/A	No
Way	Hampton Road (#120 easterly)	End	12'	Unconstructed	Paved	No
Webster Park	Webster Street	End	16'	Constructed	Paved	Yes
Wheaton Avenue	Brook Road	End	40'	Constructed	Paved	Yes
Willow Street	Oak Street	Poplar Street	40'	Unconstructed	N/A	No
Wilson's Lane	South Street	End	Variable	Constructed	Paved	No
Woods End Drive	Gatewood Drive	End		Constructed	Paved	No
Woodworth Road	South Street	End	40'	Constructed	Paved	No
Wyoming Avenue	400' north of Mount Vernon Avenue	Arden Street	40'	Unconstructed	N/A	No
Yurick Road	Murphy Road	Linden Street	40'	Constructed	Paved	Yes



**2.2.4.4 Interest Charges - Past Due Bills.** The due dates for the payment of all municipal charges and bills shall be 30 days after the charge or bill is issued by the Town, unless otherwise specified by a general law or special act of the Commonwealth. Interest accrues at the same rate as charged on tax bills under the provisions of M.G.L. Chapter 59, Section 57. The Board of Selectmen shall have the authority to abate any such interest charges, in whole or in part.

**2.2.4.5 Municipal/Changes Lien.** The Town, acting through its Board of Selectmen, shall impose a lien on real property located within the Town for any solid waste disposal fee or charge which has not been paid by its due date, in accordance with the provisions of MGL Chapter 40 Section 58.

**2.2.4.6 Tax Collector.** The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town.


**2.2.5 Public Works Department**

**2.2.5.1 Highways**


**2.2.5.1.1 Assignment of Street Numbers.** All buildings on or near the line of public or private ways shall be assigned a number or numbers by the Board of Selectmen, who shall assign odd numbers for one side of a way and even numbers for the opposite side of such way. Said assigned numbers, shall not be less than 4 inches high with ½ inch stroke, shall be placed in a conspicuous place on said building or buildings by the owner or occupant within thirty days from the time that notice is given by the Board to the owner or occupant of the number or numbers assigned to said building or buildings. On any building constructed or renovated after July 1, 2002 that is located so that it is more than 100 feet from the line of a public or private way to the building, a post or suitable marker bearing the assigned street number or numbers that conforms to this by-law shall be installed and maintained within ten feet of the line of the way near the entrance to the property thereof. Street numbers in existence as of the effective date of the By-law are not required to be replaced by the owner or occupant unless notified by said Board.

The owner and occupant of each building in the Town to which a number has been thus assigned shall maintain said number on said building at all times in such a manner that the number will be clear and conspicuous and the view of said number is not obstructed. Whoever violates the provisions of this subsection 2.2.5.2.1 shall be subject to a fine of not exceeding twenty dollars (\$20.00) for each offense under the non-criminal process authorized by MGL Chapter 40, Section 21D. Each day on which the violation continues shall be considered a separate offense.

**2.2.5.1.2 Acceptance of New Streets.** In connection with specifications for new streets and ways through private property:

- 
- (a) A plan and profile of every such street or way shall be filed in the office of the Director of Public Works, who shall approve or establish the grade thereof.
  - (b) Every street or way shall be at least forty feet in width and have a road bed not less than twenty feet in width.
  - (c) All loam shall be removed from the road bed to a depth of twelve inches below finished grade and from the sidewalk to a depth of six inches, or such greater depth as may be required by the Director of Public Works.
  - (d) The entire area of every new street shall be first cleared of all stumps, brush, roots, and like material and all trees not intended for preservation.
  - (e) All excavation or embankment work shall be brought accurately to a subgrade of not less than eight inches for the roadway and four inches for the sidewalk below finished grade, or such greater depth as the nature of the subsoil, in the opinion of the Director of Public Works, may require.
  - (f) All corners of intersecting streets or ways shall be rounded as approved by the Director of Public Works.
  - (g) The bottom of the excavation and the top of the fill when completed, hereinafter known as the subgrade, shall be true to the lines, grades and cross-sections given by the Director of Public Works. After all drains have been laid and the subgrade has been shaped correctly, it shall be brought to a firm, unyielding surface by rolling the entire area with an approved three (3) wheeled roller, weighing not less than ten (10) tons. Any portion of the subgrade

which is not accessible to a roller shall be thoroughly tamped by hand. All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or tamped shall be removed and replaced with suitable material. All rock or boulders found in the excavation shall be taken away or broken off to a depth of not less than six (6) inches below the surface of the subgrade. The bottom of the base course shall be spread with dry, clean 1 1/4-inch to 2 1/2-inch stone over the bottom course, in such a quantity that after being rolled there will be a depth of not less than 2 1/2 inches and not more than 3 inches, and then shall be rolled until the stone does not creep under action of the roller. One and three-fourth gallons of tar or asphalt binder shall then be applied to each square yard of road surface. Dry, clean 3/4-inch stone shall be spread evenly over the surface, rolled thoroughly; and there shall then be applied to this surface 1/2 gallon of asphalt binder per square yard, which shall be covered with dry, clean pea stone and rolled until a smooth, unyielding surface results.

 **2.2.5.1.3 Petition for Acceptance of New Streets.** All streets to be accepted by the Town must be petitioned for not later than six months prior to the start of the Town Meeting at which such petition is to be acted upon. No streets shall be accepted by the Town unless constructed in compliance with the foregoing specifications.

**2.2.5.1.4 Street Occupancy Permit.** Except as herein provided, a Street Occupancy Permit, issued by the Director of Public Works, in such form and content as said Director may require, must be obtained before undertaking any work, including, without limitation, construction, repair, maintenance or reconstruction work, in, within or affecting a public way. The person responsible for such work or in charge of those performing such work shall review such work with the Director of Public Works and the Police Chief, or their designees, to determine whether or not such work will result in the disruption of the normal flow of traffic or cause a safety hazard to pedestrian or vehicular traffic. If the Director of Public Works and the Police Chief, or their designees, determine that such work will result in the disruption of a normal flow of traffic, or will create a safety hazard to pedestrian or vehicular traffic, the person responsible for such work, or in charge of those performing such work, shall follow the safety precautions ordered by the Director of Public Works and the Police Chief, or their designees, including but not limited to, the hiring of a Needham Police Officer, under the existing regulations governing privately paid police details, to direct traffic and minimize the vehicle safety hazards connected with such work.

No work shall be commenced in, within or affecting a public way until those persons responsible for such work comply with the requirements of Sub-section 2.2.5.1.4. The Town of Needham is exempt from the requirements of this sub-section. Whoever violates the provisions of Sub-section 2.2.5.1.4 shall be subject to a fine not exceeding one hundred dollars (\$100.00) each day being a separate offense.

The Chief of Police or Director of Public Works, or their respective designees, are hereby authorized to stop any work on any way conducted in violation of any provision of this sub-section.

**2.2.5.1.5 Removal of Snow and Ice.** The Director of Public works may, for the purpose of removing or plowing snow, or removing ice from any way, remove, or cause, to be removed to some convenient place, including a public garage, any vehicle interfering with such work, and impose liability for the cost of such removal and of resulting storage charges, if any, upon the owner of such vehicle.

**2.2.5.1.6 Street Intersections.** At each intersection of public or private streets or ways in the Town, there shall be a clearance area consisting of the triangular area formed by the side lines of the intersecting streets or ways and a line joining each side line at a point twenty-five (25) feet distant from the point of intersection or, in case of rounded corners, from the point at which the side lines would intersect if projected. In case of uncertainty as to the point of intersection of such projected side line, the Town Engineer shall certify the clearance area drawn in accordance with the foregoing provisions. No fence or other structure, shrubbery, foliage, hedge, tree or the like which interferes with sight lines across such clearance area and thereby limits or obstructs the view of vehicular traffic entering such intersection shall be erected, planted, maintained or allow to exist, provided, however, that Sub-section 2.2.5.12.6 shall not apply to buildings in violation of the Town Zoning By-Law.

#### **2.2.5.1.7 Construction and Maintenance of Overhead Poles**

Any person, firm, corporation or partnership, or their agents and employees, granted any license, permission or other authority to construct or maintain poles and overhead wires and associated overhead structures upon, along, under or across any public way or ways, is forbidden from installing or constructing, and shall remove immediately, any poles,

overhead wires and associated overhead structures which are located on, along or across Chestnut street between its intersection with School Street and the railroad bridge at Needham Junction.

#### **2.2.5.2      Sewers**

**2.2.5.2.1**      The Department of Public Works may require house connections to sewer mains within five years after the laying of such mains. This provision shall apply only to mains laid after March 18, 1940.

**2.2.5.2.2**      Plans and descriptions of all common sewers belonging to the Town, with a true record of the charges of making and repairing said sewers and all assessments therefor, shall be kept in the Department of Public Works.

#### **2.2.5.3      Miscellaneous**

**2.2.5.3.1      Wells, Cisterns and Cesspool Protection.** The owner of any premises within the Town on which a well, cistern or cesspool is located, or, if the premises are in the exclusive possession of a person other than the owner, such person having possession of said premises, shall cause each such well, cistern or cesspool to be protected at ground level by masonry and a metal cover, or by such other substantial protective materials as may be approved by the Town's Director of Public Works.

The owner of premises within the Town on which a well, cistern or cesspool is located, or, if the premises are in the exclusive possession of a person other than the owner, such person having possession of said premises, shall cause each such well, cistern or cesspool, the use of which has been discontinued, to be filled in to ground level with material commonly used as fill, or, in the case of a well or cistern, with the approval of the Town's Director of Public Works, covered with masonry in a substantial and safe manner. Such filling or masonry work, as the case may be, shall be performed as to wells, cisterns, and cesspools, the use of which has been discontinued prior to the effective date of Sub-section 2.2.5.3.1, immediately following said effective date, and as to wells, cisterns, and cesspools, the use of which shall be discontinued subsequent to the effective date of Sub-section 2.2.5.3.1, immediately following such discontinuance of use.

#### **2.2.5.4      Trench Safety**

**2.2.5.4.1**      The Town Manager is authorized to designate a local permitting authority for issuing trench permits and/or licenses under the regulations promulgated by the Commonwealth of Massachusetts Department of Public Safety and Division of Occupational Safety in accordance with Chapter 82A of the General Laws relative to excavation and trench safety.

**2.2.5.4.2**      A trench is defined as a subsurface excavation greater than three feet in depth, and is fifteen feet or less between the soil walls as measured from the bottom.

**2.2.5.4.3**      The Board of Selectmen may, from time to time enact fees to cover the costs of processing said permits and for enforcement thereof.

**2.2.5.4.4**      The Board of Selectmen may, from time to time, and after a public hearing, enact local rules and regulations consistent with Chapter 82A relative to the trench permitting process, the standard and special conditions for issued permits, and the enforcement of issued permits.

**2.2.5.4.5**      The Town may perform temporary repairs to private property if such repairs are determined by the Director of Public Works to be required for public necessity, in accordance with regulations issue by the Board of Selectmen in accordance with Section 2.2.5.4.4. Said repairs shall be considered necessary to abate an immediate hazard.

#### **2.2.5.5      Municipal Water Supply**

##### **2.2.5.5.1      Applicability**

This section pertains to residences and commercial property and industry served by the Town's water system.

**2.2.5.5.2      Implementation of a Mandatory Non-essential Outdoor Water Use Restriction** The Board of Selectmen or its designee shall have authority to implement a mandatory non-essential outdoor water use restriction in an effort to promote water conservation and to ensure compliance with the Water Management Act.



**2.2.5.5.3 Backflow Prevention on Automatic Irrigation Systems** All automatic irrigation systems connected to the municipal water system in the Town shall be protected from backflow events by the installation of a backflow prevention device approved by the Director of Public Works.

#### **2.2.5.6 Private Ways**

**2.2.5.6.1 Snow and Ice Removal.** The Town may remove snow and ice from such private ways within its limits for emergency vehicle access in accordance with Massachusetts General Laws and in accordance with regulations or policies issued by the Board of Selectmen. Such snow and ice removal may be limited to those private ways maintained in an acceptable condition and in accordance with standards determined by the Director of Public Works.

**2.2.5.6.2 Barricades.** Barricades installed on private ways that serve to deter prompt and appropriate emergency access shall be removed on order of the Fire Chief.

**2.2.5.6.3 Temporary Repairs.** 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 regulations or policies issued by the Board of Selectmen.

Said repairs shall be considered necessary to abate the 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 shall not be included as part of any such repairs, and the private way need not have been open to public use prior to the repairs being made.

Abutters to the private way may petition the Town to perform temporary repairs. In such cases, fifty one percent of the abutters to the private way must petition the Director of Public Works for the repairs to be made by the Town. Upon receipt of a petition and a determination of the necessity of such repairs, the Town shall provide the petitioners with a statement of the cost of such repairs. Within seven (7) days of receipt of the statement of cost, the petitioners shall be entitled to withdraw the petition. Unless the petition is withdrawn, the Town shall promptly make the repairs and the petitioners shall thereafter reimburse the Town for the cost of the repairs, if the repairs exceed \$300. The reimbursement amount shall be equal to the petitioner's pro rata share of the cost of repairs based on the ratio that each petitioner's frontage bears to the total frontage of the petitioners on the private way. Betterment charges will not be assessed for such repairs.

If the cost of repairs does not exceed \$300, no reimbursement will be required.

The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law.

#### **2.2.6 Information Technology**

**2.2.6.1 Purpose.** It is hereby declared to be the policy of the Town of Needham that there shall be an Information Technology Center (within the Department of Finance) that shall be responsible for providing services and systems to all Town offices and departments. It is further declared that, subject to statutory provisions to the contrary, and insofar as practical, all data processing services and systems shall be centralized in the Information Technology Center.

**2.2.6.2 Organization.** There is hereby created a department of the Town government to be known as the Information Technology Center which shall be part of the Department of Finance of the Town. In addition, there shall be an advisory board as described below. The Center's operations shall be under the management and control of the Director of Finance. The Advisory Board shall serve in an advisory capacity for all long-range planning and capital acquisition functions.

#### **2.2.6.3 Technology Advisory Board**

- (a) There shall be a Technology Advisory Board (hereinafter called the Board) consisting of five (5) regular members and four (4) ex officio members. The ex officio members shall be non-voting members.

# WELLESLEY B.O.S. POLICY

## Town of Wellesley Street Acceptance Policy

### Background

For these purposes, an unaccepted street can be defined as a street for which there is no record of public acceptance by the Town of Wellesley, Town of Needham (for streets accepted prior to the 1881), Norfolk County, Commonwealth of Massachusetts, or other valid governmental authority. The Town of Wellesley has approximately 12 miles of unaccepted streets, which represents approximately 9% of the total mileage of streets in the Town. Responsibility for the maintenance of these streets and related municipal infrastructure (e.g., water and sewer lines lying beneath the street) rests with the abutters, unless governed by an easement to the Town. The Town Bylaws provide a mechanism for temporary minor repairs to unaccepted streets (Article 29 - Section 10). On occasion, the Town has upgraded infrastructure on unaccepted streets, typically as a byproduct of larger infrastructure improvement projects, and/or with the benefit of an easement.

In order for a street to be accepted, the street must be laid out (i.e., resulting in a layout plan) by the Board of Selectmen, acting as road commissioners. The layout plan must be filed with the Town Clerk, and not less than seven days thereafter, must be accepted by Town Meeting (M.G.L. – Chapter 82, Section 23). In practice, layout plans are prepared by a licensed engineer, and approved by the Board of Selectmen. Layout plans for new subdivisions are prepared by the developer, and reviewed by the Town Engineer. Layout plans for existing streets are prepared by the Town Engineer.

In 1994, the Planning Board promulgated *Rules And Regulations Governing Upgrading Of Inadequate Ways in conjunction with applications for certain building permits in Wellesley, Massachusetts*. These rules and regulations govern the review and administration of applications to upgrade inadequate ways in connection with the application for certain building permits, and the related need to satisfy the frontage requirements of the Town's Zoning Bylaws.

Town Meeting articles relating to street acceptances have historically been sponsored by the Board of Selectmen. The Board has proposed Town Meeting articles in response to a written request by abutters or a developer. The Town's past practice has generally been to assess a betterment to abutters based on the cost of the wearing course of asphalt, with the Town absorbing all other costs, including the cost of water and sewer, drainage, and roadway base infrastructure improvements. Streets constructed by developers under the Planning Board's Subdivision Rules and Regulations are not subject to betterment assessments upon their acceptance by the Town.

### Policy guidelines

Given the number of unaccepted streets in Wellesley and the potential cost of upgrading them in connection with their acceptance, the Board of Selectmen recognizes the need for guidelines for evaluating which street acceptances it recommends to Town Meeting. Part

of this evaluation includes assessing affordability within the context of the Town-Wide Financial Plan. To this end, the Board of Selectmen has established a process for categorizing street acceptance requests into the following three types:

- Type 1 – New subdivisions
- Type 2 – Private ways with a significant level of public usage
- Type 3 – Private ways with an insignificant level of public usage

The Town's financial guidelines with regard to each type is detailed below.

Type 1 - New subdivisions

- Developer's responsibility to design, engineer and construct the street according to the Town's standards, as promulgated by the Planning Board and Town Engineer.
- No cost to the Town.
- Acceptance process is greatly simplified, given that such streets are constructed according to Town standards, at no cost to the Town.

Type 2 - Private ways with a significant level of public usage

- Applies to private ways that are regularly used by the general public, i.e., people who are not immediate abutters, because they provide a connection to public ways, other neighborhoods, public places, etc.
- Town Engineer responsible for preparing an initial review sufficient to obtain a cost estimate, including estimated betterment assessments for each abutter.
- Town to assume 75% of cost inclusive of engineering cost; remaining 25% of cost to be assessed to abutters.
- Acceptance and timing of acceptance contingent on public safety concerns (e.g., fire safety); abutters support for the acceptance; potential for private way to be constructed according to minimum Town standards; and affordability, as determined by the Board of Selectmen in the context of the Town-Wide Financial Plan.

Type 3 - Private ways with an insignificant level of public usage

- Applies to private ways that are primarily used by immediate abutters.
- Town Engineer responsible for preparing an initial review sufficient to obtain a cost estimate, including estimated betterment assessments for each abutter.
- Residents responsible for all other costs, including additional engineering costs.
- Acceptance and timing contingent on same criteria as with Type 2.

General requirements (applies to all of the above Types)

- All street layout plans will provide for a minimum roadway width of 18 feet, and otherwise comply with standards established by the Planning Board and the Board of Public Works.

- Petitions for street acceptances to be considered at Annual Town Meeting should be submitted to the Selectmen's office not later than the preceding September 1st.
- Petitions must be signed by 75% of the abutters.
- Unless otherwise determined by the Board of Selectmen, the cost of betterments is assessed on a "unit" basis, i.e., each abutter is assessed a share of the total cost of the betterment, without regard to the size of the abutter's property, or length of frontage.
- Copies of the preliminary cost and betterment estimates will be sent to each abutter, at which time the Selectmen's office will reconfirm that 75% of the abutters continue to support the proposed acceptance. (The Board will not make a motion at Town Meeting unless this level of support is confirmed.)
- In instances where a property owner has provided surety to cover the cost of work necessary to satisfy the frontage requirements for improvements on an unaccepted street as defined in the Zoning Bylaws, it is not intended that the owner will be relieved of this obligation as a result of the acceptance of the relevant street. (See Planning Board's Rules And Regulations Governing Upgrading Of Inadequate Ways.)
- All street acceptances are contingent on the availability of sufficient Town funds.
- All petitions for street acceptance are to be referred to the Planning Board for a recommendation (see M.G.L. – Chapter 41, Section 81D).

Approved 1/16/2007  
Wellesley Board of Selectmen

Katherine L. Babson Jr. Owen H. Dugan  
Katherine L. Babson Jr. Owen H. Dugan

Harriet S. Warshaw David Himmelberger  
Harriet S. Warshaw David Himmelberger

Vincent Juliani Jr.

## ARTICLE 29. BOARD OF PUBLIC WORKS

29.1. Membership. The Town shall have an elected Board of Public Works consisting of three residents.

29.2. Term. The term of office shall be three years.

29.3. General Duties. Under relevant special acts and Chapter 41, Sections 69C through 69F, the Board shall have the powers and duties of road commissioners, surveyors of highways, superintendent of streets, water commissioners, and sewer commissioners. The Board shall also:

- a. Establish policies for reduction, reuse, recycling, collection and disposal of garbage and solid waste, including regulations governing the use of the Recycling and Disposal Facility, said regulations also to establish such fines and other penalties for infractions of said regulations as the Board of Public Works shall deem appropriate, not to exceed however, \$200 (two hundred dollars) for any offense, each violation to constitute a separate offense. Regulations providing for fines or other penalties shall be implemented only after a public hearing and shall be subject to the procedure governing non-criminal disposition as set forth in Article 52 of these Bylaws.
- b. provide engineering services for the Town;
- c. provide maintenance or other related services for those Town departments requesting such maintenance or service;
- d. carry out maintenance, tasks and work affecting natural resources in accordance with general policies established by the Natural Resources Commission pursuant to Section 43.4.c., except when the public safety and welfare requires the Department instead to perform other maintenance, tasks or work on a temporary basis;
- e. establish rules and regulations to effectively prohibit pollutants and non-storm water discharges from entering the Town's storm water collection system, said regulations also to establish such fines and other penalties for infractions of said regulations as the Board of Public Works shall deem appropriate, not to exceed however, \$200 (two hundred dollars) for any offense, each violation to constitute a separate offense. Regulations providing for fines or other penalties shall be implemented only after a public hearing and shall be subject to the procedure governing non-criminal disposition as set forth in Article 52 of these Bylaws. *(Section added ATM 2004, Art. 29)*
- f. serve as the Board designated by the Town to issue permits for the excavation of trenches on privately owned land and on public ways within the Town. Said Board shall establish rules and regulations to effectively regulate the same, said regulations also to establish such fines and other penalties for infractions of said regulations as the Board of Public Works shall deem appropriate, not to exceed, however, \$200 (two hundred dollars) for any offense, each violation to constitute a separate offense. Regulations providing for fines or other penalties shall be implemented only after a public hearing and shall be subject to the procedure governing non-criminal disposition as set forth in Article 52 of these Bylaws. *(Section added, ATM 2009, Art 37)*

29.4. Director of Public Works. The Board shall appoint a Director of Public Works who shall:

- a. have the qualifications prescribed in the General Laws;

- b. hold office subject to the will of the Board;
- c. exercise and perform, under the supervision of the Board, such of the powers and duties of the Board as it may delegate to the Director.

29.5. Utilities. The water and sewer facilities shall be under the charge and control of the Board, subject to applicable statutes. The Board shall fix rates and charges for these services, and enact policies and procedures in connection with the operation, extensions, and services of those facilities.

29.6. Town Engineer. The Board shall appoint the Town Engineer who shall:

- a. have the qualifications prescribed in the General Laws;
- b. be in charge of the engineering work provided by the Department, subject to the direction and control of the Director.

29.7. Budgets. The Board shall present to the Advisory Committee separate budgets for the several divisions under its control.

29.8. Annual Report. In addition to the requirements of Article 4, the Board's annual report shall include:

- a. all engineering work and all work done on the public ways, the water and sewer plants, and collection and disposal of garbage and solid waste;
- b. all work done at the request of the Natural Resources Commission;
- c. all work done at the request of other Town departments;
- d. a review of the condition of the waterworks and sewerage plants; and
- e. a review of the condition of other facilities under the Board's control.

29.9. General Provisions. The Board shall also be governed by Articles 2 through 7 of these Bylaws and other provisions of these Bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these Bylaws to act otherwise.

29.10. Temporary Minor Repairs to Private Ways. The Town may make temporary minor repairs to private ways which have been opened to public use for two years or more and 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 their property as determined by said Board 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 pursuant to this Bylaw.

# 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: \_\_\_\_\_

# WESTFORD B.O.S POLICY

## SELECTMEN'S PUBLIC INFORMATION BULLETIN IMPROVEMENTS TO ROADWAYS/BETTERMENTS

Many citizens contact the Town of Westford Highway Department or Selectmen requesting repairs or improvements to their street only to learn it is unaccepted or private and that repairs cannot reasonably be undertaken under penalty of Massachusetts State Law. The purpose of this policy is to provide citizens with a written summary of the steps necessary to expend Town funds on repairs for unaccepted or private roads. For further information please contact the Town Engineer.

This document addresses three types of unaccepted roads or roads which Town Meeting has not authorized the expenditure of public funds to repair and maintain; roads constructed before 1955, roads constructed after 1955 under the Subdivision Control Act abandoned by developers and private roads. These three road categories are all considered "unaccepted" by the Town whereas Massachusetts State Law defines all unaccepted roads as private. All roads constructed before 1994 and reasonably maintained are plowed and sanded as authorized by a vote of Town Meeting. Roads constructed after 1994, must be accepted by a vote of Town Meeting before snow removal services will be provided.

From time to time, the Planning Board approves the construction of a "private" way. Private ways typically service a particular interest such as a large commercial development or shared common driveway as in the case of condominiums or a limited number of single-family homes. Developers of private roads are given special considerations in exchange for designation as a "private way." A typical consideration would be that the road does not meet the minimum road width of 22 feet. Private ways are to be maintained in perpetuity by the property owners and not eligible for acceptance by Town Meeting and subsequent maintenance by the Highway Department.

1. **If Your Road is a "Private Way":** The Highway Department cannot legally provide repair or improvement to the roadway. The responsibility belongs to the abutting property owners and should be recorded in the property deed. See the property deed for details. (Deeds are on file at the Registry of Deeds in Lowell). Private Ways may not go through the street acceptance process because the expense of bringing this type of road to a minimum acceptable standard exceeds what would be allowed by the Department of Revenue's memorandum on the assessment of betterments. The Town Engineer maintains a list of private ways so designated by the Planning Board. Contact the Highway Superintendent for repair advice and type of contractors who perform routine maintenance.

2. **If Your Road is "Unaccepted":** There are many roads in Westford that are not accepted public ways; which means that the voters of the Town have not authorized the expenditure of public funds for the repair and maintenance of the roadways. The property owners alongside unaccepted roads (the abutters) usually own to the centerline of the roadways that touch their parcels of land. See the property deed for details. (Deeds are on file at the Registry of Deeds in Lowell). It has been the practice in Westford for decades to not use public resources on unaccepted roadways except where specifically authorized by state law. Abutters to unaccepted streets have three options for having their roads improved:

A. In cases of roads constructed before 1955, and post-1955 abandoned subdivision roads, abutters own a portion of the roadway; individuals and groups of abutters may hire private contractors to fill in holes, repair drainage structures and otherwise improve the roadway. It is recommended to check with the Highway Superintendent first for advice and suggestions. The Highway Superintendent maintains a list of contractors who perform routine road maintenance.

B. Abutters of unaccepted roadways have the right to submit an article for inclusion on a Town Meeting Warrant seeking Town acceptance of the road and subsequent maintenance or improvement of the road. Since it has been the practice of the Town to improve roads under the Town's Betterment Policy and developers are responsible to prepare paved roads prior to their acceptance by the Town, it is unlikely Town Meeting would support such an article. Contact the Board of Selectmen's office for advice on preparing a warrant article for Town Meeting and following the requirements of Massachusetts General Law for street acceptance.

C. 1. Abutters of unaccepted roads constructed before 1955, which have been open to the public for a period of two years, may submit a written petition to the Board of Selectmen that the street be improved under the Town's Temporary Repairs to Private Ways Bylaw as a matter of public necessity. Upon receipt of a petition, the Selectmen will direct the Town Engineer to determine public necessity. If repairs are needed and voted affirmatively by a majority of the Board, temporary repairs may be undertaken and abutters will be assessed betterment charges. Because the Town is funding repairs up-front, with the cost being paid back by abutters over a period of years, the expenditure must be approved by Town Meeting. Repairs cannot begin until Town Meeting authorizes the funding. Refer to the Town's Temporary Repairs to Private Ways Bylaw for additional details.

C. 2. Abutters of unaccepted roads constructed after 1955 under the Subdivision Control Act must first appeal to the developer to complete road repairs and improvements and bring it forward to Town Meeting for acceptance. Subdivision road acceptance is the responsibility of the developer. It is understood, the reasons for each unaccepted subdivision road may be unique and one policy may not cover each situation. If the Planning Board determines the developer has abandoned the road, any remaining bond money will be seized and a plan developed by the Town Engineer to apply the funds toward completion. When bond money is posted for a subdivision, it is the desire of the Board of Selectmen and Town in general, to bring all roads of a subdivision forward for acceptance simultaneously so that bond money is equitably used. If bond money is no longer available or insufficient to complete necessary road repairs, the cost of street completion may be required of abutters through the Town Betterment Policy.

