

Status of Roads Report

Town of New Marlborough

2005



Prepared By

Berkshire Regional
Planning Commission

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OBJECTIVE

The purpose of this report is to document the development of a Status of Roads Map for the Town of New Marlborough that identifies and classifies the status of roadways within the Town with respect to ownership, maintenance responsibilities, suitability for development, and eligibility for public road improvement funds. Inactive, “abandoned,” discontinued and “paper” roads are also identified and evaluated. A large-scale Status of Roads Map, with a chart of all accepted roads and their distances, is included with this report. That Status of Roads Map, in conjunction with recommended Select Board, Planning Board and Town Meeting actions, may be adopted by Town Meeting majority vote as an Official Map, a legally authoritative document concerning the names, locations, distances and accepted statuses of all roads and parks in the Town of New Marlborough. Copies of the Town of New Marlborough Official map, if adopted, are to be placed on file with the Massachusetts Department of Housing and Community Development (DHCD), the Berkshire Regional Planning Commission (BRPC), the Town Clerk, and with Town counsel.

If the Status of Roads Map accompanying this report is ever adopted as an Official Map, the Official Map and report should be submitted to the Registry of Deeds in Pittsfield, the Massachusetts Department of Housing and Community Development (DHCD) and the Executive Office of Transportation (EOT). Though not required, Town of New Marlborough officials should document for the state agencies any actions taken as a result of the report recommendations by including relevant Planning Board, Select Board or Town Meeting minutes. In addition, copies of this report, the Status of Roads Map (or Official Map, if adopted), and any relevant meeting minutes should be on file with the Town Clerk, the Town Counsel, and the Department of Public Works. This report, the included Status of Roads Map, and the accompanying MS Excel® road catalog and GIS version of the map provided on CD-ROM by BRPC should help the Town of New Marlborough with regular monitoring of its legal road statuses and should be updated on an ongoing basis as road statuses change.

WHAT IS A STATUS OF ROADS MAP?

A Status of Roads map is a map showing the names, locations, distances, maintenance and liability responsibilities, and legal status or ownership of all roads in a Town. Unlike an Official Map, which is defined by Massachusetts General Laws Chapter 41, Sections 81 E-I, a Status of Roads map is an unofficial, advisory document with **no** legal authority under Massachusetts General Laws.

The procedures for creating a Legal Status of Roads map or an Official Map are very similar, except that Official Maps require legislative action, namely adoption of the map by Town Meeting vote. The research process for either kind of map can be involved, requiring investigation of Town and County records as well as extensive public input and feedback. In the end, one thing will distinguish the two kinds of maps: a Status of Roads map is not a legal document under Massachusetts General Laws, whereas an adopted Official Map is.

WHAT IS AN OFFICIAL MAP?

An Official Map is a map showing the accepted names, locations, distances, maintenance and liability responsibilities, and legal status or ownership of all roads and parks in a Town. This is a formal document, approved by majority Town Meeting vote and signed by the Planning Board, with legal authority under Massachusetts General Laws (MGL) Chap. 41, Sec. 81E-I.

As a formal establishment of the legal status of roads, an Official Map is designed to help a municipality understand and resolve the potential problems or inconsistencies in legal, geographical or historical records regarding its roads. In theory, once an Official Map is adopted by majority vote at Town Meeting it stands as a municipality's presiding legal document in matters of road ownership, jurisdiction, maintenance responsibility, liability, frontage, public access, and related land uses. While Official Maps have yet to be extensively tested in the Massachusetts courts, they can provide a critical tool in a municipality's land use control and legal planning arsenal. In the one case where an Official Map was

challenged in a Massachusetts court over an issue of land development (Town of Warwick v. Rivers, 1994), the court ruled in favor of the municipality based, in part, on its Official Map.*

When a Town adopts an Official Map it takes possession of a powerful legal and land use tool, but it also takes on an added responsibility for continuous monitoring of road status changes, which entails corresponding updates to the Official Map and reporting of the updates to the Registry of Deeds and the overseeing state agencies, namely the Massachusetts Department of Housing and Commonwealth Development (DHCD) and Executive Office of Transportation (EOT). Table 1 (below) summarizes the benefits and responsibilities that come with adopting an Official Map. If the Town decides not to adopt an Official Map, it can still refer to the accompanying map as a Status of Roads map.

TABLE 1. STATUS OF ROADS MAP AND OFFICIAL MAP CONSIDERATIONS

Status of Roads Map		Official Map	
Advantages	Disadvantages	Advantages	Disadvantages
<ul style="list-style-type: none"> Provides a single visual display of legal status or questions of legal status of roads (ownership, maintenance and liability responsibilities). Does not require legislative action, public hearings, or Town Meeting adoption Shows road distances, road layouts or locations, functional classes, other road characteristics 	<ul style="list-style-type: none"> A significant amount of effort and research are required to develop an accurate and meaningful Legal Status of Roads Map. Not a formal legal document with authority in cases of land use control or legal liability claims Records may not agree on road characteristics; map will not settle disputes 	<ul style="list-style-type: none"> Provides a tool for local land use control, particularly as related to ANR, subdivision and strip development. Provides a formal, authoritative graphic depiction of locally accepted ways and parks. Identifies ownership of all ways within a municipality. Establishes official road distances and functional classes, road and park layouts or locations, other characteristics 	<ul style="list-style-type: none"> A significant amount of effort and research are required to develop and maintain an accurate and meaningful Official Map. The map must be amended & updated, with public hearings before the Select Board, each time a new way is added, discontinued or modified (M.G.L. Chap. 41, Sec. 81F). To be most effective, an Official Map needs to be reinforced by corollary actions such as the discontinuance of roads and local zoning by-law updates. Requires updating and reporting to Registry of Deeds and EOT if road and park characteristics change.

LEGAL STATUS OF ROADS TERMINOLOGY

In order to resolve the road status inconsistencies or questions identified on a Status of Roads map, the BRPC generally recommends that Towns pursue corollary affirmative actions. Many of these actions must be taken up by the Select Board and some may need to be approved by Town Meeting vote. Typically the actions requiring approval at Town Meeting can be laid out in a series of articles in the Town Warrant. (See Example Town Warrants in Appendix A). These actions (described below and in Table 2) will make certain that the statuses of roads in question are clarified and on record before Official Map adoption.

Discontinuance by Town Meeting vote under M.G.L. Chap. 82, Sec. 21 completely ends the public right of passage along a road or way: the Town ends all legal responsibility for the road's maintenance and its liability for use. In most cases, the discontinued road can no longer serve as frontage or access for development of land abutting the discontinued road, including strip or frontage development and Approval Not Required (ANR) development under the Subdivision Control Law (Chap. 41, Sec 81K-

* *Discontinuing Town and County Roads* by Franklin County Council of Government's Land Use Planner Lynn Rubinstein and Alexandra Dawson, Esq. (Highlands Communities Initiative, 2003, p. 9) notes that "the inclusion or omission of a way from an official map does not make it public or private or discontinue it." In other words, an Official Map, though legally powerful, may not be the be all and end all where other incontrovertible road status records exist.

81GG). Depending on the Town's zoning by-laws and subdivision regulations, new development *can only occur* along land abutting a discontinued road via the full subdivision approval process, which gives the Town much greater control over the proposed development. Discontinuance is thus an important tool in controlling 1) legal responsibility and liability and 2) growth management.

Discontinuance of maintenance under M.G.L. Chap. 82, Sec. 32A is a relatively new law (approved May 27, 1983) and has yet to be extensively interpreted by the courts. BRPC's present understanding is that this action results in the cessation of the Town's responsibility for maintenance and liability for use of the road (so long as the road is adequately posted as not maintained), but the road remains a public way with a public right of passage, and with the potential for strip and ANR development. Discontinuance of maintenance in Section 32A is a Select Board action intended for roads that have become "abandoned and unused for ordinary travel and that the common convenience and necessity no longer requires said town way...to be maintained in a condition reasonably safe and convenient for travel...."

Statutory private ways are unique to Massachusetts. They are actually public roads, with public right of passage, but no responsibility by the Town for maintenance. Maintenance is provided by the abutters. This is a good option for the Select Board if it is unclear that the road in question meets the "unused for ordinary travel" requirements of M.G.L. Chap. 82, Sec. 32A but the Town wants to end maintenance and legal liability obligations for the road.* In practice, the Select Board can recommend discontinuing the road in question by Town Meeting vote, and then lay it out as a statutory private way and recommend the Town vote to accept it as such at the same Town Meeting. According to a Massachusetts Supreme Judicial Court ruling (*Casagrande v. Town of Harvard*, 1979), statutory private ways are not considered sufficient for public access under the Subdivision Control Act, and therefore cannot be used as frontage for ANR lots or strip development. It is up to local interpretation of Town zoning and subdivision regulations to determine whether statutory private ways meet the public access requirements for the full subdivision approval process. In some cases, statutory private ways may have to be laid out again and accepted at Town Meeting as full-fledged Town roads, with public right of passage and maintenance.

Laying out or altering ways is prescribed by M.G.L. Chap 82, Sec. 21. A Select Board can add or alter roads, either public roads with maintenance or statutory private ways that may not appear on any map or that may have been discontinued or discontinued for maintenance but that the Town now requires for "ordinary travel."

Table 2 (next page) summarizes the procedures required to enact these various legal road actions.

For a fuller explanation of legal road status procedures, refer to *Discontinuing Town and County Roads* by Lynn Rubinstein and Alexandra Dawson, Esq. published in 2003 by the Highlands Communities Initiative.

* NOTE: Towns can re-establish maintenance of a statutory private way or a portion of one by town ballot vote (M.G.L. Chap 40, Sec. 6D) or by a Town-wide by-law (M.G.L. Chap 40, Sec. 6N).

TABLE 2. PROCEDURES FOR ALTERING LEGAL ROAD STATUSES

LEGAL ACTION	PROCEDURE
Discontinuance	<ol style="list-style-type: none"> 1) Place a warrant article on the Town Meeting Warrant, following regular warrant article posting requirements (M.G.L. Chap. 39, Sec. 10) 2) If discontinuing a road before adoption of the Official Map, then the Planning Board must be allowed 45 days before the Town Meeting, if necessary, in which to comment and report to the meeting concerning the advisability of discontinuing the road in question (M.G.L. Chap. 41, Sec. 81 G-I). After adoption of the Official Map, Planning board review is not required, though the discontinuance must be noted on the Official Map (M.G.L. Chap. 41, Sec. 81H). 3) If the road in question is within 500 yards of an abutting Town, the Town of New Marlborough must hold a public hearing, notifying the Select Board of the abutting Town and publishing notice of the hearing in a local newspaper. The Select Board of the abutting Town must also give written approval of the discontinuance. If after 90 days the abutting Town does not concur with the proposed discontinuance, the Town of New Marlborough can request in writing that the Commissioner of MassHighway approve the discontinuance and proceed with the Town Meeting vote. No public hearing is required for roads more than 500 yards from an abutting Town. (M.G.L. Chap. 82, Sec. 21) 4) Vote at Town Meeting <ul style="list-style-type: none"> ▪ If the road in question was established by easement or if the road passes over Town land acquired for any purpose, a simple majority vote is required. (M.G.L. Chap. 82, Sec. 21) ▪ If the road in question was established by eminent domain vote, and the land under it acquired in fee by eminent domain, the road can be discontinued by majority vote but the land must be “abandoned” by two-thirds majority vote (M.G.L. Chap. 40, Sec. 15), otherwise the right of way will no longer allow public access but a strip of publicly owned land will remain. The warrant article can combine these two actions, if the Town sees fit, and the land will revert to the abutters at the right-of-way centerline if approved.
Discontinuing Maintenance	<ol style="list-style-type: none"> 1) The Select Board must call a public hearing to discuss the proposed discontinuance of maintenance and post notice in a local newspaper once in each of two successive weeks, the first publication not less than 14 days before the hearing. 2) The Town must notify by registered mail, return receipt requested, all property owners abutting the affected road. 3) After the public hearing, the Select Board determines that the road has become “abandoned and unused for ordinary travel and that the common convenience and necessity no longer requires said town way...to be maintained in a condition reasonably safe and convenient for travel...” (M.G.L. Chap. 82, Sec. 32A) 4) If the Select Board approves the discontinuance of maintenance, the road must be clearly posted that it is no longer maintained and that travel is at an individual’s risk. The road does, however, remain open to public travel.
Statutory Private Ways	<ol style="list-style-type: none"> 1) The Select Board can lay out a way as a statutory private way and bring it before the town for approval by Town Meeting majority vote, just like any other road. 2) In cases where the Select Board would like to cease maintenance responsibility and legal liability for a road but cannot reach the decision under M.G.L. Chap 82, Sec. 32A that the road has been “abandoned and unused for ordinary travel...,” the Town could vote to discontinue the road by Town Meeting vote and (usually in the succeeding warrant article) approve a Select Board layout of the way as a statutory private way, thereby relieving the Town of the obligation of maintenance but retaining public access. 3) M.G.L. Chap. 86, Sec. 1 requires the Town to install permanent markers at the termini and angle points of a road layout. Absent these monuments, a new survey will be required for the new laying out.

NOTE ABOUT THE TERMS “ABANDONED” AND “CLOSED”

Under Massachusetts General Laws, the terms “discontinue,” “close,” and “abandon” do not mean the same thing legally. As described above, discontinuance ends the public right of access along a road; the right-of-way ceases to exist legally and all land uses requiring public access along that discontinued portion of the road, such as Approval Not Required (ANR) subdivision development, disappear. In cases where the term “closed” is used, it is assumed that the term was intended to mean more or less the same thing as “discontinue”—that is, the cessation of legal public right of access. But it must be stipulated that Massachusetts General Laws do not define “closed” as they do “discontinued,” and therefore the designation “closed” may be subject to legal challenge.

“Abandonment” likewise has no official definition in Massachusetts General Laws. Though the Town of New Marlborough may have voted at past Town Meetings to “abandon” roads, the Town has, according to current Massachusetts statutes, taken an indefinite, potentially challengeable legal position on the status of those roads. In most cases, the intent of the abandonment was most likely either to cease the Town’s responsibility for maintenance along a road or part of it or to discontinue the right of way altogether. As described above, M.G.L. Chap. 82, Sec. 32A requires that the Town vote to “discontinue maintenance” for roads that the Select Board has deemed “abandoned and unused for ordinary travel...” Where the Town intended to cease both maintenance and the public right of passage, M.G.L. Chap. 82, Sec. 21 requires that the Town vote to “discontinue” a Town way. The term “closed” does not appear in Massachusetts General Laws and should therefore not be used in establishing official road status changes.

ABANDONED ROADS AND ANR DEVELOPMENT

The Boston Globe has reported cases in other Massachusetts towns, notably Marshfield, where developers are actively seeking roadways that may be unused, or “abandoned,” but that were never legally discontinued. Developers have claimed that such roads provide legitimate access for “approval not required” subdivisions, which a Planning Board must endorse so long as local zoning bylaws and subdivision regulations are met, as laid out in the Subdivision Control Law. “Abandoned” roads in New Marlborough may therefore present land use quandaries if their status is not clarified legally before a developer approaches the Planning Board with an ANR subdivision plan. Affirmative road status actions and adoption of the Official Map should, according to MGL Chap. 41, Sec. 81E-I, clear up the statuses of any roads in question. The Planning Board should refer to the adopted Official Map when assessing all future development applications.

PAPER ROADS

Paper roads are roads that have been laid out and approved by the Select Board and/or Planning Board, often as subdivision roads, but were never in fact built. They may be drawn into approved subdivision plans or on an Assessor’s Map, but they do not exist on the ground. Paper roads can cause Town officials, abutters, developers, planners and others significant headaches if land claims or development rights or right-of-way debates come down to determining a definite legal status for one of these phantom roads. Town officials have a couple of options for dealing with paper roads, depending on how they were initially laid out. If a paper road was originally laid out as a Town Accepted road and the Town does not wish to use and maintain the right-of-way, the Town can discontinue the road by majority Town Meeting vote. (If the road in question was established by eminent domain vote, and the land under it acquired in fee by eminent domain, the road can be discontinued by majority vote but the land must be “abandoned” by two-thirds majority vote (M.G.L Chap. 40, Sec. 15), otherwise the right of way will no longer allow public access but a strip of publicly owned land will remain.) If, on the other hand, the Town does wish to use and maintain the paper road in question, the Select Board can lay it out again and it can be approved as a Town Accepted road at Town Meeting vote. Of course, the options of discontinuing maintenance or laying out the paper road as a statutory private way, as described in Table 2 (above), are also available.

If a paper road was laid out in a subdivision plan approved by the Planning Board—that is, if the road in question is a private subdivision way (and was never a Town Accepted road)—the Planning Board can rescind the subdivision plan, modify the roads so that their lay out conforms to existing conditions, and then reapprove the amended subdivision plan with the paper roads removed. BRPC recommends that a Planning Board identify all of the paper road amendments to be made in a given subdivision, then rescind the subdivision plan, modify each of the paper roads and reapprove the amended plan all at once. This method was recommended as one possible solution by former Mass. Dept. of Housing and Commonwealth Development Principal Land Use Planner Don Schmidt. In the Town of New Marlborough's case, there are few examples of paper roads or incomplete housing subdivisions that are commonplace in some other communities. If the Planning Board does act on any paper roads, it should notify the DHCD, EOT, MassHighway, the Registry of Deeds, Town Counsel and perhaps nearby property owners of all changes.

PRELIMINARY SURVEY OF ROADS

The BRPC will present the Town of New Marlborough with a Town orthomap (see Map 1), a high-quality aerial photograph of the Town of New Marlborough depicting a GIS overlay of roads listed in the 2004 MassHighway Road Inventory File (RIF). The roads are color-coded according to jurisdiction (e.g. MassHighway, Town Accepted, Private, Unaccepted or Unknown). The BRPC then compared the roads shown on the orthomap with roads shown on the last revision (1988) of the County Engineer's *Map of Berkshire County* (see Map 2) and in the latest *Official Arrow Street Atlas of Western Massachusetts* (2004 edition; see Map 3). All inconsistencies in location, distance, naming and status were cataloged. Several roads on the County Engineer's map were labeled "abandoned for use" or "discontinued by vote." Normally, the BRPC would verify the records of these road status changes by looking up any County Commissioners' Book and Page citations shown on the Engineer's Map at the Registry of Deeds in Pittsfield, MA. However, the Engineer's Map did not cite County Commissioners' records for any roads in New Marlborough shown as "abandoned" or "discontinued."

INVENTORY OF WAYS

In preparing the Town of New Marlborough Status of Roads Map, the BRPC assembled Table 3, a comparative inventory of all documented roads and ways within the Town of New Marlborough. The table gives a comprehensive overview of the status of all New Marlborough roads known or identified in the following sources: 1) the 2006 *Executive Office of Transportation - Office of Transportation Planning* Road Inventory File (EOT RIF). 2) the County Engineer's *Map of Berkshire County*, 3) the 2004 *Official Arrow Atlas of Western Massachusetts*, 4) the January 1, 1996 revision of the Town of New Marlborough Assessor's Map, and 5) Town of New Marlborough records. Table 3 attempts to account as thoroughly as possible for discrepancies in road names, road locations, and road distances. Mileages shown in the table are derived either from EOT RIF data, from Town of New Marlborough records, or from GIS digital measurement. The table includes a brief note for every road listed. Some characteristics (e.g. accepted road names, accepted road distances, specific locations or endpoints) were indeterminable from information available to BRPC. In some cases, clarifying the status of a road may require some official action by the Planning Board, the Select Board, by Town Meeting vote or some combination of each.

