

CHAPTER 4

TRANSPORTATION

The Community Development Plans being developed under Executive Order 418 (EO 418), such as this one for Northfield, typically include a transportation element as one of their four main components. Each plan's transportation section centers around specific regional or sub-regional concerns involving the transportation network, and a specific project to address these concerns. The Town of Northfield has selected the issues of "paper roads" and road discontinuances, especially for County roads, as the focus of the transportation element of its Community Development Plan.

The relationship between the road network and land use is significant. Land development patterns are influenced by the ability and ease of accessing property, and the housing, services, and businesses that may be created there. In many communities, there exist "paper roads." These roads were laid out as public ways perhaps as long as hundreds of years ago, but are not currently used for regular travel. Some of the "paper roads" were never constructed. In other cases, the roads were built, but were discontinued or became unmaintained and overgrown over time.

"Paper roads" can pose a serious issue for communities. If a landowner with property along a "paper road" decides to pursue development (usually Approval Not Required (ANR) development), a town may be held responsible for upgrading access to the property and for maintaining this access if the property owner can demonstrate that the road is a public way. Such road improvements and maintenance can potentially be very costly for a community.

This transportation chapter for Northfield examines and researches the status of roads in Northfield to reduce the possibility of unintended and potentially costly development along the Town's "paper roads." This research focused on the cataloging of roads in Northfield into the following four main groups:

- Roads that are used as public ways, and that are maintained as such;
- Roads that are private ways;
- Roads that were once used as public ways, and which are no longer maintained as such, but which may not have been officially discontinued; and
- Roads that are used as public ways, but that have uncertainties regarding their layout and beginning or end points.

Roads that fall into the latter two categories are the ones that could potentially pose issues for the Town of Northfield. This project has begun to document the history and status of these roads. In most cases, additional research beyond this project will be needed.

In addition to this road research, this transportation element also contains information on the Massachusetts statutes that govern the creation, alteration, and discontinuance of roads. The

Town may wish to consider the discontinuance of certain roads that are not currently maintained, but which still officially appear on the record books as public ways. An overview of the procedures for discontinuance is provided. The last section of the chapter contains recommendations for future road research and town actions regarding “paper roads.” These recommendations have been established by the members of the Community Development Committee, overseeing the creation of Town’s Community Development Plan.

Context for this Project

This section provides background information and context for this road research project. It gives a brief summary of the relevant Massachusetts statutes regarding public ways, and also discusses Northfield’s 1986 Town Meeting article to discontinue a number of Town roads.

State Statutes Regarding Public Ways

This section gives a brief overview of the Massachusetts statutes that govern the creation, alteration, and discontinuance of roads within the State. The statutes have different provisions and requirements for State highways, County highways, town ways, and statutory private ways. Information contained in this section comes from the State statutes themselves and from reference materials such as the *Discontinuing Town and County Roads* guide (1990), published by the Franklin County Planning Department, the predecessor to the Franklin Regional Council of Governments Planning Department, which helped prepare the Community Development Plan.

State Highways

The Massachusetts Highway Department (MassHighway) oversees the laying out, alteration, and discontinuance¹ of State highways in Massachusetts, pursuant to Chapter 81 of the Massachusetts General Laws (MGL). MassHighway may lay out new State highways as it deems necessary, after public notice and a hearing of all interested parties (MGL Chapter 81, Section 5). State highways may also be created after being requested by written petition submitted by County Commissioners or Town Selectmen (Ch. 81, Sect. 4). Once highways have been laid out and constructed, the Commonwealth can alter their location after proper notice (Ch. 81, Sect. 6). State highways are maintained by MassHighway.

A State highway may be discontinued as a State highway with the agreement of the County Commissioners where the highway is located. Any ways that are discontinued as State highways automatically become town roads (Ch. 81, Sect. 12). MassHighway may also abandon any land or land rights that were acquired or taken for highways. Upon abandonment, the land or land rights will revert to the abutting property owners (Ch. 81, Sect. 12).

¹ The Appendix for this chapter contains a glossary of these terms. They each have specific meanings under the Massachusetts General Laws. For example, discontinuance refers to a road ceasing to exist legally, not just to the road no longer being maintained.

County Roads

Under MGL Chapter 82, County Commissioners have principal jurisdiction over the creation, alteration, and discontinuance of County roads and highways. In Franklin County, since the dissolution of the Franklin County Commission, the Executive Committee of the Franklin Regional Council of Governments has had jurisdiction over County road actions. County Commissioners may lay out, alter, relocate and discontinue County roads within their respective counties, as necessity and convenience requires (Ch. 82, Sect. 1), and after the required notice has been given. The creation, alteration, and relocation of County roads can also occur in response to town or citizen petition requests. Town Selectmen or Road Commissioners exercise original jurisdiction, concurrent with the County Commissioners, over such petitions (Ch. 82, Sect. 17). County roads are maintained and constructed by the towns in which they are located.

Only County Commissioners have the authority to discontinue county roads. However, their ability to do so is limited. County roads can only be discontinued after the Commissioners receive a petition requesting the discontinuance. In addition, the Commissioners must find that “common convenience and necessity require” the discontinuance (Ch. 82, Sect. 2). When a county road is discontinued, the land or easement property interests revert to the abutting property owners.

Town Roads

Under the Massachusetts General Laws, towns have the principal jurisdiction over most town road actions, and responsibility for town road maintenance. Generally, a town road may be laid out, relocated, or altered by Town Selectmen, with Town Meeting approval (MGL Ch. 82, Sect. 21). Town roads can also be created through prescriptive use validated by court action. In addition, prior to 1857, they could have been created through dedication.

Town roads can usually be discontinued at Town Meeting (Ch. 82, Sect. 21). For a Town Meeting discontinuance, there are no requirements that abutters be notified, that a public hearing be held, or that there be a particular reason or justification for the discontinuance. If a town road was created by easement and not by eminent domain, it can be discontinued with a simple majority vote at Town Meeting. Discontinuance of a town road taken by eminent domain, however, requires a two-thirds majority vote for approval.

Town actions regarding town roads that fall within five hundred yards of an adjoining town have additional restrictions and requirements than those listed above. The town cannot layout, alter, relocate, or discontinue such roads within proper notice to the adjoining community (Ch. 82, Sect. 1). A public hearing must be held on the proposed action, written notice must be given to the adjoining town’s Selectmen, and those Selectmen must agree in writing to the proposed action. If the Selectmen do not grant written permission for the proposed action within 90 days, the initiating town may make a written request to MassHighway for approval.

In addition to the already mentioned means of discontinuance, town roads can also be discontinued by action of the County Commissioners. An individual who is “aggrieved by

the refusal of a town to discontinue a town way” can submit a written petition to the County Commissioners for discontinuance (MGL Ch. 82, Sect. 30). The County Commissioners may consider the petition and then make a decision. If a town road is discontinued by the Commissioners, it cannot be laid out again by the town within two years. This is a little used method for discontinuing town roads. In some cases, the County Commissioners may decline to involve themselves on a town road issue. For example, in 1981, the Northfield Board of Selectmen requested that the Franklin County Commissioners discontinue Coller Cemetery Road. The County Commissioners responded that they did not “feel it [was] proper to intervene in the matters of town affairs” and suggested that the Selectmen submit an article for discontinuance to the next Town Meeting.²

Once a town road is discontinued, it is possible for it to be re-established through a future town action to re-lay out the road. There are a few roads in Northfield which have been discontinued and laid out again multiple times. Once the road is discontinued, the town still owns it, but it is no longer a public way with public access, and the town no longer has responsibility for maintenance.

Statutory Private Ways

Statutory private ways have public access, but no town responsibility for maintenance. Statutory private ways are governed by most of the same statutes that affect town roads, primarily MGL Chapter 82. Statutory private ways are laid out by Town Selectmen and accepted at Town Meeting (Ch. 82, Sect. 21). Town Meeting has also has the authority for relocating, altering, or discontinuing these roads (Ch. 82, Sect. 21) and as with town roads, a party who is aggrieved by a town’s failure to discontinue a particular statutory private way can petition the County Commissioners for the way’s discontinuance (Ch. 82, Sect. 30).

Statutory private ways are generally maintained by the abutting property owners. However, the town can opt to maintain these roads if it so chooses. Under MGL Chapter 40, Section 6D, the town can have a ballot vote which allows the town to maintain private roads that are open to public use, and provide snow removal thereon. Under MGL Ch. 40, Sect. 6N, the town can create an ordinance to allow the town to make repairs on private ways.

Statutory town ways are sometimes created when a discontinuance of a town road would result in access problems for some abutting property owners. By re-establishing the way as a statutory town way, public access is retained, but the town no longer has responsibility for maintenance or liability for use. Additionally, statutory town ways are not considered to be public ways under the Massachusetts Subdivision Control Act (MGL Ch. 41, Sect. 81), and therefore cannot be used as frontage for Approval Not Required (ANR) development.³

² Letter from the Franklin County Commission to Northfield Board of Selectmen, July 21, 1981.

³ Massachusetts Supreme Judicial Court decision in Casagrande v. Town of Harvard, 387 N.E. 2d 571 (1979).

