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

ADVISORY 2

EXECUTIVE SUMMARY 3

INTRODUCTION 7

EXISTING POLICY 7

THE PROBLEM 8

DEFINING THE PROBLEM 10
- CLASSIFYING UNACCEPTED ROADS
- CONDITION AND COST TO REPAIR ROADS
- FUNDING ROAD IMPROVEMENTS

KEY POLICY DECISIONS 17
- STREET IMPROVEMENT FLEXIBILITY
- STREET ACCEPTANCE STANDARDS
- STREET IMPROVEMENT FUNDING

STREET ACCEPTANCE GUIDANCE 18

COMMUNICATION 19

RECENT SUCCESSES 20

RECOMMENDATIONS 21

BEYOND THE CHARGE 23

ACKNOWLEDGEMENTS 25

APPENDIX
1. WESTFORD HIGHWAY DEPARTMENT STREET LISTING 26
2. FST UNACCEPTED ROADS STUDY 38
3. DEPARTMENT OF REVENUE BULLETIN – ASSESSMENTS 41
4. STREET BETTERMENT WORKSHEETS 44
5. TEMPORARY REPAIRS TO PRIVATE WAYS – BYLAW 52
6. STREET IMPROVEMENTS/BETTERMENTS BULLETIN 55
7. UNACCEPTED ROADS REFERENCE DOCUMENT 59
8. STREET ACCEPTANCE FLOW CHART 70
9. ABANDONED ROADS PROVISION 72

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.	PLAN DEVELOPMENT		
		BIRCH RD.			
		POND RD.		$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 [1]	Source/ Account	Bond Pulled?	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 Ac# JU-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	$ [illegible]					$ 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.	Tyler Rd.	Christy Lane
Swede's Crossing	Tavern Circle	Daniel Drive
Elderberry Way		

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	Sweetsers 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	Sweetsers 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	

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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	

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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

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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	

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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		

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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	Discontined
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

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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

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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

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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

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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	Hawthrone 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

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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

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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

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4	Landview Road	Private	N			Village @ Stone Ridge	Condo
1	Lanes End	Accepted	Y	11/04/03	17	Villages @ Westford	
1	LaSallette 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

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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

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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	Nabnasset 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

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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 Tadmuck Road	Accepted	Y				
4	Old Wood Road	Private	Y				Dirt
4	Olive Road	Private	N				

REVISION 01 - DRAFT ONLY

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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

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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

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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 & 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

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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

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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				

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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

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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		

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APPENDIX 2 – FST Unaccepted Roads Study

Fay, Spofford & Thorndike

FST

Pavement Management Methodology:

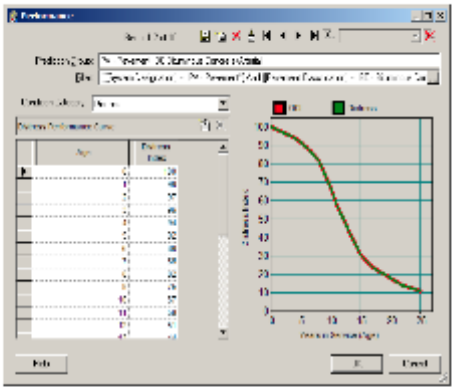
Pavement Condition Index (PCI) is the primary indicator used in comparing roadway serviceability and performance. The PCI takes into account roadway distresses such as potholes, pavement cracking, rutting, and surface wear, and is represented as a number between zero and one hundred. One hundred represents 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[1]

DO NOTHING PCI Band #1 (88 - 100 PCI)	**Excellent Condition** - in need of no immediate maintenance.
ROUTINE MAINTENANCE PCI Band #2 (68 - 87 PCI)	**Very Good Condition** - may be in need of crack sealing or minor localized repair.
PREVENTIVE MAINTENANCE PCI Band #3 (47 - 67 PCI)	**Good Condition** - pavement surface in need of surface sealing or thin overlay.
STRUCTURAL IMPROVEMENT PCI Band #4 (21 - 46 PCI)	**Fair Condition** - pavement structure in need of additional thickness to resist traffic loading.
BASE REHABILITATION PCI Band #5 (0 - 20 PCI)	**Poor Condition** - 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.



