

## **“FAIRVIEW TERRACE”**

### STREET ACCEPTANCE INFORMATIONAL MEETING

Tuesday, August 10, 2021

The Town of Natick has appropriated funding for preparing street acceptance plans for unaccepted roadways in the Fairview Terrace neighborhood. Fairview Terrace was created by a plan dated June, 1898 prepared by Albertus Hussey. Because the plan was created before the Town adopted the state subdivision control law, it is necessary to have the roadway ‘laid out’. This work is performed by a Registered Land Surveyor and it defines the roadway limits. The field survey has taken place and the surveyor is currently preparing the plans and descriptions to be voted on by Town Meeting and recorded at the Middlesex County Registry of Deeds.

This informational meeting is being held to explain the process, to create a schedule and to answer questions residents of the Street may have regarding acceptance.

1. The Selectmen shall hold a public hearing (anticipated in September)
  - a. Owners shall be notified by first class mail
  - b. Meeting shall be advertised in a Newspaper of local circulation (MetroWest Daily News) not less than 7 days prior to the hearing
2. If the Board of Selectmen determine that it is in the Public Interest to accept the roads, they will vote by a simple majority to accept the streets as town ways
3. If so voted, a Warrant Article is created for the next available Town Meeting (October 2021)
4. Warrant Article shall include a legal description of the street
5. Town Meeting Votes on the Article. Two-thirds majority is required for favorable action
6. Order of Acceptance is recorded at Middlesex (South) Registry of Deeds within 60 days of the Town Meeting action

The Selectmen’s initial public hearing is to determine the support of the property owners within the subdivision. It is our intention to have Letters of Intent from as many of the residents as possible prior to the Public Hearing. All homeowners within the neighborhood are welcome to attend, but you are not required to do so. If the Engineering Division has received a Letter of Intent from the property owner, this will be tallied in a report for the Selectmen’s review.

**The Town is seeking to accept an easement for right of way and for utility purposes over the roadway. The Town does not seek to own the fee interest in the Road (own the actual property).**

The right of ways in the subdivision are an agreement of all of the property owners that all owners within the subdivision may pass over the property set aside as streets on the subdivision plans to access their homes and to access the public ways to which these streets connect. The Town currently plows all

of the right of ways in town to ensure access for emergency responders and to facilitate access by the owners. As an unaccepted street, the Town is not under obligation to do so. When the street is accepted as a public way the Town is obligated to provide those services.

Granting the Town the right to pass, re-pass, install, remove, repair or replace underground utilities within the right of way allows all users of the roadways in Town the right to use the streets as all streets in Town are customarily used. This allows the Town to grant street opening permits for utility companies to also install repair or replace utilities. It allows the Town to add the streets to its inventory and accept funding from the Chapter 90 fund given annually to the Towns from the State for maintenance of roadways. This money is generated from gas tax receipts to the State and is distributed to individual Cities and Towns based upon a formula incorporating population, number of street miles and other factors. This will help Natick receive funding annually for street maintenance.

The Town does not have the resources to acquire the land from individual property owners. The Town is requesting that the Owners grant the easement rights to the town without consideration. If the owners seek payment or 'damages' for the acceptance of a right of way as a Town accepted street, this process will not proceed in a timely enough fashion to be presented at Fall Town Meeting (anticipated October 2019).

Please be sure that the Town has your correct contact information. Please be sure to give us your correct mailing address and correct email address. Notifications will be sent out via email from the Engineering Division. There should be no reason to notify residents after the initial Selectmen's Public Hearing and decision to accept the roadway. There is no need for residents to attend the Town Meeting. Those who may wish to attend are welcome, but attendance is not required.

If you have any questions regarding this process, please contact Bill McDowell, Town Engineer at [wmcdowell@natickma.org](mailto:wmcdowell@natickma.org) or at 508-647-6400 ext. 2015