1986 Northfield Town Meeting Article on Road Discontinuances

In 1986, the Town of Northfield Town Meeting passed an article relating to town roads and their discontinuance. The article (Article 23) moved that the Town of Northfield, pursuant to Massachusetts General Laws, Chapter 82, Section 21 shall “discontinue any and all public rights which may exist in any roads or ways in Northfield, with the exception of those ways or portions of ways currently maintained by the Town.” The article then lists each road that the Town currently maintains, giving each road’s beginning and end points, and in many cases, the road’s length. (See the Appendix for the full Town Meeting article.)

Under this Town Meeting article, any Town roads or public ways that are not enumerated in the article are discontinued, and are no longer public ways. Since the article was passed in 1986, questions have arisen about whether such a blanket discontinuance of non-enumerated roads under Ch. 82, Sect. 21 is legally binding. It appears that it is. In 1994, the Massachusetts Appeals Court, in a case involving nearby Warwick, upheld the discontinuance of any and all Town roads that were not included in a presented list.⁴ In a recent letter to the Northfield Select Board, Town Counsel cited additional case law to support this finding, and indicated that “assuming that the [standard] Town Meeting procedures were followed, it is my opinion, that the [Town Meeting] Vote [on this article] was effective in discontinuing the unenumerated roads as public ways.”⁵

This project’s research on the status of Northfield Town roads and ways was conducted prior to the issuing of the Town Counsel’s opinion. Consequently, it was not assumed that the Town roads which are not listed in the 1986 Town Meeting roads article were automatically discontinued once the article passed. The listings of roads in the following sections include a notation indicating which roads were on the article’s Town road list.

Overview of the Road Listings Created Through this Project

This research focused on the inventorying of Northfield’s roads and the cataloging of the roads into the following groups:

- Roads that are used as public ways, and that are maintained as such;
- Roads that are private ways; and
- Roads that were once used as public ways, and which are no longer maintained as such, but which may not have been officially discontinued;
- Roads that are used as public ways, but that have uncertainties regarding their layout and beginning or end points.

Typically, a full road inventory involves researching the whole history of the public roads in the community and the mapping of each road. A full inventory can be a very time-

⁴Massachusetts Appeals Court decision Rivers v. Warwick. Massachusetts Appeals Court Reports, Vol. 37, 593-598 (1994).

⁵Letter from the Northfield Town Counsel, Kopelman and Paige, P.C., to Northfield Board of Selectmen, January 22, 2003.

consuming and expensive process. Under MGL Chapter 82, Section 32, each town in Massachusetts is required to keep comprehensive records of all town and county road transactions. However, reviewing these records can be an involved, lengthy process, especially since early records reference roads not by their current names, but former property owners and landmarks such as barns, trees, and streams.

A full, comprehensive inventory was beyond the scope of this project. For this project, the cataloging of the Northfield's roads started with the Town's 1993 official street list, the road files kept by MassHighway as part of its Geographic Information Systems (GIS) coverage of Northfield's roads, and historic Town and Franklin County road maps. The research also involved meeting with the Town's recently retired long-time Highway Superintendent, Mike Gibson, Administrative Assistant Susan Draves, other town staff, Selectmen, and members of other Town boards. In addition, the county records on Northfield roads maintained by FRCOG, and the Town's official record book of road transactions, were reviewed to the extent possible. (*See the Appendix for more information on the FRCOG's County road records*).

The road listings in the following sections are the primary product of this project's research. The sections have separate discussions for State, County, and Town roads because of the different statutes and procedures applying to each. The road listings include the road's official name, its beginning and end points, its MassHighway file road ID number, and the relevant Town Assessors' map numbers. For Town roads, it is also noted whether the road was listed as Town road in the 1986 Northfield Town Meeting article discontinuing all non-enumerated roads.

Roads that are Currently Used and Maintained as Public Ways

These roads are currently used and maintained as public ways, and the Northfield Town officials reviewing this research regard them as public roads.⁶ Any roads with potential issues about discontinuances, or road layouts are not listed here, but appear later in the chapter.

⁶ The official layouts and acceptance of most of these roads have not been verified.

State Roads

Table 4-1 lists the State roads located in Northfield. These roads have the highest traffic volumes of any roads in the community, and form the backbone of the Town's transportation network.

Table 4-1: State Roads in Northfield

Road Name	From	To	Assessors' Map #s	MHD Road ID
Main Street (Route 63/10)	Millers Falls Road (Route 63)	Hinsdale Road (Route 63)	10,10A,17,17A,24A,30,30A,31A,38	1
Millers Falls Road (Route 63)	Main Street (Route 63/10)	Erving Town Line	30,39,41,43,52,53,55,56,70-74	22
Hinsdale Road (Route 63)	Wanamaker Road (Route 10)	New Hampshire State Line	5	3
Route 10	Millers Falls Road/ Main Street	Gill Town Line	29	49
Wanamaker Road (Route 10)	Main Street/Hinsdale Road	New Hampshire State Line	5	4
Mount Hermon Station Road (Route 142)	Gill Town Line	Vermont State Line	3,4,11,12,15,16,25,27,28	47

County Roads

The Franklin County roads in Northfield are shown in Table 4-2. Many of these roads date back to the Town's early days when they were used as the main corridors between Northfield's village centers, and between Northfield and neighboring towns.

Table 4-2: County Roads in Northfield

Road Name	From	To	Assessors' Map #s	MHD Road ID
Bennett Brook Road	Old Bernardston Road	Mount Hermon Station Road (Route 142)	28,29	53
Caldwell Road	West Northfield Road	Mount Hermon Station Road (Route 142)	11,16,25	59
Captain Beers Plain Road	Millers Falls Road (Route 63)	Maple Street	38,39,41,42,43	72
East Northfield Road	Main Street (Route 63/10)	Schell Bridge	10	45
Ferry Road	Millers Falls Road (Route 63)	Pine Meadow Road	72,73	76
Gill Center Road	Old Bernardston Road	Gill Town Line	29,40	51
Gulf Road	Maple Street	Erving Town Line	32,33,36,37,44,45,46,49,50,51,61,65	32
Lower Farms Branch Road	Lower Farms Road	Pine Meadow Road	72	78
Lower Farms Road	Millers Falls Road (Route 63)	Ferry Road	72	77
Luckey Clapp Road	Millers Falls Road (Route 63)	Captain Beers Plain Road	38,39	56
Maple Street	Main Street (Route 63/10)	Commonwealth Avenue	31,31A,37,38	31
Moody Street	Main Street (Route 63/10)	Highland Avenue	10A,17A,17B	9
Munns Ferry Road	Millers Falls Road (Route 63)	Dead End	52,53	91
Old Wendell Road	Maple Street	Erving Town Line	37,38,42-45,50,51,59-61,66	38
Orange Road	Gulf Road	Warwick Town Line	49,62,63,64	34

Table 4-2: County Roads in Northfield (con't)

Road Name	From	To	Assessors' Map #s	MHD Road ID
Pine Meadow Road	Millers Falls Road (Route 63)	Erving Town Line	53,54,55,72,73	75
River Road	Mount Hermon Station Road (Route 142)	Caldwell Road	11,16	60
School Street	Main Street (Route 63/10)	Warwick Road	18,22,23,23A	25
South Mountain Road	Millers Falls Road (Route 63)	Gulf Road	52,57,58,59	70
Warwick Road	Main Street	Warwick Town Line	18,19,21,22,23, 23A,31,31A	29
West Northfield Road	Mount Hermon Station Road (Route 142)	Schell Bridge	4,11	58
Winchester Road	Moody Street	New Hampshire State Line	6,9A,9B,10, 10A	7

Town Roads

Most of Northfield's public roads are Town roads. The Town roads that are currently used and maintained as public ways, and without serious questions about their endpoints or layouts or status, are listed in Table 4-3.

Table 4-3: Town Roads in Northfield

Road Name	From	To	Listed in 1986 Town Meeting Article*	Assessors' Map #s	MHD Road ID
Adams Road	Mount Hermon Station Road (Route 142)	Dead End	Yes	4	48
Aldrich Street	Highland Avenue	Dead End	Yes	17A	15
Ashuelot Road	Hinsdale Road	New Hampshire State Line	Yes	5	2
Birnam Road	Winchester Road	Warwick Road	Yes	10,17A,17B,18, 18A,22,23	20
Coller Cemetery Road	Orange Road	Dead End	Yes	48,62,63	0
Commonwealth Avenue	Old Turnpike Road	Gulf Road	Yes	31,32	28
Cross Road	Millers Falls Road (Route 63)	Pine Meadow Road	Yes	55,72	79
Dickinson Road	Main Street (Route 63/10)	East Street	Yes	17,23	41
East Street	Maple Street	School Street	Yes	23,23A,31,31A	30
F Summer Turner Road Connector	Old Bernardston Road	F Summer Turner Road	Yes	29	90
Fisher Road	South Mountain Road	Dead End	Yes	57,58	89
Four Mile Brook Road	Millers Falls Road (Route 63)	South Mountain Road	Yes	58,59,66-69, 71,72	80
Gerrish Road	Mount Hermon Station Road (Route 142)	Dead End	Yes	4	46
Glenwood Avenue	Highland Avenue	Birnam Road	Yes	17A,17B	19
Hamilton Drive	Pierson Road	Dead End	Yes	6	6
Highland Avenue	Holton Street	Moody Street	Yes	10A,17A,17B	13
Holly Avenue	Winchester Road	Linden Avenue	Yes	9A	68
Holton Street	Main Street (Route 63/10)	Highland Avenue	Yes	17	17

