

For discussion at Planning Board – distributed 3.23.22

PROPOSED AMENDMENT TO COMMON DRIVEWAY REGULATIONS:

Moved that the following amendments be made to the Town’s common driveway standards (titled: Common Driveways – Minimum Standards of the Planning Board of the Town of Cohasset, Massachusetts):

COMMON DRIVEWAYS – MINIMUM STANDARDS

1. The purpose of these regulations regarding minimum standards of the Planning Board is to provide guidelines for the Planning Board to permit common driveways in order to reduce the number of access points on public or private streets; to protect wetlands and sensitive natural areas from disturbance; and to preserve historic streetscapes in the Town, when these driveways meet reasonable construction and design standards.

Commented [TC1]: Katie’s suggestion from other towns.

2. A common driveway provides common vehicular and pedestrian access, extending from a street, to more than one but not more than three lots. A common driveway shall be within a forty (40) foot permanent easement provided for common driveway use. Such common driveway will be a minimum of 24 feet wide in layout, with a minimum of 18 feet of pavement, with a minimum 3-foot wide shoulder and with a crown of 2½ inches (in addition to lying within the 40’ easement required above).

Commented [TC2]: Now a combination of my new Sect. 2 and Katie’s language from other towns.

All lots served by the Common Driveway shall satisfy the frontage requirements as for the zoning district in which the lots are located. Without limiting the foregoing, access over the frontage must be actual and not illusory and Board further finds that the use of a Common Driveway does not circumvent the intent of the Subdivision Control Law. The Planning Board may find frontage to be illusory if the frontage would fail to provide acceptable physical access as contemplated by MGL Chapter 41, Section 81M. Such failure may include, but is not limited to, the inability of the applicant to obtain an order of conditions under applicable state or local wetlands regulations for construction of the access, the presence of distinct physical impediments to threshold access, or extreme lot configurations. Where the proposed development constitutes a subdivision under the Subdivision Control Law, these regulations shall not apply.

1. OLD SECT. 1 NOW BECOMES NEW SECT. 14

~~2. A common driveway shall be within a forty (40) foot permanent easement provided for common driveway use. AND:~~

~~IF THE DRIVE IS TO SERVE: _____ THEN: THE MINIMUM DRIVE WIDTH SHALL BE: _____ AND: THE MINIMUM PAVED SURFACE WIDTH SHALL BE: _____ AND: THE MINIMUM SHOULDER WIDTH SHALL BE: _____ AND: THE DRIVE SHALL BE CONSTRUCTED FOR THE FULL LENGTH WITH A:
3-5 houses _____ Twenty (20) ft. Fifteen (15) ft. Two & one half (2½) ft Two (2) in. crown
6-8 houses _____ Twenty four (24) ft. _____ Eighteen (18) ft. Three (3) ft. _____ Two & one half (2½) in. crown
9 or more houses _____ MUST CONFORM TO RULES & REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN COHASSET~~

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~~(Pursuant to Section 7.3.4 of the Zoning Bylaw, drives serving 1-2 houses are not under the review and approval jurisdiction of the Planning Board. Questions regarding drives serving 1-2 houses should be addressed to the Building Inspector/Commissioner)~~

~~So long as a common driveway has a single access and cannot be connected to another common driveway or street, the dimensions of the common driveway, at the discretion of the Planning Board, may be determined in accordance with the number of houses remaining to be served by the common driveway, e.g. not more than five (5) houses may be served by the narrowest of the above specifications, and not more than eight (8) houses by the next narrow of the above specifications.~~

3. A common driveway shall be no longer than ~~seven-three~~ hundred and fifty (~~750350~~) feet, and shall have a turn-around or back-up area satisfactory to the Highway Surveyor and, shall be paved as required for common driveways at the extreme end whether or not individual driveways extend from it. The minimum radius for a circular turnaround shall be fifty (50) feet. “T-shape” back-up strips and alternate layouts may be permitted if designed to accommodate a vehicle of thirty (30) feet length, eight (8) feet width, and having an outside turning radius of forty-seven (47) feet. Where a “T-shape” back-up strip is used, the minimum width shall be fifteen (15) feet to a depth of forty-five (45) feet on either side of the center line of the common driveway. The corners onto the common driveway shall have a radius of not less than fifteen (15) feet.

4. The entire area of the common driveway, including shoulders, shall be cleared of all top soil, peat, and any other unsuitable material, all stumps, brush, roots, boulders, and all trees not intended for preservation. The subgrade shall be inspected and approved by the Highway Surveyor.

5. The Common Driveway ~~shall be sufficient throughout to serve the existing and proposed Use, and shall~~ be paved to a thickness as specified herein with two courses of Class 1 Bituminous Concrete Pavement, Type I-1. The aggregate shall be composed, mixed, and laid out in two courses as specified in Section 460 of the MHD Standard Specifications for Highways and Bridges, latest edition. No bituminous concrete pavement shall be placed when the temperature falls below 40°F. Common driveways shall be provided with an aggregate base course, binder course, and a surface course.

a. The aggregate base course shall consist of gravel meeting the following specifications, spread over the subgrade and compacted with appropriate equipment to 95% maximum density based upon AASHTO Test Designation T-99, Method C, to a total depth of twelve (12) inches. The materials are to be compacted in four (4) inch layers.

Specifications are:

Sieve	Percent Passing
½ inch	50 - 85
No. 4	40 - 75
No. 50	8 - 28
No. 200	0 - 8

Maximum size stone in gravel shall be 3 inches largest dimension.

b. The binder course of MHD, Class I Bituminous Concrete Pavement, Type I -1 (course graded – ½ inch minimum size aggregate) shall be applied and rolled to a thickness of 1½ inches with a “three-to-five” ton tandem roller or other method satisfactory to the Highway Supervisor.

