

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

May 21, 2015

Dear Resident:

The Arlington Board of Selectmen's Office is in receipt of a private way repair petition from two-thirds of the abutters of the private way known as Mystic View Terrace. There will be a public hearing on this petition received in accordance with Arlington Town Bylaws, "Repairs to Private Ways" at a future date.

The total estimated cost of the work to be done is \$25,520.00. The estimated assessment, per lot, to the abutting property owners is 3,190.00. If the Selectmen approve the project, one-third of the total estimated cost \$1,063.33 is required prior to the start of the project. The remaining balance will be due upon completion, or if you choose, it can be assessed on your tax bill for payment over a five year period with interest, in accordance with M.G.L. Chapter 80, the Betterment Act.

Should you have any questions regarding this, please do not hesitate to contact me. Enclosed, please find a copy of "Repairs to Private Ways" of the Town Bylaws, a response sheet, and a self addressed envelope.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr

Enclosures

Lot No. _____

KINDLY CHECK ONE OF THE TWO BLOCKS BELOW AND RETURN TO THE OFFICE OF THE BOARD OF SELECTMEN IN THE ENCLOSED ENVELOPE BY THURSDAY, JUNE 4, 2015.

I am in favor of repairs to the private way known as Mystic View Terrace at an estimated per lot cost of \$3,190.00. Total estimated cost of the work to be done is \$25,520.00, as stated in the proposal provided by Arlington Asphalt Paving Company with the applicants' submittal received at the Selectmen's Office on May 20, 2015. ☐

I am opposed to repairs to the private way known as Mystic View Terrace. ☐

Signed _____

Date _____

Printed Name _____

Address _____

ARTICLE 3: REPAIRS TO PRIVATE WAYS

Section 1. Classification

The Town Engineer and the Director of Public Works upon request of the Board of Selectmen acting in its capacity as the Board of Public Works shall recommend the classification of private ways in the Town according to the state of their construction and repair. The Board may then adopt such classifications with any modifications it may deem appropriate.

Section 2. Definition and Authorization

ART. 20, A.T.M. 5/4/92

The Board may vote to direct the Town Manager to make temporary repairs to private ways. Temporary repairs shall be limited to the filling of potholes, temporary patching, skimcoating, armor coating and grading of dirt roadways providing however, in the case of said grading, the petitioners agree to enter into a contract with a private contractor or the Town to pave the roadway forthwith. Drainage shall not be included.

Section 3. Criteria

The Board shall in making its determination as to the advisability of making temporary repairs take into consideration the following factors:

- A. The accessibility of the properties on the private ways to emergency vehicles such as police, fire and rescue.
- B. The volume of traffic that utilizes the private way i.e. deadend as opposed to feeder or connecting streets.
- C. The percentage of abutters on the particular private way petitioning the Board for the repairs.
- D. The number of years that the way shall have been open to public use.
- E. Such other considerations that the Board deems appropriate.

Section 4. Petition

The Board of Selectmen shall consider any private way or portion thereof for temporary repairs after having been petitioned to do so by at least two-thirds of the total number of abutting property owners on the Private Way who directly abut the portion to be considered for temporary repairs.

The Board may after careful consideration, elect to do the entire portion which was petitioned for, or a lesser portion, provided at least two-thirds of the abutting property owners on the lesser portion to be done are in favor of such action.

The Board shall upon receipt of a petition with at least two-thirds of the abutters' signatures affixed thereto shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All abutters shall be given written notice of the hearing not less than seven (7) days prior thereto.

Section 5. Alternate Petition

Notwithstanding the provisions of Section 4 above, the Board may also consider a number of private ways for repair as a whole project when these private ways are ways where a majority of abutters are members of an association of abutters whose major purpose has been the maintenance and repair of those ways upon which these members' properties abut. The Board may only consider these private ways to be repaired as a whole project when having been petitioned by two-thirds of the total number of abutters who abut all of the ways represented by the association. The Board upon receipt of such a petition shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All of the abutters on all of the ways represented shall be given written notice of the hearing not less than seven days prior thereto.

Section 6. Assessment of costs

The costs of all labor and materials and processing shall be assessed equally to all abutters on the private way, or portion thereof, or if the Board votes to order any repairs pursuant to a petition filed under Section 5 all the abutters on all the private ways to be repaired without regard to linear frontage.

A one-third deposit of the total estimated cost of the completion of the repair project shall be required before any work can be commenced. All remaining costs shall be apportioned, assessed and collected on a per-property basis pursuant to the procedures provided in Chapter 80 of the General Laws, the Betterment Act, including the placing of liens on the affected property and the collection of apportioned costs by means of property tax collection.

Any and all such deposits shall be deducted from the equalized share of the property owners actually paying.

Section 7. Liability

There shall be a limitation of liability on the Town of Five Hundred (\$500.00)

ART. 19, A.T.M. 5/4/92

Dollars for any damages arising from any negligent repair of the private way which shall include damage from surface water run-off. No repair shall be commenced until all the petitioners have signed an agreement with the Town holding the Town harmless from any additional damages arising from any negligent repair and providing evidence of insurance to the satisfaction of the Town. However, nothing in this paragraph shall excuse the Town from damages to property caused by the Town or agents thereof, during the repair process.

RECEIVED
SELECTED INSURANCE
10/13/15 10:00 AM

ARLINGTON ASPHALT PAVING COMPANY

350 Massachusetts Avenue #134 – Arlington, MA 02474
781.643.9766 – info@arlingtonasphalt.com

PROPOSAL

Submitted To:	Richard Milner	Date:	5-13-15
Address:	351 Mystic St	Phone:	781-648-0880
	Arlington MA 02474	Email:	milner@mit.edu
Job Name & Location:	Mystic View Terrace	Job Start:	
		Job Finish:	

We hereby submit specifications and estimates, subject to all terms and conditions set forth

Option-1

- Excavate approximately 5600 sq ft of roadway area
 - Install dense pack gravel as needed for grading
 - Install 2 inches of state binder
 - Install 1 ½ of state top
- \$17,920
- Reset 5 castings \$2000
 - Install new catch basin on lower southern end of MVT \$2800
 - Replace and install new drain in front of Jacques house \$2800

We propose hereby to furnish material and labor – complete and in accordance with above specifications,
for the sum of Twenty Five Thousand Five Hundred Twenty dollars (\$ 25,520.00)

50% deposit due at job start

Note: This proposal may be withdrawn by us if not accepted within 14 days.

Authorized Signature



GUARANTEE

MATERIAL and workmanship are guaranteed against failure under all conditions for a period of one year except for the following:

- Weed and grass growth within one foot of all edges,
- Depressions less than two square feet in area covering a quarter,
- Indentations made by pointed objects left standing in the area, such as ladders, tables, etc. or marks left by pointed heels,
- Damages caused by oil and gasoline droppings,
- Damages caused by loads in excess of 5 tons,
- Tire marks caused by **POWER STEERING** and **QUICK TAKE-OFFS**,
- Damages caused by acts of God – fire, flood, earth movements, etc.

If replacement is made by us under the conditions of this guarantee, a charge will be made based on prices in effect at the time of replacement less a prorated allowance for unused time of guaranteed.

EXCAVATION OF TREE, ROOT & LARGE ROCKS,

NOT COVERED IN CONTRACT PRICE

DATE

Signature _____

Signature _____