

Town of Sandwich

THE OLDEST TOWN ON CAPE COD

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BOARD OF
SELECTMEN

TOWN
MANAGER

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BOARD OF SELECTMEN POLICY

WINTER MAINTENANCE OF PRIVATE ROADS

Effective July 1, 1994 and until further notice, the Board of Selectmen hereby authorize the Department of Public Works to provide winter maintenance, consisting of snow plowing and sanding only, in accordance with M.G.L. c.40, §6C for private roads which have not been accepted by the Town as public ways. This authorization is granted provided said roads meet the following criteria.

1. The road must be open to the travelling public with no restrictive gates, signage, speed bumps, or other hindrances present. The road must be free of ruts, pot holes and bumps exceeding two (2) vertical inches and must have an adequate turnaround for winter maintenance equipment, as determined by the Department of Public Works.
2. The road must have at least fourteen (14) feet of vertical clearance in all areas without overhanging limbs or other obstacles. The road must be twelve (12) feet wide plus have 2-foot drivable shoulders on each side.
3. A sign properly identifying the road must be installed and properly maintained in accordance with the specifications set forth in the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration.
4. The road must be properly marked along the edge of the right of way to provide direction to those providing winter maintenance services. Exact location and type of markers must comply with the Department of Public Works guidelines. The Department of Public Works shall not be responsible for damage to plantings, fences, walls, mailboxes, irrigation systems or other objects located within a road right-of-way for damage caused by violation of this policy. The Department of Public Works shall not be responsible for damage to lawns if the edge of the road is not clearly marked.
5. Residents of a private road who desire winter maintenance must submit a notice requesting the Department of Public Works to consider plowing their street along with a waiver of liability holding the Town harmless for any damage caused to the road and surrounding property by November 1. The petition must be signed by 51% of the abutters/owners of the private road unless an association exists within the neighborhood, in which case a representative can sign for the abutters/owners. The association must submit documentation demonstrating that it is an official association with the power to make decisions for all property owners. Once the petition is submitted and the road is

approved for winter maintenance, no further petitions will be required as long as the road meets the requirements of the policy herein. If a sufficient number of residents of a street submits a letter requesting discontinuance of winter maintenance to bring the road below the 51% requirement, the Department of Public Works will notify the association representative and/or residents that these services will no longer be provided on this road for future winter seasons.

6. The Department of Public Works will inspect the road each spring to ensure it is plowable and in sufficient condition to avoid damage to Town equipment and injury to the Town's employees and agents. The petitioned road must be accessible by a road that also meets the requirements of the policy herein. The association representative and/or residents will be notified by May 1 of measures that need to be taken to remain on the private road plow list. Notification will be provided by a legal notice in the local paper and on the town web site. The Department of Public Works may also notify residents by letter, phone and/or by door hangers at its discretion. Upon request from the residents, the Department of Public Works will inspect the roads for compliance. Roads not approved by November 1 will have to be petitioned the following year for winter maintenance services.
7. If the road is deemed to be inappropriate for winter maintenance, the decision of the Department of Public Works is final. If the residents of the road want to appeal this decision, they may present the appeal for further consideration to a subcommittee of the Board of Selectmen which will consult with the Director of Public Works in issuing a final decision which may not be appealed further.

Given under our hands this 28th day of April, 1994.
Amended January 5, 2012.
Amended September 29, 2016.