



**TOWN OF NEW LONDON
PLANNING BOARD**

DRIVEWAY REGULATIONS

INSTRUCTIONS TO APPLICANTS FOR THE
CONSTRUCTION OR ALTERATION OF DRIVEWAYS

IMPORTANT: READ CAREFULLY BEFORE
FILLING OUT ATTACHED APPLICATION

Revised by the New London Planning Board on January 30, 2007

**TOWN OF NEW LONDON
DRIVEWAY REGULATIONS**

SECTION I - PURPOSES AND AUTHORITY

A. PURPOSES

The purposes of these Driveway Regulations are to:

1. Promote the orderly and planned growth of undeveloped areas of New London;
2. Protect the public health, safety and welfare;
3. Ensure safe access to and from the Town street or state highway to the building site for the owner, guests, and emergency response personnel and vehicles;
4. Ensure driveway designs and construction complies with the steep slopes, wetlands, shore lands, streams and floodplain regulations in the Zoning Ordinance;
5. Ensure driveway designs and construction provide safe access for fire and other emergency response vehicles;
6. Ensure driveway designs and construction provide adequate temporary and permanent erosion control measures.
7. Ensure driveway designs and construction provide safe sight distance at the intersection with the Town street or state highway; and
8. Ensure driveway designs and construction prevent adverse stormwater drainage impacts on the street providing access.

B. AUTHORITY

The following regulations governing the construction and alteration of driveways, entrances, exits and approaches to and from a Town street or a state highway the entire length of the driveway to a building site or to the end of the driveway are adopted by the Planning Board.

The authority for these driveway regulations is provided by:

1. RSA 236:13 & 14 - Access to state highways and Town streets;
2. RSA 236:19 & 20 - Relative to causing water, snow or other materials to be placed upon the highway;
3. RSA 674:16 & 17 - Zoning;
4. RSA 674:35 & 36 - Subdivision Regulations;
5. RSA 674:43 & 44 - Site Plan Review Regulations;
6. RSA 41:11 - Authorizing the Selectboard to adopt highway regulations; &
7. NFPA 1 - Life Safety Code, Chapter 18 Fire Department Access & Water Supply

It shall be unlawful to construct or alter in any way that substantially affects the size, layout or grade of any driveway, driveway exit, or approach within the limits of the right-of-way to and from a Town street or a state highway in the Town of New London, public or private, that does not conform to the standards of these regulations and to the terms and specifications of a written permit issued by the Road Agent. Appeal of a decision of the Road Agent to deny a driveway permit may be made as provided in Section VI, A. These driveway regulations shall apply to any driveway extending into property from the edge of the right-of-way of any state highway in the Town of New London.

SECTION II - APPLICATION PROCEDURE

A. APPLICATION

Any person wishing to construct or alter in any way that substantially affects the size, layout or grade of any driveway, driveway exit, or approach to any highway in the Town of New London, public or private, shall obtain a driveway permit application from the Road Agent, or Acting Road Agent, and shall file that application, with a map of the proposed construction, with the Road Agent, or Acting Road Agent.

Any person wishing to construct or alter in any way that substantially affects the size, layout or grade of any driveway extending into property from the edge of the right-of way of any state highway in the Town of New London shall obtain a driveway permit application from the Road Agent, or Acting Road Agent, and shall file that application, with a map of the proposed construction, with the Road Agent, or Acting Road Agent.

The following information shall be provided with the application:

1. the name, tax map & lot number, and mailing address of the owner of the property the driveway serves;
2. the names, tax map & lot numbers, and addresses of the owners of the property directly across the street from the proposed driveway, and any other property within 100 feet of the driveway;
3. dimensions of the proposed driveway from a Town street or a state highway the entire length of the driveway to a building site or to the end of the driveway;
4. a description of any proposed changes in a proposed alteration of a driveway; and
5. the depth of the gravel base and the depth of the crushed gravel surface.

