



Town of West Boylston
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Board of Selectmen and Planning Board

West Boylston Street Acceptance Procedures

Final approval of a Subdivision Plan by the West Boylston Planning Board does not constitute the laying out or acceptance by the Town of any street, nor does it entitle the streets to such acceptance. This document contains the guidelines and procedures required by law and therefore must be followed by those applicants who wish to submit roads created through the Subdivision Control Act for acceptance by the Town of West Boylston through a vote at Town Meeting.

All applicants, their attorneys and engineers must review, understand and follow these procedures, providing the required documents and meeting all deadlines. Compliance with these procedures and adherence to deadlines will minimize confusion, costs, and delay for all parties. Street acceptance procedures are the financial and legal responsibility of the applicant. **These procedures are not intended to give legal advice.** Proponents should consult with their own attorney to ensure compliance with legal requirements.

Please note: These guidelines assume that easements will be acquired by deed. If any land or easements are to be taken, the landowners must be provided with **seven days prior written notice** of the Selectmen's meeting at which the question of whether the ways are to be laid out as public is to be considered (ref. G.L. c.82, §22). If any land or easements are to be taken, owners must provide a written waiver of damages and appraisal, and the Selectmen may require the proponent to indemnify the Town as to any potential damages or claims.

The Process

- 1)** The applicant shall contact the Town Clerk's office to determine the date of the Town Meeting and the deadline for submitting the warrant article that requests acceptance of the street by Town Meeting voters. The Town Clerk will advise the applicant as to form and schedule for the warrant article submission and warrant article petition requirements.
- 2) At least four (4) months prior to Town Meeting:**
 - a) The applicant shall meet with the Planning Board to review any outstanding issues.
 - b) All subdivision improvements shall have been installed and inspected by the Planning Board's engineer, the Water District, the Municipal Light Plant, and the West Boylston Department of Public Works (DPW).
 - c) The applicant shall compile all documented approvals and have knowledge of the engineering and legal documents required for Street acceptance for submission as noted below.

3) At least three (3) months prior to Town Meeting:

- a) The applicant shall submit all required documents and materials in **one complete submission to the Planning Board.**
- b) Required documents include, but are not limited to:
 - 1) A copy of the warrant article to be submitted.
 - 2) A copy of the stone bound certification by a Professional Land Surveyor.
 - 3) A copy of the As-built Plans showing the street(s) to be accepted as required in the specifications contained in Section 8 of the *Rules and Regulations Governing the Subdivision of Land in West Boylston, MA*, including all utilities, public and private, above and below grade shall be shown on the plan as they exist.
 - 4) A copy of the Layout Plans which show the street(s) and all appurtenant easements by courses and distances, with a signature block provided for the Board of Selectmen.
 - 5) A Certificate of Compliance from the West Boylston Conservation Commission or the Department of Environmental Protection (DEP) under the Wetlands Protection Act.
 - 6) An instrument signed by all parties having any rights or interest in such easements suitable for recording and running to the "Inhabitants of the Town of West Boylston" for all easements which are not a part of the street or streets (such as drainage, sewer, or electric). For easements relative to municipal water supply, the rights or interests will run to the "West Boylston Water District."
 - 7) An easement deed for the street itself, running to the "Inhabitants of the Town of West Boylston" which shall contain a legal description of the street named in the petition and signed by all parties having any rights or interests in such streets.
 - 8) A deed of gift for "open space" parcel (if applicable) running to the "Inhabitants of the Town of West Boylston" acting by and through its Conservation Commission under G.L.c.40, §8C, in a form acceptable to the Planning Board and the Conservation Commission.
 - 9) A copy of any Local Initiative Program agreement (if applicable).
 - 10) A copy of any Homeowners Association instrument that establishes maintenance responsibilities for stormwater or other utilities, including an Operation and Maintenance Plan for the equipment and utilities.
 - 11) For streets and ways within a subdivision of land, title to which or any portion of which has been registered under Massachusetts General Laws, Chapter 185 by the Land Court, the applicant shall submit to the Board an easement reading the following: *"an easement running to the 'Inhabitants of the Town of West Boylston' for all purposes of a public way including the right to install, repair, maintain, alter and operate sanitary sewerage, drainage and other appurtenant utilities in, into, upon, over, or across said land as shown on Land Court Plan No. _____ (sheets) _____ filed in the Worcester County Land Registration Office in Land Court. Book No. _____, drawn by _____, dated _____, as modified and approved by the Court, filed in the Worcester County Land Registration Office, a copy of which is filed with Certificate of Title No. _____."*
 - 12) For streets and ways within a subdivision of land, title to which or any portion of which has been registered under Massachusetts General Laws, Chapter 185 by the Land Court, the applicant shall submit to the Board an easement reading the following: *"an easement running to the 'West Boylston Water District' for all purposes of a public way including the right to install, repair, maintain, alter and operate water services and other appurtenant utilities in, into, upon, over, or across said land as shown on Land Court Plan No. _____ (sheets) _____ filed in*