[1] The PCI ranges given in this table are general averages. The actual treatment band threshold numbers depend on pavement surface type and functional classification.

Unaccepted Roadway Summary 2

FST

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.

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
MUSKET 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 that 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
				3069	**100.00%**	**$100,000.00**	**1339**	**100.00%**	**$100,000**
$100,000	**Betterment amount (cell "A23")**								

		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^2)**	**% of total**	**Based on Betterment amount in cell "A23"**	**Frontage Williams Avenue ONLY Lot Size (feet^2)**	**% 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
				632,452	**100%**	**$100,000**	**432,168**	**100.00%**	**$100,000**
$100,000	**Betterment amount (cell "A23")**								

		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
				$6,461,100	**100.00%**	**$100,000**	**$2,458,700**	**100.00%**	**$100,000**
$100,000	**Betterment amount (cell "A23")**								

		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
				23	**100.00%**	**$100,000**	**8**	**100.00%**	**$100,000**
$100,000	**Betterment amount (cell "A23")**								

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	241	13.29%	$13,293	0	0.00%	$0
077-0060-0001	6	Fletcher Lane (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
			1813	**100.00%**	**$100,000**	**1181**	**100.00%**	**$100,000**
$100,000	**Betterment amount (cell "A23")**							

	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	20,081	6.73%	$6,726	0	0.00%	$0
077-0060-0001	6	Fletcher Lane (legal frontage is Pollyanna)	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
			298,563	**100.00%**	**100,000**	**209,178**	**100.00%**	**100,000**
$100,000	**Betterment amount (cell "A23")**							

	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
			$6,883,100	**100.00%**	**$100,000**	**$5,112,000**	**100.00%**	**$100,000**
$100,000	**Betterment amount (cell "A23")**							

	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	1	5.56%	$5,556	0	0.00%	$0
077-0060-0001	6	Fletcher Lane (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
			18	**100.00%**	**$100,000**	**14**	**100.00%**	**$100,000**
$100,000	**Betterment amount (cell "A23")**							

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 included 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. 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 15th. 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;

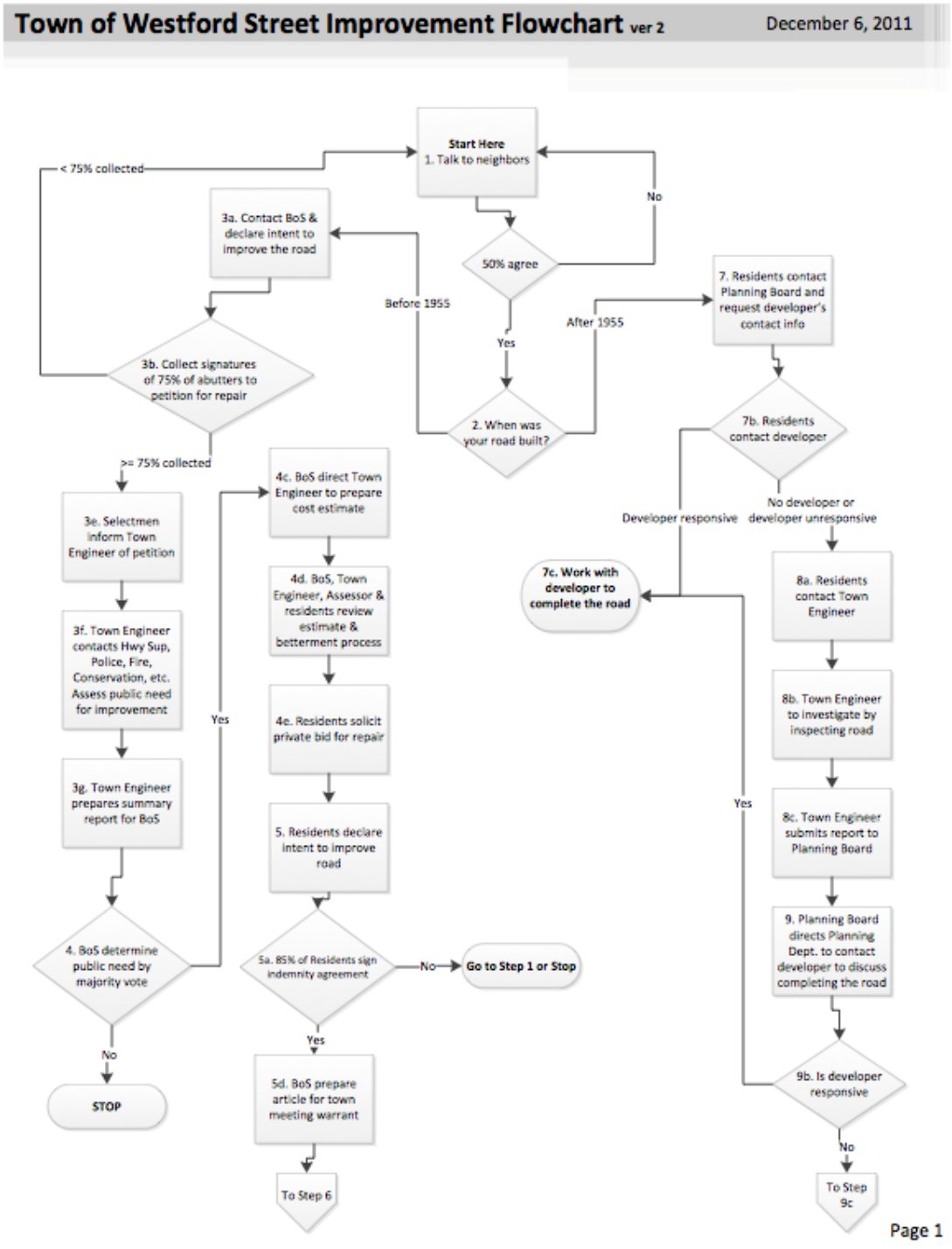
    - jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorneys' fees and other costs of defense;

