

ELIOT HILL ROAD - MERRIFIELD ROAD - WOODCOCK PATH

STREET ACCEPTANCE INFORMATIONAL MEETING

Wednesday April 3, 2019

The Town of Natick has adopted an accelerated street acceptance for certain qualifying streets in the Town. (H-4446). In order to qualify, the street must have been created as part of an approved subdivision pursuant to MGL 41 ss81K.

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 5/13/2019)
 - 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 road, they will vote by a simple majority to accept the street
3. If voted to accept the street, a Warrant Article is created for the next available Town Meeting
4. Engineering Division shall verify the roadway's location by survey
5. Engineering Division shall perform sufficient survey to generate an As-Built plan of the existing utilities, roadway and sidewalk.
6. Warrant Article shall include a legal description of the street or refer to the original subdivision plan recorded at the Middlesex Registry of Deeds
7. Town Meeting Votes on the Article. Two-thirds majority is required for favorable action
8. Order of Acceptance is recorded at Middlesex (South) Registry of Deeds

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 plows the right of ways 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 wmcowell@natickma.org or at 508-647-6400 ext. 2015