

805.3. Private Ways

Purpose: To provide submission requirements and performance standards for a “Plan of a Private Way” and amendments to such plans, depending in part on the number of lots proposed to be served. Private way approval may provide frontage and access to lots which otherwise would not have adequate frontage in accordance with the following provisions:

1. A plan shall be prepared by a registered professional land surveyor. The plan shall be labeled "Plan of a Private Way" and shall provide an approval block for the signatures of the Code Enforcement Officer or the Planning Board members, whichever is applicable. The plan shall be drawn to scale, shall delineate the proposed private way and the boundaries of each of the lots to be served by or abutting the private way.
2. Roads shall be designed so as not to be subject to seasonal flooding or washout and not to disturb wetlands. Drainage ditches and culverts shall be provided wherever appropriate. A street plan, cross section and drainage plan shall be submitted for each private way serving 2 or more lots.
3. The plan shall note that the Town of Rockport will not be responsible for the maintenance, repair or plowing of the private way, and that no additional dwelling units or lots may be served by the private way without prior approval in accordance with this subsection.
4. If the private way is to provide access to 2 or more lots, a maintenance agreement shall be required and recorded in the Knox County Registry of Deeds. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way.
5. The construction of private ways shall comply with the following minimum standards.

	Number of Lots Served		
	1	2	3 or more
Notice to abutters	Not required	Not required	In accordance with requirements of Subdivision Ordinance
Minimum road frontage on private way	30'	40'	In accordance with street design standards in Subdivision Ordinance
Minimum roadway width	12'	16'	
Minimum sub-base (heavy road gravel with min. stone size 4")	12"	15"	
Minimum wearing surface (fine gravel)	2"	2"	
Maximum grade	10%	10%	
Minimum grade	0.5%	0.5%	
Turnaround at dead end	Circle or "T"		
Right-of-way width	30'	40'	
Storm water drainage	Approval of Public Works Director		

6. One turnout to provide space for 2 vehicles to pass shall be provided for every 500 feet of the private way.
7. Visibility: The driveway shall not cause a hazard to pedestrian or vehicular traffic. The Site Plan Review criteria for vehicular access (minimum sight distance in each direction based on allowable speed) shall be used for driveways on Routes 1, 17 and 90 and where necessary elsewhere.
8. Not more than 1 driveway is to be allowed over a given front lot to serve back lots.
9. Any waiver requires Planning Board approval.
10. Approval by the Code Enforcement Officer is required for private ways serving 1 or 2 lots. For private ways serving more than 2 lots, approval of the Rockport Planning Board is required.
11. The plan and/or deed description of the private right-of-way shall be recorded in the Knox County Registry of Deeds within 90 days of the date of approval by the Code Enforcement Officer or Planning Board. If it is not recorded within this time period, the approval shall be null and void.
12. Any change, such as the creation of another lot, shall require prior approval by the Planning Board or Code Enforcement Officer as applicable under this subsection.
13. Private ways approved by the Code Officer or Planning Board must be constructed and utilized by the time any of the lots to be served is developed.