Abutters to an unaccepted subdivision road may submit a written request to the Town Engineer for street acceptance and improvement under the Town's Betterment Policy. Roads are to be brought to the standard at the time of Planning Board approval of the definitive subdivision plan.

3. **If You Own Property on a Town Way:** Five accepted Town Ways in Westford are not paved. The unpaved Town Ways are Vose Road, Old Road, Wright Lane, Wing Road, and Flushing Pond Road. To have a Town Way paved, abutters may offer to finance the engineering, construction and material costs, proceeding under the Town's Betterment Policy, or submit a Town Meeting Warrant Article asking for Town funding for the project, (please refer to the Selectmen's Office for correct timing for submitting articles). The betterment of accepted Town Ways follows the same process as unaccepted ways.

## **TOWN OF WESTFORD IMPROVEMENT TO ROADWAYS BETTERMENT POLICY**

Citizens may submit a written request to the Board of Selectmen for street acceptance and/or improvement under the Town's Betterment Policy. Massachusetts General Law Chapter 80, sections 1 to 17, covers Town administration of betterments. The Massachusetts Department of Revenue, Division of Local Services, Memorandum on Betterments and Assessments, Assessment and Collection Procedures, (April 2001), offers further guidance.

Generally, a betterment or special assessment is a special property tax that is permitted where real property receives a special benefit or advantage from the construction of a public improvement. Assessment of the project costs must be reasonable and not substantially in excess of the benefit received. Public improvements, which may be subject to betterments include, but are not limited to, street layouts, temporary repair to a private way, water, sewer and sidewalks. A betterment or special assessment is a lien on the property benefited.

- To begin the betterment process, a minimum number of abutters must petition the Board of Selectmen, the Assessing Authority:

Temporary Repairs to Private Roads	75%
Subdivision Road Street Acceptance	51%
Paving of Town Ways	75%

- Betterment costs, including but not limited to engineering, materials, labor, plan preparation, bonding and legal expenses, will be included in the final assessment.
- Betterments will be assessed on a per lot basis or on the proportion of the lot on the way to be improved or other proportional method as may be required by vote of Town Meeting.
- Abutters will assume 100% of the cost of the betterment for street layout or improvement, temporary repair to private ways or paving of Town Ways.
- The betterment term will be mutually agreed upon between the Assessing Authority and petitioners, usually 5 to 20 years.

# WESTFORD TOWN BYLAW

Unaccepted Roads Committee

March 2012

## APPENDIX 5 - Bylaw

### Chapter XXX Temporary Repairs to Private Ways

#### § XXX-1 Purpose and applicability.

1. The Town is authorized to make temporary repairs to private ways, constructed prior to 1955, which have been open to the public for a period of at least six (6) years, out of funds appropriated for said purpose by Town Meeting. In all cases, the entire cost shall be assessed as a betterment on those properties which benefit from the repairs. Repair does not mean new construction.
2. The repairs will be required by public necessity, including but not limited to (a) the necessity of providing adequately drained ways so as to reduce ecologically harmful runoff into the Town's brooks and ponds, and (b) the necessity of providing adequate passable ways for public safety vehicles from public ways to residences, Town facilities and resources including access to Town conservation land. The Board of Selectmen shall make the determination of public necessity by a majority vote.

#### § XXX-2 Types of Repairs.

1. The repairs must be temporary in nature, such as filling, grading, patching and surface coating, and may include such repairs to drainage swales, conduits and structures as are necessary to preserve the integrity of surface repairs to the roadway, and shall not be such as to constitute a reconstruction of the roadway.
2. The temporary repair shall have a minimum expected life equal to the bond term or 20 years.
3. Temporary repairs may be undertaken on a way subject to this bylaw, or to a contiguous portion of such way, which begins and ends at an intersection or conjunction with another way.

#### § XXX-3 Petition.

1. A minimum of seventy five percent (75%) of the owners of property abutting the portion of the way proposed to be repaired must petition for the repair, with each ownership entity counting as one. The Board of Selectmen are authorized to waive this requirement.

#### § XXX-4 Betterment charges.

1. The owners of land abutting such way who derive benefit from said repairs shall be assessed betterment charges by the Board of Selectmen. Betterment charges, in an amount of 100% of the aggregate cost to plan, prepare and improve the

private way shall be assessed on a per lot basis or on the proportion of the lot on the way to be improved or other proportional method as may be required by the Board of Selectmen.

2. The Town may be considered an abutter, if property under the care, custody and control of the Town abuts said way, to be improved.
3. A cash deposit shall not be required.

#### **§ XXX-5 Status of way.**

1. This bylaw does not confer any obligation or duty on the Town or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair.
2. The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such private ways as public ways, nor does it constitute a way being "maintained and used as a public" under the Massachusetts Subdivision Control Law.
3. Any private way improved under the provisions of this bylaw need not be brought up to full Town standards and may continue to remain a private way. Improved private ways may be brought to Town Meeting for acceptance as a public way by completing the steps outlined in the Town's Street Acceptance procedure, which may be amended from time to time.

#### **§ XXX-6 Liability.**

1. The Town, in making repairs under this section shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

#### **§ XXX-7 Indemnity Agreement.**

1. No repair of a private way shall be undertaken until the Board of Selectmen has in its possession agreements executed by at least 85% of abutting owners on the portion of the way to be repaired holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:
  - A. that the Town assumes no liability to such owners by making the repairs;
  - B. jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorneys' fees and other costs of defense;

- C. that should the Town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- D. that such repair shall not constitute "maintenance" of such way, so as to give the way the status of a way "maintained and used as a public way" under the Massachusetts Subdivision Control Law;
- E. that if assessed for repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over a number of years.

**§ XXX-8 Continually Open to Public Use.**

1. Repairs or maintenance under this section shall not be performed on private ways that do not remain open to public use for the duration of the bond.

# **FINAL REPORT**

## **UNACCEPTED ROADS COMMITTEE**



**March 2012**



***The Unaccepted Roads Committee strongly advises that the single most important action the Town can take is to ensure no new road will ever languish in an unaccepted state. The Committee urges Town boards to use all means available under Massachusetts General Law to structure and manage financial incentives so as to ensure that all eligible roads are accepted.***

## **EXECUTIVE SUMMARY**

### **No New Unaccepted Roads**

While not explicitly stated in its charge, the Unaccepted Roads Committee unanimously agreed that the single most important action the Town can take is to ensure no new road will ever languish in an unaccepted state.

Unfortunately there is no rule, regulation, policy or bylaw that can completely prevent unaccepted roads now or in the future. The Planning Board has the authority to establish bonds in such a way that developers have a financial incentive to complete a project in a timely manner and get roads accepted. The addition of full-time engineering and planning staff, increased bond amounts and decreased opportunities for developers to receive bond reductions on unfinished developments, and the Board of Selectmen's December, 1994 decision to stop plowing newly approved subdivision roads until accepted, has greatly reduced the possibility of a new road becoming "abandoned." The Committee, though, urges the Planning Board to use all means available under Massachusetts General Law to ensure all eligible roads are completed and brought forward for acceptance.

Additional measures may include more frequent Planning Board review during project construction prior to release of surety, tougher site plan review, requiring interim as-builts, placing limits on project length, modifying the bonding process to account for increased completion costs (especially for developments that remain unfinished for many years), or other such recommendations as identified by Town staff.

### **Make the Acceptance Process Affordable**

The current street acceptance policy requires that a road be brought up to today's standard of "perfect," and that the Town pay 25% of the cost to do so.

These requirements far exceed both the Town's and the abutters' financial abilities. In addition, the Massachusetts Department of Revenue, (DoR) limits betterment assessments to the gain realized by the individuals being assessed. The effect of this DoR limitation is that, even if the abutters agree to pay substantial sums through betterment, they or the DoR can later determine that the assessed amount exceeds the realized gain. At that time, the Town would be forced to reduce the amount assessed to each abutter and to absorb the difference.

To solve all these problems, the Committee recommends the betterment policy be modified in two ways: First, abutters pay 100% of the cost of a betterment, with the Town participating only if it is, itself, an abutter to the road. This is consistent with the policies of other towns throughout the Commonwealth. Second, rather than requiring an unaccepted subdivision road be brought up to today's standard of "perfect," the Town accept as a standard the

requirements in place at the time of definitive plan approval, with consideration for normal wear and tear.

By implementing these changes, abutters will reasonably be able to bring their road to a state sufficient for acceptance, the Town will neither pay for the repair of the road nor act as an impediment to its improvement, and any betterment assessed in association with the improvement will logically meet Department of Revenue requirements.

## **Old Roads Are Special (So Let's Treat Them That Way)**

Pre-subdivision law roads (i.e., those built prior to 1955) do not need to be accepted in order to receive emergency and snowplowing services from the Town. That does not, however, make such roads eligible for road repair and maintenance services. Unlike with subdivision roads, there is no reasonable, cost-effective way to bring such old roads to up to a standard that would allow them to be accepted by the Town. Even though old roads may remain perpetually unaccepted, they are still often open to the public and can be in need of maintenance. Massachusetts General Law prohibits the Town from expending funds on unaccepted roads, including these pre-subdivision roads, preventing the Town from performing maintenance, should it be necessary. At the same time, it is in the Town's interest to ensure that such roads are safe.

With that in mind, the committee proposes the Town adopt a bylaw to allow for temporary repairs to old roads. (Appendix 5) The bylaw provides the abutters to an old road (and the Town, in the case of public necessity) the ability to petition the Town to engage in necessary repairs to the road through a betterment. The abutters to the road will fund such repairs, but the bylaw allows the abutters to rely upon the financial strength of the Town to facilitate the repairs in a cost-effective manner.

## **Funding Road Acceptance**

Through extensive research, the Committee learned that the vast majority of towns in the Commonwealth do not share in betterment costs, and we recommend Westford do the same.

In part, a zero-participation policy accounts for the fact that the abutters, and not the Town as a whole, are the ultimate recipients of the benefit of the associated road improvement. In addition, though counterintuitive, when a town has a policy of participating in betterments, abutters generally end up paying more for road improvements than they would have had the town policy been to not participate in the betterment at all.

A town's decision to expend funds to participate in a betterment is subject to all the other budgetary considerations a town is constantly making. This means that a town may determine that participation in a betterment is not the most effective way to expend its funds, thus delaying the betterment until the next fiscal year. When a town makes this determination year after year, the state

of the road in need of improvement degrades exponentially while the cost of labor and materials steadily rises. Given this scenario, it is easy to see how a once affordable road improvement project quickly becomes cost-prohibitive for both the town and the abutters. A zero-participation policy removes this obstacle, allowing committed abutters to expediently execute on their decision to improve the road.

The Committee also recommends that the Town bundle together street acceptances and temporary repairs for efficient bonding purposes.

## Help Homeowners Help Themselves

Massachusetts General Law prohibits the expenditure of public funds on private roads. This includes funds for engineering and administration even to determine what is necessary to bring a road up to the appropriate standard. The Town is not, however, prevented from providing clear documentation, policies, procedures, and reference material that residents can leverage for use in determining the requirements to bring their roads forward for acceptance or temporary repair.

The Committee has provided in the appendixes to this report a Selectmen's Bulletin, a Street Acceptance Flow Chart, and a Street Acceptance Reference Document that may be used as the basis for a homeowner self-help website and/or information packet. In addition to these documents, the Committee also suggests the Town develop a complete self-help website for use by abutters to unaccepted roads.

Because roads that go unaccepted and unmaintained become exponentially more expensive to deal with, the Committee strongly believes the Town should engage in a practice of aggressive notification of the abutters to those roads. Such notification mechanisms could include posting "Private Way" signs on unaccepted roads, sending notices along with the annual census, publishing the list of unaccepted roads annually, including a full street listing on the Town website and in the Annual Town report, and updating the Assessor's card to include whether a street is accepted or private.

## TABLE OF CONTENTS

<b>ADVISORY</b>	<b>2</b>
<b>EXECUTIVE SUMMARY</b>	<b>3</b>
<b>INTRODUCTION</b>	<b>7</b>
<b>EXISTING POLICY</b>	<b>7</b>
<b>THE PROBLEM</b>	<b>8</b>
<b>DEFINING THE PROBLEM</b>	<b>10</b>
CLASSIFYING UNACCEPTED ROADS	
CONDITION AND COST TO REPAIR ROADS	
FUNDING ROAD IMPROVEMENTS	
<b>KEY POLICY DECISIONS</b>	<b>17</b>
STREET IMPROVEMENT FLEXIBILITY	
STREET ACCEPTANCE STANDARDS	
STREET IMPROVEMENT FUNDING	
<b>STREET ACCEPTANCE GUIDANCE</b>	<b>18</b>
<b>COMMUNICATION</b>	<b>19</b>
<b>RECENT SUCCESSES</b>	<b>20</b>
<b>RECOMMENDATIONS</b>	<b>21</b>
<b>BEYOND THE CHARGE</b>	<b>23</b>
<b>ACKNOWLEDGEMENTS</b>	<b>25</b>
<b>APPENDIX</b>	
1. WESTFORD HIGHWAY DEPARTMENT STREET LISTING	<b>26</b>
2. FST UNACCEPTED ROADS STUDY	<b>38</b>
3. DEPARTMENT OF REVENUE BULLETIN – ASSESSMENTS	<b>41</b>
4. STREET BETTERMENT WORKSHEETS	<b>44</b>
5. TEMPORARY REPAIRS TO PRIVATE WAYS – BYLAW	<b>52</b>
6. STREET IMPROVEMENTS/BETTERMENTS BULLETIN	<b>55</b>
7. UNACCEPTED ROADS REFERENCE DOCUMENT	<b>59</b>
8. STREET ACCEPTANCE FLOW CHART	<b>70</b>
9. ABANDONED ROADS PROVISION	<b>72</b>

## Introduction

From time to time, residents contact the Town of Westford Highway Department or Selectmen requesting repairs or improvements to their street only to learn it is unaccepted or private and that repairs cannot reasonably be undertaken under penalty of Massachusetts State Law. The question that follows is how does a street become accepted and eligible to receive Town services? There was no clear answer because the existing policy did not accommodate the requirements for acceptance of abandoned subdivision roads and had no specific construction standards for pre-subdivision roads. The process frustrated the Selectmen and residents.

In late 2009, the Westford Board of Selectmen charged an eleven-member committee with the task of solving the problem of unaccepted roads. The committee was to review the unaccepted roads in the Town of Westford and recommend a policy for addressing these roads that is fair, consistent, clear and affordable. Specifically, the committee was to:

- 1) Propose a flexible street betterment policy to assist residents in getting their unaccepted street accepted.
- 2) Any betterment policy should take into consideration past betterments that have been approved, the condition of the street, the circumstances on why the street has not been accepted, and State and Westford subdivision regulations.
- 3) Propose a funding mechanism for the Town's portion of the financial obligation for roads that may become accepted in the near term.
- 4) Document the process for residents to have their road accepted in a manner that is clear and concise.
- 5) Recommend how to communicate to the residents the results of this study if approved by the Board of Selectmen.

## Existing Policy

A Road Improvement/Betterments policy was adopted in the late 1970's prior to the Town's hiring a permanent, full-time engineer. At that time and continuing until the present, the town would participate by paying a 25% share in street improvements toward acceptance. The policy states, "A written request may be submitted to the Board of Selectmen that your street be accepted and improved under the Betterment's program. Massachusetts General Law Chapter 80 covers administration of betterments. The Selectmen may direct the Highway Superintendent to review the betterment's request and hire an engineer to prepare "layout" plans. The ability to hire such an engineer is limited by the availability of funds in any one year. If an engineer's layout plan is prepared and the Highway Superintendent and the selectmen recommend the project, the next step is to have the Town's attorney prepare a petition and waiver that each abutting owner to the roadway will be asked to sign. It has been the practice of

the Town to require the signatures of a clear majority of the abutting owners. A public hearing will be held by the Selectmen to act on the adoption of the official layout of the proposed road. If approved, an article will be placed on the Warrant for the next Annual Town Meeting asking that the Town accept the road as a Town Way and that funds be appropriated to improve the new Town Way. The Town will pay 25% of the cost of the improvements and the remaining 75% will be paid by the abutting property owners, based on their proportionate share of frontage on the new Town Way, by the assessment of betterments to be paid over a period of years, (usually 10 to 15 years)."

The basis for the policy is a Massachusetts General Law that prohibits the expenditure of public funds on a private way. Until a private way is "laid out" and voted for acceptance by Town Meeting under Massachusetts General Law Chapter 82 sections 21-23, the Town may not use public funds for road maintenance. The exception to this law is snow removal. In 1958, the Town exercised a local option to authorize the appropriation of public funds to provide for snow and ice removal on private ways open to the public. In 1994, the Highway Department and the Planning Board requested that the Board of Selectmen stop removing snow and ice from unaccepted subdivision roads and the matter was discussed at a number of Board of Selectmen's meetings. On August 23, 1994, the Board of Selectmen voted to continue removing snow and ice from a private road if the road has been open to public use for the past six years, plowed for the last year or more, graded, free of potholes and free of interfering tree limbs. On December 13, 1994, the Board of Selectmen voted, effective January 1, 1995, to stop plowing Planning Board approved new subdivision roads until accepted by the Town.

## The Problem

The problems associated with improving streets for acceptance are two-fold. The first problem is the sheer number of streets and miles of road. The Town has many streets constructed before zoning and the implementation of the Subdivision Control Act. Old roads may have started as gravel paths and have no drainage. There are a fixed number of old roads and the existing policy was addressing the problem. However, the existing policy did not address abandoned subdivision roads. Subsequently, the number of unaccepted roads has increased rather than decreased over the past two decades, due to the number of subdivision roads abandoned by developers.

The second problem is the escalating cost of repairs, coupled with the Town's ability to contribute 25% of the improvement cost as given in the existing policy. In other words, the problem was getting bigger. The table on the following page lists the 11 miles of unaccepted roads in 2009 from the Planning Board's web site.



## Westford Street List

## UNACCEPTED ROADS

8/25/2009

STREET NAME	STATUS	FROM	TO	LENGTH	WIDTH
BIRCH ROAD EXT	UNACCEPTED	ELM ROAD	EDWARDS AVENUE	209	25
BLAISDELL ROAD	UNACCEPTED	SOUTH CHELMSFORD ROAD	VOSE ROAD	751	19
CEDAR ROAD	UNACCEPTED	FIR ROAD	MAPLE ROAD	401	14
CHESTNUT ROAD	UNACCEPTED	DEAD END (S OF MAPLE)	MAPLE ROAD	751	18
CHRISTY LANE	UNACCEPTED	VINEYARD ROAD	CUL-DE-SAC LOOP	640	23
CLARE CIRCLE	UNACCEPTED	POLLEY ROAD	CUL-DE-SAC	698	28
DANIEL DRIVE	UNACCEPTED	NORTH MAIN STREET	CUL-DE-SAC LOOP	1202	22
ELDERBERRY WAY	UNACCEPTED	ACTON ROAD	CUL-DE-SAC LOOP	1398	23
GIFFORD DRIVE	UNACCEPTED	LOWELL ROAD	CUL-DE-SAC LOOP	950	23
HIDDEN VALLEY ROAD	UNACCEPTED	NORTH HILL ROAD	CUL-DE-SAC	1705	26
HUTCHINS WAY	UNACCEPTED	ROBINSON ROAD	HUTCHINS WAY	1556	23
JELLEY ROAD	UNACCEPTED	NUTTING ROAD	DEAD END	492	23
JENNIE RICHARDS ROAD	UNACCEPTED	OLD LOWELL ROAD (W)	OLD LOWELL ROAD (E)	1831	22
MISTY LANE	UNACCEPTED	WAYNE ROAD	DEAD END	3459	28
MUSKET LANE	UNACCEPTED	SAWMILL ROAD	CUL-DE-SAC	612	26
OAKDALE ROAD	UNACCEPTED	SAND BEACH ROAD		118	0
PINE GROVE ROAD	UNACCEPTED	BEAVER BROOK ROAD	DEAD END	815	12
POLLYANNA LANE	UNACCEPTED	FORREST ROAD	DEAD END	834	15
RANDOLPH CIRCLE	UNACCEPTED	GRANITEVILLE ROAD	CUL-DE-SAC	1345	22
ROBINWOOD CIRCLE	UNACCEPTED	HOWARD ROAD	CUL-DE-SAC LOOP	1330	23
ROLLING MEADOW LANE	UNACCEPTED	FORREST ROAD	CUL-DE-SAC LOOP	1084	22
ROME DRIVE EXT	UNACCEPTED	ROME DRIVE	CUL-DE-SAC	1519	19
RUSH ROAD	UNACCEPTED	CONCORD ROAD	CUL-DE-SAC LOOP	763	21
SAWMILL ROAD	UNACCEPTED	HIDDEN VALLEY ROAD	DEAD END	1799	26
SHANNON CIRCLE	UNACCEPTED	GRIFFIN ROAD	SHANNON CIRCLE	2078	25
SUMMER VILLAGE ROAD	UNACCEPTED	DUNSTABLE ROAD	PARKING LOT	521	19
SWEDES CROSSING	UNACCEPTED	STONY BROOK ROAD		2039	0
TAVERN CIRCLE	UNACCEPTED	SWEDES CROSSING		826	0
TYLER ROAD	UNACCEPTED	VINEYARD ROAD	CUL-DE-SAC LOOP	805	23
VINEYARD ROAD	UNACCEPTED	TYNGSBORO ROAD	RUSSELL WAY	2661	24
VOSE HILL ROAD	UNACCEPTED	ACTON ROAD	LANDMARK ROAD	5516	28
WILLIAMS AVENUE	UNACCEPTED	EDWARDS AVENUE	PLAIN ROAD	1682	22

The causes of the growing problem are many. The obvious cause is abandonment by the developer. The committee recognized that each abandoned subdivision has a unique story as to why the roads were never completed. In some cases, the developer went bankrupt, died, was imprisoned or simply walked away from the project. Since the Town is prohibited from expending public funds on a private way, there is no trigger for town staff to take any action, especially if no funds are available in the form of a bond, to complete the process. Public opinion plays a role in that there is a belief that taxpayers should not pay to complete a subdivision road by which a developer may have profited. Homeowners may not be aware that their road is unaccepted and not eligible for Town services until the road is in such disrepair that it becomes cost prohibitive to fix. Another consideration is that it is virtually impossible for an inexperienced or untrained individual to shepherd a road through the subdivision street acceptance process.

Finally, the Town may not have the funds available to undertake a street improvement even through betterment. The Betterment Program requires the Town "front" the total cost of the improvement, allowing participating abutters to pay back the improvement over a period of years through a supplement to their property tax bill. As the total cost of the repairs needed for acceptance increases, the one-time hit to the municipal budget within the Proposition 2 and ½ levy limit can be significant.



## WESTFORD BETTERMENT SUMMARY

FY '02 THROUGH FY '12

YEAR	ARTICLE #	STREET(S)	PURPOSE	AMOUNT	TOWN'S SHARE
2002	STM 5	CAMP RD.	ACCEPTANCE	\$25,000	\$6,250
2002	STM 4	OAK RD.	ACCEPTANCE	\$39,000	\$9,750
2006	STM 7	GROVE ST. BIRCH RD. POND RD.	PLAN DEVELOPMENT	\$50,000	\$12,500
2007	STM 7	POND RD.	IMPROVEMENTS	\$200,000	\$50,000

This table illustrates how the Town's share, at 25% of the total cost of a street improvement, has increased over the past few years.

## DEFINING THE PROBLEM

The existing Road Improvement/Betterment Policy is a one size fits all policy in a town with many different types of private or unaccepted roads. Originally, the policy addressed only roads constructed prior to Subdivision Control. The policy did not address the issues associated with abandoned subdivision roads. Procedures for subdivision street acceptance are confusing, require knowledge of the permitting process and skilled navigation through town departments requiring sign off from the Fire Department, Board of Health and Conservation Commission, as well as Engineering and Highway, with a myriad of forms, deeds and legal instruments. The average citizen needs to hire an attorney, an engineer and land surveyor to complete the necessary paperwork and plans.

Residents of old roads run into a different problem altogether, in that there is no reasonable road construction standard for acceptance. Residents of these pre-subdivision roads can find themselves embroiled in years of negotiations with the Town over the extent of repairs needed. And there is no town resource available to assist those willing to undertake the steps necessary to becoming an accepted road. In recent years, it has been the Town's practice to hold abutters of old or pre-subdivision roads to the same street acceptance procedure used by subdivision roads. The entire process is reactive rather than proactive.

Armed with experience and anecdotal evidence, the committee dissected the problem in order to identify barriers and establish a suitable policy.

### Classifying Unaccepted Roads

The first task was to review the unaccepted roads in the Town of Westford to determine if road classification could be refined to more than accepted versus unaccepted. For the purpose of providing maintenance services to roadways, the Westford Highway Department classifies roadways in four (4) different types:

1. Accepted Public Roads.
2. Roadways still under construction where development is active.
3. Roads built to be accepted but the developer is no longer active.

4. All other roads, including state highways, private roadways, common driveways and those constructed prior to 1955, (Subdivision Control).

The classification system addresses the type of service required of and provided by the Highway Department, from road maintenance to inspection to snow and ice removal. The committee reviewed all guiding town documents: General Town Bylaws, Zoning Bylaws and Subdivision Rules and Regulations and found that no one document comprehensively defined the various types of roads. Each document addressed one type of road, excerpted below:

### **General Town Bylaw**

#### **Chapter 148 Streets and Sidewalks, Section 14**

**Public way** shall mean the entire width between the lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and shall include the entire width of any sidewalk within the lines of such way. In the case of ways established by prescription or concerning which no official layout exist, the edges of the surface of the traveled way shall be deemed to be the lines of such public way.

**Driveway** shall mean a privately owned access to and from a public way.

**Through way** shall mean any way designated as such by the Department of Public Works or the Board of Selectmen, as authorized under section 9 of chapter 89 of the Massachusetts General Laws, as amended.

### **Zoning Bylaws**

#### **Definitions, Section 10.0**

**Common Driveway:** A driveway providing access to two (2) or more separate lots, over which vehicular access may be provided to said lots. "Common driveways" serving two (2) or more lots shall be built as per the standards for new roadway construction as outlined in the Planning Board's Rules and Regulations.

**Thoroughfare:** A street open at both ends, affording an unobstructed exit at each end into another street.

### **Subdivision Rules and Regulations**

#### **218.3 Terms Defined**

**Street:** A public way or a way having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the proposed use of the land abutting thereon or served thereby (major, secondary and minor streets are defined in Article V of these regulations).

#### **218.13 Specific Design Requirements**

**Private street:** an otherwise minor street with various standards waived and thus not able to be accepted by the Town.

The committee agreed that the Westford Highway Department classification system adequately defined the types of roads in Westford, (Appendix 1). The existing Road Improvement/Betterment Policy had been put into place before abandoned subdivision roads became a part of the problem and did not address the new need. The classification system made it clear however that **each road category would need its own set of action steps toward improvement or acceptance.**

## Condition and Cost to Repair Unaccepted Roads

The next task was to assess the condition and estimate costs to repair the various classes of unaccepted roadways. In early 2010, staff prepared a summary of unaccepted subdivision road bond history and most recent available estimated cost of completion. Absent from the list was Vose Hill Road, where estimates ranged from \$720,000 to \$1,200,000 to bring the road to current town standards.

