

**TOWN COUNCIL MINUTES  
PUBLIC WORKS COMMITTEE  
Town Hall Council Chambers  
May 25, 2022, Monday**

Present: Kenneth DiFazio, Chairman  
Greg Shanahan, Vice Chairman  
Arthur Mathews, Councilor  
Christopher Heffernan, Councilor  
Lisa Belmarsh, Councilor

Also Present: Jim McGrath, Asst. Town Engineer  
Robert Luongo, Planning Director  
Eric Schneider, Principal Planner

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 6:30 PM. Jim McGrath, Asst. Town Engineer presented the waivers for each measure.

**22 016- Street Acceptance – Camelot Way**

This measure was referred to the Public Works Committee on February 22, 2022. The Town Council conducted a public hearing on March 21, 2022 and May 2, 2022. The committee voted to send the layout to the full Town Council with a recommendation for favorable action on April 22, 2022. He outlined the waivers submitted for Camelot Way:

1. Section 8-404.a – Petition to be filed (waiver of fee) - When a petition is filed, it is assigned a filing fee (\$500, set by DPW director and hasn't been updated in several years.) DPW elected not to charge the fee since the apartment building's owner, Mr. DeLuca, had made a \$20,000 donation to the town. This project was also part of the parking lot project.
2. Section 8-404.c – Compliance with Specifications Required (Radii at Union Street and Chauncy Street)- Current Planning Board regulations require a 40' radius when one road comes into another. Camelot Way was designed many years ago without a radius.
3. Section 8-404.d – Compliance with state law required; release by property owners- this is a written request by the property owners to release their rights in the street. The DPW didn't obtain it since Mr. Deluca had already given a donation, and the other side of the road is town property.
4. Section 8-404.e2 – Plan and profile required; street specifications (no profile provided)- Because this was a town project, only the plan was done. It's typically a plan and profile. He provided a copy to the committee to review- a standard Plan of Land showing metes and bounds.

Chair DiFazio asked if there were any complaints from the owners regarding the radius or the configuration of the street? Mr. McGrath responded that to correct the radius would involve land-takings and would be a lot of work.

Councilor Mathews motioned to forward measure 22 016 to the full Town Council with a recommendation for favorable action, to include the waivers as described by Mr. McGrath. It was seconded by Councilor Shanahan and unanimously voted.

**22 017- Street Acceptance – Cardinal Circle**

This measure was referred to the Public Works Committee on February 22, 2022. The Town Council conducted public hearings on March 21 and May 2, 2022. The committee voted to send the layout to the full Town Council with a recommendation for favorable action on April 4, 2022.

1. Section 8-404.a – Petition to be filed (waiver of fee) - DPW chose not to collect a fee. The contractor, Mr. Dignan, paid it in 2011, when the construction was done.
2. Section 8-404.d – Compliance with state law required; release by property owners- Since the signature from all abutters was submitted, it was accepted as release

Chair DiFazio pointed out that the fee was waived on each of these streets. If the residents all wanted it, they would have to pay. Mr. McGrath responded that for a road built so long ago, it's not reasonable to expect them to pay a fee now. The chair agreed; it's sufficient justification to waive it.

Councilor Mathews motioned to forward measure 22 017 to the full Town Council with a recommendation for favorable action, to include the recommended waivers. It was seconded by Councilor Heffernan and unanimously voted.

**22 018- Street Acceptance – Meeting House Lane**

This measure was referred to the Public Works Committee on February 22, 2022. The Town Council conducted public hearings on March 21 and May 2, 2022. The committee voted to send the layout to the full Town Council with a recommendation for favorable action on April 4, 2022.

Chair DiFazio recused himself from voting this measure because he resides on Meeting House Lane.

1. Section 8-404.a – Petition to be filed (waiver of fee) -the DPW chose not to seek the fee, since the town was doing planned road construction. Signatures were received from all abutters.
2. Section 8-404.e2 – Plan and Profile required; street specifications (no profile provided)- a profile was not done; Plan of Land only.

