

Town of Hull – Atlantic Avenue Reconstruction Project

April 30, 2021

RIGHT OF WAY - Frequently Asked Questions

The Town of Hull is responsible for securing the necessary right of way for the Atlantic Avenue Reconstruction project. When a property, or a portion of it, must be acquired by the Town for roadway purposes, property owner's rights are fully protected under Federal and State law. Briefly, below are answers to property owner frequently asked questions.

1. WHY IS THE PROJECT IMPACTING MY PROPERTY?

The completion of this project will serve local needs by reconstructing Atlantic Avenue to current Federal and State roadway standards for all users. The citizens of Hull and surrounding communities will benefit from improved roadway amenities such as improved sidewalks, crosswalks, wheelchair ramps, bike lanes and safer intersections. To accomplish this, the Town must acquire the rights, in the form of easements to: 1) perform temporary construction activities on private property; and, 2) use private property to bring the roadway and associated amenities up to current Federal and State standards.

2. WHAT IS A CERTIFICATE OF DONATION?

Town officials will seek donations in lieu of compensation for the easements to help lower the financial burden of the project on the Town budget. A property owner can sign a certificate of donation any time during the ROW process. But, if it is signed now, the property owner waives the right to an appraisal and as such, an appraisal will not be performed for that specific property. Certificates of donation can also be submitted after the appraisal is completed and the Town issues an offer letter to the property owner. If the property owner chooses to donate the easement, the property owner is waiving their right to compensation by the Town for the easement. The certificate can be returned to the ROW Agent or addressed to the Town Manager's Office and dropped off at the outside dropbox at Town Hall.

3. WHAT IS A FAIR PRICE FOR THE ACQUIRED EASEMENTS?

If property owners choose not to donate every effort will be made so that an equitable value for the easements is offered to the property owners. A Massachusetts licensed, certified general appraiser will complete an appraisal to determine fair market value of the easement(s) and that will be the basis for the offer. The appraisal will then be reviewed by another Massachusetts licensed, certified general appraiser. Lastly the appraisal will be reviewed by the Town to concur with the value determined by the appraisers and then an offer made to the property owner.

4. MUST THE PROPERTY OWNER ACCEPT THE TOWN'S OFFER?

No, if the owner believes that the offer does not represent fair market value for the easement(s), the property owner may refuse the offer and sign a document called a Pro Tanto Receipt which will be sent to the property owner in a subsequent mailing. This action does not stop or delay the acquisition or the project, however. This action gives the property owner the right for 3 years to petition the court to only challenge the offer amount. The owner(s) may accept pro tanto offer (for the time being) at the time of recording, and the Town will pay that amount. This pro tanto payment will not prejudice the court's final decision.

5. WILL I BE ABLE TO SEE THE APPRAISAL REPORT?

The appraised value of the easement(s) will be shared in the form of an offer letter to the property owner.

6. HOW LONG WILL CONSTRUCTION TAKE?

The construction is anticipated to take 18 – 24 months.

7. WHEN WILL I BE NOTIFIED THAT CONSTRUCTION WILL START?

Once the contractor has been selected, a representative from the contractor, MassDOT and possibly the Town will contact each property owner to coordinate the work. Construction is anticipated to start in Winter/ Spring of 2022.

8. WILL MY PARKING BE AFFECTED?

When the contractor is in front of private property actively working, the owner will not be able to park in the roadway or right of way. Access to owner's property will be restored at the end of the contractor's workday to a safe and passable condition.

In the section along Atlantic Avenue between Driftway and the Cohasset town line, the roadway will be changing so that unauthorized parking in the road will no longer be viable. If a property owner desires to create an off-street parking area on their property where there currently is none, the property owner should speak with the ROW Agent about options available to them as the town has a review and approval process for creation of off-street parking.

9. HOW WILL MY ACCESS BE AFFECTED?

Access will be affected intermittently when construction is actively happening adjacent to your property. At the end of the contractor's workday, access will be returned to a safe and passable condition.

10. WILL TRAFFIC BE AFFECTED?

Traffic may be affected in select areas of the project as the contractor is constructing a particular section. A detour will be implemented based on review and input by the Town and MassDOT.

11. WILL ANYTHING (CONSTRUCTION MATERIALS OR EQUIPMENT) BE STORED ON MY PROPERTY?

No construction materials or equipment will be stored on your property for the duration of the project. The contractor will minimize use of private property for construction materials or equipment but may need to bring materials or small equipment onto private property and leave it for the duration of active construction at that location to facilitate the work being performed there.

12. WHAT HAPPENS IF MY PROPERTY GETS DAMAGED DURING THIS PROJECT?

The property owner should inform the contractor's, MassDOT's and the Town's representative at the time of the damage, or when it is first discovered.

13. IS THE PROJECT DESIGN FINAL?

The project design is nearly complete and scheduled to be finalized by June 2021.