



TOWN OF ANDOVER

Town Offices
36 Bartlet Street
Andover, MA 01810
(978) 623 -8950
www.andoverma.gov

POTHOLE CLAIMS PROCEDURE

Claimants begin the process by contacting the Town with a formal letter or e-mail.

Note: [Massachusetts General Law Ch. 84 Sec. 15](#) only permits the Town to pay if there is significant negligence on the part of the Town. Please note that potholes, frost heaves and other road defects are naturally occurring conditions and pursuant to M.G.L. Ch. 84, the mere fact that such a road hazard exists does not constitute negligence by the Town.

This law requires that anyone seeking reimbursement for losses must submit a written claim within THIRTY (30) days of the incident which led to the damages to:

**Purchasing Agent/Insurance Coordinator
Town of Andover
36 Bartlet Street
Andover, MA 01810
purchasing@andoverma.gov**

All communication should contain, at a minimum, the following information necessary to evaluate the claim:

- 1) Name, address and daytime phone number of the claimant.
- 2) The exact date, time and location of the damage claimed. Location must be a street number or distance from nearest intersection in order to determine the precise location.
- 3) A brief explanation of why the driver could not have avoided the hazard/defect.
- 4) Copies of invoices for out of pocket expenses.
- 5) The approximate mileage on any item replaced so that item can be appropriately depreciated in the event that the claim is found to be meritorious.

In addition, any photos of the damage or road defect that can be sent in will be helpful. All properly filed claims will be evaluated. If it is determined that there is liability on the part of the Town and none on the part of the claimant an offer in settlement will be made by the Town.

Potential claimants should remember that potholes and frost heaves are naturally occurring conditions at times on Andover's over 200 miles of paved roads and that under the law the claimant has the burden of proof that the town is negligent.

Potholes can be reported directly to the Highway Division by using our [Public Works Request System](#)