

## **DRIVEWAY REGULATIONS**

### **PURPOSE**

The purpose of these regulations is to promote the orderly and planned growth of developed and undeveloped areas of the Town of Hampton. Driveway review will protect the interests of the general public, citizens and taxpayers of the community by establishing selected locations for driveways that will protect the safety of the traveling public, establishing grades that adequately protect and promote highway drainage, and permit a safe and controlled approach to highways in all seasons of the year.

### **SECTION 1. BASIS OF THESE REGULATIONS**

#### **A. Authority**

The following regulations governing the construction, alteration, location and relocation of driveways, entrances, exits and approaches within the limits of the Town highways and public right-of-ways are adopted by the Planning Board in accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 236, Sections 13 and 14.

#### **B. Issuing Authority**

It is intended that when applications for driveway permits are received hereunder that comply with all of the regulations enacted herein, that the Public Works Director as the Planning Board's designated representative, shall have full authority to issue such requested permit without further action by the Planning Board.

Applications received that do not comply with all of the requirements of these regulations may likewise be rejected by the Public Works Director, as the Planning Board's designee, without further action by the Planning Board, except as specified in these regulations for appeals and public hearings.

#### **C. Permit Required**

A permit issued under these regulations shall be required to:

1. Construct, alter, locate or relocate a driveway within the limits of the right-of-way of any public highway (town roadway) under the jurisdiction of the Town of Hampton.
2. Impact the size or grade of any driveway, entrance, exit or approach within the limits of the right-of-way of any highway under the jurisdiction of the Town of Hampton.

A permit shall not be required to:

1. Sealcoat an existing driveway.

#### **D. Prohibited**

It shall be unlawful for any person, firm, corporation or other entity to develop, construct, alter, locate, or relocate a driveway, or impact the size or grade of any driveway, entrance, exit, or approach within the limits of the right-of-way of any highway under the jurisdiction of the Town of Hampton that does not meet or exceed the terms of a written permit issued pursuant to these regulations.

#### **E. Pre-Existing Driveways to be Issued Driveway Permits**

Any owner of property with an existing driveway on the date of enactment of these regulations shall be entitled to the issuance of a driveway permit for the existing driveway at its current location for a width not to exceed twenty-four (24) feet for a single-family or two-family residence and fifty (50) feet for a multi-family residential, commercial or industrial use whether or not it meets all of the other terms and conditions of these regulations.

## **F. Application Assistance**

All employees and officials of the Town of Hampton are requested to assist applicants for a permit under these regulations, in the process of completing an application hereunder, and actually locating a driveway in accordance with the requirements included herein once a written permit therefore has been issued pursuant to these regulations.

## **G. 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, provided that the purpose of these regulations can still be achieved in the absence of the invalid provision.

## **H. Definition**

**Highway or Public Right-of-Way** shall mean a Town road, street, terrace, drive, boulevard, place or way that has been accepted as a Town highway or public right-of-way by acceptance, dedication, lay-out or by acceptance of maintenance.

## **I. Procedure**

**1. Application Form:** Any person wishing to construct, alter, locate or relocate a driveway shall obtain a driveway permit application from the Department of Public Works and shall file that completed application, with an accurate drawing of the proposed physical location and details of the construction, alteration, location or relocation, with the Department of Public Works, along with a \$50, non-refundable application fee. After-the-fact applications will require a \$250, non-refundable application fee to cover the additional administrative and technical review of all such projects.

(a). The following information shall be provided on the application.

1. The name, address and telephone number(s) of the owner of the property the driveway is to serve and the owner's contractor.
2. The names and addresses of the owners of the property directly across the street from the proposed driveway, of the abutters on either side of the lot where the driveway will be located.
3. Lengths of the street frontages of the property serviced by the proposed driveway.
4. The use to be served by the driveway.

(b). The following information shall be provided on the drawing.