the Worcester County Land Registration Office in Land Court. Book No. _____, drawn by _____, dated _____, as modified and approved by the Court, filed in the Worcester County Land Registration Office, a copy of which is filed with Certificate of Title No. _____."

- 13) A title certification to the Town of West Boylston signed by the applicant's attorney certifying that all necessary parties have signed all easement instruments and deeds; and that all mortgagees have signed the easement instruments or deeds or have released or subordinated their mortgages with respect to such easement or land areas and instruments.
- 14) A list of names and address of each property owner and mortgagee having rights or interests in the streets, easements or open space, and the names and addresses of each abutter thereto.
- 15) Proof of payment must be provided by the applicant to the Planning Board through virtue of a receipt from the Treasurer's Office that all property taxes owed to the Town for the property has been paid.

4) At least 60 days prior to Town Meeting:

- a) The applicant shall ensure that Town Counsel, the Conservation Commission (when applicable) and the Planning Board's Review Engineer shall complete their review of the documents and shall notify the Planning Board in writing of approval or disapproval of these documents. Those documents found defective shall be returned to the applicant for correction.
- b) In the event that documents need to be corrected, such corrected documents must be submitted to Town Counsel and the Planning Board review engineer **no later than 30 days prior to Town Meeting**. The applicant shall ensure that a written report from both entities indicating approval or disapproval shall be submitted to the Planning Board.
- c) The applicant shall contact the office of the Board of Selectmen to schedule a position on its agenda of a public meeting to request the Selectmen lay out the street(s) and refer the layout to the Planning Board for its recommendation at Town Meeting.

5) At least 45 days prior to Town Meeting:

- a) The applicant shall submit all corrected documents to Town Counsel and /or the Planning Board's Review Engineer for final review. A copy of the re-submitted documentation shall be provided to the Planning Board.

6) At least 30 days prior to Town Meeting:

- a) The applicant shall submit a request to be placed on the agenda of the next available Planning Board meeting for their vote whether to recommend acceptance of the street(s) at Town Meeting. This request shall be accompanied by copies of favorable recommendations from Town Counsel, the DPW, the West Boylston Water District, the Municipal Light Plant, and the Planning Board's Review Engineer.

7) At least 7 days prior to Town Meeting:

- a) The applicant shall ensure that the Board of Selectmen's layout order and the layout plan is filed with the Town Clerk.

8) At Town Meeting:

- a) The applicant or his representative shall make a motion on the floor of Town Meeting that the vote be taken to accept the subdivision street(s) as provided in the Warrant Article.

9) After Acceptance at Town Meeting:

- a) the applicant must record the following plans and documents and return the originals to the Planning Board:
 - 1) An executed copy of the *Conveyance of Easements and Utilities* or any other required easements and deeds, and the *Acceptance of the Easement* signed by the Selectmen.
 - 2) An endorsed Mylar copy of the Layout Plan.
 - 3) A certified copy of the vote for the Town Meeting Article which accepted the street(s) as a public way(s). This document can be obtained from the Town Clerk.
- b) Upon written request of the applicant, the Planning Board will release 90% of the original bond amount monies after all engineering and town counsel review fees have been paid