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**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 264-9612  
Fax (978) 264-9630

**Town Manager**

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October 6, 2003

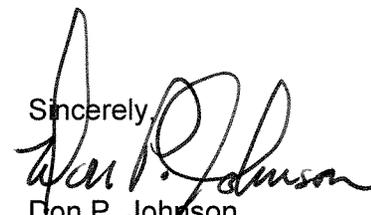
Dear Private Way Resident:

The Board of Selectmen has rescheduled the public hearing for winter maintenance of a private way to Monday, November 3, 2003 at 7:10 PM in Room 204 of the Town Hall. Attached is a copy of the joint memo from the Engineering, Highway, Planning and Natural Resource Departments dated October 2, 2003. The memo includes their comments and recommendations for each of the private ways that petitioned for snow plowing. The residents of these private ways should review the memo and address the items related to their road. If you have any questions concerning the specific conditions for your road call David Brown, Highway Superintendent at (978) 264-9624; otherwise please contact David F. Abbt, Engineering Administrator at (978) 264-9628.

The Selectmen are attempting to continue the Private Way Plowing program for this year and future years; however, ongoing budget issues at the State level have severely reduced important financial aid from the Commonwealth. As a result, the Board has asked that you be advised of the possibility that future budgets may not be sufficiently funded to allow the continuation of this and similar programs.

If you are no longer the contact person for your private way, please pass all this information to the resident on your private way that has assumed these duties. It is possible that you are the only resident from this private way that has received this letter.

Sincerely,



Don P. Johnson  
Town Manager

cc: Selectmen  
David F. Abbt / Engineering Administrator  
David Brown / Highway Superintendent

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Engineering Department

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**INTERDEPARTMENTAL COMMUNICATION**

**To:** Don P. Johnson, Town Manager

**Date:** October 2, 2003

**From:** Engineering, Highway, Planning and Natural Resource Departments

**Subject:** Private Way Plowing during the Winter of 2003-04

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Residents of the following private ways submitted petitions on the approved Town Form by the deadline of September 9, 2003. The Board of Selectmen's public hearing for the 2003-04 private way plowing petitions is scheduled for Monday, October 6, 2003. We have enclosed a blank copy of the official petition for the 2003-04 winter season. A legal ad was posted in the Beacon on July 10<sup>th</sup> and 17<sup>th</sup> to notify residents about the private way plowing petitions. We also posted the legal ad on the two bulletin boards on the ground level of the Town Hall. We mailed a copy of the petition to the residents on private ways that were approved for plowing last year. We have reviewed the list of private ways requesting winter maintenance and have the following joint comments and recommendations:

**Alexandra Way & Reeve Street – Conditional Recommendation**

- Condition 3.2.21 of Planning Board Decision for the North Acton Woods Subdivision (#98-17) states that "until such time as the streets may be accepted as public ways by the Town of Acton the applicant, not the new homeowners, shall be responsible for plowing and maintenance of all streets in the proposed subdivision." The developer has made significant progress towards the completion of these roads in anticipation of getting these roads accepted as Town ways at the 2004 Annual Town Meeting. In past years, the Town's policy provided that it would plow a new subdivision street if most or all homes are built and occupied and if there is a reasonable expectation that the street can be accepted as a public way at the next Annual Town Meeting. Alexandra Way and Reeve Street fall into this category.
- If the Board of Selectmen vote to plow Alexandra Way and Reeve Street, we do not recommend plowing the private common driveway at the end of Reeve Street for the following reasons:
  - The private driveway has been approved as a sub-standard street (common driveway) which will remain a private way.