**TOWN OF WESTFORD STREET LIST DETAIL**  
Please see Town of Westford Board of Selectmen Policy & Procedure governing Private and Unaccepted streets

**DRAFT**

Town Status Codes:  
1-Accepted      2-Built to be Accepted, Builder responsive      3-Built to be Accepted, Builder Defaulted  
4-Private-Common Driveway, Condo, Private Way, Office Park      5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Subdivision	Bond Balance as of 6/30/10 <sup>1</sup>	Source/Account	Bond Palled?	Work still underway	Proposed Town Mtg?	Est. Cost to Complete	Date of Cost Est.
2	Christy Lane	Unaccepted	Y	Vineyard Estates	\$ -		Y	complete	STM 2010	\$ 15,250	
2	Elderberry Way	Unaccepted	Y	Elderberry Estates	\$ 89,541.77			Y	STM 2010		
2	Jennie Richards Rd	Unaccepted	Y	Blue Bird Estates	\$ 133,229.16			Y	ATM 2011(?)	\$ 275,571	12/03
2	Rush Road	Unaccepted	N	Rush Meadows	\$ 32,119.88			Y			
2	Tyler Road	Unaccepted	Y	Vineyard Estates	\$ -		Y	complete	STM 2010	\$ 15,250	
3	Clare Circle	Unaccepted	Y	Polley Road Estates	\$ -						
3	Daniel Drive	Unaccepted	Y	Farm Acres				Y	STM 2010	\$ 27,426	2001
3	Gifford Drive	Unaccepted	Y	Birch Heights	\$ 15,756.49						
3	Hidden Valley Rd	Unaccepted	Y	North Hill Estates	\$ -		Y			\$ 86,159	2001
3	Hutchins Way	Unaccepted	Y	Westford Manor Estates	\$ 117,729.58	Bank North acct #202560791					
3	Misty Lane	Unaccepted	Y	Ivy Hill	\$ 5,629.99						
3	Randolph Circle	Unaccepted	Y	Phillips Estates	\$ 34,114.17		Y			\$ 74,777	2001
3	Robinwood Circle	Unaccepted	Y	April Woods	\$ 8,578.05					\$ 13,164	2001
3	Rolling Meadow Lane	Unaccepted	Y	Rolling Meadow Estates	\$170,000+	St. Paul Insurance Company Acct #U-8120				\$ 37,222	6/06
3	Rome Drive Extension	Unaccepted	N	Sullivan Estates	\$ 58,109.06		Y			\$ 228,000	12/05
3	Sawmill Road	Unaccepted	Y	North Hill Estates	\$ -		Y			\$ 56,929	2001
3	Shannon Circle	Unaccepted	Y	Timberstone	\$ 44,500					\$ 44,500	2001
3	Swedes Crossing	Unaccepted	Y	Chestnut Hill Estates	\$ -		Y	Y	STM 2010		

Source: Town Accountant records. The bonds listed are secured funds being held as escrow accounts or fiscal passbooks.

At the suggestion of staff, Fay, Spofford and Thorndike Engineers were contracted to conduct pavement management condition surveys and general drainage facility assessments on specified Town unaccepted roads. FST Engineers had conducted the Pavement Management Study on all accepted Town roads in 2009. This comprehensive study was undertaken in order to develop an extensive roadway database describing actual pavement conditions and roadway characteristics in Westford to better understand future roadway maintenance needs at various funding levels. The survey would allow engineering to assess a per mile price to bring an unaccepted road up to town standard. Town standard was assumed to be a PCI (Pavement Condition Index) of 100 or near perfect range. The estimated cost of the backlog of unaccepted streets was put at \$1,030,300\*, which did not include drainage, utilities, sidewalks, signals, signs, or engineering. The added cost of paving the 11 gravel segments to subdivision regulations increased the total cost to \$1,618,935. (Appendix 2)

\*In 2012, the cost is reduced to \$908,915 due to street acceptances.

With the cost of repairs climbing, the committee investigated if there was an upper limit on any assessed betterment amount. The Massachusetts Department of Revenue, Division of Local Services Bulletin on *Betterments and Special Assessments / Assessment and Collection Procedures* (Appendix 3), states “Assessments of the project costs must be reasonable and proportional and not substantially in excess of the special benefits received from the improvement. A special benefit is measured by how much the particular improvement has increased the fair market value of the property, as between a willing buyer and seller considering all present and future uses to which the property is or may be reasonably adapted in the hands of any owner.” Town Counsel provided the committee with the following opinion:

***When assessing a betterment, is there a limit on how much may be assessed against a particular property?*** “Yes, there is a limit on how much may be assessed against a particular property, and that limit is, the amount by which the improvement (in this case, laying out and accepting a road as a public way and upgrading it) increases the fair market value of each of the benefited properties; if the owner can prove the property has been over-assessed by this measure, the owner will be entitled to an abatement. The applicable statute is G.L. c.80, §1 – the board shall “determine the value of such benefit or advantage to the land within [the project area] and assess upon each parcel [of such value] a proportionate share of the cost of such improvement ... but no such assessment shall exceed the amount of such adjudged benefit or advantage.” If the cost of the improvement exceeds the benefit (i.e., increased value) of the land, then only a portion of the cost may be assessed and the taxpayers must bear the balance of the cost. Chapter 80 does not set a limit, such as 50% (G.L. c.83, §26 [cited below] is relevant only to projects that focus solely on the creation of sidewalks), but there is a limit that must be determined through cost/benefit analysis.”

It became evident from these studies that under the current policy and practice of bringing roads up to today's standards, the shared cost was impractical. The increasing cost of construction has reached the limit of what could reasonably be assessed to an individual property and what the Town could reasonably be expected to pay in one fiscal year. **A road standard that was affordable for both abutters and the Town, taking wear and tear into consideration, needed to be established. The alternative would be to increase the Town's share in the cost of improvements.**

### **Funding Road Improvements**

Finding a funding mechanism for the Town's share of any betterment or subdivision road street acceptance was an important step undertaken by the committee. The base assumption was that the Town would continue to fund a

share of the problem. With the assistance of the Town's Finance Department, the committee explored available options.

### **Operating Budget**

The Town's expenditures are exceeding its projected revenues. In late 2010, the FY11 budget gap was projected at about \$3,000,000. Despite closeouts and significant cost-reduction efforts, the gap continues to widen. Entering FY 14, the gap is estimated at \$5,500,000. Funding road improvements/acceptance within the operating budget is not recommended.

### **Capital Budget**

The Town has over \$35M in capital requests for FY 13 through FY 17. Currently, only \$1,500,000 per year in pay-as-you-go money has been funded for capital projects. In addition, capital improvements have been bonded and prior capital appropriations reallocated, to meet immediate needs. Road improvements could be requested through the Capital Planning Committee. However, requests could take years due to higher priority projects. Essentially, funding would be the same as the existing policy, "limited by the availability of funds in any one year."

### **Chapter 90 Funding**

State allocated Highway Improvement funds may not be used on private roads.

### **Betterments**

Betterments are defined as a special property tax that is permitted where real property within a limited and determinable area receives a special benefit or advantage, other than the general advantage to the community, from the construction of a public improvement. Betterments had been used extensively in the past, particularly in the Nabnasset area, to improve and accept old roads. The Town participated with a 25% share.

Streets participating in betterment program (2002 – 2010)

Byrne Ave.	Hadley Rd.	Moore Ave.	Texas Rd.
Edwards Ave.	Hemlock Rd.	Oak Rd.	Tower Rd.
Endmoor Rd.	Knoll Rd.	Pine Rd.	Trails End
Grove St.	Maple Rd.	Pine Tree Trail	Willow Rd.

The Finance Department was not in favor of the Town continuing to fund 25% of betterments. State statutes do not require towns to participate at a prescribed level. A 100% level was recommended for participants.

### **Bonding**

The Finance Department was in favor of bundling multiple streets on a planned schedule for road improvements and bonding. The bond payment

schedule could be matched to the betterment payment so that there would be no direct effect on the operating or capital budgets.

The committee investigated a market basket of surrounding and similar towns. Initial research determined that very few towns had a solution and most were interested in Westford's results. The search was broadened and involved extensive research into the practices and policies of other towns. Of the 19 responding towns, only two paid any portion of a betterment. All other towns required 100% participation by abutters.

TOWN	INSTRUMENT	TOWN'S SHARE
ACTON	Subdivision rules	0%
ANDOVER	Subdivision rules	0%
BILLERICA	Bylaw	0%
CHATHAM	Policy	0%
CHELMSFORD*		
CONCORD	Bylaw	0%
GROTON	Bylaw	25%
HARWICH	Bylaw	0%
LEXINGTON	Subdivision rules	0%
LITTLETON	Bylaw	0%
MARLBORO‡	Bylaw	100%
MASHPEE	Policy	0%
NORTHBORO	Bylaw	0%
STOW	Subdivision rules	0%
	Bylaw	0%
TEWKSBURY	Subdivision rules	0%
TYNGSBOROUGH	Bylaw	
WALPOLE	Bylaw	0%
WELLESLEY	Policy	0%
WESTFORD	Subdivision rules	0%
	Policy	25%
YARMOUTH	Bylaw	0%

\* Chelmsford discourages acceptance.

‡ Marlboro limits repairs to filling potholes.

The committee then looked at ways to make street acceptance affordable for abutters of unaccepted roads by investigating methods of apportionment. Town Counsel was asked if there was a set methodology for assessing betterments. Their response follows:

***Is it permissible to specify different apportionment methods for different classes of property, such as commercial versus residential; and what would happen in a mixed-use zone?*** Yes, it is permissible to specify different apportionment methods for different classes of property, such as commercial versus residential, since G.L. c.80 does not specify a particular uniform method to be used, such as frontage. Any differences, however, must be proportionate to the increased value that the improvement provides to the different classes of property. In a mixed use zone, one method would be to assess the betterment in proportion to valuation for purposes of taxation in the last annual assessment, as expressly permitted for water projects under G.L. c.40, §42H, on the theory that properties that are higher-value prior to the improvement, get more advantage (more increased fair market value) from the improvement than properties that are lower-value prior to the improvement.

In order to study the cost effect, the committee assumed a \$100,000 street repair cost and selected two unaccepted streets, Williams Ave. and Pollyanna Lane, to demonstrate the impact of various assessment methods on property owners. Williams Ave. is post -1955, subdivision street with corner lots, back lot lines abutting the street and a single-family affordable unit. Pollyanna Lane is a street dating back to the 1800's, with corner lots, back lot lines abutting the street, small lot sizes and unimproved lots. The assessment methods included parcels, frontage, frontage with an address on another street, lot size and assessed value. The committee discussed the various methods at length, but did not reach consensus on a particular method. The spreadsheets are shown in Appendix 4. To meet the intent of the Massachusetts Department of Revenue Bulletin on Betterment Assessment, the committee decided flexibility in applied methodology was necessary.

**It was concluded (1) that there are limits as to the amount of betterment that may be assessed to a property, (2) Westford funding level of 25% for betterments was unusual (3) flexibility in apportionment of a betterment is highly desirable and (4) the best opportunity for funding street acceptance/improvement in the near term was through bonding.**

## Key Policy Decisions

Three key policy decisions needed to be made to meet the committee charge. The first was finding an option for residents that would provide flexibility in making road improvements. The second was to determine what standard the Town would hold roads to for acceptance. The third was to recommend a funding scheme for bringing unaccepted roads to the standard in the near term.

### Street Improvement Flexibility

Market basket research showed that a number of towns had a bylaw that allowed residents of private roads the option of petitioning for temporary repair. The authority was granted through Massachusetts General Law Chapter 40, section 6N.

#### *Private Ways; temporary repairs, ordinances or bylaws*

*Section 6N. Cities and towns may by ordinance or by-law provide for making temporary repairs on private ways. Such ordinance or by-law shall determine (a) the type and extent of repairs; (b) if drainage shall be included; (c) if the repairs are required by public necessity; (d) the number of percentage of abutters who must petition for such repairs; (e) if betterment charges shall be assessed; (f) the liability limit of the city or town on account of damages caused by such repairs; (g) if the ways shall have been opened to public use for a term of years; and (h) if a cash deposit shall be required for said repairs.*

The pros and cons of such a bylaw were debated at length. The benefits were that relief could be offered to residents of private roads without going through the street acceptance process. Costs could be limited to what the abutters were able to pay for. The Town as a matter of public necessity could order repairs, specifically for public safety and/or water resource protection and the cost of repairs could be assigned in their entirety to the residents. A bylaw could be written so that it applied only to a particular subset of private roads. The detriment could be a perceived liability that the Town had for undertaking repairs, if not addressed in the bylaw. Adoption of a bylaw provided the greatest flexibility. The core elements were addressed by limiting the type of repairs to roads constructed before 1955, requiring abutters to sign an indemnity agreement and allow public use of the road after the repair. The bylaw also makes it clear that repair does not constitute acceptance by the Town, but does allow residents to work toward acceptance if so desired. (Appendix 5)

### Street Acceptance Standards

The next key policy decision to be made was to determine the street acceptance standard to apply to unaccepted subdivision roads. The committee recognized the limitations that could be assigned to a property through an assessed betterment. Theoretically, properties on unaccepted roads should have been assessed below market value and paying lower property taxes. However,



that was not the case in Westford. Over the past 10 years, streets going through the subdivision road acceptance process were held to the current road construction standard in perfect condition. The committee also found that applied standards were inconsistent and often waived by either the Planning Board or Board of Selectmen. This practice was thought to be unfair to residents of “lost” subdivision roads. For each year that passed, subdivision roads were held to a new, “higher” standard, driving up the cost to repair.

It was voted unanimously to recommend holding all subdivision roads to the standard in place at the time of Definitive Plan Approval, with consideration given for normal wear and tear.

### **Funding Improvements**

With the cost of road improvements increasing, and in some cases approaching \$1,000,000, the Town’s share could reach \$250,000 under the existing Road Improvement/Betterments Program. This level and rate of increase was not sustainable. Moreover, there were a number of recent examples in which residents of unaccepted roads completed road improvements at their own expense, contributing 100% of the necessary funds. This allowed neighborhoods to avoid paying prevailing wage rates and interest on any betterment. Starr Circle, Randolph Circle and Vose Hill Road took this approach.

It was voted unanimously to amend the Betterments Program to require abutters to participate at the 100% level, but allow flexibility for mutual agreement as to method of apportionment, including but not limited to frontage, acreage or assessed value. (Appendix 6)

### **Street Acceptance Guidance**

Since the Subdivision Control Law is in effect in Westford, the process of “laying out” a public way must be followed, (Massachusetts General Law Chapter 41, section 81Y), prior to Town Meeting acceptance. The committee spent months reviewing the steps necessary to bring a road before Town Meeting for acceptance. Perspectives from residents, developers, land use attorneys, Planning Board, Board of Selectmen, and Town staff were explored. Topics covered included bonding, release of bonds, and use of seized bond money, inspections, public hearings and timelines. The consensus was that the process was confusing and policies were not uniformly enforced. In order to clarify the process for residents, a Street Acceptance Reference was created. The document is comprehensive in scope and includes common definitions, the role and responsibilities of developers, residents and the Town, references to guiding Massachusetts General Law, Westford Zoning Bylaws and Subdivision Rules & Regulations, required filings and all necessary forms. (Appendix 7) The Street Acceptance Reference could be the framework for a self-help website to assist the Highway Department in answering questions.

To further facilitate the process, a flow chart (Appendix 8) was developed for residents to follow. The flow chart lists the steps for both subdivision and pre-1955 roads to achieve the desired endpoint of acceptance or improvement.

## Communication

The committee did not hold an in-depth discussion of communication steps for the public in the event the policy was approved by the Board of Selectmen, but rather captured suggestions as they arose. In addition to publishing the study on the Town web site, the committee recommends:

- Post a “Private Way” sign on unaccepted roads
- Send a notice in the Annual Census mailing
- Annual publication of unaccepted roads in a local newspaper
- Publish a street listing on the Town website and in the Annual Town Report
- Update the Assessor’s cards to include information on whether or not the street is private

## Recent Successes

Early in the progression of the project, the committee was clearly split on two issues; assigning responsibility for completing the procedure to bring an unaccepted subdivision road for acceptance and tackling the backlog of unaccepted subdivision roads as a task. One half the committee believed residents of unaccepted subdivision roads were responsible and one half the committee believed the Town had an obligation since the development had gone through Definitive Plan approval and bonds had been released. Some committee members wanted to see progress made against the backlog of unaccepted subdivision roads, especially since bonds could “expire” and others wanted to stick to the committee’s charge to develop policy and not take responsibility for seeing subdivision roads accepted. Ultimately it was decided to pursue parallel paths. Staff would address the backlog of unaccepted subdivision roads, where committee members would remain focused on policy development.

In fall 2010, staff sent letters to developers asking them to report the status of their unaccepted subdivision road to the Planning Board and informing them of any bond retained by the Town. Since that time, developers have stepped up to complete the process. The following roads have been accepted:

Vineyard Rd.  
Swede’s Crossing  
Elderberry Way

Tyler Rd.  
Tavern Circle

Christy Lane  
Daniel Drive

Encouraged by the response, a Planning Board proposed policy entitled, Abandoned Roads Provision, was drafted. This is the first policy to trigger the Town’s role in contacting inactive developers. It also clearly states when the Planning Board is to seize the bond. (Appendix 9) The committee also recommends the Planning Board adopt a policy of biannual review of subdivision road status.

Discussions are underway with the responsible developer of Jennie Richards Rd., Rush Rd. and Hutchins Way. Town Meeting 2012 approval is being pursued.

## Recommendations

The Unaccepted Roads Committee proposes implementation of the following:

### **RECOMMENDATION #1**

*Working cooperatively with the Planning Board, take every measure available under Massachusetts General Law to strengthen Westford Subdivision Rules & Regulations to ensure the Town has the funds to complete the street acceptance process in the event of developer default. Have developer bond documentation reviewed by a qualified Bond Attorney.*

### **RECOMMENDATION #2**

*To impart flexibility in street improvement requests, support the enactment of a new General Town Bylaw, Temporary Repairs to Private Ways, for streets constructed before 1955, (Subdivision Control Act), allowing residents of old roads to seek relief without undergoing street acceptance procedures.*

### **RECOMMENDATION #3**

*Support adoption by the Planning Board of the Abandoned Roads Provision policy for subdivision roads, as the means to promote active involvement by developers toward completing the street acceptance process or triggering bond seizure. Encourage the Planning Board to adopt a policy of reviewing subdivision road status every two years.*

### **RECOMMENDATION #4**

*Accept as a standard, the construction regulations in place at the time of definitive plan approval, for street acceptance of subdivision roads, with consideration given for wear and tear.*

### **RECOMMENDATION #5**

*Amend the Betterments Program to require abutters to participate at the 100% level, but allow flexibility for mutual agreement as to method of apportionment, including but not limited to frontage, acreage or assessed value.*

### **RECOMMENDATION #6**

*Whenever possible, bond street improvements by bundling several projects so that the assessed betterment payment schedule matches the bond payment schedule. Develop a schedule to address improvements/acceptance for roads, apportioning the cost evenly over a period of 2 or 3 years.*

**RECOMMENDATION #7**

*Assign responsibility and hold accountable, one Town department for assisting residents through the street improvement or acceptance process. (Town Engineer)*

**RECOMMENDATION #8**

*Approve the following documents: (1) Selectmen's Street Improvement / Betterments Policy, (2) Temporary Repairs to Private Ways bylaw, (3) Planning Board Abandoned Roads Provision, (4) Street Acceptance / Improvement Flow Chart and (5) Street Acceptance Reference Document.*

**RECOMMENDATION #9**

*Using the Street Acceptance Reference Document as the framework, direct staff to create a self-help web site for residents who wish to have their street accepted/improved. The web site should include, but not be limited to, an up-to-date list of unaccepted roads, a list of private roads not eligible for acceptance, definitions for common terms, resident rights and responsibilities, developer responsibilities, Street Acceptance / Improvement Flow Chart, street acceptance forms and references to Massachusetts General Law. Remove the out-of-date street lists from the Planning Board web site.*

**RECOMMENDATION #10**

*The results of this study, if approved by the Board of Selectmen, should be communicated to residents through publication on the Town's website. In addition, the selectmen should encourage aggressive notification of residents of unaccepted roads by:*

- Posting a "Private Way" sign on unaccepted roads*
- Sending notice in the Annual Census mailing*
- Annual publication of unaccepted roads, eligible for acceptance, in a local newspaper*
- Publishing a street listing on the Town website and in the Annual Town Report*
- Updating the Assessor's cards to include information on whether or not the street is private.*

**RECOMMENDATION #11**

*Periodically update the Westford Highway Department Street Listing. Accept the Westford Highway Department Street List as the Town's official list. If the information is to be displayed on various department websites, do so by a link to the official list. Update the list after every Town Meeting.*

## Beyond the Charge

Throughout the study, a number of anomalies, omissions and irregularities were uncovered. Most were outside the committee's charge but important enough to mention for continued investigation and improvement. The following are recommendations outside the Unaccepted Roads Committee charge.

- Address the root cause of unaccepted roads.  
Investigate whether or not the final bond retainer is sufficient to complete acceptance steps in the event of developer default and increase it to the maximum allowed by subdivision law. Investigate whether or not a time limit may be placed on subdivision road construction. Investigate holding one or more lots as surety. Investigate using MGL Chapter 44 section 53G to supplement inspections. The committee was particularly interested in the procedures used in the Town of Carlisle where a subdivision street was built and accepted prior to issuing building permits.
- Support the effort by the Planning/Permitting Department to organize files.  
Over the past several years, the departments experienced several moves and files were dispersed throughout multiple storage areas. This made it difficult for residents to access files to determine street status.
- Require as-built plans.  
Interim as-built plans provide a check and balance on roads prior to the binder course being laid.
- Require a scheduled review of subdivision road status.  
The Planning Board should set a schedule to review subdivision roads under construction for completeness. The committee recommends a biannual review.
- Meet with the Town Assessor and Board of Assessors to determine if properties on unaccepted subdivision roads are being properly assessed.
- Establish clear standards of communication between Engineering and the Assessor to ensure betterments authorized by Town Meeting are implemented.  
The Assessor's office has strict deadlines to meet and much of the data is predicated on completion of action steps in Engineering. A timeline needs to be developed to insure all actions are completed in a cooperative and timely manner.

- Adequately fund the Highway Department to meet the increasing demand for street maintenance as the number of accepted roads increases.

In the past 20 years, the number of accepted Town roads has doubled along with the cost of asphalt.

	1992	2012
Miles of Accepted Road	79	150
Town Meeting Appropriation	\$193,700	\$114,676

- Assign responsibility to an individual or department for overseeing that common definitions used in all guiding documents are consistent, clear and concise.
- Complete the necessary steps to accept Williams Avenue without betterment.  
Williams Avenue is unique in that half of the abutters have paid a betterment toward street improvement and the town has maintained the entire length of the road for years. Williams Avenue is the main access road for Edwards Beach, a town-owned recreation area.
- Investigate subdivision roads accepted by vote of Town Meeting in the 1980's and early 1990's for completeness of documentation.  
The Unaccepted Roads Committee was not charged with reviewing accepted roads for compliance with required documentation. However, it has been noted that there are several cases where streets were accepted by Town Meeting without meeting the minimum requirement of Street Acceptance Plans. When verified, prepare a Town Meeting warrant article for the funds necessary to have plans prepared.
- Permitting Boards should take into consideration road status in granting discretionary permits. Discretionary permits include, but are not limited to, variances, comprehensive and special. Additional development may accelerate the deterioration of existing infrastructure placing an unfair financial burden on abutters.

## Acknowledgements

The Unaccepted Roads Committee was comprised of elected officials from the Board of Selectmen and Planning Board, appointed officials from the Finance Committee and members-at-large. Each brought a diverse set of experiences with the street acceptance process from accepted to unaccepted to participation in the betterment program.

### Committee Members

Matt Lewin – Chair  
Robert Dooley – Vice Chair  
Chris Barrett  
Richard “Chip” Barrett  
Gloria Bensch  
Paul DiLorenzo  
Dennis Galvin  
Al Herget  
Robert Jefferies  
Fred Palmer  
Ken Weiss  
Valerie Wormell

Misty Lane – unaccepted, subdivision  
Pollyanna Lane – unaccepted, old road  
Vose Hill Road – accepted, subdivision  
Tadmuck Road – accepted, old road  
Sawmill Road – unaccepted, subdivision  
Castle Road – unaccepted, subdivision  
Concord Road – accepted, old road  
Endmoor Road – accepted, betterment  
Boston Road – partially accepted, old road  
Main Street – accepted, old road  
Vose Hill Road – accepted, subdivision  
Vose Hill Road – accepted, subdivision

### Staff Contributors

The Unaccepted Roads Committee would like to thank the following staff members for their participation in the study.

Ross Altobelli – Town Planner (2010)  
Richard “Chip” Barrett – Highway Superintendent  
Angus Jennings – Land Use Director  
Karyn Jump – Highway Administration  
Suzanne Marchand – Finance Director (2010)  
Dan O’Donnell – Budget Director  
Paul Plouffe – Town Assessor  
Paul Starratt – Town Engineer



## APPENDIX 1 – WHD Street Listing

### TOWN OF WESTFORD STREET LIST DETAIL

Please see Town of Westford Board of Selectmen Policy & Procedure governing Private and Unaccepted streets

Town Status Codes: 1- Accepted 2-Built to be Accepted. Builder responsive 3-Built to be Accepted. Builder Defaulted  
4-Private-Common Driveway, Condo, Private Way, Office Park 5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
1	Abbott St.	Accepted	Y	02/21/38	16/20		
1	Abby Road	Accepted	Y	05/08/95	16	Rail Tree Hill Estates	
	Academy Drive	Discontinued	N	05/30/85	48		Changed to Fisher Way
1	Acton Road	Accepted	Y	1903			State Road (Rte. 27). Town Maintained
4	Adams Lane	Private Road	N			Blanchard Farms	Condo
1	Alcorn Crossing	Accepted	Y	05/10/08	26	Alcorn Crossing	
1,4	Allie Lane	Partial Accepted	Y	10/27/08	11	Picking Farm Estates	Accepted to Lindsey, portion private
1	Allison Drive	Accepted	Y	05/07/77	29		
1	Almeria Circle	Accepted	Y	05/07/94	19	Villanova Village	ATM - 05/08/95, Art 16
1	Anderson Lane	Accepted	Y	04/08/72	20	Heritage Way	
4	Annmarique Way	Private	N			Parker Landing	
1	Anne Teresa Way	Accepted	Y	11/04/03	17	Sweetsters Place II	
4	Appian Way	Private	N			Weetamoo II	Common driveway
1	Applewood Drive	Accepted	Y	05/09/92	6	Applewood Estates	
1	April Lane	Accepted	Y	11/04/03	17	Villages @ Westford	
1	Ashley Place	Accepted	Y	12/06/99	12	Sweetsters Place	STM-11/04/03, Art 17
1	Assabet Road	Accepted	Y	05/05/84	7	Vine Brook Estates	
1	Atwater Drive	Accepted	Y	11/13/95	14	Carlisle Meadows	
1	Autumn Leaf Lane	Accepted	Y	05/08/95	16	Texas Springs	
1	Baldwin Road	Accepted	Y	11/16/98	20	Francis Hill Estates	
1	Banbury Drive	Accepted	Y	05/07/77	29	Coachmans Estates	
4	Barn Lane	Private	N			Treat Estates	Common driveway
4	Barrister Drive	Private	N			Parkwood Estates	

REVISION 01 - DRAFT ONLY

### TOWN OF WESTFORD STREET LIST DETAIL

Please see Town of Westford Board of Selectmen Policy & Procedure governing Private and Unaccepted streets

Town Status Codes: 1- Accepted 2-Built to be Accepted. Builder responsive 3-Built to be Accepted. Builder Defaulted  
4-Private-Common Driveway, Condo, Private Way, Office Park 5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Bartlett Road	Private	N			Francis Hill Estates	Common driveway
4	Bates Lane	Private	N			Blanchard Farms	Condo
1	Bayberry Road	Accepted	Y	12/03/70	12	Pine Ridge Estates	
1	Beacon Street	Accepted	Y	1903			
1	Bear Cub Lane	Accepted	Y	05/08/95	16	Little Bear Hill Estates	
1	Bear Hill Terrace	Accepted	Y	05/05/84	7	Vine Brook Estates	
4	Beatrice Road	Private	N				Dirt Road
1	Beaver Brook Road	Accepted	Y	1903			
1	Beaver Dam Drive	Accepted	Y	03/10/73	18	Granview Estates	
1	Beech Road	Accepted	Y	05/11/85	8		Betterments
4	Benchmark Lane	Private	N				Driveway
1	Betty Lane	Accepted	Y	11/13/95	14		
1	Birch Road	Partial Accepted	Y	04/07/73	22		Paved from Pine to Elm
4	Birch Road Ext.	Unaccepted	Y				
1	Birchwood Drive	Accepted	Y	11/13/01	12	Lakeside Villages	
4	Bixby Lane	Private	N			Blanchard Farms	Condo
1	Black Bear Lane	Accepted	Y	05/07/94	19	Little Bear Hill Estates	
1	Blacksmith Drive	Accepted	Y	11/13/01	12	Blacksmith Estates	
1	Blackthorn Road	Accepted	Y	04/27/74	18		
4	Blades Road	Private Way	N				
	Blaisdell Road	Unaccepted	Y				
1	Blake's Hill Road	Accepted	Y	11/16/98	20	Orchard Hill Estates	
4	Blanchard Lane	Private	N			Blanchard Farms	