Table 4-3: Town Roads in Northfield (con't)

Road Name	From	To	Listed in 1986 Town Meeting Article*	Assessors' Map #s	MHD Road ID
Homer Road	Millers Falls Road (Route 63)	Upper Farms Road	No	41	88
Howard Street	Highland Avenue	Dead End	Yes	17A	14
Jewett Road	Millers Falls Road (Route 63)	Upper Farms Road	Yes	41	84
Lyman Hill Road	Millers Falls Road (Route 63)	South Mountain Road	Yes (1)	57	74
Lyman Street	Holly Avenue	Dead End	No	9A	None
Lyman Road	Old Wendell Road	Dead End	Yes	42	69
Mine Road	Wanamaker Road (Route 63)	New Hampshire State Line	Yes	5	86
Murdock Hill Road	Gulf Road	Erving Town Line	Yes	65	33
Myrtle Street	Winchester Road	Holly Avenue	Yes	9A	66
New Plain Road	Captain Beers Plain Road	Old Wendell Road	Yes	38,42	39
North Lane	Moody Street	Dead End	Yes	9B,10A	8
Old Bernardston Road Access Road	Route 10	Old Bernardston Road	Yes (2)	29	92
Old Ferry Road	Main Street (Route 63/10)	Dead End	Yes	30,30A	64
Pentecost Road	Main Street (Route 63/10)	Dead End	Yes	17	42
Pierson Road	Winchester Road	Wanamaker Road (Route 63)	Yes	5	5
Pine Street	Main Street (Route 63/10)	Dead End	Yes	10A,18,18A	10
Pratt Hollow Road	Gulf Road	Dead End	Yes	32,33	37
Prospect Hill Road	Gulf Road	Dead End	Yes (3)		
Railroad Station Road	West Northfield Road	Vermont State Line	Yes	4	57
Randall Road	River Road	Caldwell Road	Yes	11,16	61
Riverview Drive	Pine Meadow Road	Dead End	No	54	118
Saint Mary's Street	Maple Street	Warwick Road	Yes	31	27
Slate Road	Captain Beers Plain Road	Dead End	Yes	43	73
West Road	Mount Hermon Station Road (Route 142)	Vermont State Line	Yes	2,12	96
Old Vernon Road	Mount Hermon Station Road (Route 142)	West Road	Yes	2,13,14,26,27	62
Woodruff Way	North Lane	Carleton Street	Yes	9A, 9B	65

*1986 Town Meeting Article 23 discontinued all Town roads not listed in the article.

(1) Lyman Hill Road was referred to as South Mountain Branch Road in the Town Meeting article. Lyman Hill Road is the name used in the 1993 official Master Street Name Guide for the Town of Northfield.

(2) Old Bernardston Road Access Road was referred to as Old Bernardston Road Connector in the Town Meeting article. Old Bernardston Road Access Road is the name in the 1993 official Master Street Name Guide.

(3) Prospect Hill Road was added to the Town Meeting article in an amendment.

Private Roads

This section reviews the private roads in Northfield. Many of these roads are located on the ridge east of Northfield Mount Hermon Street, near Strowbridge Hill. Others are related to subdivisions for which the access roads have never been accepted by the Town of Northfield as a public way.

It has not yet been researched whether any of the private roads listed in the two tables below are “statutory private ways” pursuant to MGL Chapter 82, Section 21. Statutory private ways are created through Town Meeting action and have public access. However, they are maintained by the abutting property owners unless the town opts to take on the maintenance responsibilities, through ordinance or ballot vote. Towns have no liability regarding statutory private way use.

Table 4-4: Private Roads Located on the Ridge near Strowbridge Hill

Road Name	From	To	Assessors' Map #s	MHD Road ID
Carleton Street	Linden Avenue	Forest Avenue	9A	67(?)
Ferncliff Avenue	Crescent Street	Forest Avenue	9A	None
Ferncliff Circle	Ferncliff Avenue	Ferncliff Avenue	should be 9A (not on map)	None
Myrtle Avenue	Crescent Street	Dead End	9A	None
Prospect Avenue	Crescent Street	Dead End	9A	None
Cliff Road	North Lane	Dead End	9B	109
East Lane	North Lane	Ledge Way	9B	2
Heath Road	North Lane	Spring Street	9B	102
Ledge Way	Woodruff Way	Spring Street	9B	95
Mountain Road	Woodruff Way	Dead End	9B	97
Oak Terrace	Woodruff Way	Mountain Road	9B	111
Pine Road	North Lane	Ledge Way	9B	99
Spring Street*	North Lane	Ledge Way	9B	101
The Willows	Birnam Road	Woodruff Way	9B	93
West Lane	North Lane	The Willows	9B	110
Wood Way	Ledge Way	Mountain Road	9B	98

*Spring Street was discontinued as a town road in 1955.

Table 4-4 above lists the private roads that are located on the ridge, and Table 4-5 on the next page lists other private roads in Northfield. These lists are as comprehensive as time allowed, but there may be some private roads in Northfield which are inadvertently excluded from these tables.

Table 4-5: Other Private Roads in Northfield

Street Name	From	To	Assessors' Map #s	MHD Road ID
Bolton Road	Winchester Road	Birnam Road	10, 10A	11
Chula Vista Lane	Mill Road	Dead End	should be 17 (not on map)	None
East Hall Drive	Music Hall Drive	NMH School	10 (not labeled)	107
Elm Avenue	Main Street (Route 63/10)	Highland Avenue	17,17B	16
Elm Street	Winchester Road	NMH School	10A	0
Frary Road	Highland Avenue	Dead End	17A	None
Hidden Pond Lane	Stowbridge Road	Dead End	22	None
Hotel Road	Birnam Road	Northfield Inn Drive	17,17B	0
Kidder Court	Parker Avenue	Dead End	24A	None
Lorita Lane	Main Street (Route 63/10)	Dead End	30,30A	12
Louisiana Road	Holly Avenue	NMH School Reservoir	6,9A	94
Meadowview Lane	Pine Meadow Road	Dead End	53	119
Mount Hermon School Drive	Route 10	Gill Town Line	10 (not labeled)	50
Music Hall Drive	Main Street (Route 63/10)	School	10 (not labeled)	105
Northfield Inn Drive	Highland Avenue	Dead End	17 (not labeled)	54
(Northfield Mountain) West Access Road	Millers Falls Road (Route 63)	Erving Town Line	74	112/0
Youth Hostel Lane	Main Street (Route 63/10)	Dead End	23A	None

Roads with Questions about their Current Status

These roads are generally considered to have been public ways at one time, and there have been questions about whether or not they have been permanently discontinued. The Town of Northfield does not currently maintain these roads as public ways. None of the Town roads listed in this section were included in the 1986 Town Meeting article which discontinued all unenumerated roads. Therefore, based on the opinions of Town Counsel, and of the Massachusetts Appeals Court in the Warwick case, these roads were discontinued with the Town Meeting vote and are no longer public ways.

County Roads

Table 4-6 lists the two roads that were County roads (highways) and which currently have an uncertain status regarding their use as public ways. The issues with these roads are described briefly on the next page.

Table 4-6: Roads that were County Roads and Currently have an Uncertain Status

Street Name	From	To	Assessors' Map #s	MHD Road ID
Great Swamp Road	Orange Road	Erving Town Line	62,64,65	35
Old Warwick Road/Parker Camp Road	Warwick Road	Warwick Town Line(?)	8,18,19	85

Great Swamp Road

Key Issue: Is this road still an official County road?

This road is also referred to as Swamp Road. Great Swamp Road was designated as a County road in Northfield and Erving by the County Commission in 1854 and is shown on 1958, 1924, and 1973 highway maps and in the 1871 Beers Atlas. No County records indicate any change to the road until 1948 when Erving relocated the portion of the road leading to Laurel Lake (now called Swamp Road) back to North Street (Gulf Road in Northfield). The Northfield Highway Department used to maintain this road, but no longer does. Some of the road falls within Northfield State Forest and other permanently protected open space properties, but other areas along the road are potentially developable. In the Assessors' files, four parcels are listed with addresses on the Great Swamp Road. One of these four parcels is owned by the Commonwealth.

Old Warwick Road/Parker Camp Road

Key Issue: Which portion of the road was discontinued in 1846? (Where did Obidiah Bass live?)

County records indicate that there was a discontinuance in 1846 of the portion of Old Warwick Road from near Obidiah Bass' property to the Warwick town line. This section of the road is labeled "41" on the 1924 highway map. It is not yet clear where Mr. Bass' property was. In the 1990s, there was a petition made by the Northfield Board of Selectmen to the County Commission for the discontinuance and abandonment of all of Old Warwick Road. Because of concerns that the discontinuance would leave the Parker family, who owns land at the end of the road, with no public access, the petition for the discontinuance was dismissed in July 1995. In the Assessors' files, three parcels are listed as fronting on Old Warwick Road, all of them owned by Northfield Mount Hermon School.

Town Roads

Ways that were town roads, and which have had questions about their status, are shown in Table 4-7, and then discussed briefly below. As mentioned previously, none of these ways were included in the 1986 Town Meeting roads article's list of roads, and were therefore effectively discontinued with Town Meeting's approval of the article.

