



TOWN OF HUBBARDSTON

Plowing of Private Ways: Policies and Procedures

Pursuant to Mass. General Law Chapter 40 §6C, the Board of Selectmen shall annually designate the private ways in the Town that are eligible to be plowed under this provision. Every private way to be plowed by the Town must:

1. be open to public use;
2. be of sufficient width (minimum 14 feet);
3. be determined by the Highway Superintendent to be in a condition adequate to ensure that the Town can perform the work without endangering the condition of the equipment or the safety of the equipment operator.

Roads that have been constructed pursuant to a definitive subdivision plan approved subsequent to January 1, 1985 but that have not yet been accepted as public ways are not eligible to be plowed under these regulations.

A written application form must be completed by all abutters to the road and submitted to the Board of Selectmen. This application will include a waiver of any claim against the Town for damages caused by the plowing activity. The application will be considered in effect for three years, at which time a new application form must be completed by all abutters to the road.

Upon receipt of the application forms from all abutters to the private way, the Board of Selectmen may place an article on the next available Town Meeting warrant to appropriate funds for this purpose. Notwithstanding the requirement that all abutters submit application forms, the Board may, without having received applications from one hundred percent of the abutters, place such an article on the warrant if it deems that it is in the best interest of the Town to do so. The Board of Selectmen may determine, with the assistance of the Highway Superintendent, the estimated cost for the season's plowing. No plowing of private ways will be undertaken by the Town unless the Town Meeting approves such appropriation. The expenditures for this activity will not exceed the appropriation therefor.

Private ways designated by the Board of Selectmen and plowed under this provision shall be plowed at the convenience of the Town. Public ways will be maintained as a priority and designated private ways will be plowed as time, equipment and materials allow.

Nothing shall be construed from the foregoing provisions to make it mandatory for the Selectmen to plow these ways.

Approved by Selectboard: September 23, 2002; amended October 21, 2002.



TOWN OF HUBBARDSTON

Application For Winter Plowing Of A Private Way

Name of private way _____

Property owner name _____

Property address _____

Telephone _____

Date _____

I (We) the undersigned, owner(s) of the property listed above, hereby apply to have the Town of Hubbardston Highway Department plow and sand the above private way as weather requires.

I (We) acknowledge that this application will be approved only upon determination by the Board of Selectmen that the above private way is eligible for this service and further that this service can be provided only to the limit of any Town appropriation therefor.

I (We) understand that the Town assumes no liability to me (us) by performing this service, beyond the liability imposed by Massachusetts General Law. Jointly and severally, the owner(s) indemnify and hold harmless the Town with respect to such statutory liability and all other liability for claims of injury, death or property damage to such owner(s) or third parties arising from any alleged negligence by the Town in performing this service.

Signature(s) of all owners of record _____

Attachment: copy of deed to property

Note: Upon receipt of completed applications from all abutters to the private way, the Board of Selectmen may seek a cost estimate from the Highway Department for the services requested and may place an article on the next available Town Meeting warrant requesting an appropriation in that amount.

Form approved by Selectboard: September 23, 2002