



TOWN OF WESTFORD

ENGINEERING DEPARTMENT

PAUL M. STARRATT, P.E.
Town Engineer
JEREMY R. DOWNS, P.E.
Assistant Town Engineer

To: Kelly Ross, Chair
Board of Selectmen

From: Paul Starratt, P.E.

Re: Street Acceptance Recommendations

Date: February 22, 2013

On December 11, 2012, the Board of Selectmen voted their intention to layout the following two roads for street acceptance at the 2013 Annual Town Meeting, and to refer the matter to the Planning Board for their recommendation. On February 4, 2013, the Planning Board voted unanimously to recommend that the following two roads be accepted as public ways:

Misty Lane

The Engineering Department worked with Ashwood Companies and the Ivy Hills Home Owners Trust to coordinate repairs to the Misty Lane infrastructure and complete outstanding work in time for acceptance at Annual Town Meeting. Following a neighborhood meeting in October, the Trust voted to hire a contractor to complete roadway repairs as itemized by the Engineering Department and Highway Superintendent. All State Berm, Inc. was retained by the neighborhood and the roadway repair work was completed and inspected in compliance with the November 15th deadline. Ashwood also mobilized work crews to complete repairs to the storm drains and manholes and that work has been completed. In November 2012, the Planning Board voted to release the final two bonds for Ivy Hills, and Ashwood Companies subsequently signed over one of the bonds to the Home Owners Trust in the amount of \$6,521.07.

It is important to note that the cul-de-sacs associated with the Ivy Hills development are designated as private driveways and are not included in this street acceptance layout as specified in a Declaration of Restrictive Covenants and Common Driveway Easements (MNRD Bk 07295, Pg 320).

Rolling Meadows

The Rolling Meadows Memorandum of Agreement (MOA) as approved by the Planning Board on July 16, 2012, and by the Selectmen on July 24, 2012 requires that the Selectmen support Rolling Meadows for street acceptance if certain repairs were made to the road. The Engineering Department has determined that The Middlesex Corporation has performed the required bituminous patch work in the subdivision and has successfully applied Chip Seal on the roadway. The Engineering Inspector was notified in advance of the work and inspected the project during and after the patching and Chip Seal application to his satisfaction.

Engineering Department
28 North Street • Westford, MA 01886-2597
Tel. (978) 692-5520 • (978) 692-5517 • Fax (978) 399-2739

The Engineering Department recommends that the Selectmen vote to layout Misty Lane and Rolling Meadows Lane as follows:

MOVED that the Board of Selectmen vote to lay out Misty Lane as a public way, as shown on the plans entitled “Street Acceptance Plan Misty Lane, Westford, MA”, dated January 30, 1998, prepared by Charles E. Bailey Land Surveyors, and as further described by the legal description.

MOVED that the Board of Selectmen vote to lay out Rolling Meadows Lane as a public way, as shown on a plan entitled “Street Acceptance Plan Rolling Meadows Subdivision, Westford, MA”, dated August 3, 2005, prepared by Middlesex Corporation.

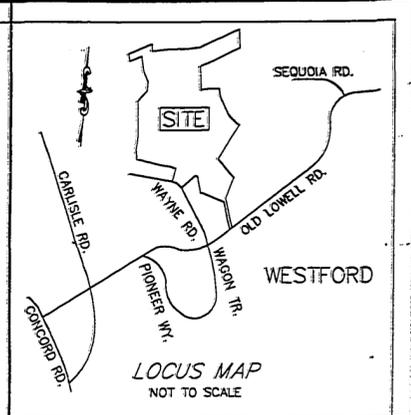
cc: Richard Barrett, Highway Superintendent
Chris Kluchman, Town Planner

Misty Lane
Street
Acceptance

PLAN REFERENCE 1

MATCH LINE

SEE SHEET 3



PLAN REFERENCES

1. "DEFINITIVE SUBDIVISION PLAN - IVY HILL", PREPARED BY MEISNER BREM CORPORATION, DATED MAY 16, 1993. M.N.D.R.D. PLAN BOOK 182, PLAN 121.
2. "PLAN OF LAND - LOT 2 MISTY LANE, WESTFORD, MA", PREPARED BY RURAL LAND SURVEYS, DATED JUNE 14, 1996. M.N.D.R.D. PLAN BOOK 192, PLAN 3.
3. "EASEMENT PLAN - IVY HILL - WESTFORD, MA" PREPARED BY MEISNER BREM CORPORATION, DATED APRIL 12, 1994. M.N.D.R.D. PLAN BOOK 185, PLAN 74.
4. "EASEMENT PLAN - IVY HILL - WESTFORD, MA" PREPARED BY MEISNER BREM CORPORATION, DATED APRIL 12, 1994. M.N.D.R.D. PLAN BOOK 185, PLAN 75.
5. "EASEMENT PLAN - LOT 10 MISTY LANE, WESTFORD, MA", PREPARED BY LANDTECH CONSULTANTS, INC., DATED SEPTEMBER 12, 1994. M.N.D.R.D. PLAN BOOK 186, PLAN 114.

FOR REGISTRY USE ONLY

LEGEND

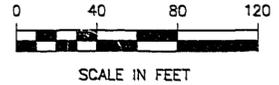
- CONCRETE BOUND (SET) □ C.B.
- RAILROAD SPIKE (SET) △ R.R. SPIKE

CERTIFICATION

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR NEW WAYS ARE SHOWN.

