

Richmond Planning Board
Town Hall
Minutes
October 13, 2020

Members present: John Hanson (Chairman), Richard Bell, Katherine Keenum
Members absent: Douglas Bruce, Peter Lopez
Also present: James Scalise, SK Design Group, Pittsfield; and an associate

I. Public Hearing

Purpose: To hear comment on a petition by John Goscha, for a special permit to convert an existing driveway to a common driveway to serve two lots at 206 Stevens Glen Rd.

At 6:33 P.M., John Hanson opened the public hearing. He noted that the Goscha common driveway application claimed that each segment of Richmond Zoning By-Law 6.7.3 was either met or not applicable. He called on Mr. Scalise to read each relevant segment. He did so (see Appendix 1). Mr. Scalise also distributed hard copies of a plan of the land at 206 Stevens Glen Road (see Exhibit 1).

There being no one else present who wished to comment on the proposal, Mr. Hanson entertained a motion to close the public hearing at 6:50 P.M. Mr. Bell so moved. Ms. Keenum seconded. The vote was unanimous 3-0.

The public hearing closed at 6:51 p.m.

NB: The full proposal is on file with the Town Clerk.

II. Meeting

Mr. Hanson immediately opened a meeting of the Planning Board at 6:53 P.M. to discuss and vote on the Goscha common driveway permit.

1. Mr. Hanson first took up the portion of the application covered by Richmond Zoning By-Law Section 6.7.3. He began by going back to the application's request for a waiver of 6.7.3.h., which calls for a covenant between the developer and the town (see Appendix 1 below). He explained that the purpose of such a covenant was to make sure that required steps during construction were executed properly; a covenant allowed the town to hold a developer accountable. In this case, however, an existing driveway will be used. He therefore entertained a motion that the Planning Board grant a waiver to the requirement for purposes of granting a special permit. Ms. Keenum so moved. Mr. Bell seconded. In discussion of the motion, Mr. Hanson noted that if a site plan for construction at the property were presented to the Planning Board, then a covenant to cover any new portion of the driveway and its maintenance might be required. The motion carried by a vote of 3-0.

The Board next reviewed and voted on each section of the required *Findings Pursuant to Section 6.7.3 of the Zoning By-Law* (see Appendix 2). Mr. Hanson then entertained a

- motion that with all sections to 6.7.3 having been met, waived, or approved on contingency, the Planning Board vote to approve this portion of the application. Mr. Bell so moved. Ms. Keenum seconded. The motion carried by a vote of 3–0.
2. The Board next reviewed and voted to approve each portion of the application covered by Richmond Zoning By-Law Section 6.3.4. (see Appendix 2).
 3. At the conclusion of the discussion, Mr. Hanson entertained a motion the Planning Board agreed to the findings and approved the special permit. Mr. Bell so moved. Ms. Keenum seconded. The motion carried 3–0.
 4. Mr. Hanson announced that the next meeting of the Planning Board would be remote and would take up approval of minutes of past meetings.

The meeting adjourned at 7:20 P.M.

Respectfully submitted,
Katherine Keenum, Clerk

Appendix 1: Portion of *Special Permit Application Prepared for John Goscha, 206 Stevens Glen Road* read aloud at the Public Hearing, October 13, 2020

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The site falls within the Residential-Agricultural District C zone. The proposed project includes a common driveway, thus Section 6.7.3: Common Driveways Serving Up to a Maximum of Three Lots will apply. The project will require a special permit by the Richmond Planning Board. The specific requirements of Section 6.7.3 are described in detail below.

6.7.3 Common Driveways Serving Up To a Maximum of Three Lots

a) All the requirements of Section 6.7.1, if applicable, shall be satisfied.

6.7.1 Driveways With a Maximum Grade of Ten (10) Percent or Less

a) A driveway permit shall be issued by the Road Superintendent, as required by Town By-Law, before construction of a driveway can begin.

The Road Superintendent has been contacted to review the application.

b) Entrances on state highways are not regulated by this By-Law. See Massachusetts Highway Division of the Department of Transportation (Ref. M.G.L. c. 81, s. 21. General Laws Chapter 81, Section 21, entitled, "Excavations or driveway openings on state highways; conditions; enforcement") for standards and regulations.

This section does not apply.

c) No driveway shall be approved at an intersection because of potential safety hazards.

The existing and proposed driveway is not at an intersection.

b) Common driveways can never be used to satisfy zoning frontage requirements. Each lot served shall have frontage on ways which serve to satisfy frontage requirements under this By-Law.