- There is no adequate area for snow storage at the end of the common drive. The driveway for 15 Reeve Street projects off the end of the road.
- We noted the catch basin sumps in the roads are partially full of sand and debris. The drainage system will need to be cleaned in order to be plowed during this winter season. Evidence of storm drainage maintenance may consist of, but not be limited to, items such as invoices from contractors for the work or a signed letter from the property manager certifying that the work has been completed.
- The residents should install five-foot high reflectorized stakes within 18" of edge of pavement around the loop turnarounds. If other residents along Alexandra Way & Reeve Street are concerned about potential damage to their lawn, they should also install reflectorized stakes to mark the edge of the roadway.
- If the Board of Selectmen votes to plow Alexandra Way and Reeve Street, the Town will not be responsible for plowing the sidewalks or repairing any landscaping or mailboxes that are damaged by the snowplows. Page one of the winter maintenance petition states that the owners and residents of the private way "agree jointly and severally to indemnify and hold harmless the Town of Acton, its employees or contractors, from any claim for damage to said Private Way, caused by the Town, its employee or contractor."
- Alexandra Way and Reeve Street will possibly be proposed for acceptance as town ways at the 2004 Annual Town Meeting if the developer completes the roads to the satisfaction of the Planning Board.
- This is the second time that Alexandra Way and Reeve Street have petitioned the Town for winter maintenance. These streets were not approved for plowing last year due to the amount of unfinished construction related items in the subdivision.

**Audubon Drive & Brewster Lane - Conditional Recommendation  
(Excluding the emergency access)**

- These roads conform to all the required criteria.
- If the Board of Selectmen votes to plow these roads, the Town will not be responsible for plowing the sidewalks or repairing landscaping that is damaged by the snowplows. Page one of the winter maintenance petition states that the owners and residents of the private way "agree jointly and severally to indemnify and hold harmless the Town of Acton, its employees or contractors, from any claim for damage to said Private Way, caused by the Town, its employee or contractor."
- The residents should install five-foot high reflectorized stakes within 18" of edge of pavement around the loop turnarounds. If other residents along Audubon Drive and Brewster Lane are concerned about potential damage to their lawn, they should also install reflectorized stakes to mark the edge of the roadway.

- The condominium association excluded Brewster Lane from their petition for winter maintenance during the 1998-99 and 1999-00 winter seasons. The Highway Department had a problem plowing Brewster Lane during the 1996-1997 winter season. The Highway Foreman said residents parked their vehicles in the cul-de-sac to allow their contractor to plow the parking spaces. The residents will have to keep Audubon Drive and Brewster Lane clear of parked vehicles during the winter season or the Town will be unable to plow the road.
- We noted the catch basin sumps in the road are full of sand and debris and need some maintenance. The drainage system will need to be cleaned in order to be plowed during this winter season. There are 11 catch basins in Audubon Drive and Brewster Lane that need to be cleaned. Evidence of storm drainage maintenance may consist of, but not be limited to, items such as invoices from contractors for the work or a signed letter from the property manager certifying that the work has been completed.
- Audubon Drive has been approved for plowing during the last seven winter seasons. The Town only plowed Brewster Lane during the 1996-97, 1997-98, 2000-01 and 2001-02 winter seasons.

**Bellows Farm Subdivision - Phases IV – Conditional Recommendation with Exceptions  
(Bellows Farm Road & Briar Hill Road, excluding the emergency access)**

- These roads conform to all the required criteria except as noted below:
  - The developer still has unfinished construction related items within the subdivision to complete.
- The Highway and Engineering Departments agree that the Town could plow Bellows Farm Road and Briar Hill Road since the road construction is substantially completed. In past years, the Town's policy provided that it would plow a new subdivision street if most or all homes are built and occupied and if there is a reasonable expectation that the street can be accepted as a public way at the next Annual Town Meeting. Bellows Farm and Briar Hill Roads fall into this category. However, Planning points out that a portion of Davis Road, leading to the Bellows Farm and Briar Hill Road, is owned neither by the Town nor by the petitioners.
- If the Board of Selectmen votes to plow these roads, the Town will not be responsible for plowing the sidewalks or repairing any landscaping or mailboxes that are damaged by the snowplows. Page one of the winter maintenance petition states that the owners and residents of the private way "agree jointly and severally to indemnify and hold harmless the Town of Acton, its employees or contractors, from any claim for damage to said Private Way, caused by the Town, its employee or contractor."
- The residents should install five-foot high reflectorized stakes within 18" of edge of pavement around the T-shaped turnaround for Briar Hill Road. If other residents along Bellows Farm Road and Briar Hill Road are concerned about potential damage to their lawn, they should also install reflectorized stakes to mark the edge of the roadway.

- These roads will possibly be proposed for acceptance as Town Ways at the 2004 Annual Town Meeting if the developer completes the roads to the satisfaction of the Planning Board.
- The Town's plowing services should not include the private shared driveways off Bellows Farm and Briar Hill Roads.
- Bellows Farm Road and Briar Hill Road were approved for winter maintenance during the last two years.