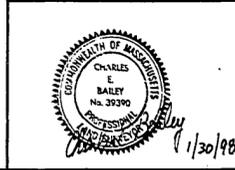
I FURTHER CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

1/30/98 DATE
Charles E. Bailey
 MASSACHUSETTS REGISTERED LAND SURVEYOR
 REGISTRATION NO. 39390



Job Number: 97-502

Calc CEB Drawn CEB Check CEB



STREET ACCEPTANCE PLAN
 Scale: 1" = 40' January 30, 1998

MISTY LANE
 WESTFORD, MA

Applicant: ASHWOOD COMPANIES, INC.
 84 LAKE STREET
 NASHUA, NH 03060

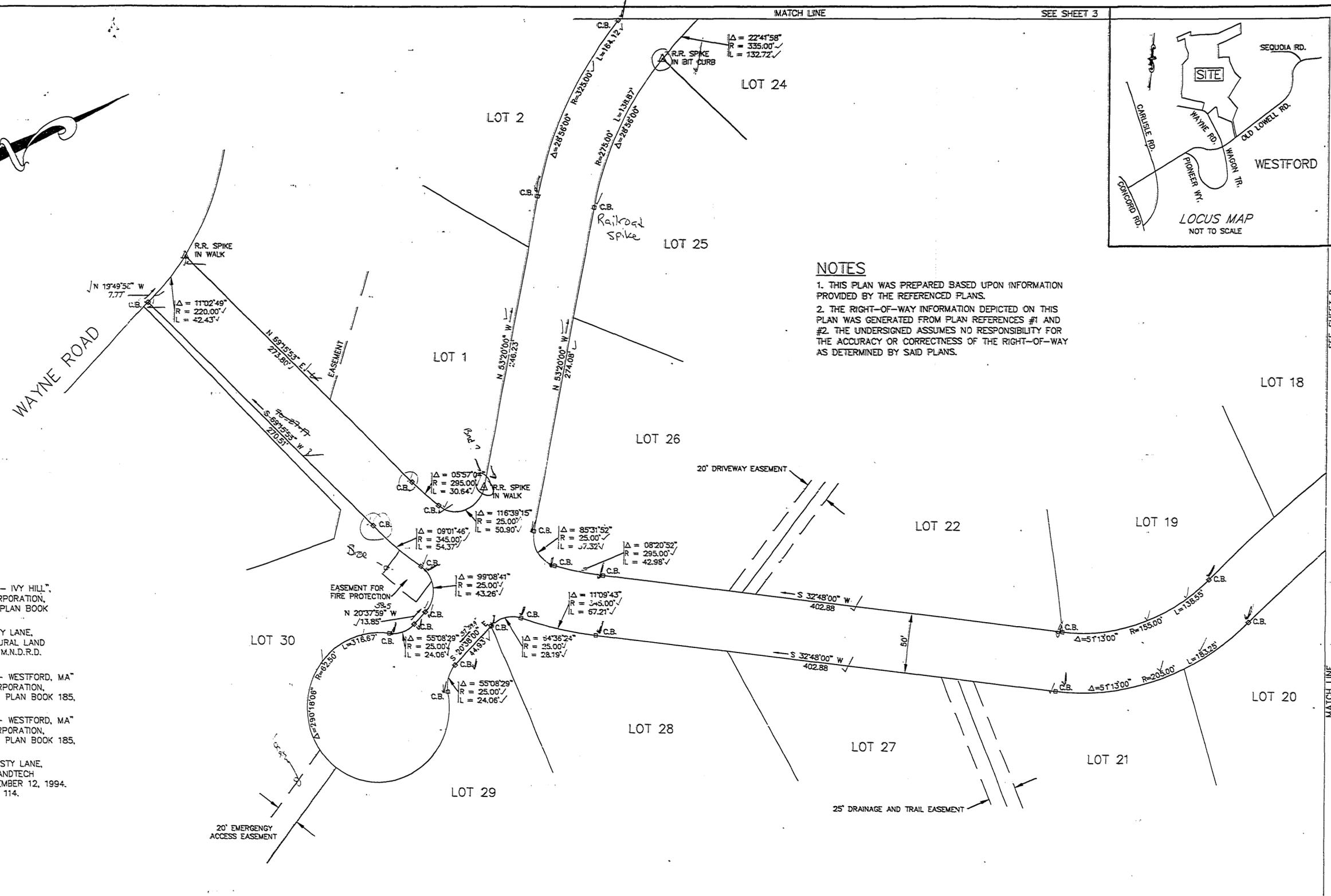
**CHARLES E. BAILEY LAND SURVEYORS
 AND ASSOCIATES, INC.**

2 Main Street, Townsend, MA 01469
 259A Main Street, Suite 4, Nashua, NH 03060
 (508) 864-8600 (603) 886-9027

