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BOARD OF SELECTMEN

ROAD ACCEPTANCE POLICY

Pursuant to Town Bylaws Chapter 12 Section 13 private ways may be submitted to the Board of Selectmen (the "Board") for acceptance as public ways in accordance with the procedure set forth in G.L. c.82, §21-24, pursuant to the following:

- 1) A written petition shall be made to the Board to lay out a private way as public. The petition shall state the proposed extent of the way to be so laid out and shall be signed by all those persons owning land abutting such way, as such owners are disclosed by the records of the Board of Assessors. It shall further designate one person to serve as contact for the petition and provide an address and other appropriate contact information for that person.
- 2) The following categories shall be used by the Board to classify ways proposed for acceptance:
 - a) Group 1 – Lead2 to a public facility
 - b) Group 2 - Intersects with 2 public ways or Contains Private Way segment within a public Way
 - c) Group 3 – Dead end road that intersects a Public Way with a length greater than or equal to 200 feet with a minimum of 5 residences with driveway access to Private Way
 - d) Group 4 – Dead end road that intersects a public way with a length less than 200 feet and/or less than 5 residences with driveway access to Private Way
 - e) Group 5 – Intersects with 2 Private Ways, Intersects with a public way and a private way, dead end which intersects with a private way, Reviewed under Subdivision Control Law or Reviewed as Approval Not Required.

Acceptance of private ways in Groups 1, 2 and 3 will be considered to have greater public benefit than groups 4 and 5.

- 3) The Board shall consider the petition based on public benefit, condition of the way, Town resources, and any other factor it deems significant, and upon such consideration shall determine whether to proceed with evaluation of the proposed layout as set forth below. As part of such consideration the Board shall hear all those petitioners who desire to be heard, and may hear all others at its discretion. Written notice of the Board's determination shall be provided to the contact person identified in the petition upon request.
- 4) Upon a determination to proceed, the Board shall refer the proposed layout to the Town Administrator for preparation of a design and layout plan and a legal determination of the ownership of the way and other relevant legal issues. The design shall include an estimate of the costs to improve the way as recommended by the Town Administrator in accordance with standards established by the Director of Engineering.

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5) Upon receipt and approval of a layout plan, the Board shall refer the plan to the Planning Board for its review in accordance with G.L. c.41, §81I.

6) Upon receipt of the Planning Board's report, or upon the passage of 45 days from referral of the layout plan without receipt of a report, whichever occurs first, and upon receipt of such others studies or reports as the Board may request, the Board shall determine whether the proposed layout is satisfactory. The boundaries of the layout may be different than those previously requested and agreed to by the petitioners.

7) Upon such determination it shall so notify the petitioners and direct the petitioners to obtain written waivers of rights to appraisal and damages, in the form prepared by Town Counsel and setting forth the property rights that must be secured to complete the layout, from such property owners as the Board shall indicate.

8) Upon receipt of all required releases the Board shall take up the proposed layout of the way for review and approval at a public meeting, and upon so voting shall order the layout of way. Notice of such meeting shall be given in accordance with G.L. c.82, §22. As set forth in G.L. c.82, §21, the decision to lay out a way as public lies within the sole and complete discretion of the Board, and no action taken in satisfaction of the policy set forth herein shall obligate the Board to lay out any way.

9) The Board will place each order of layout before Town Meeting for acceptance as required pursuant to G.L. c.82, §23, and shall provide that the layout with a copy of the plan is filed with the Town Clerk at least 7 days prior to Town Meeting as required. A majority vote of Town Meeting is needed to accept the layout of a way as public if the way is shown on an approved subdivision plan. Otherwise a 2/3's vote is required.

10) Following acceptance by Town Meeting, the Town, acting by and through the Board, shall obtain such interests in land as are necessary to complete the layout, pursuant to G.L. c.82, §24. Use of eminent domain to complete such acquisition, in reliance on waivers of rights to appraisal and damages obtained from affected property owners, will be preferred.

11) The Board may assess betterments for such portion of the costs of laying out and improving ways to provide for their acceptance by the Town as it shall determine appropriate.

12) Upon acceptance the way will be added to a list to be maintained by the Engineering Department of those private ways laid out and accepted as public by the Town.