B. APPLICATION MAP

The following information shall be provided on the map accompanying the driveway permit application:

1. the tax map & lot number and boundaries of the property to be served by the driveway;
2. length(s) of the street frontage(s) of the property served by the driveway;
3. the location and dimensions of the proposed driveway and of the street including any sidewalks, and the angle of intersection with the street;
4. property boundaries, if within 100 feet of the driveway;
5. distances to the nearest street intersection, if within 100 feet;
6. the location of any existing driveways serving the property;
7. the location, specifications and dimensions of the driveway's paved apron
8. description (including dimensions) of any culverts, the depth of fill over any culverts or other drainage structures;
9. the grade(s) of the driveway from the Town street or the edge of the state highway right-of-way the entire length of the driveway to the building site or end of the driveway;
10. the length of sight distances in both directions along the street;

11. the location of any visual obstructions to the required sight lines;
12. the location of any drainage structures, including culverts;
13. the location of any traffic control devices, or channelization islands to be installed;
14. the dimensions of the driveway turn-around at the building site or the end of the driveway;
15. the inside radius measurement for all horizontal curves in the driveway from the Town street or the edge of the state highway right-of-way the entire length of the driveway to the building site or end of the driveway;
16. any Steep Slopes as defined by the Zoning Ordinance located in the path of the driveway;
17. any Wetlands or Wetland buffers as defined by the Zoning Ordinance located in the path of the driveway;
18. any Shore Land or Shore Land buffers as defined by the Zoning Ordinance located in the path of the driveway;
19. any Streams or Stream buffers as defined by the Zoning Ordinance located in the path of the driveway;
20. any Floodplains as defined by the Zoning Ordinance located in the path of the driveway; and
21. the temporary and permanent erosion control measures to be implemented.

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

The Planning Board or Road Agent may require the preparation of plans by an engineer or a surveyor, when he/she deems such plans necessary.

C. ROAD AGENT REVIEW, INSPECTIONS AND APPROVAL

The Road Agent, or Acting Road Agent, and the Zoning Administrator shall review the application for compliance with the Standards outlined in Section III below and inspect the site. The Planning Board authorizes the Road Agent, or Acting Road Agent, to approve the application if they determine the application complies with the Standards outlined in Section III below.

If the application is approved, a written driveway permit shall be issued to the applicant stating the terms and specifications for the construction or alteration of the driveway.

If the application is disapproved, written notification shall be sent to the applicant stating the reason for disapproval. Appeal of the Road Agent's decision to deny a driveway permit may be made as provided in Section VI, A.

SECTION III - STANDARDS

- A. NUMBER: No more than two driveway entrances shall be constructed from any one street to any one property, unless frontage along that street exceeds 500 feet. When the frontage exceeds 500 feet, no more than three driveways shall be constructed.
- B. LOCATION: The location shall be selected to protect the most adequate degree the safety of the traveling public. The driveway shall be at least 50 feet from the nearest street intersection.
- C. SIGHT DISTANCES: The location for the new driveway 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 as amended)", and shall be ten (10) times the speed posted on the existing Town street or state highway. The lowest minimum speed which the Town can post and enforce on any Town street is twenty-five miles per hour (25 mph) outside a school zone. Therefore the minimum sight distance permitted on any Town street or state highway outside a school zone is two hundred and fifty feet (250 ft.). In zones where the speed limit is higher than 25 mph, the minimum sight distance shall be set in accordance with the above formula (e.g. 30 mph = 300 ft.; 35 mph = 350 ft.; etc.).
- D. 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.
- E. WIDTH: the driveway shall have a minimum traveled surface width of twenty feet (20 ft.) at the driveway's intersection with the street serving the lot tapering down to a width of twelve feet (12 ft.) at a distance of twenty feet (20 ft.) back from the edge of the traveled surface of the street serving the lot. The driveway shall have a minimum traveled surface width of twelve feet (12 ft.) the entire length of the driveway to a building site or to the end of the driveway. The width of the traveled surface may be reduced with the approval of both the Fire Chief and Road Agent provided that the driveway can still maintain safe emergency vehicle access.
- F. DRIVEWAY NO OBSTRUCTION ZONE: A no obstruction zone six feet (6 ft.) in width on each side of the driveway and 13.5 feet above the driveway shall be provided the entire length of the driveway. The purpose of this no obstruction zone is to provide clearance for emergency vehicles which may need to access the lot. Obstructions such as trees, walls, fences and signs are not permitted within this no obstruction zone. Please refer to the sketch of the driveway intersection attached to these Driveway Regulations.
- G. HORIZONTAL CURVES: Horizontal curves in driveways shall have a minimum inside radius of 22.5 feet. This standard applies only to the main driveway providing access to any Structure and not to any secondary or off-shoot driveways.
- H. GRADE: The grade of the driveway shall not exceed 15%. The grade of the entrances and exits shall be constructed to slope down and away from the Town street surface for a distance equivalent to the existing Town street ditch line. When the entrances and exits are concrete or 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.
- I. PAVED APRON: Driveways that abut paved streets shall be constructed with paved aprons that shall be as wide as the driveway and at least five feet in depth as measured

