Regulations for Determination of Adequacy of a Way or Street

I. Purpose
The purpose of this policy is to set forth a procedure and standards by which the Planning Board may make a finding of whether one or more lots have frontage on a way that meets the definition of “way or street” in the entire portion that is required to access the site for which the finding is sought as defined in the Rockport Zoning Bylaw Section I., C. 44. This process is called a “Way/Street Determination.”

Further, the process is developed to identify and reduce drainage and erosion problems on the way/street and on abutting properties to protect the adequacy of the way in the future, assure adequate access for emergency and other public vehicles, and assure adequate access for property owners dependent on the way/street as their only access to their lot.

II. Authority
A building permit may not be issued by the Building Inspector for new construction unless the lot on which the building is to be constructed has frontage on a “way or street” as defined in the Rockport Zoning Bylaws Section I. C. 44. For private way/streets not approved under the subdivision control law, the Planning Board must make a finding as to the adequacy of the way/street in accordance with this definition.

III. Application for a Way/Street Determination
A. Submittal Requirements. Applicants for Way/Street Determinations shall submit the following items to the Planning Board:
1. A written request for a way/street determination signed by the individual seeking the determination.
2. The name(s) of the street(s), and the length of the way/street for which a determination is being sought;
3. The assessor's parcel number for the lot(s) for which a determination is being sought.
4. An assessor's map or other locus map, or plan, which shows adjacent streets and is sufficient to locate the street(s) and parcels(s).
5. A description of the length of way/street for which determination is sought, indicating construction, width, and grade throughout the length
6. Indicate areas where sight lines along the proposed way/street may be inadequate for an entrance to a proposed use based on current national standards for road type, speed, and use consistent with the American Association of State Highway and Transportation Officials (AASHTO)
7. All the information required on an ANR plan detailed under the Rules and Regulations Governing the Subdivision of Land in Rockport, Massachusetts, Section 2.2 is required for this procedure. The Plan produced shall also include a physical representation of what is required in Section III. A. 5. above,
including the grade of the way in 2 foot intervals, the width throughout the portion for which a determination is sought, and the location of any boulders or trees for which the Applicant is proposing reduced width.

B. Planning Board Procedure: Upon receipt of a completed Application for a Way/Street Determination, the Planning Board will schedule a review for its next available meeting.

C. Review Standards: If the way is not a public way or a subdivision way, the Planning Board will consider the following criteria in determining whether a private way is of “sufficient width, suitable grades, and adequate construction”:

1. The roadway surface must generally be a minimum of 16’ in width of bituminous concrete or some other road surface (gravel, porous paving surface, etc) that is passable in all weather conditions and won’t significantly deteriorate with drainage and freezing.
2. The current adequacy of, or need for, stormwater drainage along the roadway is adequately addressed in the application materials and its adequacy for future development possible.
3. The minimum width is reduced to less than 16’ only in isolated sites, and due to an immovable natural feature.
4. The maximum grade of the roadway shall not exceed 14% at any point.
5. The number of existing and potential lots on the way.
6. Sight lines for planned uses that meet the standards of AASHTO.
7. A minimum of a 20’ wide right of way as required in the zoning bylaw.
8. The results of a site visit to verify conditions as described in the Application for Way/Street Determination.
9. Evidence that the Applicant has rights to use all of the required way/street features identified here from the furthest point of the way of his/her parcel for which frontage is required to a public way.

The Board’s decision shall be based on the conditions that exist at the time the Way/Street Determination is requested. Based on the review of materials and the site visit, the Planning Board may grant limited waivers from the above criteria.

IV. Finding: The Planning Board will vote to issue a Finding on the Way/Street determination within 60 days of the Planning Board meeting at which a completed Application for a Way/Street Determination is first submitted and considered. The Board’s Finding will be issued in writing, with reasons set forth, and a copy shall be provided to the Building Inspector, the Department of Public Works, and the Zoning Board of Appeals.