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
1	Blaney Road	Accepted	Y				
1	Blue Brook Lane	Accepted	Y	05/08/82	22		
1	Blue Heron Drive	Accepted	Y	11/13/10	12	Lakeside Villages	
1	Blue Ridge Road	Accepted	Y	04/07/73	6		
1	Blueberry Lane	Accepted	Y	11/16/98	20	Chestnut Woods	
1	Bobolink Road	Accepted	Y	05/10/75	7		
4	Bolger Lane	Private	N			Tenney Hills	
1,5	Boston Road	Accepted	Y	1903			Portion State HWY
	Boutwell Brook Road	Discontinued	N	05/25/08			
1	Boutwell Hill Road	Accepted	Y	05/07/88	9	Boutwell Village	
1	Bradford St.	Accepted	Y	05/05/41	14		
4	Bradley Lane	Private	N			Blanchard Farms	Condo
4	Brady Way	Private	N				Common driveway
1	Brian Drive	Accepted	Y	05/10/75	7	Beaver Brook Estates	
1	Briarwood Drive	Accepted	Y	11/16/98	20	Benchmark Estates	
1	Bridge St.	Accepted	Y	1903, 1931			
1	Broadway St.	Accepted	Y	03/16/63	24		
1	Brookside Road	Accepted	Y	02/15/32	10		
1	Brookview Drive	Accepted	Y	04/27/74	18	Granview Estates	
1	Buckboard Drive	Accepted	Y	05/05/90	9	Hitchin Post	
1	Buckingham Drive	Accepted	Y	05/11/85	7	Nashoba Farm Village	
4	Buckskin Lane	Private	N			Hitchin Post	
1	Burbeck Way	Accepted	Y	05/30/85	47		F/K/A Vinton Place

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Burnham Pond Way	Private	N				
1	Butterfield Lane	Accepted	Y	11/13/01	12	Beaver Brook Estates	
1	Butternut Road	Accepted	Y	05/06/78	10		
1	Byrne Ave.	Accepted	Y	09/29/86	2		Betterments
4	Byrne Place	Private	Y				Dirt Road
1	Caldwell Drive	Accepted	Y	11/04/03	17	Greystone Estates	
1	Calista Terrace	Accepted	Y	05/07/94	19	Calista Woods	
1	Camp Road	Accepted	Y	11/13/02	5		Betterments
1	Canal St.	Accepted	Y	07/18/67	4		
1	Canter Circle	Accepted	Y	05/07/88	9	Hitchin Post	
1	Carl Thompson Road	Accepted	Y	05/11/89	15	Carl Thompson Ind Park	
1	Carlisle Road	Accepted	Y	1903			
1	Carolina Lane	Accepted	Y	03/11/67	52		
1	Carriage Way	Accepted	Y	05/11/89	15	Hitchin Post	
1	Carver Circle	Accepted	Y	12/06/99	13	Stoneview Village	
1	Casie Lane	Accepted	Y	05/10/08	25	Hitchin Post Greens II	
1	Castle Road	Accepted	Y	03/16/63	23	Kings Pine I	
4	Castle Road Ext.	Private	Y				New Castle
4	Cedar Rd.	Unaccepted	Y				Dirt Road
1	Cemetery Road	Accepted	Y	1903,1937,3/11/67			Changed to Country Rd 10/7/75
	Central St.	Discontinued	N	1931			
1	Chamberlain Rd	Accepted	Y	1903, 1931			
1	Chandler Road	Accepted	Y	11/04/03	17	Greystone Estates	

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
1	Chatfield Circle	Accepted	Y	10/07/97	12	Tenney Hills	
5	Chelmsford Road	Accepted	Y	10/09/03	4		Changed to Littleton Rd.
1	Cherry Lane	Accepted	Y	05/06/78	10		
1	Chesapeake Drive	Accepted	Y	11/13/01	12	Chesapeake Manor	
4	Chestnut Road	Unaccepted	Y				Dirt Road
1	Chestnut St.	Accepted	Y	02/15/43	22		
1	Chicory Road	Accepted	Y	10/07/97	12	Hitchin Post Greens	
1	Chippewa Road	Accepted	Y	09/27/83	14	Hitchin Post	
4	Christina Lane	Private	N				
1	Christopher Road	Accepted	Y	05/10/75	7	Beaver Brook Estates	
2	Christy Lane	Unaccepted	Y			Vineyard Estates	
1	Church St.	Accepted	Y	02/21/27, 1931			
1	Churchill Ct.	Accepted	Y	11/13/95	14	Churchill Estates	
3	Clare Circle	Unaccepted	Y			Polley Road Estates	
1	Cobbler Road	Accepted	Y	05/07/83	14	Hitchin Post	
4	Cobblestone Lane	Private	N				
1	Cold Spring Road	Accepted	Y	1903,1931,5/5/79	27		
1	Colonial Drive	Accepted	Y	05/07/83	14	Westford Village Estates	F/K/A Demogenes Dr.
1	Colonial Drive Ext.	Accepted	Y	11/13/95	14	Crest Haven Estates	Tree removal clause
1	Concord Rd	Accepted	Y	1903, 04/28/71	5		State Road (Rte. 225). Town maintained
1	Connell Drive	Accepted	Y	07/19/57	3		
1	Coolidge Ave.	Accepted	Y	01/19/46	26		
1	Coolidge St.	Accepted	Y	05/05/41	10		

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Cooper's Way	Private	N			Hawk Ridge	
4	Cortland Road	Private	N			Francis Hill Estates	
1	Country Road	Accepted	Y	10/07/75			F/K/A/ Cemetery Rd.
4	Country Club Drive	Private	N			Country Club Estates	
1	Court Road	Accepted	Y	03/10/73	18	Kings Pine II	
4	Cowdry Hill Road	Unaccepted	N	1943		Walker Place	Discontinued
1	Craig Circle	Accepted	Y	04/08/72	20		
1	Crescent St.	Accepted	Y	04/07/73	34	MacQuarrie Estates	
1	Crest Drive	Accepted	Y	05/07/88	9		
1	Crocker Drive	Accepted	Y	12/06/99	12	Woodbrook Estates	
1	Cross Road	Accepted	Y	07/18/67	7		
1	Cross St.	Accepted	Y	1903			
1	Crown Road	Accepted	Y	03/16/63		Kings Pine I	
1	Crusade Road	Accepted	Y	03/10/73	18	Kings Pine II	
1	Cummings Road	Accepted	Y	1903			
1	Curren Drive	Accepted	Y	11/13/01	12	Greystone Estates	
1	Cutter Lane	Accepted	Y	11/13/01	12	Beaver Brook Estates	
4	Cypress Road	Private	Y				Dirt Road
1	Dana Drive	Accepted	Y	09/21/82	2	Apple Blossom Village	Ext 05/09/92, Art 6
3	Daniel Drive	Unaccepted	Y			Farm Acres	
1	Danley Drive	Accepted	Y	11/13/01	12	Greystone Estates	
4	Dean Drive	Private	N				
4	Deer Run Drive	Private	N			Chestnut Hill Estates	

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Dell Road	Private	N				
4	Dempsey Way	Private	N				
1	Depot St.	Accepted	Y	1903			BOS 1970 Town Rpt, pg 119
	Desmond Road	Discontinued	N	1943			
4	Dobbins Road	Private	N			Hitchin Post	
4	Dodge Road	Private	N				
1	Doris Road	Accepted	Y	09/28/71	3		
1	Douglas Road	Accepted	Y	03/10/73	18	Heritage Way	
4	Dove Lane	Private	N			Hildreth Estates	
4	Downing Place	Private	N				
4	Downs Road	Private	N				
1	Drawbridge Road	Accepted	Y	03/10/73	18	Kings Pine II	
1	Drew Crossing	Accepted	Y	05/09/92	6	Windemere II	
4	Dubey Alley	Private	Y				Dirt Road
1	Dunstable Road	Accepted	Y	1903, 1931			
4	Durkee Lane	Private	N				
1	Dutchman Lane	Accepted	Y	05/08/82	22		
1	Eagle's Nest Road	Accepted	Y	11/13/01	12	Lakeside Villages	
1	East Prescott St.	Accepted	Y	1931			
4	Easy St.	Private	Y				Dirt Road
4	Edgehill Road	Private	N			Edgehill Estates	
1	Edwards Ave.	Accepted	Y	11/04/75		11/10/76, 05/07/88	
4	Edwards Beach Road	Private	Y				

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
2	Elderberry Way	Unaccepted	Y			Elderberry Estates	
1	Elliott Road	Accepted	Y	1931			
1	Elm Road	Accepted	Y	03/07/70	38		
4	Elm Road Extension	Unaccepted	Y				
1	Elm Street	Accepted	Y	04/07/73	3		
1	Emerson Road	Accepted	Y	09/28/71	2		
4	Emily Way	Private	N				
1	Endmoor Road	Accepted	Y	05/08/95	17		Betterments
1	Equestrian Lane	Accepted	Y	05/09/92	6	Equestrian Estates	
4	Erin's Way	Private	N			Chestnut Hill Estates	
1	Evergreen Circle	Accepted	Y	05/07/88	9	Pine Ridge Estates	
1	Fairview Drive	Accepted	Y	09/21/82	2		
	Farmer Way	Town Owned	Y				
1	Fawn Road	Accepted	Y	11/13/01	12	Lakeside Villages	
4	Fellows Lane	Private	N				Green Needles
1	Fernwood Drive	Accepted	Y	11/13/95	14	Rockwood Estates	
1	Fieldstone Drive	Accepted	Y	05/09/87	8	Fieldstone Acres	
1	Fieldstone Extension	Accepted	Y	05/11/89	15	Heritage Woods	
1	Fir Road	Accepted	Y	03/07/70	49		
1	First St.	Accepted	Y	1903			
1	Fisher Way	Accepted	Y	05/30/85			F/K/A Academy Drive
1	Flagg Road	Accepted	Y	1903, 3/19/60			
4	Fletcher Lane	Private	Y				

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
1	Fletcher Road	Accepted	Y	04/27/74	18	Granview Estates	
1	Flushing Pond Road	Accepted	Y	1903			Dirt Road
1	Forge Village Rd	Accepted	Y	1903			
1	Forrest Road	Accepted	Y	07/18/67	5		1903/1931
1	Fourth St.	Accepted	Y	1903			
1	Frances Hill Road	Accepted	Y	05/12/38			Scenic Road
4	Franco Road	Private	Y				
4	Franklin Road	Private	N				
4	Gage Road	Private	N				Plowed by Chelmsford
4	Gardner Lane	Private	N			Blanchard Farms	Condo
4	Garrett Road	Private	N				
1	Gassett Road	Accepted	Y	07/18/67	6		
4	Gatecrest Road	Private	N			Villages @ Stone Ridge	Condo
4	Gauthier Lane	Private	N				
1	George Ave.	Accepted	Y	07/18/67	8		
3	Gifford Drive	Unaccepted	Y			Birch Heights	
1	Gooseneck Lane	Accepted	Y	11/13/01	12	Lakeside Villages	
1	Gould Road	Accepted	Y	1903			Scenic Road
1	Granada Drive	Accepted	Y	05/08/95	16	Villanova Village	
	Granite St.	Discontinued	N	02/15/43	23		
1	Graniteville Rd	Accepted	Y	1903, 1931			
1	Grassy Lane	Accepted	Y	11/13/01	12	Lakeside Villages	
4	Great Elm Way	Private	N				

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Green Needles Road	Private	N				Plowed by Littleton
1	Greenbrier Drive	Accepted	Y	10/07/97	12	Hitchin Post Greens	
1	Greenbrier Dr. Ext	Accepted	Y	05/10/08	25	Hitchin Post Greens II	
1	Greenwood Road	Partial Accepted	Y				From Old Lowell to Farm House
4	Grey Fox Lane	Private	N				
1	Griffin Road	Accepted	Y	03/16/36	21		1903
4	Gristone Road	Private	Y				
1	Grizzly Bear Circle	Accepted	Y	05/07/94	19	Little Bear Hill Estates	
1	Groton Road	Accepted	Y	1903			
1,4	Grove St	Partial Accepted	Y	05/05/84	9		Knoll to Oak Hill Rd
1	Hadley Road	Accepted	Y	05/07/88	10		
1	Hartford Road	Accepted	Y	1903			Dirt Road
4	Hart Pond Lane	Private	N				
1	Hawthorne Ave.	Accepted	Y	07/19/57	2		
1	Hayrick Lane	Accepted	Y	10/21/96	21		
1	Haywagon Circle	Accepted	Y	05/11/89	15	Hitchin Post	
1	Hearthstone Road	Accepted	Y	05/07/83	14	Hitchin Post @ Westford	
1	Heather Drive	Accepted	Y	10/07/97	12	Hitchin Post Greens	
1	Hemlock Road	Accepted	Y	05/10/75	8		
1	Heywood Road	Accepted	Y	03/10/73	18	Granview Estates	
3	Hidden Valley Rd	Unaccepted	Y			North Hill Estates	
4	Highland Road	Private	N			Villages @ Stone Ridge	Condo
1	Hildreth St.	Accepted	Y	1903			Scenic Road

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
1	Hill St.	Accepted	Y	05/52	41		
1	Hillside Ave.	Accepted	Y	03/11/50	43		
4	Hillside Road	Private	Y				
1	Holly Lane	Accepted	Y	05/06/78	10		
1	Honeysuckle Road	Accepted	Y	10/07/97	12	Hitchin Post Greens	
1	Hopkins Place	Accepted	Y	10/07/97	12	Tenney Hills	
1	Howard Road	Partial Accepted	Y	05/05/79		Hitchin Post Greens	Concord to Magnolia
1	Humiston Circle	Accepted	Y	11/13/01	12	Beaver Brook Estates	
1	Hunt Road	Accepted	Y	1938			
3	Hutchins Way	Unaccepted	Y			Westford Manor Estates	
1	Hyacinth Drive	Accepted	Y	12/06/99	12	Hitchin Post Greens	
1	Indigo Lane	Accepted	Y	10/07/97	12	Hitchin Post Greens	
4	Island Path Road	Private	Y				
1	Jack Rabbit Lane	Accepted	Y	11/13/01	12	Lakeside Villages	
1	Jarvis Way	Accepted	Y	11/16/98	20	Jarvis Estates	
1	Jefferson Road	Accepted	Y	05/08/76	7		
4	Jelley Road	Unaccepted	Y				Dirt Road
2	Jennie Richards Rd	Unaccepted	Y			Blue Bird Estates	
1	Jennifer Drive	Accepted	Y	12/06/99	12	Sweetster Place	
1	Jessica Circle	Accepted	Y	05/13/91	9	Village View Estates	
1	Jester Road	Accepted	Y	04/27/74	18		
4	Jimney Drive	Private	N			Hildreth Hills	Condo
1	Jo-Jo Lane	Accepted	Y	09/28/71	1		

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Jocelyn Lane	Private	N				
1	Jonas Road	Accepted	Y	03/10/51			
1	Joyce Circle	Accepted	Y	12/06/99	12	Hyacinth Common	
1	Juneberry Lane	Accepted	Y	05/10/08	25	Hitchin Post II	
4	Juniper Lane	Private	N				
4	Kate Rose Way	Private	N				
1	Kayla Drive	Accepted	Y	10/07/97	12	Brittany Estates	
4	Kelley Road	Private	Y				
4	Kestrel Lane	Private	N			Hawk Ridge	
1	Keyes Road	Accepted	Y	3/17/02, 1903			
1	Kings Road	Accepted	Y	05/07/77	35	Coachmans Estates	
1	Kings Pine Road	Accepted	Y	03/11/67	52		
1	Kirsi Circle	Accepted	Y	04/08/72	20		03/10/73, Art 18
1	Knoll Road	Partial Accepted	Y	05/05/84	8		Knoll to Oak Hill Rd.-Betterments
1	Koala Bear Lane	Accepted	Y	05/07/94	19	Little Bear Hill Estates	
1	Kylemore Drive	Accepted	Y	05/11/89	15	Stony Brook Estates	
1	Lake Shore Dr. No.	Accepted	Y	03/07/70	37		
1,4	Lake Shore Drive So.	Partial Accepted	Y	04/07/73	19		End portion is dirt
1	Lakeside Terrace	Accepted	Y	11/13/01	12	Lakeside Villages	
4	Lakeview Street	Unaccepted	N				
4	Lambert Way	Private	N				
4	Lan Drive	Private	N				Office Park
1	Landmark Road	Accepted	Y	05/11/89	15		

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Landview Road	Private	N			Village @ Stone Ridge	Condo
1	Lanes End	Accepted	Y	11/04/03	17	Villages @ Westford	
1	LaSalette Road	Accepted	Y	03/07/70	24		
1	Laurel Ave.	Accepted	Y	04/08/72	21		
4	Lawson Road	Private	Y				Dirt Road
4	Lawton Ave.	Private	N				
1	Ledgewood Drive	Accepted	Y	05/07/94	19		
4	Leighton Way	Private	N				
1	Leland Road	Accepted	Y	1903			Scenic Road
1	Lillian Road	Accepted	Y	03/08/58	40		
1	Lincoln Ave.	Accepted	Y	05/12/38	6		
1	Lincoln Street	Accepted	Y	1903			
1	Lindsey Lane	Accepted	Y	10/27/08	11	Picking Farm Estates	
1	Line Road	Accepted	Y				Maintained by Chelmsford
1	Links Road	Accepted	Y	09/28/71	4		
1	Little Bear Hill Rd	Accepted	Y	05/08/95	16	Little Bear Hill Estates	
5	Littleton Rd	Accepted	Y	1903			State Road, Rte 110
4	Long Road	Private	Y				Dirt Road
1	Long Meadow Road	Accepted	Y	04/27/74	18		
1	Long Sought for Pond Road	Accepted	Y	1903			
1	Loon Way	Accepted	Y	11/13/01	12	Lakeside Villages	
1	Lorden Drive	Accepted	Y	05/08/95	16	Woods Pond	
1	Lowell Road	Accepted	Y	1903			

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Lower Road	Private	Y				Dirt Road
1	Lucille Ave.	Accepted	Y	03/08/58	41		
4	Lucinda Place	Private	N			Prescott Estates	
1	Lyberty Way	Partial Accepted	Y	05/08/82	22		Accepted to cul-de-sac only
1	Lynwood Lane	Accepted	Y	11/16/98	20		Accepted to cul-de-sac
4	Macintosh Road	Private	N			Francis Hill Estates	
1	MacQuarrie Lane	Accepted	Y	05/09/92	6	MacQuarrie Estates	
1	Magnolia Drive	Accepted	Y	10/07/97	12	Hitchin Post Greens	
1	Magnolia Dr. Ext.	Partial Accepted	N	05/10/08	25	Hitchin Post Greens II	From Casie to end by 495
1	Main St.	Accepted	Y	1903			
1	Makepeace Road	Accepted	Y	1931			
4	Mamie Lane	Private Way	N				
1	Maple Road	Accepted	Y	03/10/73	21		ATM 05/08/95, Art. 20
1	Maple St.	Accepted	Y	03/17/73	39		1903
1	Marie Anne Drive	Accepted	Y	12/03/85	11		
1	Mark Vincent Drive	Accepted	Y	05/07/83	14	Westford Village Estates	
4	Matley Path	Private	N				
1	Maura Circle	Accepted	Y	12/06/99	13	Stoneview Village	
4	Mauretta Way	Private	N			Tanner Heights	
1	May Road	Accepted	Y	11/04/03	17	Villages @ Westford	
1	Meadow Lane	Accepted	Y	05/11/89	15	West Meadows	
4	Meadowview Lane	Private	N				
1	Melissa Drive	Accepted	Y	05/09/87	8	Fieldstone Acres	

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Meyler Way	Private	N				
4	Millstone Road	Private	N				
1	Millstone Hill Road	Accepted	Y	1903			
4	Minuteman Lane	Private	N			Concord Place	
4	Milot Road	Private	Y				
3	Misty Lane	Unaccepted	Y			Ivy Hill	
	Mitchell Way	Town Owned	N				Entrance to Greystone School
4	Monadnock Drive	Private	N			Hildreth Hills	Condo
4	Moore Ave.	Partial Accepted	Y	05/05/79	26		Unaccepted by Golf Course
4	Moore Place	Private	Y				
1	Moore Road	Accepted	Y	1931			
1	Morning Glory Cir	Accepted	Y	05/08/95	16	Hawthorne Estates	
1	Morrison Lane	Accepted	Y	11/13/01	12	Greystone Estates	
4	Mountain View Lane	Private	N				
1	Mulberry Lane	Accepted	Y	04/07/73	35		
4	Muriel Drive	Private	Y				Dirt Road
4	Musket Lane	Unaccepted	Y			North Hill Estates	
1	Myrtle Ave.	Accepted	Y	03/18/61	36		
1	Nabasset St.	Accepted	Y	1903, 1931			
1	Nagog Lane	Accepted	Y	05/05/84	7	Vine Brook Estates	
1	Newport Drive	Accepted	Y	07/29/65	4		
1	Nixon Rd.	Private	N	05/08/00	33		Discontinued maintenance
1	Nonset Lane	Accepted	Y	05/05/84	7	Vine Brook Estates	

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Noonan Way	Private	N				
1	North St.	Accepted	Y	1903			
1	North Hill Road	Accepted	Y	03/07/70	24	North Hill Estates	
1	North Main Street	Accepted	Y	1903			
4	Notch Drive	Private	N			Alcorn Crossing	
1	Nutting Lane	Accepted	Y	03/07/70	24		
1	Nutting Road	Accepted	Y	1903			
1	Oak Road	Accepted	Y	05/77	30		Betterment - 11/02, Art 4
1	Oak St.	Accepted	Y	02/15/43	22		
1	Oak Hill Road	Accepted	Y	1903			
4	Oakdale Road	Unaccepted	N				
4	Oakmont Drive	Private	N				
1	Old Road	Accepted	Y				Scenic Road, Dirt Road
1	Old Beaver Brook Road	Accepted	Y				
4	Old Colony Drive	Private	N			Pilgrim Village	Condo
1	Old Concord Road	Accepted	Y	05/11/02	43		
1	Old Groton Road	Accepted	Y				
1	Old Homestead Road	Accepted	Y	04/27/74	18	Old Homestead Acres	
4	Old Howard Road	Private	Y				Dirt Road
1	Old Lowell Road	Accepted	Y	1903			Scenic-Concord to S. Chelmsford
1	Old Tadnuck Road	Accepted	Y				
4	Old Wood Road	Private	Y				Dirt
4	Olive Road	Private	N				

REVISION 01 - DRAFT ONLY



**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
1	Orchard St.	Accepted	Y	05/05/41	12	Kissacook Hill	
1	Orchard St. Ext.	Accepted	Y	05/13/91	8		
4	Orion Way	Private	N			Mystery Springs Woods	
1	Overlook Circle	Accepted	Y	05/05/90	9	Westford Village Estates	
4	Pacific Lane	Private	N				
4	Pageant Way	Private	N				
1	Palace Road	Accepted	Y	03/10/73	18		
1	Palermo St.	Accepted	Y	05/05/41	8		
4	Park Drive	Private	N				Office Park
1	Park View Circle	Accepted	Y	05/13/91	9	Village View Estates	
1	Parker Circle	Accepted	Y	05/07/83	14	Westford Village Estates	F/K/A Helen Circle
4	Parkhurst Drive	Private	N			Hildreth Hills	Condo
1	Patriot Lane	Accepted	Y	05/10/75	7		
4	Patten Lane	Private	N				
1	Patten Road	Accepted	Y	1903			
4	Pearson Way	Private	N			MacQuarrie Estates	
1	Perham Circle	Accepted	Y	11/13/01	12	Greystone Estates	
4	Perkins Road	Private	Y				
1	Pershing St.	Accepted	Y	05/05/41	13		
1	Phillips Drive	Accepted	Y	05/10/75	7		
1	Pierce Ave.	Accepted	Y	05/10/75	7		
4	Pilgrim Drive	Private	N			Pilgrim Village	Condo
1,4	Pine Road	Partial Accepted	Y	05/07/83	13		From Endmoor to Lake Shore S., part dirt

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
1	Pine St.	Accepted	Y	1903, 1931			
4	Pine Grove Road	Unaccepted	Y				
1	Pine Hill Road	Accepted	Y				
1	Pine Ridge Road	Accepted	Y	1903, 1931			
1	Pine Tree Trail	Accepted	Y	05/08/95	18		
4	Pioneer Way	Private	N			Sheldon Park	
1	Plain Road	Accepted	Y	1903, 3/18/61	37		
1	Pleasant St.	Accepted	Y	10/21/96	20		1903
4	Poe Lane	Private	N			Blanchard Farms	
1	Polar Bear Drive	Accepted	Y	05/07/94	19	Little Bear Hill Estates	
1	Polley Road	Accepted	Y	02/21/38	20		
4	Pollyanna Lane	Unaccepted	Y				Dirt Road
1	Pond Road	Accepted	Y	10/22/07	7		Betterment, Dirt Road
1	Pond St.	Accepted	Y	05/05/41	14		
1	Pond View Circle	Accepted	Y	11/13/01	12	Lakeside Villages	
1	Poplar Road	Accepted	Y	03/10/73	20		
5	Powers Road	Unaccepted	N				State Road
1	Preservation Way	Accepted	Y	05/09/92	6	Wilson Estates	
1	Primrose Lane	Accepted	Y	10/07/97	12	Hitchin Post Greens	
1	Providence Road	Accepted	Y	1903			
1	Quarry Hill Road	Accepted	Y	05/08/95	16		
1	Rail Tree Terrace	Accepted	Y	05/05/84	7		
3	Randolph Circle	Unaccepted	Y			Phillips Estates	

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Rebecca Lane	Private	N			Sweetster Place	
1	Reinsway Circle	Accepted	Y	05/11/89	15	Hitchin Post	
4	Riley Road	Private	N	Tall Pines		Tall Pines	
1	River St.	Accepted	Y	1903			
1	Robbins Road	Accepted	Y	05/10/86	9		
1	Robert Road	Accepted	Y	03/09/68	11		
3	Robinwood Circle	Unaccepted	Y			April Woods	
1	Robinson Road	Accepted	Y	1903			
4	Roc N Roe Lane	Private Road	N				
4	Rockwell Road	Private	N			Village @ Stone Ridge	Condo
3	Rolling Meadow Lane	Unaccepted	Y				
1	Rome Drive	Accepted	Y	11/16/98	20	Orchard Hill Estates	
3	Rome Drive Extension	Unaccepted	N			Sullivan Estates	
1	Rook's Way	Accepted	Y	11/13/01	12	Farmers Pasture	
1	Rose Lane	Accepted	Y	11/16/98	20	Healy Estates	
1	Rosebud Lane	Accepted	Y	10/07/97	12	Hitchin Post Green	
1	Royce Lane	Accepted	Y	05/05/84	7		
2	Rush Road	Unaccepted	N			Rush Meadows	
1	Russell's Way	Accepted	Y	11/01	12	Greystone Estates	STM 11/03, Art 17
1	Rutland Circle	Accepted	Y	03/08/65	42		
1	St. Mary's Drive	Accepted	Y	03/07/70	24		
1	Salem Road	Accepted	Y	07/29/65	4		
4	Sand Beach Road	Private	N				

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
3	Sandstone Road	Private	N			Village @ Stone Ridge	
1	Sassafras Road	Accepted	Y	05/05/79	25	Hitchin Post	
4	Sassafras Rd Extension	Private	N				
1	Sawmill Drive	Accepted	Y	04/29/74	18	Granview Estates	
3	Sawmill Road	Unaccepted	Y			North Hill Estates	
4	School Lane	Private	N				
1	Second St.	Accepted	Y	1903			
1	Sequoia Road	Accepted	Y	05/05/79	25	Hitchin Post	
3	Shannon Circle	Unaccepted	Y			Timberstone	
1	Shea St.	Accepted	Y				
1	Shelly Lane	Accepted	Y	05/08/95	16	Butter Brook @ Carlisle	
4	Sherburne Lane	Private	N			Greystone Estates	
1	Sherlock Lane	Accepted	Y	05/08/95	16	Texas Springs II	
1	Sherwood Drive	Accepted	Y	04/07/73	6		
1	Shipley Circle	Accepted	Y	11/13/01	12	Lakeside Villages	
4	Siloh Path	Private	N				
4	Sinbad Lane	Private	N			Chestnut Hill Estates	
1	Sleigh Road	Accepted	Y	05/13/91	7	Spruce Acres	
4	Slifer	Private	Y				Town Owned - Dirt Road
1	Smith St.	Accepted	Y	05/05/41	13		
1	Snow Drive	Accepted	Y	03/11/61	35		
4	Sought For Road	Private	Y				Dirt Road
1	South Chelmsford Road	Accepted	Y	1903			

