

BOARD OF SELECTMEN REGULATION

PRIVATE WAYS

Date Approved by BOS:

Signature of Chair:

May 3, 2012

Hank Manz

I. Purpose and Criteria

This regulation is promulgated pursuant to Chapter 100 Section 100 – 13 of the Code of Lexington of the General Bylaws regarding Private Ways. The purpose of the regulation is to set forth guidance and understanding of the level of service the Town will provide for maintenance.

II. Maintenance/Temporary Repairs

The owners abutting private ways are responsible for the maintenance of such ways. Constructed private ways must be maintained so that there are no defects to impede the safe passage of emergency vehicles.

The Town may perform temporary repairs to private ways if such repairs are determined by the Director of Public Works to be required for public safety vehicles. Said repairs shall be considered necessary to abate the immediate hazard caused by the defect and shall not be considered as maintenance of the private way nor shall the way be considered a public way. The Town shall not be liable for any damage incurred by the defect, subsequent repair or failure to make repairs to private ways. Defects, such as potholes, shall be repaired with materials similar to the road surface and base.

If more extensive repairs beyond grading, patching, or layering of gravel are requested or if a direct abutter desires repairs for pedestrian and / or bicycle safety, then a petition must be signed by a minimum of 51% of the direct abutters to the unaccepted portion of the way. The petition shall be delivered to the Board of Selectmen office and copied to the Director of Public Works. Upon approval of the Board of Selectman repairs will be completed and all abutters to the unaccepted way will bear the cost of the improvements through betterment charges as defined in the by-law. Unpaid betterments will be liened by the Tax Collector / Treasurer. Scheduling of said repairs will be done by the DPW and will be based on availability, weather, and available funding.

III. Notification

After receiving a complaint regarding a defect within a private way, the Town will investigate to determine the type of repair necessary for safe passage of emergency vehicles.

PRIVATE WAY REGULATION (concluded)

IV. Effective Date

This policy shall take effect 90 days from the date of approval.

V. Reference

Adopted by the Board of Selectmen on May 3, 2012.