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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

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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.

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- 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 81I).