

James A. MacDonald, Chairman  
Michael L. Butler, Vice-Chairman  
Dennis J. Guilfoyle  
Dennis J. Teehan, Jr.

James A. Kern  
Town Manager

Nancy A. Baker  
Assistant Town Manager



**TOWN OF DEDHAM**  
Board of Selectmen

DEDHAM TOWN HALL  
26 BRYANT STREET  
P.O. BOX 306  
DEDHAM, MA 02027

TEL (781) 751-9100  
FAX (781) 751-9109  
TDD (781) 326-4946

WEB SITE  
[www.dedham-ma.gov](http://www.dedham-ma.gov)

E-mail Address for Board of Selectmen  
[freshideas@dedham-ma.gov](mailto:freshideas@dedham-ma.gov)

BOARD OF SELECTMEN  
Approved March 19, 2015

### **ROAD ACCEPTANCE POLICY AND PROCEDURES**

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.

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 to lay out a private way as public shall be made to the Board in the form and manner as set forth in **Exhibit A**, attached hereto. The petition shall state the proposed extent of the way to be so laid out. The extent of the road shall be the entire length of the private way as determined from recorded plans and instruments and constructed. The petition shall be signed by all those persons owning land within or abutting such way, as such owners are disclosed by the records of the Board of Assessors. An abutter is a property owner who has frontage on the private way. 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 – Lead 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 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 access to Private Way
- e) Group 5 – Intersects with 2 Private Ways, Intersects with a public way and a private way, or dead end which intersects with a private way
- f) Group 6 – Private Ways constructed pursuant to Planning Board approval under the Subdivision Control Law where the Planning Board waived or relaxed standards for roadway construction upon request of the applicant. Such private ways shall be classified in Group 6 notwithstanding how they might otherwise be classified as set forth above.
- g) Group 7 – Private Drives.

Acceptance of private ways in Groups 1, 2 and 3 will be considered to have greater public benefit than groups 4, 5 and 6. Ways in Group 7 are not currently being considered for conversion to a public way.

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. A determination to proceed shall include an estimate of the percentage of the cost of laying out and improving the private way the Board expects to assess as a betterment. 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 Manager for preparation of a Conceptual Overlay Map. The Town Manager shall instruct the Engineering Department to prepare within 180 days a Conceptual Overlay Map of the proposed public way utilizing the approved cross-section as described in the current Town of Dedham Design and & Construction Standards (**Exhibit C**). The Engineering Department may prepare more than one such map for a given roadway. The Conceptual Overlay Map shall indicate areas outside the proposed layout in which easements will be required by the Town for construction, use and maintenance of the way. Upon completion the Engineering Department shall forward a copy of the Conceptual Overlay Map(s) to the Applicant for review and approval, with a copy to the

Town Manager and the Board, and shall meet with the Applicant's liaison at the Applicant's request to discuss the Map(s).

5) Upon the review and approval of a single Conceptual Overlay Map by all the owner(s) of record of land within or abutting the proposed layout or subject to easements outside the layout, the Applicant shall complete and submit to the Town Manager's Office the Approval of Conceptual Overlay Map Form (**Exhibit B**), which was made available to them by the Engineering Department. The form will require the Applicant to obtain from the Assessor's Office updated owner(s) of record information for the property subject to the proposed layout and related easements, and each such owner shall sign and date the form indicating approval of the Conceptual Overlay Plan chosen. Notarization shall be required for signatures not appearing on the original Petition. The Applicant shall submit such completed form to the Town Manager's office within ninety (90) days of the date the Engineering Department forwarded the Conceptual Overlay Map to the Applicant. Failure to do so may result in the Board of Selectmen (BOS) not moving forward to accept the Private Way as a Public Way. Following receipt of a completed Approval of Conceptual Overlay Map form from the Applicant, the Town Manager shall request Town Counsel to review and confirm the identities of all those landowners whose approval is required, and shall direct the Applicant to secure such approvals as are missing.

6) The Town Manager shall place the approved Conceptual Overlay Map and completed Approval before the Board for consideration, and shall notify the Applicant when it will be considered. Upon its approval of such map, the Board shall request the Town Manager to prepare a design and layout plan, and the Town Manager shall in turn instruct the Engineering Department to engage the services of a Professional Land Surveyor and Design Consultant to generate a Layout Plan and Construction Plan. The design shall include an estimate of the costs to improve the way in accordance with the recommendations of the Engineering Department. The Town Manager shall further request the Engineering Department to provide, together with such plan, a summary of all zoning nonconformities, if any, that would be created by the proposed layout.

