



TOWN OF SHREWSBURY

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Process for Acceptance of Developer's Streets as Public Ways Annual Town Meeting in May

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1. The developer must send a letter to the Board of Selectmen before January 1st in the year in which the developer requests the Annual Town Meeting to make the streets public, requesting that an article be placed on the Annual Town Meeting Warrant to make the streets public. The developer shall include with its request (i) a preliminary title report, prepared by a reputable title company, demonstrating that the developer has good title in the way and listing any other parties having an interest in the way; (ii) a waiver executed by the developer, as the owner of the way, of the right to receive any notice of the Town's intention to layout the way; and (iii) a waiver executed by the developer, as owner of the way, of the developer's right to damages, if any, that may arise from or be attributable to the Town acquiring the way or an interest in the way by adopting an Order of Taking, in accordance with MGL c. 79.
2. Before January 15 of the year in which the developer is seeking acceptance of the way, the developer shall submit to the Town's Engineering Division as-built plans and a roadway acceptance plan and a metes and bonds description of the way, all prepared in accordance with Section V.J of the [Planning Board's Subdivision Rules & Regulations](#); the submittals shall be accompanied by an electronic copy of each in accordance with the Engineering Division's "Specifications for As-Built Record Plans, Street Acceptance Plans and Engineering Descriptions".
3. After a thorough review of the as-built plans by the Engineering Division, the Planning Board will review whether the subject way(s) is suitable for acceptance as a public way. If the Planning Board determines that the way was completed in accordance with the approved definitive subdivision plan and the applicable Subdivision Rules & Regulations, the Planning Board will issue a favorable letter of recommendation to the Board of Selectmen.
4. The Board of Selectmen will then review the recommendation of the Planning Board and may vote its intention to layout the way pursuant to [MGL c. 82 section 22](#). If the Board of Selectmen votes its intention to layout the way, the Board shall also refer the proposal to layout the way to the Planning Board and request that the Planning Board hold a public hearing to consider the matter and report its recommendation in accordance with the requirements of [MGL c.41 section 81I](#)

5. The Town Manger or Board of Selectmen will then provide written notice of the Board of Selectmen's intention and of the scheduled date of the public hearing to consider laying out the way to the owners of the land which will be taken for such purpose, in accordance with the requirements of [MGL c. 82, section 22](#), unless a written waiver of such notice was received from an owner(s).
6. The Board of Selectmen will hold a public hearing and consider voting to layout the way(s), based upon the layout plan, and sign the reports. Reports and the layout plan(s) must be filed with the Town Clerk at least seven (7) days prior to the date of the Town Meeting at which acceptance of the way(s) will be considered, as required by [MGL c. 82, section 23](#).
7. The Planning Board shall hold a public meeting to review the proposal to layout the way as a public way, as required by [MGL c. 41, section 81I](#).
8. At Town Meeting, the Planning Board will report its recommendation on acceptance of the way and Town Meeting may vote to accept the way, as laid out by the Board of Selectmen. The article to consider acceptance of the way will include a request for authorization for the Town to acquire an interest in the way by gift, deed, or taking by eminent domain. If the acceptance of the way is approved and Town Meeting authorizes the Board of Selectmen to acquire an interest in the way, the Board of Selectmen will have 120 days from the close of Town Meeting to acquire such interest on behalf of the Town and to record the same at the Worcester District Registry of Deeds ([MGL c. 80 section 24](#)).
9. After Town Meeting, the Town Engineer and Town Counsel will prepare an Order of Taking, relying on the metes and bounds descriptions and name of the parties having an interest in way as supplied by the developer. The Board of Selectmen will consider adopting the Order of Taking at its next available public meeting.
10. If the Board of Selectmen adopts the Order of Taking, the Town Engineer shall coordinate with the developer to record the Order of Taking, the roadway acceptance plan, and a certified copy of the vote of Town Meeting at the Worcester District Registry of Deeds. The developer shall bear all costs to record these documents and any other documents required to complete the process of establishing the way as a Town way. Failure to record the Order of Taking (or any other instrument by which the Town will acquire an interest in the way) within 120 days from the date of termination of Town Meeting will result in a failure to establish the way as a Town way.