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
4	Southgate Road	Private	N				
1	Southwick Circle	Accepted	Y	11/13/01	12	Beaver Brook Estates	
1,4	Spruce Road	Partial Accepted	Y	05/11/85	7		
1	Starr Circle	Accepted	Y	10/22/07	16	Deerskin Estates	
1	Steeple Chase Circle	Accepted	Y	10/07/97	12	Hitchin Post	
1	Sterling Lane	Accepted	Y	05/08/95	16	Texas Springs	
1	Steven Circle	Accepted	Y	05/07/83	14	Westford Village Estates	
4	Stone Ridge Road	Private	N			Village @ Stone Ridge	Condo
1	Stonebolt Way	Accepted	Y	05/11/89	15	Hitchin Post	
1	Stoneview Drive	Accepted	Y	12/06/99	13	Stoneview Village	
1	Stony Brook Road	Accepted	Y	03/10/51			Scenic Road
1	Story St.	Accepted	Y	07/07/22	3		
1	Stratton Hill Rd	Accepted	Y	03/07/70	24		
4	Sullivan Way	Private	N				
4	Summer Village Road	Unaccepted	N			Summer Village	Old Wyman's Beach Road
1	Sunny Meadow Lane	Accepted	Y	09/29/86	1	Sunny Meadow Acres	
4	Sunset Road	Private	N				
1	Swanson Lane	Accepted	Y	11/16/98	20	Swanson Farm Estates	
3	Swedes Crossing	Unaccepted	Y			Chestnut Hill Estates	
1	Sweetwood Circle	Accepted	Y	11/16/98	20	Sweetwood Place	
1	Sycamore Road	Accepted	Y	10/20/64	1		
1	Tadmuck Lane	Accepted	Y	09/21/82	2		
1	Tadmuck Road	Accepted	Y	1903			

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
1	Tallard Road	Accepted	Y	05/08/82	22		
4	Talus Way	Private	N			Hitchin Post	
3	Tavern Circle	Unaccepted	Y			Chestnut Hill Estates	
4	Technology Park Drive	Private	N				Office Park
1	Tenney Road	Accepted	Y	03/17/02			1903
1	Terrace Drive	Accepted	Y	05/08/95	16	Woods Pond	
1	Texas Road	Accepted	Y	1903			
1	Third St.	Accepted	Y	1903			
1	Thistle Lane	Accepted	Y	10/07/97	12	Hitchin Post Green	
4	Thomas Lane	Private	N				
1	Timberlee Lane	Accepted	Y	03/08/65	42		
1	Torrey Terrace	Accepted	Y	11/13/01	12	Beaver Brook Estates	
1	Torrington Lane	Accepted	Y	04/08/72			
1	Tower Road	Accepted	Y	05/08/95	19		Betterment
1	Town Farm Road	Accepted	Y	1903, 1931			
1	Trails End Road	Accepted	Y	05/07/88	10		
1	Trailside Way	Accepted	Y	05/06/06	24	Trailside Estates	
1	True Bean Way	Accepted	Y	11/13/01	12	Beaver Brook Estates	
2	Tyler Road	Unaccepted	Y			Vineyard Estates	
1	Tyngsboro Road	Accepted	Y	1903, 1931			
4	Unicorn Drive	Private	N			Unicorn Estates	
4	Upper Meadow Lane	Private	N				
4	Valhalla Weg	Private	N				

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
1	Village View Road	Accepted	Y	05/91	9	Village View Estates	
1	Villanova Drive	Accepted	Y	05/08/95	16	Villanova Village	
1	Vine Brook Road	Accepted	Y	05/05/84	7	Vine Brook Estates	
1	Vineyard Road	Accepted	Y	11/13/01	12	Vineyard Estates	
1	Vose Road	Accepted	Y	1903			Scenic-Old Lowell to S.Chelmsford, Dirt
1	Vose Hill Road	Unaccepted	Y			Rail Tree Hill Estates	Town Meeting Accepted 03/27/10
4	Wagon Trail Road	Private	N			Sheldon Park	
1	Walter Circle	Accepted	Y	05/08/95	16	Rail Tree Hill Estates	
4	Ward Hill Road	Private	N				
1	Wayne Road	Accepted	Y	06/19/74	2	Sheldon Park	
4	Webber Road	Private	N				
4	Weetamoo Way	Private	Y			Weetamoo Estates	
1	West St.	Accepted	Y	1903			
1	West Prescott St.	Accepted	Y	1931			
4	Westview Drive	Private	N			Hildreth Hills	Condo
4	Wheeler Lane	Private	N				
4	Whispering Pine Road	Private	N			Summer Village	
4	Whitman Lane	Private	N			Southgate	Condo
1	Whitney Drive	Accepted	Y	05/09/87	8	Fieldstone Acres	
4	Williams Ave.	Unaccepted	Y				Dirt Road
1	Willow Road	Accepted	Y	05/13/91	10	Betterment	
1	Wilshire Ave.	Accepted	Y	12/11/68	4		
1	Wilson Lane	Accepted	Y	05/07/88	10		

REVISION 01 - DRAFT ONLY

**TOWN OF WESTFORD STREET LIST DETAIL**

Please see Town of Westford Board of Selectmen Policy &amp; Procedure governing Private and Unaccepted streets

Town Status Codes:      1- Accepted                              2-Built to be Accepted. Builder responsive                              3-Built to be Accepted. Builder Defaulted  
    4-Private-Common Driveway, Condo, Private Way, Office Park                              5-State Owned & Maintained

Code	Street Name	Status	Town Winter Ops	Action Date	Article	Subdivision	Additional Information
1	Wilson Farm Road	Accepted	Y	05/08/95	16	Carlisle Meadows	
1	Winding Way	Accepted	Y	03/09/68	11		
1	Windsor Way	Accepted	Y	05/11/85	7	Nashoba Farm Village	
1	Wing Road	Accepted	Y				Dirt Road
1	Wintergreen Lane	Accepted	Y	10/07/97	12	Hitchin Post Green	
1	Woodbine Terrace	Accepted	Y	04/08/72	20		
1	Woodbury Drive	Accepted	Y	11/13/95	14	Wayside Crossing	
1	Woodland Drive	Accepted	Y	05/10/75	7		
4	Woodridge Lane	Private	N			Blanchard Farms	Condo
1	Woods Pond Drive	Accepted	Y	05/08/95	16		
4	Woolsack Drive	Private	N			Woolsack Estates	
1	Wright Lane	Accepted	Y	05/12/38	7		Dirt Road
4	Wyman's Beach Road	Unaccepted	Y				Discontinued
4	Xavier Lane	Private	N				
1	York Ave.	Accepted	Y	03/08/65	42		

REVISION 01 - DRAFT ONLY

## APPENDIX 2 – FST Unaccepted Roads Study

Fay, Spofford & Thorndike



### Pavement Management Methodology:

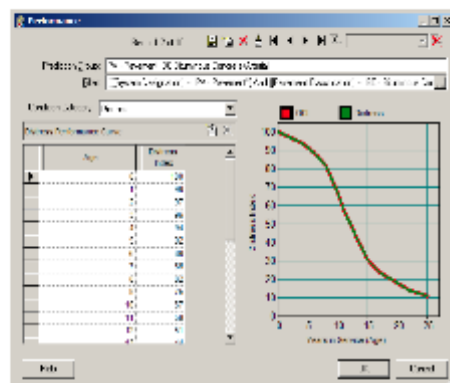
Pavement Condition Index (PCI) is the primary indicator used in comparing roadway serviceability and performance. The PCI takes into account roadway distresses such as potholes, pavement cracking, rutting, and surface wear, and is represented as a number between zero and one hundred. One hundred represents a pavement in excellent condition and zero describes a road in extremely poor condition. The PCI scale is divided into five treatment bands in order to categorize the types of needed repairs. PCI is a leading index used to determine cost of roadway improvements. (Table 1)

**Table 1**  
**(PCI) Treatment Band Ranges<sup>1</sup>**

DO NOTHING PCI Band #1 (88 - 100 PCI)	<b>Excellent Condition</b> - in need of no immediate maintenance.
ROUTINE MAINTENANCE PCI Band #2 (68 - 87 PCI)	<b>Very Good Condition</b> - may be in need of crack sealing or minor localized repair.
PREVENTIVE MAINTENANCE PCI Band #3 (47 - 67 PCI)	<b>Good Condition</b> - pavement surface in need of surface sealing or thin overlay.
STRUCTURAL IMPROVEMENT PCI Band #4 (21 - 46 PCI)	<b>Fair Condition</b> - pavement structure in need of additional thickness to resist traffic loading.
BASE REHABILITATION PCI Band #5 (0 - 20 PCI)	<b>Poor Condition</b> - in need of full depth reconstruction/reclamation.

The software also establishes a Network Priority Ranking (NPR) for each road. The NPR is based on pavement type, traffic volume, PCI, and cost benefit. Based on these parameters, the computer software models recommend cost-effective roadway improvements under various funding scenarios. The higher the NPR the more cost-effective the repair.

In order to properly plan future repairs, the software utilizes several different deterioration



curves. These pavement performance curves depict four (4) major categories relative to functional classification (arterial roads in one curve, collector in one curve, and local through roads in one curve and local dead-end in another curve); and three (3) fundamental pavement systems (a curve for Hot Mix Asphalt pavements, a curve for surface treatment surfaces, and a different curve for gravel surfaces). When a road segment is evaluated as to whether it should be included in future repair programs, it deteriorates according to the applicable curve for the model duration, thereby accounting for the differential effects of traffic volume and pavement type.

<sup>1</sup> The PCI ranges given in this table are general averages. The actual treatment band threshold numbers depend on pavement surface type and functional classification.



---

*Fay, Spofford & Thorndike***Budget Analysis:**

The analysis software of the pavement management system is where financial determinations and projections are made. Consideration is given to existing PCI, roadway surface material, and repair policy based on the supplied information from previous meetings with Westford and FST.

Backlog is defined as the cost of repairing all the roads within one year and bringing the average PCI to a near perfect 100. Backlog is a "snapshot" or relative measure of outstanding repair work. The backlog not only represents how far behind the unaccepted roadways are in terms of its present physical condition, but its cost value serves as a benchmark to measure the impact of future funding scenarios to sustain deterioration. Backlog dollars represent the pavement structure improvements only, it does not include related repair cost for drainage, utilities, sidewalks, signals, signs, or engineering. The backlog provided the basis of today's improvement costs.

For budgeting purposes, Base Rehabilitation type repairs approach the \$50 per square yard range, structural overlay improvement costs are closer to \$20 per square yard, preventive maintenance costs about \$8 per square yard, and routine maintenance is in the \$1.00 per square yard range.

**CURRENT ROADWAY BACKLOG:**

As of Fall 2010, Westford's unaccepted roadway backlog of pavement repair work totals over \$1,030,300 (see attached report). This includes retaining and maintenance of existing gravel surfaces for 11 street segments, see plan activity beginning with GR.

**CURRENT ROADWAY BACKLOG w/Gravel road improvement:**

As requested by Westford, FST also evaluated a funding scenario that would require all gravel surfaces to be built to hot mix asphalt roadway surfaces to conform to Town subdivision regulations. This backlog totals over \$1,618,935 (see attached report). All 11 gravel street segments require full depth-reconstruction.

FST can support this proposed action plan using our transportation expertise and talents. In summary, this study should serve as a valuable tool to the Town of Westford and to Westford's decision-makers in their pro-active approach to managing Westford's roadways.

Unaccepted Roadway Summary 3

## Segments Analysis Recommendations by Plan Year

Scenario Backlog (specific unaccepted streets)  
 Protocol Westford  
 Budget Unlimited  
 Time Frame 1

Resulting Network PCI 94.86

Description 2010 Backlog of Roadway Work on Unaccepted Streets Only

PCI = 49.75  
 Backlog = \$1,030,300

NOTE: gravel roads remain as is

Plan Year 1

Street	From	To	Length	Plan Activity	Plan Cost	PCI	NPR
BLAISDELL ROAD	SOUTH CHELMSFORD ROAD	VOSE ROAD	751.00 ft	Do Nothing	\$0	99.99	68.46
CASTLE ROAD EXTENSION	CASTLE ROAD	DEAD END	316.00 ft	BC - Reclaim Local	\$24,648	12.66	27.74
CEDAR ROAD	FIR ROAD	MAPLE ROAD	401.00 ft	GR - Gravel & Drain Improvement	\$4,317	43.52	42.62
CHESTNUT ROAD	DEAD END (S OF MAPLE)	BIRCH ROAD	509.00 ft	BC - Reclaim Local	\$24,704	19.30	39.78
CHESTNUT ROAD	BIRCH ROAD	LAKE SHORE DRIVE SOUTH	242.00 ft	GR - Base Rehabilitation	\$3,824	0.00	29.23
CLARE CIRCLE	POLLEY ROAD	CUL-DE-SAC	673.00 ft	BC - NovaChip	\$19,403	57.30	38.40
COWDREY HILL ROAD	GROTON ROAD	1800' S OF GROTON ROAD	1,805.00 ft	GR - New Gravel	\$9,506	62.56	46.94
COWDREY HILL ROAD	1800' S OF GROTON ROAD	1475' N OF WEST ST	870.00 ft	GR - Base Rehabilitation	\$9,164	13.76	30.39
COWDREY HILL ROAD	1475' N OF WEST STREET	650' N OF WEST STREET	835.00 ft	BC - Reconstruction Local	\$57,583	13.28	39.47
COWDREY HILL ROAD	650' N OF WEST STREET	WEST STREET	652.00 ft	GR - New Gravel	\$3,434	60.64	44.81
DANIEL DRIVE	NORTH MAIN STREET	CUL-DE-SAC LOOP	1,188.00 ft	BC - Crack Seal or Patch	\$2,585	74.28	48.24
GIFFORD DRIVE	LOWELL ROAD	CUL-DE-SAC LOOP	939.00 ft	BC - 2" Mill & Overlay Local	\$38,649	18.07	30.94
GROVE STREET	NABNASSET STREET	OAK HILL ROAD	590.00 ft	GR - Gravel & Drain Improvement	\$5,979	29.12	38.19
HIDDEN VALLEY ROAD	NORTH HILL ROAD	CUL-DE-SAC	1,712.00 ft	BC - 2" Overlay Local	\$84,744	26.95	29.83
HUTCHINS WAY	ROBINSON ROAD	CUL-DE-SAC LOOP	1,538.00 ft	Do Nothing	\$0	89.30	52.86
JELLEY ROAD	NUTTING ROAD	DEAD END	502.00 ft	GR - Grade	\$2,038	78.56	41.86
LAKE SHORE DRIVE SOUTH	DEAD END (W)	OLD WOOD RD	390.00 ft	GR - New Gravel	\$2,225	44.32	41.33
MISTY LANE	WAYNE ROAD	MISTY LANE	3,428.00 ft	BC - Micro Surface	\$89,242	67.16	59.13
MUSKILL LANE	SAWMILL ROAD	CUL-DE-SAC	600.00 ft	BC - 2" Overlay Local	\$30,800	18.05	26.32
OAK HILL ROAD	GROTON RD	DEAD END	640.00 ft	BC - 2" Overlay Local	\$24,640	18.66	35.74
PINE GROVE ROAD	BEAVER BROOK ROAD	DEAD END	823.00 ft	BC - Reconstruction Local	\$78,964	11.68	42.06
PINE ROAD	PLAIN ROAD	100' N OF WILLOW ROAD	334.00 ft	BC - Reconstruction Local	\$29,042	20.00	41.54
PINE ROAD	100' N OF WILLOW ROAD	ENDMOOR ROAD	341.00 ft	GR - Gravel & Drain Improvement	\$3,132	33.60	39.57
POLLYANNA LANE	FORREST ROAD	DEAD END	861.00 ft	GR - Gravel & Drain Improvement	\$8,725	27.40	24.58
RANDOLPH CIRCLE	GRANITEVILLE ROAD	CUL-DE-SAC	1,336.00 ft	BC - 2" Overlay Local	\$53,885	32.95	30.91
ROBIN WOOD CIRCLE	HOWARD ROAD	CUL-DE-SAC LOOP	1,316.00 ft	BC - Crack Seal and Patch	\$3,796	73.36	47.96
ROLLING MEADOW LANE	FORREST ROAD	CUL-DE-SAC LOOP	1,076.00 ft	BC - NovaChip	\$26,250	48.70	35.75
ROME DRIVE EXTENSION	ROME DRIVE	CUL-DE-SAC LOOP	1,497.00 ft	BC - NovaChip	\$36,520	51.84	41.34
RUSH ROAD	CONCORD ROAD	CUL-DE-SAC LOOP	762.00 ft	BC - Crack Seal or Patch	\$1,658	80.52	50.16

Thursday, October 07, 2010

2 of 3

## Segments Analysis Recommendations by Plan Year

Scenario Backlog (specific unaccepted streets)  
 Protocol Westford  
 Budget Unlimited  
 Time Frame 1

Resulting Network PCI 94.86

Description 2010 Backlog of Roadway Work on Unaccepted Streets Only

PCI = 49.75  
 Backlog = \$1,030,300

NOTE: gravel roads remain as is

Plan Year 1

Street	From	To	Length	Plan Activity	Plan Cost	PCI	NPR
SAWMILL ROAD	HIDDEN VALLEY ROAD	DEAD END	1,800.00 ft	BC - Reclaim Local	\$165,360	17.95	27.06
SHANNON CIRCLE	GRIFFIN ROAD	SHANNON CIRCLE	2,060.00 ft	BC - 2" Overlay Local	\$90,640	44.10	45.88
SWEDES CROSSING	STONY BROOK ROAD	CHAMBERLAIN ROAD	2,039.00 ft	BC - Micro Surface	\$43,431	65.96	58.76
TAVERN CIRCLE	SWEDES CROSSING	CUL-DE-SAC LOOP	826.00 ft	BC - Micro Surface	\$16,030	62.40	44.58
WILLIAMS AVENUE	EDWARDS AVENUE	540' S OF EDWARDS AVENUE	540.00 ft	GR - Grade	\$2,401	78.88	53.50
WILLIAMS AVENUE	540' S OF EDWARDS AVENUE	PLAIN ROAD	1,144.00 ft	BC - NovaChip	\$32,983	48.30	48.71

Plan cost for Plan Year 1

0

\$1,030,300

Segment Count 35

\$1,030,300

Thursday, October 07, 2010

3 of 3

## APPENDIX 3

### MASSACHUSETTS DEPARTMENT OF REVENUE BETTERMENTS AND SPECIAL ASSESSMENTS

#### Assessment and Collection Procedures

##### I. NATURE OF ASSESSMENT

###### A. Special Property Tax

A betterment or special assessment is a special property tax that is permitted where real property within a limited and determinable area receives a special benefit or advantage, other than the general advantage to the community, from the construction of a public improvement. If properties abutting or nearby the improvement are specially benefited, all or a portion of the cost of making that improvement may be assessed on those properties. *Union Street Ry. v. Mayor of New Bedford*, 253 Mass. 304 (1925).

###### B. Assessment Standard

Assessments of the project costs must be reasonable and proportional and not substantially in excess of the special benefits received from the improvement.

1. Definition: A special benefit is defined as an enhancement of the value or use of property due to the construction of the improvement.

2. Measurement: A special benefit is measured by how much the particular improvement has increased the fair market value of the property, as between a willing buyer and seller considering all present and future uses to which the property is or may be reasonably adapted in the hands of any owner. *Driscoll v. Northbridge*, 210 Mass. 151, 155 (1911); *Union Street Ry.* at 309-312.

###### C. Exemptions

Properties owned by governmental entities for public purposes are exempt from betterments and special assessments, but individuals, and charitable, religious or other organizations, ordinarily eligible for full or partial exemptions from annual property taxes are not exempt.

##### II. AUTHORITY TO LEVY ASSESSMENTS

The Commonwealth, a county, city, town or district must have statutory authority to impose a betterment or special assessment for a public improvement.

###### A. Betterments

The cost of all or a portion of a public improvement made upon formal order or vote of a board of officers of the Commonwealth, a county, city, town or district may be assessed as betterments. G.L. Ch. 80 §1. This typically applies to improvements involving eminent domain takings such as street layouts.

###### B. Water Special Assessments

Cities, towns and districts may assess all or a portion of the cost of installing water distribution system plant in public and private ways. This includes the cost of pipes, other materials and labor and other incidental expenses. G.L. Ch. 40 §42G.

In order to make the assessments, the city council, town meeting or district meeting must accept G.L. Ch. 40 §§42G, 42H, 42I and 42K (to use uniform unit method) and authorize the assessments for the project by vote, ordinance or by-law.

###### C. Sewer Special Assessments

Cities and towns may assess all or a portion of the costs of sewer system plant and



facilities. This includes the cost of general benefit facilities, such as pumping stations, trunk and force mains, and special benefit facilities, such as mains serving adjacent properties. G.L. Ch. 83 §15.

City council or town meeting authorization by vote, ordinance or by-law is required to make the assessments.

#### **D. Sidewalk Special Assessments**

Cities or towns may assess no more than fifty percent of the cost of sidewalk original construction or reconstruction with material of more permanent character, and may by ordinance or by-law limit the amount assessed on each parcel to no more than one percent of preceding year's assessed valuation. G.L. Ch. 83 §26.

### **III. ASSESSMENT PROCEDURE**

#### **A. Ordering Improvement and Assessment**

The Assessing Board (City/Town Council, Board of Selectmen, Water/Sewer/Road Commissioners) must formally adopt an order for construction of the improvement that describes the area to be benefited by the particular project and states that betterments or special assessments will be levied for the improvement.

1. Betterments: The order must describe the area to be benefited, referring to a plan of the area, and contain an estimate of the betterments to be assessed on each parcel within the area. G.L. 80 §2.

2. Water Assessments: The order must identify the ways in which the pipes will be laid and describe the parcels not abutting the ways that will be assessed. G.L. 40 §§42G and 42I.

3. Sewer/Sidewalk Assessments: The order must identify the ways in which sewer/sidewalk is located. G.L. Ch. 83 §§25 and 27.

#### **B. Creating Lien**

A special assessment or betterment is a lien on the property benefited. In order to enforce collection, the Assessing Board must establish a valid lien. The property owner is not personally liable for the assessment.

##### **1. Recording Requirements**

In order to create a lien, the Assessing Board must record the following information at the Registry of Deeds:

a. Betterments: Order, plan and estimates within 90 days of (1) date order adopted or (2) town acceptance of street layouts, relocation or alterations, if acceptance required. G.L. Ch. 80 §2.

b. Water Assessments: Order, list of ways and parcels not abutting the ways to be assessed (identify in same way as of prior January 1 for tax purposes using assessors' maps) and list of owners of each parcel to be assessed (as of prior January 1 for tax purposes) "forthwith." G.L. Ch. 40 §42I.

c. Sewer/Sidewalk Assessments: Order and list of ways "forthwith." G.L. Ch. 83 §27. Should also record list of owners of each parcel to be assessed (as of prior January 1 for tax purposes).

##### **2. Deferred Recording Procedure**

The Assessing Board may defer recording the required information for betterments authorized by G.L. Ch. 80, and sewer or sidewalk assessments authorized by G.L. Ch. 83, until after the project is completed, assessments are made, and bills issued and then only for those properties where the assessment was not paid in full within the 30 day period for paying without incurring interest. Use of this option requires city council, town meeting or district meeting authorization. G.L. Ch. 80 §12.

##### **3. Duration of Lien**

a. Arises: The lien exists from the time the recording is made. G.L. Ch. 80 §12; G.L.

Ch. 40 §42I; G.L. Ch. 83 §27.

b. Terminates: The lien terminates two years from October 1 of the year (1) the entire assessment is first added to the tax bill or (2) the last apportioned amount appears on the tax bill, whichever is later, if there has been a recorded alienation during that time. If there has been no recorded alienation during that period, the lien continues until there is a recorded alienation.

c. Exceptions: The lien will continue: (1) even if there is a recorded alienation, if a suit is brought to challenge the validity of the assessment, for a year after the validity is finally determined; (2) if a sale or taking cannot be made because of federal or state law or proceeding and the collector files a statement at the Registry of Deeds to continue the lien, until payment or abatement; and (3) if time for payment is extended and the collector files a statement at the Registry of Deeds, until payment or abatement.

Dissolves: The lien dissolves upon recording in the Registry of Deeds a certificate from the collector that the assessment, interests, costs have been paid or abated. A charge of \$4 is imposed for each certificate the collector issues to be paid over to the general fund.

### **C. Assessing Costs**

Once the project is completed, the Assessing Board determines the actual benefits to and assesses the cost of the project among the properties.

In some cases, the methods to be used to determine the benefits and allocate the costs are prescribed by statute. If not, the Assessing Board may adopt any method that is reasonably calculated to determine the benefits received so long as it does not result in the assessments being substantially in excess of or disproportionate to those benefits. For example, a frontage, area and/or valuation formula may be appropriate methods for apportioning the cost of various improvements. In addition, it may be permissible to classify properties for assessment purposes into those receiving direct or remote benefits.

1. Betterments: Assessments must be made within six months of project completion. G.L. Ch. 80 §1. No method is prescribed by statute. The amount assessed cannot exceed the estimate recorded. G.L. Ch. 80 §2.

2. Water Assessments: Assessments should be made within a reasonable time after project completion. A city, town or district may adopt by ordinance, by-law or vote one or more of the following statutory methods: frontage, area within fixed depth of way, assessed valuation, or uniform unit (number of existing and potential water units based on existing zoning). G.L. Ch. 40 §§42H and 42K.

3. Sewer Assessments: Assessments should be made within a reasonable time after project completion. A city or town may adopt one of the following statutory methods: fixed uniform rate (frontage, area within fixed depth of way or both frontage and area) or uniform unit (number of existing and potential residential equivalent sewer units based on existing zoning). G.L. Ch. 83 §15.

4. Sidewalk Assessments: Assessments should be made within a reasonable time after project completion. No method is prescribed by statute.

### **D. Committing Assessments**

Within a reasonable time after making the assessments, the Assessing Board certifies them to the assessors. The assessors then commit the assessments to the collector with a warrant. G.L. Ch. 80 §4.

Because interest on unpaid betterments accrues from the 30th day after the commitment not the mailing of betterment notices (See Section IV below), the assessors should not make this formal commitment until the collector has prepared the betterment notices for mailing.