Table 4-7: Roads which were Discontinued by the 1986 Town Meeting Article on Roads

Street Name	From	To	Listed in 1986 Town Mtg Article*	Assessors' Map #s	MHD Road ID
Great Meadow Road	Meadow Street	Dead End	No	24,30	23
Old Route 10	Route 10 West	Dead End	No	30	None
Plain Road	New Plain Road	Old Wendell Road	No	38	40
Route 10 West	Great Meadow Road	Dead End	No	30	117
Sage Hollow	Route 10 West	Great Meadow Rd	No	30	None

*1986 Town Meeting Article 23 discontinued all Town roads not listed in the article.

Great Meadow Road

Summary: The MassHighway data file still has this road listed as a town road, and the road also appears on Northfield's 1945 List of Accepted Streets submitted to the Massachusetts Department of Public Works (now MassHighway). The Great Meadow Road is included in the 1871 Beers Atlas, and on the 1858, 1925, and 1973 county highway maps. In 1835, Northfield Town Meeting voted to accept the layout of a town road through the Great Meadow. In 1844, Town Meeting voted to discontinue the highway through the Great Meadow and reserve it as a private way. In 1868, Town Meeting voted to reopen the road through the Great Meadow. The Town Highway Department maintained the road until the passage of the road discontinuance article at the 1986 Town Meeting. Five property owners have parcels fronting on Great Meadow Road. One of these five owners is the Town of Northfield. (Note: The reference in the County Roads index for the Great Meadow Road covers very little, if any section at all, of the Great Meadow Road.)

Old Route 10

Summary: The Assessors' maps (*map #30*) show Old Route 10 extending from Route 10 West to the Connecticut River. Most other maps, including one generated from the MassHighway GIS file, do not include this road. According to the 2002 Northfield Street List of Residents, there are no residents living on this road. According to the Assessors' records, two parcels have frontage on Old Route 10. If the Commonwealth of Massachusetts abandoned this old section of Route 10, when Route 10 was re-aligned, then this segment is not a road. If the Commonwealth simply discontinued it, then the road would have become a Town way.

Plain Road

Summary: This road is also referred to as New Plain Road Branch. According to the 2002 Street List of Residents, there are no residences on this road. Four parcels front on this road, and three of them also front on other roads (*see Assessors' map #38*). This roadway is still visible, but is no longer maintained. Recently, the Assessors were asked to clarify for a potential developer whether or not Plain Road is still, in fact, a public way.

Route 10 West

Summary: Upon the construction of Route 10, this road was discontinued by the State, which means that it should automatically become a Town road. There is one residence listed for Route 10 West in the Town's 2002 Street List of Residents.

Sage Hollow Road

Summary: This town road is shown on the Assessors' maps (*map #30*) with a right-of-way. It is not listed anywhere else in the other records that have been reviewed. According to the 2002 Street List of Residents, there are no residences on this road. The road does not appear on the 1858, 1924, or 1973 county highway maps, or in the 1871 Beers Atlas. The Town Highway Department maintained the road until the 1986 Town Meeting article on roads, but

no longer does. Most of the area along this roadway is believed to be located in the floodplain. Seven parcels in the Assessors' files are listed as fronting on Sage Hollow Road.

Roads with Questions about their Layouts

These roads are all considered to be public ways. However, there are questions about their layouts, including the beginning and ending points. (Note: The layouts of Northfield's public ways were not fully explored and documented in this research. This list therefore is not necessarily comprehensive or complete.)

County Roads

Table 4-8 lists Franklin County roads that have questions about their layouts. The issues with these roads are briefly described following the table.

Table 4-8: County Roads with Questions about their Layout, Northfield

Street Name	From	To	Assessors' Map #s	MHD Road ID
Stowbridge Road	Warwick Road	School Street/Dead End?	18,18A,22	26
Upper Farms Road	Millers Falls Road (Route 63)	Millers Falls Road/Dead End	41,52	71

Stowbridge Road

Key Issues: Is Stowbridge a County road or a Town road? Does Stowbridge Road continue north of School Street?

Stowbridge Road was previously known as Sturbridge Road and Strobridge Road. The 1986 Town Meeting article on roads refers to Stowbridge Road as a County road. However, previous Town Meetings, in 1843 and 1904, included articles to discontinue Stowbridge Road as a Town road. In 1843, Town Meeting voted to discontinue Stowbridge Road as a Town road and established it as a private way. In 1904, Town Meeting passed over without action an article to discontinue Stowbridge Road from Warwick Road to its northern extremity. If Stowbridge Road is a County road, then Town Meeting articles regarding it have no practical impact.

Stowbridge Road is shown between Warwick Avenue and School Street on the 1858, 1924, and 1973 highway maps and in the 1871 Beers Atlas. The 1973 highway map also shows a section of Stowbridge Road north of School Street, which it labels as an "Old Road Seldom Used," continuing to the Northfield Mount Hermon Reservoir. There are a number of land parcels north of School Street that are listed in the Assessors' records as fronting on Stowbridge Road or Old Stowbridge Road.

Upper Farms Road

Key Issue: Was the southern portion of Upper Farms Road that intersects with the railroad tracks ever vacated after the tracks were constructed?

According to the 2002 Street List of Residents, there are residences both south and north of the tracks along this road. The MassHighway data file and the Assessors' maps suggest that Upper Farms Road connects to Miller Falls Road (Route 63) at both ends, and the Assessors' maps show the right-of-way as running the length of the road.

Town Roads

Table 4-9 summarizes Town roads with questions about their layout. For many of these Town roads, the main questions are about where the roads end, and if the roads' right-of-ways extend beyond the sections that are currently maintained as public ways. All of these roads are included in the 1986 Town Meeting article on roads discontinuances, with road lengths and/or endpoints provided for many of them. These details, if legally binding, may help answer the questions raised here.

Table 4-9: Some Town Roads with Questions about their Layout, Northfield

Street Name	From	To	Listed in 1986 Town Mtg Article*	Assessors' Map #s	MHD Road ID
Alexander Hill Road	Gulf Road	Dead End	Yes	32,34	36
F Sumner Turner Road	Route 10	Bennett Brook Road	Yes	29	52
Glen Road	Main Street (Route 63/10)	Dead End	Yes	17	43
Linden Avenue	Holly Avenue	Dead Ends north and south	Yes	9A	87?
Meadow Street	Main Street (Route 63/10)	Dead End/ Great Meadow Road?	Yes	16,24	24
Old Bernardston Road	F Sumner Turner Road	Dead End	Yes	29	55
Old Turnpike Road	Saint Mary's Street	Dead End	Yes	21,22,31,32,34	81
Parker Avenue	Main Street (Route 63/10)	Cemetery/ Great Meadow Road?	Yes	23A,24,24A	83

Note: This is not a comprehensive list.

*1986 Town Meeting Article 23 discontinued all Town roads not listed in the article.

Alexander Hill Road

Key Issues: Is the road a County road or a Town road? Where does this road officially end?

Alexander Hill Road is also referred to on the Assessors' map as Old South Road to Warwick. Alexander Hill Road was originally a County road, and it is suspected that the road may have been altered or discontinued by Hampshire County between 1761 and 1811. If the road was discontinued as a County road, the current road would be a Town road by layout or prescription. The MassHighway data file indicates that part of the road is located within a State Forest.

There are also questions about the terminus and layout of Alexander Hill Road. The Assessors' maps (*maps #32 and #34*) show the road ending just before the power line right-of-way. The 1986 Town Meeting roads article also has Alexander Hill Road, which it refers

to as a Town road, ending at the power line. Legal opinion is that this Town Meeting article is likely a legal way to discontinue the road beyond this point.

However, there are questions about the road's layout which could affect the ability to discontinue it. The current roadway layout does not match up with what was laid out by the County Commission in 1761. Alexander Hill Road is shown running easterly until the Warwick line in the 1871 Beers Atlas, and on 1830, 1858, 1871, and 1973 highway maps, though on the 1973 map, the road is indicated as being an "Old Road Seldom Used."

F Sumner Turner Road

Key Issue: Is the section of the road through the Pioneer Valley Regional School district property still a Town road?

Access from Route 10 to Bennett Brook Road is currently restricted through the school property, and there is a gate at the edge of the school property and a sign stating indicates that the road is not a thoroughfare. The MassHighway data file indicates that the middle section of the road is unaccepted, which suggests that it is no longer a Town road. The 1986 Town Meeting road article lists F. Summer Turner Road "from Route 10, 0.68 miles northerly to Bennett Brook Road" as a Town way.

Glen Road

Key Issue: Where does this road officially end?

The Assessors' maps show the road extending to and along the railroad tracks, and going east back towards the cemetery. Does the road actually run this far? The 1986 Town Meeting road article lists Glen Road as running from "Main Street 0.26 miles westerly to [the] end."

Linden Avenue

Key Issue: Is all of this road a public way? If not, which sections are not public?

The MassHighway data file indicates that the road is maintained by the Town of Northfield, and the 1986 Town Meeting roads article included Linden Avenue "from Holly Avenue southerly and northerly to [the] end."

Meadow Street

Key Issue: Where does this road officially end?