perpendicularly from the edge of the street pavement (and deeper, if deemed necessary by the Board). The paved apron shall be constructed in such a way as to protect the edge of the street pavement from deterioration.

- J. DRAINAGE: The driveway shall not interfere with the street's drainage. Drainage from the driveway shall not interfere with the street providing access or with abutting properties. Where necessary, culverts, waterbars, ditches, and other drainage structures shall be installed to insure adequate drainage of the street and to prevent excessive drainage from the driveway onto the street providing access or onto abutting properties. Culverts shall be at least 12 inches in diameter, and larger if considered necessary by the Road Agent, or Acting Road Agent. A minimum of 12 inches of fill shall be placed over culverts.
- K. SIDEWALK REPAIRS: When the construction of a driveway would require the disturbance a sidewalk, the applicant shall obtain approval of a permit to work in a public way from the Road Agent, Acting Road Agent, or Board of Selectmen. Any street or sidewalk disturbed during the construction of the driveway shall be restored to the satisfaction of the Road Agent, or Acting Road Agent, at the applicant's expense.
- L. STEEP SLOPES: The driveway design and construction shall comply with the provisions of Article XIV Steep Slopes Overlay District. Driveways shall not be located in areas of slopes in excess of 25% with a minimum elevation change of 20 feet.
- M. WETLANDS: The driveway design and construction shall comply with the provisions of Article XIII Wetlands Conservation Overlay District in the Zoning Ordinance. Driveways shall not be located in Wetlands or Wetland buffers.
- N. SHORE LAND of LAKES and PONDS: The driveway design and construction shall comply with the provisions of Article XVI Shore Land Overlay District in the Zoning Ordinance. Driveways shall not be located within the 50 foot Shore Land buffer, as specified in the current Zoning Ordinance, or as amended.
- O. STREAMS: The driveway design and construction shall comply with the provisions of Article XXII Streams Conservation Overlay District in the Zoning Ordinance. Driveways shall not be located within the 100 foot Stream buffer, as specified in the current Zoning Ordinance, or as amended.
- P. FLOODPLAIN: The driveway design and construction shall comply with the provisions of Article XV Floodplain Overlay District in the Zoning Ordinance.
- Q. DRIVEWAY BASE & SURFACE: The base for the driveway must include a minimum of 8" of gravel and the driveway surface must include a minimum of 4" of crushed gravel for a total depth of gravel of 12".
- R. DRIVEWAY SETBACK: For purposes of snow removal, general maintenance, and protection of abutters, no driveway shall be constructed closer than 10 feet from abutting property lines in all zone districts, except in the R-1 and Commercial Zone Districts. No driveway shall be constructed closer than 5 feet from abutting property in the R-1 Zone District. There are no setbacks for driveways in the Commercial Zone District.
- S. EROSION CONTROL: Erosion control measures to manage stormwater drainage shall be designed and constructed to protect the Town street or state highway providing access and as

well as abutting properties. Stormwater drainage control systems shall be designed and constructed to ensure adequate drainage of stormwater away from and off the streets. Erosion control measures shall be designed and constructed to control sediment and retain it within the lot being developed for the driveway.

- T. DRIVEWAYS for NON-RESIDENTIAL or MULTI-FAMILY RESIDENTIAL PROJECTS: Driveways providing access for multi-family residential or non-residential projects shall be designed to conform with good engineering practice using the NHDOT Manual, Administrative Rules for the permitting of Driveways and Other Accesses to the state highway System as a guide. Driveways for non-residential or multi-family residential uses shall be reviewed as part of the Site Plan Review process for establishment of those uses.