This road-by-road analysis should answer most of the questions about how roads, road names, and road legal status designations ended up on or off the Status of Roads Map and why. It also provides an action plan for resolving questions of road status in the Town of New Marlborough and for clarifying inconsistencies in the record. It should be emphasized that if Town of New Marlborough officials intend to pursue an Official Map, they should act on the recommendations in Table 3 before the Official Map comes up for adoption at Town Meeting. Of course, many of the recommendations are sound planning actions generally. Recommendations that call for Select Board or Town Meeting action provide much of the language Town officials can use when drawing up Select Board motions or Town Meeting warrant articles. (See the model Official Map Town Meeting Warrant and Minutes in Appendix A at the end of the report.)

In addition to the printed version of Table 3 included in this report, the BRPC has provided the Town with an MS Excel® version of the Table for ongoing monitoring and updating. The Table may be used as a running database of the legal statuses of all roads in the Town of New Marlborough, and should be updated whenever new roads are added, old roads are discontinued, new subdivisions are approved—whenever any road status changes occur in the Town. Only then will it serve as an effective tool of the Planning Board, Select Board, Assessor, Department of Public Works and Town Counsel, among others.

DRIVEWAYS / PRIVATE ROADS / STATUTORY PRIVATE WAYS

It was not always clear whether certain roads listed in Table 3 should be deemed 1) driveways (and therefore left off an Official Map) or 2) private roads without public right of access or 3) statutory private ways *with* public right of access. There is no statutory definition distinguishing a common driveway shared between multiple residences and a private road providing access to several residences. The distinction is significant here because driveways do not appear on Official Maps, and private roads do, and generally driveways cannot provide frontage for ANR subdivision development, while private roads can, provided local zoning, bylaw and construction requirements are met. In accordance with MGL Chapter 41, Section 81E (the statute that defines Official Maps), the BRPC and other planning institutions treat ways “used in common by more than two owners” as private roads, not shared driveways.

If the Town of New Marlborough pursues an Official Map, it would also have to distinguish between regular private roads, which are maintained and legally controlled by abutters while *restricting* public access, and so-called statutory private ways, maintained and legally controlled by abutters while *allowing* public access (see definition above). In the cases where public right of access is unrestricted but the road in question is owned and maintained by private abutters, the recommendations call for the Select Board to lay out such roads as “statutory private ways” under M.G.L. Chap. 82, Sec. 21 and for the ways to be so designated on the Town’s Official Map and all future maps. Ultimately, the decision to lay out a private way as a statutory private way is at the discretion of the Select Board and of Town Meeting voters.

OFFICIAL MAP FOLLOW THROUGH

Notifying Appropriate Agencies

If the Town of New Marlborough adopts an Official Map at Town Meeting, M.G.L. Chapter 41, Section 81E requires that a copy of the map and official certification of its adoption be registered with the Registry of Deeds in Pittsfield, MA. Also, whenever changes to road names and locations are enacted, Town of New Marlborough officials should 1) task the municipal Department of Public Works to make corresponding changes to road signs, if necessary, and 2) notify EOT* of the adoption of all road status changes. The Executive Office of Transportation Office of Transportation Planning posts instructions for updating the status of roads in its Road Inventory File (RIF) at <http://www.eot.state.ma.us/default.asp?pgid=content/plan03&sid=about> (see Appendix C for a sample of the “New Road Entry Form For Road Inventory File” available for download in PDF format at the website). The measures recommended in Table 3 and the statuses shown on the Official Map will be most effective if road signs and road maps produced by other agencies are changed accordingly. BRPC has provided DHCD and EOT with a copy of the Status of Roads Map included in this report and with updated Road Inventory File information, but it is the responsibility of the Town to keep those agencies up to date on all future matters related to road status in the Town of New Marlborough.

*note: in 2006, the agency responsible for updating the RIF data changed from MassHighway to the Executive Office of Transportation, Office of Transportation Planning

Possible Zoning By-Law or Subdivision Regulation Amendments

During the 2002-2004 EO418 Community Development Planning process, it came to the attention of BRPC planners that the issue of development fronting on roads of debatable legal status has been and may continue to be an issue in Berkshire towns for many years. The BRPC hopes that this report and the Town of New Marlborough's use of its Status of Roads Map (or Official Map, if pursued) may preclude much of the confusion surrounding such decisions.

The thorny issue of ANR development on roads of questionable status is often of extreme interest to towns. Town Counsels throughout the region have asked BRPC staff about whether a way in existence when the subdivision control law (M.G.L. Chap. 41, Secs. 81K-GG) went into effect can satisfy the frontage requirement for ANR approval purposes if, in the opinion of the Planning Board, the way is of "sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon." In effect, the way need not be a public way and it need not be a way shown on a subdivision plan. BRPC staff have subsequently confirmed that this is true, according to M.G.L. Chap. 41, Sec. 81M, as long as local zoning requires nothing more than "adequate access." If development is proposed on a road that has been discontinued, the Planning Board can grant building permits for lots fronting on the way *so long as* the local ordinances governing frontage requirements—that is, zoning by-laws or local subdivision regulations—do not require frontage on a "public way" and the way in question provides adequate access for emergency vehicles.*

In other words, Massachusetts General Laws give precedence in road-related development decisions to local zoning by-laws and subdivision regulations and places the decision to allow ANR development in the hands of the municipal Planning Board, which must decide if a proposal meets the requirements of those local ordinances (e.g. access of sufficient width, suitable grades, adequate construction, etc.) BRPC recommends that the Town of New Marlborough Planning Board and Town Counsel confirm their understanding of how the Town's current zoning bylaws define a street required for development frontage. If the current zoning bylaws include all the categories of Sec. 81L, including the "way in existence" provision, ANR subdivision development is still possible in the Town of New Marlborough along discontinued roads or any way that may have been in existence before subdivision control, so long as the Planning Board deems those ways in compliance with the local frontage requirements. The Planning Board could establish greater control over strip or subdivision development in the Town of New Marlborough if it amends the zoning bylaws to require sufficient frontage and adequate access on a "public way." This would make discontinued roads, which by definition are no longer "public ways," unavailable to ANR development and would force new development fronting on roads of questionable status into the full subdivision approval process, over which towns have much more control. As Lynn Rubinstein and Alexandra Dawson, Esq. point out in *Discontinuing Town and County Ways*, however, "ANR is a commonly used development technique...that many small landowners rely upon for lower development costs of land. The full subdivision approval process can be quite lengthy and expensive. The ANR route is much quicker, simpler, and thus cheaper."

The Town of New Marlborough Planning Board should amend its zoning bylaws *only if*, in the Board's thorough consideration, the benefits of greater development control outweigh the costs of greater development expense and administration.

* According to the "Around the Commonwealth" column in the September 2003 *Beacon*, the Massachusetts Appeals Court ruled in July 2003 that public roads, including "abandoned" public roads, must be passable by emergency vehicles at the time of application for development on abutting land. The court decision makes accessibility by emergency vehicles at the time of application the determining factor in denying an "approval not required" (ANR) endorsement, as outlined in the Subdivision Control Law (M.G.L. Chapter 81, Sections K-GG). Development of the land in question in Leverett, MA would have required the Town to rebuild a road no longer in use, a cost the Town did not want to bear.

Record Keeping

The BRPC recommends that Town of New Marlborough officials attach to this report any Planning Board or Select Board decisions and Town Meeting minutes so that there is a clear and cohesive record of which recommendations in Table 3 were enacted and which were not. As status changes are made, the MS Excel® version of Table 3 provided on the CD-ROM of this report should be updated to maintain an accurate and current record of the status of all roads in the Town of New Marlborough. BRPC recommends that, whenever possible, a digital scan of any document relevant to changes in road status be saved in the same Town computer directory with the MS Excel® Road Catalog.

REFERENCE

Dawson, Alexandra, Esq. and Lynn Rubinstein. *Discontinuing Town and County Roads*. Massachusetts Department of Public Works and the Highlands Communities Initiative, 2004.

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
Aberdeen Lane	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment ID 268536	✓ (Sheet 402)	1.02 mi	<i>Private Road</i> Notify EOT of Name for Segment ID
Note: Aberdeen Lane runs approximately 1.02 miles in a loop N from Knight Road in the NW corner of New Marlborough near both the Great Barrington and Sheffield town lines. The Town Assessor's Map shows Aberdeen Lane as a subdivision road of undefined width serving Parcels 12-17 & 19-28 on Sheet 402. The Executive Office of Transportation, Office of Transportation Planning Road Inventory File (EOT RIF) lists the road Segment ID as 268536 but does not name the way. The Town of New Marlborough should notify EOT of the name of the road, and determine whether Aberdeen Lane was ever accepted as a town road.								
Adsit Crosby Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as County Road	Town Accepted (1.30 mi)	✓ (Sheets 105, 401 & 402)	1.30 mi	Town Accepted as Adsit Crosby Road Clarify name & classification of Segment ID 268600 ("Adsit Crosby Road" v. "Hartsville-Mill River Road") for EOT
Note: Adsit Crosby Road runs 1.30 mi SE from Mill River-Great Barrington Road to Hartsville-New Marlborough Road, intersecting Hartsville-Mill River Road both to the N and the S. The Assessor's Map (Sheets 105, 401 & 402) shows Adsit Crosby Road as a Town Way of undefined width. The EOT RIF lists Adsit Crosby Road as Segment IDs 268534, 268684, 268692, 268704, 268948, 268949 & 268972, all under Town jurisdiction; it lists the portion of Adsit Crosby Road between the N & S Hartsville-Mill River Road intersections (Segment ID 268600) as part of Hartsville-Mill River Road, not Adsit Crosby Road. BRPC recommends that if Segment ID 268600 can be assigned to only one road name, it should go to Adsit Crosby Road, not Hartsville-Mill River Road. The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road. See Hartsville-Mill River Road.								
Adsit Crosby Road Connector	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (1.30 mi)	✓ (Sheet 402)	1.30 mi	Town Accepted as Adsit Crosby Road Connector
Note: Adsit Crosby Road Connector runs 0.10 mi NE from Adsit Crosby Road to the northward extension of Hartsville-New Marlborough Road. The Assessor's Map (Sheet 402) shows the road as a Town Way of undefined width; it does not distinguish the road by name from Adsit Crosby Road or Hartsville-Mill River Road. The EOT RIF lists the way as "Adsit Crosby Road Connector" (Segment ID 268664) under Town jurisdiction. The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road. If no name assignment change is required, no action is required for Adsit Crosby Road Connector.								
Alum Hill Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as County Road	Listed Unnamed as Segment IDs 268679, 268680 & 268681	✓ (Sheet 414)	0.31 miles	Town Accepted as Alum Hill Road Clarify name "Alum Hill Road" v. "Upton Corners Road" for EOT
Note: Alum Hill Road runs ENE from the Sheffield-New Marlborough town line to Clayton-Mill River Road, intersecting Shunpike Road to the N. It appears on the County Engineer's Map as a County Road (County Commissioners' Book 7, Page 260). In accordance with the disbandment of County government in 2000, the road reverted to								

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	Town ownership, jurisdiction and liability. The EOT RIF lists the road as "Upton Corners Road" in three (3) different segments (IDs 295310, 295321, 295322, 295326-295328), all listed under Town jurisdiction. BRPC recommends updating the EOT RIF to designate those segments as Alum Hill Road. The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road. See Upton Corners Road.							
Amory Lane	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment ID 268929	✓ (Sheet 414)	0.05 mi	Private Road Notify EOT of Name for Segment ID
	Note: Amory Lane runs approximately 0.05 mi in a small cul-de-sac loop at the end of a residential road crossing over the New Marlborough line from the Town of Sheffield. The Assessor's Map shows Amory Lane as a 50'-wide Private Way cul-de-sac serving Parcels 70-73 on Sheet 414 (the road itself appears as Parcel 72). The Executive Office of Transportation, Office of Transportation Planning Road Inventory File (EOT RIF) lists the road Segment ID as 268929 but does not name the way. The Town of New Marlborough should notify EOT of the name of the road.							
	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment IDs 268915, 268916, 268917	✓ (Sheet 416)	0.42 mi	Private Road Notify EOT of Name for Segment IDs, Consider designating W branch (Segment ID 268917) as either driveway or Statutory Private Way
Berkshire Woods Road	Note: Berkshire Woods Road runs approximately 0.42 mi SE from Campbell Falls Road to a dead end just west of the Whiting River and just N of the Town of North Canaan, CT line. The Assessor's Map shows Berkshire Woods Road as a 50'-wide dashed-line right-of-way running through Parcels 29, 31-36 on Sheet 416; a branch of the road leads W as part of Parcel 37 on Sheet 416. The Executive Office of Transportation, Office of Transportation Planning Road Inventory File (EOT RIF) lists the main part of the road unnamed as Segment IDs as 268915 & 268916; the branch to the W is listed unnamed as Segment ID 268917. BRPC recommends that if the western branch of Berkshire Woods Road (EOT RIF Segment ID 268917) serves only one residence—or even two—that it be considered a driveway, not a road. The Town of New Marlborough should notify EOT of the name for Segment IDs 268915 & 268916 and of any decision to designate Segment ID 268917 either 1) part of Berkshire Woods Road, 2) a road by its own name, or 3) simply a driveway that should not be listed in the EOT RIF under its own Segment ID. If the Town decides that EOT RIF Segment ID 268917 should be a separate named road, the Town should consider discontinuing the way as "Berkshire Woods Road" by Town Meeting vote and having the Select Board lay it out under another name as a Statutory Private Way, with public access and ANR development eligibility but with maintenance and liability by the private abutters. From BRPC's orthomap and the Assessor's Map, the way appears to be fully contained within a single parcel; BRPC therefore recommends that it be deemed a driveway, not a Statutory Private Way.							
Brewer Branch Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as "Brewer Branches Road" (Town Road)	Town Accepted (1.64 mi)	✓ (Sheet 409)	1.64 mi	Town Accepted as Brewer Branch Road
	Note: Brewer Branch Road runs 1.64 mi W from the Town of Sheffield line to Clayton-Mill River Road, intersecting Juniper Hill Road to the S and Brewer Hill Road to the N & S. The Assessor's Map shows Brewer Branch Road as a Town Way of undefined width serving Parcels 36-41, 51-53, 58-64 & 117-128 on Sheet 409. The road appears on the County Engineer's Map as a Town Road named "Brewer Branches Road". The EOT RIF shows the road as "Brewer Branch Road" as Segment IDs 268571, 268611, 268867 & 268868 totaling 1.64 mi in length, all listed under Town jurisdiction. No action is required for Brewer Branch Road.							
Brewer Hill Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (2.47 mi)	✓ (Sheets 408, 409 & 414)	2.47 mi	Town Accepted as Brewer Hill Road

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	Note: Brewer Hill Road runs 2.47 mi SE from the Town of Sheffield line to Clayton-Mill River Road, intersecting Rote Hill Road to the W, Sisson Hill Road to the E & Brewer Branch Road to the E & W. The Assessor's Map shows Brewer Hill Road as a Town Way of undefined width serving Parcels 1-12 on Sheet 408, Parcels 40-51, 63-69, 71-76, 80-86, 88, 89, 113, 114, 116 & 117 on Sheet 409, and Parcels 108-117 & 120 on Sheet 414. The road appears on the County Engineer's Map as a Town Road. The EOT RIF shows Brewer Hill Road as Segment IDs 268569, 268625-268629, 268686, 268687, 268701 & 268705 totaling 2.47 mi in length, all listed under Town jurisdiction. No action is required for Brewer Hill Road.							
Cagney Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (0.63 mi)	✓ (Sheets 409 & 410)	0.63 mi	Town Accepted as Cagney Road
	Note: Cagney Road runs 0.63 mi S then NE from Canaan-Southfield Road to Rhoades & Bailey Road just E of Umpachene Falls. The Assessor's Map shows Cagney Road as a Town Way of undefined width serving Parcels 7-12 on Sheet 409 and Parcels 68-82 on Sheet 410. The road appears on the County Engineer's Map as a Town Road. The EOT RIF shows Cagney Road as Segment ID 268682 totaling 0.63 mi in length, listed under Town jurisdiction. No action is required for Cagney Road.							
Calkins Cross Road	Town of New Marlborough	Town of New Marlborough	Shown as "Caulkins Cross Road"	Shown as "Calkins Road" (Town Road)	Town Accepted (0.38 mi)	Shown as "Caulkins Cross Road" (Sheets 409 & 410)	0.38 mi	Town Accepted as Caulkins Cross Road Clarify name "Calkins Cross Road" v. "Caulkins Cross Road" for EOT
	Note: Calkins Cross Road, or Caulkins Cross Road, runs 0.38 mi E from Mill River-Great Barrington Road to Hartsville-Mill River Road. The Assessor's Map shows the way, named "Caulkins Cross Road," as a Town Way of undefined width serving Parcels 44-50 & 59-61 on Sheet 403. The road appears on the County Engineer's Map as a Town Road named "Calkins Road". The EOT RIF shows "Calkins Cross Road" as Segment IDs 268537, 268538 & 268700 totaling 0.38 mi in length, all listed under Town jurisdiction. The Town of New Marlborough should notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Campbell Falls Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (1.91 mi)	✓ (Sheet 416)	1.91 mi	Town Accepted as Campbell Falls Road
	Note: Campbell Falls Road runs 1.61 mi E then SE from Cross Road to Canaan Valley Road to Norfolk Road, intersecting Canaan Valley Road to the S & N, Berkshire Woods Road to the S, and the Town of Norfolk, CT line (twice) at the N end of Campbell Falls State Park. The Assessor's Map shows Campbell Falls Road as a Town Way of undefined width serving Parcels 7-9, 19, 21-23, 24.1-24.3, 25, 26, 28-37 & 39 on Sheet 416. The road appears on the County Engineer's Map as a Town Road. The EOT RIF shows Campbell Falls Road as Segment IDs 268617, 268618, 268693, 268918, 268919 & 268688 totaling 1.79 mi in length, all listed under Town jurisdiction. The EOT RIF currently lists Segment ID 268688 as "Valley Road" though general usage for this way is Campbell Falls Road. Also, the EOT RIF currently designates Segment ID 268647 as part of Canaan Valley Road exclusively, though it is clearly part of Campbell Falls Road also. The Town of New Marlborough should notify EOT of the proper name assignment for Segments 268688 & 268647 and verify that all signage is consistent with the designations.							
Canaan Southfield Road	Town of New Marlborough/ MassHighway	Town of New Marlborough/ MassHighway	✓	Shown partly as Town Road, partly as State Road	MassHighway (0.29 mi) Town Accepted (5.65 mi)	✓ (Sheets 409, 410, 414, 415)	5.94 mi (Total)	MassHighway & Town Accepted as Canaan Southfield Road Clarify names of EOT Segments "Old