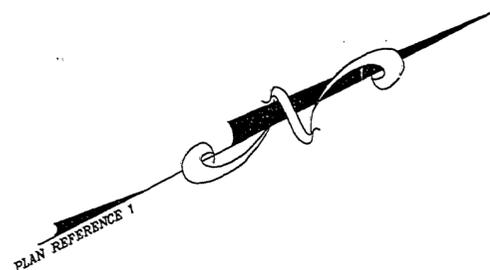
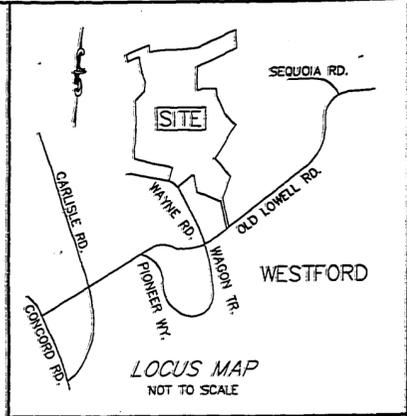
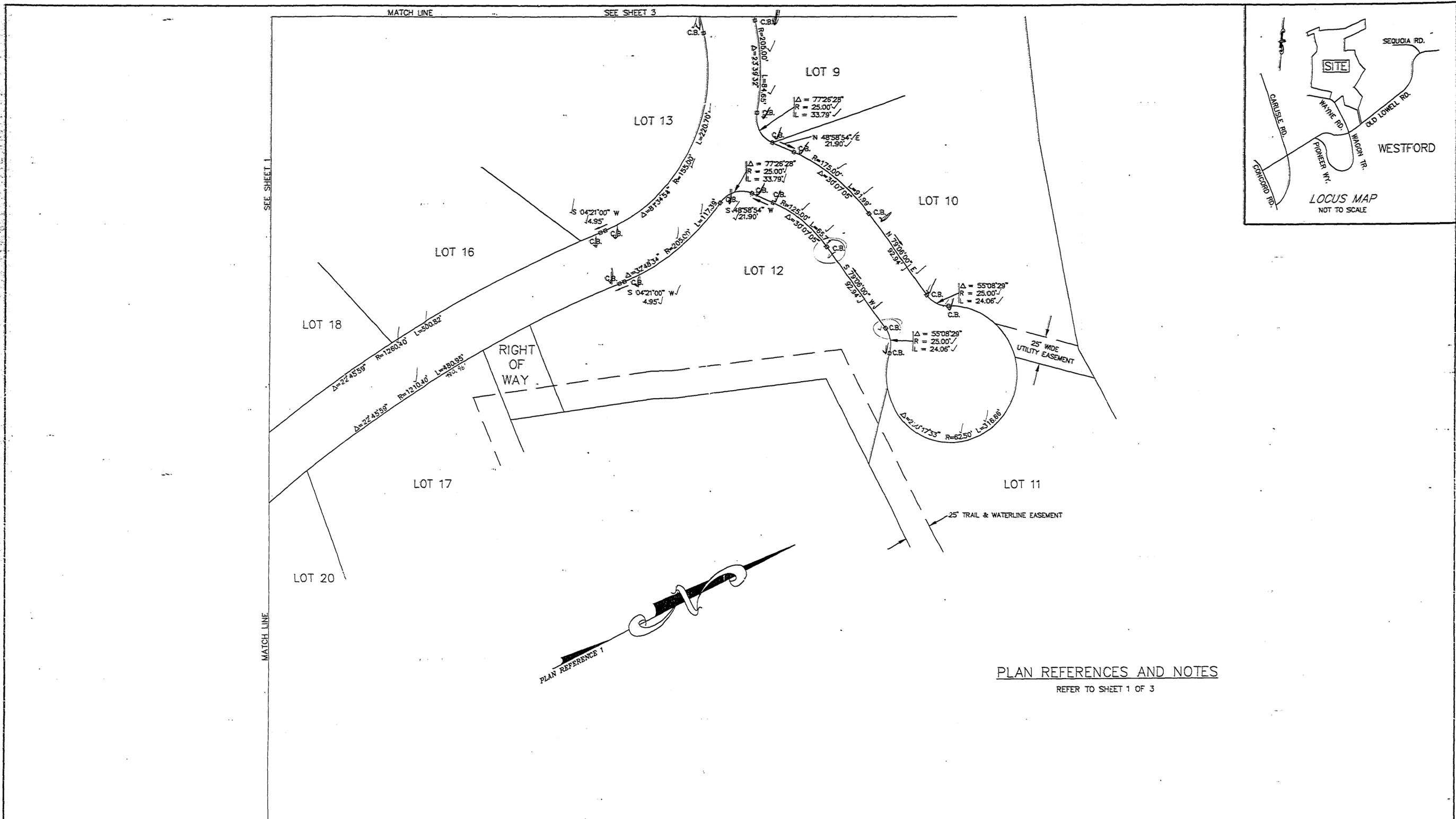
Sheet 1 of 3
 Drawing Number 975021

NOTES

1. THIS PLAN WAS PREPARED BASED UPON INFORMATION PROVIDED BY THE REFERENCED PLANS.
2. THE RIGHT-OF-WAY INFORMATION DEPICTED ON THIS PLAN WAS GENERATED FROM PLAN REFERENCES #1 AND #2. THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR CORRECTNESS OF THE RIGHT-OF-WAY AS DETERMINED BY SAID PLANS.



NO. 54
 BOOK 5471



PLAN REFERENCES AND NOTES
REFER TO SHEET 1 OF 3

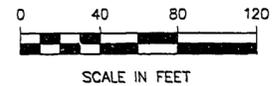
FOR REGISTRY USE ONLY

LEGEND
 CONCRETE BOUND (SET) □ C.B.

