

**Street Determination Policy and Procedures
Marshfield Planning Board**

Adopted December 19, 1994

Amended January 26, 1998

Amended January 25, 2001

Amended August 10, 2009

A. Purpose

The purpose of this policy is to set forth a procedure and standards by which a lot owner may determine whether one or more lots have frontage on a way that meets the definition of “street” in the Marshfield Zoning Bylaw. This process is called a “Street Determination.” In addition, the procedures set forth in this policy for improvements to private ways are designed to reduce the likelihood of drainage and erosion problems and ensure that improvements, when completed, result in a positive street determination.

B. 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 “street” as defined in the Marshfield Zoning Bylaws.(1) For private streets not approved under the subdivision control law, the Planning Board must make a determination as to the adequacy of the way in accordance with this definition.

C. Application for a Street Determination

1. Submittal Requirements. Applicants for Street Determinations shall submit the following items to the Planning Board:
 - a. A written request for a street determination signed by the individual seeking the determination.
 - b. The name(s) of the street(s) for which a determination is being sought;
 - c. The assessor’s parcel number for the lot(s) for which a determination is being sought.
 - d. An assessor’s map or other locus map which shows adjacent streets and is sufficient to locate the street(s) and parcels(s).
 - e. An Administrative Filing Fee in the amount of two hundred fifty (\$250) dollars.

(1)A street is defined as “A way, over 24 feet in right-of-way width, which: (1) Is a public way laid out by a governmental entity or public authority pursuant to MGL or is shown as a public way on an official map adopted by the town pursuant to..Ch.41, Section 81E or has been accepted by the town as a public way; or (2) Is shown on a plan approved and endorsed in accordance with the Subdivision Rules and Regulations of Marshfield; and General Laws Ch.41, Section 81K to 81GG; or (3) has, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic in relation to the proposed use of the land abutting

thereon or served thereby, and for the installation of municipal services to serve such land and buildings erected or to be erected thereon.”

2. Planning Board Procedure: Upon receipt of a completed request for a Street Determination, the Planning Board will schedule the request for its next available meeting.
3. 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”:
 - a. The roadway surface must be a minimum of 20’ of bituminous concrete.
 - b. The adequacy of or need for drainage along the roadway.
 - c. The number of existing and potential lots on the way.
 - d. The requirement for a 24’ right of way in the zoning bylaw.
 - e. The slope of the roadway.

The Board’s decision shall be based on the conditions that exist at the time the Street Determination is requested.

4. Decision: The Planning Board will vote to issue a positive or a negative street determination within 60 days of receipt of a completed request. The Board’s decision will be issued in writing, with reasons set forth, and a copy shall be provided to the Building Inspector.

- a. Positive Street Determination – Upon issuance of a positive street determination, applicants may be issued a building permit (assuming all other requirements of zoning are met).
- b. Negative Street Determination – The building department will not issue building permits when a negative street determination is made. In such cases, roadway improvements must be made prior to reconsideration by the Planning Board. Such improvements fall into two categories:
 - i. Applicants seeking to create new lots on private ways/paper streets must file a subdivision plan pursuant to the Subdivision Control Law and the Marshfield Subdivision Rules and Regulations.
 - ii. Applicants seeking to develop existing lots may either:
 - 1) File subsequent applications for street determinations under Section C above until a positive determination is issued; or
 - 2) Follow the optional procedure outlined in Section D below.

D. Improvements to Private Ways and Paper Streets

The Planning Board recommends that the following review and approval procedure be undertaken by those applicants seeking to improve private ways to meet the definition of a street.

1. Submittal requirements – Applicants seeking to improve private ways/paper streets shall submit the following items to the Planning Board:

- a. Street Construction Plans showing proposed improvements to the way at a scale of 1" = 40' or greater in plan and profile view signed by a registered professional engineer. Improvements must be made from the nearest "street" across the required frontage of the lot.
- b. An estimate of the number of potential lots that could be served by the way based on existing zoning if a positive street determination were issued.
- c. A five hundred dollar (\$500) check payable to the "Town of Marshfield" for administrative fees submitted to the Planning Board for deposit with the Town Treasurer.
- d. A seven hundred and fifty dollar (\$750) check payable to the "Town of Marshfield" for engineering review by the Board's consultant submitted to the Planning Board for deposit with the Town Treasurer.
- e. A certified list of all abutters to the street that is being developed. If two streets are being improved, all abutters to both streets must be notified.
- f. A statement whether or not the applicant intends to have the street accepted by the town.

Applicants may request a pre-application meeting with the Planning Board to discuss appropriate waivers and construction standards.

2. Public Hearing Requirements

- a. The Planning Board shall conduct a public hearing on the proposed improvements with notice provided at least 14 days prior in a weekly newspaper of local circulation. Applicants must pay the cost of advertising the public hearing.
- b. The Planning Board shall request comments from the Department of Public Works, Fire Chief, Safety Officer, Conservation Commission and other applicable boards.

3. Review Standards – Based on site conditions, road improvements shall generally be constructed to the following minimum standards:

- a. Pavement width shall be a minimum of 20' and shall include a 6" gravel base, a 2" base course and a 1" top course.
- b. Drainage – Depending on topography and other site conditions, curbing, catch basins or other drainage structures may be required. In all cases, appropriate provision for water run-off shall be made so that it leads into a drainage system, no water will be directed onto any abutting property and no erosion will result.
- c. Tapering – Where necessary, newly constructed segments of an unaccepted street shall be "tapered back" to provide a safe transition to the cross section of the existing ways.

4. **Decision:** Following the public hearing, the Planning Board will determine that either:
- a. The improvements are sufficient to allow the way to meet the definition of “street” upon construction, in which case the plans shall be approved.
 - b. The improvements, with modifications, are sufficient to allow the way to meet the definition of “street” upon construction, in which case the plans shall be approved with conditions.
 - c. The improvements are insufficient to allow the way to meet the definition of “street” upon construction, in which case the plans shall be denied.
 - d. The Board shall have 60 days from submission of a completed application to issue a written decision.
 - e. All decisions will be conditioned upon the applicant having the legal right to make the proposed improvements to the right of way.
5. **Completion of Improvements:**
- a. Prior to commencing construction, the applicant will be required to pay for the cost of construction oversight by the Board’s designee. Any unexpended funds will be returned to the applicant following completion of work.
 - b. After improvements are completed in accordance with approved plans and the Planning Board is so notified, the Planning Board shall issue a positive street determination for the applicable portion of the street(s) and shall notify the Building Department and the applicant in writing of its decision.