TOWN OF SANDWICH

THE OLDEST TOWN ON CAPE COD

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SANDWICH, MA 02563

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BOARD OF SELECTMEN

TOWN MANAGER

To: Interested Parties

From: Town Manager's Office

Date: April 21, 2010

Re: Kensington Drive

Overview

During the past year, a number of residents have called the Board of Selectmen, Town Manager, and the Department of Public Works regarding the deteriorating condition of a portion of Kensington Drive. In particular, residents have voiced concerns about several potholes on the private portion of the road near its intersection with Quaker Meetinghouse Road. The purpose of this document is to explain the history and the Town's position regarding the condition of the roadway.

History

Kensington Drive was created as part of two subdivisions, Canterbury Estates and Chasewood Acres (also known as Meetinghouse Realty Trust and Four Winds Village). The Canterbury neighborhood was built in the 1970's with its roads accepted as Town roads in 1980. The Chasewood Acres section was approved in 1981, and then again in 1983 after the developer failed to file the previously approved subdivision plan with the Registry of Deeds. In 1983 the Planning Board approved connecting the new section of Kensington Drive with the existing Canterbury Estates section for public safety access. At the time, some abutters objected to this connection due to concerns about increased traffic.

When the Town attempted to accept the private portion of Kensington Drive as a public way in early 2000, several abutters formally objected. This ended the Town's attempt to take ownership of the road at that time. As a result, the area in question remains a privately owned way open to public use. Later, in early 2003, the Board of Selectmen—based on input from the Planning Board,

Department of Public Works, and the Engineering Department—instituted a moratorium on accepting any new private roads due to the Town's lack of adequate funding to properly maintain an increasing number of roadways. This decision was unrelated to Kensington Drive; however, it did effectively end all future discussion about the Town accepting ownership of this portion of road.

Concerns – Current Status

The Town understands and empathizes with residents' concerns about the condition of the road. Unfortunately, state law prohibits the Town from making permanent repairs to private ways. As a result, maintenance of the private portion of Kensington Drive is the responsibility of the abutters of this stretch of road, who are its official "owners."

While the Town is legally permitted to remove snow and ice, there is simply no legal mechanism for the Town to improve the road and fix the potholes. The Director of Public Works has reached out to the abutters in the past to provide assistance. This has included informing them of their responsibilities, and offering technical assistance, surplus road milling material, and the contact information of our private paving vendors for the purchase of materials and labor at the lowest cost.

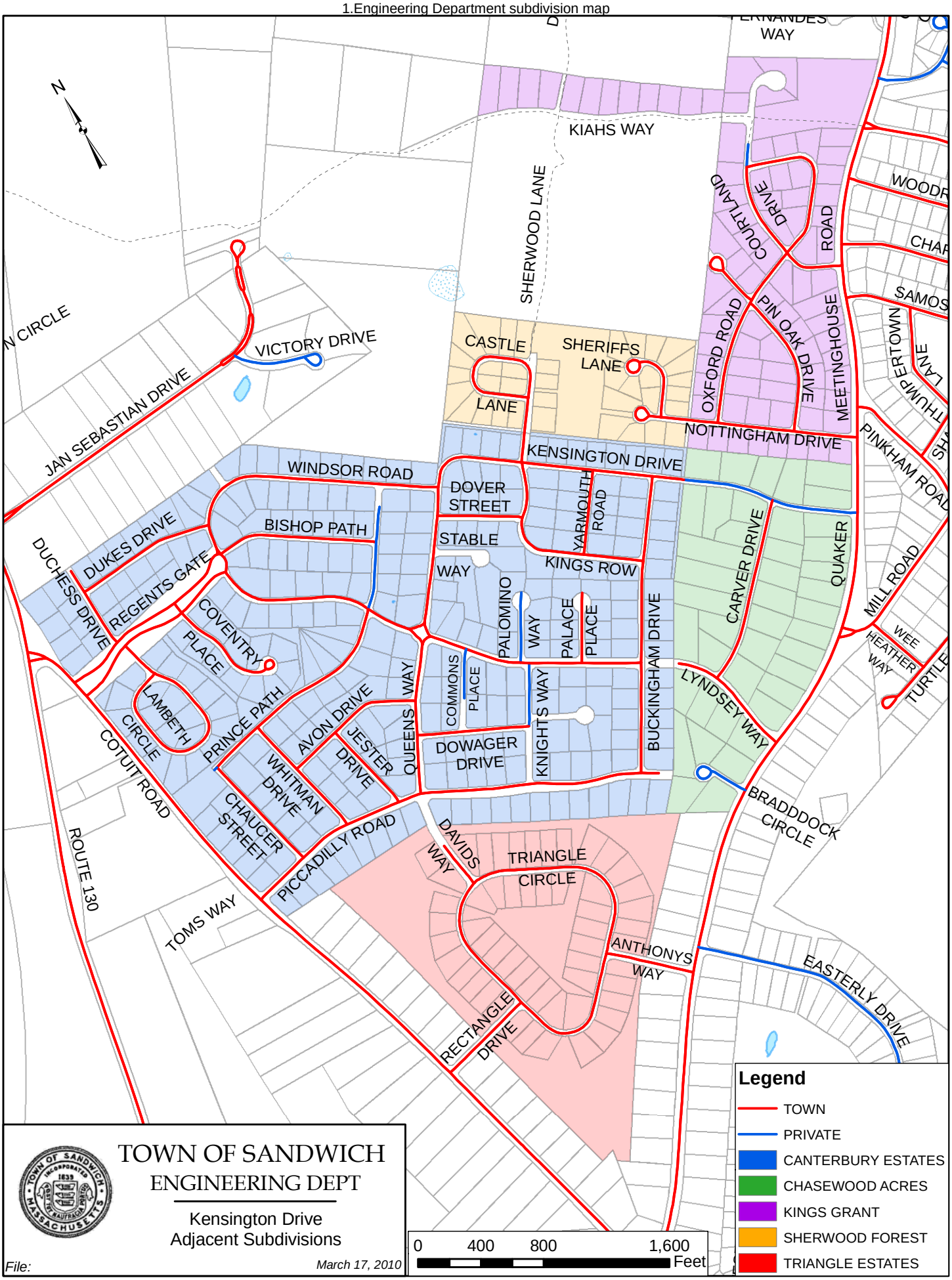
We recognize this stretch of road is deteriorating; however, the Town is not legally authorized to improve the roadway unless the Board of Selectmen reverses their previous moratorium on taking new roads and, among other required actions, the Planning Board and Town Meeting also vote to accept this portion of the road. At this time, it is unlikely the Planning Board, Department of Public Works, and the Engineering Department would recommend that the Board of Selectmen lift the moratorium since the Town continues to lack sufficient ongoing funding to maintain and improve additional roads throughout Town.