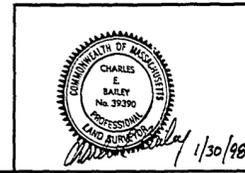
CERTIFICATION
 I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR NEW WAYS ARE SHOWN.

I FURTHER CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

1/30/98 *Charles E. Bailey*
 DATE MASSACHUSETTS REGISTERED LAND SURVEYOR
 REGISTRATION NO. 39390



Job Number: 97-502
 Calc Drawn Check
 CEB CEB CEB



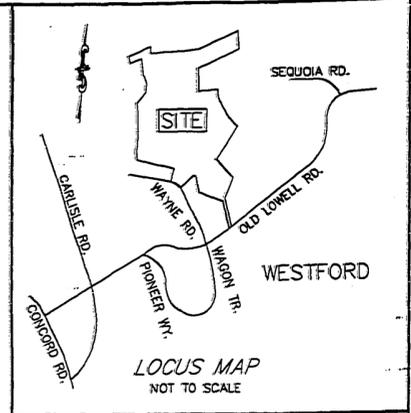
STREET ACCEPTANCE PLAN
 Scale: 1" = 40' January 30, 1998

MISTY LANE
 WESTFORD, MA
 Applicant: ASHWOOD COMPANIES, INC.
 84 LAKE STREET
 NASHUA, NH 03060

CHARLES E. BAILEY LAND SURVEYORS AND ASSOCIATES, INC.
 2 Main Street, Townsend, MA 01469
 259A Main Street, Suite 4, Nashua, NH 03060
 (508) 884-9600 (603) 886-9027