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
								Turnpike Road" & "Clayton Mill River Road" v. "Canaan Southfield Road" for EOT
<p>Note: Canaan Southfield Road runs a total of 5.94 mi E then NNE from the Sheffield-North Canaan, CT-New Marlborough line to Norfolk Road, intersecting Hillside Lane to the N, Clayton Mill River Road to the NW, Cross Road to Canaan Valley Road to the NW & SE, Konkapot Road to the W, Hadsell Street to the N, Cagney Road to the S (twice), Lambert Cross Road to the N, Keyes Hill Road to the E, Foley Hill Road to the S, Keyes Hill Road (again) to the W, and River Road to the N & S. The Assessor's Map shows Canaan Southfield Road as a right-of-way of undefined width. The road appears on the County Engineer's Map near the Sheffield-North Canaan, CT-New Marlborough line as an unnamed State Road, then continues N as a Town Road, with the exception of a small portion between Keyes Hill Road and River Road (EOT RIF Segment ID 268592) shown as a County Road. In accordance with the disbandment of County government in 2000, that County portion reverted to Town ownership, jurisdiction and liability. The EOT RIF shows Canaan Southfield Road in sixteen (16) different segments (IDs 268589-268592, 268605, 268606, 268676, 268874, 268885, 268887, 268888, 268905, 268936, 268937, 268945 & 268946), all listed under Town jurisdiction; five (5) additional segments listed under other names—Old Turnpike Road (Segment ID 268695) & Clayton Mill River Road (Segment IDs 268924, 268953, 268669, listed under MassHighway jurisdiction, and Segment ID 268955, listed under Town of New Marlborough jurisdiction), totaling 0.54 mi—should also be included as part of Canaan Southfield Road. The Town of New Marlborough should notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.</p>								
Canaan Valley Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (2.25 mi)	✓ (Sheet 416)	2.25 mi	<p>Town Accepted as Canaan Valley Road</p> <p>Clarify name of EOT Segment 268647 "Campbell Falls Road" & "Canaan Valley Road" for EOT</p>
<p>Note: Canaan Valley Road runs 0.33 mi N from the Town of North Canaan, CT line to Campbell Falls Road, where it runs 0.12 mi E conjointly with Campbell Falls Road, then branches 2.07 mi NE and finally E to end at Norfolk Road, intersecting Old Cook Road to the NW & Foley Road to the N, a total of 2.25 mi. The Assessor's Map shows Canaan Valley Road as a right-of-way of undefined width serving Parcels 9, 11-20, 39, 42, 48, 50, 69-83 & 87-92 on Sheet 416. The road appears on the County Engineer's Map as a Town Road. The EOT RIF shows Canaan Valley Road as Segment IDs 268646, 268685, 268907, 268930 totaling 2.13 mi in length, all listed under Town jurisdiction. The EOT RIF lists the portion running conjointly with Campbell Falls Road (Segment ID 268647) exclusively under the name "Campbell Falls Road", a distance of approximately 0.12 mi. The Town of New Marlborough should notify EOT of the proper name assignment for Segment 268647 and verify that all signage is consistent with the designation.</p>								
Case Lane	Private Abutters	Private Abutters	✓	Not Shown	Not Listed (No ID)	✓ (Sheet 414)	0.33 mi	<p>Paper Road...</p> <p>Consider Discontinuance/ Statutory Private Way/Building Road as Laid Out</p>
<p>Note: Case Lane runs approximately 0.33 mi W from Norfolk Road to a dead end. The Assessor's Map shows Case Lane as a 50'-wide right-of-way serving Parcels 11, 14 & 15 on Sheet 413 (in the digitized Assessor's Map, the road itself appears to be an unnumbered parcel). The EOT RIF does not list a Segment ID for Case Lane nor show it in the GIS data layer. BRPC's orthomap and EOT's RIF GIS data layer show that no such way is built on the ground. Field work confirmed that there is no clearly marked way where Case Lane is supposed to be. As a "paper road," Case Lane represents a potential planning challenge. The Town of New Marlborough must start by</p>								

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
determining ownership of the road. If the parcel containing the road is owned privately, the parcel owner retains the right to build the road as originally laid out and approved by the Planning Board. If Case Lane was laid out as a private road to serve as access to Parcels 11, 14 & 15 on Assessor's Map 413, the abutters have jurisdiction over the way to the center line and retain the right to build the road as laid out and approved by the Planning Board. If the Town of New Marlborough owns the parcel, it has several options: 1) build the road as originally laid out by the Select Board; 2) discontinue the original Select Board layout of the road and have the Select Board lay it out again as a Statutory Private Way, permitting public right of access while transferring maintenance and liability obligations to the private abutters; or 3) officially discontinue the road by Town Meeting vote, returning the property (to the centerline) to the ownership, jurisdiction and private use of the abutters. The only option that precludes Approval Not Required (ANR) development is outright discontinuance. A developer would have to go through the full road layout or subdivision approval process, as if Case Lane had never existed.								
Caulkins Cross Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as "Calkins Road" (Town Road)	Shown as "Calkins Cross Road" Town Accepted (0.38 mi)	✓ (Sheets 409 & 410)	0.38 mi	Town Accepted as Caulkins Cross Road Clarify name "Calkins Cross Road" v. "Caulkins Cross Road" for EOT
Note: See Calkins Cross Road.								
Church Road	Town of New Marlborough	Town of New Marlborough	✓	Shown Unnamed as Town Road	Town Accepted (0.39 mi)	✓ (Sheets 107 & 108)	0.39 mi	Town Accepted as Church Road
Note: Church Road runs 0.39 mi E from Mill River Southfield Road just across from the Town Hall then S in a loop back to Mill River Southfield Road. The Assessor's Map shows Church Road as a Town Way of undefined width serving Parcels 52, 53 & 55-57 on Sheet 107 and Parcels 1-6 on Sheet 108. The way appears on the County Engineer's Map as an unnamed Town Road. The EOT RIF shows Church Road as Segment ID 268691, 0.39 mi in length listed under Town jurisdiction. No action is required for Church Road.								
Clark Way	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment ID 268965	✓ (Sheet 414)	0.09 mi	Private Road Notify EOT of Name for Segment ID
Note: Clark Way runs approximately 0.09 mi E from Clayton Mill River Road to a residential cul-de-sac in the SW corner of New Marlborough. The Assessor's Map shows Clark Way as a Private Way cul-de-sac of undefined width serving Parcels 46-50 on Sheet 414. The EOT RIF lists the road Segment ID as 268965 but does not name the way. The Town of New Marlborough should notify EOT of the name of the road.								
Clayton Mill River Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (5.20 mi)	✓ (Sheets 107, 108, 409, 414 & 415)	5.20 mi	Town Accepted as Clayton Mill River Road Notify EOT of correct name for Segment ID 268565
Note: Clayton Mill River Road runs 5.20 mi N from Canaan Southfield Road in the SW corner of New Marlborough to the intersection of Hayes Hill Road and Eighty Acres Road in Mill River village center, intersecting Alum Hill Road to the W and Rood Lane to the W. The EOT RIF currently lists Segment IDs 268669, 268924, 268953 &								

Table 3. Status of Roads in New Marlborough, MA 2005

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	268955 as part of Clayton Mill River Road; the general for each of those segments today is Canaan Southfield Road as shown on the Town Assessor's and Atlas Maps. The EOT RIF lists thirteen (13) as Clayton Mill River Road are Segment IDs 268582, 268583, 268584, 268585, 268586, 268799, 268800, 268801, 268892, 268903, 268912, 268963, and 268964. Additionally, Segment ID 268565 is listed as Hayes Hill and Branch Road, although it is accepted that this segment is part of Clayton Mill River Road. These designations were verified with the Assessor's and Atlas Maps. The Town of New Marlborough should notify EOT of the proper name assignment for Segment ID 268565 and verify that all signage is consistent with the designation.							
Corashire Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (0.32 mi)	✓ (Sheets 103, 104)	0.32 mi	Town Accepted as Corashire Road
	Note: Corashire Road runs NNE for 0.32 mi from Hartsville New Marlborough Road (Route 57) to the Monterey Town Line. The EOT RIF lists Segment ID 268526 for Corashire Road. The Town Assessor's map shows Corashire Road serving or partially serving Parcels 26-32 on Sheet 103 and Parcel 23 on Sheet 104. About 2/3 of parcel 23 fronts on Corashire Road, while 1/3 fronts on Hartsville New Marlborough Road. Similarly, parcel 26 is located between these two spurs of roadway with Corashire Road heading northeast and Hartsville New Marlborough Road oriented in a northwest direction. No action is required for Corashire Road.							
Corser Hill Road	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment IDs 268547 & 268548	✓ (Sheet 403)	0.26 mi	Private Road Notify EOT of Name for Segment ID
	Note: Corser Hill Road runs approximately 0.26 mi SE from County Road before arriving at a dead end. The road is located about 0.5 mi from the Sheffield town line. The Assessor's Map shows Corser Hill Road as a Private Way cul-de-sac of undefined width serving Parcels 8-15 on Sheet 403. The EOT RIF lists the road Segment IDs as 268526 and 268548, but does not name the way. The Town of New Marlborough should notify EOT of the name of the road, and should also determine whether Corser Hill Road was ever accepted as a town road.							
	Town of New Marlborough	Town of New Marlborough	✓	Shown as County Road (partially discontinued)	Town Accepted (1.68 mi)	✓ (Sheet 403)	1.68 mi	Town Accepted as County Road Notify EOT that the Segments listed in the Note are part of County Road.
County Road	Note: County Road runs 1.68 mi NW from Hartsville Mill River Road to the Sheffield Town Line traveling briefly on the Mill River Great Barrington Road in between. The section of County Road between Hartsville Mill River Road and Mill River Great Barrington Road is 0.70 mi and is identified as Segment ID 268656. This section shows up as a dotted line on both the Assessor's and Atlas Maps and borders parcels 68-75 and 56 as shown on sheet 403. From the BRPC orthomap, there appear to be no houses along this section of County Road. The section between Mill River Great Barrington Road and the Sheffield Town Line is 0.98 mi and is identified by EOT as Segment IDs 268639, 268640, 268641, 268642, 268744, 268645, and 268974. Sheet 403 of the Assessor's Map indicates that the following parcels abut or partially abut this section of County Road: 4-8, 15-17, 19, 25-32. In addition to these two sections of County Road, the County Engineer's Map shows a discontinued third section that connected Hartsville Mill River Road with Hartsville-New Marlborough Road (Route 57). This discontinued section of roadway has clearly fallen into disuse, but the faint outline of the former road remains visible on the digital orthomap. The other two sections are shown as County Road on the County Engineer's Map. In accordance with the disbandment of County government in 2000, the road reverted to Town ownership, jurisdiction and liability. EOT RIF currently lists Segment IDs 268639, 268640, 268641, 268642, 268744, 268645 as Mill River Sheffield Road, Segment ID 268974 as Mill River Great Barrington Road, and Segment ID 268656 for County Road. These segments were all determined to comprise County Road and will be reclassified to reflect these changes in the EOT RIF. The Town of New Marlborough should contact EOT to make sure these changes take effect in the EOT RIF. Additionally, The BRPC recommends that the town take another look at the section of County Road that connects Hartsville Mill River Road and Mill River Great Barrington Road. This section of County Road serves a single development located on Parcel 71. Since this section of County Road is essentially a driveway, BRPC recommends that if the Town does not actively maintain this section of road, it may consider voting at Town Meeting to discontinue maintenance of the way, or to formally discontinue the way and accept a Select Board layout of County Road as a Statutory Private Way, with public access and ANR development eligibility but with maintenance and liability by the private abutters.							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
Cross Road to Canaan Valley Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Shown as "Cross Road" Town Accepted (2.58)	✓ (Sheets 414, 415, 416)	2.58 mi	Town Accepted as Cross Road to Canaan Valley Road Notify EOT of Name Change from "Cross Road" to "Cross Road to Canaan Valley Road"
Note: Cross Road to Canaan Valley Road runs approximately 2.58 mi SSE from Konkapot Road to the Connecticut State Line. The road runs for a short time through Campbell Falls State Park. EOT RIF lists Segment IDs 268607, 268650, 268651, 268913, 268926, 268927 and 268938 as Cross Road to Canaan Valley Road. The Town Assessor's Map shows Cross Road to Canaan Valley Road as a Town Way of undefined width serving parcels 16-27, 30, 31, 34-37, 145, 146 on Sheet 414, parcels 1, 2, 6, 7 on Sheet 415, and parcels 43-56, 64-68 on Sheet 416. The Town of New Marlborough should notify EOT of the correct name of the road.								
Deerwood Drive	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment ID 268523 and 268524	✓ (Sheet 101)	0.12 mi	Private Road Notify EOT of Name for Segment ID
Note: Deerwood Drive runs in a loop for 0.12 mi both beginning and terminating at the Monterey Town Line near the shores of Lake Buel. The EOT RIF lists Segment IDs 268523 and 268524 for Deerwood Drive. The Town Assessor's Map shows Deerwood Drive as a private right-of-way of undefined width serving parcels 6-8 on Sheet 101. The digital orthomap shows one structure of unknown classification on parcel 7. The Town of New Marlborough should notify EOT of the name of the road.								
Deerwood Park	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment ID 268709	Shown Unnamed (Sheet 101)	0.11 mi	Private Road Notify EOT of Name for Segment ID
Note: Deerwood Park runs ESE 0.11 mi from the Deerwood Drive loop near the SW corner of Lake Buel to a dead end near Lake Road. The EOT RIF lists Segment ID 268709 for the right-of-way inferred to be Deerwood Park. The Town Assessor's Map shows an unnamed private right-of-way of undefined width serving parcels 8-11 on Sheet 101 stemming from the Deerwood Drive loop where Deerwood Park is located on the Atlas Map. The digital orthomap reveals developments on Parcels 9-11, but does not show a clearly defined roadway where the Deerwood Park R/W is located. The Town of New Marlborough should notify EOT of the name of the road.								
Downs Road	Private Abutters	Private Abutters	✓	Not Shown	Listed "Downs Road" with unspecified Segment ID or other attributes	✓ (Sheet 101)	0.23 mi	Private Road Notify EOT of Name for Segment ID
Note: Downs Road is a dead end private road that runs in an east-west orientation from Lake Road near Lake Buel for 0.23 miles. The current EOT RIF lists Downs Road, but does not include any of the standard attribute information or segment ID for the road. The Town Assessor's Map shows Downs Road as a private right-of-way of undefined width serving parcels 18-27 and 29-41 on Sheet 101. The digital orthomap confirms that a number of these parcels contain residences. The Town of New Marlborough should notify EOT of the name of the road and the need for the RIF to be updated.								
East Hill Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (3.36)	✓ (Sheets 110, 410, 411)	3.80 mi	Town Accepted as East Hill Road for portion laying outside of the

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
								Sandisfield State Forest, state forest accepted for portion within
<p>Note: East Hill Road runs E from Norfolk Road to the Sandisfield Town Line for approximately 3.36 mi. East Hill Road then turns N and returns to New Marlborough on two occasions in two sections that are under the jurisdiction of the State Forest. These two segments total 0.44 mi in length. EOT RIF lists thirteen (13) segments for East Hill Road under Town jurisdiction. These Segment IDs are 268593, 268667, 268668, 268697, 268703, 268852, 268853, 268857, 268865, 268876, 268877, 268879 and 268880. In addition, there are two unnamed road segments under State Forest jurisdiction listed as Segment IDs 268668 and 268697. Two road sections that lay almost entirely in State Forest land (Segment IDs 268668 and 268697) are listed by EOT as being under town jurisdiction. The Town Assessor's Map shows East Hill Road as a town way of undefined width serving parcels 1-6 and 8-12 on Sheet 110, 9-22 on Sheet 410, parcels 1-4, 7-10, 21, 22, 24, 25, 28, and 29 on Sheet 411. The Segment IDs 268668 and 268697 that are classified by EOT as being under State Forest jurisdiction do not appear on the Town Assessor's Map, but do appear as a narrow unpaved road on the digital orthomap. The Atlas Map shows East Hill Road jog North after crossing into Sandisfield through the Sandisfield State Forest and crossing back into New Marlborough for two short sections. Both the Town Assessor's and County Engineer's Maps do not show East Hill Road continuing after it crosses the Sandisfield Town Line. The digital orthomap confirms there is a narrow unpaved roadway that follows the same orientation as shown on the Atlas Map and labeled East Hill Road. The majority of this section of East Hill Road resides in Sandisfield. BRPC recommends the town of New Marlborough revisit the segments of East Hill Road that are on State Forest land and determine if the jurisdiction resides with the town or the State Forest.</p>								
Eighty Acres Road	Town of New Marlborough	Town of New Marlborough	Shown Unnamed (No name listed)	Shown Unnamed as Town Road	Listed Unnamed as Segment ID 268558	✓ (Sheets 107, 408)	0.12 mi	<p>Town Accepted as Eighty Acres Road</p> <p>Notify EOT of correct name for road</p>
<p>Note: Eighty Acres Road runs N 0.12 mi parallel to the Konkapot River from Hayes Hill Road to a dead end. The EOT RIF lists unnamed Segment ID 268558 of unknown jurisdiction for what is determined to be Eighty Acres Road. The Town Assessor's Map shows Eighty Acres Road as an unnamed town way of undefined width serving Parcels 21-26 on Sheet 107. The digital orthomap confirms that there are developments on Parcels 21-24. Field work confirmed that Eighty Acres Road is an unpaved way serving a couple houses. The Town of New Marlborough should notify EOT of the name of the road.</p>								
Ellen Drive	Private Abutters	Private Abutters	✓	Not Shown	Town Accepted (0.98)	✓ (Sheet 401)	0.98 mi	<p>Private Road,</p> <p>Notify EOT of Name for Segment IDs and the way's status as a Private Road;</p> <p>Consider declaring a statutory Private Way, or private way</p>
<p>Note: Ellen Drive runs in an east-west orientation in a loop from New Marlborough Road for 0.98 mi. EOT RIF lists Segment IDs 268732 and 268735 as Ellen Drive, but fails to list the connecting segment that completes the Ellen Drive loop. Sheet 401 of the Town Assessor's Map shows Ellen Drive as a private right-of-way of undefined width serving parcels 62-65. From the orthomap, Parcel 65 appears to be the only developed lot on Ellen Drive. Two of the three segments that comprise Ellen Drive in the EOT RIF are listed as being under town jurisdiction. Conversely, the Town Assessor's Map lists Ellen Drive as private road, which is the more likely classification for a road of this type. As a partial paper road, BRPC recommends that The Town of New Marlborough should take the necessary action to formally classify the road as either a Statutory Private Way if public right of access is desired or a Private Road if not. The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road.</p>								