Councilor Mathews motioned to forward measure 22 018 to the full Town Council with a recommendation for favorable action, to include waivers as outlined by Mr. McGrath. It

was seconded by Councilor Heffernan and voted 4-0, with one recusal by Councilor DiFazio.

**22 019- Street Acceptance – Mill River Drive**

This measure was referred to the Public Works Committee on February 22, 2022. The Town Council conducted public hearings on March 21 and May 2, 2022. The committee voted to send the layout to the full Town Council with a recommendation for favorable action on April 4, 2022.

1. Section 8-404.a – Petition to be filed (waiver of fee) Waiver- same as others.
2. Section 8-404.c – Compliance with Specifications Required -Radius issue. The age of the road doesn't meet today's standards.
3. Section 8-404.e2 – Plan and Profile required; street specifications (no profile provided)-Plan of Land only

Councilor Mathews motioned to forward measure 22 019 to the full Town Council with a recommendation for favorable action, to include waivers as outlined by Mr. McGrath. Motion was seconded by Councilor Heffernan and unanimously voted.

**22 020- Street Acceptance – Tilden Circle**

This measure was referred to the Public Works Committee on February 22, 2022. The Town Council conducted public hearings on March 21 and May 2, 2022. The committee voted to send the layout to the full Town Council with a recommendation for favorable action on April 4, 2022.

1. Section 8-404.a – Petition to be filed (waiver of fee) Fee waived

Councilor Belmarsh explained that she thought acceptance of these streets was just paper. Do they actually need work? Mr. McGrath responded that the work has already been done. Councilor Belmarsh asked if any of the streets require further work? Mr. McGrath responded that all have been resurfaced; some sidewalks were done. No work will be needed for the next several years. Councilor Belmarsh asked what the filing fee is for. Mr. McGrath gave an example in response: Liberty Bell Circle is a private way and the residents asked to have it put on the list to consider for acceptance. DPW did request a fee from those owners because it then has to inspect, find the deficiencies and determine what it will cost to bring the road up to grade. In this type of instance, the fee is warranted. Some of the roads where fees were waived were in dire need of repair and they want forward to bring them up to acceptable standards and a funding source to do this has to be determined. Chapter 90 funds cannot be used on unaccepted roads; only town bonded funds are allowed. Funds were bonded for these. Flintlock and Liberty Bell are a good examples of roads that should be accepted; they should have been accepted years ago when the roads were constructed. There's a long list of unaccepted roads in town. In the near future, the Council will see a request for those two roads, along with the cost estimate and funding source to bring them up to code. Councilor Belmarsh asked if there is a plan to accept the remainder of the unaccepted streets, and one to add new roads as they are constructed, so they don't add to the problem. Mr. McGrath responded that

the developer should apply for acceptance when the subdivision is done. A developer shouldn't be able to get a signoff by the Planning Board, and it should be required after DPW inspects the final work. (depending whether it is a subdivision roadway.) Each roadway in a subdivision must comply with subdivision standards. In the future, when the town accepts the final as-built, it should get moved to the next step, which is bringing a measure before Council for acceptance.

Councilor Mathews motioned to forward measure 22 020 to the full Town Council with a recommendation for favorable action, to include waivers as outlined by Mr. McGrath. It was seconded by Councilor Heffernan and unanimously voted.

### **22 022- Street Acceptance – Waterford Drive**

This measure was referred to the Public Works Committee on February 22, 2022. The Town Council conducted public hearings on March 21 and May 2, 2022. The committee voted to send the layout to the full Town Council with a recommendation for favorable action on April 4, 2022.

1. Section 8-404.a – Petition to be filed (waiver of fee)- fee waived as Town already did work.
2. Section 8-404.c – Compliance with Specifications Required Radii- doesn't meet radius out to West Street
3. Section 8-404.e2 – Plan and Profile required; street specifications (no profile provided)-Plan of Land only prepared for recording. Like the others, DPW received sign off from all abutters, allowing it to go forward.