Background Information

Attached please find the following information as background material to help provide context for the information provided above:

1. Engineering Department subdivision map
2. Planning Board minutes (excerpts): 1981
3. Planning Board minutes (excerpts): 1983
4. Board of Selectmen minutes: 2000
5. Board of Selectmen minutes: 2003
6. Letter from Department of Public Works: July 2007
7. Letter from Department of Public Works: June 2009
8. Letter from Department of Public Works: October 2009

1.Engineering Department subdivision map



TOWN OF SANDWICH
ENGINEERING DEPT

Kensington Drive
Adjacent Subdivisions

File:

March 17, 2010

Before presenting the plan, Bob Burgmann read letters from various people in the area who were either for or against the proposed work. Town Engineer, Mr. Taylor presented the proposed plan of work to be done on Chase Road.

Mr. Carr stated, "All letters read referred to the widening and straightening of Chase Road, and that has never been the intent. The intent is to improve the visiblity."

He also added the Supreme Court in recent years, has made some changes. No longer do municipalities have freedom from suit or individuals injured because of neglect on the part of the municipality. We are supposed to do our job, we are supposed to make it safe to travel. We are asking the site line be increased, not to widen and straighten the road.

Mr. Taylor made a statement that he has taken various members of the Board to look at the sites involved. Not once has anyone approached him in the year and a half that the proposed work has been planned, to view the various sites involved.

Mr. Taylor said he wanted a letter put in the files stating he was not responsible for any injury incurred when driving on Chase Road.

Motion was made by the Board Chairman to allow the Highway Surveyor and Town Engineer to proceed with the construction work as discussed tonight. Robert George moved the work be done. Nelda Hoxie seconded, and Carol White opposed. A majority voted to approve the work on Chase Road.

Meetinghouse Realty Trust.

Chairman Bob Burgmann read the application of Meetinghouse Realty Trust for a subdivision of land on Quaker Meetinghouse Road.

Mr. Burgmann read letters from abutters objecting to the connecting of Kensington Drive with the Canterbury Estates development. A petition with 180 names on it was submitted to the Planning Board objecting to the connection of Canterbury Estates and Meetinghouse Village. Many of the abutters feel the amount of traffice which will be going through Canterbury will cause traffic problems. Many of the neighborhood children play in the street, and the added traffic will cause a hazard to the neighborhood.

Police Chief Whearty stated, "There may be an increase in traffic, but the advantages of connecting the two developemnts would be of great benefit to both the developments."

Chief Alvezi stated, "It would be much easier to fight a fire or assist a disabled person." If the ambulance is on the wrong end of the road it will have to turn around and go all the way back. By connecting Kensington Drive access to both developments will be much easier."

Mr. Taylor, Town Engineer said, "It is a state law that the road must be connected." Kensington Drive is a Town accepted street, and the subdivider of Meetinghouse Village has a right to connect to the street.

See letter attached for Town Engineer's comments.

The Planning Board Chairman asked for a motion for approval of the subdivision as presented, with recommendations made by Mr. Taylor and with a growth control regulations covenant.

Motion was made by Nelda Hoxie, and seconded by Herb Rosenberg.

Robert Burgmann Yes, Carol White Yes, Nelda Hoxie Yes, Herb Rosenberg Yes, Robert George No.

The meeting adjourned at 10:30 P. M.

Respectfully submitted,

Alice M. Maiato

Alice M. Maiato
Secretary

Sandwich Planning Board
May 18, 1983

The Sandwich Planning Board held a meeting on Wednesday, May 18, 1983 at 7:30 P. M. in the Hearing Room, Town Hall. Present were Robert Burgmann Chairman, Herb Rosenberg, Nelda Hoxie, Robert George and Arthur Bouvier.

