

**TOWN COUNCIL MINUTES
PUBLIC WORKS COMMITTEE
Town Hall Council Chambers
March 19, 2007**

Present: Arthur E. Mathews, Chairperson
Greg Shanahan
Sue Kay
Michael Smart

Not Present: Thomas J. Lacey

Also Present: James Clarke, Director of Planning and Community Development
George E. Lane, Solicitor
Kevin Whitaker, Councilor
Kenneth J. DiFazio, Councilor
Jeff Bina, Assistant Town Engineer

Recording Secretary: Janet Murray

Chairman Mathews called the Public Works Committee Meeting to order at 6:40pm.

Mr. Clarke stated that there are over 150 miles of public streets that the DPW is responsible for maintaining. He noted that most residents believe that they live on public roads. He stated that there are state roads, county layouts, and private ways, in addition to public ways.

Mr. Clarke stated that plowing, street sweeping, trash pick- up, postal delivery, construction and maintenance are not generally done on private ways. On private ways, the property owners have property rights to the center of the street; however, they do not have the right to put obstructions in the road to prevent passage.

Mr. Clarke stated that the Mayor receives many calls from residents for work to be done on their roads. Clarifying whether a road is public or private has become an issue. The Mayor would like to see an inventory done on the actual number of private ways which exist and begin the process of accepting the private ways as public ways.

Mr. Clarke stated that there is state funding available for streets. He noted that Community Development Block Grant (CDBG) funding has been used to make improvements to private ways.

Mr. Clarke stated that many of these streets were part of subdivisions laid out in the mid 80's to early 90's. He stated that the recommendation is to accept the streets as laid out. He noted that there would be no additional takings other than taking the laid out way that makes up the private way. There is a provision that certain portions of the process can be waived, such as roads that do not meet the standards for acceptance as a public way.

Chairman Mathews stated that with the new form of government, there is a new process which needs to be clarified. Tonight's meeting is to discuss the process. There will be public hearings at the Council Meeting this evening. After the public hearings, the Public Works Committee will meet again and forward the request to the Planning Board for approval, and then the Planning Board will refer these issues back to the Council for additional public hearings.

President Smart asked for clarification on accepting the layout and adopting the taking. Of the streets before the Committee, seven of the eight have 40 foot layouts. The first step in the process is accepting that layout. He noted that the public may be unaware that the public way does not end at the pavement. Roads are generally 26 to 28 feet wide with no sidewalks- but a grassy area. This grassy area is considered part of the road.

Councilor Whitaker asked if there were any taking or legal costs incurred from this process. Solicitor Lane stated that as to the takings, there is no cost. As to the legal costs, prior to new Charter of the town, there was a cost estimate submitted to Town Meeting in the amount of \$150-\$200 per abutter . Abutter notification was the main

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cost. Currently, the recording costs for plans and documents is the primary cost. On longer streets it could be more expensive. The savings is in not having to do the title examinations.

Councilor Whitaker asked how many street acceptances may be forthcoming. Mr. Bina stated that there could be 50-60. This number does not include private driveways, which will most likely not be accepted.

Councilor DiFazio asked if streets that do not have any plans or the plans are outdated would most likely be done later in the process.

Chairman Mathews commented that not all areas of town are eligible for CDBG funding.

Solicitor Lane stated that engineered plans will be needed and this has an associated cost.

07 015-Street Acceptance-Alma Circle

Alma Circle is off Lester Lane, which is off Summer Street. The utilities are up to date.

07 016-Street Acceptance-Lester Lane

Lester Lane is off Summer Street. The utilities are up to date.

07 017-Street Acceptance-Bayberry Lane

Bayberry Lane is off Summer Street. This road ends in a cul-de-sac. The utilities are up to date.

Councilor Kay asked about language regarding the removal of trees. Solicitor Lane replied that this is standard language for new roads. He further explained that this has to do with making sure the roadway is cleared.

President Smart asked if arborvitae are located in the grassy area would they have to be removed. Solicitor Lane stated that if a tree or planting is within the layout it would have to be removed.

07 018-Street Acceptance-Beverly Court

Beverly Court is off Pond Street.

07 019-Street Acceptance-Blueberry Place

Blueberry Place is off of Blueberry Street, which is off Summer Street.

07 020-Street Acceptance-Blueberry Street

Blueberry Street is off Summer Street.

07 021-Street Acceptance-Caldwell Street

Caldwell Street is off River Street. Mr. Clarke stated that this street is an example of a need for a waiver. The street dates back to the 1950's.

07 022-Street Acceptance-Cavern Knoll Way

Cavern Knoll Way is off Pleasant Street. This street will also need a waiver.

Councilor Whitaker noted that Alma Circle and Lester Lane both have landscaped islands. Mr. Clarke stated that the landscaping will not be taken and will not need to be removed. The town will not be responsible for the island upkeep.

At 7:16 pm, there being no further business, A MOTION was made by Councilor Shanahan to ADJOURN and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Approved by: _____
Arthur E. Mathews, Chairperson