In the 1899 Town Meeting article naming village roads, which was approved by Town Meeting, Meadow Street is referred to as the road leading westerly from Main Street opposite School Street to the meadow and southerly to the road leading to the road hereafter designated as River Street (which is now old Route 10.) The Assessors' maps (*maps #16 and #24*) show Meadow Street extending to the Great Meadow Road. In the 1986 Town Meeting article on road discontinuances, Meadow Street is described as running from Main Street to the Sewer Plant entrance.

Old Bernardston Road

Key Issues: What jurisdiction does this road fall under? Where does this road end?

This road was part of the original road to Bernardston before Route 10 was constructed. Upon the construction of Route 10, this road was discontinued by the State, which means that it should automatically become a Town road. However, there is currently some confusion on this point, and it is believed that the Town never officially accepted the road, not that it would have had to, in order to become a Town way, based on the State statutes.

The 1986 Town Meeting roads article included Old Bernardston Road and indicated that the road ends at the west side of the Connecticut River. The Assessors' maps show that the road currently runs east to the Connecticut River, and also loops back to the Old Bernardston Road Access Road.

Old Turnpike Road

Key Issue: Which portion of this road has been discontinued (where was Thomas Mason's house?) Is the road a County way or a Town way?

The MassHighway data file refers to the road as Turnpike Road and shows it to run from St. Mary's Street easterly to a dead end. However in this data file, there is still an unaccepted road segment that continues from the end of Old Turnpike Road to the Warwick Town Line. In 1832, the Franklin County Commissioners discontinued the segment of the road between the foot of the mountain near the house of Thomas Mason, occupied by Benjamin Enoch, to the Warwick line. The Assessors' maps (*map #34*) also indicate that the western section of the road has been discontinued. It is not clear when, and if, Old Turnpike Road, ceased being a County road. Old Turnpike Road does not appear on the 1858 highway map or in the 1871 Beers Atlas, and is shown on the 1973 map as an "Old Road Seldom Traveled." The 1924 highway map shows a short segment of Old Turnpike Road east of Warwick Road, though the road is not coded on that map as a County road. The 1986 Town Meeting roads article lists Old Turnpike Road as a Town way and indicates that it runs from "Commonwealth Avenue 0.40 miles easterly to [the] end."

Parker Avenue

Key Issue: Where does Parker Avenue end?

The Assessors' maps (*map #24*) and the MassHighway data file show Parker Avenue extending west of the Center Cemetery and railroad tracks, and connecting with the Great Meadow Road. One can currently drive on Parker Avenue extended, through to the Great Meadow Road and the fields along it. The approved 1899 Town Meeting article naming village roads refers to Parker Avenue as leading westerly from Main Street near the First Parish Church to the railroad station and the cemetery. The road now known at Parker Avenue was accepted at the September 1848 Town Meeting with a layout running between the main town street and the Vermont and Massachusetts Railroad depot. The 1986 Town Meeting roads article indicates that Parker Avenue runs from Main Street to the Northfield Center Cemetery.

More Information on Public Way Discontinuances

A primary reason for this project on Northfield's roads was to develop an updated list of Northfield's current public ways and to determine if there were any "paper roads" that the Town might want to consider discontinuing.

This section briefly provides additional information regarding public way discontinuances, their pros and cons, and the procedures involved. More detailed information is contained in the Appendix and in reference guides such as the 1990 report *Discontinuing Town and County Roads* produced by the Franklin County Planning Department.

Advantages and Disadvantages of Discontinuing a Town or County Road

It is important that the Town of Northfield fully consider the advantages and disadvantages of discontinuing a road before deciding to do so.

The primary advantages of discontinuing a Town or County road are:

1. The Town will no longer be responsible for the maintenance of the road and will avoid the costs of maintaining the road;
2. The Town will be relieved of liability for harm to people from using the road; and
3. It may prevent future undesired Approval Not Required (ANR) development which would have frontage on the road.

The primary disadvantages of discontinuing a Town or County road are:

1. People who rely on the road for travel may be inconvenienced;
2. Owners of property abutting the road may lose access to their land if the road does not become a statutory private way or an easement for access is not in place;
3. Previously potentially buildable lots that front on the road may not be buildable anymore;
4. A town may experience a decrease in State or Federal highway funds because of the decrease in the town's road mileage;
5. In some cases, the town may be liable for damages for discontinuing the road if steps are not taken to maintain public access to properties along the road. One option would be establish the road as a statutory private way.

Procedures for Discontinuing a Town Road

As long as the town road does not fall within 500 yards of another town, the road can be discontinued at Town Meeting. For a Town Meeting discontinuance, there are no requirements that abutters be notified, that a public hearing be held, or that there be a particular reason or justification for the discontinuance. If a town road was created by easement and was not taken by eminent domain, it can be discontinued with a simple majority vote at Town Meeting. However, discontinuance of a town road taken by eminent domain, requires a two-thirds majority vote for approval.

Roads do not actually have to currently be town ways for there to be a Town Meeting article for their discontinuance. A discontinuance article at Town Meeting can just be used to ensure that the road is officially discontinued and will not be a “paper road” with which the town might end up having later issues.

The procedure for discontinuing a town road that falls within five hundred yards of an adjoining town is more involved. The town needs to provide notice to the adjoining community and to hold a public hearing on the discontinuance. The Selectmen of the neighboring town must agree in writing to the proposed discontinuance. If the Selectmen do not grant written permission for the proposed action within 90 days, the initiating town may make a written request to MassHighway to have the discontinuance approved.

Below is a summary of the steps for discontinuing Town roads. More detailed information can be provided upon request.

Steps for Discontinuing Town Roads (per MGL Chapter 82, Sections 21-23)

1. Determine if the road is within 500 yards of another town.
 - a. If no, there are no requirements for notifying the abutters or having a public hearing.
 - b. If yes, abutters must be notified and a public hearing held.
2. Determine how the town acquired interest in the public way: fee or easement. If fee, then town owns both the right of travel and land beneath the road. If easement, the town is allowed to cross the land for road, but the land is owned by the abutters.
 - a. If the road was created with an easement and was not taken by eminent domain, then only a simple majority vote in favor of discontinuance is needed.
 - b. If the road was created through fee or easement interest and acquired with a deed stating the purpose of the acquired land was for a public way, then only a simple majority vote in favor of discontinuance is needed.
 - c. If the road was created through eminent domain proceedings, then a two-thirds majority vote in favor of discontinuance is needed.
3. Determine if the town has an official Town Map pursuant to MGL Chapter 41, Sections 81 G-I.
 - a. If yes, Planning Board review is not required, and once the road is discontinued, the Official Town Map needs to be updated to reflect the change.
 - b. If no, the Planning Board must have 45 days before Town Meeting to comment to the Selectmen. (Note: Northfield does not have an official Town Map).
4. Schedule a Town Meeting following the regular warrant article posting requirements.

Procedures for Discontinuing a County Road

Only County Commissioners have the authority to discontinue county roads. Since the dissolution of the Franklin County Commission, the Executive Committee of the Franklin Regional Council of Government (FRCOG) has had authority over county road actions including discontinuances in Franklin County.

County roads can only be discontinued after the County Commissioners receive a petition requesting the discontinuance. Such petitions are usually submitted by a town's Select Board after Town Meeting has granted approval for the Selectmen to submit the petition. Petitions may also be submitted by individual citizens. However, these citizens would then be liable for the costs associated with their petition.

There is a fee for the FRCOG to process the petition and to assist with the road discontinuance. Generally, towns enter into a formal agreement with the FRCOG to reimburse the FRCOG for the costs associated with requested County road actions. A sample agreement is included in the Appendix. The Appendix also outlines the procedural requirements for petitioners for road actions by the FRCOG Executive Committee. These procedures apply to County road actions besides discontinuances, such as road layouts and alterations.

Below is a summary of the steps for discontinuing County roads. More detailed information can be provided upon request.

Steps for Discontinuing County Roads (per MGL Chapter 82, Sections 2-5)

1. Town Meeting vote to allow the Select Board to petition the FRCOG to discontinue the road, and to enter into a formal agreement with the Executive Committee of the FRCOG.
2. Prepare plans for discontinuances. If plans are not ready at the time of the public hearing, a second hearing will be needed.
3. Submit petition to the FRCOG, along with the supporting documentation on abutters, and completed agreement.
4. Set date for public meeting (and viewing if deemed necessary).
5. Prepare notices for public meeting (and viewing if necessary).
 - a. 15 days before public meeting, serve the Town Clerk with notice of meeting and copy of petition.
 - b. 7 days before public meeting, mail notices to abutters (notices do not need to be sent certified mail or return receipt).
 - c. 7 days before meeting, post notice and petition in two public places in town.
 - d. 7 days before meeting, public notice and petition once in newspaper.
6. Hold meeting (and viewing if necessary). Decision to discontinue road may happen at this time.

7. Vote to approve the discontinuance at the next meeting, or to dismiss the petition.

Transportation Recommendations

These recommendations regarding to “paper roads” and road discontinuances were developed with input from the members of the Community Development Committee. These recommendations are intended to help continue the road research begun and documented here, and to help the Town address remaining potential issues associated with its “paper roads.”

