

**Frequently Asked Questions
for
Temporary Repairs on Private Ways
City of Westfield, MA**

Many citizens contact the Westfield Public Works and/or Engineering Departments requesting repairs or improvements to their street only to learn it is unaccepted or private and that repairs cannot reasonably be undertaken under penalty of Massachusetts State Law. The purpose of this document is to provide citizens with answers to common questions regarding the maintenance of private roads.

Q. What is a private road?

A: A private road is a way that has not been laid out or accepted by the City and is therefore privately owned and maintained by the residents, homeowners' association, and/or developers who use it.

Q. How did private roads develop in Westfield?

A: Most private roads arose through one of the following three manners:

1. The original developer intended the road or subdivision to be private and it has maintained that status since it was built.
2. The original developer did not build the road or subdivision in accordance with acceptable standards. They lack basic road requirements like proper drainage or a suitable foundation. As such, they do not meet current standards required for a road to be accepted as a public road.
3. The original developer built the road in accordance with acceptable standards, but for some reason the road acceptance process was not completed. This could be due to abandonment, running out of funds, selling all lots and relinquishing any further responsibility, requests by the property owners to keep the road private, or some other reason.

Roads that fall under categories 2 and 3 above are considered “unaccepted” by the City. However, Massachusetts State Law defines all unaccepted roads as private.

Q. When was the Temporary Repairs on Private Ways Ordinance adopted?

A. City Council originally adopted a *Temporary Repairs on Private Ways* Ordinance on 10/20/1983. City Council later amended this Ordinance on 6/23/2025.

Q: Who is the legal owner of private roads?

A: In most cases, the legal owner of a private road is the original developer. In some situations where the developer has relinquished their ownership rights, the property owners along unaccepted roads own to the centerline of the roadway that touches their parcel of land.

Q: What type of repairs can be completed under this policy?

A: The temporary repairs may include grading, surfacing, resurfacing, and installation/repair of drainage.

Q: How can I find out if I live on a public or a private road?

A: There is a master list of all Westfield roads and their classification listed on the City website under the “Temporary Repairs on Private Ways” link.

Q: What services can the City provide on a private road?

A: Since the road was never accepted as a public street, the City has no legal interest in the street and any service provided by the City must be in full accordance with state statutes that regulate how Westfield can spend public funds on private roads. No repairs or work can be done by the City unless it follows the process specified in the Temporary Repair on Private Ways Ordinance.

Q. The City has been maintaining my road for years. Why can't the City just continue the maintenance as it has in the past?

A: This is a legal issue. The City cannot simply ignore the law and revert to prior practice that is not consistent with Massachusetts General Law.

Q. My private road needs repairs. How can this work be done?

A: Abutters/owners of private roads have two options for having their roads improved:

1. Individuals and/or groups may hire private contractors to regrade, resurface, repair drainage structures, and otherwise improve the roadway. It is recommended to check with the Public Works Department first for advice and suggestions.
2. Abutters of private roads may submit a written petition to the Board of Public Works that the street be improved under the City's Temporary Repairs to Private Ways Ordinance as a matter of public necessity. Upon receipt of a petition, the Board of Public Works will hold a meeting to discuss and determine the public necessity of such repairs. If repairs are needed and voted affirmatively by a majority of the Board, temporary repairs are authorized to be undertaken. Repairs cannot begin until funding is secured.

Q. How do I get my private road to be accepted as a public road?

A. Massachusetts General Law and City Ordinance have set forth a process to convert unaccepted roads to public roads. The process is generally described as follows:

1. Abutters to an unaccepted road may submit a written petition to the City Council for street acceptance. The petition must be signed by a majority of property owners as measured by street frontage.
2. City Council will review the application and may solicit feedback from various City Departments, including DPW, Engineering, City Planner, Police, Fire, and others. The City Council then votes whether to accept the layout of the road, essentially defining its boundaries and legal description.

5. The City will obtain the deeded rights and record the deed, easements, and layout plan. At this time, the road is accepted as a public way.

Q: I am thinking about buying a home on a private road. What advice can you provide?

A: You are recommended to speak with a lawyer so you understand your rights and obligations. You may also want to speak with an insurance agent to understand the implications of living on a private road.

Q: How can I find out who owns other properties on my private road?

A: The Assessor's Office maintains ownership records for all properties in the City.