

# ROAD ACCEPTANCE POLICY

04-01

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## I. PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for accepting a private way as a public Town road for the Town of Groton

## II. POLICY

A. The Board of Selectmen shall begin the process of having a private road accepted by the Town after receiving a letter from the Planning Board releasing the performance bond and recommending that the Board of Selectmen layout a road.

1. The Selectmen may receive a request from an Owner/Developer to have a road accepted by the Town. The Selectmen shall forward the request to the Planning Board for their recommendation.

B. Responsibilities of Owner/Developer

1. The Owner/Developer must submit the following prior to the Selectmen scheduling a road layout.

a. One Mylar, signed by the Planning Board.

1.) The Mylar must have a space for the Endorsement of the plan by a majority of the members of the Planning Board, as follows:

..... )  
..... )  
..... ) Being a majority  
..... ) of the Groton  
..... ) Planning Board  
..... )  
..... )

Endorsed (date)

b. Four (4) as-built plans (One (1) for Town Clerk, one (1) for Town Counsel, Two (2) for Selectmen’s office) and one (1) 11 x 17” copy.

c. The Owner/Developer must deposit a cash bond in the amount of Two Thousand Five Hundred Dollars (\$2,500) for each private way to be deposited in a revolving fund to reimburse the town for any legal costs associated with the road layout and road taking.

d. Submit a list of abutters certified by the Board of Assessors.

- e. The Owner/Developer will reimburse the Town for the cost of publication of the Legal Notice and the cost of postage for the certified mailing upon receipt of an invoice.
- 2. After Town Meeting and prior to recording at the registry, the Owner/Developer and mortgages must sign the Eminent Domain Release.
- 3. Owner must provide a title certificate or title search of the property.

C. Responsibilities of the Town

- 1. After receiving the letter from the Planning Board and the written request from the Owner/Developer, Mylar, as-built plans, cash bond, and certified list of abutters from the Owner/Developer, the Selectmen will determine a hearing date for the road layout.
  - a. The legal notice of the public hearing on the intention to layout out the road must appear in a local newspaper at least 7 days prior to the hearing.
  - b. The Town will mail the public hearing notice to abutters by certified mail and a copy to the Owner/Developer, Highway Surveyor and Planning Board.
- 2. The Selectmen will hold the Road Layout hearing.
- 3. The Selectmen will forward a copy of the plan and a copy executed Layout Order to the Planning Board.
- 4. The Selectmen will forward a copy of the plan and the original executed Layout Order to the Town Clerk at least 7 days prior to Town Meeting.
- 5. The Selectmen will prepare and submit an article (after the road layout approval) to the next Town Meeting to accept a private way as a public way.
  - a. A two thirds vote of Town Meeting is required
- 6. After Town Meeting, the Selectmen will send a copy of the Layout Order, Certified Vote of Town Meeting, the Mylar and paper plan to Town Counsel to prepare the Order of Taking, Eminent Domain Release and Notice of Taking by Eminent Domain.
  - a. Town Counsel will prepare an Order of Taking, which must be issued by the Selectmen within 120 days of Town Meeting vote.
  - b. Signed original Order of Taking, Eminent Domain Releases, Notice of Taking by Eminent Domain sent to Town Counsel to be recorded at the Registry of Deeds within 30 days of issuing Order of Taking.
    - 1.) Layout Order, Mylar and certified vote of Town Meeting, which was previously sent to Town Counsel, is also recorded at the Registry.
- 7. After recording any monies remaining in the cash bond will be returned to the Owner/Developer.