**APPENDIX 4 BETTERMENT ANALYSIS WILLIAMS AVE.**

			Address	Based on feet					
Portion of Williams Avenue Paved or Dirt	Assessor's Map # / Lot #	#	Street	Property abuts frontage Williams Avenue (feet)	% of total	Based on Betterment amount in cell "A23"	Frontage Williams Avenue ONLY (feet)	% of total	Based on Betterment amount in cell "A23"
Paved	070-0177-0000	142	Plain Road	81	2.64%	\$2,639.30	0	0.00%	\$0
Paved	070-0178-0000	4	Williams Avenue	105	3.42%	\$3,421.31	105	7.84%	\$7,842
Paved	070-0179-0000	19	York Avenue	75	2.44%	\$2,443.79	0	0.00%	\$0
Paved	070-0197-0000	8	Williams Avenue	95	3.10%	\$3,095.47	95	7.09%	\$7,095
Paved	070-0198-0000	10	Williams Avenue	103	3.36%	\$3,356.14	103	7.69%	\$7,692
Paved	070-0212-0000	14	Willshire Avenue	103	3.36%	\$3,356.14	0	0.00%	\$0
Paved	070-0213-0000	11	Torrington Lane	98	3.19%	\$3,193.22	0	0.00%	\$0
Paved	070-0052-0000	12	Torrington Lane	90	2.93%	\$2,932.55	0	0.00%	\$0
Paved	070-0066-0000	146	Plain Road	167	5.44%	\$5,441.51	0	0.00%	\$0
Paved	070-0065-0000	1	Hawthorne Avenue	161	5.25%	\$5,246.01	0	0.00%	\$0
Paved	070-0056-0000	2	Hawthorne Avenue	155	5.05%	\$5,050.51	0	0.00%	\$0
Paved	070-0055-0000	1	Myrtle Avenue	155	5.05%	\$5,050.51	0	0.00%	\$0
Paved	074-0118-0000	2	Myrtle Avenue	145	4.72%	\$4,724.67	0	0.00%	\$0
???	070-0046-0000	18	Williams Avenue	180	5.87%	\$5,865.10	180	13.44%	\$13,443
Dirt	074-0230-0000	15	Williams Avenue	115	3.75%	\$3,747.15	115	8.59%	\$8,588
Dirt	074-0229-0000	17	Williams Avenue	115	3.75%	\$3,747.15	115	8.59%	\$8,588
Dirt	074-0228-0000	19	Williams Avenue	36	1.17%	\$1,173.02	36	2.69%	\$2,689
Dirt	074-0002-0000	W	Williams Avenue	590	19.22%	\$19,224.50	590	44.06%	\$44,063
Dirt	074-0222-0000	21	Trails End Road	170	5.54%	\$5,539.26	0	0.00%	\$0
Dirt	074-0223-0000	19	Trails End Road	50	1.63%	\$1,629.20	0	0.00%	0
Dirt	074-0224-0000	17	Trails End Road	100	3.26%	\$3,258.39	0	0.00%	0
Dirt	074-0225-0000	15	Trails End Road	100	3.26%	\$3,258.39	0	0.00%	0
Dirt	074-0226-0000	34	Edwards Avenue	80	2.61%	\$2,606.71	0	0.00%	0
				<b>3069</b>	<b>100.00%</b>	<b>\$100,000.00</b>	<b>1339</b>	<b>100.00%</b>	<b>\$100,000</b>
<b>\$100,000</b>	<b>Betterment amount (cell "A23")</b>								

			Address	Based on lot size					
Portion of Williams Avenue Paved or Dirt	Assessor's Map # / Lot #	#	Street	Property abuts frontage Williams Avenue Lot Size (feet <sup>2</sup> )	% of total	Based on Betterment amount in cell "A23"	Frontage Williams Avenue ONLY Lot Size (feet <sup>2</sup> )	% of total	Based on Betterment amount in cell "A23"
Paved	070-0177-0000	142	Plain Road	15,180	2.40%	\$2,400	0	0.00%	\$0
Paved	070-0178-0000	4	Williams Avenue	12,232	1.93%	\$1,934	12,232	2.83%	\$2,830
Paved	070-0179-0000	19	York Avenue	11,528	1.82%	\$1,823	0	0.00%	\$0
Paved	070-0197-0000	8	Williams Avenue	10,208	1.61%	\$1,614	10,208	2.36%	\$2,362
Paved	070-0198-0000	10	Williams Avenue	11,616	1.84%	\$1,837	11,616	2.69%	\$2,688
Paved	070-0212-0000	14	Willshire Avenue	10,996	1.74%	\$1,739	0	0.00%	\$0
Paved	070-0213-0000	11	Torrington Lane	12,892	2.04%	\$2,038	0	0.00%	\$0
Paved	070-0052-0000	12	Torrington Lane	10,560	1.67%	\$1,670	0	0.00%	\$0
Paved	070-0066-0000	146	Plain Road	13,860	2.19%	\$2,191	0	0.00%	\$0
Paved	070-0065-0000	1	Hawthorne Ave	18,612	2.94%	\$2,943	0	0.00%	\$0
Paved	070-0056-0000	2	Hawthorne Ave	23,936	3.78%	\$3,785	0	0.00%	\$0
Paved	070-0055-0000	1	Myrtle Avenue	13,508	2.14%	\$2,136	0	0.00%	\$0
Paved	074-0118-0000	2	Myrtle Avenue	15,928	2.52%	\$2,518	0	0.00%	\$0
???	070-0046-0000	18	Williams Avenue	32,956	5.21%	\$5,211	32,956	7.63%	\$7,626
Dirt	074-0230-0000	15	Williams Avenue	24,332	3.85%	\$3,847	24,332	5.63%	\$5,630
Dirt	074-0229-0000	17	Williams Avenue	26,224	4.15%	\$4,146	26,224	6.07%	\$6,068
Dirt	074-0228-0000	19	Williams Avenue	50,600	8.00%	\$8,001	50,600	11.71%	\$11,708
Dirt	074-0002-0000	W	Williams Avenue	264,000	41.74%	\$41,742	264,000	61.09%	\$61,087
Dirt	074-0222-0000	21	Trails End Road	17,996	2.85%	\$2,845	0	0.00%	\$0
Dirt	074-0223-0000	19	Trails End Road	5,852	0.93%	\$925	0	0.00%	\$0
Dirt	074-0224-0000	17	Trails End Road	11,616	1.84%	\$1,837	0	0.00%	\$0
Dirt	074-0225-0000	15	Trails End Road	13,112	2.07%	\$2,073	0	0.00%	\$0
Dirt	074-0226-0000	34	Edwards Avenue	4,708	0.74%	\$744	0	0.00%	\$0
				<b>632,452</b>	<b>100%</b>	<b>\$100,000</b>	<b>432,168</b>	<b>100.00%</b>	<b>\$100,000</b>
<b>\$100,000</b>	<b>Betterment amount (cell "A23")</b>								

Address				Based on assessed value					
Portion of Williams Avenue Paved or Dirt	Assessor's Map # / Lot #	#	Street	Property abuts frontage Williams Avenue Total Assessed Value	% of total	Based on Betterment amount in cell "A23"	Frontage Williams Avenue ONLY Total Assessed Value	% of total	Based on Betterment amount in cell "A23"
Paved	070-0177-0000	142	Plain Road	\$273,500	4.23%	\$4,233	\$0	0.00%	\$0
Paved	070-0178-0000	4	Williams Avenue	\$269,600	4.17%	\$4,173	\$269,600	10.97%	\$10,965
Paved	070-0179-0000	19	York Avenue	\$290,600	4.50%	\$4,498	\$0	0.00%	\$0
Paved	070-0197-0000	8	Williams Avenue	\$246,200	3.81%	\$3,810	\$246,200	10.01%	\$10,013
Paved	070-0198-0000	10	Williams Avenue	\$261,000	4.04%	\$4,040	\$261,000	10.62%	\$10,615
Paved	070-0212-0000	14	Willshire Avenue	\$285,700	4.42%	\$4,422	\$0	0.00%	\$0
Paved	070-0213-0000	11	Torrington Lane	\$256,400	3.97%	\$3,968	\$0	0.00%	\$0
Paved	070-0052-0000	12	Torrington Lane	\$248,500	3.85%	\$3,846	\$0	0.00%	\$0
Paved	070-0066-0000	146	Plain Road	\$299,700	4.64%	\$4,639	\$0	0.00%	\$0
Paved	070-0065-0000	1	Hawthorne Ave	\$271,800	4.21%	\$4,207	\$0	0.00%	\$0
Paved	070-0056-0000	2	Hawthorne Ave	\$285,400	4.42%	\$4,417	\$0	0.00%	\$0
Paved	070-0055-0000	1	Myrtle Avenue	\$270,700	4.19%	\$4,190	\$0	0.00%	\$0
Paved	074-0118-0000	2	Myrtle Avenue	\$247,800	3.84%	\$3,835	\$0	0.00%	\$0
???	070-0046-0000	18	Williams Avenue	\$153,800	2.38%	\$2,380	\$153,800	6.26%	\$6,255
Dirt	074-0230-0000	15	Williams Avenue	\$313,500	4.85%	\$4,852	\$313,500	12.75%	\$12,751
Dirt	074-0229-0000	17	Williams Avenue	\$286,500	4.43%	\$4,434	\$286,500	11.65%	\$11,652
Dirt	074-0228-0000	19	Williams Avenue	\$375,700	5.81%	\$5,815	\$375,700	15.28%	\$15,280
Dirt	074-0002-0000	ToW	Williams Avenue	\$552,400	8.55%	\$8,550	\$552,400	22.47%	\$22,467
Dirt	074-0222-0000	21	Trails End Road	\$304,900	4.72%	\$4,719	\$0	0.00%	\$0
Dirt	074-0223-0000	19	Trails End Road	\$275,400	4.26%	\$4,262	\$0	0.00%	\$0
Dirt	074-0224-0000	17	Trails End Road	\$254,500	3.94%	\$3,939	\$0	0.00%	\$0
Dirt	074-0225-0000	15	Trails End Road	\$238,500	3.69%	\$3,691	\$0	0.00%	\$0
Dirt	074-0226-0000	34	Edwards Avenue	\$199,000	3.08%	\$3,080	\$0	0.00%	\$0
				<b>\$6,461,100</b>	<b>100.00%</b>	<b>\$100,000</b>	<b>\$2,458,700</b>	<b>100.00%</b>	<b>\$100,000</b>
<b>\$100,000</b>	<b>Betterment amount (cell "A23")</b>								

			Address	Based on household (includes buildable lots)					
Portion of Williams Avenue Paved or Dirt	Assessor's Map # / Lot #	#	Street	Property abuts and/or Williams Avenue Households	% of total	Based on Betterment amount in cell "A23"	Frontage Williams Avenue ONLY Households	% of total	Based on Betterment amount in cell "A23"
Paved	070-0177-0000	142	Plain Road	1	4.35%	\$4,348	0	0.00%	\$0
Paved	070-0178-0000	4	Williams Avenue	1	4.35%	\$4,348	1	12.50%	\$12,500
Paved	070-0179-0000	19	York Avenue	1	4.35%	\$4,348	0	0.00%	\$0
Paved	070-0197-0000	8	Williams Avenue	1	4.35%	\$4,348	1	12.50%	\$12,500
Paved	070-0198-0000	10	Williams Avenue	1	4.35%	\$4,348	1	12.50%	\$12,500
Paved	070-0212-0000	14	Willshire Avenue	1	4.35%	\$4,348	0	0.00%	\$0
Paved	070-0213-0000	11	Torrington Lane	1	4.35%	\$4,348	0	0.00%	\$0
Paved	070-0052-0000	12	Torrington Lane	1	4.35%	\$4,348	0	0.00%	\$0
Paved	070-0066-0000	146	Plain Road	1	4.35%	\$4,348	0	0.00%	\$0
Paved	070-0065-0000	1	Hawthorne Ave	1	4.35%	\$4,348	0	0.00%	\$0
Paved	070-0056-0000	2	Hawthorne Ave	1	4.35%	\$4,348	0	0.00%	\$0
Paved	070-0055-0000	1	Myrtle Avenue	1	4.35%	\$4,348	0	0.00%	\$0
Paved	074-0118-0000	2	Myrtle Avenue	1	4.35%	\$4,348	0	0.00%	\$0
???	070-0046-0000	18	Williams Avenue	1	4.35%	\$4,348	1	12.50%	\$12,500
Dirt	074-0230-0000	15	Williams Avenue	1	4.35%	\$4,348	1	12.50%	\$12,500
Dirt	074-0229-0000	17	Williams Avenue	1	4.35%	\$4,348	1	12.50%	\$12,500
Dirt	074-0228-0000	19	Williams Avenue	1	4.35%	\$4,348	1	12.50%	\$12,500
Dirt	074-0002-0000	ToW	Williams Avenue	1	4.35%	\$4,348	1	12.50%	\$12,500
Dirt	074-0222-0000	21	Trails End Road	1	4.35%	\$4,348	0	0.00%	\$0
Dirt	074-0223-0000	19	Trails End Road	1	4.35%	\$4,348	0	0.00%	\$0
Dirt	074-0224-0000	17	Trails End Road	1	4.35%	\$4,348	0	0.00%	\$0
Dirt	074-0225-0000	15	Trails End Road	1	4.35%	\$4,348	0	0.00%	\$0
Dirt	074-0226-0000	34	Edwards Avenue	1	4.35%	\$4,348	0	0.00%	\$0
				<b>23</b>	<b>100.00%</b>	<b>\$100,000</b>	<b>8</b>	<b>100.00%</b>	<b>\$100,000</b>
<b>\$100,000</b>	<b>Betterment amount (cell "A23")</b>								

**APPENDIX 4 (cont.) BETTERMENT ANALYSIS POLLYANNA LANE**

Address			Based on feet					
Assessor's Map # / Lot #	#	Street	Property abuts and/or frontage Pollyanna Lane (feet)	% of total	Based on Betterment amount in cell "A23"	Frontage Pollyanna Lane ONLY (feet)	% of total	Based on Betterment amount in cell "A23"
077-0060-0002	8	Pollyanna Lane	100	5.52%	\$5,516	100	8.47%	\$8,467
077-0075-0000	9	Pollyanna Lane	207	11.42%	\$11,418	207	17.53%	\$17,528
077-0074-0000	11	Pollyanna Lane	50	2.76%	\$2,758	50	4.23%	\$4,234
077-0073-0000	13	Pollyanna Lane	148	8.16%	\$8,163	148	12.53%	\$12,532
077-0072-0000	15	Pollyanna Lane (non-buildable lot)	50	2.76%	\$2,758	50	4.23%	\$4,234
077-0062-0000	16	Pollyanna Lane	50	2.76%	\$2,758	50	4.23%	\$4,234
077-0071-0000	17	Pollyanna Lane	100	5.52%	\$5,516	100	8.47%	\$8,467
077-0063-0000	18	Pollyanna Lane	50	2.76%	\$2,758	50	4.23%	\$4,234
077-0064-0000	20	Pollyanna Lane	50	2.76%	\$2,758	50	4.23%	\$4,234
077-0070-0000	21	Pollyanna Lane (buildable lot)	50	2.76%	\$2,758	50	4.23%	\$4,234
077-0065-0000	22	Pollyanna Lane	50	2.76%	\$2,758	50	4.23%	\$4,234
077-0069-0000	23	Pollyanna Lane (garage)	50	2.76%	\$2,758	50	4.23%	\$4,234
077-0066-0000	24	Pollyanna Lane	50	2.76%	\$2,758	50	4.23%	\$4,234
077-0067-0000	26	Pollyanna Lane	56	3.09%	\$3,089	56	4.74%	\$4,742
077-0075-0001	40	Forrest Road Fletcher Lane	241	13.29%	\$13,293	0	0.00%	\$0
077-0060-0001	6	(legal frontage is Pollyanna)	120	6.62%	\$6,619	120	10.16%	\$10,161
077-0075-0005	3	Fletcher Lane	169	9.32%	\$9,322	0	0.00%	\$0
077-0075-0004	1	Fletcher Lane	202	11.14%	\$11,142	0	0.00%	\$0
077-0068-0001	8	Lawson Road	20	1.10%	\$1,103	0	0.00%	\$0
			<b>1813</b>	<b>100.00%</b>	<b>\$100,000</b>	<b>1181</b>	<b>100.00%</b>	<b>\$100,000</b>
<b>\$100,000</b>		<b>Betterment amount (cell "A23")</b>						

Address			Based on lot size					
Assessor's Map # / Lot #	#	Street	Property abuts and/or frontage Pollyanna Lane Lot Size Square Feet	% of total	Based on Betterment amount in cell "A23"	Frontage Pollyanna Lane ONLY Lot Size Square Feet	% of total	Based on Betterment amount in cell "A23"
077-0060-0002	8	Pollyanna Lane	56,323	18.86%	\$18,865	56,323	26.93%	\$26,926
077-0075-0000	9	Pollyanna Lane	20,517	6.87%	\$6,872	20,517	9.81%	\$9,808
077-0074-0000	11	Pollyanna Lane	5,000	1.67%	\$1,675	5,000	2.39%	\$2,390
077-0073-0000	13	Pollyanna Lane	2,962	0.99%	\$992	2,962	1.42%	\$1,416
077-0072-0000	15	Pollyanna Lane (non-buildable lot)	5,000	1.67%	\$1,675	5,000	2.39%	\$2,390
077-0062-0000	16	Pollyanna Lane	6,839	2.29%	\$2,291	6,839	3.27%	\$3,269
077-0071-0000	17	Pollyanna Lane	10,000	3.35%	\$3,349	10,000	4.78%	\$4,781
077-0063-0000	18	Pollyanna Lane	5,358	1.79%	\$1,795	5,358	2.56%	\$2,561
077-0064-0000	20	Pollyanna Lane	5,000	1.67%	\$1,675	5,000	2.39%	\$2,390
077-0070-0000	21	Pollyanna Lane (buildable lot)	5,000	1.67%	\$1,675	5,000	2.39%	\$2,390
077-0065-0000	22	Pollyanna Lane	5,000	1.67%	\$1,675	5,000	2.39%	\$2,390
077-0069-0000	23	Pollyanna Lane (garage)	5,000	1.67%	\$1,675	5,000	2.39%	\$2,390
077-0066-0000	24	Pollyanna Lane	5,000	1.67%	\$1,675	5,000	2.39%	\$2,390
077-0067-0000	26	Pollyanna Lane	6,055	2.03%	\$2,028	6,055	2.89%	\$2,895
077-0075-0001	40	Forrest Road Fletcher Lane (legal frontage is Pollyanna)	20,081	6.73%	\$6,726	0	0.00%	\$0
077-0060-0001	6	Fletcher Lane	66,124	22.15%	\$22,147	66,124	31.61%	\$31,611
077-0075-0005	3	Fletcher Lane	30,579	10.24%	\$10,242	0	0.00%	\$0
077-0075-0004	1	Fletcher Lane	20,909	7.00%	\$7,003	0	0.00%	\$0
077-0068-0001	8	Lawson Road	17,816	5.97%	\$5,967	0	0.00%	\$0
			<b>298,563</b>	<b>100.00%</b>	<b>100,000</b>	<b>209,178</b>	<b>100.00%</b>	<b>100,000</b>
<b>\$100,000</b>		<b>Betterment amount (cell "A23")</b>						



Address			Based on assessed value					
Assessor's Map # / Lot #	#	Street	Property abuts and/or frontage Pollyanna Lane Total Assessed Value	% of total	Based on Betterment amount in cell "A23"	Frontage Pollyanna Lane ONLY Total Assessed Value	% of total	Based on Betterment amount in cell "A23"
077-0060-0002	8	Pollyanna Lane	\$678,100	9.85%	\$9,852	\$678,100	13.26%	\$13,265
077-0075-0000	9	Pollyanna Lane	\$431,400	6.27%	\$6,268	\$431,400	8.44%	\$8,439
077-0074-0000	11	Pollyanna Lane	\$226,000	3.28%	\$3,283	\$226,000	4.42%	\$4,421
077-0073-0000	13	Pollyanna Lane	\$250,000	3.63%	\$3,632	\$250,000	4.89%	\$4,890
077-0072-0000	15	Pollyanna Lane (non-buildable lot)	\$900	0.01%	\$13	\$900	0.02%	\$18
077-0062-0000	16	Pollyanna Lane	\$397,200	5.77%	\$5,771	\$397,200	7.77%	\$7,770
077-0071-0000	17	Pollyanna Lane	\$237,100	3.44%	\$3,445	\$237,100	4.64%	\$4,638
077-0063-0000	18	Pollyanna Lane	\$301,000	4.37%	\$4,373	\$301,000	5.89%	\$5,888
077-0064-0000	20	Pollyanna Lane	\$385,500	5.60%	\$5,601	\$385,500	7.54%	\$7,541
077-0070-0000	21	Pollyanna Lane (buildable lot)	\$8,400	0.12%	\$122	\$8,400	0.16%	\$164
077-0065-0000	22	Pollyanna Lane	\$461,900	6.71%	\$6,711	\$461,900	9.04%	\$9,036
077-0069-0000	23	Pollyanna Lane (garage)	\$18,500	0.27%	\$269	\$18,500	0.36%	\$362
077-0066-0000	24	Pollyanna Lane	\$357,400	5.19%	\$5,192	\$357,400	6.99%	\$6,991
077-0067-0000	26	Pollyanna Lane	\$451,200	6.56%	\$6,555	\$451,200	8.83%	\$8,826
077-0075-0001	40	Forrest Road	\$377,500	5.48%	\$5,484	\$0	0.00%	\$0
077-0060-0001	6	Fletcher Lane (legal frontage is Pollyanna)	\$907,400	13.18%	\$13,183	\$907,400	17.75%	\$17,750
077-0075-0005	3	Fletcher Lane	\$588,900	8.56%	\$8,556	\$0	0.00%	\$0
077-0075-0004	1	Fletcher Lane	\$432,200	6.28%	\$6,279	\$0	0.00%	\$0
077-0068-0001	8	Lawson Road	\$372,500	5.41%	\$5,412	\$0	0.00%	\$0
			<b>\$6,883,100</b>	<b>100.00%</b>	<b>\$100,000</b>	<b>\$5,112,000</b>	<b>100.00%</b>	<b>\$100,000</b>
<b>\$100,000</b>		<b>Betterment amount (cell "A23")</b>						

Address			Based on household (includes buildable lots)					
Assessor's Map # / Lot #	#	Street	Property abuts and/or Pollyanna Lane Households	% of total	Based on Betterment amount in cell "A23"	Frontage Pollyanna ONLY Lane Households	% of total	Based on Betterment amount in cell "A23"
077-0060-0002	8	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0075-0000	9	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0074-0000	11	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0073-0000	13	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0072-0000	15	Pollyanna Lane (non-buildable lot)	0	0.00%	\$0	0	0.00%	\$0
077-0062-0000	16	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0071-0000	17	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0063-0000	18	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0064-0000	20	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0070-0000	21	Pollyanna Lane (buildable lot)	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0065-0000	22	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0069-0000	23	Pollyanna Lane (garage)	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0066-0000	24	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0067-0000	26	Pollyanna Lane	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0075-0001	40	Forrest Road Fletcher Lane	1	5.56%	\$5,556	0	0.00%	\$0
077-0060-0001	6	(legal frontage is Pollyanna)	1	5.56%	\$5,556	1	7.14%	\$7,143
077-0075-0005	3	Fletcher Lane	1	5.56%	\$5,556	0	0.00%	\$0
077-0075-0004	1	Fletcher Lane	1	5.56%	\$5,556	0	0.00%	\$0
077-0068-0001	8	Lawson Road	1	5.56%	\$5,556	0	0.00%	\$0
<b>\$100,000</b>		<b>Betterment amount (cell "A23")</b>	<b>18</b>	<b>100.00%</b>	<b>\$100,000</b>	<b>14</b>	<b>100.00%</b>	<b>\$100,000</b>

## **APPENDIX 5 - Bylaw**

### **Chapter XXX Temporary Repairs to Private Ways**

#### **§ XXX-1 Purpose and applicability.**

1. The Town is authorized to make temporary repairs to private ways, constructed prior to 1955, which have been open to the public for a period of at least six (6) years, out of funds appropriated for said purpose by Town Meeting. In all cases, the entire cost shall be assessed as a betterment on those properties which benefit from the repairs. Repair does not mean new construction.
2. The repairs will be required by public necessity, including but not limited to (a) the necessity of providing adequately drained ways so as to reduce ecologically harmful runoff into the Town's brooks and ponds, and (b) the necessity of providing adequate passable ways for public safety vehicles from public ways to residences, Town facilities and resources including access to Town conservation land. The Board of Selectmen shall make the determination of public necessity by a majority vote.

#### **§ XXX-2 Types of Repairs.**

1. The repairs must be temporary in nature, such as filling, grading, patching and surface coating, and may include such repairs to drainage swales, conduits and structures as are necessary to preserve the integrity of surface repairs to the roadway, and shall not be such as to constitute a reconstruction of the roadway.
2. The temporary repair shall have a minimum expected life equal to the bond term or 20 years.
3. Temporary repairs may be undertaken on a way subject to this bylaw, or to a contiguous portion of such way, which begins and ends at an intersection or conjunction with another way.

#### **§ XXX-3 Petition.**

1. A minimum of seventy five percent (75%) of the owners of property abutting the portion of the way proposed to be repaired must petition for the repair, with each ownership entity counting as one. The Board of Selectmen are authorized to waive this requirement.

#### **§ XXX-4 Betterment charges.**

1. The owners of land abutting such way who derive benefit from said repairs shall be assessed betterment charges by the Board of Selectmen. Betterment charges, in an amount of 100% of the aggregate cost to plan, prepare and improve the

private way shall be assessed on a per lot basis or on the proportion of the lot on the way to be improved or other proportional method as may be required by the Board of Selectmen.

2. The Town may be considered an abutter, if property under the care, custody and control of the Town abuts said way, to be improved.
3. A cash deposit shall not be required.

#### **§ XXX-5 Status of way.**

1. This bylaw does not confer any obligation or duty on the Town or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair.
2. The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such private ways as public ways, nor does it constitute a way being "maintained and used as a public" under the Massachusetts Subdivision Control Law.
3. Any private way improved under the provisions of this bylaw need not be brought up to full Town standards and may continue to remain a private way. Improved private ways may be brought to Town Meeting for acceptance as a public way by completing the steps outlined in the Town's Street Acceptance procedure, which may be amended from time to time.

#### **§ XXX-6 Liability.**

1. The Town, in making repairs under this section shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

#### **§ XXX-7 Indemnity Agreement.**

1. No repair of a private way shall be undertaken until the Board of Selectmen has in its possession agreements executed by at least 85% of abutting owners on the portion of the way to be repaired holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:
  - A. that the Town assumes no liability to such owners by making the repairs;
  - B. jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorneys' fees and other costs of defense;

- C. that should the Town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- D. that such repair shall not constitute "maintenance" of such way, so as to give the way the status of a way "maintained and used as a public way" under the Massachusetts Subdivision Control Law;
- E. that if assessed for repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over a number of years.

**§ XXX-8 Continually Open to Public Use.**

1. Repairs or maintenance under this section shall not be performed on private ways that do not remain open to public use for the duration of the bond.

## **APPENDIX 6 BETTERMENTS BULLETIN**

### **SELECTMEN'S PUBLIC INFORMATION BULLETIN IMPROVEMENTS TO ROADWAYS/BETTERMENTS**

Many citizens contact the Town of Westford Highway Department or Selectmen requesting repairs or improvements to their street only to learn it is unaccepted or private and that repairs cannot reasonably be undertaken under penalty of Massachusetts State Law. The purpose of this policy is to provide citizens with a written summary of the steps necessary to expend Town funds on repairs for unaccepted or private roads. For further information please contact the Town Engineer.

This document addresses three types of unaccepted roads or roads which Town Meeting has not authorized the expenditure of public funds to repair and maintain; roads constructed before 1955, roads constructed after 1955 under the Subdivision Control Act abandoned by developers and private roads. These three road categories are all considered “unaccepted” by the Town whereas Massachusetts State Law defines all unaccepted roads as private. All roads constructed before 1994 and reasonably maintained are plowed and sanded as authorized by a vote of Town Meeting. Roads constructed after 1994, must be accepted by a vote of Town Meeting before snow removal services will be provided.

From time to time, the Planning Board approves the construction of a “private” way. Private ways typically service a particular interest such as a large commercial development or shared common driveway as in the case of condominiums or a limited number of single-family homes. Developers of private roads are given special considerations in exchange for designation as a “private way.” A typical consideration would be that the road does not meet the minimum road width of 22 feet. Private ways are to be maintained in perpetuity by the property owners and not eligible for acceptance by Town Meeting and subsequent maintenance by the Highway Department.

**1. If Your Road is a “Private Way”:** The Highway Department cannot legally provide repair or improvement to the roadway. The responsibility belongs to the abutting property owners and should be recorded in the property deed. See the property deed for details. (Deeds are on file at the Registry of Deeds in Lowell). Private Ways may not go through the street acceptance process because the expense of bringing this type of road to a

minimum acceptable standard exceeds what would be allowed by the Department of Revenue's memorandum on the assessment of betterments. The Town Engineer maintains a list of private ways so designated by the Planning Board. Contact the Highway Superintendent for repair advice and type of contractors who perform routine maintenance.

**2. If Your Road is "Unaccepted":** There are many roads in Westford that are not accepted public ways; which means that the voters of the Town have not authorized the expenditure of public funds for the repair and maintenance of the roadways. The property owners alongside unaccepted roads (the abutters) usually own to the centerline of the roadways that touch their parcels of land. See the property deed for details. (Deeds are on file at the Registry of Deeds in Lowell). It has been the practice in Westford for decades to not use public resources on unaccepted roadways except where specifically authorized by state law. Abutters to unaccepted streets have three options for having their roads improved:

A. In cases of roads constructed before 1955, and post-1955 abandoned subdivision roads, abutters own a portion of the roadway; individuals and groups of abutters may hire private contractors to fill in holes, repair drainage structures and otherwise improve the roadway. It is recommended to check with the Highway Superintendent first for advice and suggestions.