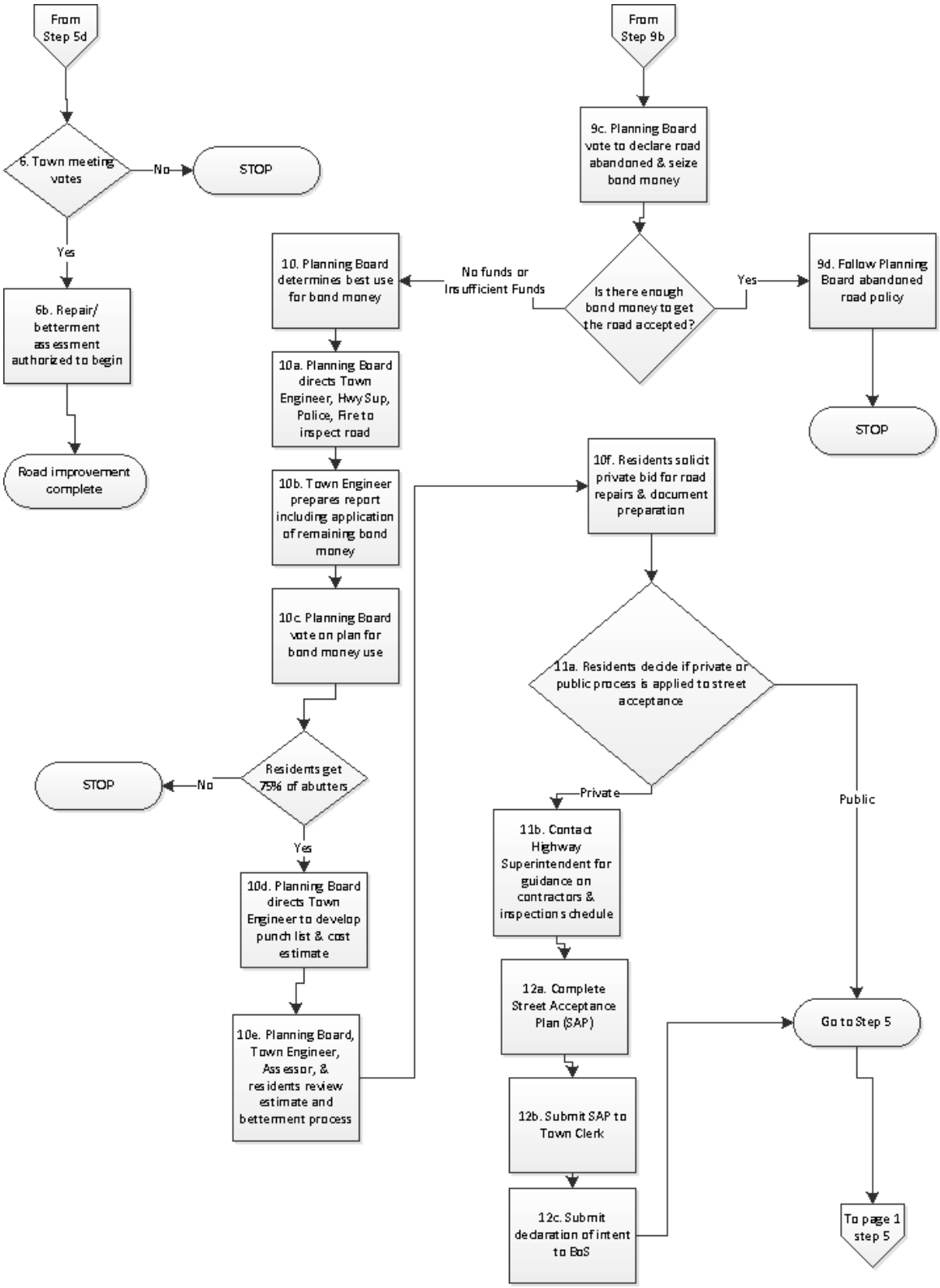
    - that should the Town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;