#### **Davis Road – Conditional Recommendation**

- This road conforms to all of the required criteria except as noted below:
  - The developer still has unfinished construction related items within the subdivision to complete.
  - We noted the catch basin sumps in the road between the sewage treatment plant and Windingwood Lane (Davis Road – Phase I) were full of sand and debris and need some maintenance. An excessive amount of dirt and sand has also collected in the detention basin next to the sewage treatment plant due to the catch basin sumps already being full of sand. The drainage system will need to be cleaned in order to be plowed during this winter season. Evidence of storm drainage maintenance may consist of, but not be limited to, items such as invoices from contractors for the work or a signed letter from the property manager certifying that the work has been completed.
  - The two catch basins at the beginning of the private portion of Davis Road at utility pole #14/8 prior to the curve next to the sewage treatment facility have settled and the frames and grates need to be reset, mortared and repaved in order to be plowed during this winter season.
- The Highway and Engineering Departments agree that the Town could plow the entire length of Davis Road since the road construction is substantially completed. In past years, the Town's policy provided that it would plow a new subdivision street if most or all homes are built and occupied and if there is a reasonable expectation that the street can be accepted as a public way at the next Annual Town Meeting. Davis Road falls into this category. However, Planning points out that a portion of Davis Road is owned neither by the Town nor by the petitioners.
- If the Board of Selectmen votes to plow Davis Road, the Town will not be responsible for plowing the sidewalks or repairing any landscaping or mailboxes that are damaged by the snowplows. Page one of the winter maintenance petition states that the owners and residents of the private way "agree jointly and severally to indemnify and hold harmless the Town of Acton, its employees or contractors, from any claim for damage

to said Private Way, caused by the Town, its employee or contractor.”

- If residents are concerned about potential damage to their lawn, they should install reflectorized stakes to mark the edge of the roadway. These stakes should be at least five feet in height and set within 18” of the edge of pavement.
- The Town’s plowing services should not include the private shared driveways off Bellows Farm and Briar Hill Roads.
- The Board of Trustees for the Arbors submitted a private way plowing petition during the 1996-97 winter season to plow Davis Road up to Windingwood Lane and the Board of Selectmen voted not to plow the road. The Board of Trustees for the Arbors and Ron Peabody petitioned four years ago for winter maintenance and the Town plowed Davis Road up to Settlement Way. For the last three years, The Board of Trustees for the Arbors and the Bellows Farm Condominium Trust petitioned for winter maintenance and the Town plowed the entire length of Davis Road.

#### **Drummer Road & Meetinghouse Road – Conditional Recommendation**

- We recommend plowing the primary roadways. This recommendation does not include the two loops that constitute parking lot accesses.
- These roads conform to all of the required criteria, except that access and use was limited to residents about two years ago. The condominium association erected two signs on Drummer Road last year that state “**Private Property - Residents Only – No Trespassing**”. These signs were removed per the Board of Selectmen’s request and Drummer Road and Meetinghouse Road have been plowed during the last two years.
- The condominium association is currently completing the installation of their sewer main construction on Drummer Road and Meetinghouse Road. The sewer trenches have binder pavement in the trenches that is an inch and a half below the existing road surface. The final wearing course of pavement needs to be completed in order to be plowed during this winter season.
- The existing pavement on Drummer Road at the Parker Street intersection opposite Silver Hill Road also needs to be repaved to repair the areas where the pavement is breaking up.
- If the Board of Selectmen votes to plow Drummer Road and Meetinghouse Road (excluding the two loops that constitute parking lot accesses off Drummer Road), the Town will not be responsible for repairing any landscaping or mailboxes that are damaged by the snowplows. Page one of the winter maintenance petition states that the owners and residents of the private way “agree jointly and severally to indemnify and hold harmless the Town of Acton, its employees or contractors, from any claim for damage to said Private Way, caused by the Town, its employee or contractor.”
- The residents should install reflectorized stakes to mark all the curves along the roadway since there are no curbs along Drummer Road and Meetinghouse Road. These stakes should be at least five feet in height and set within 18” of the edge of

pavement.