- Update the Assessors’ maps to reflect the results of this research, and to reduce questions about current road right-of-ways and the status of former County and Town ways which have been discontinued.
- Continue to research County and Town roads that have uncertainties about their current status and/or their layouts and beginning and end points. Focus this research on those roads which have the most potential for future development.
- Consider establishing some of the Town’s private roads that currently do not legally have public access, as statutory private ways. Evaluate the fiscal impact and other impacts of providing these ways with town maintenance and plowing.
- Coordinate any efforts to discontinue roads or “paper roads” with the other sections of the Community Development Plan, including the potentially suitable areas for future development identified by the Community Development Plan.
- Send MassHighway a list of changes and updates for its GIS road coverage of Northfield. Provide MassHighway with maps of the ridge area near Northfield Mount Hermon School, and the farms area in South Northfield so that errors in the current GIS coverage can be corrected.

Transportation Appendix

Road Action Glossary

1986 Northfield Annual Town Meeting Article on Road Discontinuances

FRCOG County Road Records Project Series List

FRCOG County Road Index - Town of Northfield

Procedural Outline and Requirements of Petitioners of Road Actions by the FRCOG Executive Committee

Agreement with FRCOG for Reimbursement of Costs Associated with Road Actions

Road Action Glossary

Abandonment: To release the fee in land under the road.

Alteration: Major change to the location of a road. This automatically discontinues the old road between the limits of the alteration.

County Road: A road laid out by the County Commissioners, pursuant to MGL Chapter 82, Section 1.

County Commissioners: The governmental body that has jurisdiction over county road actions, pursuant to MGL Chapter 82. Since the dissolution of the Franklin County Commission, the Executive Committee of the Franklin Regional Council of Governments has had jurisdiction over county road actions in Franklin County.

Discontinuance: The official act necessary for a public way, or a statutory private way, to cease to have public status.

Discontinue Maintenance: Action of selectmen to cease to maintain a public way, or a statutory private way. This action releases the town from the responsibility for maintenance, as well as liability for the use of the road, but the road remains open to the public, and is not legally discontinued. MGL Chapter 82, Section 32A.

Easement: See “Right of Way.”

Fee Simple: The legal term for the ownership of land and associated rights.

Layout: The description of the location and dimensions of a road, or to establish the locations and dimension of a road.

Plan: A drawing of the road, including bearings, distances, width, property lines, and physical features.

Relocation: Minor changes to the location and/or width of roads, usually for re-establishing the bounds or for specific repairs. MGL Chapter 82, Section 11.

Right of Way: The legal right of passage over land, recorded in a deed, or in an official highway or road layout.

Road Book: Records kept by the town of all town and county road transactions. These records are required by MGL Chapter 82, Section 32.

Specific Repairs: Repairs to a road or highway ordered by the County Commission, pursuant to MGL Chapter 82, Section 10. These are not ordinary repairs, but are major changes, such as a change in the width of a traveled way, a change in grade, or a change in drainage.

Statutory Private Way: A private road laid out by the Selectmen (or Road Commissioners) and accepted at Town Meeting with a public right of passage, but no responsibility by the town for maintenance. MGL Chapter 82, Sections 21-24.

Town Road: A public road laid out by the Selectmen (or Road Commissioners) and accepted at Town Meeting, pursuant to MGL Chapter 82, Sections 21 and 23. A town road may also have been created by dedication before 1857, or by prescriptive use validated by court action.

Northfield Article on Roads, p. 1

Northfield Article on Roads, p. 2

Northfield Annual Town Meeting, May 6, 1986

Amendments to Article 23

Added to the List of Town Roads in Article 23:

MINE ROAD, from Route 10 westerly to the N.H. State Line

PROSPECT ROAD, from Gulf Road 0.6 miles westerly to an end

FRCOG County Roads Records Project **Series List**

Introduction

The Engineering Program for the Franklin Regional Council of Governments is the custodian for the road records of Franklin County, Massachusetts. The County was abolished June 30, 1997 by an Act of the Commonwealth's legislature. The Council of Governments was chartered at that time to take up the duties of the former county. The Engineering Program continues to work with its member towns designing alterations, relocations and new highways. The County Roads Records Project is internally funded at this time to increase subject access to the records in a digital format, by consolidating disparate indexes. An additional aspect of the project is to evaluate preservation of the materials in their various formats, and weigh issues of preservation versus access with a goal of increasing accessibility in the digital format for use by the engineering program, area surveyors, title examiners, lawyers, town highway personnel, and the other users of the records.

Scope and Content Note

Franklin County road records date back to 1810 when the County was first chartered. The records also include transcriptions of Hampshire County records for roads in Franklin County. Prior to the establishment of the county. Commissioners' Records include petitions and actions by the County Commissioners with detailed descriptions of road layouts for County roads. They also include information related to the business of running the County, including accounts of monies expended. The Location of Highways Books include information about County roads only. In most cases, there is a record of the road action in the Commissioners' Records, but the Location of Highways Books consolidate and in some cases, expand upon, the information in the Commissioners' Records. Plan Books are a plan or graphic record of the road layout for some of the roads. Miscellaneous plans in drawers are indexed in a digital format, and include records which may be duplicates or more recent, or could be reclassified as part of some of the other series, most notably the plan books.

Series: Docket Folders

134 Metal Drawers filled with envelopes, continued in flat folders in the 1990s. Individual envelopes for County actions beginning in c.1812. Earliest envelopes are not labeled with dates. Filed by term (March, June, September and December), more or less. The envelopes contain all the official papers associated with an action. Actions include, but are not limited to, highway actions (new highways, alterations, relocations, discontinuances and specific repairs), actions associated with county real estate (court house and jail), other county business (annual statements, estimates for county taxes, other accounts), and dam plans. Indexes typically are docket sheets, with one page for each docket number, describing all activity on the action.

Series: County Commissioners' Books

23 Books; averaging 535 pages per book. Book 0 is a transcription of Hampshire County Records of road actions in Franklin County beginning with a 1732 action in Deerfield, and ending in 1810, at the creation of the new County.

Book 1 includes the Records of the Court of Sessions and Franklin County Commissioners from 1812 to 1829. The following books are filed chronologically by session, later called term. The series ends in 1963 with Book 22. These books record the actions taken in the docket folders.

County road actions prior to 1872 include petition, location, width, specifications and votes. Actions subsequent to 1872 often do not include location width and specifications, as this information was entered into the Location of Highways Series. There are various alphabetical indexes, some as part of the books themselves, and some as separate booklets inserted within the books.

Series: Location of Highways Books

6 Books; averaging 650 pages per book. Books are numbered 1 through 6. Pre-printed petition forms for county road actions, with a record of action taken by the county commissioners, and the location, width and specifications for the roads in Book 1. Book 2 follows the same format, but is hand-written. Books 3 on follow the same format, but are typed. Book 6 includes action by the Franklin Council of Governments. The series covers the time period from 1872 to 1998.

Series: Plan Books, called Location of Highways

22 Books; averaging 28 pages per book. Plans bound and filed chronologically from 1894 to 1984. Each book has an index as its first page. The earlier books are ink plans on heavy paper, subsequently hand-colored. The plans in the later books are ink on mylar. Plans in books 21 and 22 do not contain county commissioners' signatures. Prints of these plans containing original signatures are found in the miscellaneous plans in drawers.

Series: Miscellaneous Plans in Drawers

443 Loose Plans; of various sizes, stored in boxes, bins and drawers in the records room. Paper, blue-print, linen and mylar plans dating from c.1880 to 1998. Some of these plans could be bound as part of the Plan Book Series. There are multiple copies of some of the plans. A number of original mylar plans were not signed; paper copies were signed, creating some question as to which would be the official original document.

Series: Railroad Locations

33 plan books of various sizes; averaging 32 pages per book. Locations of lands within Franklin County purchased for railroad purposes filed with the county commissioners, with a notation in later years that the filing was pursuant to Chapter 356 of the Acts of 1895. The plans date from 1869 to c.1905.

Series: State Highway Plan Books, called Plan Books – Franklin County

35 plan books; averaging 80 pages per book. The first three books of this series contain County road layouts, railroad plans, and building plans. Books 4 through 35 are bound in order to file state road layouts that were sent to the County pursuant to State statute. Books 4 through 13 are filed alphabetically by town with plans dating from 1897 to 1929. The following books have road layouts through 1985, arranged more or less chronologically. There is a digital and paper index for these State highway plans. More recent state highway layouts are in the Miscellaneous Plans in Drawers series.

Series: County Roads in Franklin County and Index to County Road Maps

1 Atlas; 16 pages; 1 Index; 69 pages [typewritten]

Atlas showing status of county roads, with accompanying documentation (year, action, citation in record books) provided in the typewritten index. County roads within each town have been given a unique number, which is used in the index. Compiled in 1924 by E. E. Davis, Certified Engineer of Northampton, MA. The atlas and the index have been updated with hand-written notations by William B. Allen, former FRCOG Regional Engineer.

Series: Town Folders for County Roads numbered within the system originated in the 1924 County Roads in Franklin County Book and the Index to County Road Maps

Folders for each town with plots generated by William B. Allen using Design-Plus software for a selection of the road layouts in Commissioner's Books, indexed by road number (corresponding to the system used in the 1924 County Roads in Franklin County Book and the Index to County Road Maps. Annotated photocopies of the Commissioner's Book records accompany the plots. The CAD Drawings in the Electronic Records (below) were made from these plots.