Councilor Mathews motioned to forward measure 22 022 to the full Town Council with a recommendation for favorable action, to include waivers as outlined by Mr. McGrath. It was seconded by Councilor Heffernan and unanimously voted.

It was noted that 22 021 was inadvertently omitted. The committee went back and reviewed it.

### **22 021- Street Acceptance – Tilden Road**

This measure was referred to the Public Works Committee on February 22, 2022. The Town Council conducted public hearings on March 21 and May 2, 2022. The committee voted to send the layout to the full Town Council with a recommendation for favorable action on April 4, 2022.

1. Section 8-404.a – Petition to be filed (waiver of fee) – fee waived.

Councilor Mathews motioned to forward measure 22 021 to the full Town Council with a recommendation for favorable action, to include waivers as outlined by Mr. McGrath. It was seconded by Councilor Heffernan and unanimously voted.

Councilor Belmarsh asked if, based on this conversation, a motion is in order to vote to ask that any new road come before Council before final signoff. Mr. McGrath responded that the typical process is to get an as-built from the developer indicating he feels the

project is complete. The DPW would request the fee for street acceptance, go out and inspect, then submit it to Council for street acceptance. Councilor Belmarsh responded that since it hasn't been done, should the subcommittee recommend it? Councilor Mathews pointed out that when a project is circulated to the departments for comment, Engineering should make sure in every instance, that the DPW submits comments to the Planning Board or BZA. The council wants this to happen, so that they receive the request for street acceptance right away. Then, Eric and Bob should confirm it when the project is reviewed. Chair DiFazio added there should be a checklist that specifies it. Mr. Schneider responded that the Planning Board's Subdivision Regulations includes an option to the developer to either retain it as a private way or make it a public one. If it's a loophole, it can be amended by the Planning Board. Mr. McGrath added that they don't need Council action to do that; everything is already in place; nothing further from Council is required to do this. A lot of these roads were paved in the 1980's. If the developer chooses to keep it as a private way, there are two legal options: he can retain the fee and the road in perpetuity, which means he owns the road in perpetuity; the other option is he sells off each lot from the center line of the road to each abutter, which means each abutter owns to the center line of the road, and the abutters are all responsible for that road. It's a messy way to do it, and he prefers the first option.

Chair DiFazio asked why would the town ever want anyone to submit for a private way? Mr. McGrath responded they don't. The neighborhood up off of Essex Street is owned in fee by Messina. The road is a disaster, and while Messina has petitioned the town three times in thirty years for acceptance, but the town refuses to consider it until it's brought up. Mr. Schneider added that a lot of the problems now are a result of taking the cheap way out and not building to the standards. This will help. Mr. Luongo added that the developer still has to build it to the standards in the regs, regardless of whether it is going to be private or public way. There isn't a lesser standard they would accept. It is not a shortcut. If the developer wants to keep the roadway, then the burden is on the homeowners or homeowner association to maintain it, if the developer abandons it. Sometimes an HOA is established to maintain it. There are a few HOA's in town; one on Sandtrap and one by Essex Street. Jessica Lane is a town road that was never accepted. It was built to the standards at the time, but now there are deficiencies. Councilor Belmarsh asked if a change in subdivision regulations is the solution. Mr. Schneider responded they would have to check with Legal- there may be subdivision protections they aren't aware of. Mr. Luongo added that each time a subdivision is begun, the developer posts a bond to insure the construction of the roadway and infrastructure. Once construction is done, the town has it inspected for bounds, drainage manholes are in the right locations; then the as-built is accepted, which means it's ready for acceptance, and the bond is released. The White Street extension completed a few years ago was left unfinished. The town pulled the bond and the bonding company hired another developer to fix the road before releasing the bond. This should be on the next group of street acceptances.

Unanimously voted.

ADJOURNMENT

At 6:59 PM, there being no further business, a motion was made by Councilor Mathews to adjourn and was seconded by Councilor Heffernan and Unanimously voted.

Respectfully Submitted by Mary Barker as Recording Secretary

---

Approved by Ken DiFazio, Public Works Chair  
Voted unanimously on 15 August 2022