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
Foley Hill Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (2.95)	✓ (Sheets 410, 413, 416)	2.95 mi	Town Accepted as Foley Hill Road Consider Discontinuance or Discontinuance for Maintenance on middle section of Foley Hill Road S of Harmon Pond
	Note: Foley Hill Road runs N from Canaan Valley Road and S from Canaan Southfield Road, but the available are not in agreement on whether Foley Hill Road is one continuous section of roadway or two segments that do not meet in the middle. The Atlas and Assessor's Maps show two separate road sections for Foley Hill Road that do not meet in the middle. The section originating from the south is shown to turn into a dashed line before arriving at a dead end. Meanwhile, the section originating from the north turns sharply toward the east before dead ending near Harmon Pond at the YMCA Camp Seqowea. The digital orthomap confirms the symbology shown on these two maps. On the other hand, the map generated from the EOT RIF and the County Engineer's map both show a continuous section of roadway for Foley Hill Road. The information contained in the digital orthomap does not appear to bear this determination out and instead shows the southern portion of Foley Hill Road gradually disappear and the north portion end abruptly shortly after turning sharply to the east. The EOT RIF lists 3 segments for Foley Hill Road with Segment IDs 268652, 268658 (1), and 268658 (2). In addition, there is one unnamed road segment (ID 268576) that BRPC determined to be the segment of the north portion of Foley Hill Road that turns sharply to the east. The Town Assessor's Map shows Foley Hill Road as a town way of undefined width serving parcels 53-58 and 62 on Sheet 410, 27-32 on Sheet 413, parcels 9, 11, 12, 78, 79 and 82-92 on Sheet 416. BRPC recommends that the Town of New Marlborough formally discontinue or discontinue for maintenance the section of the southern portion of Foley Hill Road that no longer appears to be in use. If the two portions of Foley Hill Road are to one day be reunited, the town right-of-way should be determined and retained.							
Goggins Hill Road	Private abutters	Private abutters	✓	Not Shown	Town Accepted (0.46)	✓ (Sheets 408, 409)	0.46 mi	Private Road Notify EOT of Need for Segment ID & Provide Name
	Note: Goggins Hill Road runs E 0.46 mi from Sisson Hill Road to Hayes Hill Road. EOT RIF lists Goggins Hill Road as Sisson Hill Branch Road, which is Segment ID 268660. The Town Assessor's Map shows Goggins Hill Road as partly a private way extending from Sisson Hill Road, and partly as a private right-of-way extending to Hayes Hill Road. The road serves Parcel 3 on Sheet 408 and Parcels 98 and 100 on Sheet 409. The Atlas Map does not show Goggins Hill Road connecting to Hayes Hill Road and instead has the road dead end where the Town Assessor's Map shows the road end and the right-of-way begin. The map generated from the EOT RIF does show Goggins Hill Road as a connecting road between Sisson Hill Road and Hayes Hill Road. The digital orthomap shows that while there may be a right-of-way that extends Goggins Hill Road to Hayes Hill Road, no such road currently exists. Field work confirmed that there is no clearly defined way stemming from Hayes Hill Road where Goggins Hill Road is thought to be located. The Town of New Marlborough should notify EOT of the name change for Goggins Hill Road and verify that all signage is consistent with this designation.							
Hadsell Street	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (1.52)	✓ (Sheets 409, 410)	1.52 mi	Town Accepted as Hadsell Street Notify EOT of Name Change from "Mill River Hadsell Road" to "Hadsell Street"
	Note: Hadsell Street runs SE 0.65 mi from Canaan Mill River Road to Canaan Southfield Road and then NE 0.87 mi from Canaan Southfield Road to Mill River Southfield Road for a total of 1.52 mi. EOT RIF lists Hadsell Street as Segment IDs 268698, 268699, 268857, and 268858. The RIF also lists Hadsell Street under the name Mill River							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	Hadsell Road, which includes Segment IDs 268644, 268645, and 268696 comprising the section of Hadsell Street that runs from Canaan Southfield Road to Mill River Southfield Road. The County Engineer's Map also names this section of roadway Mill River Hadsell Road, while the Atlas and Town Assessor's Maps identify it as Hadsell Street. Sheet 409 of the Town Assessor's Map shows Hadsell Street serving Parcels 1-5, 26-31, and 142-148. Sheet 410 shows Hadsell Street serving Parcels 131-136. The Town of New Marlborough should notify EOT of the name change of the aforementioned section of roadway from Mill River Hadsell Road to Hadsell Street and verify that all signage is consistent with this designation.							
Hartsville-Mill River Road	Town of New Marlborough	Town of New Marlborough	✓	Shown partly as Town Road; Partly as County Road	Town Accepted (3.42)	✓ (Sheets 102, 106, 402, 403, 408)	3.42 mi	Town Accepted as Hartsville- Mill River Road Notify EOT of the correct road name.
	Note: Hartsville-Mill River Road runs S 3.42 mi from Hartsville-New Marlborough Road (Route 57) to Mill River Great Barrington Road. The EOT RIF lists twelve (12) road segments under Town jurisdiction for Hartsville-Mill River Road: Segment IDs 268597, 268598, 268599, 268600, 268601, 268655, 268664, 268665, 268759, 268760, 268763, and 268764. The section of Hartsville-Mill River Road between County Road and New Marlborough Hill Road is listed as a County Road on the County Engineer's Map. In accordance with the disbandment of County government in 2000, this section of road reverted to Town ownership, jurisdiction and liability. EOT RIF Segment ID 268600 also contains Adsit Crosby Road. Ask EOT if both roads should get those two segments. If only one road can be assigned that Segment ID, it should probably go to Adsit Crosby Road, not Hartsville-Mill River Road. See Adsit Crosby Road.							
Hartsville-New Marlborough Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as County Road	Shown as "Hartsville Road" Town Accepted (3.89)	✓ (Sheets 103, 104, 401, 404, 407)	3.89 mi	Town Accepted as Hartsville-New Marlborough Road Notify EOT of the correct road name.
	Note: Hartsville-New Marlborough Road (State Route 57) runs SSE 3.89 mi from the Monterey Town Line to the New Marlborough Town Green where Route 57 becomes New Marlborough Sandisfield Road. The EOT RIF lists twenty-three (23) road segments under Town jurisdiction for Hartsville-New Marlborough Road under the name "Hartsville Road:" Segment IDs 268533, 268553, 268602, 268608, 268609, 268610, 268714, 268715, 268720, 268731, 268733, 268734, 268738, 268739, 268748, 268749, 268754, 268770, 268774, 268775, 268958, and 268961. Although Hartsville-New Marlborough Road is a State Numbered Route, it is listed under town jurisdiction and not under the jurisdiction of Mass Highway. The County Engineer's Map shows Hartsville-New Marlborough Road as a County Road. In accordance with the disbandment of County government in 2000, the road reverted to Town ownership, jurisdiction and liability. The Town of New Marlborough should notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Hatchery Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (0.72)	✓ (Sheets 104, 401)	0.72 mi	Town Accepted as Hatchery Road
	Note: Hatchery Road runs NNE for 0.72 mi roughly tracing the Konkapot River from Hartsville Road to the Monterey Town Line where it becomes River Road. EOT RIF lists Segment IDs 268653, 268654 (1), 268654 (2), 268725, and 268726 for Hatchery Road all under Town jurisdiction. The road appears on the County Engineer's Map as a Town Road. The Town Assessor's Map shows Hatchery Road as a town way of undefined width serving Parcels 30-34, 36, and 37 on Sheet 104, and Parcels 19-30 on Sheet 401. No action is required for Hatchery Road.							
Hayes Hill Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (2.03)	✓ (Sheets 107, 108, 408, 409)	2.03 mi	Town Accepted as Hayes Hill Road
	Note: Hayes Hill Road runs NE for 2.03 mi originating at Brewer Hill Road and terminating at Mill River Great Barrington Road. Hayes Hill Road is classified as a main road							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	on the Atlas Map and as Town road on the County Engineer's Map. Hayes Hill Road is comprised of eleven (11) EOT RIF segments all under Town jurisdiction: Segment IDs 268630, 268631, 268786, 268787, 268796, 268797, 268802, 268803, 268847, 268848 (1), and 268848 (2). The Town Assessor's Map shows Hayes Hill Road as a town way of undefined width serving Parcels 11, 12, 14-21, 26, 27, 45, and 46 on Sheet 107, Parcels 21, 29 on Sheet 108, Parcels 1, 2, 66-68 on Sheet 408, and Parcels 88-93, 95-98, 100-113 on Sheet 409. Field work determined that the bridge connecting Hayes Hill Road to Mill River Great Barrington Road is closed and appears to have been for some time. Segment ID 268630 represents the 0.09 mi section of road between Mill River Great Barrington Road and Eighty Acres Road, and contains the dysfunctional bridge. This area is accessible via the bridge on Mill River Southfield Road that is located about 0.2 mi S of the Hayes Hill Road crossing of Konkapot River. No further action is required for Hayes Hill Road.							
Hill Heights Road	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment ID 268552	✓ (Sheets 404, 407)	0.15 mi	Private Road Notify EOT of Name for Segment ID
	Note: Hill Heights Road is a short cul-de-sac that runs SW for 0.15 mi from New Marlborough Hill Road. Hill Heights Road does not appear on the County Engineer's Map. Hill Heights Road consists of one unnamed EOT RIF segment currently listed under Town jurisdiction: Segment ID 268552. The Town Assessor's Map shows Hill Heights Road as a private road of undefined width serving Parcel 1 on Sheet 404 and 83-87 Parcels 83-87 on Sheet 407. The digital orthomap shows at least three developments that abut Hill Heights Road. The town should notify EOT of the proper classification, and notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Hillingdon Road	Town of New Marlborough	Town of New Marlborough	✓	Not Shown	Listed as 'New Marlborough Branch Road' (Unaccepted) Segment IDs 268766, 268767 (1), 268767 (2)	✓ (Sheet 407)	0.94 mi	Town Accepted as Hillingdon Road Consider Discontinuance/ Statutory Private Way
	Note: Hillingdon Road runs W and SW for 0.94 mi originating from New Marlborough Branch Road just E of Church Cemetery, and terminating in a dead end within the Questing Reservation of Leffingwell Hill. Hillingdon Road is comprised of three (3) unaccepted EOT RIF segments: Segment IDs 268766, 268767 (1), and 268767 (2). The Town Assessor's Map shows Hillingdon Road as a town way of undefined width serving Parcels 14, 19-23, 25, 40-43, 63-71, 73-76, and 80 on Sheet 407, and as a 50' right-of-way continuing past Parcels 68 and 69 into Parcel 71 for a relatively short distance. The road essentially serves only Church Cemetery and the Questing Reservation, and no residences. As a result BRPC recommends the Town consider discontinuing the way by Town Meeting vote and having the Select Board lay it out as a Statutory Private Way, with public access and ANR development eligibility but with maintenance and liability by the private abutters. If the Town of New Marlborough wishes to maintain control over the road, it should notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Hillside Avenue	Town of New Marlborough	Town of New Marlborough	✓	Not Shown	Listed as Unnamed Segment IDs 268716 (1), 268716 (2)	✓ (Sheet 103)	0.33 mi	Town Accepted as Hillside Avenue
	Note: Hillside Avenue runs SSE alongside the southeastern shore of Lake Buel for 0.33 mi originating at the Monterey Town Line continuing where Laurel Banks ends and terminating in a dead end. Hillside Avenue appears as such on the Atlas Map, but does not appear on the County Engineer's Map. EOT RIF lists two unnamed segments under Town jurisdiction for Hillside Avenue: Segment IDs 268716 (1) and 268716 (2). The RIF's for the first and second segments respectively are 467212 and 287411. The Town Assessor's Map shows Hillside Avenue as an unnamed right-of-way of undefined width serving Parcels 8-17 and 19-22 on Sheet 103. The Town of New Marlborough should notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Hotchkiss Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (2.09)	✓ (Sheets 411, 412,	2.09 mi	Town Accepted as Hotchkiss Road

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
						413)		
	Note: Hotchkiss Road runs NNE for 2.09 mi originating at Norfolk Road and terminating at East Hill Road. Hotchkiss Road appears as such on the Atlas, County Engineer's, Town Assessor's, and EOT RIF Maps. EOT RIF lists three (3) road segments under Town jurisdiction for Hotchkiss Road: Segment IDs 268604, 268899, and 268900. The Town Assessor's Map shows Hotchkiss Road serving Parcels 25-27 and 29 on Sheet 411, Parcels 19-23 and 26-32 on Sheet 412, and Parcels 2-9 on Sheet 413. No action is required for Hotchkiss Road.							
Idle Hour Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (1.19)	✓ (Sheets 406, 411)	1.19 mi	Town Accepted as Idle Hour Road
	Note: Idle Hour Road runs in a North-South orientation for 1.19 mi between South Sandisfield Road and New Marlborough Sandisfield Road making up part of the western border of the Sandisfield State Forest. Idle Hour Road appears as such on the Atlas, County Engineer's, and EOT RIF Maps. The EOT RIF lists two road segments under Town jurisdiction for Idle Hour Road: Segment IDs 268836 and 268837. The Town Assessor's Map shows Idle Hour Road partly as a right-of-way of undefined width and partly as a road serving Parcels 3 and 10-12 on Sheet 406 and Parcels 14, 15, and 17 on Sheet 411. The digital orthomap confirms the Town Assessor's Map designation of where the road ends and the dashed right-of-way begins 0.35 mi from its origination at South Sandisfield Road. The segment of Idle Hour Road that is merely a right-of-way runs for 0.84 mi from New Marlborough Sandisfield Road and identified by Segment ID 268836. For the section of road identified as Segment ID 268837 by EOT, no further action is required. For the right-of-way identified by Segment ID 268836, please refer to Case Lane for the correct procedure of handling so-called 'paper roads.'							
Juniper Hill Road	Town of New Marlborough	Town of New Marlborough	✓	Not Shown	Listed as Unnamed Segment IDs 268870, 268871	✓ (Sheet 409)	0.27 mi	Town Accepted as Juniper Hill Road
	Note: Juniper Hill Road runs S for 0.27 mi originating from Brewer Hill Road and terminating in dead end. The EOT RIF lists two unnamed road segments for Juniper Hill Road: Segment IDs 268870 and 268871. The Town Assessor's Map shows Idle Hour Road as an unnamed 50 foot right-of-way cul-de-sac serving Parcels 49 and 53-58 on Sheet 409. The digital orthomap shows what appear to be residences on Parcels 49, 54, and 58, as well as a clearly defined roadway for Juniper Hill Road. The Town of New Marlborough should notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Keyes Hill Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as County Road	Town Accepted (0.53)	✓ (Sheet 410)	0.53 mi	Town Accepted as Keyes Hill Road
	Note: Keyes Hill Road runs in an east-west orientation for 0.53 mi as a linkage between Canaan Southfield Road and Lumbert Cross Road to the West and Canaan Southfield Road to the East. The EOT RIF lists four (4) road segments under Town jurisdiction for Keyes Hill Road: Segment IDs 268677, 268689, 268943 (1), and 268943 (2). The Town Assessor's Map shows Keyes Hill Road serving Parcels 96-100 on Sheet 410. The digital orthomap shows what appear to be residences on Parcels 97, 99, and 100, as well as a clearly defined roadway for Keyes Hill Road. The County Engineer's Map shows Keyes Hill Road as a County Road. In accordance with the disbandment of County government in 2000, the road reverted to Town ownership, jurisdiction and liability. No action is required for Keyes Hill Road.							
Knight Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as "Sheffield Cross Road" Town Road	Listed as 'Cross to Sheffield Road' (Town Accepted) (1.01)	✓ (Sheet 402)	1.01 mi	Town Accepted as Knight Road
	Note: Knight Road runs E for 0.53 mi from the East Mountain State Forest at the Sheffield Town Line to Mill River Great Barrington Road. The EOT RIF lists three (3) road segments under Town jurisdiction for Knight Road under the name 'Sheffield Cross Road': Segment IDs 268634, 268635, and 268636. The Town Assessor's Map shows Knight Road serving Parcels 1-7, 9-12, 24, 25, and 28-31 on Sheet 402. The digital orthomap shows residences on a number of these Parcels. The Town of New							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	Marlborough should notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Konkapot Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Listed as 'Konkapot Road' (Town Accepted) (0.88)	✓ (Sheet 414)	0.88 mi	Town Accepted as Konkapot Road
	Note: Konkapot Road runs NE for 0.88 mi from Clayton Mill River Road to Canaan Southfield Road. The EOT RIF lists five (5) road segments under Town jurisdiction for Konkapot Road under the name 'Konkapot Road': Segment IDs 268648, 268649, 268702, 268882, and 268883. The Town Assessor's Map shows Konkapot Road serving Parcels 38-41, 127-136, 138-145, and 153 on Sheet 414. The digital orthomap shows residences on some of these Parcels. The Town of New Marlborough should notify EOT of the misspelling of the road name.							
	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment IDs 268709 (1), 268709 (2), and 26709 (3)	✓ (Sheets 101, 402)	0.84 mi	Private Road Notify EOT of Name for Segment ID
Lake Road	Note: Lake Road consists of two sections of roadway that are perpendicular to one another: 1. Runs SE for 0.48 mi following roughly the shoreline of Lake Buel from Deerwood Drive to unknown terminus. 2. Runs S for 0.36 mi from Section 1 of Lake Road to Mill River Great Barrington Road. Lake Road does not appear on the County Engineer's Map. The EOT RIF lists three (3) unnamed road segments that make up Section 1 of Lake Road explained above: Segment IDs 268709 (1), 268709 (2), and 268709 (3). The EOT RIF's for these segments are 467412, 467368, and 441854. Section 2 of Lake Road described above does not appear in the EOT RIF and has been edited into the RIF by BRPC to reflect the information on both the Assessor's and Atlas Maps. The Town Assessor's Map shows Lake Road partly as a private road and partly as a private right-of-way of undefined width. The section that is established road is a small portion of the overall Lake Road designation, which consists mostly of private right-of-way. The entire Section 2 is private right-of-way as is the section from Downs Road to Deerwood Drive, which has two gaps on the Town Assessor's Map. The Town Assessor's Map shows the right-of-way portion of Lake Road serving Parcels 8-18 and 74-76 on Sheet 101, while the established private road portion serves Parcels 77-80 and 41-45 on Sheet 101. The private right-of-way is also shown to serve Parcels 48 and 49 on Sheet 402. The town should notify EOT of the proper classification, and notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Lakeside Road	Private Abutters	Private Abutters	✓	Not Shown	Listed as 'Gibson Road' Segment ID 268671 and Unnamed Segment ID 268670	✓ (Sheet 105)	0.26 mi	Private Road Notify EOT of Name for Segment ID 268670 and Name Change for Segment ID 268671
	Note: Lakeside Road runs NW 0.26 mi parallel to the SW shoreline of Lake Buel from Main Road to North Road and intersecting Middle Road in between. Lakeside Road turns into Underwood Road at the Main Road intersection. The EOT RIF lists two road segments that BRPC believes comprise Lakeside Road: Segment ID 268671 called 'Gibson Road' and Segment ID 268670, which is an unnamed road segment. The Town Assessor's Map shows Lakeside Road to be a private road serving Parcels 43-65 on Sheet 105. The digital orthomap shows most of the lakefront Parcels served by Lakeside Road to be developed. The EOT RIF lists Segment ID 268671 as falling under town jurisdiction, but this designation is contradicted by the Assessor's Map. All of the other subdivision roads in this area are private roads indicating that the Assessor's Map lists the correct designation. The Town should notify EOT of the proper classification for Lakeside Road, and notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Lawrence Avenue	Private Abutters	Private Abutters	✓	Not Shown	Not Listed	✓ (Sheets 101, 102)	0.15 mi	Private Road Notify EOT of Need for Segment ID & Provide Name