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

8) 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, and if so shall by its vote order the layout in conformance therewith. The boundaries of the layout may be different than those requested by the petitioners. Upon a vote to lay out a way, the Board shall further confirm or revise its initial estimate of the percentage of the cost of laying out and improving the way the Board expects to assess as a betterment.

9) Upon such determination it shall so notify the Applicant and direct the Applicant 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.

10) 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.

11) 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.

12) 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. The Town will use eminent domain to complete such acquisition in reliance on waivers of rights to appraisal and damages obtained from affected property owners.

13) 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. It shall, to the extent feasible, determine such portion in accord with its previous estimate of the percentage of such costs to be assessed, but shall not be required to.

14) 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. It will also be added to the Town's Pavement Management Plan, the system by which road investments are prioritized.

**EXHIBIT A**

PUBLIC WAY LAYOUT PETITION FORM



# **TOWN OF DEDHAM**

## **PUBLIC WAY LAYOUT PETITION FORM**

*(Instructions on Page 2)*

Applicant/Group Liaison:

Private Way Being Petitioned

Applicant/Group Liaison Name

Address

Home Phone

Cell Phone (optional)

Email

Engineering Department:

Date Petition Received

Date Locus Map Generated

Private Way Group No.

Current Roadway PCI

Proposed Rehabilitation

Department Signature

Date Petition Mailed/Handed Back To Applicant

Assessor's Office:

Department Signature

Date Petition Mailed/Handed Back To Applicant  
With Owner(s) of Record

Board of Selectmen:

Chairman, BOS

Date

Approved

Denied

## Instructions

1. Applicant/Group Liaison shall fill out all the information required in the top “Applicant/Group Liaison” section. Once filled out, it should be mailed or delivered to the Director of Engineering at the following address:

Dept. of Public Works Facility  
55 River Street  
Dedham, MA 02026  
Attn: Jason Mammone, P.E.

2. The Director of Engineering will fill out the information in the “Engineering Department” section and generate a locus map identifying the boundaries of the Private Way being petitioned along with all the lots or parcels of land abutting the Private Way for which owner information and signatures will be required. Once complete the Engineering Department will either mail to or have the applicant pick up the petition package and the locus map.
3. If the applicant disagrees with the boundaries of the Private Way as shown on the locus map, the applicant may provide recorded documentation indicating the correct extent of the Private Way and resubmit the petition to the Engineering Department.
4. Once the applicant receives the petition package from the Engineering Department, the applicant shall then submit the petition package to the Assessor’s Office located at Town Hall (26 Bryant Street) requesting a copy of the records of its office indicating the owner(s) of record for the land comprising the Private Way and each lot or parcel identified on the locus map furnished by the Engineering Department.
5. The Assessor’s Office shall attach the required records to the petition package and sign the petition acknowledging the records have been attached. Once complete the Assessor’s Office will either mail to or have the applicant pick up the petition package.
6. The applicant must then obtain the notarized signatures of **ALL** the owners of record of land within or abutting the Private Way as indicated on the locus map and provided by the Assessor’s Office. The signatory sheet for notarization can be found on Page 4. The applicant should make as many copies of the page as needed to acquire all the necessary signatures. It should be noted that the Board of Selectmen (BOS) will not entertain any petition unless **ALL** the required signatures have been acquired.
7. If the signatures are not submitted to the BOS within one (1) year of the date the Assessor’s Office provided a copy of its records to the Applicant, the Applicant will be required to obtain updated owner(s) of record information and signatures for all the parcels identified on the map.
8. Once the required signatures have been obtained and notarized, the applicant shall submit the entire petition package to the Town Manager’s Office to be placed before the Board for consideration. The Town Manager will notify the Applicant when the Petition will be considered by the Board.

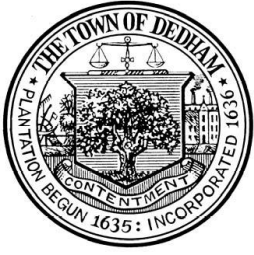
9. As part of such BOS consideration, the BOS shall hear all those petitioners who desire to be heard, and may hear all others at its discretion. Written notice of the Board's determination along with a copy of the petition package shall be provided to the applicant within 30 days following the BOS's final determination whether to approve or deny the petition.

