

1. Street and Utility Maintenance/Improvement

Town of Ipswich. Massachusetts

Date Adopted: August 31, 1998

Policy Title/Subject: Street and Utility Maintenance/Improvement

A. GENERAL

This directive establishes policies defining Town responsibility for maintaining and improving streets and utilities in the Town of Ipswich. Policies differ according to the type and condition of the street.

B. OBJECTIVES

The reasons for having an established policy are:

1. To provide a clear and uniform method for maintaining and improving streets and utilities in the Town.
2. To ensure that Town provision of street and utility maintenance/improvement is consistent with the Town's responsibility for the street and/or utility.

C. RESPONSIBILITIES

1. Town Responsibility for Public Ways

A. General: The Town assumes responsibility to improve and/or repair street surfaces, drainage, sidewalks, curbing, street lights and signs at 100% Town expense, pursuant to Town meeting appropriation. If there is no appropriation for a scheduled project, the abutters must await scheduling or pay 100% of cost. (For the purposes of this directive, abutters shall be defined as all owners who access their lots from the street in question, or all owners who receive service from any public improvement.) The Town also assumes responsibility for all minor unscheduled repairs. The exception to this general statement of policy relates to public ways which have not been maintained by the Town and which have no improved lots; in these instances, the Town meeting may be requested to vote to discontinue or abandon such streets/ways.

B. For streets maintained by the Town and which have adequate width, surface treatment and/or drainage, the Town shall:

- 1) Install, replace, upgrade or repair water mains upon request [see Water Regulations, III.3 (a)]. If there is a Town Meeting appropriation for a scheduled project, the Town and the abutters shall share the project costs on a 50/50 basis, the abutters' share to be provided either on a "cash-up-front basis or bettered per MGL c.40:42G-I. If there is no such appropriation, the applicant(s) shall bear the full expense of improvement [per Water Regulations, III.3.(a)]. At the Town's option, it may decide to undertake water main improvements for the good of the system, per Water Regulations III.4.
- 2) Install, replace, upgrade or repair sewer mains upon request (see Sewer Regulations, Division III, Article I., Sections 7 and 15. If there is a Town Meeting appropriation for a scheduled project, the Town and the abutters ordinarily shall share the project costs on a 50/50 basis. The abutters' share shall be allocated per Sewer Regulations Appendix IV and bettered per MGL c.83:16A-F, with interest charged at 2% above the MGL c.50:53 interest rate). If no there is no such appropriation, the applicant(s) shall bear the full expense of project cost.

C. For public ways not having adequate width, surface treatment and/or drainage,

1) The developer or abutters shall bear all the costs for installation, replacement, upgrade or repair of water mains and/or sewer mains and shall be responsible for bringing the street up to reasonable standards as part of a project betterment via MGL c. 80:1&12.

D. Current policy for providing new electric service is as follows:

1) For underground service, the developer shall pay 100% of the cost for service to all lots. For overhead service, the Town's Electric Division and the telephone company shall pay for first 300 feet of installation and for the first two utility poles. Extensions beyond the second utility pole shall be paid by the developer; the costs for first 300 feet of installation and two poles shall be included in the cost-of-service calculation, as overhead expenses.

E. Current policy for upgrading electric service is as follows:

1) The cost of upgrades for the good of the system, promoted by normal growth, shall be fully assumed by the Town's Electric Division. System upgrades prompted by an unusual increase in demand, as determined by the Electric Commissioners, shall be funded 100% by the developer.

2. Town Responsibility for Private Ways Open to the Public

A. For private ways open to the public and having adequate width, surface treatment and/or drainage:

1) The Town may provide minor maintenance (e.g., repair potholes) and plowing only. If there are no improved lots on the way, the Town may provide minor maintenance and plowing exclusively on an emergency basis.

2) Abutters or developer shall be responsible for 100% of project costs to improve or repair the street surface, drainage, sidewalks and curbing. If town meeting acceptance is to be sought, the work shall be subject to inspection and approval by the Town, as it is to be undertaken at the applicant's expense.

3) The Town shall install new water mains upon request, per Water Regulations III.3 (b). Abutters shall pay 100% of the installation, with no provision for betterment assessments, as financing is of a private nature.

B. For streets maintained by the Town which serve existing residences or businesses:

1) The Town shall install replace, upgrade or repair water mains upon request. If there is a Town Meeting appropriation for a scheduled project, the Town and the abutters shall share the costs on a 50/50 basis. The abutters' share may be raised either on a cash-up-front basis, or bettered per MGL c 40:42G-I. If there is no such appropriation, the applicant(s) shall bear the full expense of the improvement, per Water Regulations III.3.(a). At its discretion, the Town may decide to undertake water main improvements for the good of the system, per Water Regulations III.4.

C. For all other streets (having adequate width, surface treatment and/or drainage) in this category:

1) The Town shall replace, upgrade or repair water mains upon request, and subject to available funds. To accelerate scheduled work, a developer and/or abutters may agree to bear the full cost for water main work and/or for bringing the street up to reasonable standards, to be funded via MGL 80: 1 & 12 betterments.

2) The Town shall install, replace, upgrade or repair sewer mains upon request (see Sewer Regulations, Division III, Article I., Sections 7 and 15.) If there is a Town Meeting appropriation for a scheduled project, the Town and the abutters shall share the project costs on a 50/50 basis. The abutters' share shall be allocated per Sewer Regulations Appendix IV and shall be bettered per MGL c 83:16A-F at 2% above the MGL c50:53 interest rate). If there is no such appropriation, the applicant(s) shall bear the full expense of project cost.

D. For private ways not having adequate width, surface treatment and/or drainage:

1) The Town may provide minor maintenance (e.g., repair potholes) and plowing exclusively on an emergency basis.

2) The developer or abutters shall bear all costs for the installation, replacement, upgrade or repair of water mains and/or sewer mains and shall be responsible for bringing the street up to reasonable standards; such a project may be funded and undertaken on a private basis, or undertaken subject to betterment via MGL 80:1&12.

3) The Town's policy regarding the provision and upgrading of electric service is the same as it is for public ways (see above).

3. Town Responsibility for Private Ways Closed to the Public

For private ways which are closed to the public, all maintenance and improvements shall be the responsibility of the owners.

4. Town Responsibility for New Streets, Extension of Ways, Utilities

A. For new streets:

1) The Town may provide minor maintenance (e.g., repair potholes) and plowing exclusively on an emergency basis. Under the terms of the Town's subdivision regulations, pending town meeting acceptance of a new street, the applicant shall be responsible for all road, water and sewer improvements. The street must substantially meet subdivision standards if the Planning Board is to recommend acceptance of street at Town Meeting. Once the Planning Board has agreed to recommend acceptance of a new street, the Town may commence sanding and plowing operations, pending such acceptance.

2) The Town's policy regarding the provision and upgrading of electric service is the same as it is for public ways (see above).

5. Town Responsibility for Utility Easements

All required easements, which shall inure to the Town, must be executed and recorded prior to the undertaking any project improvements.