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	Note: Lawrence Avenue runs NW 0.15 mi near Lake Buel from dead end to a right-of-way ending near Downs Road. The EOT RIF does not list a segment for Lawrence Avenue. The Town Assessor's Map shows Lawrence Avenue as mostly a Private Road with a small section as a private right-of-way, all of undefined width. Lawrence Avenue serves Parcels 30-37, 39, and 47-59 on Sheet 101 and Parcels 5-7 on Sheet 102. The digital orthomap shows little development near Lawrence Avenue and fails to show a clearly defined roadway. There is enough evidence to assume that Lawrence Avenue is a private subdivision road and not merely a 'paper' road. The Town should notify EOT of the proper classification for Lawrence Avenue, and notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Leffingwell Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (1.00)	✓ (Sheet 415)	1.00 mi	Town Accepted as Leffingwell Road
	Note: Leffingwell Road runs NE for 1.00 mi from the Connecticut State Line to Canaan Valley Road. The EOT RIF lists one road segment under Town jurisdiction for Leffingwell Road, Segment ID 268633. The Town Assessor's Map shows Leffingwell Road as a public right-of-way of undefined width serving Parcels 2-6 on Sheet 415. The digital orthomap reveals a well-defined road along the Leffingwell right-of-way with development present on Parcels 2 and 4. No action is required for Leffingwell Road.							
Lumbert Cross Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (0.77)	✓ (Sheet 410)	0.77 mi	Town Accepted as Lumbert Cross Road
	Note: Lumbert Cross Road runs SSE for 0.77 mi originating near the top of Hadsell Street and terminating at the intersection of Canaan Southfield Road and Keyes Hill Road. The EOT RIF lists one road segment under Town jurisdiction for Lumbert Cross Road, Segment ID 268944. The Town Assessor's Map shows Lumbert Cross Road as a public road serving Parcels 94-96, 111-122, and 124-131 on Sheet 410. The digital orthomap confirms the presence a well-defined roadway accompanied by a modest amount of development. No action is required for Lumbert Cross Road.							
Main Road	Private Abutters	Private Abutters	✓	Not Shown	Listed as Unnamed Segment IDs 268528, 268531	✓ (Sheet 105)	0.21 mi	Private Road Notify EOT of Name for Segment ID
	Note: Main Road runs in a zigzag East-West orientation for 0.21 mi originating where Lakeside Road and Underwood Road meet and running W to a dead end terminus. The EOT RIF lists two unnamed road segments for Main Road, Segment IDs 268528 & 268531. The Town Assessor's Map shows Main Road as a short private road serving or partly serving Parcels 17, 18, 24, 25, and 43 on Sheet 105. The Assessor's Map only shows Main Road terminate at a 'Special District Limit,' but the map generated from the EOT RIF and the Atlas Map display Main Road as a longer roadway. The digital orthomap shows what appears to be an unpaved road tracing the path of Main Road from the shapefile generated by the EOT RIF. The orthomap also clearly shows Main Road serving the development on Parcels 20 and 21 on Sheet 105. The Town of New Marlborough should notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
Middle Road	Private Abutters	Private Abutters	✓	Not Shown	Not Listed (No ID)	✓ (Sheet 105)	0.04 mi	Private Road Notify EOT of need for Segment ID and Provide Name
	Note: Middle Road runs SW 0.04 mi from Lakeside Road through Pine Road to a dead end. The Town Assessor's Map shows Middle Road as a Private Road of undefined width serving or partially serving Parcels 30-32, 46, and 47 on Sheet 105. The digital orthomap does not reveal a well-defined road where one is displayed on the Atlas and Assessor's Maps, but there is development along the short corridor. BRPC recommends that the Town of New Marlborough notify EOT that Middle Road is an approved private road and provide its name.							
Mill River Great	Town of New	Town of New	✓	Shown as	Town Accepted	✓ (Sheets 101, 105,	4.45 mi	Town Accepted as

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
Barrington Road	Marlborough	Marlborough		Town Road	(4.45)	106, 107, 402, 403, 408)		<i>Mill River Great Barrington Road</i>
	Note: Mill River Great Barrington Road runs in a North-South orientation for 4.45 mi from the extreme NW corner of New Marlborough at the Sheffield Town Line in the North to Mill River Southfield Road in the South. The EOT RIF lists eighteen (18) road segments all under Town jurisdiction for Mill River Great Barrington Road: Segment IDs 268557, 268615, 268616, 268623, 268624, 268637, 268638, 268657, 268662, 268663, 268706, 268707, 268711, 268712, 268717, 268718, 268728, and 268729. No action is required for Mill River Great Barrington Road.							
Mill River Southfield Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (2.12)	✓ (Sheets 107, 108, 109, 107, 407, 410)	2.12 mi	Town Accepted as Mill River Southfield Road
	Note: Mill River Southfield Road runs SSE from Clayton Mill River Road to Hadsell Street and then E to the intersection with New Marlborough Southfield Road and Norfolk Road for a total distance of 2.12 mi. The EOT RIF lists twelve (12) road segments all under Town jurisdiction for Mill River Southfield Road: Segment IDs 268564, 268568, 268570, 268694, 268810, 268811, 268824, 268825, 268826, 268827, 268939, and 268941. No action is required for Mill River Southfield Road.							
New Marlborough Branch Road	Town of New Marlborough	Town of New Marlborough	✓	Shown Unnamed As Town Road	Town Accepted (0.50)	✓ (Sheet 416)	0.50 mi	Town Accepted as New Marlborough Branch Road Notify EOT of Name Change for Segment ID
	Note: New Marlborough Branch Road runs SE 0.31 mi branching off from Hartsville New Marlborough Road to the beginning of Hillington Road, and then runs E 0.19 to the New Marlborough Town Green where New Marlborough Southfield, New Marlborough Monterey, and South Sandisfield Roads all meet. The total distance of New Marlborough Branch Road is 0.50 mi. The Town Assessor's Map shows New Marlborough Branch Road as "New Branch Road" as a public road serving Parcels 63, 64, 74, 75, and 78-82 on Sheet 407. The digital orthomap shows developments on some of these parcels. The EOT RIF lists the road Segment IDs correctly as 268556 and 268661, and incorrectly as 268767 (1) and 268767 (2), all of which are named "New Marlborough Branch Road." The two segments identified as 268767 are actually part of Millington Road. The County Engineer's Map shows a Town Road, but fails to name the road. The Town of New Marlborough should notify EOT of the proper name assignment for the road and verify that all signage is consistent with this designation.							
New Marlborough Hill Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (1.30)	✓ (Sheets 404, 407)	1.30 mi	Town Accepted as New Marlborough Hill Road
	Note: New Marlborough Hill Road runs W 1.30 mi originating from Hartsville New Marlborough Road (Route 57) and terminating at Hartsville Mill River Road. The EOT RIF lists two (2) road segments under Town jurisdiction for New Marlborough Hill Road: Segment IDs 268621 and 268662. No action is required for New Marlborough Hill Road.							
New Marlborough Monterey Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (2.62)	✓ (Sheets 404, 407)	2.62 mi	Town Accepted as New Marlborough Monterey Road
	Note: New Marlborough Monterey Road runs NE 2.62 mi from Hartsville New Marlborough Road (Route 57) to the Monterey Town Line. The EOT RIF lists six (6) road segments under Town jurisdiction for New Marlborough Monterey Road: Segment IDs 268612, 268613, 268614, 268741, 268742, and 268957. No action is required for New Marlborough Monterey Road.							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
New Marlborough Sandisfield Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as County Road	Town Accepted (2.73)	✓ (Sheets 406, 407)	2.73 mi	Town Accepted as New Marlborough Sandisfield Road
Note: New Marlborough Sandisfield Road (State Route 57) runs E 2.73 mi as a continuation of Hartsville New Marlborough Road (Route 57) to the Sandisfield Town Line. The EOT RIF lists nine (9) road segments under Town jurisdiction for New Marlborough Sandisfield Road: Segment IDs 268594, 268595, 268596, 268673, 268674, 268675, 268780, 268781, and 268959. Although New Marlborough Sandisfield Road is a State Numbered Route, it is listed under town jurisdiction and not that of Mass Highway. New Marlborough Sandisfield Road is listed as a County Road on the County Engineer's Map. In accordance with the disbandment of County government in 2000, the road reverted to Town ownership, jurisdiction and liability. No action is required for New Marlborough Sandisfield Road.								
New Marlborough Southfield Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as County Road	Town Accepted (1.32)	✓ (Sheets 109, 407)	1.32 mi	Town Accepted as New Marlborough Southfield Road
Note: New Marlborough Southfield Road runs S 1.32 mi from the New Marlborough Town Green where New Marlborough Monterey and South Sandisfield Roads meet to the junction of Norfolk and Mill River Southfield Roads. The EOT RIF lists six (6) road segments under Town jurisdiction for New Marlborough Southfield Road: Segment IDs 268619, 268620, 268789, 268790, 268960, and 268973. New Marlborough Southfield Road is listed as a County Road on the County Engineer's Map. In accordance with the disbandment of County government in 2000, the road reverted to Town ownership, jurisdiction and liability. No action is required for New Marlborough Southfield Road.								
Norfolk Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (4.50)	✓ (Sheets 109, 110, 410, 413, 416)	4.50 mi	Town Accepted as Norfolk Road
Note: Norfolk Road runs S 4.50 mi from the intersection of New Marlborough Southfield and Mill River Southfield Roads to the Connecticut State Line. The EOT RIF lists seventeen (17) road segments under Town jurisdiction for Norfolk Road: Segment IDs 268587, 268588, 268652, 268841, 268842, 268850, 268861, 268862, 268890, 268894, 268895, 268896, 268902, 268921, 268922, 268931, and 268933. No action is required for Norfolk Road.								
North Road	Private Abutters	Private Abutters	✓	Not Shown	Not Listed	✓ (Sheet 105)	0.06 mi	Private Road Notify EOT of need for Segment ID and Provide Name
Note: North Road runs SW for 0.06 mi from Lakeside Road to a Dead End on the other side of Pine Road near Lake Buel. The Town Assessor's Map shows North Road as a private road of undefined width serving Parcels 40-42 and 55 on Sheet 105. The digital orthomap shows development of Parcel 40 that is also served by Pine Road, but does not show a visible road where North Road should be. North Road does not show up in the EOT RIF. The Town of New Marlborough should notify EOT of the existence and name of the road, and should also determine whether North Road was ever accepted as a town road.								
Old Cook Road	Town of New Marlborough	Private Abutters	✓	Shown Unnamed As Town Road 'Abandoned for Use'	Not Listed	✓ (Sheet 416)	0.59	Town accepted as Old Cook Road Consider Discontinuing/ Formally discontinuing maintenance on Old

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
								Cook Road
	Note: Old Cook Road runs E 0.59 mi from Rhodes and Bailey Road to Canaan Valley Road. The Town Assessor's Map shows Old Cook Road as a discontinued road of undefined width serving Parcels 59-61, 76 and 77 on Sheet 416. Old Cook Road appears as a dashed line on the Atlas Map signifying a road that may not be fit for ordinary vehicle traffic. The EOT RIF does not list a Segment ID for Old Cook Road. The digital orthomap does not show any development in Old Cook Road's vicinity, but does show what appears to be a faint dirt road for at least part of the roadway. The County Engineer's Map lists Old Cook Road as 'abandoned for use,' which is most likely synonymous with 'discontinued for maintenance.' BRPC recommends the Town of New Marlborough consider discontinuing the way for maintenance or discontinuing the way outright by Town Meeting vote. Since the entire road is contained in one Parcel and there appears to be no development abutting the road, or the existence of well-defined road for that matter, BRPC recommends that the way not become a Statutory Private Way, but instead be discontinued.							
Old Farm Road	Private Abutters	Private Abutters	Shown Unnamed	Not Shown	Not Listed	✓ (Sheet 105)	0.07 mi	Private Road Notify EOT of need for Segment ID and Provide Name
	Note: Old Farm Road runs SW 0.07 mi through Lakeside Road and Pine Road both originating and terminating in a dead end near Lake Buel. The Town Assessor's Map shows Old Farm Road as a private right-of-way of undefined width serving Parcels 29, 30, 45, 63, and 64 on Sheet 105. The digital orthomap reveals some development on these Parcels. Old Farm Road does not show up in the EOT RIF. The Town of New Marlborough should notify EOT of the existence and name of the road.							
Old Hitchcock Road	Town of New Marlborough	Town of New Marlborough	✓	Not Shown	Listed Unnamed as Segment ID 268721	✓ (Sheets 401, 404)	0.31 mi	Unknown Consider Discontinuing/ Formally discontinuing maintenance on Old Hitchcock Road
	Note: Old Hitchcock Road runs NW and W for an unknown distance from Old North Road to Hartsville New Marlborough Road. The current status of the Road, based on the best available information to the BRPC, is unclear. The Town Assessor's Map shows Old Hitchcock Road as two connecting sections: 1. A dashed line of common ownership sign, which does not signify a passable road or a right-of-way. 2. A right-of-way of undefined width. Section 2 serves 32, 52, 54 and 55 on Sheet 401 and Section 1 passes through Parcels 42, 45, and 48-52 on Sheet 401 and Parcels 49-52, 54, 62, and 64 on Sheet 404. The digital orthomap shows evidence of a road for Section 1, but no evidence was apparent for Section 2. The EOT RIF lists the road Segment ID as 268721, but does not name the way. The length of this section of roadway is 0.31 mi and corresponds to the right-of-way from the Assessor's Map defined as Section 1 above. The County Engineer's Map does not show Old Hitchcock Road. The Atlas Map shows Old Hitchcock Road in two unconnected sections: 1. Corresponding to Section 1 above, but unnamed. 2. Corresponding to Section 2 above and named 'Old Hitchcock Road.' BRPC recommends the Town of New Marlborough consider discontinuing the section of the road designated Section 2 above by Town Meeting Vote, and perhaps discontinuing Section 1 as well and having the Select Board lay it out as a 'Statutory Private Way,' or alternatively, discontinuing maintenance on Section 1.							
Old North Road	Town of New Marlborough	Private Abutters	✓	Shown As Town Road 'Abandoned for Use'	Listed Unnamed as Segment IDs 268539, 268542 & 268551	✓ (Sheet 404)	1.35 mi	Town accepted as Old North Road Consider Discontinuing and laying out as Statutory Private Way / Formally discontinue Maintenance on Old

