

## **DRIVEWAY REGULATIONS Ordinance**

- A. Authority: The following regulations governing the construction and alteration of driveways, entrances, exits, and approaches within the limits of the right of way are adapted by the Board in accordance with the provisions of Chapter 236, Sections 13 and 14, N.H. Revised Statutes Annotated.

It shall be unlawful to construct or alter in any way that substantially affects the size or grade of any driveway exit, or approach within the limits of the right of way of any highway under the jurisdiction of the Town of Sunapee that does not conform to the terms and specifications of a written permit issued by the Town of Sunapee. This includes temporary driveways for construction or logging activities.

B. Procedure:

- (B)(1) Application: Any person wishing to construct or alter a driveway shall obtain a construction permit application from the Highway Director, and shall file that application, with a map of the proposed construction, with the Highway Director.

The following information shall be provided on the application:

- a. the name and address of the owner of the property the proposed driveway will serve
- b. the location of the driveway, with distances to street intersections within 100 feet
- c. lengths of the street frontages of the property served by the proposed driveway
- d. dimensions of the proposed driveway within the limits of the right of way of the street
- e. the lengths of the sight distances in both directions along the street
- f. description (including dimensions) of any culverts, other drainage structures, traffic control devices, and channelization islands to be constructed, also the depth of fill over any culverts
- g. the grade of the driveway
- h. a description of any proposed changes in a proposed alteration of a driveway

The following information shall be provided on the map:

- a. the location and dimensions of the proposed driveway and of the street within the minimum sight distance
- b. property boundaries, if within 100 feet of the driveway
- c. distances to the nearest street intersection, if within 100 feet
- d. the location of any existing driveways serving the property
- e. the location of any visual obstructions to the required sight lines
- f. the length of sight distances in both directions along the street

- g. the location of any drainage structures, traffic control devices, or channelization islands to be installed.

Failure of the applicant to supply the information and the map requested shall be sufficient grounds for the denial of the application.

The Board may require the preparation of plans by an engineer or a surveyor, when it deems such plans necessary.

1. Road Agent Inspection: The Road Agent shall review the application, inspect the site, report any observed inaccuracies in the application, and recommend whatever action he/she deems most appropriate.
3. Board Action: The Board of Selectmen shall, after considering the Application, the recommendations of the Road Agent, the input of the Planning Board, if applicable, and concerns of the applicant or other interested parties approve, approve with conditions or deny the construction permit application. If the application is approved a written permit shall be issued by the Board of Selectmen. The permit shall state the terms and specifications for construction or alteration of the driveway. If the application is denied, a letter shall be sent to the applicant stating the reasons for denial.

#### C. Standards:

1. Location: The location shall be selected to protect the most adequate degree the safety of the traveling public. The driveway shall be at least 25 feet from the nearest street intersection.
2. Sight Distances: The location shall be selected to provide safe sight distances, based on the following standards developed by the New Hampshire Department of Public Works and Highways in its Highway Design Manual (1983) and shall be thirteen (13) times the speed posted on the existing town road (e.g., 30 mph 390 ft; 35 mph 455 feet, etc.). For properties where the minimum sight distances described above cannot be met, the driveway shall be placed at the safest possible location. If a lesser Sight Distance is indicated, a warning sign indicating the hazard to be encountered (e.g. Blind Drive) with an Advisory Speed Sign mounted directly below showing the indicated speed to the nearest 5 mph multiple may be required. The indicated speed shall be the safe sight distance available divided by thirteen (13).
3. Intersection: The driveway shall be laid out so as to intersect with the street as nearly as possible at right angles, but in no case at an angle of less than sixty degrees.
4. Width: The driveway shall be a minimum width of 12 feet at its junction with the street. The driveway shall have a maximum width of 50 feet at its junction with the street, except that the driveway may be flared beyond a width of 50 feet to accommodate the turning radius of vehicles expected to use it.

5. Grade: The grade of entrances and exits shall be constructed to slope down and away from the town road surface for a distance equivalent to the existing town road ditch line. When the approaches are paved with asphalt or tar, the minimum rate of slope shall be 3/8" per foot; for all other surfacing, the slope shall be a minimum of 1/2" per foot. The grade of the driveway beyond the ditch for a distance of 100' shall be no greater than twelve per cent.
6. Drainage: The driveway shall not interfere with the street's drainage. Where necessary, culverts, water bars, ditches, and other drainage structures shall be installed to ensure adequate drainage of the street and to prevent excessive drainage from the driveway onto the road. Culverts shall be at least 12 inches in diameter, and larger if considered necessary by the Road Agent. A minimum of 12 inches of fill shall be placed over culverts.
7. Sidewalks and Road Repair: When the construction of a driveway would require the disturbance of a street or a sidewalk, the applicant shall obtain the permission of the Road Agent before proceeding with construction. Any road or sidewalk disturbed during the construction of the driveway shall be restored to the satisfaction of the Road Agent.
8. Performance Bond or Letter of Credit: The applicant may be required by the Board of Selectmen to file a bond in an amount sufficient to cover the cost of the construction of that portion of the driveway within the right of way of the road, including the required culverts ditches, other drainage structures and the paved apron, and to cover the cost of repairing public sidewalks and streets disturbed by the construction. The bond shall be approved as to form and sureties by the Board of Selectmen. The amount of the bond shall be based on a contractor's or an engineer's cost estimate of the necessary construction and repair. The estimate shall be approved by the Board prior to the obtaining of the bond. All bonds shall be for 110% of the estimated cost. The performance bond shall not be released until the Road Agent has certified completion of the bonded construction and repairs in accordance with the standards stated in these regulations and in accordance with the plan approved by the Board of Selectmen.

D. Administration:

- (1) Enforcement: Upon determination by the Planning Board or Zoning Administrator that a violation of these regulations has occurred, notice shall be given to the Board of Selectmen recommending appropriate enforcement procedures. The Board of Selectmen are responsible for the enforcement of these regulations.
2. Penalty. As provided under RSA 236:14, any person who violates any provision of RSA 236:13 or of these regulations shall be guilty of a violation or a misdemeanor and shall be liable for the cost of restoration of the street to the satisfaction of the Planning Board.
3. Waiver: Where conformity to these regulations would cause undue hardship or injustice to the owner of the land, the Planning Board may, upon the recommendation and

advisement of the Road Agent, waive any of the above regulations, provided that the spirit of the regulations will be respected and that the public convenience and safety will not be adversely affected.