

## COMMON DRIVEWAY BY-LAW; Submitted (5-23-07)

### XI-K-00 COMMON DRIVEWAYS

#### -01 Purpose

The purpose of this by-law is to:

- A. Enhance the safety and welfare of residents served by common driveways.
- B. Clarify the rights and responsibilities of builders and residents of common driveways and of the Town of Southamptton; and
- C. Provide access to lots over a common driveway, rather than by individual driveways on each lot.
- D. Enhance public safety by reducing the number and frequency of points at which vehicles may enter upon ways used public ways, particularly primary streets as defined in the Subdivision Rules and Regulations of Southamptton, Ma.
- E. Preserve, protect and enhance environmentally sensitive land that might otherwise be cleared, excavated, filled and/or covered with impervious surface; and
- F. Encourage the protection and preservation of significant natural and roadside vistas

#### -02 Definition

Common driveway- A form of access, which is not a street, but extends from a street serving to provide common vehicular access to more than one (1) but not more than four (4) residential lots, built in accordance with standards set forth in this by-law, and allowed only by Special Permit. The driveway shall lie entirely within the lots being served.

#### -03 Scope

Common driveways may be allowed, by means of Special Permitting and plan approval of the Planning Board, for residential uses. All lots associated with the use of a common driveway must provide off-street parking in accordance with the Town of Southamptton criteria. The Town of Southamptton shall not be required to provide construction, reconstruction, maintenance, snow plowing, school bus pick-up, or police patrols along a common driveway.

#### -04 Common Driveway Standards

The Planning Board may authorize the use of common driveways to provide access through the issuance of a Special Permit. The following conditions must be met and shall be shown on the plan submitted (for approval). Additional conditions may be required, by the Board, based on site configuration(s).

##### A. Dimensions:

- (1) The width of the right of way shall be a minimum of thirty-five (35) feet.
- (2) The width of the common driveway surface shall be eighteen (18)

feet, except where the drive serves only two lots; the width may be reduced to 16' feet.

- (3) The common drive shall have three(3) feet gravel shoulders on each side.
- (4) The common driveway shall not exceed 800 ft. in length to the last lot line.
- (5) The slope or grade of a common drive shall in no place exceed 8% if unpaved or 10% if paved.
- (6) The common drive shall intersect a public way at an angle of not less than 80 degrees.
- (7) Alignment and sight distances should be sufficient to support a designed speed of fifteen (15) mph and the minimum roadway curvature at the point of the driveway intersection shall be sufficient for an emergency vehicle to negotiate, generally no less than a radius of fifty (50) feet.
- (8) In areas where Town water is available, a fire hydrant shall be required if the terminus of the common driveway is greater than 500 feet from an existing hydrant on a public way or a connection is available on such a way.
- (9) The common driveway shall be capable of providing access for emergency vehicles (w/50'wb).
- (10) The common driveway shall lie entirely within the lots being served.

**B Construction:**

- (1) A common driveway shall be constructed and paved as current sub-division standards require. Inspections and approvals (at accepted construction stages) shall be completed in accordance with an approved plan design.
- (2) For applicants having special circumstances or short length designs the Planning Board may allow an alternative construction standard consisting of a minimum twelve (12) inch gravel base with a one (1) inch oil chip-seal (trap rock) top layer; The base will consist of three successive layers of 3/4" crushed trap-rock stone, 1/2" crushed trap-rock stone and 1/4" trap-rock stone, with a crown sufficient for drainage. Trap rock finish shall be at least 4" thick, compacted measure.
- (3) Drainage shall be adequate to dispose of surface runoff. Culverts shall be installed if deemed necessary by the Planning Board.
- (4) Any additional storm drainage generated by the new driveway shall not run on to any adjacent property and to the extent possible shall be recharged on-site
- (5) Any utility extensions contained within the common driveway shall be considered privately owned and maintained.
- (6) Certain construction standards may be waived if, in the opinion of the Planning Board, such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Bylaw.