Commented [TC3]: Katie and Bryan: I don't think we have to insert the Plymouth bylaw language, but for the one insertion I made. It seems the existing language mirrors what Plymouth says in a little less detail. Am I correct?

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c. Before the surface course is applied, the surface of the binder course shall be clean and dry. The surface course shall consist of MHD Class I Bituminous Concrete Pavement, Type I-1 (fine graded). It shall be applied on the binder course and shall be rolled to a thickness of 1½ inches with a “three-to-five” ton tandem roller or other method satisfactory to the Highway Surveyor.

6. Where new bituminous paving is feathered into existing pavement, it shall be done under the Supervision of the Highway Surveyor.

7. Where banking is necessary, there shall be a 3H:1V slope, subject to the recommendation of the Highway Surveyor, and shall be loamed to a minimum of three (3) inches, and seeded.

8. The method of drainage from a common driveway shall be approved by the Planning Board, ~~and Highway Surveyor~~ after notice, with an opportunity to review granted to and by the Conservation Commission, the latter pursuant to Chapter 223 of the Town Bylaws, and the Drainage Committee. Drainage design shall comply with then-current NPDES and MS4 standards.

Commented [TC4]: My edit. Not sure if Bryan will have additional language.

9. In general, all common driveway construction shall be done as directed by the Highway Surveyor, and inspections of road construction at various stages of completion shall be required, where and as directed by the Highway Surveyor, or other designee of the Planning Board. Any owner who progresses beyond an inspection stage without the approval of the Highway Surveyor may be required to return his construction to the stage required to perform the necessary inspection.

10. The Planning Board reserves the right to adopt differing standards for various classes of driveway uses, provided that the standards to be required of the highest class of use may be equal to, but not greater than, those required for a comparable subdivision roadway as defined by Chapter 41, Massachusetts General Laws.

11. The owner shall file a covenant executed and duly recorded by the owner of record, running with the land, whereby such common driveway shall be constructed in accordance with the common driveway standards of the Cohasset Planning Board before more than one lot proposed to be served may be built upon or conveyed other than by mortgage deed.

12. Application and, Fee and Deposit Schedule: A submission shall not be deemed complete and shall therefore not be accepted until the applicant has submitted:

a) The required number of copies of the application, site plans, and, other relevant data materials;

b) Check in the amount of the required application fee, engineering deposit and legal deposit (if required) as outline in the most recent Planning Board Fee Schedule on file in the Planning Board Office and the Town Clerk's Office.

All engineering and legal fees and expenses of the Board incurred by the Board in connection with review of the proposed common driveway plan, whether or not approval is granted, are the responsibility of the applicant. Engineering and Legal fees shall be brought up to the initial required amount when the balance goes below 50% of the initial required amount so as to be sufficient at all times to cover these costs in accordance with the most recent Planning Board Fee Schedule, which Fee

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Schedule is a part of these Common Driveway Regulations and which is on file in the Planning Board Office and the Town Clerk's Office.

The minimum required balance shall be maintained until the common driveway and all required inspections have been completed and approved and, until As-Builts are submitted to the Planning Board Office.

13. Any new common driveway constructed after the effective date of this amendment shall include a maintenance and snow removal plan that shall comply with the Town's snowplowing policy, as in effect and amended from time to time, which shall become a binding covenant on all properties served by the driveway, recorded in the Registry of Deeds, to be approved by the Planning Board.

14. Where a common driveway is proposed, not more than one building permit shall be issued and outstanding at any time unless and until the driveway meets the standards of common driveways as set forth in the Planning Board Rules and Regulations for the entire extent of the driveway that is used in common with any other lot, and only that portion of the driveway that meets those standards shall be considered to be a common driveway. In those cases wherein it is deemed feasible by the Planning Board that more than one building permit be issued for lots served by a common driveway not meeting the required standards, the owner shall guarantee the compliance with the conditions imposed by the Planning Board and the performance of all construction by means of a Surety Agreement with the surety in the amount and of a type satisfactory to the Board. The conditions imposed and the surety may be varied from time to time by the Planning Board, provided however, that the Planning Board shall not approve the reduction of surety by or to an amount of less than Five Thousand Dollars (\$5,000.00) until the entire common driveway is completed. All documents used as performance guarantee shall be subject to approval by the Town Counsel as to form and legality. The surety agreement shall state that the work covered by the agreement must be completed within a one year period, but may be reviewed and extended at the Planning Board's discretion.

In requesting the cancellation or any reduction in the amount of surety, the owner shall submit to the Planning Board a statement listing the items of work completed, and the work still incomplete. Within forty-five days after the receipt of such statement, the Planning Board shall act by releasing, cancelling, or reducing the surety, as requested, or by notifying the owner in writing of any items of work not completed to the satisfaction of the Planning Board or of other details of failure to comply with applicable Town Specifications, rules and regulations, and by refusing the request. Ten percent (10%) of the surety posted for each and every section of a common driveway shall be retained by the Town of Cohasset for a period of three months from the date of acceptance by the Planning Board of such section.

Failure of the owner to complete, within the period specified in the surety agreement, all required work in a manner satisfactory to the Planning Board, may be remedied by action of the Town to enforce the bond or apply the deposit towards the reasonable cost of satisfactory completion of such work.

15. The Planning Board shall adopt and may from time to time amend rules and regulations for the administration of Common Driveways.

Commented [TC5]: Changed \$1000 to \$5000

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Revised;

February 15, 1984

October 1, 1986

November 15, 1989

June 1, 2011