

## **Subdivision Regulation Amendment for Driveways (Addendum A):**

### **ADDENDUM A (CONTINUED)**

#### **TOWN OF STRATHAM 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 Stratham. 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 Director of Public Works 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 Director of Public Works, 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 Stratham.
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 Stratham.

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 Stratham that does not meet or exceed the terms of a written permit issued pursuant to these regulations.

#### **E. Pre-Existing Driveways**

Any driveway which legally existed prior to adoption of these regulations shall be permitted to remain. Any substantial change or renovation or augmentation of such an existing driveway, or substantial change to that parcel accessed via said driveway shall require issuance of a new driveway permit and be subject to current regulations.

#### **F. Application Assistance**

All employees and officials of the Town of Stratham 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. Seperability**

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 unless and until the Stratham Select Board adopts a fee schedule which, at such time, will prevail.

(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, and 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 Director of Public Works 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 Director of Public Works or other Planning Board designee shall review the application and site for compliance with the Standards outlined in Section J below. The Planning Board authorizes the Director of Public Works 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. Appeals**

Driveway permit applications disapproved by the Director of Public Works as the Planning Board's designee may be revised to comply with the Standards outlined in Section J below and resubmitted to the Director of Public Works as the Planning Board's designee for review and approval, or the applicant may request review of the original or revised application by the Planning Board. Should the Planning Board not approve the application, the applicant may submit an appeal to the Zoning Board of Adjustment.

*Exception: In consideration of Site Plan Review or Subdivision projects, the Planning Board shall, after considering the application, the recommendations of the Director of Public Works as the Planning Board's designee, comments from the applicant and comments from abutters or other interested parties, as part of the*

*related public hearing process, 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 Zoning Board of Adjustment 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 all abutting properties as indicated in the Towns 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 Stratham Tax Map(s). Abutters should be verified with the Town's Planning or Assessing Office where discrepancies may be found.

The applicant or appellant shall also pay all applicable fees (public notice, abutter, etc).

## **J. Standards**

**1. Number:** No more than two (2) driveway (curb cut) shall be constructed from any one street to any one property or residence. Exception: Applications filed pursuant to 236:13 IV (b).

**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: two hundred (200') feet both directions or as otherwise provided in the Subdivision Regulations Addendum A. *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 Director of Public Works, 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 Director of Public Works 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 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, Director of Public Works 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, Director of Public Works 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/Right Of Way Permit from the Director of Public Works 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 Director of Public Works, including the complete clean-up and restoration of the public highway (right-of-way) to be completed at permittee's expense.

**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 Select Board and Town Administrator recommending appropriate enforcement procedures. The Select Board 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 Director of Public Works 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 Director of Public Works, 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.