Electronic Records

Series: CAD Drawings

352 CAD documents of road layouts that had been previously plotted by William B. Allen from the original record books, and ongoing newer plots directly plotted from plans and/or descriptions of road locations. They are indexed in the Access database (below).

Access Database

A database in Access which is designed to provide subject access to the County road records. It is a consolidated index, using a controlled vocabulary of current road names as access points. An individual location may be for all or only a portion of the road. Actions may affect more than one road. In some cases, where there is no current road name, the most appropriate adjacent road is named. This index is intended to be used as a starting point for research. While it is intended to be a first step, it is not intended to be the conclusive evidence of the status of any individual road; corrections and additions to the data are welcome. This database is maintained by the FRCOG Regional Engineer, Jim Toth.

Personnel

James Toth

Toth is the Regional Engineer, overseeing the Franklin Council of Governments Engineering Program, including the County Road Records Project. He is committed to balancing the concerns of both preservation and access to the records under his purview. His vision would be to provide a graphic digital index to county road records.

Franklin Regional Council of Governments

Engineering Program County Roads Index

Town of Northfield

Road Name	Year of Action	Commissioners' Book-Pag	Plan Book-Page	Location of Highways Book-Page	Road
Alexander Hill Rd	1761	00-044			002
Bennett Brook Rd	1843	03-263			039
	1848	04-063			043
	1988		D6-08	6-103	
Caldwell Rd	1848	04-110			045
	1848	04-063			043
	1862	06-150			048
	1889	08-453		1-106	055
Captain Beers Plain Rd	1772	00-092			004
	1848	04-039			042
	1893	09-082		1-131	056
	1947	17-385	09-03	3-123	
Cross Rd	1848	04-039			042
	1964	22-139	16-25	4-319	
E Northfield Rd	1790				009
	1902	10-168		2-091	058
	1904	10-292	04-17	2-107	059
Ferry Rd	1826	01-325			022
	1848	04-039			042
	1967	22-414	18-24	5-023	
Gill Center Rd	1895	09-274	01-17	1-153	057

* See State Highway Plan Books

** Hampshire County Record Books, copy available in Town Folder.

This is an index only, and is not intended to be evidence of the status of any individual road. The Franklin Regional Council of Governments is the keeper of the records and does not, by inclusion on this list, warrant or conclude the status of any road. To determine the status of a road, one must research numerous records and other evidence. Often vagueness or contradictions in the records may prevent the researcher from drawing a clear conclusion.

Road Name	Year of Action	Commissioners' Book-Pag	Plan Book-Page	Location of Highways Book-Page	Road
Glen Rd	1848	04-110			045
	1849	04-156			046
	1885	08-247		1-088	054
Great Meadow Rd	1895	09-274	01-17	1-153	057
Great Swamp Rd	1854	05-076			047
Gulf Rd	1784	00-108			007
	1823	01-232			020
	1950	18-275	09-23	3-184	
	1950	18-362	10-04	3-206	
	1952	19-201	11-13	3-323	
	1955	19-487	12-08	3-401	
	1957	20-375	13-08	3-488	
	1958	21-007	13-19	4-022	
	1964	22-136	16-23	4-309	
Hinsdale Rd	1821	01-167			017
Lower Farms Br Rd	1794	00-452			010
	1848	04-039			042
Lower Farms Rd	1794	00-452			010
	1967	22-414	18-24	5-023	
Luckey Clapp Rd	1772	00-092			004
	1970		20-10	5-190	
Main St	1772	00-092			004
	1821	01-167			017
Maple St	1761	00-044			002
	1784	00-108			007
	1823	01-232			020

* See State Highway Plan Books

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Road Name	Year of Action	Commissioners' Book-Pag	Plan Book-Page	Location of Highways Book-Page	Road
Millers Falls Rd (Route 63)	1732	00-001			001
	1772	00-092			004
	1801	00-200			012
	1803	00-205			013
	1821	01-167			017
	1967	22-414	18-24	5-023	
	1967	22-414	D6-09	5-023	
Mt Hermon Station Rd (Route 142)	1767	00-067			003
	1789	00-118			008
	1848	04-063			043
	1910	11-008	05-20	2-157	060
	1938	15-265	05-20	2-525	
	1938	15-265	05-20	2-538	
	1959	21-136	14-24	4-106	
	1968	22-446	19-01	5-033	
	1970		20-02	5-152	
	1972		21-01	5-264	
Munns Ferry Rd	1826	01-328			023
	1848	04-039			042
	1880	07-425			052
	1881	07-503			053
Old Bernardston Rd	1732	00-001			001
	1895	09-274	01-17	1-153	057
	1898	10-001	02-16	2-039	057.5
	1918	12-112	*18-0769	2-211	061
Old Ferry Rd	1732	00-001			001
	1895	09-274	01-17	1-153	057
	1898	10-001	02-16	2-039	057.5
Old Turnpike Rd	1800	00-194			011
	1979		22-05	5-394	

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Road Name	Year of Action	Commissioners' Book-Pag	Plan Book-Page	Location of Highways Book-Page	Road
Old Warwick Rd	1774	00-106			006
	1846	03-362			041
Orange Rd	1823	01-317			021
Parker Ave	1848	04-084			044
Pentecost Rd	1813	01-027			015
	1848	04-110			045
	1849	04-156			046
Pine Meadow Rd	1772	00-094			005
	1794	00-452			010
	1801	00-200			012
	1848	04-039			042
	1875	07-162			049
	1876	07-188		1-027	050
	1877	07-259		1-051	051
	1938	16-208		2-590	
	1941	16-208	08-13	3-072	
	1955	20-003	12-13	3-417	
	1967	22-414	D6-09	5-023	
River Rd	1848	04-063			043
	1848	04-110			045
	1969		19-24	5-134	
Route 10	1848	04-039			042
Route 10 West	1732	00-001			001
	1895	09-274	01-17	1-153	057
	1898	10-001	02-16	2-039	057.5
School St	1774	00-106			006
	1829	03-091			033

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Road Name	Year of Action	Commissioners' Book-Pag	Plan Book-Page	Location of Highways Book-Page	Road
School St	1953	19-276	11-19	3-353	
South Mountain Rd	1938		07-09	2-470	
	1952	19-119	11-06	3-300	
	1961	21-397	15-21	4-205	
Strowbridge Rd	1963	22-063	16-14	4-275	
Upper Farms Rd	1821	01-167			017
	1848	04-039			042
W Northfield Rd	1789	00-118			008
	1848	04-063			043
	1902	10-168		2-091	058
	1904	10-292	04-17	2-107	059
Warwick Rd	1827	01-369			024
	1829	03-091			033
	1843	03-283			040
	1950	18-255	09-21	3-179	
Winchester Rd	1895	09-274	01-17	1-153	057
	1972		20-20	5-239	

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Procedural Outline and Requirements
for Petitioners for Road Actions
by the Franklin Regional Council of Governments
Executive Committee

Effective July 1, 1997, county road actions as defined in the Annotated Laws of Massachusetts, Chapter 82, within Franklin County are the jurisdiction of the Franklin Regional Council of Governments (FRCOG) Executive Committee. During formation of the FRCOG, the member towns chose to limit services supported by general assessment and to fund several services by fee. All services provided by the FRCOG Executive Committee in connection with road actions are fee based. It is the responsibility of a petitioner for a road action to be knowledgeable of the laws and procedures involved with the action. To that end, the petitioner must seek and contract for specific legal, engineering and surveying assistance. The services of the FRCOG Engineering Program is available to towns, organizations and individuals for a fee. A petitioner also has the option of independently contracting with any outside firm that is licensed to practice their trade in Massachusetts.

Petitioners for road actions by the FRCOG Executive Committee must provide the following at the time of presenting the petition to the Executive Committee for action.

1. A copy of the Assessor's plan covering the entire length of the roadway petitioned for in the action and any other areas directly affected (both sides of the roadway).
2. List of current abutters of the proposed action sorted by index numbers from the Assessor's plan.
3. Current mailing address of each abutter.
4. Registry Book and Page for the most recent deed for each parcel abutting the proposed action.
5. Completed and signed "Agreement for Reimbursement of Costs Associated with Road Actions."
6. Check payable to the Franklin Regional Council of Governments in the amount of Five Hundred and no Cents (\$500.00) as initial payment as called for in item 10 of the Agreement for Reimbursement of Costs Associated with Road Actions.
7. A completed petition with signature(s) and names printed or typed below each signature. Note that top name on the petition will be used as reference on all legal documents.

Agreement with FRCOG for Reimbursement of Costs
Associated with Road Actions

AGREEMENT made this XXX day of XXX by and between the Town of XXX (hereinafter referred to as the Petitioner), and the FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS (hereinafter referred to as the FRCOG), with its principal offices located at 425 Main Street, Greenfield, Massachusetts. Any and all references within this Agreement to the parties shall mean the aforementioned Petitioner and FRCOG.