C. Alignment and Design

- (1) The common driveway, at its intersection with the street, must provide a leveling –off area with a slope no greater than 2% for the first 20 feet and a slope no greater than 5% for the next 30 feet.
- (2) There shall be a minimum of two hundred (200) feet between entrances of any two common driveways onto any road.
- (3) The common driveway shall enter a roadway at a point separated by at least one hundred (100) feet from an intersection. On a state highway, the common driveway shall enter the roadway at a point separated by at least one hundred (100) feet from any other driveway, curb cut or intersection, except when Mass. Highway requirements are more stringent.
- (4) The common driveway shall have adequate sight distance at its intersection with the public roadway and shall not create traffic (or pedestrian) safety hazards to its users or the public.
- (5) The common driveway shall access the property over the frontage of at least one of the lots being served by the driveway.
- (6) The common driveway shall provide the only vehicular egress/ access to the lots being serviced by it, and this shall be so stated in the deeds to the subject lots.
- (7) Street Numbers and Identification- Permanent signage, sufficiently readable from the road to serve the purpose of emergency identification, indicating the street number address assigned to each lot served by the common driveway shall be installed within 10 feet of the intersection of the common driveway to the roadway, as well as within 10 feet of the intersection of an individual lot (drive) to the common driveway. This requirement is in addition to those for individual homes or businesses and may be expanded upon the request of the fire chief, police chief and/or the highway superintendent.
- (8) Common driveway design shall, to the greatest extent possible, minimize adverse impact to wetlands, farmland, or other natural resources; allow reasonable, safe, and less environmentally damaging access to lots characterized by slopes or ledges; and result in the preservation of rural character through reduction of allowable access ways; and retain existing vegetation and topography.
- (9) A neighborhood collection (NDBCUC) unit, located in a pull-off area within the right-of -way, shall be constructed to the satisfaction of the US Postal Service and shown on the application plans.

D. These standards may be modified or waived when, in the opinion of the

Planning Board, such action is in the public interest and not inconsistent with the purpose(s) and intent of the Zoning By-Law.

- E. No common driveway shall be extended or connected to any other way other than the approved point of intersection with the street providing frontage to the development.
- F. All lots to be served by a common driveway must meet the requirements of a lot , and dimensional requirements, as defined in the Zoning Bylaws, including but not limited to, set back, dimensions of front, side, and rear yards, as measured in relation to the street (serving as the legal frontage for the lots), and shall be the same as would be required for those lots had they not shared a common driveway.
- G. Each residential lot having access from an approved common driveway may be improved with no more than two (2) dwelling units and related accessory buildings and uses.
- H. The landowners of all residences served by a common driveway shall be granted a right-of-way. Such right-of way shall be recorded at the Registry of Deeds within thirty (30) days of approval by the Planning Board, together with a statement of covenants as follows:
  - (1) Common driveways shall at no time be used to satisfy zoning front -age requirements. Each lot served shall have lot frontage on a street which serves to satisfy lot frontage requirements.
  - (2) The common driveway shall at no time become the responsibility of the Town of Southampton.
  - (3) Each landowner served by the common driveway shall be jointly and severally responsible and liable for the repair and maintenance of all portions of the common driveway, and utilities contained within, to which more than one landowner holds a Right-of Way. Specific responsibilities shall be stipulated in a covenant included in the deed for each property served by the driveway.
  - (4) A covenant shall be entered into between the owner or developer the utility company(s) and the Town in a form acceptable to the Planning Board, which binds current and future owners of each lot served by the common driveway, prohibiting the sale of lots and erection of buildings except for lots approved and/or prior to the adaptation of this by-law, until such time as the common driveway has been constructed and inspected at accepted construction stages in accordance with an approved plan design. A draft covenant shall be submitted for approval with the special permit application and shall include but not be limited to specific standards for maintenance and repair of the driveway and drainage system, provision for allocating financial responsibility, and a procedure for resolu-

tion of disagreements. If the permit is granted, said covenant shall be recorded at the Registry of Deeds and shall be made part of every deed to each lot served by the common driveway.

- (5) A common driveway shall not be approved until the utility design approval(s) and agreement(s), a declaration of covenants, easements and restrictions (for the use and maintenance of the common driveway) has been approved by Town Counsel.
- I. Performance Guarantee- The Planning Board may require a performance bond or other security for the completion of the common driveway. Such security shall be posted prior to construction of the driveway. The driveway shall be completed, inspected by the Planning Board or its designee, and the security released prior to the issuance of occupancy permits for the lots served by the common driveway.
- J. The Planning Board shall follow the procedural requirements for Special Permits as per Massachusetts General Law, Chapter 40A.