10. PUBLIC WAY LAYOUT PETITION FORM PACKAGE CHECKLIST:

The applicant shall make sure the following required items are included in the package prior to sending it to the Town Manager's Office for consideration by the BOS as discussed in Step 8. Incomplete petition packages will be sent back to the applicant and will not be considered by the BOS until all required items are submitted.

- Public Way Layout Petition Form
- Locus Plan generated by the Engineering Department
- ALL owner(s) of records supplied by the Assessor's Office
- ALL notarized signatures of the owner(s) of record





**Public Way Layout Petition  
Notary Public  
Signatory Page**

**\*\* All information shall be filled out in the presence of a Notary Public \*\***

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/Town, State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

THE COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss

\_\_\_\_\_, 20\_\_

Then personally appeared before me the above-named \_\_\_\_\_, \_\_\_\_\_, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the foregoing instrument, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires:

**EXHIBIT B**

APPROVAL OF CONCEPTUAL OVERLAY MAP FORM



# **TOWN OF DEDHAM**

## **APPROVAL OF CONCEPTUAL OVERLAY MAP FORM**

*(Instructions on Page 2)*

**Applicant/Group Liaison:** *(From Public Way Layout Petition Form)*

\_\_\_\_\_  
Private Way Being Petitioned

\_\_\_\_\_  
Applicant/Group Liaison Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Cell Phone (optional)

\_\_\_\_\_  
Email

**Engineering Department:**

\_\_\_\_\_  
Date Approval Form Received

\_\_\_\_\_  
Date Conceptual Overlay Map Generated

\_\_\_\_\_  
Department Signature

\_\_\_\_\_  
Date Conceptual Overlay Map Mailed/Handed  
Back To Applicant

**Assessor's Office:**

\_\_\_\_\_  
Department Signature

\_\_\_\_\_  
Date Approval Form Mailed/Handed Back To  
Applicant With Owner(s) of Record

**Board of Selectmen:**

\_\_\_\_\_  
Chairman, BOS

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved Overlay Option *(If more than 1)*

## Instructions

1. The Engineering Department has 180 days from receipt of the “Approval of Conceptual Overlay Map Form” from the Town Manager’s Office to generate the conceptual overlay map for the applicant. The Conceptual Overlay Map will be developed utilizing the approved Town of Dedham Design and Construction Standard entitled “Typical Roadway Cross-Section for the Acceptance of a Private Way as a Public Way”.
2. Once the Conceptual Overlay Map has been generated by the Engineering Department it shall be mailed to or picked up by the applicant. A copy of the locus map supplied as part of the petition will also be supplied to the applicant for their use in acquiring updated owner(s) of record.
3. The applicant has 90 days from the date the conceptual overlay map is mailed to or picked up by the applicant from the Engineering Department to submit a completed “Approval of Conceptual Overlay Map Form” along with the other required documentation as stated herein to the Town Manager’s Office. Failure to do so may result in the Board of Selectmen (BOS) not moving forward to accept the Private Way as a Public Way.
4. The applicant has the responsibility to share the conceptual overlay map with all the owner(s) of record as established in the “Public Way Layout Petition Form”. The applicant shall be the point person to collect all questions or concerns related to the conceptual overlay map from the other owner(s) of record. Based upon existing conditions there may be more than one overlay option for a given Private Way. The applicant shall be responsible for working with the all the owner(s) of record to select the option they wish to proceed with. The questions and concerns may be brought to the attention of the Director of Engineering, Jason Mammone, P.E. via email, phone call or one-on-one meeting with the applicant. Depending on the amount and/or type of questions and concerns, the Director of Engineering may coordinate an evening meeting with the owner(s) of record to discuss their questions and concerns. The date and time of the meeting will be coordinated through the applicant and the Director of Engineering and will be held at the Town Hall.
5. Should the applicant along with the owner(s) of record agree with the conceptual overlay map, the applicant shall then submit the “Approval of Conceptual Overlay Map Form” package to the Assessor’s Office located at Town Hall (26 Bryant Street) requesting a copy of the records of its office indicating the owner(s) of record for the land comprising the Private Way and each lot or parcel identified on the locus map furnished by the Engineering Department.
6. The Assessor’s Office shall attach the required records to the petition package and sign the petition acknowledging the records have been attached. Once complete the Assessor’s Office will either mail to or hand back the approval package to applicant.
7. The applicant must then obtain signatures from **ALL** owner(s) of record acknowledging that they have seen and approve of the conceptual overlay map. The standard signatory page can be found on Page 4. Should there be a new owner(s) of record since the submission of the “Public Way Layout Petition Form” package, the applicant will be required to acquire the notarized signatures of **ALL** the new owner(s) of record of land within or abutting the Private Way as indicated on the locus map and provided by the Assessor’s Office. The signatory sheet for notarization can be found on Page 5. The