Sheet
 2 of 3
 Drawing
 Number
 975022

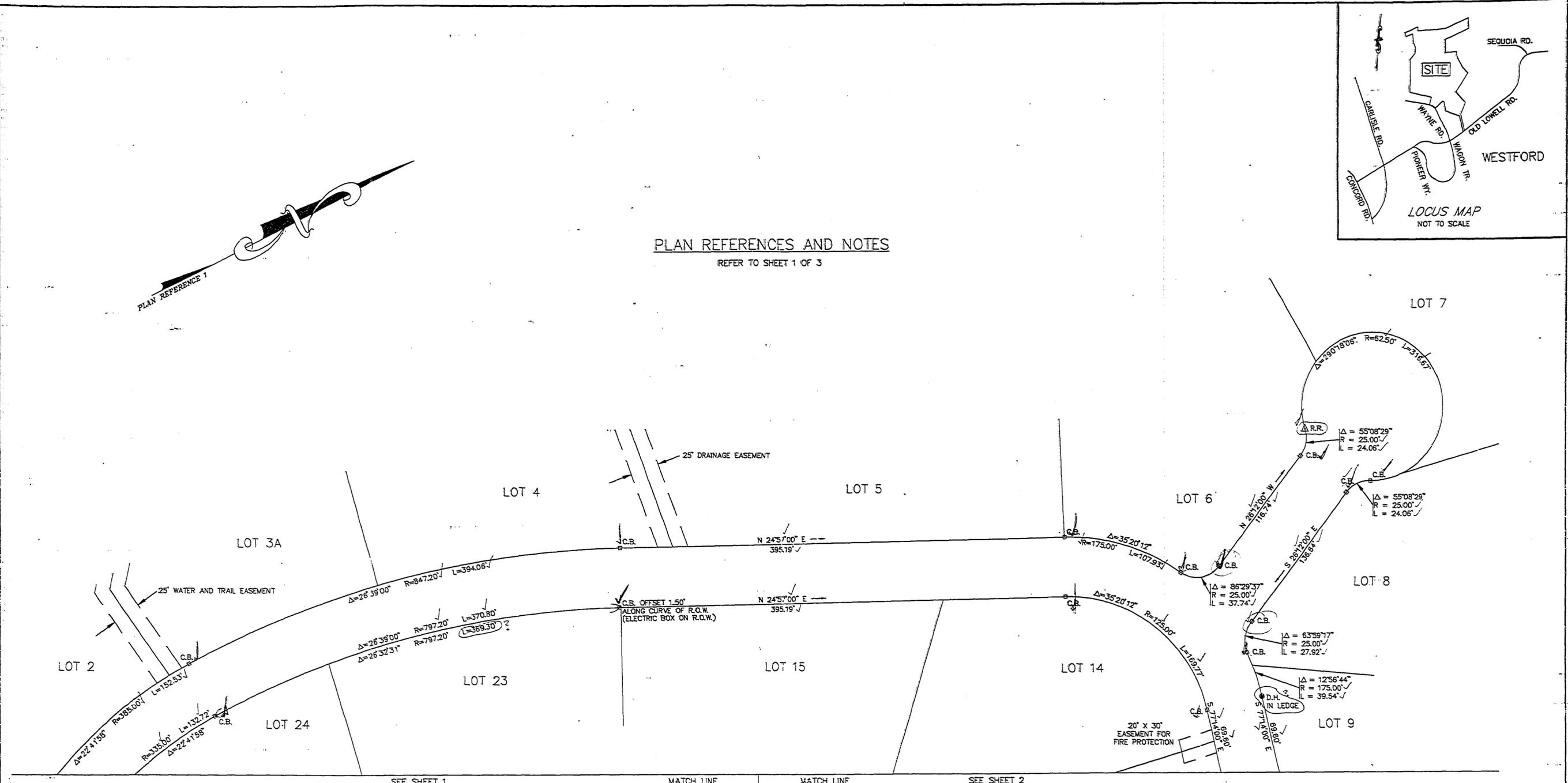
PLAN NO. 3471
 BOOK



PLAN REFERENCES AND NOTES

REFER TO SHEET 1 OF 3

PLAN REFERENCE 1



SEE SHEET 1 MATCH LINE MATCH LINE SEE SHEET 2

FOR REGISTRY USE ONLY

LEGEND

- CONCRETE BOUND (SET) □ C.B.
- DRILL HOLE (SET) ● D.H.
- RAILROAD SPIKE (SET) ▲ R.R.
- CONCRETE BOUND OFFSET (SET) ▸ C.B. OFFSET

CERTIFICATION

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1/30/98
DATE

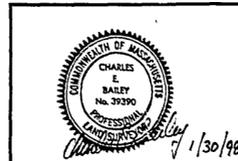
Charles E. Bailey
MASSACHUSETTS REGISTERED LAND SURVEYOR
REGISTRATION NO. 39390



SCALE IN FEET

Job Number: 97-502

Calc: CEB Drawn: CEB Check: CEB



1/30/98

STREET ACCEPTANCE PLAN

Scale: 1" = 40' January 30, 1998

MISTY LANE
WESTFORD, MA

Applicant: ASHWOOD COMPANIES, INC.
84 LAKE STREET
NASHUA, NH 03060

CHARLES E. BAILEY LAND SURVEYORS AND ASSOCIATES, INC.

2 Main Street, Townsend, MA 01469
259A Main Street, Suite 4, Nashua, NH 03060
(603) 884-8800 (603) 885-9027

Sheet 3 of 3
Drawing Number 975023

PLAN NO. 9771
BOOK

Misty Lane Legal Description

Being known as Misty Lane as shown on a plan entitled "Street Acceptance Plan, Misty Lane, Westford, MA; Dated January 30, 1998; Prepared by Charles E. Bailey Land Surveyors and Associates, Inc.", to be recorded herewith, bounded and described as follows:

Beginning at a railroad spike at the northeast intersection of Wayne Road and northerly sideline of Misty Lane;

- THENCE N69°15'53"E, 273.80 feet to a concrete bound being a point of curvature;
- THENCE Easterly, 30.64 feet along a curve to the left having a radius of 295.00 feet to a concrete bound being a point of compound curvature;
- THENCE Easterly, 114.13' feet along a curve to the left having a radius of 295.00 feet being a tie-line across Misty Lane to a concrete bound being a point of compound curvature;
- THENCE Easterly, 42.98 feet along a curve to the left having a radius of 295.00 feet to a concrete bound being a point of tangency;
- THENCE N32°48'00"E, 402.88 feet to a concrete bound being a point of curvature;
- THENCE Northeasterly, 138.55 feet along a curve to the left having a radius of 155.00 feet to a concrete bound being a point of reverse curvature;
- THENCE Northerly, 500.82 feet along a curve to the right having a radius of 1,260.40 feet to a concrete bound being a point of tangency;
- THENCE N04°21'00"E, 4.95 feet to a concrete bound being a point of curvature;
- THENCE Northwesterly, 220.70 feet along a curve to the left having a radius of 155.00 feet to a concrete bound being a point of tangency;
- THENCE N77°14'00"W, 69.60 feet to a concrete bound being a point of curvature;
- THENCE Southwesterly, 169.77 feet along a curve to the left having a radius of 125.00 feet to a concrete bound being a point of tangency;
- THENCE S24°57'00"W, 395.19 feet to a point being a point of curvature;
- THENCE Southerly, 370.80 feet along a curve to the left having a radius of 797.20 feet to a concrete bound being a point of compound curvature;
- THENCE Southeasterly, 132.72 feet along a curve to the left having a radius of 335.00 feet to a railroad spike being a point of compound curvature;

THENCE Southeasterly, 138.87 feet along a curve to the left having a radius of 275.00 feet to a concrete bound being a point of tangency;

THENCE S53°20'00"E, 274.08 feet to concrete bound being a point of curvature;

THENCE Easterly, 37.32 feet along a curve to the left having a radius of 25.00 feet to a concrete bound being a point of curvature;

THENCE Westerly, 114.13 feet along a non-tangent curve to the right having a radius of 295.00 feet and a chord bearing of S52°13'28"W with a distance of 113.42 feet being a tie-line across Misty Lane to a concrete bound being a point of curvature;

THENCE Northerly, 50.90 feet along a non-tangent curve to the left having a radius of 25.00 feet and a chord bearing of N04°59'38"E with a distance of 42.55 feet to a railroad spike being a point of tangency;

THENCE N53°20'00"W, 246.23 feet to a concrete bound being a point of curvature;

THENCE Northerly, 164.12 feet along a curve to the right having a radius of 325.00 feet to a concrete bound being a point of compound curvature;

THENCE Northerly, 152.53 feet along a curve to the right having a radius of 385.00 feet to a concrete bound being a point of compound curvature;

THENCE Northerly, 394.06 feet along a curve to the right having a radius of 847.20 feet to a concrete bound being a point of tangency;

THENCE N24°57'00"E, 395.19 feet to a concrete bound being a point of curvature;