Re-election of Officers

The first business of the evening was the re-organization of the Board. Mr. Burgmann opened nominations for the position of Chairman for the next twelve (12) months. Miss. Hoxie nominated Mr. Burgmann, the nomination was seconded by Mr. Rosenberg. Mr. Burgmann was unanimously re-elected as Chairman of the Board.

Nominations were then opened for the position of Clerk. Mr. Rosenberg was unanimously re-elected as Clerk.

Meetinghouse Realty Trust----Definitive Plan

The application of Stanley Labovitz, 370 Main St., Worcester, Ma. for a definitive plan was reviewed. The Surveyor is Baxter & Nye, Inc., 32 Wianno Ave., Osterville, Ma. 02655. The land is located on Assessor's Map 59, Lot S-8.

The plan was originally submitted by Meetinghouse Realty Trust, Anthony Francise Trustee, of Barnstable, Ma. on May 5, 1981 and signed on September 2, 1981. The developer did not file the plan with the Registry of Deeds, within the required 60 days of approval by the Board. The plan was re-submitted to the Board and re-signed on July 7, 1982, again the plan was not recorded at the Registry of Deed within the required 60 days of approval by the Planning Board.

Mr. Labovitz, as the new owner, was required to go through the Public Hearing process. He submitted the same plan as submitted by Mr. Francine.

Abutters from the Canterbury Development were present at the Hearing. They had attend the original hearing on May 5, 1981, on the application of Meetinghouse Realty Trust and had questioned the possiblity of plans to extend the existing roads in Canterbury with the new subdivision.

Mr. Burgmann stated that the roads would be connected. The Fire Chief and the Police Chief recommended the connection of the roads for safety reasons.

A ten year Development Schedule Covenant was signed. The Development Schedule is as follows:

7 lots the first and second year
4 lots the third and tenth year
3 lots the fourth through ninth year

The Board voted unanimously to sign the plan after the twenty day appeal period is over. Mr. Labovitz was advised to have his Surveyor come in and draw a new line on the plan so that the plan may be signed.

Mr. John Jilson and Mr. Robert O'Leary----Opinion of Concept

Mr. John Jilson and Mr. Robert O'Leary accompanied by Mr. John O'Leary were advised by Surveyor Alen Kingsbury to appear before the Board to question if it would be possible to come in with an Approval-N- Required Plan, or are they required to file the plan as a subdivision. The Board told the men that a subdivision plan plan is required because there is not adequate frontage for an Approval-N-Required plan. The land is presently owned by the Armstrong Family Trust and is located off Meadow Spring Drive.

Mr. Jilson stated Mr. Kingsbury had some question. The plan requires that a Cul De Sac be constructed. The circle normally requires a 60 foot radius, Mr. Kingsbury wondered if it would be possible to construct the Cul De Sac smaller that the required 60 foot radius. Mr. Jilson also stated that from an economical point of view the road would not be constructed. Mr. Burgmann advised Mr. Jilson that at the time the plan is submitted for approval a waiver from road construct would have to be requested because a Covenant is placed upon the road and will not be lifted until the road is constructed.

Mr. Burgmann stated that in the past the Board has waived construction of the roads for a particular reason. What we like to see is something coming back to the Town in the way of lots being made oversize, larger than required, so there is less land and more green space being created, some kind of an exchange. Mr. Burgmann went on to say, waiving road construction is a large savings to the developer and the Town should also benefit.

Mr. Jilson asked if the Board had any suggestions as to what might be a good exchange. Mr. Burgmann stated, "We would like you to increase the lots to 50,000 sq. feet and we would not object to waiving construction of the road. All of the engineering will have to be done for the circle."

Mr. Jilson asked about reducing the radius of the circle. The Board has no objection to dropping the radius as long as there is a 90 foot lot frontage. A vote as taken Mr. Burgmann, Mr. George, Mr. Rosenberg and Miss Hoxie all voted, Yes. The Board would waive construction of the Cul De Sac, provided the lots are a minimum of 50, 000 sq. feet. The Board will also allow a reduction in the radius of the Cul De Sac as long as the lot frontage is met.

Mr. Bourvier voted, No. Mr. Bouvier stated he would like to see the Cul De Sac constructed but not paved.

Eng memory w/Agend

RECEIVED
MAR 10 2000
TOWN OF SANDWICH
ENGINEERING DEPT.

MINUTES BOARD OF SELECTMEN FEBRUARY 24, 2000

Present: Patrick Ellis, Jan Teehan, Jack Jillson, Richard Judge

George Dunham, Adelphia Cable, John Paradise-Enterprise, Bill Barnes-Upper Cape Codder, Matt Klimkosky, Paul Seller, Peter Tancredi, Road Taking abutters, Frank Christiani, Harry Miller, Janine Aquillo, Richard Marney, Steve Marshall, Susan Simpson, Jan Timmons, Lou Cirrone

REVIEW AND APPROVAL OF MINUTES

Mrs. Teehan moved the minutes of February 10, 2000 as presented. Mr. Judge seconded. Mr. Ellis abstained. Motion passes 3 ayes to 1 abstention.