The proposed common driveway is not being used to satisfy frontage requirements. Each lot has the required frontage on Stevens Glen Road.

c) Common driveways must observe a 25 foot setback from the sideline

which the lot of origin shares with a lot not served by the common driveway.

The proposed common driveway is not within 25’ setback from the lots not served by the common driveway.

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d) No common driveway shall be located within 100 feet of an intersection of public ways.

The closest intersection is the intersection of Stevens Glen Road and Swamp Road. The proposed driveway is more than 100’ away from said intersection.

e) The design of any driveway shall, in the opinion of the Planning Board, assure adequate safety for emergency vehicles including fire and police vehicles.

The proposed common driveway does not exceed 12% slope. The proposed driveway for the new lot is 12’ wide and has a maximum slope of approximately 5%, which is adequate for emergency vehicles to use. It is our option that both driveways have adequate access for emergency vehicles.

f) All common driveways shall meet the following design requirements: 1. Driveways shall be located to the best advantage with regard to alignments with the way, profile, sight distance conditions and the like. In no instance shall the driveway intersect the way at less than a sixty (60) degree angle.

The proposed common driveway is located and constructed in the best position in accordance with the existing site conditions. The driveway intersection is not less than sixty (60) degree angle.

2. Culverts taking the place of roadside ditches shall have a diameter of not less than fifteen (15) inches. A larger diameter may be required. All culverts installed under any driveway shall become the property owner's

responsibility for cleaning, maintenance, and replacement when needed.

No culverts are proposed along the roadside or under proposed driveway.

3. The elevation of driveways at the point of entry into the public right of way should be not more than the elevation of the shoulder of the road.

The existing driveway, which is the entry point into the public right of way, Stevens Glen Road, does not exceed the elevation of the shoulder of Stevens Glen Road.

4. Driveways should be so constructed that water from the driveway shall not drain onto the crown of the road.

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The existing driveway slopes away from Stevens Glen Road, therefore the water will not drain onto the crown of the road.

5. In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.

The existing condition of the site slopes in a way that surface water runoff drains to the southwest. The proposed driveway will not conflict with the runoff flow because it slopes to the south, meaning it will not change the direction of flow. Additionally, the proposed common driveway currently enters onto the public right of way or road, so it does not conflict with the flow of the surface water runoff of Stevens Glen Road.

6. Individual driveways should not be less than eight (8) feet nor more than sixteen (16) feet in width within the town right of way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.

The existing and proposed driveways are 12' wide. There is no curbing is associated with the driveways.

7. Wherever possible, driveways should be pitched downward from the roadway. However, where topography prevents the driveway from being pitched downward in its entirety, the driveway must be constructed on a down grade from the road surface to the sideline of the town right of way

with a pitch of at least one quarter (1/4) inch per foot. From the sideline the driveway may be pitched toward the roadway; however, in no instance shall a driveway have a pitch toward the roadway of greater than one (1) inch per foot, unless adequate provisions have been made and approved by the Road Superintendent for the diversion of driveway surface runoff away from the roadway. The Road Superintendent may require methods of diversions for driveways having a pitch of less than one (1) inch per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way.

The existing and proposed driveway is pitched downward from the roadway.

8. All work shall be inspected during and after construction by the Road Superintendent. The Planning Board may halt any work not done in accordance with this By-Law and the approved plan.

The Road Superintendent may inspect as required.

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g) In addition to the granting of a special permit, the Planning Board shall endorse its approval on a plan of land showing the location of the common driveway, which plan shall be recorded in the Registry of Deeds.

No response necessary.

h) A covenant shall be entered into between the owner or developer and the Town in a form acceptable to the Planning Board of the Town of Richmond prohibiting the sale of lots and erection of buildings except for lots approved and/or buildings erected prior to the adoption of this By-Law, until such time as the common driveway has been constructed in accordance with the approved plan.

The existing driveway will become the proposed driveway; thus, we ask for a waiver from this requirement.

i) The application for a common driveway must be accompanied by a plan for maintenance of said driveway.

At this time, the maintenance agreement has not been finalized. Both landowners will share responsibility for maintenance. We request that the Special Permit be contingent on the submission of a final agreement. See Attachment B for the Easement and Land Use Agreement draft.

j) The Planning Board may consult the Road Superintendent for advice on any part of Section 6.7.3.

The Road Superintendent has been contacted for review.

