

By: _____ Road Agent
Department of Public Works and Highways

Select Board Chairman

§ 236:13 Driveways and Other Accesses to the Public Way. – I. It shall be unlawful to construct, or alter in any way that substantially affects the size or grade of, any driveway, entrance, exit, or approach within the limits of the right-of-way of any class I or class III highway or the state-maintained portion of a class II highway that does not conform to the terms and specifications of a written permit issued by the Commissioner of transportation.

II. Pursuant to this section, a written construction permit application must be obtained from and filed with the department of transportation by any abutter affected by the provisions of paragraph I. Before any construction or alteration work is commenced, said permit application shall have been reviewed, and a construction permit issued by said department. Said permit shall:

- (a) Describe the location of the driveway, entrance, exit, or approach. The location shall be selected to most adequately protect the safety of the traveling public.
- (b) Describe any drainage structures, traffic control devices, and channelization islands to be installed by the abutter.
- (c) Establish grades that adequately protect and promote highway drainage and permit a safe and controlled approach to the highway in all seasons of the year.
- (d) Include any other terms and specifications necessary for the safety of the traveling public.

III. For access to a proposed commercial or industrial enterprise, or to a subdivision, all of which for the purposes of this section shall be considered a single parcel of land, even though acquired by more than one conveyance or held nominally by more than one owner:

- (a) Said permit application shall be accompanied by engineering drawings showing information as set forth in paragraph II.
- (b) Unless all season safe sight distance of 400 feet in both directions along the highway can be obtained, the commissioner shall not permit more than one access to a single parcel of land, and this access shall be at that location which the commissioner determines to be safest. The commissioner shall not give final approval for use of any additional access until it has been proven to him that the 400-foot all season safe sight distance has been provided.

(c) For the purposes of this section, all season safe sight distance is defined as a line which encounters no visual obstruction between 2 points, each at a height of 3 feet 9 inches above the pavement, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.

IV. No construction permit shall allow:

- (a) A driveway, entrance, exit, or approach to be constructed more than 50 feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a width of 50 feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit or approach.
- (b) More than 2 driveways, entrances, exits or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds 500 feet.

V. The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III and IV shall be conferred upon the planning board in cities and towns in which the planning board has been granted the power to regulate the subdivision of land as provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry out the provisions of this section. Such regulations may delegate administrative duties, including actual issuance of permits, to a highway agent, board of selectmen, or other qualified official or body. Such regulations, or any permit issued under them, may contain provisions governing the breach, removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of way, and any landowner or landowner's agent altering a boundary in accordance with such provisions shall be deemed to be acting under a mutual agreement with the city or town pursuant to RSA 472:6, II (a).

VI. The commissioner of transportation or planning board shall retain continuing jurisdiction over the adequacy and safety of every existing driveway, entrance, exit, and approach to a highway, whether or not such access was constructed or installed pursuant to a permit under this section, and, unless the access is a public highway, the owners of property to which the access is appurtenant shall have continuing responsibility for the adequacy of the access and any grades, culverts, or other structures pertaining to such access, whether or not located within the public right of way. If any such access is or becomes a potential threat to the integrity of the highway or its surface, ditches, embankments, bridges, or other structures, or a hazard to the safety of the traveling public, by reason of siltation, flooding, erosion, frost action, vegetative growth, improper grade, or the failure of any culvert, traffic control device, drainage structure, or any other feature, the commissioner of transportation or planning board or their designee may issue an order to the landowner or other party responsible for such access to repair or remove such hazardous condition and to obtain any and all permits required therefor. The order shall describe the hazard, prescribe what corrective action or alteration in the location or configuration of such access shall be required, and set a reasonable time within which the action shall be completed. Such an order shall be sent by certified mail, and shall be enforceable to the same extent as a permit issued under this section. If the order is not complied with within the time prescribed, the commissioner or planning board or their designee may cause to be taken whatever action is necessary to protect the highway and the traveling public, and the owner or other responsible party shall be civilly liable to the state or municipality for its costs in taking such action.