Mrs. Teehan moved the minutes of February 27 as presented. Mr. Jillson seconded. Mr. Judge abstained. Motion passes 3 ayes to 1 abstention.

TOWN ADMINISTRATOR'S REPORT

1. Upcoming meetings: Sign Code Committee public forum is Tuesday, the 29th, 7:00 p.m. at Jan Sebastian Drive; also on Tuesday, the Finance Committee meets at the Forestdale School to review public safety budgets; Cape Cod Commission hearing on Southern's public for public comment in final EIR filing is March 1, 7:00 at Human Services Building.
2. Sandwich Hollows Food and Beverages RFP has gone out and due back on March 10. A tour of the facility is Wed., 3/1 at 10:00 for interested bidders.
3. The Woods Hole Group has installed five tidal gauges at Old Harbor to collect data for appropriate permit filings.
4. The RFP for the GIS Needs assessment was issued last week with March 10 deadline. Hopefully a flyover can be done this spring using the re-appropriation of the Canal Electric assessment funding which is no longer needed.
5. The Town received a $5,200 annual dividend from MIIA for our Worker's Compensation coverage.
6. The Charter Commission is scheduling public hearings on the draft charter for later in March, possible one night and one weekend day. The proposed Charter will probably be brought to a fall Special Town Meeting combined with DCPC zoning articles.

CORRESPONDENCE/STATEMENTS/ANNOUNCEMENTS

1. Mr. Judge met with the Department of Public Health regarding Pave Paws. He also discussed Upper Cape natural resource damage settlement and he is pushing to get an Upper Cape Representative on the Board which will vote on this.

2. Mr. Jillson attended a meeting at Roberti Farm with Town, Commission, and Tedeschi officials. The consensus of those present, except for the Commission reps., is that the buildings should be torn down and the land donated to the Town. Commission representative requested that Tedeschi hire a structural engineer to look at the buildings before making a decision. Apparently, they cannot open the new store until this issue is settled. The Board briefly discussed the cost to maintain any existing buildings. Mr. Judge was also concerned about the loss of topsoil from the fields. The Board agreed to wait to see how the report comes back before making any decisions.

STAFF MEETING – TREE WARDEN MATT KLIMKOSKY

Tree Warden Matt Klimkosky and Mr. Paul Seller of ComElectric discussed in detail CE's planned tree trimming program in Sandwich. The work will be overseen by Mr. Klimkosky. Mr. Ellis said he was pleased that ComElectric has finally hired an arborist to oversee the trimming program which will result in reliable power and better relationship with municipal Tree Wardens. Mr. Seller also discussed instances where CE will replace Town shade or ornamental trees which have to removed on Town property. Whenever possible, property owners that are having a tree removed will be notified. Also, once the tree is cut down, the wood will be stacked for pick up at a later time. Mr. Klimkosky said the Town will greatly benefit from the tree work ComElectric will be doing.

PUBLIC HEARING - ROAD TAKINGS

Mr. Judge moved to open the hearing. Mrs. Teehan seconded. Unanimous. Mr. Dunham outlined the procedure for road takings. Five of the roads on the list will be taken with betterments.

DPW Director/Town Engineer Peter Tancredi gave a brief description on the conditions of the roads

1. Kensington Drive - in acceptable condition, no cost or risk involved in taking.
2. Vineyard Circle – a gravel surface road that was constructed in 1994. The work required to improve the road to acceptable condition is grading and compaction, paving (including waterway and driveway aprons) – total estimate for betterment $12,000.
3. Evsun/Short – The pavement has outlived its useful life and the drainage system has failed throughout. The work required to improve the roads to acceptable condition are street sweeping, pavement patching, paved driveway aprons (9), crack-sealing, 1" pavement overlay, drainage installation, clean catch basins (10). One road cannot be taken without the other due to intermingled drainage. The estimated cost for betterment is $45,000
4. Overlook and Telegraph – constructed in 1987. Both road are in average condition. Crack-sealing is required throughout as well as some pavement patching. Substantial drainage work is required at the end of Telegraph Hill Road and at #16/18 Telegraph Hill Road to prevent runoff from coursing onto private property. The work required to improve the road to an acceptable condition are drainage, pavement repairs and patching, clean all catch basins (16), street sweeping, crack-seal with an estimate betterment cost of $50,000.

It was explained that the betterment can be paid for over a ten-year period on the taxes or pay a one time fee and is determined per lot, not by frontage. All abutters must consent to the betterment or the road will not be brought to Town Meeting.

Public comment - Mr. David Leo of 43 Kensington Drive objects to the taking of Kensington Drive. He and several other abutters would like to look into options they might have as a private road to reduce the traffic from Canterbury onto Quaker Meetinghouse Road. Several abutters are not ready to give up their rights as a private road. Jim Weaver, one of the people who supports the taking, expressed concern over homeowner liability on a private road as well as road maintenance. The abutters questioned if speed limits are enforced on private roads. The Board advised those opposed, that the road cannot be considered again for another year.

Mrs. Teehan moved to close the hearing. Mr. Judge seconded. Unanimous.