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
								North Road
	Note: Old North Road runs N 1.35 mi from New Marlborough Monterey Road to the Monterey Town Line. The Town Assessor's Map shows Old North Road as a dashed line right-of-way of undefined width serving Parcels 68-78 on Sheet 404. The digital orthomap shows a single development on Parcel 68 and a faint dirt road tracing the path of Old North Road. Old North Road appears as a dashed line on the Atlas Map signifying a road that may not be fit for ordinary vehicle traffic. The EOT RIF lists the road Segment IDs as 268539, 268542, and 268551, but does not name the way. The County Engineer's Map lists Old North Road as 'abandoned for use,' which is most likely synonymous with 'discontinued for maintenance.' BRPC recommends the Town of New Marlborough consider having the Select Board go through the formal process of discontinuing maintenance on Old North Road, or discontinue the way by Town Meeting vote and having the Select Board lay it out as a Statutory Private Way, with public access and ANR development eligibility but with maintenance and liability by the private abutters. Old North Road does turn into Harmon Road at the Monterey Town Line, which indicates that the road has more value than just a driveway serving the development on Parcel 68.							
Old Turnpike Road	Private abutters	Private abutters	Not Shown	Not Shown	Listed Unnamed as Segment ID 268956	Not Shown	0.01 mi	Private Road Consider Discontinuing Old Turnpike Road
	Note: Old Turnpike Road runs SE 0.01 mi from the intersection of Canaan Southfield Road, Sodom Road, and Clayton Mill River Road to the Connecticut State Line where it continues as Old Turnpike Road into New Canaan. Old Turnpike Road does not appear on the County Engineer's, Atlas, or Town Assessor's Map, and only extends for 20 meters from the border of Connecticut. Like Sodom Road, Old Turnpike Road is clearly a Connecticut road that crosses however briefly into Mass. BRPC recommends that the Town of New Marlborough formally discontinue this small section of roadway by Town Meeting vote. The Town should also notify EOT that Old Turnpike Road has been discontinued in New Marlborough.							
Peter Menaker Road	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment IDs 268527 & 268532	✓ (Sheets 102, 105, 402)	0.78 mi	Private Road Notify EOT of Name for Segment ID
	Note: Peter Menaker Road runs in a loop from Mill River Great Barrington Road for approximately 0.78 miles near Lake Buel. The Town Assessor's Map shows Peter Menaker Road as a private road of undefined width serving Parcels 1-4, 18-24 & 27-29 on Sheet 102, Parcels 1-8 on Sheet 105, and Parcels 51-57 on Sheet 402. The digital orthomap shows that a number of these parcels have been developed primarily with large estate-type residences. The EOT RIF lists the road Segment IDs as 268527 and 268532, but does not name the way nor does it describe the jurisdiction the road falls under. The Town of New Marlborough should notify EOT of the name of the road, and should also determine whether Peter Menaker Road was ever accepted as a town road.							
Pine Road	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment ID 268529	✓ (Sheets 105, 402)	0.21 mi	Private Road Notify EOT of Name for Segment ID
	Note: Pine Road runs approximately 0.21 mi parallel to Lakeside Road between North Road and Main Road. The Town Assessor's Map shows Pine Road as a private road of undefined width serving Parcels 25-30, 32-40 & 42-53 on Sheet 105. The digital orthomap shows that a number of these parcels have been developed. The EOT RIF lists the road Segment ID as 268529 but does not name the way nor does it describe the jurisdiction the road falls under. The Town of New Marlborough should notify EOT of the name of the road.							
Pine Street	Private Abutters	Private Abutters	✓	Not Shown	Not Listed	✓ (Sheet 101)	0.11	Private Road Notify EOT of Name for Segment ID
	Note: Pine Street runs 0.11 mi N and E from Lake Road to a dead end. The Town Assessor's Map shows Pine Street as a Private subdivision road of undefined width							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	serving or partly serving Parcels 45, 46, 55, 56, 61-72, and 76 on Sheet 101. The EOT RIF does not list any segments for Pine Street. The digital orthomap shows developments on a number of the Parcels and some evidence of a roadway. The Atlas Map shows Pine Street. The Town of New Marlborough should notify EOT of the existence and name of the road.							
Red Fox Road	Private abutters	Private abutters	Not shown	Not shown	Shown unnamed as	Not shown	0.55	Private Road Notify EOT of Name for Segment ID
	Note: Red Fox Road runs S .55 mi from New Marlborough Sandisfield Road to South Sandisfield Road. Red Fox Road was originally approved by the New Marlborough Planning Board as a cul-de-sac subdivision beginning at South Sandisfield Road. The digital orthomap shows developments on a number of parcels, and some evidence of a roadway. The EOT RIF does not list any segments for Red Fox Road. The Town of New Marlborough should verify that Red Fox Road was never accepted as a road at town meeting, as well as notify EOT of the proper name assignment for the private road.							
Rhoades & Bailey Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (2.97)	✓ (Sheets 410, 413, 415, 416)	2.97 mi	Town Accepted as Rhoades & Bailey Road
	Note: Rhoades & Bailey Road runs S 2.97 mi from the intersection of Canaan Southfield Road, Lumbert Cross Road and Keyes Hill Road to Cross to Canaan Valley Road. The EOT RIF lists four road segments under Town jurisdiction for Rhoades & Bailey Road: Segment IDs 268603, 268666 (1), 268666 (2), and 268934. Rhoades & Bailey Road appears as a public way on Sheets 410, 413, 415, and 416 of the Town Assessor's Map. No action is required for Rhoades & Bailey Road.							
River Road	Town of New Marlborough	Town of New Marlborough	✓	Shown partly as County Road and partly as Town Road	One segment listed as "Norfolk Road Branch" Segment ID 268678 Town Accepted (1.09)	✓ (Sheets 110, 410)	1.09 mi	Town Accepted as River Road
	Note: River Road runs in a north-south orientation for a total of 1.09 mi in two sections: 1. Runs S 0.73 mi from Mill River Southfield Road to Canaan Southfield Road. 2. Runs SE 0.36 mi from Canaan Southfield Road to Norfolk Road. The EOT RIF lists two road segments under Town jurisdiction for River Road: Section 1 described above is listed as River Road and has Segment ID 268659 and Section 2 is listed as "Norfolk Road Branch" and has Segment ID 268678. River Road appears as a public way on Sheets 110 and 410 of the Town Assessor's Map. The section of River Road between Mill River Southfield Road and Keyes Hill Road is shown as a County Road on the County Engineer's Map. In accordance with the disbandment of County government in 2000, the road reverted to Town ownership, jurisdiction and liability. The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road identified by Segment ID 268678.							
Rood Lane	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment ID 268962	Not Shown (Sheet 414)	0.04 mi	Private Road Consider Discontinuing Rood Lane & Laying out as a Statutory Private Way
	Note: Rood Lane runs W 0.04 mi from Clayton Mill River Road across from Clark Way to a dead end. The EOT RIF lists one road segment under unknown jurisdiction for Rood Lane, Segment ID 268962. The Town Assessor's Map does not show Rood Lane, but it would serve Parcels 83-86 on Sheet 414. The digital orthomap reveals a							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	clearly defined roadway for Rood Lane serving a number of developments. Rood Lane appears to be a continuation of the Private Road, Clark Way. For this reason, BRPC recommends the Town of New Marlborough discontinue Rood Lane and have the Select Board lay it out as a Statutory Private Way and bring it before the town for approval by Town Meeting majority vote.							
Rote Hill Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (0.00)	✓ (Sheet 409)	0.00 mi	Town Accepted Consider Discontinuing Rote Hill Road by Town Meeting vote
	Note: Rote Hill Road runs from Sheffield where it has the same name toward Sisson Hill Road in New Marlborough. The EOT RIF lists one road segment under Town jurisdiction for Rote Hill Road (Segment ID 343552), but the length of the segment is an inconsequential 0.006 meters. The Town Assessor's Map shows Rote Hill Road as a discontinued public way on Sheet 409. The digital orthomap does not show a clearly defined roadway for Rote Hill Road. BRPC recommends the Town of New Marlborough Discontinue Rote Hill Road by Town Meeting vote. The Town should also notify EOT that Rote Hill Road has been discontinued in New Marlborough.							
Shea Lane	Town of New Marlborough	Town of New Marlborough	✓	Not Shown	Listed as "Sheas Lane" Town Accepted (0.08)	✓ (Sheet 107)	0.08 mi	Town Accepted as Shea Lane
	Note: Shea Lane is a short dead end road that runs E for 0.08 mi originating from Mill River Great Barrington Road. The EOT RIF lists one road segment under Town jurisdiction for Shea Lane, Segment ID 268708. The Town Assessor's Map shows Shea Lane as a public way serving Parcels 28-31 on Sheet 107. The digital orthomap reveals three developments abutting Shea Lane, but two of the developments also abut Mill River Great Barrington Road, which may serve as the primary access point. The Town of New Marlborough should notify EOT of the proper name assignment for the road.							
Shunpike Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Listed as "Upton Corners Road" Segment ID 268690	✓ (Sheet 414)	0.21 mi	Town Accepted as Shunpike Road Notify EOT of correct Segment ID (268690) for Shunpike Road
	Shunpike Road runs SE 0.21 mi from the Sheffield Town Line to Upton Corners Road. The EOT RIF lists Segment ID 268690 as "Upton Corners Road," but BRPC determined this to be the section of Shunpike Road that falls outside Sheffield and inside New Marlborough. The Town Assessor's Map shows Shunpike Road as a Town way serving Parcels 65, 66, and 74-76 on Sheet 414. The digital orthomap confirms that these Parcels contain established developments. The Town of New Marlborough should notify EOT of the proper name assignment and Segment ID for the road.							
Sisson Hill Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as Town Road	Town Accepted (2.97)	✓ (Sheets 403, 408, 409)	2.97 mi	Town Accepted as Sisson Hill Road
	Note: Sisson Hill Road runs E from Brewer Hill Road to Goggins Hill Road and then runs NNE to Mill River Great Barrington Road for a total of 2.97 mi. The EOT RIF lists six (6) road segments for Sisson Hill Road: Segment IDs 268968, 268969 (1), 268969 (2), 268970 (1), 268970 (2), and 268971 all under Town jurisdiction. The Town Assessor's Map shows Sisson Hill Road partly as a public road and partly as a public right-of-way. Sisson Hill Road serves Parcels 1-4 on Sheet 403, Parcels 3-8, 12, 13, 15-24, 30-36, 38, 40-52, and 82 on Sheet 408, and Parcel 80 on Sheet 409. The section of Sisson Hill Road that is merely a right-of-way does not have an established							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	roadway along it as evidenced by the digital orthomap. This section of Sisson Hill Road meets the criteria for a 'paper road' and can be treated as such (See: Case Lane), but no further action is required by the Town of New Marlborough for the other portions of Sisson Hill Road.							
Sodom Road	Private abutters	Private abutters	Not Shown	Not Shown	Listed Unnamed as Segment ID 268954	Not Shown	0.01 mi	Private Road Consider Discontinuing Sodom Road by Town Meeting vote
	Note: Sodom Road runs S 0.01 mi from the intersection of Canaan Southfield Road, Old Turnpike Road, and Clayton Mill River Road to the Connecticut State Line where it continues as Sodom Road into New Canaan. The EOT RIF lists Sodom Road as unnamed Segment ID 268954. Sodom Road does not appear on the County Engineer's, Atlas, or Town Assessor's Map, and only extends for 10 meters from the border of Connecticut. Like Old Turnpike and Rote Hill Roads, Sodom Road is clearly a road from outside New Marlborough, but crosses briefly into the town. BRPC recommends that the Town of New Marlborough consider formally discontinuing this tiny section of road by Town Meeting vote. The Town should also notify EOT that Sodom Road has been discontinued in New Marlborough.							
South Sandisfield Road	Town of New Marlborough	Town of New Marlborough	✓	Shown as County Road named "New Marlborough South Sandisfield Road"	Town Accepted (3.62)	✓ (Sheets 406, 407, 411, 412)	3.62 mi	Town Accepted as South Sandisfield Road
	Note: South Sandisfield Road runs SE for 3.76 mi from New Marlborough Sandisfield Road to the Sandisfield Town Line where the road becomes Sandy Brook Turnpike. The EOT RIF lists ten (10) road segments named New Marlborough – South Sandisfield Road for South Sandisfield Road: Segment IDs 268783, 268793, 268794, 268834, 268844, 268845, 268855 (1), 268855 (2), 268951, and 268952 all under Town jurisdiction. The County Engineer's Map shows South Sandisfield Road as a County Road named New Marlborough South Sandisfield Road. In accordance with the disbandment of County government in 2000, the road reverted to Town ownership, jurisdiction and liability. The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road.							
State Highway 57	Town of New Marlborough	Town of New Marlborough	✓	Shown as County Road	Town Accepted (6.62)	✓ (Sheets 103, 104, 401, 404, 406, 407)	6.62 mi	Town Accepted
	Note: Please see the two sections of Route 57 in New Marlborough: New Marlborough Sandisfield Road and Hartsville New Marlborough Road.							
Steeple Top Road	Private Abutters	Private Abutters	✓	Shown Unnamed as Town Road "Abandoned for Use"	Listed Unnamed as Segment ID 268757	Not Shown (Sheet 406)	0.83	Private Abutters Notify EOT of Name for Segment ID/ Consider Discontinuing Steeple Top Road by Town Meeting vote
	Note: Steeple Top Road runs E 0.83 mi from New Marlborough Sandisfield Road to a dead end near Hartnett Pond. The Town Assessor's Map shows the development (not on a numbered Parcel) that abuts Steeple Top Road, but does not show the road itself. The digital orthomap shows this same development and a clearly defined roadway for Steeple Top Road. The County Engineer's Map shows Steeple Top Road as a Town Road that has been "Abandoned for Use," which in current legal							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	terminology translates to "discontinued for maintenance." The County Engineer's Map lists no citation for such action. The EOT RIF lists one unnamed segment for what BRPC has determined to be Steeple Top Road: Segment ID 268757. From the digital orthomap, it appears that Steeple Top Road is a <i>de facto</i> single driveway in a contiguous parcel that also serves as an access point to Hartnett Pond. BRPC recommends the Town of New Marlborough Select Board consider at least discontinuing maintenance of the way and possibly consider a formal discontinuance by town meeting vote.							
Stratford Road	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment IDs 268573 & 268578	✓ (Sheets 411 & 412)	0.90 mi	<i>Private Road</i> Notify EOT of Name for Segment ID
	Note: Stratford Road circles Windemere Lake for 2.95 mi originating where Windemere Drive ends and running counterclockwise around the lake before terminating at Windemere Drive. The Town Assessor's Map and the Atlas Map show Stratford Road running only halfway around the lake and terminating near the SE corner of the lake in a dead end. The Town Assessor's Map shows Stratford Road as a private road serving Parcels 2-18 on Sheet 412. The EOT RIF lists two (2) segments for Stratford Road: Segment IDs 268573 and 268578, which are unnamed with the jurisdiction listed as 'Unknown.' The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road.							
Stump Road	Private abutters	Private abutters	✓	Shown unnamed as "town road abandoned for use"	Listed Unnamed as segment ID's 268546 and 268747	Not shown	1.31 mi	<i>Private Abutters</i> Consider Discontinuance
	Note: Stump Road runs 1.31 mi from New Marlborough Monterey Road to the Sandisfield border, where it appears to be fairly well traveled. The digital orthomap does not show any development of parcels on the Road. It appears that several improvements to Stump Road, including a likely bridge replacement, would need to be undertaken before it could ever be practically used. Stump Road is shown on The County Engineer's Map as a Town Road that has been "Abandoned for Use," which in current legal terminology translates to "discontinued for maintenance." BRPC recommends the Town of New Marlborough Select Board consider a formal discontinuance by town meeting vote.							
Tamaridge Road	Private Abutters	Private Abutters	✓	Not Shown	Listed as "New Marlborough Branch Road" Segment ID 268643, and Unnamed Segment IDs 268559, 268561, 268562, and 268566	Not Shown (Sheet 407)	0.90 mi	<i>Private Road</i> Notify EOT of Name for Segment IDs; Clarify name "New Marlborough Branch Road" v. "Tamaridge Road" for EOT
	Note: Tamaridge Road runs 0.90 mi WSW originating from New Marlborough Southfield Road and terminating in a dead end with a series of driveways leading to three developments as evidenced on the digital orthomap. The Town Assessor's Map does not show Tamaridge Road. The Atlas Map clearly shows Tamaridge Road with a landmark – Kolburne School – neighboring the roadway. The digital orthomap confirms the presence of the school and a well-defined roadway of the orientation and placement shown as Tamaridge Road on the Atlas Map. The EOT RIF lists five (5) segments for what BRPC has determined to be Tamaridge Road: Segment ID 268643 is called "New Marlborough Branch Road" with the jurisdiction listed as 'Unaccepted,' and Segment IDs 268559, 268561, 268562, and 268566 are all unnamed with the jurisdiction listed as 'Unknown.' BRPC recommends updating the EOT RIF to designate all Segment IDs listed above as Tamaridge Road. Since Tamaridge Road serves a public school, at least the portion of Tamaridge Road leading to the school should be designated as a Town Accepted road. The remainder of Tamaridge Road serves three developments that appear as outlines of buildings on Parcel 61 of Sheet 407 of the Town Assessor's Map. Without an updated Assessor's Map, it is difficult to say for sure how this section of Tamaridge Road should be classified. The first section of Tamaridge Road (Segment ID 268562) along with the two short spurs (Segment IDs 268559, 268561) that connect to New Marlborough-Southfield Road is 0.13 miles in length and serves the School described above. BRPC recommends the Town of New							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	Marlborough lay out this section of Tamaridge Road as public way, and the Town lay out the remaining portion of Tamaridge Road as a Statutory Private Way.							
Underwood Road	Private Abutters	Private Abutters	✓	Shown as "Gibson Road"	Listed as "Gibson Road" Segment ID 268672 Town Accepted	✓ (Sheets 104, 105 & 402)	0.28 mi	Private Road Notify EOT of Name for Segment ID; Clarify name "Gibson Road" v. "Underwood Road" for EOT
	Note: Underwood Road runs 0.28 mi NW originating from Hartsville Mill River Road and merging into Lakeside Road near Lake Buel. The Town Assessor's Map shows Underwood Road as a subdivision road serving Parcels 1-6 on Sheet 104 and Parcels 13-17 on Sheet 105. The Assessor's Map also shows Underwood Road as falling just outside or abutting a Special District Limit boundary labeled LB, ostensibly for 'Lake Buel.' The Atlas Map confirms the orientation, placement and name of Underwood Road. The EOT RIF lists Underwood Road (Segment ID 268672) under the erstwhile designation, "Gibson Road" as a Town accepted road. The digital orthomap reveals a well-established road with some development adjacent to the roadway. BRPC recommends updating the EOT RIF to designate Segment ID 268672 as Underwood Road, as well as taking the necessary action to formally classify the road as either a Statutory Private Way if public right of access is desired or a Private Road if not. The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road.							
Upton Corners Road	Town of New Marlborough	Town of New Marlborough	Not Listed (Shown as "Alum Hill Road")	Shown as County Road named "Alum Hill Road"	Listed Unnamed as Segment IDs 268679, 268680 & 268681	✓ (Sheet 414; shown as "Alum Hill Road")	0.31 mi	Town Accepted as Alum Hill Road Clarify name "Alum Hill Road" v. "Upton Corners Road" for EOT; Consider Town Meeting vote to discontinue name "Upton Corners Road"
	Note: Upton Corners Road is listed as the road name for EOT RIF Segment IDs 268679, 268680 & 268681, running 0.31 mi ENE from the Sheffield-New Marlborough town line to Clayton-Mill River Road, intersecting Shunpike Road to the N. All other records refer to this road as "Alum Hill Road". BRPC recommends updating the EOT RIF to designate those segments as Alum Hill Road. The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road. As an abundance of precaution, the Town may consider voting at Town Meeting to formally discontinue the way as "Upton Corners Road" and accept it formally as "Alum Hill Road". See Alum Hill Road.							
Valley Road	Town of New Marlborough	Town of New Marlborough	Not Listed (Shown as "Campbell Falls Road")	Shown Unnamed	Town Accepted (0.18 mi)	Shown as part of "Campbell Falls Road" (Sheet 416)	0.18 mi	Town Accepted as part of Campbell Falls Road
	Note: Valley Road is listed as the road name for EOT RIF Segment ID 268688, running 0.18 mi from Cross Road to Canaan Valley Road to the intersection of Campbell Falls Road & Canaan Valley Road; the way is listed as Town Accepted. The 2004 3 rd Edition of the Arrow Atlas Map clearly designates this way as part of "Campbell Falls Road"; the 1998 2 nd Edition Arrow Atlas Map, the Assessor's Map and the County Engineer's Map have no distinguishing name for this way, though on each map it appears to be the westernmost portion of Campbell Falls Road. BRPC recommends updating the EOT RIF to designate Segment ID 268688 as Campbell Falls Road. The Town of							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
	New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road. See Campbell Falls Road.							
Windemere Drive	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed As Segment IDs 268574 & 268578	✓ (Sheet 411)	0.39 mi	Private Road Notify EOT of Name for Segment ID
	Note: Windemere Drive runs 0.39 mi SSE from East Hill Road to Stratford Road north of Windemere Lake. The Town Assessor's Map shows Windemere Road as a Private Road of undefined width that runs between Parcels 22 and 24 on Sheet 411. The EOT RIF shows Windemere Road unnamed as Segment IDs 268574 and 268578. The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road.							
Windemere Hills	Private abutters	Private abutters	Not shown	Not shown	Not listed (No ID)	Shown Unnamed as a 50' right of way (Sheet 411)	0.55	Private Road Notify EOT of need for Segment ID and Provide Name
	Note: Windemere Hills runs 0.23 mi NE from East Hill Road, originating almost directly across from Windemere Drive. It is shown on the original plan as a dog-leg cul-de-sac. The town assessor's map shows Windemere Hills as an un-named fifty foot right of way. Windemere Hills is not shown on the 2004 Arrow Atlas Map or the County Engineer's map. The digital orthomap shows an un-paved road, with very little development. The Town of New Marlborough should notify EOT that Windemere Hills is an approved private road and provide its name.							
Woodleigh Avenue	Private Abutters	Private Abutters	✓	Not Shown	Not Listed (No ID)	Not Shown (Sheet 102)	unknown	Private Road Notify EOT of need for Segment ID and Provide Name
	Note: Woodleigh Avenue is part of the maze of private roads near Lake Buel and is only shown on the Atlas Map. The Town Assessor's Map shows no right-of-way or road where Woodleigh Avenue should be located, but it can be inferred that Woodleigh Avenue would serve Parcels 12-17 on Sheet 102. The digital orthomap does not reveal a well-defined road where one is displayed on the Atlas Map, but Parcels 12-17 are well-developed. The Town of New Marlborough should notify EOT that Woodleigh Avenue is an approved private road and provide its name.							

Table 3. Status of Roads in New Marlborough, MA 2005

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in Executive Office of Transportation RIF	Shown on New Marlborough Assessor's Map	Actual Distance of Road	Current status* Recommended action
Wright Lane	Private Abutters	Private Abutters	✓	Not Shown	Listed Unnamed as Segment IDs 268966 & 268967	Shown Unnamed (Sheet 407)	0.10 mi	Private Road Notify EOT of Name for Segment ID; Clarify name "Wright Lane" v. "Branch Road" for EOT
Note: Wright Lane runs 0.10 mi E from New Marlborough-Sandisfield Road to a dead end. The Assessor's Map shows the way unnamed and of undefined width serving Parcels 14 & 22-25 on Sheet 407. The 1998 2 nd Edition and 2004 3 rd Edition of the Arrow Atlas Map both refer to this road as "Wright Lane". The EOT RIF lists the first portion of the road (Segment ID 268967) as "Branch Road" under "Unaccepted" jurisdiction (in effect, private); Segment ID 268966 is listed unnamed without designated jurisdiction. BRPC recommends updating the EOT RIF to designate Segment IDs 268966 & 268967 as Wright Lane. The Town of New Marlborough should verify that all signage is consistent with this designation and notify EOT of the proper name assignment for the road. See Branch Road.								

