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§ 400-9 **Approval not required (ANR) plan.**

- B. Determination of safe and adequate access. In determining whether or not existing access meets the standards as defined in these rules and regulations, the Planning Board will examine evidence as follows:
- (1) The applicant will provide all items listed in Appendix 4.
 - (2) The Planning Board will circulate the application to the Town Engineer and Surveyor for general comments. When necessary, additional comments may be requested from the following departments:
 - (a) Department of Public Works.
 - (b) Fire Department.
 - (c) Police Department.
 - (3) All ways which are neither Town ways nor ways shown on a plan approved and endorsed in accordance with the Subdivision Control Law (existing private ways) must meet the minimum standards for new ways in the Town of Harwich as specified in Table 1 of these rules and regulations in order to be considered frontage for building purposes or the division of land for which approval under the Subdivision Control Law is not required. If such way is substandard, approval may be granted if the applicant agrees to complete the necessary improvements to the substandard way, said agreement to be filed in the form of a covenant at the time of approval of the definitive plan (MGL c. 41, § 81FF).
- C. Satisfaction of safe and adequate access. When in the opinion of the Planning Board the existing condition of the roadway does not meet the minimum standards for roadways in the Town of Harwich in order to be considered frontage for building purposes, and the necessary roadway improvements do not substantially change the nature, layout or composition of the roadway, the Planning Board may determine, without a public hearing, that submission of a subdivision plan for approval is not required by an affirmative vote of a majority of the Planning Board present, and in no event fewer than four members. Once the improvements have been made, the applicant may submit his request for determination of safe and adequate access. Improvements to Town roadways must also meet the requirements of Town of Harwich General Bylaws Chapter **255**, Streets and Sidewalks.

Policy on Waivers for Ways and Minor Streets
November 5, 2009

This policy is based on input from Fire, Police, Highway and Engineering Departments. It shall apply when the Planning Board considers waiver requests for a residential subdivision plan, designed to be in keeping with the rural character of the surrounding area, as specified in Section 5.E of the Harwich Rules and Regulations Governing Subdivisions.

Whenever a dead-end street or way with a cul de sac is proposed, regardless of the length of the street or way or the number of homes served, a circular turn-around shall be required. The turn-around shall be designed in accordance with Appendix 3, Figure 1 of the Harwich Rules and Regulations Governing Subdivisions. For a way or minor street, an unpaved area with a 25 foot radius may occupy the center of the circular turn-around, leaving a 20 foot wide travel lane around the unpaved area.

Normal standards for a way or minor street are found in Appendix 3, Figure 3 of the Harwich Rules and Regulations Governing Subdivisions. The Planning Board, at its discretion, may permit waivers for a new way or minor street to allow construction based on minimum standards for a "passable" road. The minimum standard for determining that a road is passable is a cleared width of 16 feet and a cleared height of 16 feet. Within that cleared width, the surfaced area shall be at least 12 feet for an existing road and 14 feet for a new way or minor street. Generally, it is recommended that such waiver be approved only if the new way or minor street will serve no more than 2 homes and if the length of the new way or minor street is not excessive.

The Highway Department reserves the right to deny snow and ice removal services if a way or minor street is not maintained to its current Private Roads Standard for Snow and Ice and will also not accept responsibility for any damages that may occur during this process.