- We noted the catch basin sumps in the road are full of sand and debris and need some maintenance. The drainage system will need to be cleaned in order to be plowed during this winter season. Evidence of storm drainage maintenance may consist of, but not be limited to, items such as invoices from contractors for the work or a signed letter from the property manager certifying that the work has been completed.
- Drummer Road and Meetinghouse Road have been approved for plowing during the last seven winter seasons.

#### **Heron View Road - Conditional Recommendation**

- This road conforms to all of the required criteria.
- If the Board of Selectmen votes to plow Heron View Road, the Town will **not** be responsible for repairing any landscaping or mailboxes that are damaged by the snowplows. Page one of the winter maintenance petition states that the owners and residents of the private way “agree jointly and severally to indemnify and hold harmless the Town of Acton, its employees or contractors, from any claim for damage to said Private Way, caused by the Town, its employee or contractor.”
- The residents should install five-foot high reflectorized stakes within 18” of edge of pavement around the loop turnaround. If other residents along Heron View Road are concerned about potential damage to their lawn, they should also install reflectorized stakes to mark the edge of the roadway.
- The Highway Superintendent is concerned with the tree branches overhanging Heron View Road. This recommendation for plowing is conditional upon the residents clearing all the overhanging branches that might interfere with the snow plows.
- The catch basin sumps in the road have been cleaned and seem to be in good working condition.
- Heron View Road has been approved for plowing during the last seven winter seasons.

#### **Nonset Path - Conditional Recommendation**

- This road conforms to all of the required criteria.
- The condo association has installed a speed bump on Nonset Path. Typically, the maintenance personnel remove the speed bump after Halloween. The condominium association routinely installs speed bumps on Nonset Path to deal with vehicles speeding and removes them prior to the winter months. Our recommendation for plowing Nonset Path is conditional upon these speed bumps being removed. The maintenance personnel will also have to remove the two portable pedestrian crossing signs on Nonset Path prior to snow storms.

- If the Board of Selectmen votes to plow Nonset Path, the Town will not be responsible for plowing the sidewalks or repairing any landscaping or mailboxes that are damaged by the snowplows. Page one of the winter maintenance petition states that the owners and residents of the private way “agree jointly and severally to indemnify and hold harmless the Town of Acton, its employees or contractors, from any claim for damage to said Private Way, caused by the Town, its employee or contractor.”
- If residents are concerned about potential damage to their lawn, they should install reflectorized stakes to mark the edge of the roadway.
- The catch basin sumps in the road have been cleaned and seem to be in good working condition, except for the first catch basin on the right side of Nonset Path at the intersection with Great Road. This catch basin sump is full of sand and debris and needs to be cleaned.
- The Highway Superintendent is concerned with the catch basin frame and grate on the left side (westerly side) of Nonset Path at Great Road. This catch basin frame and grate has settled and needs to be repaired and repaved.
- Nonset Path has been approved for plowing during the last seven winter seasons.

#### **Woodfield Road and Shady Lane – Conditional Recommendation**

- These roads conform to all the required criteria.
- The residents should install five-foot high reflectorized stakes within 18” of edge of pavement around the loop turnarounds. If other residents along Woodfield Road & Shady Lane are concerned about potential damage to their lawn, they should also install reflectorized stakes to mark the edge of the roadway.
- If the Board of Selectmen votes to plow Woodfield Road and Shady Lane, the Town will not be responsible for plowing the sidewalks or repairing any landscaping or mailboxes that are damaged by the snowplows. Page one of the winter maintenance petition states that the owners and residents of the private way “agree jointly and severally to indemnify and hold harmless the Town of Acton, its employees or contractors, from any claim for damage to said Private Way, caused by the Town, its employee or contractor.”
- We noted the catch basin sumps in the roads are full of sand and debris and need some maintenance. The drainage system will need to be cleaned in order to be plowed during this winter season. Evidence of storm drainage maintenance may consist of, but not be limited to, items such as invoices from contractors for the work or a signed letter from the property manager certifying that the work has been completed.
- The Highway Superintendent is concerned about the pavement edge on Woodfield Road at Summer Street. This will need to be repaired in order to be paved this winter season.