Map 1: Orthomap

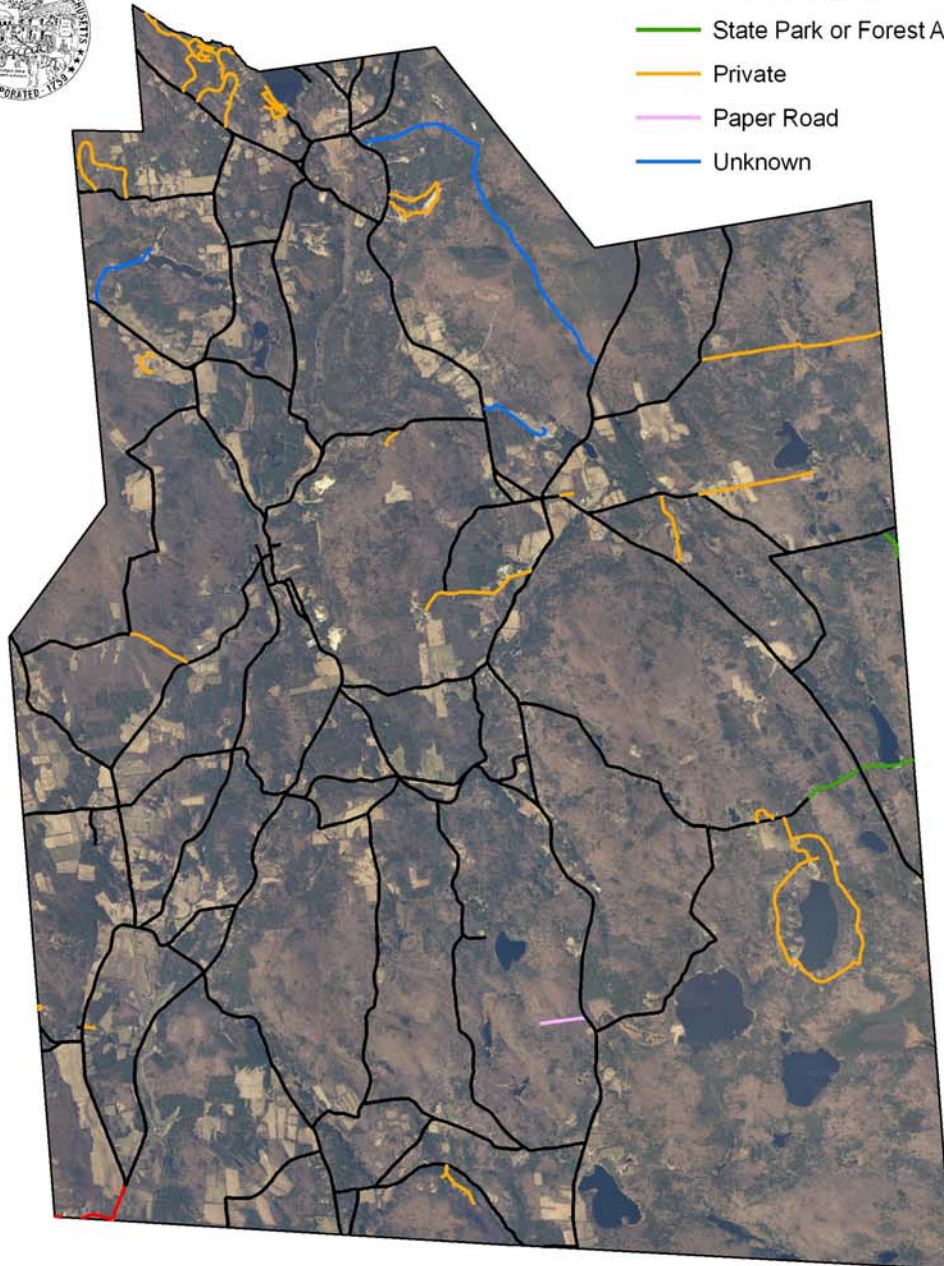
Aerial Photograph with GIS Overlay of Roads and Classifications from the 2006 Executive Office of Transportation Office of Transportation Planning Road Inventory File (EOT RIF)

Town of New Marlborough



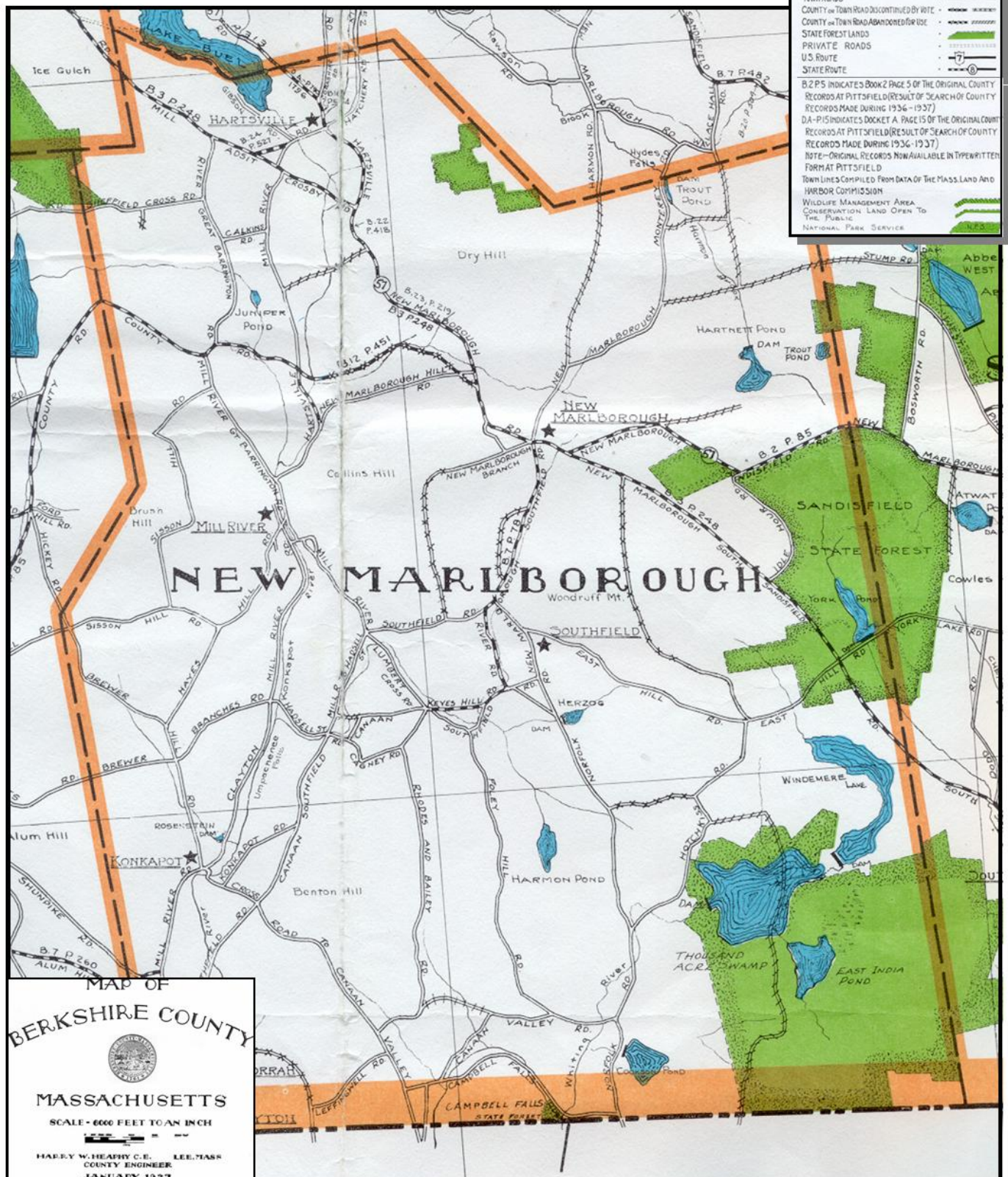
Jurisdiction

- State Accepted
- Town Accepted
- State Park or Forest Accepted
- Private
- Paper Road
- Unknown

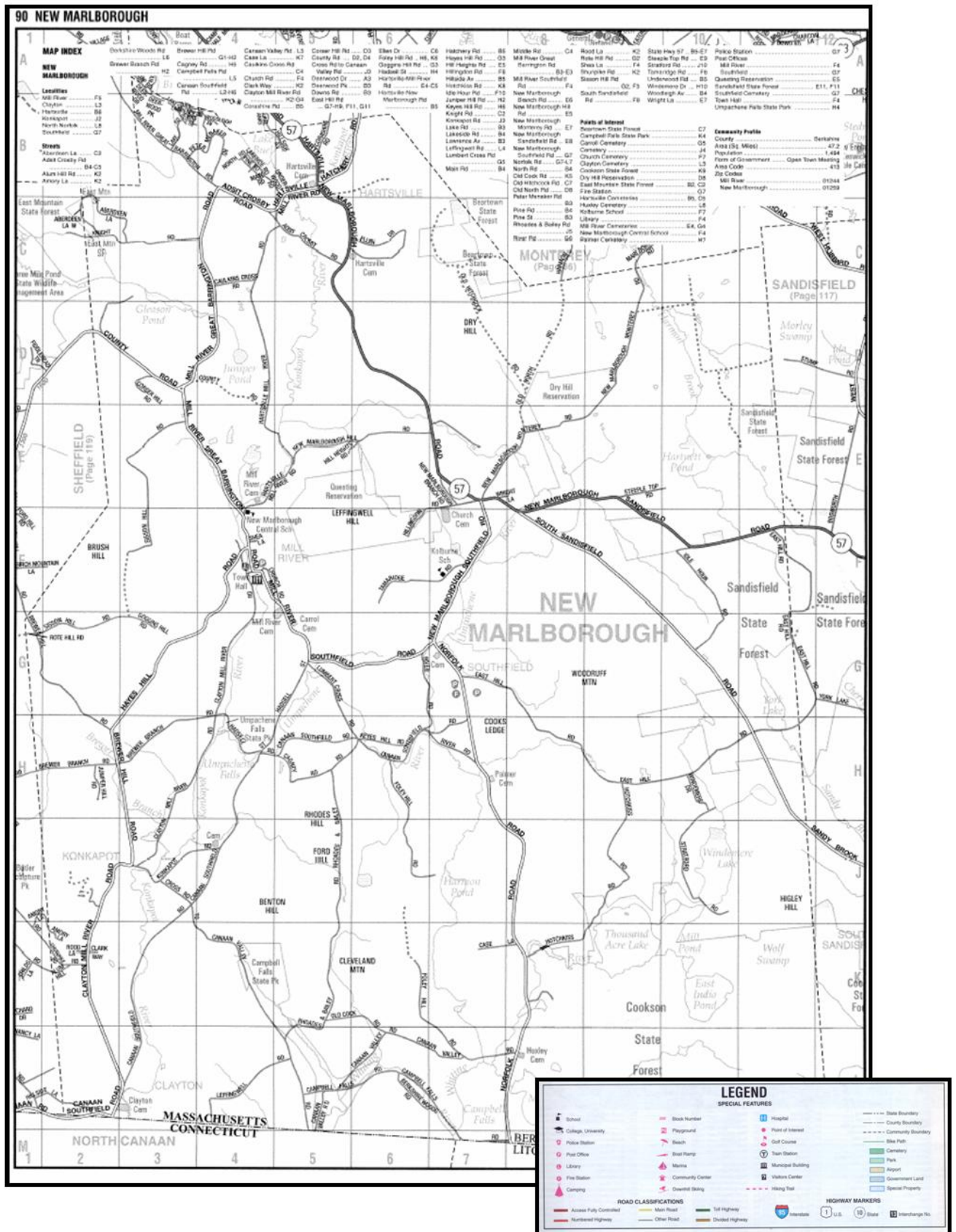


Map 2: County Engineer's Map

1988 Edition (last revision)



Map 3: American Map Western Massachusetts Street Atlas



Reference Warrant for the Annual Town Meeting

Town of Richmond, MA

May 28, 2003

Article 18: Road Discontinuance
Article 19: Official Map Adoption

159

Noting there was a quorum, the Moderator, Douglas Chapman, opened the meeting at 7:31 PM and the Town Clerk, Edna Crowdson, read the warrant. The head table was introduced as was the Town Counsel, Sally Bell. Instructions as to the procedure for the meeting was given and the Moderator asked all non registered voters to identify themselves.

Total voters present: 167
 Total voters – active 1070
 inactive 82

WARRANT FOR THE ANNUAL TOWN MEETING

Commonwealth of Massachusetts
 Berkshire, ss

To any of the Constables of the Town of Richmond in said County, Greetings:

In the name of said Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Richmond qualified to vote in Town affairs to meet in the Consolidated School of said Richmond on May 28, 2003, at 7:30 PM, and then and there to act upon the following:

Article 1- To hear and act upon the reports of the Town Officers and Committees and give authority and instruction in relation thereto. *The voters approved this article at 7:37 PM.*

Article 2- To see if the Town will vote to authorize the Selectmen to determine the manner of repairing the highways and caring for the cemeteries for the year. (Approved by the Finance Committee) *Approved by voters at 7:38 PM.*

Article 3- To see if the Town will vote to raise and appropriate such sums of money as shall be deemed necessary for the upkeep and repair of the buildings, equipment, highways and cemeteries and for all other charges and expenses of the Town for the year and to set the salaries and compensation of all elected officers of the Town as provided by Section 108 of Chapter 41 of the General Laws. (Approved by the Finance Committee)

Article 18- To see if the Town will vote to discontinue the following roads:

ROAD #	ROAD NAME/DESCRIPTION
1	Foster Drive, so called, located at the old landfill.
2	Unnamed road extending 0.617 miles between the northwest end of Osceola Rd. Extension and the southeast end of Anthony Rd.
3	Unnamed road extending 0.280 miles between the northwest end of Anthony Rd. and the northeast quarter of Orchard Circle.
4	Unnamed road extending 0.312 miles between the northern end of Orchard Circle and the northern end of Dublin Rd.

Approved by voters at 9:03 PM.

Article 19- To see if the Town will vote to adopt an Official Map in accordance with the provisions of Section 81E of Chapter 41 of the General Laws. The map, dated May 28, 2003, approved by the Planning Board, entitled "Official Map, Town of Richmond, Massachusetts" by Mark Maloy and Melissa Jette of the Berkshire Regional Planning Commission, reflects the action taken under Article 18 (above) and is on file with the Town Clerk. *The voters approved this article at 9:16 PM.*

5

Reference Warrant for Official Map Adoption

Warrant for the Annual Town Meeting

Town of Sudbury, MA

1970

Article 36: Official Map Adoption

CONTROL COMMITTEE OF THE TOWN TO CO-ORDINATE, INITIATE AND STIMULATE ACTION ON PROGRAMS TO PREVENT DRUG ABUSE, AND BE IT FURTHER

RESOLVED THAT SUCH COMMITTEE KEEP INFORMED ON THE PROGRAMS OF ALL DRUG ACTION COMMITTEES, DEPARTMENTS AND GROUPS WITHIN THE TOWN AND REPORT ON PROGRESS AT REGULAR INTERVALS THROUGH THE TOWN FATHERS AND NEWSPAPERS DISTRIBUTED IN THE TOWN.

Article 34: To see if the Town will vote to accept the provisions of General Laws, Chapter 40A, Section 8, and all amendments thereto, which provides, in essence, that no proposed ordinance or by-law making a change in any existing zoning ordinance or by-law which has been unfavorably acted upon by a Town Meeting shall be considered on its merits by the Town Meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the Planning Board required by Chapter 40A, Section 6, or act on anything relative thereto.

Submitted by the Planning Board and Committee on Town Administration.

Mr. Richard Davison moved for the Planning Board that the Town accept the provisions of General Laws, Chapter 40A, Section 8 and all amendments thereto.

Planning Board Report (Mr. Richard Davison) Following the public hearings held on February 25, 1970, the Planning Board agreed to continue recommending passage of this article. Mr. Davison added that the report of the Committee on Town Administration as printed in the warrant concisely covers the reason for this article.

Committee on Town Administration Report: By accepting General Laws Chapter 40A, Section 8, the Town would protect itself from having to consider previously defeated zoning by-law amendments within two years after their defeat unless the Planning Board submits a report recommending their adoption. As the matters that must be considered by the Town at its Annual Meeting increase in quantity and complexity, the Committee on Town Administration feels that it is advantageous to provide for some limitation on reconsidering zoning by-law amendments which the Planning Board—which is the elective body most concerned with the zoning by-law—does not support.

After discussion, the Planning Board's motion was defeated.

No further action was taken under this article.

Article 35: To see if the Town will vote to accept the provisions of General Laws, Chapter 40A, Section 20, and all amendments thereto, so that no appeal or petition for a variance and no application for a special exemption which has been unfavorably acted upon by the Board of Appeals shall be reconsidered on its merits within two years after the date of such unfavorable action except with the consent of all but one of the members of the Planning Board, or act on anything relative thereto.

Submitted by the Planning Board.

Mr. Richard Brooks moved for the Planning Board that the Town accept the provisions of General Laws, Chapter 40A, Section 20 and all amendments thereto.

Planning Board Report (Mr. Richard Brooks) The Planning Board recommends adoption of this article. At the public hearing no opposition was voted. The purpose of this article is to take advantage of the state enabling legislation which limits the inefficient repetitive appeals to zoning board of appeals for two years separation.

After discussion, the Planning Board's motion was defeated.

No further action was taken under this article.

Article 36: To see if the Town will vote to adopt an official map in accordance with the provisions of Section 81E of Chapter 41 of the General Laws, a copy of which, dated: January 1970, approved the Planning Board, entitled: "Official Map of the Town of Sudbury", by George D. White, Town Engineer, is on file in the Town Clerk's office, or act on anything relative thereto.

Submitted by the Board of Selectmen and Planning Board.

Board of Selectmen Report (Mr. Martin Doyle) The town map under Section 81E entitles any city or town to record a map showing the public ways, parks and any other private ways which they are entitled to. A town map may seem to be a rather inconsequential thing. However, it means that when we register a road or a way within the Town, we also have to have a detail registered with the Town Clerk which shows where the layout of drains, sewers, gas mains and electric mains are within that public way. It entails a certain amount of work on the part of the Town Engineer. As you are aware, the Town Engineer reports to the Board of Selectmen.

This year we have appropriated the sum of \$5,000 towards the Town Engineer's account for starting this work. Over the next five to ten years it will cost the Town that amount also. However, several years ago when Willis Road became an article for action by the Town Meeting as to whether it should be adopted by the Town, it cost the Town a certain amount of money to determine whether Willis Road was a town way or not.

The intent of this article is to insure that town ways are properly delineated, that we do not enter into arguments with builders and developers in the future as to whether or not a road is a town way, and that we have a proper record of what is laid within the town way to prevent confusion.

There are at present 299 streets in Sudbury. 209 of these appear on the Official Town Map. The 299 streets include those in proposed subdivisions. However, even in a matter of accounting for 209 streets there is room for confusion and we should have a proper record of these. We recommend that you vote for this article.

Planning Board Report (Mr. Richard Brooks) The Planning Board favors adoption of this article which will settle for all time which are or are not to be considered public ways in the Town of Sudbury.

Finance Committee Report: The Finance Committee agrees with the sponsors of this article, that an official map of Sudbury, with well defined street boundaries, is necessary. The Town Engineer's budget has \$5,000 included for subcontract survey services, the major portion of which is for this project.

Highway Commission Report (Mr. Richard Duggan) The Highway Commission is also in favor of this article, but possibly for a slightly different reason. The work that will be done on the Official Town Map will help the Highway Department get ahead in the engineering it needs to lay out the roads that have to be rebuilt. We will not run into the problem yearly of having just one road to work on. We should always have two or three ahead of us.

UNANIMOUSLY VOTED: THAT THE TOWN ADOPT AS THE OFFICIAL MAP OF THE TOWN OF SUDBURY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 81E OF CHAPTER 41 OF THE GENERAL LAWS THE MAP DATED JANUARY 1970 APPROVED BY THE PLANNING BOARD, ENTITLED "OFFICIAL MAP OF THE TOWN OF SUDBURY," BY GEORGE D. WHITE, TOWN ENGINEER, A COPY OF WHICH IS ON FILE IN THE TOWN CLERK'S OFFICE WITH SAID MAP INCORPORATED HEREIN BY REFERENCE.

Article 37: To see if the Town will vote to amend its zoning by-law to change from residential zone B2 to a Limited Business District, the following described property:

Beginning at a point on the south side of the Boston Post Road at the junction of the westerly side of Raymond Road.

Reference Warrant for Road Discontinuance

Warrant for the Annual Town Meeting

Town of Warwick, MA

May 9, 1988

Article 17: Road Discontinuance

316

ARTICLE 12: To see if the Town will vote to authorize the Franklin County Technical School District to accept an Equal Educational Opportunity Grant (EEOG) from the Commonwealth of Massachusetts in the amount of \$13,929.00, in additional educational aid for fiscal year 1989.

ARTICLE 13: To see if the Town will vote to raise and appropriate, appropriate from free cash, transfer, borrow or otherwise provide the sum of \$10,000.00 for the purpose of widening, excavating, installing drainage and gravel, and constructing a cul-de-sac turnaround on Hastings Pond Road, a distance of .35 miles, to fund improvements to the road accepted by the Town under Article #3 of the November 9, 1987 Special Town Meeting.

ARTICLE 14: To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 40;4G, which raises the limit of expenditures not requiring public bidding from \$2,000.00 to \$4,000.00.

ARTICLE 15: To see if the Town will vote to rescind Article #9 of the May 11, 1987 Annual Town Meeting, thereby retaining \$20,000.00 in the Capital Stabilization Fund.