Mrs. Teehan moved to layout Evsun Drive, Short Way, Vineyard Circle, Overlook Drive and Telegraph Hill subject to approval at Town Meeting, subject to conditions set by Town Engineer in accordance with the plans on file with the Town Engineer, and with unanimous acceptance of betterment by the abutters.

And further moved to not layout Kensington Drive. Mr. Judge seconded. The Board discussed the possibility of putting Kensington on the warrant and withdrawing it at Town Meeting but several abutters objected. One abutter stated he would put an article on to close off Kensington. If the Board were to take Kensington it would be an unfriendly taking. The Board agreed to pass due to objections. **Unanimous.**

PUBLIC FORUM

None

OLD BUSINESS

1. Rof-Mar Lodge. Frank and Mary Christiani, Harry Miller and Janine Aquillo were present to discuss the Rof-Mar liquor license. Mr. Miller stated he purchased the assetsto operate under Lawence Pond Realty Trust but the Christianis still own the right to operate the business. Mr. Christiani and Mr. Miller requested to close the restaurant for 30 days in order to get their application in order and possibly bring on a new buyer. Mrs. Teehan said she is concerned because this has been going on since Mr. Miller purchased the property in September. Mrs. Teehan also stated that Mr. Christiani will not be allowed to re-open the Rof-Mar unless he is the full-time manager and operator because the license is still in his name. **Mr. Judge moved to allow 30 day closure. Mrs. Teehan seconded.** Mr. Judge stated he feels the Board has been "played around with" and this is sending a bad message to other owners. The Board is expecting a lot from allowing this closure and there will be no more leeway with this Board. **Mr. Jillson was opposed to the closure feeling the applicants have had more the sufficient time to get this straightened out. Motion passes 3 ayes to 1 opposed.**

2. Local Housing Appointments: Several interested applicants, Donald Dickinson, Joseph Donnelly, Timothy Schmonsees, were not available this evening, however Lou Cirrone, Steve Marshall, Jan Timmons and Susan Simpson were present. **Mrs. Teehan moved the slate. Mr. Judge seconded. Unanimous.**
3. Mr. Judge discussed the Air Force's decision to remove health and safety from the full EIS process and would like the Board to send a letter requesting this remain in the EIS. A Community Working Group is being created to look at the safety and health of Pave Paws but is it not legally binding. Mrs. Teehan suggested the legislative delegation voice their concerns and that this issue belongs at a higher level than this board. A letter will be sent.

PUBLIC FORUM

None

ADJOURNMENT

Mrs. Teehan moved to go into Executive Session for the purpose of discussing Acquisition of Real Property and coming out for the purpose of adjournment only. Mr. Judge seconded. Mr. Judge, Mr. Jillson, Mrs. Teehan, Mr. Ellis so moved. Unanimous.

Respectfully submitted,

Kathleen Laporte

Kathleen Laporte

MINUTES BOARD OF SELECTMEN FEBRUARY 27, 2003

Present: William Diedering, Pam Terry, Hank Sennott, Frank Pannorfi, Tom Keyes

George Dunham, Adelphia Cable, Sandwich Enterprise, Upper Cape Codder, Richard Farrar, Chief Miller, Dave Mason, Paul Tilton, road taking abutters, Keith Fernauld

TOWN ADMINISTRATOR'S REPORT

1. Upcoming meetings:
2. The kick-off meeting for the Golden Triangle and Agilent Committees is Saturday, March 8 at 9:00 a.m. at the Agilent clubhouse.
3. Shawme Heights Two still has 10 1-bedroom apartments for rent, to be occupied by mid-April. At least one family member must be 62 and fall within certain income levels. Fore more information, call 508-888-7848.
4. Finance Committee met Tuesday. Up to this date, the Snow and Ice account is $74,500 in the red.

CORRESPONDENCE/STATEMENTS/ANNOUNCEMENTS

1. Tom Keyes have been in touch with Phil Sharpiro of Standard & Poors who will be into the Board's meeting on the 13th to discuss the Town's bond rating. He also gave an update on the Marina expansion project.
3. Mr. Pannorfi attended Long Range Planning meeting on Saturday and Finance Committee on Tuesday.
4. Mr. Diedering stated Mr. Sennott will not be present this evening due to his working at the nightclub fire in Rhode Island. Mr. Dunham, Mr. Diedering, Bob Hoxie and Mark Galkowski attended the Thornton Burgess Society annual dinner and the Town was awarded their 2003 Conservation Award for the town's presentation of open space.

STAFF MEETING – Emergency Management Committee

Director Dick Farrar, Chief Mike Miller and Health Agent Dave Mason gave a general update on the activity of the Town's Emergency Management Committee and updates to the Town's Emergency Plan. He also discussed the Town's relationship with the American Red Cross and ARES. Mr. Mason also discussed his involvement in the County Regional Emergency Committee. Chief Miller discussed the SATURN program.