RECITALS

WHEREAS, the Petitioner desires to have the FRCOG Executive Committee accept and take action on a road action petition as they deem appropriate; and

WHEREAS, the FRCOG Executive Committee is willing and able to accept and take appropriate action on road action petitions;

PROVISIONS

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. The term of this agreement shall run from XXX to XXX.
2. The Petitioner hereby agrees to pay the FRCOG for **all** costs associated with this petition. The Petitioner hereby agrees to pay the FRCOG for all FRCOG personnel time spent on the action on a cost-reimbursement basis. The Petitioner hereby also agrees to pay the FRCOG for out-of-pocket expenses on a direct charge basis and for mileage at the current rate (presently 34 cents per mile). Out-of-pocket expenses shall include but not be limited to administrative expenses and costs, legal fees, engineering fees (other than FRCOG engineering fees, which shall be paid as FRCOG personnel costs), property appraisals, monetary damages, construction costs, service by sheriff, legal notices, copying, printing, and mailings.
3. The estimated costs for the action are included in the attached Road Action Cost Estimate. **The costs for the various steps and items listed are estimates. The Petitioner is responsible for actual costs incurred during the course of the action.**

If the actual costs for any step exceeds the estimated costs by more than 50% the Petitioner will be so advised upon FRCOG being made aware of same. The Petitioner shall then have the option of paying all costs incurred to date and withdrawing the petition before a hearing date is set and notice given. If a hearing date has been set and notice given, or if the hearing has been held, the Petitioner shall have the option of paying all costs to date and having the Executive Committee dismiss the petition without prejudice.

4. Whenever required, the Petitioner is responsible for providing an appropriate layout plan and descriptions of parcels to be taken. The Petitioner further understands that these are additional costs and are not part of the costs estimated with this Agreement.
5. The Executive Committee will contract for appraisals of the parcels of land or portions thereof to be taken, or otherwise affected and thereby incurring monetary damage by the petitioned action. The Petitioner will be responsible for reimbursements to the Executive Committee for costs to prepare all appraisals.
6. The Executive Committee will award damages based on the appraisals, as listed in #5 of this agreement. **The Petitioner agrees that Petitioner shall be responsible for any and all damages associated with the damage awards pursuant to the road action.** The Petitioner further agrees to financially secure the above costs in a manner acceptable to the Executive Committee if the Executive Committee so requires.

7. **The Petitioner agrees that the Petitioner shall be responsible for any and all costs of construction associated with the road action.** The Petitioner further agrees to financially secure the costs of construction in a manner acceptable to the Executive Committee if the Executive Committee so requires.

8. The Petitioner may be required to execute a Performance Bond in the format attached hereto. Said Bond shall secure the FRCOG from any and all costs of the road action including, but not limited to, engineering, construction, and damages.

9. The Petitioner and FRCOG Executive Committee agree to meet at the earliest opportunity to confer about the need for the payment of monetary damages and/or construction costs pursuant to paragraphs #6 and 7 above. If the costs are not feasible for the Petitioner, the Petitioner shall then have the option of paying all costs incurred to date and withdrawing the petition before a hearing date is set and notice given. If a hearing date has been set and notice given, or if the hearing has been held, the Petitioner shall have the option of paying all costs to date and having the Executive Committee dismiss the petition without prejudice.

10. The Petitioner hereby agrees to make an initial payment of Five Hundred Dollars and no Cents (\$500.00) to the FRCOG before any action will be taken by the FRCOG with respect to the petition. Costs exceeding this amount will be invoiced to the Petitioner and will be payable within 30 days. Failure to keep payments current may result in dismissal of the petition and will also result in additional legal and collection costs to be borne by the petitioner. Petitioner hereby agrees to pay all costs of collection if a collection action is necessary including attorneys fees. If total action costs are less than the initial payment, the balance will be returned to the Petitioner at the end of the action.

11. COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS The Petitioner shall comply with all applicable laws, ordinances and codes of the local, state and federal government.

12. EMPLOYEE PARTICIPATION IN POLITICAL ACTIVITY All personnel rules and regulations of the FRCOG include restrictions barring any employee participation in political activity which utilizes any funds or any equipment, supplies, or employee time, paid for with funds under this Agreement. Neither the FRCOG, nor the personnel employed in the Administration of the road action, shall in any way or to any extent engage in the conduct of political activities in contravention of Chapter 15 of Title 5 of the United States code (Hatch Act).

13. CONFLICT OF INTEREST Each party shall adhere to the provisions of Massachusetts General Laws, Chapter 268A, with respect to the Conduct of Public Employees. In addition, no member, officer, or employee of the either party, or its designees, or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one (1) year thereafter (or such longer period as may be provided in Chapter 268A of the Massachusetts General Laws), shall have any interest in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Each party shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest, pursuant to the purposes of this subsection.

Further, each party shall adhere to the provisions of the Hatch Act (5 U.S.C. 1501, et seq), which limits political activities by employees whose principal employment is in connection with an activity which is financed in whole or in part by federal funds.

14. LIABILITY The Petitioner shall assume the defense of and hold the FRCOG harmless from all suits or claims against the FRCOG which may arise from the use of any copyright, patent or patent right, materials, labor or implement by the Petitioner in carrying out this Agreement.

The Petitioner shall also assume the defense of and hold the FRCOG harmless from all suits or claims against them rising out of any act or omission of the Petitioner in the performance of this Agreement or from any suit instituted for damages associated with this action. The Petitioner shall indemnify the FRCOG from any damages assessed in any manner whatsoever and whenever, which may arise out of this action.

The Petitioner is not authorized by the existence of this Agreement or by the terms hereunder, to incur any indebtedness or liability on the part of the FRCOG, or to pledge the credit of same, or to bind the FRCOG in any manner beyond those obligations which arise from work done under this Agreement in a timely and proper manner.

15. DOCUMENTS The Petitioner shall be required to provide FRCOG with any documents associated with the road action that FRCOG requests.

16. AVAILABILITY OF FUNDS If any funds are to be provided by FRCOG pursuant to this Agreement then this Agreement is subject to the continued availability of funds.

17. INDEMNIFICATION The Petitioner shall indemnify and save the FRCOG harmless from any and all claims, costs, expenses, losses and damages resulting from negligence, errors, omissions, or fault by the Petitioner including subcontractors and their employees. Such obligation shall not be construed to negate or abridge any other obligation or indemnification running to the FRCOG which would otherwise exist.

18. PERSONNEL The Petitioner represents that if necessary to secure outside services it will do so at its own expenses.

All personnel so engaged in the work shall be fully qualified and shall be authorized or permitted under State and local law to perform such services.

19. FRCOG'S RIGHTS The FRCOG's rights and remedies provided in these clauses are in addition to any other rights and remedies provided by law or this Agreement.

20. The Petitioner shall be responsible for the professional quality, technical accuracy, timely completion, and the coordination of all outside contracted work under this Agreement. The Petitioner shall be responsible to correct or revise any errors, omissions, or other deficiencies in the outside work.

The FRCOG's approval of drawings, designs, specification, reports, and incidental architectural work or materials furnished hereunder shall not in any way relieve the Petitioner of responsibility for the technical adequacy of the work. Neither the FRCOG's review, approval or acceptance of, nor payment for, any of the services shall be construed to operate as a waiver of any rights under the Agreement or of any cause of action arising out of the performance of this Agreement.

21. TERMINATION Either party may terminate this Agreement, in whole or in part, in writing, if the other party substantially fails to fulfill its obligations under this Agreement through no fault of the terminating party. However, no such termination may be effected unless the other party is given (1) not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party before termination.

The FRCOG may terminate this Agreement, in whole or in part, in writing, for its convenience, if the termination is for good cause (such as for legal or financial reasons, major changes in the work or program requirements, initiation of a new step) and the Petitioner is given (1) not less than ten (10) calendar days written notice (Delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party before termination.

If the FRCOG terminates for default, all payments due FRCOG will become due and payable immediately.

Upon termination, the FRCOG may take over the work and prosecute the same to completion by agreement with another party or otherwise.

Except as this Agreement otherwise provides, all claims, counter-claims, disputes, and other matters in questions between the Petitioner and the Executive Committee arising out of or relating to this Agreement or the breach of it will be decided by arbitration if the parties hereto mutually agree, or in a court of competent jurisdiction.

22. MISCELLANEOUS PROVISIONS

a. Modification, Waiver of Change No modifications, waiver or change shall be made in the terms and conditions of this Agreement, except as may be mutually agreed upon in writing by all parties hereto.

b. Successors and Assigns This Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of each of the parties hereto.

c. Marginal Headings, Pronouns The marginal headings used in this Agreement are for convenience only and shall not be deemed to be a binding portion of this Agreement. The pronouns he, she, or it, are also used for convenience, and in the event that an improper pronoun has been used, it shall be deemed changed so as to render the sentence in which it is contained effective in accordance with its terms.

d. Cooperation Each party agrees to cooperate with the other in fulfilling the duties and responsibilities under the program.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first above written.

NOTE: THIS IS A BINDING LEGAL DOCUMENT. IT SHOULD BE READ CAREFULLY AND UNDERSTOOD PRIOR TO SIGNING. IT IS RECOMMENDED THAT THE PETITIONER SEEK LEGAL ADVICE PRIOR TO SIGNING THIS DOCUMENT.

FRANKLIN REGIONAL COUNCIL OF
GOVERNMENTS

Witness

Linda Dunlavy, Executive Director Date

TOWN OF XXX (Petitioner)

Witness

Chairman, Board of Selectmen Date

Approved as to appropriation:

Town Accountant

Please indicate the name and address that invoices should be sent to:

Name: _____

Title: _____

Address: _____