applicant should make as many copies of either signatory page as needed to acquire all the necessary signatures. It should be noted that the Board of Selectmen (BOS) will not entertain any approval form unless **ALL** the required signatures (standard or notarized) have been acquired.

8. Once the required signatures (standard or notarized) have been obtained, the applicant shall submit the entire approval package to the Town Manager's Office located at Town Hall (26 Bryant Street).
9. The Town Manager will forward the approval package to Town Counsel to review and confirm the identities of all those landowners whose approval is required, and shall direct the Applicant to secure such approvals as are missing.
10. Once review has been completed by Town Counsel, the Town Manager shall place the approval package before the Board for consideration, and shall notify the Applicant when it will be considered. Written notice of the Board's determination along with a copy of the approval package shall be provided to the applicant within 30 days following the BOS's final determination.
11. APPROVAL OF CONCEPTUAL OVERLAY MAP FORM PACKAGE CHECKLIST:

The applicant shall make sure the following required items are included in the package prior to sending it to the Town Manager's Office for consideration by the BOS as discussed in Step 10. Incomplete approval packages will be sent back to the applicant and will not be considered by the BOS until all required items are submitted.

- Approval of Conceptual Overlay Map Form
- Locus Plan generated by the Engineering Department
- Conceptual Overlay Map generated by the Engineering Department
- ALL** owner(s) of records supplied by the Assessor's Office
- ALL** signatures (standard or notarized) of the owner(s) of record



## Approval of Conceptual Overlay Map

### Standard Signatory Page

\*\* By signing below, you have acknowledged that you have reviewed and approved of the Conceptual Overlay Map as prepared by the Engineering Department \*\*

❖ \_\_\_\_\_  
Name  
  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address, City/Town, State, Zip  
  
\_\_\_\_\_  
Date

❖ \_\_\_\_\_  
Name  
  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address, City/Town, State, Zip  
  
\_\_\_\_\_  
Date

❖ \_\_\_\_\_  
Name  
  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address, City/Town, State, Zip  
  
\_\_\_\_\_  
Date

❖ \_\_\_\_\_  
Name  
  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address, City/Town, State, Zip  
  
\_\_\_\_\_  
Date



**Approval of Conceptual Overlay Map  
Notary Public  
Signatory Page**

**\*\* All information shall be filled out in the presence of a Notary Public \*\***

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/Town, State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

THE COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss \_\_\_\_\_, 20\_\_

Then personally appeared before me the above-named \_\_\_\_\_, \_\_\_\_\_, and  
proved to me through satisfactory evidence of identification, which was  
\_\_\_\_\_, to be the person whose name is signed on the foregoing instrument,  
and acknowledged to me that he/she signed it voluntarily for its stated purpose.