B. Abutters of unaccepted roadways have the right to submit an article for inclusion on a Town Meeting Warrant seeking Town acceptance of the road and subsequent maintenance or improvement of the road. Since it has been the practice of the Town to improve roads under the Town's Betterment Program and developers are responsible to prepare paved roads prior to their acceptance by the Town, it is unlikely Town Meeting would support such an article. Contact the Board of Selectmen's office for advice on preparing a warrant article for Town Meeting and following the requirements of Massachusetts General Law for street acceptance.

C. 1. Abutters of unaccepted roads constructed before 1955, which have been open to the public for a period of two years, may submit a written petition to the Board of Selectmen that the street be improved under the Town's Temporary Repairs to Private Ways Bylaw as a matter of public necessity. Upon receipt of a petition, the Selectmen will direct the Town Engineer to determine public necessity. If repairs are needed and voted affirmatively by a majority of the Board, temporary repairs may be

undertaken and abutters will be assessed betterment charges. Because the Town is funding repairs up-front, with the cost being paid back by abutters over a period of years, the expenditure must be approved by Town Meeting. Repairs cannot begin until Town Meeting authorizes the funding. Refer to the Town's Temporary Repairs to Private Ways Bylaw for additional details.

C. 2. Abutters of unaccepted roads constructed after 1955 under the Subdivision Control Act must first appeal to the developer to complete road repairs and improvements and bring it forward to Town Meeting for acceptance. Subdivision road acceptance is the responsibility of the developer. It is understood, the reasons for each unaccepted subdivision road may be unique and one policy may not cover each situation. If the Planning Board determines the developer has abandoned the road, any remaining bond money will be seized and a plan developed by the Town Engineer to apply the funds toward completion. When bond money is posted for a subdivision, it is the desire of the Board of Selectmen and Town in general, to bring all roads of a subdivision forward for acceptance simultaneously so that bond money is equitably used. If bond money is no longer available or insufficient to complete necessary road repairs, the cost of street completion may be required of abutters through the Town Betterment Program.

Abutters to an unaccepted subdivision road may submit a written request to the Town Engineer for street acceptance and improvement under the Town's Betterment Program. Roads are to be brought to the standard at the time of Planning Board approval of the definitive subdivision plan.

**3. If You Own Property on a Town Way:** Five accepted Town Ways in Westford are not paved. The unpaved Town Ways are Vose Road, Old Road, Wright Lane, Wing Road, and Flushing Pond Road. To have a Town Way paved, abutters may offer to finance the engineering, construction and material costs, proceeding under the Town's Betterment Program, or submit a Town Meeting Warrant Article asking for Town funding for the project, (please refer to the Selectmen's Office for correct timing for submitting articles). The betterment of accepted Town Ways follows the same process as unaccepted ways.



## **TOWN OF WESTFORD IMPROVEMENT TO ROADWAYS BETTERMENT PROGRAM**

Citizens may submit a written request to the Board of Selectmen for street acceptance and/or improvement under the Town's Betterment Program. Massachusetts General Law Chapter 80, sections 1 to 17, covers Town administration of betterments. The Massachusetts Department of Revenue, Division of Local Services, Memorandum on Betterments and Assessments, Assessment and Collection Procedures, (April 2001), offers further guidance.

Generally, a betterment or special assessment is a special property tax that is permitted where real property receives a special benefit or advantage from the construction of a public improvement. Assessment of the project costs must be reasonable and not substantially in excess of the benefit received. Public improvements, which may be subject to betterments include, but are not limited to, street layouts, temporary repair to a private way, water, sewer and sidewalks. A betterment or special assessment is a lien on the property benefited.

- To begin the betterment process, a minimum number of abutters must petition the Board of Selectmen, the Assessing Authority:

Temporary Repairs to Private Roads	75%
Subdivision Road Street Acceptance	51%
Paving of Town Ways	75%

- Betterment costs, including but not limited to engineering, materials, labor, plan preparation, bonding and legal expenses, will be included in the final assessment.
- Betterments will be assessed on a per lot basis or on the proportion of the lot on the way to be improved or other proportional method as may be required by vote of Town Meeting.
- Abutters will assume 100% of the cost of the betterment for street layout or improvement, temporary repair to private ways or paving of Town Ways.
- The betterment term will be mutually agreed upon between the Assessing Authority and petitioners, usually 5 to 20 years.

## APPENDIX 7 – Unaccepted Roads Reference Document

### Street Acceptance Reference for Subdivision Roads - Town of Westford

#### Statement of Purpose

The purpose of this document is to provide an understandable description of the process required to bring a road forward for acceptance.

#### Definitions

For the purposes of this document the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. As used in this document, the word “shall” always implies a mandate, not an optional directive.

For the purpose of this document the terms street, way, and road will be used interchangeably.

1. Resident – Citizen residing within the Town of Westford.
2. Unaccepted– Any road which has not been accepted by majority vote of Town Meeting, in accordance with Mass General Law (MGL) Chapter 82, Section 21, 22, & 23.
3. Definitive plan - The road must be completed to the specifications in the last approved site plan for the subdivision, and will be held to that standard for the road regardless of the year of completion. The Planning Board of Westford has approved a definitive plan for every subdivision in Town of Westford and this Definitive Plan is recorded at the Middlesex North Registry of Deeds.

*This and other documents relating to a road and subdivision can be found online at the Middlesex North Registry of Deeds, Lowell Deeds web site, [www.lowelldeeds.com](http://www.lowelldeeds.com). Simplify your search by selecting the Town of Westford, property, and enter the specific road name. Only approved documents can be found at this web site. Documents on sub-divisions which are not yet approved can be found in the Planning Board meeting notes. It may be necessary to review your deed for subdivision name, book and plan number, etc. to facilitate your search.*

4. Standard for the road – The standard set by the Planning Board and specified in the definitive plan for the subdivision.
5. Betterment (B) – Charge to the resident to cover the cost of an improvement. This cost can be divided over a number of years to pay off construction costs incurred by the Town of Westford. This is a lien on the property and is usually paid through an addition to the resident's property tax. The resident may chose at any time to pay off the amount owed to the town. **The resident should be aware that the property cannot be sold until the lien is paid in full.**
6. Neighborhood Funded (NF) – Residents may privately fund the cost of bringing a road to acceptance. The advantage is that residents are not required to pay the prevailing wage that the Town of Westford is required to pay, thereby potentially reducing the overall cost. However it also means that the project must be funded at the time of completion.
7. Special Town Meeting – Any meeting other than Annual Town Meeting. **(MCL Chap 39 Sec 12)**
8. Warrant – A document issued by the Board of Selectmen and presented at Town Meeting consisting of a list of items be voted on by the registered voters in present at the Town Meeting. The Warrant may consist of numerous of Articles.
9. Article – The specific item included within the Warrant which will be brought before the town meeting for vote.
10. Motion - A formal proposal for action made to an assembly for discussion and vote.

11. Punchlist – List of items to be completed or corrected on a specific road, issued by the Town Engineer.
12. Running – Legal terminology used to grant perpetual unlimited access.
13. Form G – section of Subdivision Rules and Regulations.

**Street acceptance - an affirmative vote of the Town Meeting**

Resident should be aware that street acceptance can only be granted by a majority vote at Town Meeting. Street acceptance has historically been reserved for the Fall Special Town Meeting whenever possible due to both weather and requirements of the Highway and Engineering departments (See *Timeline for Street Acceptance section*).

**Residents have a right to petition for street acceptance**

Massachusetts law states that a resident may place Articles on the Warrant without approval by the Selectmen by petitioning to insert the Article. Petitions to insert an Article on the warrant for an Annual Town Meeting require ten signatures. Petitions to insert an Article on the Warrant for a Special Town Meeting require 100 signatures or the signatures of ten per cent of the registered voters in the town, whichever is less.

It is however always advisable to have discussed the petition for street acceptance and received concurrence from the responsible Town Boards, since Town Boards will be asked for their opinions and recommendations at Town Meeting.

Resident should also be aware that a Timeline for Street Acceptance does exist and under Mass General Law it must be followed (See *Timeline for Street Acceptance section*).

**Prior to street acceptance the Town Engineer must assess road condition**

Town Engineer and Highway Superintendent will assess roadway conditions and determine items to be completed. Some of these items are weather dependent. This means that they cannot be properly performed if there is snow, frost, or cold-weather present. Performance of most items would not meet standards if they were done in winter or early spring and would therefore result in premature failure or deterioration that the Town of Westford would ultimately be financially responsible for. This is the main reason for the requirement that work is not started prior to April 15<sup>th</sup>. Additionally, inspection of many items would be very difficult and sometimes impossible during winter or early spring. A few examples are: the inspection of bounds covered by snow and the observation of the health of deciduous trees during winter months. An additional concern is that it is the practice of the Town of Westford to observe the roadway through the course of one winter to ensure there are no defects that could result in immediately necessary repairs. Of the utmost importance is to observe the function of the drainage, including infiltrating systems and detention basins, through an entire winter. Annual Town Meeting date does not afford adequate time for this full observation and appropriate repairs to be made for a roadway unless it has gone through a previous winter. When reasonably possible it is recommended and preferred that road acceptance applications be presented at Special Town Meeting.

**Subdivision Developer Responsibilities**

It is the responsibility of the builder of a subdivision to build all roads to the standard which was approved in the Definitive Plan. Prior to starting the subdivision the developer and Planning Board have agreed upon the standard – it is specified in the definitive plan. The developer has also assumed responsibility for bringing his subdivision roads before Town Meeting for acceptance. The resident should therefore turn to the developer with initial questions about road acceptance to verify that all of his responsibilities have been met.

In the case where the developer has abandoned the subdivision it shall become necessary for the resident to work with the Town to complete this process. The primary town liaison is the Town Engineer who will assist the resident(s) with their effort to bring the road forward for approval.

### Costs

Any costs involved in the process are the responsibility of the resident. These costs are dependent upon what remains to be done and are discussed below. When available the Town of Westford will make every effort to expend bond money as delineated on Form G of Subdivision Rules and Regulations.

A number of legal documents are required to complete this process and it is the responsibility of the resident to complete all documents and cover whatever costs are associated with the compilation and completion of those documents.

### Governing Laws

Street Acceptance is governed by both the Town of Westford Subdivision Rules & Regulations and the Mass General Law (Zoning - Chapter 40A). *These documents can be found online.*

### Should your road be unaccepted, please continue with the steps listed below.

A number of the following items in this process should have already been completed by the subdivision developer. Should that be the case the resident may only need to complete missing items or update items that are deemed to be outdated. The resident should first meet with the Town Engineer to define what remains to be done and to create a plan for completion.

*The following steps are taken from the Westford Subdivision Rules and Regulations, Chapter 218, and the Code of the Town of Westford, Edition: October 25, 2004. In this document we have tried to make the code more understandable however it is the responsibility of the resident to verify that the code has not been updated. In all instances the most recent code will apply. The Code can be found on the Town of Westford web site by selecting "Documents Online", then "Subdivision Rules and Regulations".*

1. Resident should request a meeting with the Town Engineer to determine road status. The Town Engineer will provide the resident with the following information and status:
  - Definitive plan – containing the original construction specifications for the road
  - Results of the last inspection done on the road
  - Bond money remaining – seized or existing bond monies to be used as delineated in Form G of Subdivision Rules and Regulations.
2. Citizens may submit a written request to the Board of Selectmen for street acceptance and/or improvement under the Town's Betterment Program.
3. The Town Engineer will provide an estimate for completion of the road. This estimate will be based on the standard for the road established in the definitive plan.
4. No application for street acceptance may be made until the following minimal requirements are met.
  - a. All conditions listed on the Town Engineer punch list must be met (Street Acceptance Procedure (SAP) Article VIII Sec. 218-28 B).
  - b. Upon completion of all work the road must have the approval of the Highway Superintendent (SAP Article VIII Sec. 218-28 A).
  - c. The resident will request a certificate of compliance from the Conservation Commission in the case where an order of conditions has been issued for the construction of the roadway and/or its drainage system (SAP Article VIII Sec. 218-28 C, 218-30 E).

*[Resident should contact the Conservation Director to discuss compliance (name and phone number can be found on the Town of Westford web site).]*

- d. Create a Street Acceptance Plan - Mylar plan and four (4) paper prints showing the street or streets to be accepted and all appurtenant easements by bounds, courses and distances (SAP Article VIII Sec. 218-30, and MGL 40B which only requires 1 paper copy of the Street Acceptance Plan with meets and bounds).

Using the certification of monuments form (Form M) the applicant shall produce certification that the granite bounds were placed as required by the approved planning board definitive plans and this form shall be stamped by a Registered Land Surveyor (SAP Article VIII Sec. 218-30 J).

*[Form M can be found in the appendix of the Town of Westford Subdivision Rules & Regulations) If possible the resident should contact the original surveying company to get the most cost effective pricing for this work. The name of the surveying company should be found on the Definitive Plan documents.]*

- e. The Town Engineer will provide instruments suitable for recording running to the "Inhabitants of the Town of Westford" for all easements which are not a part of the street or streets (including, but not necessarily limited to drainage, water and other utilities). These instruments must be signed by all parties having an interest or rights in such easement (SAP Article VIII Sec. 218-30 B).
- f. The Town Engineer shall provide a deed for the street itself, running to the "Inhabitants of the Town of Westford". This deed shall contain a legal description of the street named in the acceptance application and shall be signed by all parties having any rights or interests in such street (SAP Article VIII Sec. 218-30 C).
- g. A statement from the Westford Fire Chief certifying that all fire protection requirements, including but not necessarily limited to installation of hydrants and cisterns, have been provided and are satisfactory *[Contact the Westford Fire Chief to get this form and information. Name and phone number can be found on the Town of Westford web site.]* (SAP Article VIII Sec. 218-30 F).

**Necessary documents:**

1. Petition for road status.
2. Certificate of compliance from the Highway Superintendent stating the utilities & drainage are built according to the plan.
3. Definitive plan.
4. Statement of Compliance from the Conservation Commission (SAP Article VIII Sec. 218-30 E).
5. Statement of Compliance from the Westford Fire Chief certifying that all fire protection requirements, including but not necessarily limited to installation of hydrants and cisterns, have been provided and are satisfactory SAP Article VIII Sec. 218-30 F).
6. Create a Street Acceptance Plan - Mylar plan and four (4) paper prints showing the street or streets to be accepted and all appurtenant easements by bounds, courses and distances  
(SAP Article VIII Sec. 218-30 A).
7. Form M (*found in the appendix of the Town of Westford Subdivision Rules & Regulations*) completed and stamped by a Registered Land Surveyor (SAP Article VIII Sec. 218-30 J).

**Timeline for Street Acceptance****For presentation at any Town Meeting (Annual or Special):**

90 days before	Deadline for submittal of all street acceptance application materials to the Town of Westford Town Clerk (SAP Article VIII Sec. 218-29 A).
90 - 75 days before	Review period for application materials submitted.
75 - 60 days before	Resident must correct incomplete items and/or deficiencies and notify appropriate Town Departments for inspection (SAP Article VIII Sec. 218-29 B).

**Appendix**

- a. Petition for road status
- b. Petition to apply for road acceptance
- c. Petition for street improvement
- d. Petition against street improvement
- e. Example of a road acceptance warrant article
- f. Indemnity Agreement
- g. Street acceptance flowchart

**Appendix A**  
**PETITION FOR ROAD STATUS TO THE TOWN OF WESTFORD BOARD OF SELECTMEN**

The undersigned residents of \_\_\_\_\_,  
[Name of Street(s)]

hereby request the following information on the status of the aforementioned road(s) within subdivision

\_\_\_\_\_ (Subdivision Name)

1. The definitive plan for the road and subdivision (*the last specification of the planning board*)
2. The results of the last inspection done on the road (*what is left to do*).
3. The amount of any bond monies remaining for the completion of the road(s), or subdivision.

Petitioners' Signature:

Address:

---

---

---

---

---

The board may contact our representative\*,

\_\_\_\_\_ (Name)

\_\_\_\_\_, at

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Phone and/or Email)

**\* To facilitate communication, the Town requests the neighborhood representative(s) keep all abutters informed.**

**Appendix B**  
**PETITION TO APPLY FOR ROAD ACCEPTANCE (formally the BETTERMENTS**  
**PETITION)**

This petition and waiver dated for convenience, but actually executed in some instances at various dates subsequent thereto.

We, the undersigned, hereby request and petition the Board of Selectmen of Westford to take all necessary action required to lay out a portion of the private way known as\_\_\_\_\_.

We further request and petition said Board to insert an appropriate Article in the Warrant for a Town Meeting to be held as soon as practicable relative to the acceptance by said Town of said way, the improvement thereof, and the assessment of betterment's therefore, pursuant to the applicable provisions of the General Laws, as most recently amended.

And in consideration of the construction, reconstruction or improvement of said way by the Town, we do hereby for ourselves, our heirs and assigns, severally and jointly waive any and all causes of action we may have under any provision or provisions of Chapters 79 and 80A of the General Laws, as most recently amended, or under the provisions of any other award of damages which may result from any eminent domain proceedings necessitated by said layout and/or improvement of said way; but the foregoing waiver of rights relative to damages is made on the understanding and condition that no land, rights or interest shall be taken by the Town except such land, rights and interest as are included within the line or limits of said \_\_\_\_\_ as the same is/are now located and shown on a plan of land entitled " \_\_\_\_\_ " which plan is recorded with the Middlesex North District Registry of Deeds, Plan Book \_\_\_\_\_, Plan \_\_\_\_\_

NAME

NAME

---

---

---

---

---

---

---



---

---

---

---

---

---

---

NOTE: Only the owners of premises abutting on \_\_\_\_\_ should sign the foregoing petition. IMPORTANT: Signatures should in all cases be identical with the names of the owners on then\* deeds. If record title stands in the names of more than one owner, all owners must sign.



**Appendix C**  
**Town of Westford Petition for Street Improvements**

Date: \_\_\_\_\_

Board of Selectmen  
Town of Westford  
55 Main Street  
Westford, MA 01886

Petition for street improvements.

Dear Board Members:

I/we

\_\_\_\_\_  
(Print Name)

Of

\_\_\_\_\_  
(Print – Street number & Name)

Petition the Town of Westford, through its Selectmen to improve the Street / Road known as

\_\_\_\_\_  
(Print Street or Road Name)

To be improved as a public town street in accordance with the current Town of Westford policy for street improvements. The cost of said improvements to be paid for by the Town of Westford, with the street residents being assessed a betterment cost of one hundred (100%) percent of the cost of said improvements.

Signatures:

\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Signature)

The following information will be provided by the Assessor's Office:

Tax Map # \_\_\_\_\_

Lot # \_\_\_\_\_

Add additional pages for names, addresses, and signatures as needed.

Appendix D  
**Town of Westford Petition against Street Improvement**

Date: \_\_\_\_\_

Board of Selectmen  
Town of Westford  
55 Main Street  
Westford, MA 01886

Petition against street improvements:

Dear Board Members:

I/we

\_\_\_\_\_  
(Print Name)

Of

\_\_\_\_\_  
(Print – Street number & Name)

Petition the Town of Westford, through its Selectmen NOT to improve the Street / Road known as

\_\_\_\_\_  
(Print Street or Road Name)

I/we request that NO improvements, to the above listed street be made at any expense to me/us.  
I/we do not want to be burdened with the cost of said improvements.

Signatures:

\_\_\_\_\_  
(Signature) (Signature)

\_\_\_\_\_  
(Signature) (Signature)

The following information will be provided by the Assessor's Office:

Tax Map # \_\_\_\_\_

Lot # \_\_\_\_\_

Add additional pages for names, addresses, and signatures as needed.

**Appendix E**  
**Example of a road acceptance warrant article**

To see if the Town will vote to accept the layout of the following streets as Town public ways pursuant to Massachusetts General Laws Chapter 82: (street names go here)

Or act in relation thereto.

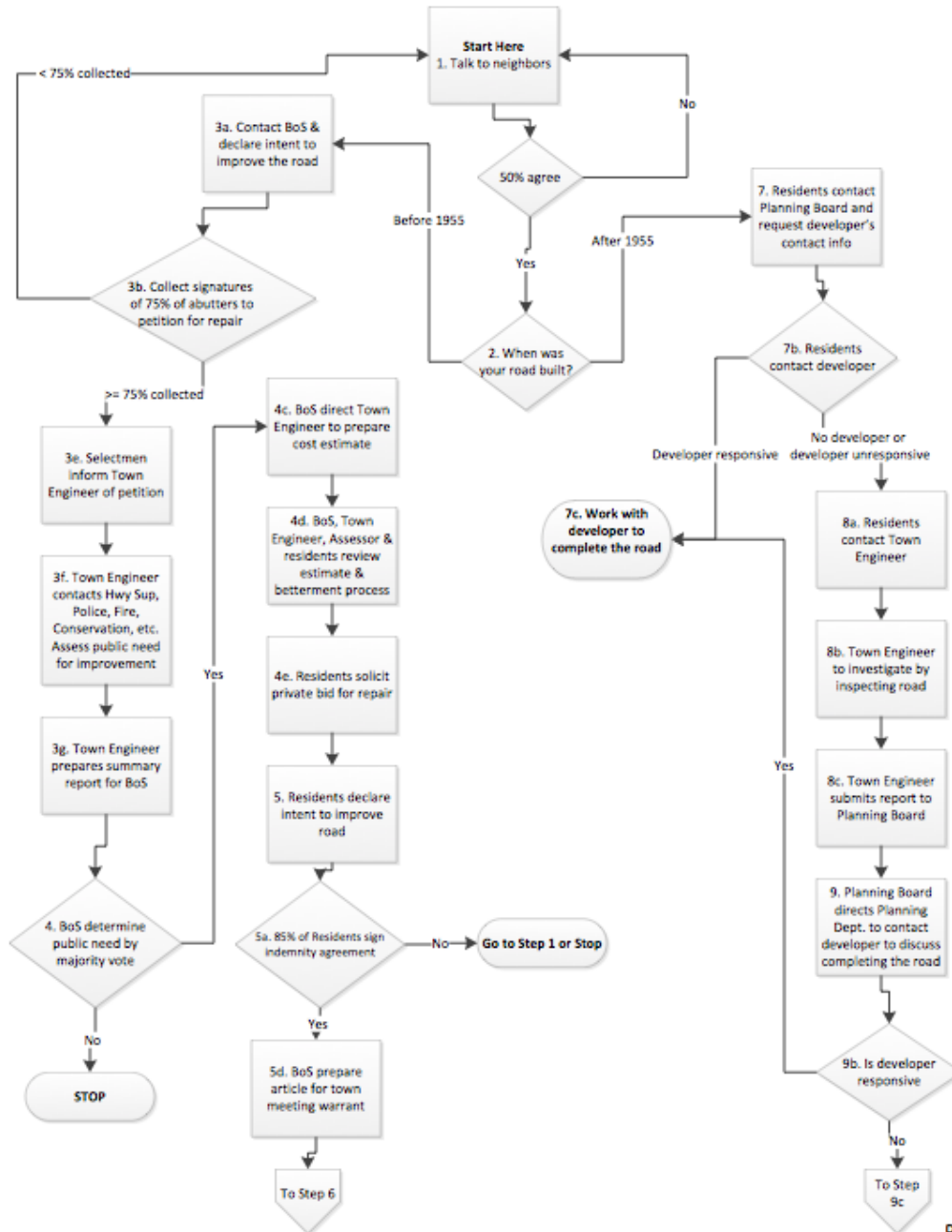
**Appendix F****Indemnity Agreement**

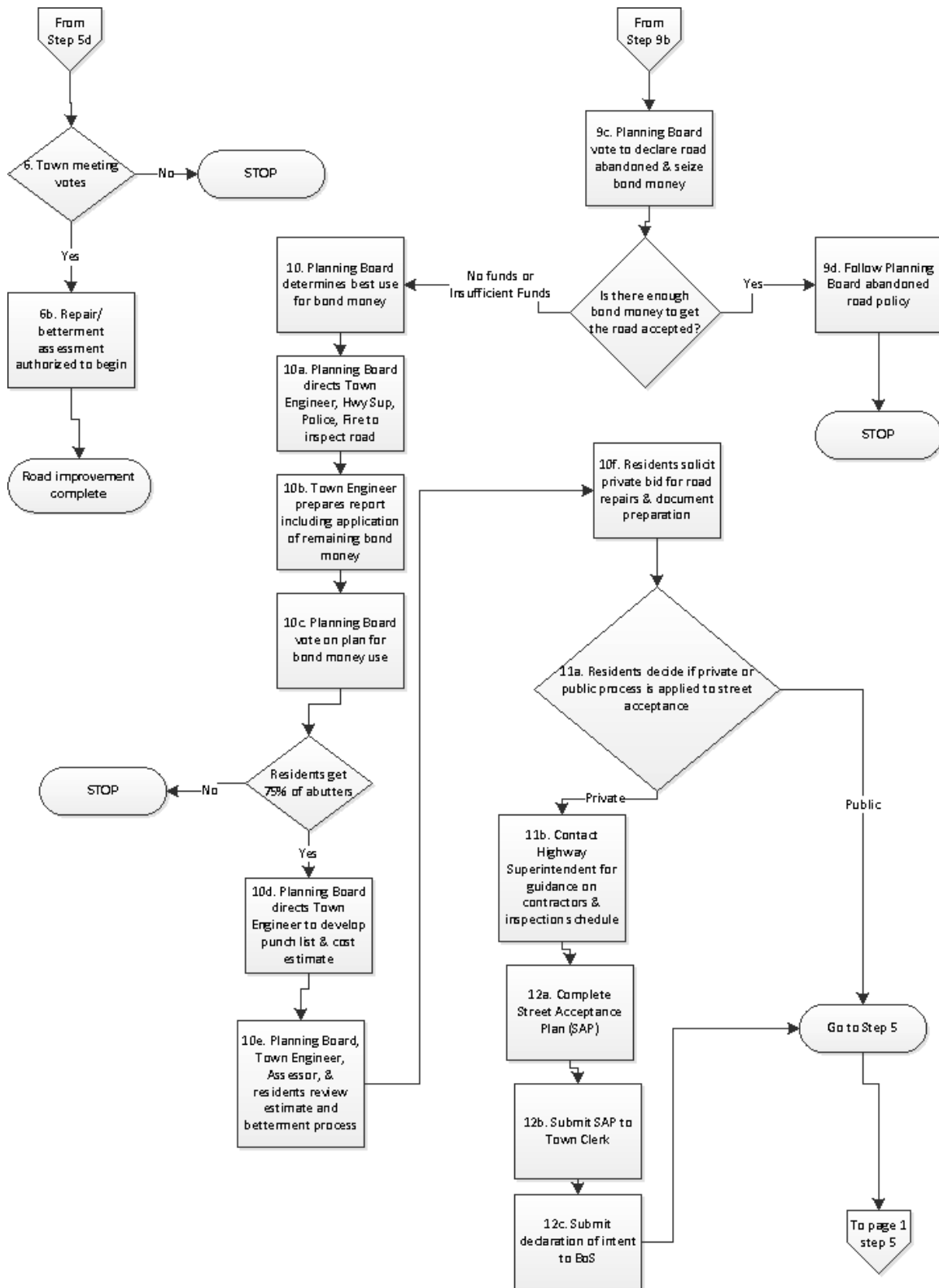
1. No repair of a private way shall be undertaken until the Board of Selectmen has in its possession agreements executed by at least 85% of abutting owners on the portion of the way to be repaired holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:
  - ☐ that the Town assumes no liability to such owners by making the repairs;
  - ☐ jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorneys' fees and other costs of defense;
  - ☐ that should the Town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
  - ☐ that such repair shall not constitute "maintenance" of such way, so as to give the way the status of a way "maintained and used as a public way" under the Massachusetts Subdivision Control Law;
  - ☐ that if betterment assessments are assessed for the repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over a number of years.

## APPENDIX 8

## Town of Westford Street Improvement Flowchart ver 2

December 6, 2011





## APPENDIX 9

### ABANDONED ROADS PROVISION

#### SECTION XXXX Roadways in Defaulted Subdivisions:

##### **DEFINITION:**

**Abandoned Subdivision:** A subdivision approved by the Planning Board, that has not been completed to the specifications and standards of the approved definitive plan, within the specified time limit.