THENCE Northeasterly, 107.93 feet along a curve to the right having a radius of 175.00 feet to a concrete bound being a point of compound curvature;

THENCE Easterly, 90.22 feet along a curve to the right having a radius of 175.00 feet across the sideline of a common driveway to a concrete bound being a point of compound curvature;

THENCE Easterly, 39.54 feet along a curve to the right having a radius of 175.00 feet to a drill hole in ledge being a point of tangency;

THENCE S77°14'00"E, 69.60 feet to a concrete bound being a point of tangency;

THENCE Southeasterly, 84.65 feet along a curve to the right having a radius of 205.00 feet to a concrete bound being a point of compound curvature;

THENCE Southerly, 89.85 feet along a curve to the right having a radius of 205.00 feet across the sideline of a common driveway to a concrete bound being a point of compound curvature;

- THENCE Southerly, 117.39 feet along a curve to the right having a radius of 205.00 feet to a concrete bound being a point of tangency;
- THENCE S04°21'00"W, 4.95 feet to a concrete bound being a point of curvature;
- THENCE Southerly, 480.95 feet along a curve to the left having a radius of 1,210.40 feet to a concrete bound being a point of reverse curvature;
- THENCE Southwesterly, 183.25 feet along a curve to the right having a radius of 205.00 feet to a concrete bound being a point of tangency;
- THENCE S32°48'00"W, 402.88 feet to a concrete bound being a point of curvature;
- THENCE Westerly, 67.21 feet along a curve to the right having a radius of 345.00 feet to a concrete bound being a point of compound curvature;
- THENCE Westerly, 97.99 feet along a curve to the right having a radius of 345.00 feet across the sideline of a common driveway to a concrete bound being a point of compound curvature;
- THENCE Westerly, 54.37 feet along a curve to the right having a radius of 345.00 feet to a concrete bound being a point of tangency;
- THENCE S69°15'53"W, 270.51 feet to a concrete bound at the intersection of Wayne Road on the southerly sideline of Misty Lane;
- THENCE N19°49'58"W, 7.77 feet along the sideline of Wayne Road to a point of tangency;
- THENCE Northwesterly, 42.43 feet along a curve to the left having a radius of 220.00 feet along the sideline of Wayne Road to a railroad spike being the point of beginning.

Said Misty Lane layout contains 171,806 square feet of land, more or less.

Rolling
Meadows Lane
Street
Acceptance

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (this "Agreement") is made this 16TH day of JULY, 2012, by and between The Middlesex Corporation, with a principal place of business at One Spectacle Pond Road, Littleton, Massachusetts 01460, on behalf of itself, its successors and assigns ("Middlesex"), and the Town of Westford (the "Town"), acting by and through its Board of Selectmen and Planning Board, both with an address of 55 Main Street, Westford, Massachusetts 01886 ("Board of Selectmen" and "Planning Board").

The Middlesex Corporation and the Town of Westford agree as follows:

1. Middlesex will perform selective bituminous patchwork on the roadways in the Rolling Meadows Subdivision, which roadways are shown on a plan of land entitled "Definitive Subdivision Open Space Development Plan Rolling Meadows in the Town of Westford," dated June 1996, prepared by Joseph R. Henry & Associates, as agreed between the Town's Highway Department Superintendent and Mr. Larry Gordon of Middlesex. Middlesex will prepare and clean existing pavement cracks free of loose debris and fill with a PG6428 rubberized sealant blended with fibers. Middlesex shall also chip seal all the Subdivision roadways with treated stone chip seal. All of the foregoing work (the "Work") shall be completed by September 1, 2012.
2. Middlesex will inform the Town, through its Planning Board, in writing of the completion of the Work, and the Town shall have the right to inspect the Work within fourteen (14) days of the receipt of such notice. If the Planning Board is reasonably satisfied with the performance of the Work, as evidenced by the Town Engineer's written approval, the Planning Board shall release all remaining bond monies for Rolling Meadows Subdivision
3. In the event that the Town determines that the Work has not been satisfactorily completed as set forth above, the Town shall submit to Middlesex a list of outstanding work, which Middlesex shall complete within thirty (30) days of the Town's notice.
4. If Middlesex fails to complete the Work as required in this Agreement or within the time set forth herein, the Town may, but shall have no obligation, to complete or to retain a third party to complete the Work and deduct the costs thereof from the remaining bond monies. If the cost of completing the Work exceeds the remaining bond proceeds, Middlesex shall pay such excess to the Town within thirty (30) days of the presentment of invoices for the same. Any bond monies remaining after the completion of the Work shall be released by the Planning Board.
5. Provided that the Work has been satisfactorily completed, as set forth above, the Board of Selectman and Planning Board shall use good faith efforts to submit and support a Street Acceptance Petition for the roads within the Rolling Meadows Subdivision at the ~~2012~~ Annual Town Meeting.

2013 

6. Binding Agreement

This Agreement shall be binding on the parties and their respective heirs, executors, administrators, members, successors, assigns, nominees, affiliates, and designees.

7. Authority

Each individual signing this Agreement warrants and represents that he or she is authorized to do so.

8. No Waiver

Failure of any party to avail itself of any of the terms, covenants, and conditions of this Agreement for a period of time, or at any time or times, shall not be construed or deemed to be a waiver of any of its rights hereunder.