§ 236:14 Penalty. – Any person who violates any provision of this subdivision or the rules and regulations made under authority thereof shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and, in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the person empowered to give such written permission.

TROY PLANNING BOARD DRIVEWAY REGULATIONS

Section I: Authority

Pursuant to the authority vested in the Troy Planning Board by the legislative body of Troy, and in accordance with the provisions of Chapters 236:13 and 674:35 of the New Hampshire Revised Statutes Annotated as amended, the Troy Planning Board adopts the following regulations governing all driveway construction in the Town of Troy.

Section II: Purpose

In as much as driveways are, in effect, intersections, the purpose of this regulation is to provide safe and efficient access to and exits from property, as well as to provide for proper and suitable discharge and control of surface drainage in and around the entrance (within the Town Right of Way) driveways.

Section III: Applicability

A Driveway Permit is required before any driveway that connects to any Town or State Road is constructed, substantially altered, reconstructed, relocated, or paved.

Section IV: Driveway Standards

- A. The following standards shall, at a minimum, apply to all driveways in the Town of Troy except where the driveway intersects a state-maintained road, and NH DOT places other restrictions on the drive entry. When applicable or appropriate, the NH DOT Typical Design Standards shall be followed (“Policy for the Permitting of Driveways and Other Accesses to the State Highway System; NH DOT Bureau of Highway Maintenance; March 10, 2000).
1. Driveways shall have a minimum width of 12 feet. The entrance may be flared out as it approaches the road. If the driveway intersects a paved Town road, the first 5 feet shall be paved.
 2. For purposes of snow removal, general maintenance, and protection of abutters, no driveway shall be constructed closer than 10 feet from abutting property lines.
 3. No driveway shall be constructed within 50 feet of an intersecting road.
 4. Driveways shall intersect roadways at an angle of 90 degrees.
 5. A minimum of a 150-foot all-season safe sight distance in each direction is required, measured from the centerline of the driveway at 3 ¾ feet above the road surface.
 6. When two proposed driveways on the same side of the road are within 50 feet of each other, or when other safety or topographical considerations apply, a common access may be required. In such case, the applicant shall provide documents that adequately establish the perpetual joint easements and maintenance responsibility for the common driveway.
 7. There shall be nor more than one primary access to a single parcel of land unless a need for multiple accesses can be demonstrated, or the frontage along the street is at least 500 feet.
 8. The grade of the driveway entrance will slope away from the road at one (1) inch per foot for the first 20 feet, or as otherwise deemed necessary.
 9. Drainage: The driveway shall not interfere with drainage. Where necessary, culverts, water bars, ditches and other drainage structures shall be installed to insure adequate drainage of the street, and to prevent excessive drainage from the driveway on the roadway.

10. Where required, culverts shall be at least 15 inches in diameter if corrugated, or 12 inches if smooth bore. A minimum of 12 inches of fill shall be placed over the culvert. The culvert may be required to have a catch basin with a cover at the inlet end and a concrete or stone header at the outlet end. The culverts shall be installed by the landowner under the supervision of the Public Works Director.
11. Driveways shall not interrupt the natural or ditch line flow of drainage water. Where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the shoulder to accommodate the flow of storm water.
12. Driveways providing access for multi-unit residential, commercial, or industrial uses 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.

Section V: Administration and Enforcement

- A. These Regulations shall be administered and enforced by the Selectmen, who will rely on the Public Works Director to review all applications, inspect the work, and otherwise inform the Selectmen as to compliance with these Regulations. The Selectmen may grant waivers from or modifications to these provisions only upon a recommendation from the Public Works Director.
- B. Applications shall be filed on forms provided by the Office of the Selectmen. The forms indicate what information is required to be submitted in order for the application to be properly processed.
- C. Where a building permit is required, the application to construct a driveway will accompany the building permit application.
- D. Construction on a driveway may not proceed until the driveway permit has been issued. The Public Works Director must be informed by the property owner when construction is beginning and ending, so that inspections can be scheduled.

Adopted October 3, 2012