8:00 p.m. PUBLIC HEARING – ROAD TAKINGS

Assistant Town Engineer Paul Tilton gave the Engineering Department's report on the road taking petition for Van Buskirk Way, Fox Bottom Circle, and Nobby Way. Based

on repairs needed to the roads, Mr. Tilton's recommendation to bring the three roads up to Town standards totals $40,500. The residents were advised they may have the roads repaired through a betterment process where the road work is done by the Town and the abutters pay a betterment, or the abutters may contract to have the roadwork done as long as it is done with the oversight and approval of the Engineering Department. The Planning Board shares the concerns of the Director of Public Works/Town Engineer regarding the condition of these roads and the Planning Board is concerned about the road taking policy in general. In the opinion of the Planning Board, drastic cuts to Chapter 90 allocations and precarious fiscal position in which the town now finds itself preclude the Town from taking on any additional road repair and maintenance obligations and, therefore, recommendation that these roads not be officially laid out for taking. Residents questioned the price quoted by the Town Engineer and the process for doing the work themselves. The Board discussed a possible moratorium on road takings. Mrs. Terry felt it was unfair to include these roads in the moratorium because they did all the work and were not told ahead of time . The residents also were advised about the betterment process and that there is still Town Meeting approval required before the roads are accepted. **Mr. Pannorfi moved to close the public hearing. Mr. Keyes seconded. Unanimous. Mrs. Terry moved to layout Van Buskirk Way, Fox Bottom Circle and Nobby Way in accordance with the plan on file with the Town Engineer's Office and subject to meeting the questions as outlined in the Assistant Town Engineer's January 30, 2003 memorandum. Mr. Keyes seconded. Unanimous.**

Mrs. Terry moved that the Board of Selectmen vote to no longer accept any resident petitions to take private roads as public ways, effective immediately and until further notice. Mr. Sennott seconded. Unanimous.

PUBLIC FORUM

None

OLD BUSINESS

1. The Golden Triangle Committee is still in need of one member. Mrs. Terry recommended asking Steve Anderson if he would be interested in serving.
2. Mr. Dunham did a review of the FY'03/04 budgets.
3. Mr. Mason met with the Sherriff's office and identified several projects they can assist the Town with including painting the columns at Town Hall and the Agilent clubhouse and cottages. Mr. Diedering thanked the Sherriff's department for their assistance.

NEW BUSINESS

1. **Mr. Keyes moved to send a letter dated February 18, 2003 on the proposed Woodside Village c. 40B project to the Cape Cod Commission. Mr. Pannorfi seconded. Unanimous.**

PUBLIC FORUM

1. Mr. Keith Fernauld spoke on several subjects.

ADJOURNMENT

Mr. Pannorfi moved to go into Executive Session for the purpose of discussing Collective Bargaining and Acquisition/Disposition of Real Property and coming out for the purpose of adjournment only. Mr. Pannorfi seconded. Unanimous.

Respectfully submitted,

Kathleen Coggeshall

TOWN OF SANDWICH
THE OLDEST TOWN ON CAPE COD

DEPARTMENT OF PUBLIC WORKS

500 ROUTE 130, SANDWICH, MA 02563

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ASSISTANT TOWN ENGINEER 508.833.8000 • FAX 508.833.8005
TREE WARDEN 508.833.8003 • FAX 508.833.8011
EMAIL dpw@townofsandwich.net

July 23, 2007

Re: Kensington Drive – Abutters Maintenance Responsibility on Private Section (Quaker Meetinghouse Rd to Buckingham Drive)

To Kensington Drive Private Road Abutters:

In light of the recent concerns and questions regarding the road condition and maintenance of Kensington Drive, the Town of Sandwich offers this informational letter explaining the maintenance responsibilities of the Town and those of owners abutting the private section of road. While recent repairs by private individuals have taken place, the maintenance issue is likely to resurface in the near future. Below is an explanation of public/private ownership and maintenance responsibilities.

Private/Public Section
In 1980, Kensington Drive became a public street from Buckingham Drive to Queen's Way as part of the Canterbury development. The Town accepted responsibility to maintain this section of road and continues to do so today.

In 2000, the private section of Kensington Drive (Quaker Meetinghouse Road to Buckingham Drive) was petitioned by abutters to be taken by the Town as a public street, thereby transferring maintenance responsibilities to the Town. Several abutters opposed this taking and the Board of Selectmen opted not to take the road.

It should be noted that the Town currently has a moratorium on taking any private roads (i.e., the Town is not accepting the maintenance responsibilities of private roads).

Private Maintenance Responsibilities (Quaker Meetinghouse Road to Buckingham Drive)
Because the Town never accepted the private section of Kensington Drive, the abutters of this section of Kensington are responsible for the maintenance of everything within the road layout, including the pavement and roadside landscape areas up to private property lines. A map of the private road section and responsible abutters is attached.

The Sandwich Department of Public Works will continue to plow the private section of Kensington Drive as long as it meets standards for winter road maintenance (see attached Winter Maintenance of Private Roads).