9. Amendments

No change, amendment, modification, cancellation, or termination of this Agreement, or any part of this Agreement shall be valid unless all parties to this Agreement consent in writing.

10. Entire Agreement

This Agreement embodies the entire Agreement between the parties and supersedes all prior agreements and understandings relating to the subject matter.

11. Enforcement

In the event that Middlesex or the Town defaults on any obligation under this Agreement, the Agreement may be enforced in a court of competent jurisdiction of the Commonwealth of Massachusetts. Nothing herein shall impair the parties' other rights and remedies, whether set forth herein or available at law or in equity.

12. Notices

All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when delivered by hand or when mailed by certified or registered mail, postage prepaid, return receipt requested, or sent by recognized overnight courier to the parties at the addresses set forth below, or to such other place as a party (or its successor, assign, nominee, affiliate, and designee) may from time to time designate by written notice sent in like manner:

The Middlesex Corporation

Robert L. Mabardy
One Spectacle Pond Road
Littleton, Massachusetts 01460

Town of Westford

Westford Board of Selectmen
Attention: Town Manager
Town of Westford
55 Main Street
Westford, Massachusetts 01886

13. Governing Law

This Agreement and the rights and obligations of the parties shall in all respects be construed as a Massachusetts contract and will be governed by, and construed and enforced in accordance with, the laws of the Commonwealth of Massachusetts.

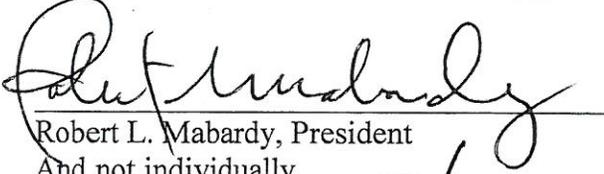
14. Assignment

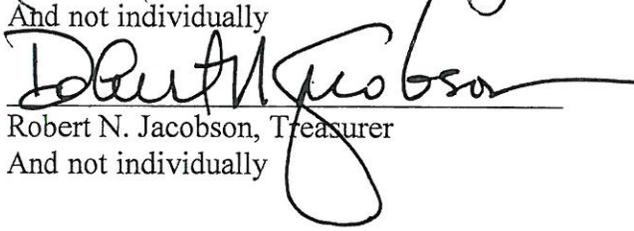
Middlesex may not assign its obligations under this Agreement.

[signature page follows]

IN WITNESS WHEREOF, The Middlesex Corporation and the Town of Westford have with due authorization, duly executed and sealed this Agreement as of the date first written above.

THE MIDDLESEX CORPORATION


Robert L. Mabardy, President
And not individually

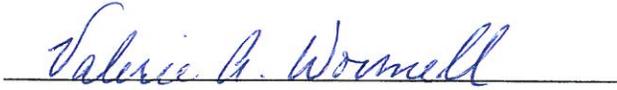

Robert N. Jacobson, Treasurer
And not individually

TOWN OF WESTFORD

By Its Board of Selectmen









WESTFORD PLANNING BOARD

[Handwritten Signature]

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

On this 29 day of June 2012 before me, the undersigned Notary Public, personally appeared Robert L. Mabardy, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as President of The Middlesex Corporation.

[Handwritten Signature: Lynn I. Rice]

Notary Public
My Commission Expires: **October 6, 2017**

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

On this 29 day of June 2012 before me, the undersigned Notary Public, personally appeared Robert N. Jacobson, proved to me through satisfactory evidence of identification, which was Personally Known to me, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as Treasurer of The Middlesex Corporation.

Lyn I. Rice

Notary Public
My Commission Expires:

Lyn I. Rice
Notary Public
My Commission Expires
October 6, 2017

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

On this 24 day of July 2012 before me, the undersigned Notary Public, personally appeared Andrea Peraner-Sweet, a member of the Board of Selectmen of the Town of Westford, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Westford.

Patricia L. Dubey

Notary Public
My Commission Expires:

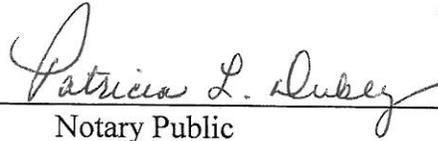


PATRICIA L. DUBEY
Notary Public
Commonwealth of Massachusetts
My Commission Expires
October 12, 2012

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

On this 18 day of July 2012 before me, the undersigned Notary Public, personally appeared Michael Green, a member of the Planning Board of the Town of Westford, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Planning Board of the Town of Westford..



Notary Public

My Commission Expires:

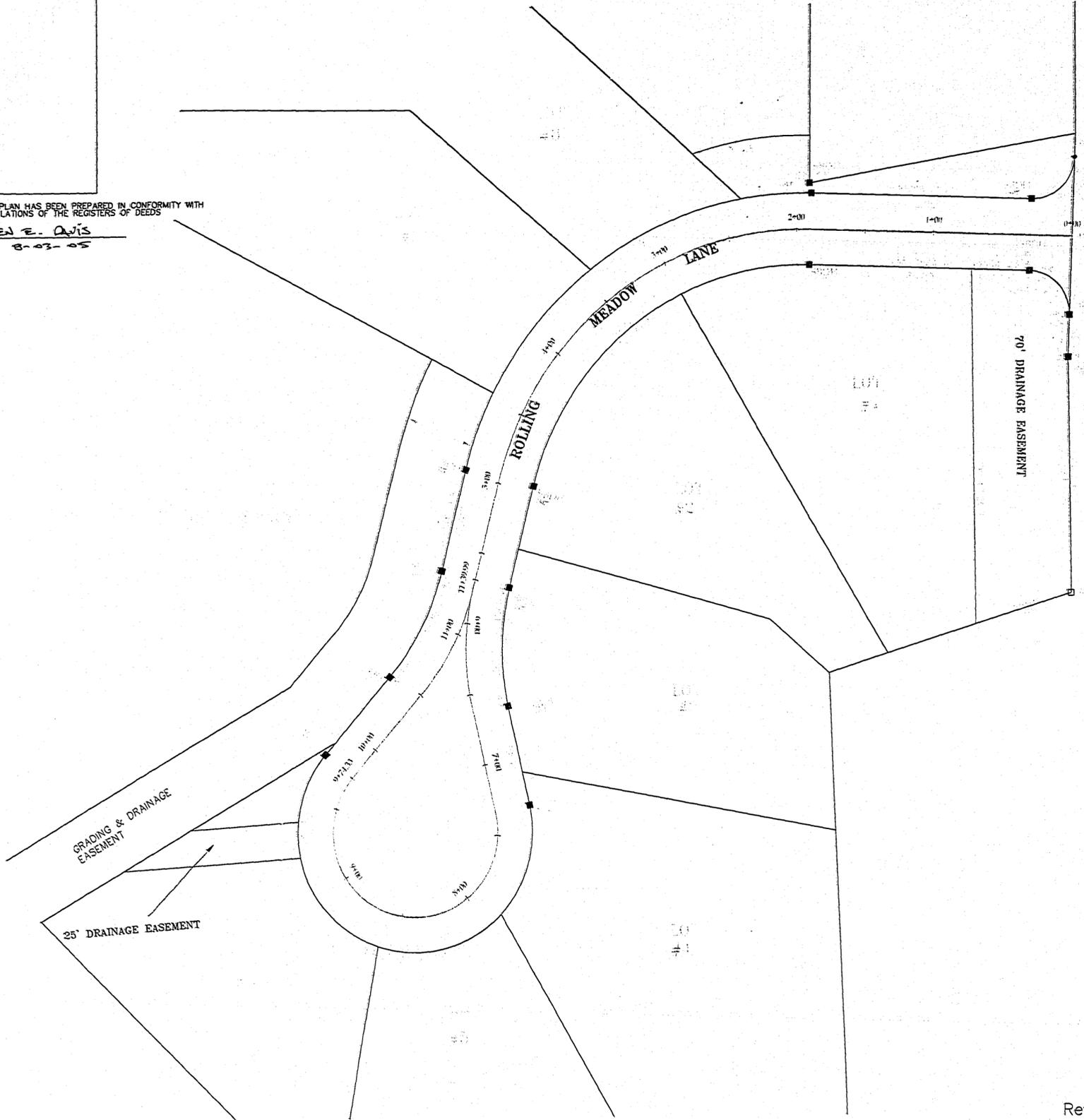


PATRICIA L. DUBEY
Notary Public
Commonwealth of Massachusetts
My Commission Expires
October 12, 2012

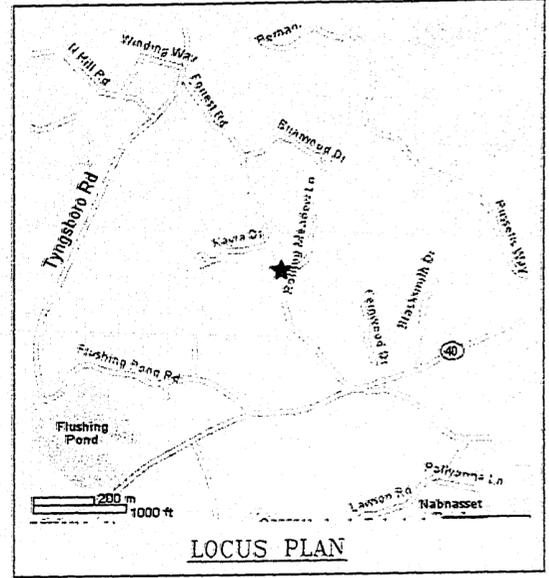
453291v3/WSFD/0229

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS

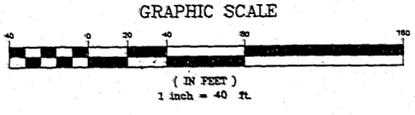
STEPHEN E. DAVIS
8-03-05



FOREST ROAD (40' PUBLIC WAY)



STEPHEN E. DAVIS
8-03-05



Revised: DATE: 7/25/05

STREET ACCEPTANCE PLAN ROLLING MEADOWS SUBDIVISION WESTFORD, MASSACHUSETTS SHEET 1 OF 1	SUBMITTAL NO:	 MIDDLESEX CORPORATION One Spectacle Pond Road Littleton, Ma 01460 Office (978) 742-4400 Fax (978) 742-4423	SHEET 1 OF 1
	DRAWN BY: JCHASE		SCALE: 1" = 40'
	CHK:		DWG NO: STREETACTP.DWG
	DATE: 3/17/04		TMC JOB NO: —

DRAWER: SAB
PLAN NO: 6225
BOOK: 05