##### **POLICY:**

It shall be the policy of the town of Westford that when the Planning Board, through a definitive subdivision site plan review, approves a road for construction as a public way, and a bond has been issued to ensure road construction, the town shall have the right to take all reasonable measures to ensure that such roadway is accepted as a public way, in the event that a developer defaults on the project. The town retains the right and responsibility to ensure that the planned roadway infrastructure of any proposed subdivision is adequately bonded to ensure that costs related to bringing such infrastructure to acceptable standards can be sufficiently met.

##### **SCOPE:**

This policy shall apply to all roadway infrastructure reviewed and approved by the Planning Board as a Public Way in conjunction with residential subdivisions.

##### **PROCEDURE:**

1.0 Any person may file a complaint with the Westford Planning Board reporting that a roadway approved by the Board as a public way, has not been completed in accordance with site plan approval or that the developer has defaulted upon his/her obligation to complete required roadway construction.

1.1 Upon receipt of such complaint, the town engineer shall meet with the person filing the complaint within 30 days of the complaint being filed and obtain all relevant facts pertinent to the complaint. The Planning Board shall be informed of such complaint at its next scheduled meeting.

1.2 The Town engineer shall cause a thorough review to be conducted with regard to the issues raised in the complaint and shall render a finding as to whether such allegations are sustained, not sustained or unfounded. If the

issues raised in the complaint are sustained, the town shall seek every means to recover costs incurred by the review from the developer.

1.3 In conducting the review, the Town Engineer shall determine:

- whether the construction of the way has been done according to the approved definitive plan.
- whether the developer has exceeded the expiration date for the completion of the subdivision plan as specified in the approved order of conditions.
- whether there is a posted bond for the roadway.
- what legal rights the town may have to declare a default and obtain access to the bond with assistance from town counsel.
- whether the developer intends or does not intend to complete the required work.

1.4 The Town Engineer shall submit such report to the Planning Board for its review.

1.5 The Town Engineer may initiate a review of any subdivision approved by the Planning Board at his/her own initiative. In such cases the Town Engineer shall be the person filing the complaint.

2.0 Upon receipt of a report from the Town Engineer that sustains a complaint that a roadway has either not been built according to approved standards or that the subdivision is in default, the planning board shall take the following action:

2.1 The Board shall schedule time on its nearest available agenda date to discuss the allegation.

2.2 The Board shall inform the developer of this discussion and provide an opportunity for the developer to respond to the allegation. The Board shall make every effort to work with the developer to ensure completion of the roadway, providing the developer demonstrates a good faith willingness to complete the project.

2.3 The Board shall examine the evidence and information developed by the Town Engineer and shall render a finding as to whether the subdivision



has not been constructed according to the standard of the definitive plan or has been abandoned.

3.0 Upon a finding by the Planning Board that a subdivision has not been constructed according to standards approved in the definitive plan or that the developer has abandoned the project the Planning Board shall take the following action:

- 3.1 The Planning Board shall forward appropriate legal notice to the developer of their finding that the roadway has not been completed according to standards or that the developer has defaulted on his/her responsibility and that the intention is to seize the available bond. The Board shall then take steps to retain the available bond money.
- 3.2 If persons have purchased dwellings and are residing in a subdivision where the roadway has not been properly completed or where the developer/applicant has defaulted upon his/her responsibilities, the Planning Board shall cause the Highway Superintendent to review the condition of the roadway and determine whether the town can provide plowing to those residents during the winter months in accordance with policy and procedures established by the Board of Selectmen.
- 3.3 The Planning Board shall then direct the Town Engineer and the Highway Superintendent to consult for the purpose of evaluating the condition of the roadway and to identify deficiencies from the definitive plan for accepting the road as a public way by the town. These deficiencies will be documented and presented to the Planning Board along with a recommendation for improvement. The Planning Board reserves the right to waive certain provisions of the definitive site plan.

4.0 In those cases where, the developer has clearly defaulted on the responsibility to construct the roadway according to the approved plan, or has failed to complete the project, the Planning Board shall proceed as follows:

- 4.1 The Board shall obtain an estimate of costs for bringing the roadway(s) within the abandoned subdivision up to the standards established in the definitive plan.
- 4.2 The Planning Board through the Town Engineer shall ensure that all available bond money is retained and applied to the defaulted subdivision in order to bring the road(s) up to definitive plan standards.
- 4.3 If it is determined that the bond held is insufficient for paying the cost of bringing the roadway to definitive plan standards, the Planning Board

shall document the amount of outstanding funding required to complete the construction. The town may initiate civil action against the developer to recover appropriate funding in order to fully cover the cost of the construction.

- 4.4 The Planning Board may file an article on the Town Warrant requesting expenditure in the amount necessary to complete the construction of the roadway to definitive plan standards. If Town Meeting approves such funding, the town retains its full legal right to seek restitution for all funds expended through civil action brought against the developer.

5.0 In those cases where the town has been able to secure sufficient funding to complete construction due to a subdivision default, the town engineer shall review the final construction and determine whether the condition of the roadway meets definitive plan standards.

- 5.1 Upon the determination by the town engineer that a roadway in an abandoned subdivision has been improved to the approved definitive plan standard, he/she shall immediately notify the Planning Board. The Board shall review the findings of the Town Engineer and endorse the finding or refer it back for further work. The Planning Board shall review the report at the first meeting following the submission date of the report by the Town Engineer.
- 5.2 In those cases where the Planning Board has reviewed the Town Engineer's finding that a defaulted subdivision roadway is now in legal compliance with the standards established by the definitive plan, the Planning Board shall be responsible for placing that roadway on the next available Special Town Meeting warrant for approval by the Town Meeting as a public way.

---

**ITEM TITLE:** Review and Establish Business Parking Permit Fees and Approve Senior Citizen Parking Permit Fee

**ITEM SUMMARY:**

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Letter RE: Business Rates-A. Fair	12/8/2018	Cover Memo
Memo RE Senior Parking Permit Fee-S. Ramsey	12/6/2018	Cover Memo
Senior Parking Permit Rules/Info	12/6/2018	Cover Memo



Natick Center Cultural District  
20 Main St. Suite 208  
Natick, MA 01760  
508.650.8848  
[www.natickcenter.org](http://www.natickcenter.org)

December 7, 2018

Natick Board of Selectmen  
Natick Town Hall  
13 E. Central St.  
Natick, MA 01760

Re: Local Business Parking Permit Rates

Dear Natick Board of Selectmen,

On behalf of Natick Center Associates/ Natick Center Cultural District, and our membership we are writing in support of maintaining the local business employee parking permit rates as they are currently.

One of the main reasons for keeping off-street parking affordable is to encourage those who work all day in the downtown area to purchase the permits and park in designated lots to free up on street parking for patrons of the businesses.

With the change in the parking rates/rules recently, we have noticed much more traffic in the off-street lots for the all-day employees. If there were to be an increase in rates, we are concerned that less permits will be purchased, and employees will return to using on-street parking.

Thank you for your consideration in this important matter.

Sincerely,

Arthur B. Fair, III, President  
Natick Center Associates

December 3, 2018

TO: Trish O'Neil

FR: Susan Ramsey

RE: Senior Parking Permits

+++++

Senior Parking permits increased in price from \$2.00 – \$3.00 in 2018 as a recommendation of Chief Hicks, the Council on Aging and the COA Board to the Board of Selectmen. The intent of the increase was to ensure revenue covered the cost of producing the permits.

To date the COA has issued 1,376 Senior Parking Permits resulting in \$4,116 in revenue.

The projected expense for Senior Parking Permits in 2019 is \$1,296. Revenue is projected at \$4,200. . Projected sales (1,400 permits) will cover expense. Based on this fact I would recommend the Senior Parking Pass Program remain at \$3.00 per permit in 2019.

Historically, the program issued permits at no charge; later began charging \$2.00/permit to cover the cost of producing the permit and increased to \$3.00/permit in 2018.

If I can provide additional information please let me know.

## 2018 - Parking Permits For Natick residents 65+

**PURPOSE:** The program is designed to provide Natick residents 65 years of age and older convenient access to downtown businesses and service providers at a reduced cost. The permit allows seniors to park at any town parking metered space, including kiosk parking, for 2 hours or less based on the time allowed on the meter.

### **RULES:**

- ◆ For the permit to be valid the senior to whom it is issued must be in the vehicle as the driver or passenger.
- ◆ The permit is not valid for business owners or employees or for commuting purposes.
- ◆ The permit must be hung from the rear view mirror facing the front of the car.
- ◆ The permit is valid during the calendar year in which it is issued.
- ◆ The permit does not authorize the operator to park in any restricted area or to be exempt from any other parking violation.

### **HOW TO APPLY:**

To apply for a permit come to the Community-Senior Center, 117 East Central Street during normal business hours. You must present your driver's license or government issued ID to verify age and proof of Natick residency.

**PLEASE NOTE:** Only one permit will be issued per person. Misuse or abuse of the parking permit will result in suspension of the permit and may affect eligibility in future years.

**COST:** \$3.00/\$5.00 replacement fee for lost or stolen permits

---

**ITEM TITLE:** Approve Meeting Minutes

**ITEM SUMMARY:**

---

**ATTACHMENTS:**

**Description**

10/30/18

**Upload Date**

12/7/2018

**Type**

Cover Memo

# BOARD OF SELECTMEN – TOWN OF NATICK

---

## MEETING MINUTES

NATICK HIGH SCHOOL, 15 WEST STREET, LIBRARY CONFERENCE ROOM  
October 30, 2018  
6:00 PM

**PRESENT:** Chair Amy K. Mistrot, Vice Chair Susan G. Salamoff, Clerk Michael J. Hickey, Jr., Jonathan H. Freedman, and Richard P. Jennett, Jr. (Mr. Jennett joined the meeting late)

**ALSO PRESENT:** Town Administrator Melissa A. Malone, Town Counsel Karis North, Special Counsel Thomas Mackie, Licensed Site Professional Jonathan Kitchen, and Wellesley Resident Ronald Alexander

The Chairman called the meeting to order at 6:13 p.m., noting that a quorum was present and that the meeting had been duly posted.

**CITIZENS' CONCERNS:** None.

**ROLL CALL VOTE TO ENTER EXECUTIVE SESSION:** The Chair requested a motion to enter into Executive Session to discuss matters pertaining to Purpose 6 – to consider the purchase, exchange, lease, or value of real property where discussion in an open meeting may have a detrimental effect on the Town's negotiating position: 22 Pleasant Street. Mr. Freedman, seconded by Ms. Salamoff, moved to enter into Executive Session and, by a roll call vote of 4-0 as follows, the Board Members present voted in favor of the motion:

Mr. Freedman	Yes
Ms. Salamoff	Yes
Mr. Hickey	Yes
Ms. Mistrot	Yes

Mr. Alexander left the meeting.

## ADJOURNMENT

Following adjournment of Executive Session, Mr. Jennett, seconded by Ms. Salamoff, moved to adjourn Open Session and the Board voted 5-0-0 to adjourn, confirmed by a roll call vote as follows:

Mr. Freedman	Yes
Ms. Salamoff	Yes
Mr. Hickey	Yes
Ms. Mistrot	Yes
Mr. Jennett	Yes

---

Michael J. Hickey, Jr., Clerk

Submitted by Michael J. Hickey, Jr., Clerk

October 30, 2018 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on \_\_\_\_\_.

**No documents were provided for Open Session**



---

**ITEM TITLE:** Approve After Prom Party Banner Request 5/13-5/24/18  
**ITEM SUMMARY:**

---

**ATTACHMENTS:**

Description	Upload Date	Type
Request	12/6/2018	Cover Memo



Patricia O'Neil <poneil@natickma.org>

---

## NHS After Prom Party Banner request

2 messages

---

**Caroline Goldman** <cgoldman4@gmail.com>  
To: selectmen@natickma.org

Wed, Nov 28, 2018 at 7:29 PM

I am one of the co-chairs for the Natick High After Prom party and I would like to find out how I go about get our banner hung downtown during the weeks prior to the prom.

The prom is on May 24, so we would like to request the week of have it hung May 13-24.

Please let me know if you are the proper contact for this request or not!

Thanks so much  
Caroline Goldman  
[cgoldman4@gmail.com](mailto:cgoldman4@gmail.com)



Virus-free. [www.avast.com](http://www.avast.com)

---

**Patricia O'Neil** <poneil@natickma.org>  
To: Caroline Goldman <cgoldman4@gmail.com>  
Cc: selectmen@natickma.org

Thu, Nov 29, 2018 at 10:40 AM

Hi Caroline. I can help you with this. I have tentatively booked our banners calendar for you for the weeks of 5/13-24 pending approval by the Board of Selectmen. I will include your request on the Board's next agenda and will inform you shortly thereafter as to whether they vote favorably or not. Please keep in mind that we typically book banners for one-week periods. I have put you down for two weeks, but the Board's policy is that if another entity asks for one of those weeks, you would have to give up a week, keeping the week of your choice. Our office would notify you if this occurs. Please let me know which week you would prefer if that does happen and I can make note of it on our calendar.

[Quoted text hidden]

--

Trish O'Neil  
Executive Assistant  
Town of Natick  
13 East Central Street  
Natick, MA 01760  
P: 508-647-6410  
F: 508-647-6401  
[poneil@natickma.gov](mailto:poneil@natickma.gov)  
[www.natickma.gov](http://www.natickma.gov)

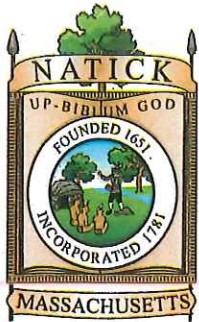
---

**ITEM TITLE:** Approve Grant of Location for Eversource-Pole Relocation  
**ITEM SUMMARY:**

---

**ATTACHMENTS:**

Description	Upload Date	Type
Request & DPW Correspondence	12/6/2018	Cover Memo



## TOWN OF NATICK MASSACHUSETTS

JEREMY T. MARSETTE, P.E.  
DIRECTOR

WILLIAM E. MCDOWELL, P.E.  
TOWN ENGINEER

November 26, 2018

Amy Mistrot, Chairperson  
Natick Board of Selectmen  
13 East Central Street  
Natick, MA 01760

### **Re: Eversource Electric – Grant of Location Richmond Road**

Madame Chairperson & Members of the Board:

Eversource has requested a Grant of Location to relocate one (1) pole (77/6) on Richmond Road. The existing pole is approximately 164' north of Border Road. The pole is proposed to be moved approximately 4.4 feet south towards Border Road. This work is necessary to accommodate expansion of the driveway at 18 Richmond Road and has been requested by the resident.

As stated in Article 78 in the Natick Town Bylaws, no utility shall be permitted to install, construct, upgrade or replace any poles, overhead wires or associated overhead structures upon, along or across any public way or ways located within Natick unless the Board of Selectmen grants special permission.

The Engineering Division has reviewed the request and inspected the location for the proposed pole. The Division does not object to the proposed location of the pole if placed in accordance with the plans dated November 10, 2018 accompanying the petition.

Sincerely,

William E. McDowell, P.E.  
Town Engineer

cc: Director of Public Works



157 Cordaville Road  
Southborough, MA 01772

November 13, 2018

John Digiacomio  
Dept. of Public Works  
75 West Street  
Natick, MA 01760

RE: Richmond Road  
Natick, MA  
W.O. #2295070

No Hearing Required

Dear Mr. Digiacomio:

The enclosed petition and plan is being presented by the NSTAR ELECTRIC COMPANY d/b/a as EVERSOURCE ENERGY and VERIZON for obtaining a Grant of Location to relocate existing pole # 77/6.

This work is necessary for the purpose of providing clearance/access to driveway at 18 Richmond Road.

If you have any further questions, contact Chris Cosby @ (508) 305-6989.  
Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Kelly Ann Correia".

Kelly-Ann Correia, Supervisor  
Rights and permits

KAC/sky  
Attachments

**PETITION OF NSTAR ELECTRIC COMPANY d.b.a. EVERSOURCE ENERGY AND OTHER  
COMPANIES FOR ALTERATION OF JOINT OR IDENTICAL LOCATION FOR EXISTING POLES**

Town of **NATICK**, Massachusetts

Respectfully represent **NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY and VERIZON NEW ENGLAND, INC.**, companies subject to Chapter 166 of the General Laws (Ter. Ed.), that they have heretofore received a grant of joint or identical location for, and have erected or constructed, a line consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line, upon, along and across the public way or ways hereinafter specified, and that it is desirable that the location of certain of said poles be altered.

**WHEREFORE**, your petitioners pray that the Board of Selectmen may by Order direct an alteration in the location of said existing poles so that hereafter said poles, together with such fixtures as may be necessary to sustain or protect the wires of the line, shall be located substantially as shown on the plan made by **A. Debenedictis**, dated **November 10, 2018** and filed herewith upon, along and across the following public way or ways of said Town:

Richmond Road - Northeasterly side approximately 164± feet North of Border Road.

Remove one (1) existing pole 77/6

Install one (1) new pole # 77/6

**NO HEARING REQUIRED**

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

Your petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purpose

**NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY**

By Kelly Ann Correia  
Kelly-Ann Correia, Supervisor  
Rights & Permits

VERIZON NEW ENGLAND, INC.

BY Albert E. Bassett  
Right of Way Manager

**Dated this 13th day November 2018**

Town of **Natick**, Massachusetts.

Received and filed \_\_\_\_\_

**Natick** Board of Selectmen

**ORDER FOR ALTERATION OF LOCATION  
FOR EXISTING POLES**

**TOWN OF NATICK**

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY AND VERIZON NEW ENGLAND, INC.** has heretofore been granted a location for, and have erected or constructed, a line consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the public way or ways hereinafter specified, and have petitioned for an alteration in the location of certain of said poles.

It is **DIRECTED** that the location heretofore granted for said poles be altered so that hereafter said poles shall be located, substantially as shown on the plan made by **A. Debenedictis**, dated **November 10, 2018** on file with said petition for alteration in the location, upon, along and across the following public way or ways of said Town:

Richmond Road – Northeasterly side approximately 164± feet North of Border Road.

Remove one (1) existing pole 77/6

Install one (1) new pole # 77/6

**NO HEARING REQUIRED**

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

All construction work under this Order shall be in accordance with the following conditions:  
Poles shall be of sound timber and located as shown on said plan. There may be attached to said poles by said **NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY** and by said **VERIZON NEW ENGLAND, INC.** wires and cables necessary for the conduct of its business. All such wires and cables shall be placed at a height of not less than twenty feet from the ground.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Selectmen of  
the Town of  
**NATICK**

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of the Order of the **Board of Selectmen** of the Town of **NATICK**, Massachusetts, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and recorded with the records of location Orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of the Town of **NATICK**, Massachusetts

**ORDER FOR ALTERATION OF LOCATION  
FOR EXISTING POLES**

**TOWN OF NATICK**

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY AND VERIZON NEW ENGLAND, INC.** has heretofore been granted a location for, and have erected or constructed, a line consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the public way or ways thereafter specified, and have petitioned for an alteration in the location of certain of said poles.

It is **DIRECTED** that the location heretofore granted for said poles be altered so that hereafter said poles shall be located, substantially as shown on the plan made by **A. Debenedictis**, dated **November 10, 2018** on file with said petition for alteration in the location, upon, along and across the following public way or ways of said Town:

Richmond Road – Northeasterly side approximately 164± feet North of Border Road.

Remove one (1) existing pole 77/6

Install one (1) new pole # 77/6

**NO HEARING REQUIRED**

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

All construction work under this Order shall be in accordance with the following conditions:

Poles shall be of sound timber and located as shown on said plan. There may be attached to said poles by said **NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY** and by said **VERIZON NEW ENGLAND, INC.** wires and cables necessary for the conduct of its business. All such wires and cables shall be placed at a height of not less than twenty feet from the ground.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Selectmen of  
the Town of  
**NATICK**

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of the Order of the **Board of Selectmen** of the Town of **NATICK**, Massachusetts, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 and recorded with the records of location Orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of the Town of **NATICK**, Massachusetts



**ORDER FOR ALTERATION OF LOCATION  
FOR EXISTING POLES**

**TOWN OF NATICK**

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY AND VERIZON NEW ENGLAND, INC.** has heretofore been granted a location for, and have erected or constructed, a line consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the public way or ways thereafter specified, and have petitioned for an alteration in the location of certain of said poles.

It is **DIRECTED** that the location heretofore granted for said poles be altered so that hereafter said poles shall be located, substantially as shown on the plan made by **A. Debenedictis**, dated **November 10, 2018** on file with said petition for alteration in the location, upon, along and across the following public way or ways of said Town:

Richmond Road – Northeasterly side approximately 164± feet North of Border Road.

Remove one (1) existing pole 77/6

Install one (1) new pole # 77/6

**NO HEARING REQUIRED**

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

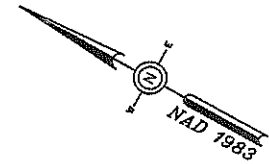
All construction work under this Order shall be in accordance with the following conditions:  
Poles shall be of sound timber and located as shown on said plan. There may be attached to said poles by said **NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY** and by said **VERIZON NEW ENGLAND, INC.** wires and cables necessary for the conduct of its business. All such wires and cables shall be placed at a height of not less than twenty feet from the ground.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Selectmen of  
the Town of  
**NATICK**

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of the Order of the **Board of Selectmen** of the Town of **NATICK**, Massachusetts, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 and recorded with the records of location Orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of the Town of **NATICK**, Massachusetts



MAP/LOT: 29/235  
18 RICHMOND ROAD  
N/F  
PRUNTY, PETER E.

MAP/LOT: 29/236  
20 RICHMOND ROAD  
N/F  
ROSENBERG, AMY J.

#22

APPROX. R.O.W.

DRIVEWAY

4.4'

APPROX. 164'  
TO BORDER RD

DRIVEWAY

NO SIDEWALK

77/6 (JO-ES)

EOP

77/7 (JO-ES)

PROPOSED  
77/6 (JO-ES)

RICHMOND RD

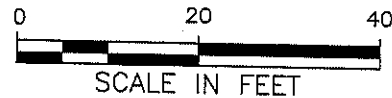
EOP

NO SIDEWALK

APPROX. R.O.W.

MAP/LOT: 29/232  
17 RICHMOND ROAD  
N/F  
LUND, JENNIFER J.

#16 BORDER RD



PURPOSE: TO PROVIDE CLEARANCE/ACCESS  
TO DRIVEWAY AT #18 RICHMOND ROAD.

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY. MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

Proposed pole locations shown thus	⊕
Pole locations to be abandoned, shown thus	○
Proposed Anchor Guy shown thus	T
Proposed Hip Guy shown thus	T <sub>H</sub>
Proposed Underground location shown thus	—
Proposed Push Brace shown thus	⊕
Existing Pole location shown thus	●

C#
Ward #
Work Order # 2295070
Surveyed by: LM/GC
Research by: PG
Plotted by: PG
Proposed Structures: TL
Approved: A DEBENEDICTIS
P#

**NSTAR EVERSOURCE**  
ELECTRIC  
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of RICHMOND ROAD

NATICK

Showing PROPOSED POLE RELOCATION

Scale 1"=20'

Date NOVEMBER 10, 2018

SHEET 1 of 1

---

**ITEM TITLE:** Approve TCAN Letter of Support  
**ITEM SUMMARY:**

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Letter of Support	12/7/2018	Cover Memo

# *Town of Natick*

*Massachusetts 01760*  
*Home of Champions*



Amy K. Mistrot, Chair  
Susan G. Salamoff, Vice Chair  
Michael J. Hickey, Jr., Clerk  
Jonathan H. Freedman  
Richard P. Jennett, Jr.

December 10, 2018

Jay Paget  
Program Director, Cultural Facilities Fund  
10 St. James Avenue, 3<sup>rd</sup> Floor  
Boston, MA 02116

Dear Mr. Paget:

It is with genuine enthusiasm that the Natick Board of Selectmen support The Center for Arts in Natick's (TCAN) grant proposal to the Massachusetts Cultural Facilities Fund for \$50,000 in matching funds for important repairs to the historic firehouse facility. TCAN is a cornerstone of the vibrant Natick downtown, an economic driver to our local economy, a cultural center for the regional area, and is well loved by both immediate Natick residents and residents from surrounding communities. Any and all efforts to support both the preservation of the building itself and the energy that comes from the building that houses a 290-seat performance space, state-of-the-art lighting and sound systems and the Summer Street Gallery for visual arts is so important to our community.

The building that houses this regional artistic hub was rebuilt in 1875 after the fire of 1874 that destroyed most of the downtown. The building represents a long history from which the Natick nickname - the "Home of the Champions" - was earned at the Hook and Ladder competition in 1891. That long history was reborn in 2003 when the building was renovated and reopened as a venue that "now hosts over 300 performances, movie screenings and classes annually, while providing local artists in Natick and surrounding communities with frequent performance opportunities. Most importantly, TCAN brings people together to share all forms of artistic expression."

The support of the community and the work of the volunteers that support TCAN is seemingly limitless as evidenced by the \$50,000 that has been raised already for the needed repairs; however, the capital needs of the building must be consistently managed and are expensive. The \$50,000 matching grant that TCAN is applying for will address energy efficiency, repairs for extensive structural damage in the concrete floor, and moisture/water penetration. The need for these matching grants is real and significant.

When reviewing the submitted grant applications, the Natick Board of Selectmen is asking the Cultural Facilities Fund to consider the return on the investment of these grant funds from choosing TCAN as an incredibly worthy recipient. The structure itself is well maintained and will continue to be with the added

Jay Paget  
December 10, 2018  
Page 2

investment of these funds. The community engagement – both in the immediate and surrounding communities – is solid evidence that the benefits of this investment will be enjoyed by many in Natick and the broader MetroWest area. This grant is an investment that will return both tangible and intangible dividends to many people and for many years to come.

The Board strongly supports TCAN's grant proposal and respectfully encourages the Cultural Facilities Fund to give full consideration and hopeful approval to TCAN.

Sincerely,

The Natick Board of Selectmen

---

Amy K. Mistrot, Chair

---

Jonathan H. Freedman

---

Susan G. Salamoff, Vice Chair

---

Richard P. Jennett, Jr.

---

Michael J. Hickey, Jr., Clerk

---

**ITEM TITLE:** Correspondence 12/10/18

**ITEM SUMMARY:**

---

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Correspondence 12/10/18	12/6/2018	Cover Memo



Patricia O'Neil <poneil@natickma.org>

---

## Jillian Martin

4 messages

---

**Claudia Trevor Wright** <claudiant24@gmail.com>  
To: selectmen@natickma.org, mmalone@natickma.org

Fri, Nov 30, 2018 at 7:17 PM

Dear all,  
I write because I believe strongly in sharing praise for good work - and we are really fortunate to have Jillian Martin. Since moving to Natick, we have installed solar panels that we own, purchased an electric/hybrid car, installed two rain barrels, and begun composting ourselves and with the pickup service. I wouldn't say environmentalism/ conversation was top of mind for either my husband or me, though we certainly are open to it. Jillian has made everything so easy and accessible, and we have saved so much money as a result. We're just so pleased and grateful for all of her good work. Have a great night,

--

Claudia Trevor Wright  
6 Border Road  
Natick MA 01760

---

**Sue Salamoff** <ssalamoff@natickma.org> Fri, Nov 30, 2018 at 10:00 PM  
To: Claudia Trevor Wright <claudiant24@gmail.com>, mmalone@natickma.org, selectmen@natickma.org

Thank you for sharing your good experience working with Jillian Martin and for your efforts to improve the environmental quality of life in Natick.

Sue  
[Quoted text hidden]

--

Susan G. Salamoff, Vice Chair  
Natick Board of Selectmen

Please note that emails are considered a public record.

---

**Amy Mistrot** <amistrot@natickma.org> Sun, Dec 2, 2018 at 11:21 AM  
To: claudiant24@gmail.com  
Cc: selectmen@natickma.org, Melissa Malone <mmalone@natickma.org>

Dear Ms. Wright,  
On behalf of the Board of Selectmen, I want to say how much we appreciate your outreach with such positive feedback. Jillian is a real asset to the Town and approaches her work with genuine enthusiasm and utmost professionalism. We are lucky that she chooses to share her expertise in Natick where so many residents benefit either directly - like you do - and so many others do through her more town-wide focused work such as energy rate advocacy, pursuit of large-scale solar installations, and consistent application for any and all grants that are appropriate for Natick. Many thanks to you and may you continue to have other positive experiences with Natick governance such as you have described with Jillian.  
Amy Mistrot - Chair  
Natick Board of Selectmen

On Fri, Nov 30, 2018 at 7:17 PM Claudia Trevor Wright <claudiant24@gmail.com> wrote:  
[Quoted text hidden]