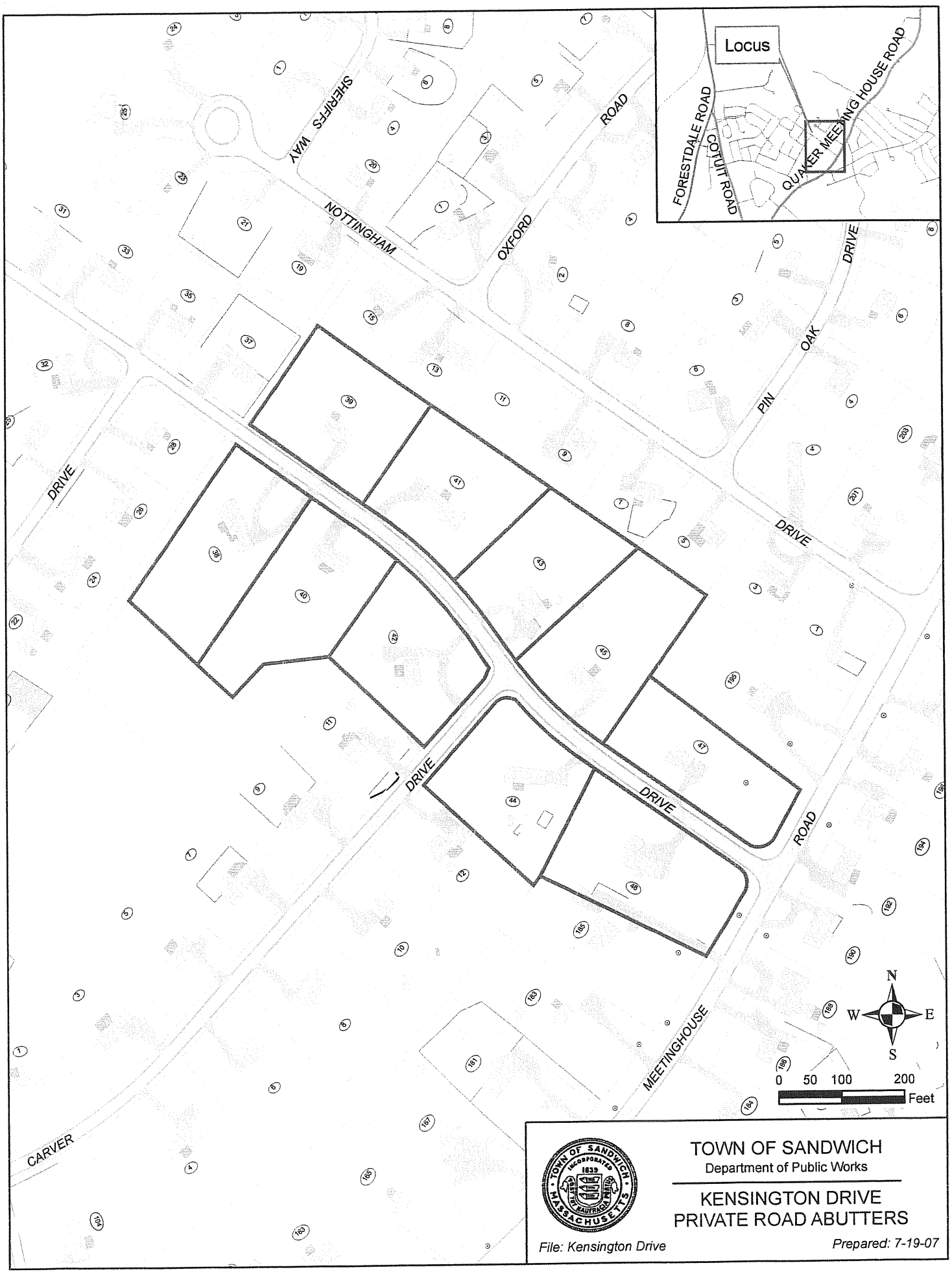
We hope this letter answers any questions regarding the public/private road maintenance responsibilities of Kensington Drive. Please call if you have any questions or concerns regarding this letter. Thank you for your understanding.

Sincerely,

Paul S. Tilton, P.E.
DPW Director/Town Engineer

Enclosures

6. Letter from Department of Public Works: July 2007



TOWN OF SANDWICH
THE OLDEST TOWN ON CAPE COD

OFFICE OF THE BOARD OF SELECTMEN

P.O. BOX 660
SANDWICH, MASSACHUSETTS 0256
TELEPHONE 508-888-4910

BOARD OF SELECTMEN POLICY

WINTER MAINTENANCE OF PRIVATE ROADS

Effective July 1, 1994 and until further notice, the Board of Selectmen hereby authorize the Department of Public Works to provide winter maintenance, consisting of snow plowing and sanding only, in accordance with M.G.L. c.40, §6C for private roads which have not been accepted by the Town as public ways. This authorization is granted provided said roads meet the following criteria:

1. The road must be open to the travelling public with no restrictive gates, signage, speed bumps, or other hindrances present.

2. The road must have at least fourteen feet (14') vertical clearance in all areas without overhanging limbs or other obstacles.

3. A sign properly identifying the road must be installed and properly maintained.

4. The road must be properly marked along the edge of the right of way to provide direction to those providing winter maintenance services.

5. Residents of a private road who desire winter maintenance must submit a notice requesting the Town consider plowing their street along with a waiver of liability holding the Town harmless for any damage caused to the road and surrounding property by October 1 to the Department of Public Works.

6. The Department of Public Works will inspect the road to ensure it is plowable and in sufficient condition to avoid damage to Town equipment and injury to the Town's employees and agents.

7. If the road is deemed to be inappropriate for winter maintenance, the decision of the Department of Public Works is final.