1. The location and dimensions of the proposed driveway.
2. Property boundaries of the property served.
3. Distances to the nearest street intersection, if the property abuts a street intersection.
4. Location of any existing driveways serving the property.
5. Dimensions of the proposed driveway within the limits of the highway right-of-way.
6. Dimensions and specifications of the driveway's paved apron.
7. Lengths of the sight distances in both directions along the street.
8. Descriptions (including dimensions) of any culverts, swales or other drainage structures, traffic control devices, and channel islands to be constructed, also the depth of fill over any culverts.
9. Grade of the driveway.
10. Location of any visual obstructions to the required sight lines.
11. Location and pole number of the closest utility pole(s) on the property or across the street from the driveway.
12. Description of any proposed changes or proposed alteration or relocation of an existing driveway.
13. Driveway materials.

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

The Planning Board or the Public Works Director may require the preparation of plans by a licensed engineer, when deemed necessary, at the expense of the applicant(s).

## **2. Inspections and Approval**

The Public Works Director or Planning Board designee shall review the application and site for compliance with the Standards outlined in Section J below. The Planning Board authorizes the Public Works Director or the Planning Board designee to approve the application, if the application complies with all of the Standards outlined in Section J below.

If the application is approved, a written driveway permit shall be issued to the applicant stating the terms and specifications for the construction, alteration, location or relocation of the driveway. If the application is disapproved, written notification shall be sent to the applicant stating the reason(s) for disapproval.

## **3. Planning Board Appeal**

Driveway permit applications disapproved by the Public Works Director as the Planning Board's designee may be revised to comply with the Standards outlined in Section J below and resubmitted to the Public Works Director as the Planning Board's designee for review and approval or the applicant may appeal the decision of disapproval by the Public Works Director or the Planning Board designee to the Planning Board. The applicant shall outline in a letter to the Planning Board why the Standards cannot be met. The Planning Board shall conduct a public hearing on the appeal after giving abutters 10 days' notice and posting notice in two public places. The Planning Board shall, after considering the application, the recommendations of the Public Works Director as the Planning Board's designee, comments from the applicant and comments from abutters or other interested parties, approve, approve with conditions or disapprove the driveway permit application. If disapproved, written notification outlining the reasons for disapproval shall be sent to the applicant.

Applications or appeals requiring a public hearing shall be filed with the Planning Board not less than fifteen (15) days before any regular meeting, if the application or appeal is to be placed upon the agenda for consideration at that meeting. The applicant shall submit a list of the names and addresses of owners of record of all abutting properties as indicated in the Town's records not more than five days before the date of filing of an application or appeal hereunder, identified by the map and lot numbers as shown on the Hampton Tax Map(s). Abutters should be verified with the Town's Assessing Office.

The applicant or appellant shall also pay to the Planning Board the sum stated in the Non Refundable Fee Schedule for the notification of abutters.

## **J. Standards**

**1. Number:** No more than one driveway (curb cut) shall be constructed from any one street to any one property or residence, unless otherwise approved by the Planning Board. Where the frontage along that street exceeds 500 feet or the property is in the commercial or industrial zones up to two (2) driveways may be permitted.

**2. Location:** The location shall be selected to provide the most adequate degree of safety for the traveling public. The driveway shall be at least twenty-five (25) feet from the nearest street intersection and not less than two (2) feet from the nearest property line. For lots with 50 feet of frontage, the minimum setback from a street intersection shall be ten (10) feet.

**3. Sight Distance:** The location shall be selected to provide safe sight distances, based on the following standards: 20 mph = 115 feet; 25 mph = 155 feet; 30 mph = 200 feet; 35 mph = 250 feet.

In addition to the above standards, the standards and requirements for driveways set forth in RSA 236:13, II, III and IV shall apply where indicated in that section.

These standards shall not be applied so as to deny all access to an existing lot.

For properties where the minimum sight distances described above cannot be met, the driveway shall be placed at the safest possible location and the speed posted on the Town highway shall be reduced accordingly, by the Public Works Director, but not less than that specified in State statute. If a lesser speed is indicated, a yellow 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 by the Planning Board, the Public Works Director or the Planning Board's designee. The cost of all necessary warning and advisory signs, including replacements and maintenance, shall be borne by the applicant and subsequent owners of the property and shall be a condition of the driveway permit.

Driveways located within urban areas or in areas where the property frontage is less than 150 feet shall be granted for each lot irrespective of sight distances but such driveways shall be placed at the safest possible location. No legal lot shall be denied a driveway permit.