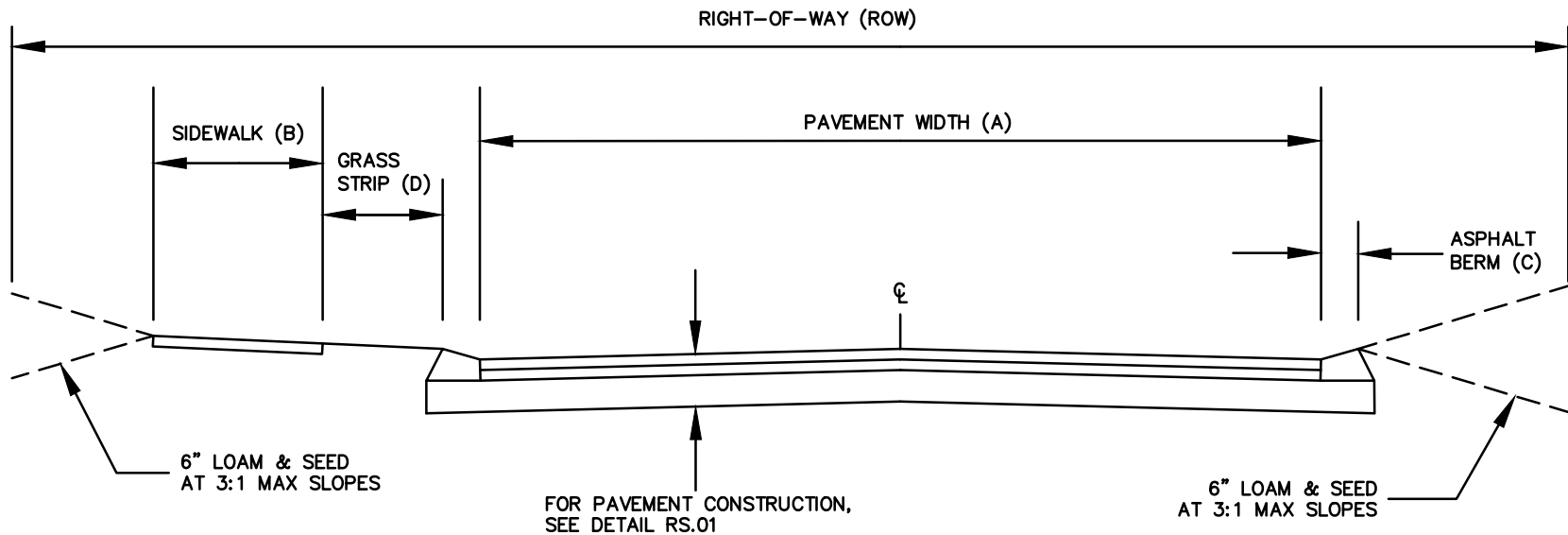
Notary Public

My Commission Expires:

## **EXHIBIT C**

TYPICAL ROADWAY CROSS-SECTION FOR ACCEPTANCE OF A PRIVATE WAY AS A  
PUBLIC WAY





**TYPICAL ROADWAY CROSS-SECTION**

ROADWAY CROSS-SECTION	MINIMUM ROADWAY SECTION WIDTHS (FT)				
	ROW	(A)	(B)	(C)	(D)
CROSS-SECTION #1	35	22	5*	1	-
CROSS-SECTION #2	40	28	5*	1	-
CROSS-SECTION #3	40	24	5*	1	3
CROSS-SECTION #4	30	24	-	1	-

\* SIDEWALKS WILL BE REQUIRED; IF THE PRIVATE WAY LEADS TO A PUBLIC FACILITY, IF THE PRIVATE WAY INTERSECTS A PUBLIC WAY THAT HAS AN EXISTING SIDEWALK OR WHERE A SIDEWALK CURRENTLY EXISTS ON THE PRIVATE WAY.

**NOTES:**

1. ALL PRIVATE WAYS PETITIONING TO BECOME A PUBLIC WAY WILL BE CONSTRUCTED HAVING A CROSS-SECTIONAL DETAIL AS DESCRIBED IN THE TYPICAL ROADWAY CROSS-SECTION TABLE. THE CROSS-SECTION UTILIZED WILL BE DETERMINED BY THE ENGINEERING DEPARTMENT.
2. PARKING WILL ONLY BE ALLOWED ALONG ONE SIDE OF THE ROADWAY FOR CROSS-SECTIONS #1, #3 AND #4.
3. PARKING WILL BE ALLOWED ON BOTH SIDES OF THE ROADWAY FOR CROSS-SECTION #2. THE PARKING WILL BE STRUCTURED ALONG BOTH SIDES OF THE ROADWAY TO ALLOW EMERGENCY RESPONSE VEHICLES THE NECESSARY OPEN LANE WIDTH TO SAFELY AND EFFICIENTLY NEGOTIATE THE ROADWAY.

**DEDHAM DPW  
DESIGN & CONSTRUCTION STANDARDS**

TYPICAL ROADWAY CROSS-SECTION FOR THE  
ACCEPTANCE OF A PRIVATE WAY AS A PUBLIC WAY

SCALE:  
NTS

DATE OF ISSUE:  
OCTOBER 2014

DETAIL NUMBER:

RS.33