ARTICLE 16: To see if the Town will vote to raise and appropriate, appropriate from free cash, transfer, borrow or otherwise provide the sum of \$6,475.00 (\$3,145.00 tuition, \$3,330.00 transportation) for the Fiscal Year 1988 Warwick School Budget to cover the unanticipated costs of a special needs student.

ARTICLE ¹⁷~~14~~: To see if the Town will vote to discontinue all public roads in Warwick except those on the attached list of Public Ways

ARTICLE 18: To see if the Selectmen will petition the Franklin County Commissioners regarding the following County roads;

1. to accept a section of Route 78 between Hotel Road and Athol Road.
2. for discontinuance of 1829 layout of Highway #11 (5th Massachusetts Turnpike) westerly from the White Road to end (thought to be the southwest corner of the Spooner house; a distance of about 3,000 feet, more or less).
3. for discontinuance of Highway #1, laid out in 1761, Record Book 0, Page 44, from the Northfield Town Line, perhaps along a portion of the White Road, past Balancing Rock and the Old Fort to its end, and retaining as a town road ANY portions of the White Road, or other town roads with the same layout.
4. for discontinuance of a portion of Highway #2, laid out in 1774, Book 0, Page 106 (part of which may be known as Round the Mountain Trail or as Old Northfield Road) from its intersection with the present Northfield Road at Wendell Road to the Northfield Town Line, retaining any portion of Flower Hill Road which has the same layout, as a town road.
5. for discontinuance of Highway #6, laid out in 1822, Book I, Page 194, from the last discontinuance of Spooner Road, easterly to the White Road, a distance of about 2,000 feet, more or less; also, the portion from Northfield Road westerly and northerly across Leland Hill Road to the 1774 layout of the Northfield Road.
6. for discontinuance of a portion of Highway #2, laid out in 1774, Book 0, Page 106, westerly from Gale Road to the present Athol Road, also known as Pedeman Hill.
7. for discontinuance of Brush Valley Road (known on County records as Dubovik Road) from Orange Road to its end.
8. for a map of County roads in Warwick, color coded, with County number and layout date, overlayed on USGS Topographical sheets, and a second map showing discontinued County roads in the same form as the first map, but adding the date of discontinuance.

Reference Warrant for Road Discontinuance Warrant for the Annual Town Meeting Town of Warwick, MA May 9, 1988

ARTICLE 19: To see if the Town will take action regarding the following Town roads, with each road a separate action:

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Road #	Name	Action Requested
1	Hastings Heights	change mileage from 1.55 to 1.84 miles
3	Royalston	discontinue from Tully Brook Road to Reil's driveway.
7	Wendell	change description from "to Orange Road" to "to intersection of Revere Hill Road". Add a new road named "Revere Hill": "from Orange Road to intersection of Wendell Road and Northfield Road, 0.25 mile" and change mileage of Wendell Road from 5.6 to 5.35 miles.
9	Store	change name to Northfield Road and add 0.55 mile.
10	Soderman	discontinue
13	Shaw Place	change mileage from 0.15 to 0.12 mile.
14	Wilson	discontinue the center portion from 1,000 feet southeasterly of the intersection of Flagg and Chestnut Hill at pole #10-733/5 about 50 feet past River's driveway, to the southeast side of Wilson Brook (which is about 1,100 feet northwesterly of intersection with Wendell Road), and change the name of East Wilson Road and West Wilson Road.
15	Flagg	discontinue
17	Shepardson	discontinue portion north of White Road (which is also known as Spooner Road), change mileage from 2.45 to 1.69 miles and change description from "to Northfield Road" to "to White Road".
18	Shepardson Place	change description from "to" to "toward".
19	White	change mileage from 2.35 to 2.8 miles
22	Mt. Grace Avenue	change description from "from Store Road" to "from Orange Road across Northfield Road" (Store Road) and change mileage to 0.15 mile.
23	Leland Hill	change mileage from 0.15 to 0.19 miles
26	Hastings	change name from "Hastings" to "Hastings Pond"
28	Tully Brook	discontinue
32	Smith Road	change mileage from 0.19 to 0.16 miles
33	Whipple Place	discontinue
34	Robbins	change mileage from 0.80 to 0.55 miles
35	Rum Brook	discontinue the center portion, starting 1,000 feet westerly from Richmond Road at the top of a knoll just west of Black Brook to a point 1,400 feet easterly from Old Winchester Road, meaning to be the west bank of Rum Brook, and changing the name to East Rum Brook Road and West Rum Brook Road, respectively.
36	Sevens Place	change description from "to" to "toward".
40	Beech Hill	change Description from "Thompson's" to "Doubleday's".

Article 19: Road Discontinuance/Alteration

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Road #	Name	Action Requested
43	South Holden Road	discontinue portion from 10 feet east of Sammy Lane to end and change description from "to Holden place" to "to Sammy Lane", a distance of 0.22 mile.
43	North Holden Road	change mileage from 0.15 to 0.12 mile.
44	Wheeler	discontinue 0.06 mile and change from "westerly loop off Orange Road" to "northe off Orange Road to Dead End".
45	Paul	change description from "to" to "toward"
46	Pine	change description from "from Shepardson Road to Wilson Road" to "from Wendell Road to dead end".

ARTICLE 20: To see if the Town will vote to establish a revolving fund for self-supporting services of the Town Forestry Committee, as authorized by Massachusetts General Laws Chapter 44:53D, and further, to raise and appropriate, appropriate from free cash, transfer or otherwise provide the sum of \$500.00 to establish this fund.

ARTICLE 21: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44:57, allowing the Treasurer, on behalf of the Town to contract with an employee to defer a portion of that employee's compensation.

ARTICLE 22: To see if the Town will vote to reappropriate \$21,000.00 of unused Revenue Sharing Funds to design and construct a fire escape for the Town Hall.

And you are directed to serve this Warrant, by posting up attested copies thereof at the Town Hall and the Community Store in said Town, 7 days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 2nd day of May in the year of our Lord one thousand nine hundred and eighty-eight.

Jon M. Cooke)
J. David Young) Selectmen of Warwick
Mickey Williamson)

A true copy Attest: Rodney F. Whipple, Constable

Franklin, ss.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Warwick May 2, 1988 by posting up attested copies of the same at the Town Hall and the Community Store 7 days before the date of the meeting, as within directed.

Rodney F. Whipple, Constable of Warwick

Reference Warrant for Road Discontinuance

Warrant for the Annual Town Meeting

Town of Warwick, MA

May 9, 1988

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PUBLIC ROADS--(as referenced in Article #17, Annual Town Meeting May 9, 1988

1. Hastings Heights Road: from Athol Road to Orange Town Line 1.55 miles
2. Athol Road: from Orange Road to Orange Town Line 3.55 miles
3. Royalston Road: from Athol Road to 1200 feet east of Chase Road 0.55 mile. Also, easterly from Tully Brook Road to Reil's driveway 0.40 mile.
4. Winchester Road (Route 78): from the end of Orange Road at Warwick Center to State Line (NH) 3.15 miles
5. Orange Road (Route 78): from end of Winchester Road at Warwick Center to Orange Town Line 5.00 miles
6. Hockanum Road: from Orange Road to Wendell Road 0.80 mile
7. Wendell Road: from Orange Town Line to Orange Road 5.60 miles
8. Northfield Road: from Northfield Town Line to junction of Wendell Road 4.00 miles
9. Store Road: from Wendell Road to junction of Orange and Winchester Roads at Warwick Center 0.45 mile
10. Soderman Road: from White Road to Soderman place 0.25 mile
11. Quarry Road: from Wendell Road to Northfield Town Line 1.55 miles
12. Omitted
13. Shaw Place Road: from Wendell Road westerly to Shaw place 0.15 mile
14. Wilson Road: from Wendell Road to junction of Flagg and Chestnut Hill Roads 0.85 mile
15. Flagg Road: from junction of Chestnut Hill and Wilson Roads westerly and southerly to end at woods 0.35 mile
16. Chestnut Hill Road: from junction of Flagg and Wilson Roads to Wendell Road 1.05 miles
17. Shepardson Road: from Wendell Road to Northfield Road 2.45 miles
18. Shepardson Place Road: from Shepardson Road westerly to old house 0.25 mile
19. White Road: from Northfield Road by southerly loop back to Northfield Road 2.35 miles
20. Kirk Road: from Orange Road easterly to Kirk place 0.05 mile
21. Omitted
22. Mount Grace Avenue: from Store Road to old Cook house 0.05 mile
23. Leland Hill Road: from Northfield Road to Flower Hill Road 0.15 mile
24. Flower Hill Road: from Northfield Road to Winchester Road 2.35 miles
25. Buzzell Place Road: from Flower Hill Road westerly to Buzzell house 0.05 mile
26. Hastings Road: from Orange Road to Cadwell's driveway 1.10 mile
27. Hotel Road: from junction of Orange and Winchester Roads to Athol Road 0.05 mile
28. Tully Brook Road: from Athol Road to Royalston Road 1.00 mile
29. Omitted
30. Chase Road: from Royalston Road to Athol Road 0.55 mile

List of Roads Referred to in Article 17

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31. Richmond Road: from Athol Road to State Line (NH) 2.80 miles
32. Smith Road: (re-opened 3/31/75) 1,000 feet from Richmond Road 0.19 mile
33. Whipple Place Road: from Richmond Road westerly to Whipple place 0.05 mile
34. Robbins Road: from Old Winchester Road to Winchester Road 0.80 mile
35. Old Winchester Road: from Athol Road to State Line (NH) 2.85 miles
36. Stevens Place Road: from Old Winchester Road easterly to Stevens Place 0.15 mile
37. Rum Brook Road: from Richmond Road to Old Winchester Road 0.75 mile
38. Gale Road: from Athol Road to Orange Town Line 2.55 miles
39. Omitted
40. Beech Hill Road: from Gale Road southerly to Thompson place 1.10 mile
41. Brush Valley Road: from Beech Hill Road to Orange Road 1.25 miles
42. Bliss Hill Road: from Orange Town Line to Royalston Town Line 0.20 mile
43. South Holden Road: from Wendell Road easterly to Holden place 0.35 mile - North Holden Road: from Orange Road westerly to house 0.15 mile
44. Wheeler Road: westerly loop off Orange Road 0.20 mile
45. Paul Road: from Orange Road easterly to house and buildings 0.10 mile
46. Pine Street: from Shepardson Road to Wilson Road 0.18 mile
47. Garage Road: from Winchester Road to Town Garage 0.40 mile
48. Rockwood Road: from Hastings Road to Orange Road 0.10 mile

REPORT OF THE ACTION TAKEN ON THE ARTICLES IN THE WARRANT FOR THE ANNUAL TOWN MEETING May 9, 1988

Prior to the commencement of the Annual Town Meeting, a brief ceremony was conducted by the Moderator, Helen E. Whipple, commemorating the first town meeting held in Warwick on this same date 225 years ago, May 9, 1763. The Annual Town Meeting for May 9, 1988 was called to order by the Moderator. The following action was taken on the Articles in the warrant by the 97 voters present:

ARTICLE 1: VOTED: To accept the reports of Town Officers and Committees.

ARTICLE 2: VOTED: to authorize the Town Treasurer with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 1988, in accordance with the General Laws Chapter 44A, and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with the General Laws Chapter 44A:17.

***Boston Globe* Article on Implications of Unresolved Ancient Ways (Page 1)**

Boston.com August 3, 2003

Boston Globe Online: Print it!

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THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

Ancient way divides neighborhood

By Anthony Flint, Globe Staff, 8/3/2003

MARSHFIELD -- To most of the residents in the Furnace Street neighborhood, it is a barely recognizable pathway beside a barn, dotted with trees and half-buried stones.

But to Hugh France, it is Eames Way, laid out in 1692 as a thoroughfare "two poles wide," or 33 feet. And it is the key to his fortune.

In an increasingly common practice among developers looking to build subdivisions quickly, France is trying to prove Eames Way is a legally recognized street, so he can build eight homes off it without getting any approvals from the Planning Board.

Town officials won't concede the street is real, so France has sued, arguing that the existence of Eames Way should trigger an obscure process under the state zoning law known as "approval not required."

While the lawsuit is battled out in Plymouth Superior Court, neighbors are getting an education in so-called ancient ways -- laid out and built 300 years ago -- and wondering whether Marshfield's Colonial past could open the floodgates for development in the real estate market of the present.

"What street? There's no street there," said James Connell, whose house on Route 3A is directly across from where Eames Way would let out, a spot now occupied by two boats on trailers. He then pointed to Proctor Street, visible from his front yard and added, "Now that's a street."

Roy Kirby, a carpenter who built his house on Furnace Street in 1979, and later a barn at the edge of what he thought was his property, said he knew there was an old carpath leading into the woods behind his house, but town officials assured him it was abandoned. A legally recognized Eames Way would slice through his woodshop.

"I was at the hearing and [France] made a very impressive presentation, getting into all the history," Kirby said. "But what scared everybody was, there are a lot of carpaths in Marshfield. Some of them go right through people's houses. This could open up a real can of worms."

The real issue, said Angus Jennings, the Marshfield town planner, is the zoning law that is motivating France to prove that Eames Way exists. The "approval not required" process, which is unique in the nation, lets developers build without approvals or conditions from the

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local planning board, as long as the home lots are on an established street.

"The hard part for me is explaining to abutters that there is no hearing on these. They say, 'What about the traffic?' or 'What about the drainage?' and I just have to tell them, they don't need our approval, that's the law," Jennings said, noting that Marshfield gets about 35 such cases every year.

A bill is currently before the state Legislature that would eliminate "approval not required" and other aspects of the Massachusetts statewide zoning law.

The zoning law contains many loopholes and "approval not required" is routinely exploited, say those who want it changed. Because an "approval not required" designation means quick and painless construction, it is sought by developers who scour old maps and local historical records, hunting for paper streets.

There has been no definitive statewide study, but planners say "approval not required" development easily constitutes 30 percent of all development -- and much more in rural areas.

"We might get 25 houses plopped on old farm with no one getting to say anything," said Douglas Albertson, the town planner in Belchertown, where 449 "approval not required" lots have been created off such streets since 1995. It has been particularly frustrating, he said, because just as development pressures are intensifying, the town has no control over a whole class of building.

In many cases, developers need only show a map or two to prove that a street exists, in subdivision plans filed as long ago as 1920. Hugh France is trying to take a similar tack, but he's reaching farther back into history.

France's lawyer, Paul Driscoll, filed a stack of historical records, journal entries, meeting notes, and maps, all going back more than 300 years, as evidence in the lawsuit against the town. Driscoll and France both declined to be interviewed.

Streets and highways were laid out with great care in Colonial Massachusetts, Driscoll argues in court papers, and meticulous records were kept on their route, construction, and how much they infringed on private property. One document describes Eames Way as a public way "two poles wide," running "over a brook, as the way now leadeath between the house and shop of John Foster. and so through the land of Arthur Howland." At least one resident, John Sherman, was compensated for the road going through his property, according to the lawsuit.

The road was referred to as a public way by the town in 1968, 1982, and 1983, the lawsuit states; even if it is overgrown, it remains a street as long as it has not been officially discontinued, according to state law.

In an opinion issued in April, Marshfield town counsel Robert Marzelli acknowledged that the paved part of Eames Way, which ends at Furnace Street, has been recognized by officials. But trying to establish that Eames Way went farther is impossible, he suggested. The historical records refer to piles of stones and barns that have not existed for centuries.

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Driscoll says in the lawsuit that Eames Way was laid out as a county highway, part of a network reaching into Duxbury and Scituate.

While the existence of Eames Way is battled out in court -- a process that could take up to two years -- Kirby, the carpenter whose barn is threatened, said he has mixed feelings about France's proposal for the 14 acres behind his property. France lives a few doors down, and Kirby used to plow his driveway.

"I know there's a tradition of development in this country and that's how we got where we are," Kirby said. "But I don't think our forefathers envisioned this as a street with sidewalks on both sides. I know it's there -- I go back there to walk my dogs. I used to let people take a vehicle back there. But King George has been dead for a long time now. If it's an ancient way, keep it as a historic path."

Kirby is keeping his sense of humor about the situation, even as he contemplates the way Marshfield, population 25,000, has grown since its founding by Mayflower passenger Edward Winslow circa 1640.

"If they prove it's a county highway and it goes through my barn," he said, "I'm going to cut out a window and put a Dunkin' Donuts in there."

Anthony Flint can be reached at flint@globe.com.

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Massachusetts Appeals Court Makes Emergency Vehicle Accessibility Determining Factor in Denying an “Approval Not Required” Endorsement
Around the Commonwealth, *The Beacon*, September 2003

Development decision made

Town of Leverett

A July Appeals Court decision spared the town of Leverett the cost of rebuilding an abandoned public road so that land could be developed. The court ruled that a public road must be passable by emergency vehicles at the time of the development application. The court decision makes accessibility by emergency vehicles at the time of application the determining factor in denying an “approval not required” endorsement, as outlined in the Subdivision Control Act. Development of the land in Leverett would have required the town to rebuild a road that was no longer in use, a cost the town did not want to bear.

From: Around the Commonwealth, The Beacon, September 2003
This monthly column features regional and local news briefs related to local government in Massachusetts. To suggest a news item for this column, contact Katie Carroll at the MMA (phone: (800) 882-1498; fax: (617) 695-1314; e-mail: kcarroll@mma.org).

Commonwealth of Massachusetts
Executive Office of Transportation
 Office of Transportation Planning

New Road Entry Form for Road Inventory File (RIF)

1. CITY/TOWN: _____
2. STREET NAME: _____ (include suffix)
3. FROM LOCATION: _____ [street, cul-de-sac, town/state line, private property]
4. TO LOCATION: _____ (see above)
5. RELATIVE OFFSET: _____
 _____ - (distance/description from another intersection)
6. JURISDICTION: (check the appropriate category)
 _____ [city/town accepted] _____ [unaccepted] _____ [private] _____ [other]
7. LEFT SIDE SHOULDER: (check the appropriate category)
 TYPE: _____ [none] _____ [paved] _____ [unpaved - stable] _____ [unpaved - unstable]
 WIDTH: _____ feet
8. SURFACE WIDTH: _____ feet
9. SURFACE TYPE: (check the appropriate type)
 _____ [unimproved, graded earth, or soil surface] _____ [gravel or stone]
 _____ [brick] _____ [block] _____ [surface treated]
 _____ [bituminous concrete] _____ [portland cement] _____ [composite; flexible over rigid]
 _____ [composite; rigid over flexible or rigid over rigid ('white topping')]
10. RIGHT SIDE SHOULDER: (check the appropriate category)
 TYPE: _____ [none] _____ [paved] _____ [unpaved - stable] _____ [unpaved - unstable]
 WIDTH: _____ feet
11. NUMBER OF LANES: _____
12. CURBS: (check the appropriate type)
 _____ [none] _____ [left side only] _____ [right side only]
 _____ [both sides] _____ [along median only] _____ [all curbs (divided road)]
13. SIDEWALK WIDTH: left side _____ feet; right side _____ feet
14. STREET OPERATION: (check the appropriate type) _____ [1-way] _____ [2-way]
15. TERRAIN: (check the appropriate type) _____ [level] _____ [rolling] _____ [mountainous]
16. STRUCTURAL CONDITION: (check the appropriate type)
 _____ [good] _____ [fair] _____ [deficient] _____ [intolerable]
17. RIGHT OF WAY WIDTH: _____ feet
18. SPEED LIMIT: _____ miles per hour
19. LENGTH: _____ miles (rounded to the nearest 0.01 miles)