**4. Width:** No driveway on any lot shall exceed twenty-four (24) feet in width for single-family or two-family residences and fifty (50) feet in width for a multi-family residential, commercial or industrial use.

**5. Paved Apron:** Driveways that abut paved highways shall be constructed with paved aprons that shall be as wide as the driveway and shall run from the edge of the highway pavement to the edge of the applicant's property line, and deeper if deemed necessary by the Planning Board, Public Works Director or the Planning Board's designee. The paved apron shall be constructed and maintained in such a way as to protect the edge of the highway pavement from deterioration.

**6. Drainage:** The driveway shall not interfere with the highway drainage. Where necessary, culverts, water bars, ditches, swales and other drainage structures shall be installed and maintained by the applicant and his successors in title to insure adequate drainage of the street and to prevent excessive drainage from the driveway or the abutting property into the highway. Culverts shall be at least twelve (12) inches in diameter, or larger if considered necessary by the Planning Board, Public Works Director or the Planning Board's designee. A minimum of twelve (12) inches of crushed gravel shall be placed over culverts before pavement is applied. Culverts shall be approved plastic smooth bore pipe and shall have protective headwalls.

**7. Sidewalks and Road Repair:** When the construction of a driveway would require the disturbance of a Town highway or a sidewalk, the applicant shall obtain a street opening permit from the Public Works Director before proceeding with any work or construction. The permittee is responsible to provide, during construction, any and all required protection to pedestrians, vehicles and abutting buildings and properties, including barriers during the day and night, required traffic control, including Police Officers, at his own expense. Any highway or sidewalk disturbed during the construction of a driveway shall be restored to the satisfaction of the Public Works Director, including the complete clean-up and restoration of the public highway (right-of-way).

**8. Intersection:** The driveway shall be laid out so as to intersect with the highway as nearly as possible at right angles.

**9. Grade:** The grade of entrances and exits shall be constructed to slope down and away from the Town highway surface for a distance equivalent to the existing Town highway ditch or drainage line.

**10. Performance Security:** The applicant shall be required to post a performance bond in an amount of \$500.00 to guarantee construction of said driveway in compliance with the terms and conditions of the permit and to cover any damages that may occur to town property as a result of construction associated with development of the parcel. Certificate of such bond shall be placed on file with the Department of Public Works (may be posted by owner or contractor) and in effect throughout completion and inspection of work.

#### **K. Administration**

**1. Enforcement:** Upon determination by the Planning Board that a violation of these regulations has occurred, notice shall be given to the Board of Selectmen and Town Manager recommending appropriate enforcement procedures. The Board of Selectmen is responsible with the Planning Board 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 these regulations shall be guilty of a violation if a natural person or a misdemeanor if any other person and shall be liable for the cost of restoration of the Town highway and public right-of-way to the satisfaction of the Public Works Director and for the costs of enforcement including attorney fees.

**3. Waiver:** Where conformity to these regulations would cause undue hardship (other than financial) or injustice to the owner of the land, the Planning Board may, upon recommendation of the Public Works Director, as the Planning Board's designee, waive any of the above regulations or standards, provided that the spirit of the regulations and standards will be respected and that the public convenience and safety will not be affected.

#### **SECTION 2. INTERPRETATION**

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

#### **SECTION 3. AMENDMENTS**

These regulations may be amended by the Planning Board, but only following a public hearing.

#### **SECTION 4. NUMBERING**

After amendments are adopted, the Planning Board shall have the authority to renumber the sections of these regulations consecutively without further amendment.

#### **SECTION 5. ADOPTION**

These regulations shall become effective after a public hearing, adoption, and certification by the Planning Board, and placement on file with the Town Clerk and the Rockingham County Registry of Deeds.

Adopted this 1<sup>st</sup> day of October in the Year of Our Lord 2008.

Amended this 17<sup>th</sup> day of June in the Year of Our Lord 2009.

Amended this 18<sup>th</sup> day of September in the Year of Our Lord 2013.

Amended this 17<sup>th</sup> day of August in the Year of Our Lord 2016.