    - 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
Start Here
1. Talk to neighbors
< 75% collected
No
3a. Contact BoS & declare intent to improve the road
50% agree
Before 1955
After 1955
7. Residents contact Planning Board and request developer's contact info
Yes
3b. Collect signatures of 75% of abutters to petition for repair
2. When was your road built?
7b. Residents contact developer
>= 75% collected
4c. BoS direct Town Engineer to prepare cost estimate
Developer responsive
No developer or developer unresponsive
3e. Selectmen inform Town Engineer of petition
7c. Work with developer to complete the road
8a. Residents contact Town Engineer
4d. BoS, Town Engineer, Assessor & residents review estimate & betterment process
3f. Town Engineer contacts Hwy Sup, Police, Fire, Conservation, etc. Assess public need for improvement
8b. Town Engineer to investigate by inspecting road
Yes
4e. Residents solicit private bid for repair
3g. Town Engineer prepares summary report for BoS
Yes
8c. Town Engineer submits report to Planning Board
5. Residents declare intent to improve road
9. Planning Board directs Planning Dept. to contact developer to discuss completing the road
4. BoS determine public need by majority vote
5a. 85% of Residents sign indemnity agreement
No
Go to Step 1 or Stop
Yes
No
STOP
5d. BoS prepare article for town meeting warrant
9b. Is developer responsive
No
To Step 6
To Step 9c
Page 1


From Step 5d
6. Town meeting votes
No
STOP
Yes
6b. Repair/ betterment assessment authorized to begin
Road improvement complete
From Step 9b
9c. Planning Board vote to declare road abandoned & seize bond money
Is there enough bond money to get the road accepted?
No funds or Insufficient Funds
Yes
9d. Follow Planning Board abandoned road policy
STOP
10. Planning Board determines best use for bond money
10a. Planning Board directs Town Engineer, Hwy Sup, Police, Fire to inspect road
10b. Town Engineer prepares report including application of remaining bond money
10c. Planning Board vote on plan for bond money use
Residents get 75% of abutters
No
STOP
Yes
10d. Planning Board directs Town Engineer to develop punch list & cost estimate
10e. Planning Board, Town Engineer, Assessor, & residents review estimate and betterment process
10f. Residents solicit private bid for road repairs & document preparation
11a. Residents decide if private or public process is applied to street acceptance
Private
Public
11b. Contact Highway Superintendent for guidance on contractors & inspection schedule
12a. Complete Street Acceptance Plan (SAP)
12b. Submit SAP to Town Clerk
12c. Submit declaration of intent to BoS
Go to Step 5
To page 1 step 5

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.