SECTION IV - SECURITY

The applicant may be required by the Road Agent to file a bond or letter of credit in an amount sufficient to cover the cost of the construction of that portion of the driveway within the right-of-way of the street, 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 or letter of credit 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 Road Agent prior to obtaining the bond or letter of credit. All bonds or letters of credit shall be for 100% of the estimated cost. The performance bond or letter of credit 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 standards stated in these regulations and in accordance with the plan approved by the Road Agent or Planning Board.

SECTION V - E-911 ADDRESS

The applicant shall request the Board of Selectmen to assign an E-911 address after the driveway has been constructed.

SECTION VI - ADMINISTRATION

- A. PLANNING BOARD APPEAL

Driveway permit applications denied by the Road Agent, or Acting Road Agent, may be revised to comply with the Standards outlined in Section III and resubmitted to the Road Agent, or Acting Road Agent, and the Zoning Administrator for review and approval or the applicant may appeal the decision of disapproval by the Road Agent to the Planning Board. To appeal the decision to the Planning Board, the applicant shall submit a statement in writing to the Planning Board outlining why the standards cannot be met. For an appeal to be considered, the applicant must include the following information in the statement submitted and must prove to the Planning Board that:

1. the purpose of the driveway regulations will be served by the proposed design;
2. unique circumstances exist which require deviation from the driveway regulations;
3. no reasonable alternatives to the proposed design exist; and
4. no increase in the risk to public safety will result from the proposed design.

The Planning Board shall conduct a public hearing on the appeal after giving abutters 10 days notice and posting the notice in two public places.

The Planning Board shall approve, approve with conditions or disapprove the driveway permit application, after considering:

1. the original application and any supplemental materials provided in connection with the appeal;
2. the recommendations of the Road Agent, or Acting Road Agent, the Zoning Administrator, Fire Chief and Police Chief;
3. comments from the applicant; and
4. comments from abutters or other interested parties.

If disapproved, written notification outlining the reasons for disapproval shall be sent to the applicant.

B. VARIANCE from the ZONING BOARD of ADJUSTMENT

Any proposed driveway not complying with the standards and requirements of the New London Zoning Ordinance must be revised to comply or a variance approved by the Zoning Board of Adjustment must be obtained before a driveway permit can be issued.

C. ENFORCEMENT

The Board of Selectmen or their designee is hereby given the power and authority to enforce these regulations. It shall be the duty of the Selectboard, or other official designated by the Board of Selectmen as an enforcement authority, to enforce the provisions of these Driveway Regulations. Alternative approaches to enforcing these regulations include the following. All of these approaches to enforcement need not be pursued.

1. RSA 676:15 Injunctive Relief;
2. RSA 676:17 Fines and Penalties;
3. RSA 676:17-a Cease and Desist Orders; and
4. RSA 676:17-b Local Land Use citations; Pleas by Mail.

D. PENALTY

1. A violation of these regulations shall be punishable by a fine of \$275.00 for the first offense and \$550.00 for subsequent offences for each day that such violation is found to have continued after the date on which the violator receives written notice from the Town that the violator is in violation of these regulations.
2. Any person violating these regulations shall be liable for the cost of restoration of the highway to a condition satisfactory to the Road Agent or Acting Road Agent.

E. SEPARABILITY

If any section, clause, provision, portion, or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect,

impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

F. INTERPRETATION

In matters of judgment or interpretation of the above general requirements, the opinion of the Planning Board shall prevail.

G. AMENDMENTS

These regulations may be amended or rescinded by the Planning Board but only following a public hearing on the proposed change. The Chairman or Secretary of the Board shall record any changes so authorized at the Registry of Deeds of Merrimack County. Certified copies signed by a majority of the board members shall be filed with the Town Clerk and Selectmen.

H. NUMBERING

After amendments are adopted, the Board shall have the authority to renumber the sections consecutively.

I. EFFECTIVE DATE

The effective date of these amended regulations shall be January 31, 2007. Amendments to these Driveway Regulations were adopted by the New London Planning Board on January 30, 2007 at the conclusion of a duly noticed public hearing.