

# ROAD ACCEPTANCE POLICY

07-02

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## I. PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for accepting a private way as a public Town road for the Town of Southborough. The purpose of this policy is intended for new roads that were designed, approved, and built, via the subdivision approval process, and not for existing private ways. Nothing herein shall be construed to modify or amend requirements and responsibilities pursuant to the Planning Board's Rules and Regulations.

## II. POLICY

Notice: Pursuant to the Southborough Code Section 244-11 (3) "Subdivision of Land" approval of a definitive plan does not constitute the laying out or acceptance by the Town of streets shown on the plan as a public way.

A. A contractor seeking to have a private road accepted as a public way must first provide the following information to the Planning Board:

1. A completed deficiency-list from the Public Works and the Town's Engineering Consultant.
2. An as-built plan that has been approved and accepted by the Public Works and checked for completeness and accuracy by the Town's Engineering Consultant.
3. A Roadway Layout Plan that has been checked for completeness and accuracy by the Town's Engineering Consultant.
4. Proof that all bills for the Town's Engineering Consultant have been paid.
5. Verification that all applicable Planning Board Rules and Regulations and conditions of subdivision approval have been complied with.

B. The Board of Selectmen shall continue the process of having a private road accepted by the Town after receiving a letter from the Planning Board releasing 90% the performance bond and recommending that the Board of Selectmen layout a road.

1. The Selectmen may receive a request from an Owner/Developer to have a road accepted by the Town. The Selectmen shall forward the request to the Planning Board for their recommendation. Said request from the Owner/Developer must be received by the Selectmen no later than the first Friday in January of the ATM year.

C. Responsibilities of Owner/Developer

1. The Owner/Developer must submit the following prior to the Selectmen scheduling a road layout hearing.
  - a. One Mylar, signed by the Planning Board.

1.) The Mylar must have a space for the Endorsement of the plan by a majority of the members of the Planning Board, as follows:

..... )  
..... )  
..... ) Being a majority  
..... ) of the Southborough  
..... ) Planning Board  
..... )  
..... )

Endorsed (date)

- b. Five (5) as-built plans (One (1) for Town Clerk, one (1) for Town Counsel, Two (2) for Selectmen's office, One (1) for the Public Works and one (1) 11 x 17" copy.
- c. Copies of all proposed easements intended for public acceptance together with any Conservation Restrictions, or Deeds of Conveyance for Open Space.
- d. One copy of the as-built plan in a digital format that is compatible with AutoCAD and/or ARCGIS.
- e. A Certified Legal Description
- f. The Owner/Developer must deposit a cash bond in the amount of One Thousand Two Hundred Dollars (\$1,200) for each private way to be deposited in a revolving fund to reimburse the town for any legal costs associated with the road layout and road taking and recording of same.
- g. Submit a list of abutters certified by the Board of Assessors.
- h. The Owner/Developer will reimburse the Town for the cost of publication of the Legal Notice and the cost of postage for the certified mailing upon receipt of an invoice.
- i. All of the above submissions must be received by the Selectmen before the last week in February.

2. Owner must provide a title certificate or title search of the property

D. Responsibilities of the Town

1. After receiving the letter from the Planning Board and the written request from the Owner/Developer, Mylar, as-built plans, cash bond, and certified list of abutters from the Owner/Developer, the Selectmen will determine a hearing date for the road layout.
  - a. The legal notice of the public hearing on the intention to layout out the road must appear in a local newspaper at least 7 days prior to the hearing.
  - b. The Town will mail the public hearing notice to abutters by certified mail and a copy to the Owner/Developer, Highway Surveyor and Planning Board.

2. The Selectmen will hold the Road Layout hearing approximately 4 weeks prior to Annual Town Meeting.
3. The Selectmen will forward a copy of the plan and a copy executed Layout Order to the Planning Board.
4. The Selectmen will forward a copy of the plan and the original executed Layout Order to the Town Clerk at least 7 days prior to Town Meeting.
5. The Selectmen will prepare and submit an article (after the road layout approval) to the next Town Meeting to accept a private way as a public way.
  - a. A two thirds vote of Town Meeting is required
    - 1.) After Town Meeting, the Selectmen will send a copy of the Layout Order, Certified Vote of Town Meeting, the Mylar and paper plan to Town Counsel to have him record the plan of acceptance and deed of fee of street (if provided).
6. After recording any monies remaining in the cash bond will be returned to the Owner/Developer.

This policy was adopted by the Board of Selectmen on January 9, 2007.