Given under our hands this 28th day of April, 1994.

Edward L. Condon

Edward L. Condon, Chairman

Judith E. Koenig, Vice-Chairman

MaryGail Alesse

Meryin C. Hardwick

Diane T. Tucker

TOWN OF SANDWICH
THE OLDEST TOWN ON CAPE COD

DEPARTMENT OF PUBLIC WORKS

500 ROUTE 130, SANDWICH, MA 02563

DIRECTOR & TOWN ENGINEER 508.833.8002 • FAX 508.833.8011
ASSISTANT TOWN ENGINEER 508.833.8000 • FAX 508.833.8005
TREE WARDEN 508.833.8003 • FAX 508.833.8011
EMAIL dpw@townofsandwich.net

June 29, 2009

Subject: Kensington Drive - Abutters Private Road Maintenance Responsibilities

To: Kensington Drive Private Road Abutters:

This letter is to remind abutters of their road maintenance responsibilities to the private section of Kensington Drive (from Quaker Meetinghouse Road to Buckingham Drive). A detailed letter (attached) was sent to each private road abutter back in 2007 outlining the jurisdictional history and maintenance responsibilities of Kensington Drive.

Frequent disrepair of Kensington Drive has lead to numerous inquiries from both private road abutters and the general public using this road. It is important to note that the Town of Sandwich is not responsible to repair this private road. Where this problem has occurred in the past, some abutters have formed a homeowners associated to address this specific issue and others that may arise on private roads. The Town recommends that the affected abutters create an organized association to effectively address these issues. An abutters list is attached with this letter for you convenience.

Please call if you have any questions regarding this letter. Thank you for your understanding.

Sincerely,

Paul S. Tilton, P.E.
DPW Director/Town Engineer

Attachments

Kensington Drive
Private Portion
Property Owners

June 29, 2009

1. Map 23 Lot 94
Paul & Lynn Pietryka
39 Kensington Drive
Sandwich, MA 02563

2. Map 23 Lot 95
Dominic & Judith Macone
41 Kensington Drive
Sandwich, MA 02563

3. Map 23 Lot 96
Mark & Michelle Marion
43 Kensington Drive
Sandwich, MA 02563

4. Map 23 Lot 97
Tracy Downing
45 Kensington Drive
Sandwich, MA 02563

5. Map 23 Lot 98
James Weaver
47 Kensington Drive
Sandwich, MA 02563

6. Map 23 Lot 99
Phyllis E. Callan
46 Kensington Drive
Sandwich, MA 02563

7. Map 23 Lot 100
Rand & Anna St. James
44 Kensington Drive
Sandwich, MA 02563

8. Map 23 Lot 111
Edwin & Wenona Sankitts
42 Kensington Drive
Sandwich, MA 02563

9. Map 23 Lot 112
Richard & Stephanie Sorenson
40 Kensington Drive
Sandwich, MA 02563

10. Map 23 Lot 113
Terri McAllister
38 Kensington Drive
Sandwich, MA 02563

Note: the road was taken in 1980 to the P/L of lots 93/94 & 113/114

TOWN OF SANDWICH
THE OLDEST TOWN ON CAPE COD

DEPARTMENT OF PUBLIC WORKS

500 ROUTE 130, SANDWICH, MA 02563

DIRECTOR & TOWN ENGINEER 508.833.8002 • FAX 508.833.8011
ASSISTANT TOWN ENGINEER 508.833.8000 • FAX 508.833.8005
TREE WARDEN 508.833.8003 • FAX 508.833.8011
EMAIL dpw@townofsandwich.net

October 26, 2009

Subject: Kensington Drive - Available Pavement Millings for Pothole Repair

To: Kensington Drive Private Road Abutters:

Recent observation of the privately owned section of Kensington Drive (Buckingham Drive to Queen's Way) by the Town of Sandwich Department of Public Works (DPW) has revealed that several pot holes have resurfaced following an attempt by a private party to fill them with gravel. As you were made aware in previous letters sent to you by the DPW, the property owners abutting this privately owned section are responsible for road maintenance and repairs.

This letter is to inform you that the DPW currently has excess pavement millings remaining from recent paving projects that can be used to fill these pot holes. The millings are a recycled asphalt mix from old roads that can suitably repair pot holes on a temporary basis. The millings can be picked up at the DPW (e.g., shoveled into buckets or a pickup) and placed in the pot holes. Vehicles driving over the millings will eventually compact the recycled asphalt, leaving a hard-packed surface. While temporary in nature, these pot hole repairs can improve ridabality and minimize damage to vehicles using the road. The Town has used these same millings to improve parking lots and gravel roads throughout Town (e.g., Shawme Road and Pinkham Road).

If you are interested in using the millings, please contact the DPW to set-up a scheduled pick-up time. Thank you for your cooperation.

Sincerely,

Paul S. Tilton, P.E.
DPW Director/Town Engineer

cc: Doug Lapp, Assistant Town Manager

Kensington Drive
Private Portion
Property Owners

June 29, 2009

1. Map 23 Lot 94
Paul & Lynn Pietryka
39 Kensington Drive
Sandwich, MA 02563

2. Map 23 Lot 95
Dominic & Judith Macone
41 Kensington Drive
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