

Town Roadway - Rights-of-Way

One of the more frequent issues that impacts resident's dealings with the Department of Public Works (DPW) is making improvements within the Town's ROW (ROW) for the abutting street. Unless residents live in a relatively new house or have gone through the expense of a survey of their property, they are generally unaware of where their front property line is located - this front property line is also the limit of the ROW for the street. Town ROW cannot be improved by abutting residents.

The widths of the Town's ROW are extremely variable but in no cases does the roadway edge of pavement coincide with the limits of the ROW. Older Town roads frequently have a ROW width of "2 rods", an old unit of measurement that equals $16\frac{1}{2}'$ per rod, or a total width of 33'. Newer streets are often 40' or 50' wide, and some State or County layouts for Town roads are even wider. With the average width of paving of 18' to 22' on less traveled roads, and 22' to 25' on busier streets, there is generally 5' to 13' on each side of the paved surface that is part of the ROW, not part of the abutting property. Sidewalks and grass strips lie within these limits as well. A great indicator of the limit of the ROW in Norfolk, are stone walls.

The DPW is responsible for maintaining the ROW so as to provide a safe traveled way. Beyond the roadway and sidewalk, the DPW may mow and trim trees (and cutting as necessary) primarily to provide adequate sight distance as well as to prevent obstructions near the traveled way itself. Any damage done to private improvements in the ROW is not the liability of the DPW.

Residents cannot make improvements to the ROW. The DPW does not object to residents maintaining the ROW adjacent to their property as long as the maintenance consists of mowing grass and weeds for a well-kept appearance.

What are "improvements"? Generally, they involve fences or walls that are installed beyond the property line, trees or shrubs that are planted beyond the property line, or landscaping features (like sprinkler systems or railroad timbers) installed beyond the property line. By law, the only items allowed within the ROW are the traveled way itself (including sidewalks) and utilities as authorized by the Town (all utility poles within the ROW are located there with the permission of the Town and if they are to be relocated, removed, or new ones installed, the utility companies must petition the Select Board).

Mailboxes may also exist in the ROW.