F. Conclusion

As outlined above, the project, as proposed, meets the design goals of the petitioner and the intent of the Richmond Zoning By-Laws. The proposed project is the creation of a shared driveway, which is needed for access to an adjoining lot.

Based upon the design and supporting materials included herein, all design objectives and Zoning By-Laws have been met. We look forward to discussing the project with the board.

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Appendix 2: Findings voted, October 13, 2020

RICHMOND PLANNING BOARD

FINDINGS: PURSUANT TO SECTIONS 6.3.4 AND 6.7.3 OF THE ZONING BY-LAW

COMMON DRIVE PERMIT REQUEST BY: John Goscha

FINDINGS: PURSUANT TO SECTION 6.3.4 OF THE ZONING BY-LAW

- a. Is in compliance with all provisions and requirements of the By-law, and in harmony with its general purpose and intent.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- b. Is not undesirable or does not substantially derogate from the public good or convenience at the proposed location.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- c. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- d. Will not create undue traffic congestion or unduly impair pedestrian safety.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- e. Will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting public health, safety or welfare.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

FINDINGS: PURSUANT TO SECTIONS 6.7.3 OF THE ZONING BY-LAW

- a. All the requirements of Section 6.7.1, if applicable, shall be satisfied.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- b. Common driveways can never be used to satisfy zoning frontage requirements. Each lot served shall have frontage requirements under this By-Law

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- c. Common driveways shall provide access to the lots from the way on which the lots served have their frontage and must observe a 25-foot setback from the sideline which the lot of origin shares with a lot not served by the common driveway.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- d. No common driveway shall be located within 100 feet of an intersection of public ways.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- e. The design of any driveway shall, in the opinion of the Planning Board, assure adequate safety for emergency vehicles including fire and police vehicles.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- f. All common driveways and driveways with a maximum grade of more than ten percent shall meet the following design requirements:
1. Driveways shall be located to the best advantage with regard to alignments with the way, profile, sight distance conditions and the like. In no instance shall the driveway intersect the way at less than a sixty-degree angle.
 2. Culverts taking the place of roadside ditches shall have a diameter of not less than fifteen (15) inches. A larger diameter may be required. All culverts installed under any driveway shall become the property owner's responsibility for cleaning, maintenance, and replacement when needed.
 3. The elevation of driveways at the point of entry into the public right of way should be not more than the elevation of the shoulder of the road.

4. Driveways should be so constructed that water from the driveway shall not drain onto the crown of the road.
5. In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.
6. Individual driveways should not be less than eight (8) feet nor more than sixteen (16) feet in width within the town right of way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
7. Wherever possible, driveways should be pitched downward from the roadway. However, where topography prevents the driveway from being pitched downward in its entirety, the driveway must be constructed on a downgrade from the road surface to the sideline of the town right of way with a pitch of at least one quarter (1/4) inch per foot. From the sideline the driveway may be pitched toward the roadway; however, in no instance shall a driveway have a pitch toward the roadway of greater than one (1) inch per foot, unless adequate provisions have been made and approved by the Road Superintendent for the diversion of driveway surface runoff away from the roadway. The Road Superintendent may require methods of diversions for driveways having a pitch of less than one (1) inch per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- g. All work shall be inspected, during and after construction, by the Road Superintendent. The Planning Board may halt any work not done in accordance with this by-Law and the approved plan.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- h. In addition to the granting of a special permit, the Planning Board shall endorse its approval on a plan of land showing the location of the common driveway, which plan shall be recorded in the Registry of Deeds.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- i. A covenant shall be entered into between the owner or developer and the town in a form acceptable to the Planning Board of the Town of Richmond prohibiting the sale of lots and erection of buildings except for lots approved and/or buildings erected prior to the adoption of this By-Law, until such time as the common driveway has been constructed in accordance with the approved plan.

Discussion: The petition for a special permit requests a waiver of this provision. Mr. Hanson agreed that because the existing driveway will become the proposed driveway, this covenant may be waived.

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- j. The application for a common driveway must be accompanied by a plan for maintenance of said driveway.

Discussion: The petition for a special permit requests a waiver of this provision. Mr. Hanson said that although the approval of this petition for a special permit could waive this requirement, he advised that approval of any plan to build a new portion of the driveway as part of a plan to develop the lots would probably be contingent on a covenant for the maintenance of the common driveway.

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes

- k. The Planning Board may consult the Road Superintendent for advice on any part of Section 6.7.3.

Discussion:

Votes: Mr. Hanson: Yes Mr. Bell: Yes Ms. Keenum: Yes