

TOWN OF DENNIS

POLICY FOR TEMPORARY REPAIR OF PRIVATE ROADS

Adopted and Effective on September 13, 2005

1. Purpose and Authority:

The purpose of this policy is to provide a means by which the Town can provide assistance to abutters of private ways open to the public use wishing to effect road surface and/or drainage repairs of a temporary nature in order to extend the service life of these roads. This policy is not intended to provide assistance to those wishing to build new roads or to effect repairs to private ways closed for public use. The Board of Selectmen, under the authority of Chapter 156 of the Code of the Town of Dennis, and Article 31 of the 2005 Annual Town Meeting, and after holding a duly called public hearing on September 13, 2005, adopt these policies and procedures for the approval of temporary repairs to private roads open to public use for more than five (5) years.

2. Acceptance of Petitions:

Petitions shall be submitted to the Department of Public Works-Engineering Division by July 15th. Petitions shall be submitted to the Department on the petition form shown in Attachment 1. Copies of the form may be obtained at the Engineering Office, 120 Theophilus F. Smith Road, South Dennis.

The petition shall be signed by at least sixty (60) percent of the abutters and/or beneficiaries of the road to whom betterments are to be assessed. The term beneficiaries, as used herein, shall mean any property owner who uses the road proposed for repair as a means of accessing their property and would benefit from the improvement. Thus the petition is not limited to those owners whose property physically abuts the road or section of road for which repairs are requested. The application shall identify, by the use of assessor maps or written explanation, the geographical limits to which beneficiaries shall be included.

Each petition shall identify a person as the "Applicant". A non-refundable fee of Five Hundred Dollars (\$500) must accompany each petition. Although non-refundable, this fee will be included into the cost of the requested repairs and will be credited against the Assessment of Betterments when the work is completed.

3. Project Scope:

Upon receipt of the petition, the Town Engineer shall designate a Project Manager who will perform an on-site inspection of the repair request and develop an initial scope of work. Where required, the on-site inspection of the road will be conducted in the presence of the Applicant.

The Project Manager shall meet with the Applicant to review his findings and determine the final scope of work and cost estimate. Should the scope of work include surveying and/or engineering tasks

that are beyond the ability or schedule of the Engineering Department to complete, the Project Manager shall include cost proposals from firms qualified to do the work and said costs shall be considered as part of estimate.

After the project scope and cost estimate has been agreed to by the applicant, but no later than October 1st, the Project Manager shall send a breakdown of their apportioned share of the betterment to each abutter and/or beneficiary. Upon receiving a signed form agreeing to repay the cost of the apportioned share from sixty percent (60%) of the abutters and/or beneficiaries, the Department shall issue a report to the Board of Selectmen for review. Should the Department not receive the required percentage by the first business day in December the project will be canceled. In such instance, a new application must be submitted pursuant to Section 2 of this Policy.

At a public hearing held in February, the Board of Selectmen shall review the repair request and cost estimates and vote whether to recommend placing a funding request on to the warrant for a future town meeting. The Board of Selectmen shall approve a final list of abutters and/or beneficiaries and adopt an Order of Assessment together with an Estimate of Betterments, as provided under M.G.L. c80, s2 for selected projects. The Board may elect to postpone any repair requests or to cancel a project indefinitely.

Following approval of funding at Town meeting, the Legal Department shall record the Order of Assessment and Estimate of Betterments at the Barnstable County Registry of Deeds within 90 days from the adoption of said Order.

4. Assessment of Betterments and Method of Payment

Within six months of completion of the repairs, the Project Manager shall calculate the actual cost of the repair and send a list of the final apportioned shares for each abutter and/or beneficiary to the Dennis Board of Assessors.

The Board of Assessor shall, with the consent of the owner of the land assessed, apportion assessments for the improvements and/or repairs into such number of equal portions pursuant to the following betterment assessment repayment schedule:

ASSESSMENT REPAYMENT SCHEDULE

AMOUNT	PERIOD TO PAY
\$0-\$499	No apportionment
\$500- \$1,500	Not to exceed 3 years
\$1,501-\$2,000	Not to exceed 5 years
\$2,001 or greater	Not to exceed 10 years

Any project or subsequent work pursuant to this policy or by-law that exceeds \$10,000 in estimated costs, or as otherwise determined by the Board of Selectmen, shall be funded by a temporary or permanent borrowing of funds, and costs related thereto shall be a part of the overall total project costs.

5. MISCELLANEOUS INFORMATION:

- a. Commencement of any work pursuant to this Policy is subject to Department of Public Works scheduling.
- b. Betterment assessments are a lien on the property, and assessed in accordance with M.G.L. Ch. 80.
- c. Any maintenance of the completed work and future repairs of any work performed under this policy shall be the sole responsibility of the abutters or beneficiaries and not the Town of Dennis Department of Public Works.
- d. Abutters and beneficiaries inquiries and comments (unless in writing) shall be made through the Applicant and not directly to the Project Manager.

6. LIABILITY:

The Town shall not be liable on account of any damages caused by repairs made under this policy and M.G.L. 84, s25 shall not apply to such repairs. Any requests for subsequent work related to the initial work shall be deemed to be a new request and subject to the provisions of the Temporary Repairs to Private Ways By-Law and this Policy.