- Woodfield Road and Shady Lane will possibly be proposed for acceptance as town ways at the 2004 Annual Town Meeting if the developer completes the roads to the satisfaction of the Planning Board. In past years, the Town's policy provided that it would plow a new subdivision street if most or all homes are built and occupied and if there is a reasonable expectation that the street can be accepted as a public way at the next Annual Town Meeting. Woodfield Road and Shady Lane fall into this category.
- This is the first time that Woodfield Road and Shady Lane have petitioned the Town for winter maintenance.

### **Wyndcliff Drive – Conditional Recommendation**

- This road conforms to all of the required criteria except as noted below:
- The homeowner at house #5 Wyndcliff Drive (Kevin Donohoe) has some large stones about eighteen inches back from the edge of pavement at the corner of his driveway. These large stones could pose a serious risk of damage to the plows. The homeowner also has a small stone wall along the edge of pavement. The homeowner will need to install five-foot high-reflectORIZED stakes between the edge of pavement and the large stones and the stone wall.
- The residents should install five-foot high reflectORIZED stakes within 18" of edge of pavement around the loop turnaround. If residents along Wyndcliff Drive are concerned about potential damage to their lawn, they should also install reflectORIZED stakes to mark the edge of the roadway.
- There is a large boulder protruding out of the road shoulder on the left side of Wyndcliff Drive just beyond house #2 that could pose a serious risk to the plows. The residents will need to install a five-foot high-reflectORIZED stake on the uphill side of the rock to alert the snow plow driver of its location. We set a 3 foot high wood grade stake with some red flagging next to this boulder.
- The entire length of Wyndcliff Drive has been repaved.
- This recommendation for plowing is conditional upon the residents clearing any overhanging branches which might interfere with the ability of a plow to push the snow back from the edge of the road.
- If the Board of Selectmen votes to plow Wyndcliff Drive, the Town will not be responsible for repairing any landscaping or mailboxes that are damaged by the snowplows. Page one of the winter maintenance petition states that the owners and residents of the private way "agree jointly and severally to indemnify and hold harmless the Town of Acton, its employees or contractors, from any claim for damage to said Private Way, caused by the Town, its employee or contractor."
- The catch basin sumps in the road have been cleaned and seem to be in good working condition.
- Wyndcliff Drive has been approved for plowing during the last seven winter seasons.

In addition to our recommendations, the Town Planner and the Natural Resource Director have researched each of the subject roads to determine if there are any conflicts with their Board approvals or restrictive covenants. The following list summarizes whether or not the Highway and Engineering Departments recommends plowing the private ways along with an indication of any Planning Board or Conservation Commission restrictions:

<u>Private Drive</u>	<u>Highway/Engineering</u>	<u>Planning</u>	<u>Conservation</u>
<b>Alexandra Way</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Audubon Drive</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Bellows Farm Road</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Brewster Lane</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Briar Hill Road</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Davis Road</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Drummer Road</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Heron View Road</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Meetinghouse Lane</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Nonset Path</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Reeve Street</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Shady Lane</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Woodfield Road</b>	Conditional Recommendation	No Restrictions	No Restrictions
<b>Wyndcliff Drive</b>	Conditional Recommendation	No Restrictions	No Restrictions

In summary, the following private ways receive a joint recommendation, subject to the conditions contained herein, from the Engineering Department, Highway Department, Planning Department and Natural Resource Department for plowing and sanding during the winter of 2003-04.

Street Name	Install Snow Stakes	Clean Catch Basin Sump(s)	Repair Catch Basin Frame	Clean Detention Basin	Repair Pavement	Prune Overhanging Branches	Remove Speed Bump/Ped. Signs
Alexandra Way	√	√					
Audubon Drive	√	√					
Bellows Farm Road	√						
Brewster Lane	√	√					
Briar Hill Road	√						
Davis Road	√	√	√	√			
Drummer Road	√	√			√		
Heron View Road	√					√	
Meetinghouse Road	√	√			√		
Nonset Path	√	√	√				√
Reeve Street	√	√					
Shady Lane	√	√					
Woodfield Road	√	√			√		
Wyndcliff Drive	√					√	

Note:  
 √ = work that needs to be completed by the residents or the owners of the private ways prior to snow plowing.

  
 David F. Abbt, Engineering Administrator

  
 David Brown, Highway Superintendent

  
 Roland Bartl, Town Planner

  
 Tom Tidman, Natural Resource Director