

# **TOWN OF BARNSTEAD**

## **DRIVEWAY REGULATIONS AND APPLICATION**

**As Amended September 5, 2019**

## **DRIVEWAYS**

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ARTICLE I General Provisions

1. **Authority.** These regulations are adopted pursuant to the authority invested in the Barnstead Planning Board by Chapter 236, Section 13-14, New Hampshire Revised Statutes Annotated, as amended. The Barnstead Planning Board hereby adopts the following regulations governing driveway in the Town of Barnstead, New Hampshire January 7, 2010.

2. **Title**

This chapter shall hereafter be known, cited and referred to as the “Driveway Regulations of the Town of Barnstead”, hereafter referred to as “these regulations”.

3. **Purpose**

The purpose of the regulations is to establish the criteria, standards, application forms and fees charged for the location and design of driveways within the Town of Barnstead to gain access onto public and private ways.

4. **Adoption of RSA 236:13**

In addition to the standards contained herein all driveways shall also conform to the standards found within RSA 236:13, as amended

5. **Jurisdiction**

These regulations shall apply to the installation of all temporary and permanent access points onto the Town of Barnstead roads, including any changes to the existing driveways beyond normal maintenance. All developments located on a state road must obtain a driveway permit from the New Hampshire Department of Transportation prior to the insurance of a Certificate of Occupancy for new construction or final acceptance for existing construction. Please contact one of the following districts:

New Hampshire Department of Transportation, Bureau of Highway Maintenance

District #3

District #5

District #6

2 Sawmill Road  
Gilford, NH 03249  
524-6667

16 East Point Drive  
Bedford, NH 03110  
666-3336

271 Main Street  
P.O. Box 740  
Durham, NH 03824-0740  
868-1133

6. **Severability**

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

ARTICLE II Word Usage and Definitions

**7. Word Usage**

For purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.

A. Unless the context clearly indicates to the contrary, words used in the present tense shall include the future tense; words in the plural number shall include the singular; word used in the singular shall include the plural; the word “herein” shall mean “in these regulations”; the word “regulations” shall mean “these regulations”; the word “shall” or “will” is mandatory; the word “may” is permissive.

B. A “person” shall include natural persons as well as a corporation, a partnership and/or an incorporated association of persons such as a club; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied”.

C. The term “drive”, “driveway”, or “access point” mean a driveway and the terms shall be used interchangeably.

D. Words not specifically defined herein shall have their common meaning.

**8. Terms Defined**

The following definitions, in addition to the definitions found within the Town of Barnstead’s Zoning Ordinance, Subdivision Regulations and Site Plan Review Regulations are hereby adopted for the purpose of this regulation

Application - An application for a driveway permit.

Board – The Planning Board of the Town of Barnstead.

Driveway – A private roadway providing access to a street or highway.

Point of Tangency – The point at which the curb radius ends and the ramp begins.

Ramp – That portion of a driveway located between the point of tangency and property line.

Resurfaced – The installation of a new layer of asphalt, gravel or any other wearing material. The definition of “resurfacing” shall not include the addition of seal coating to a driveway.

Right-of-Way (ROW) – Town-owned property, easements or other interests therein, dedicated for Municipal highway purposes.

Road Agent – The Road Agent of the Town of Barnstead.

**Temporary Driveway** – A driveway, which is only to be used for a period of six (6) months or less.

### **ARTICLE III** General Requirements and Design Standards

#### **9. Permits**

No driveway shall be constructed, modified, resurfaced or moved without obtaining a driveway permit from the Building Inspectors Office or his/her authorized agent. Completion of driveway not to exceed one year from date permit is issued. For new construction an approved driveway must be completed before a Certificate of Occupancy can be issued.

#### **10. Driveway Permit Application**

The application for a driveway permit shall be made on the application form as shown in Appendix A. The Road Agent may require additional, site specific, information or plans depending on the location and design of the driveway. Application must be approved or denied within 45 calendar days by the Road Agent and forwarded to the office of the Building Inspector.

#### **11. Driveways**

All driveways shall conform to the following requirements:

- A. Driveways shall be placed no closer than forty (40)-feet to a street intersection.
- B. For driveways with a grade in excess of four percent (4%), a twenty-foot-long area approaching the street is required to be constructed so as not to discharge runoff onto the public way.
- C. Driveways shall be of a grade in order to allow reasonable access by emergency vehicles. The Town of Barnstead Driveway Regulations adopted by the Planning Board addresses the standard and specification for the intersection of a driveway and a road within the limits of a road right-of-way. Vertical clearance of 14' must be maintained

The Driveway Regulations do not apply to that part of the driveway extending beyond the road right-of-way. However, the Town hereby places all property owners on notice that in designing and constructing a driveway beyond the limits of the road right of way, care and consideration should be given to the fact that emergency vehicles generally are not able to access driveways that exceed a grade of 15% and/or that have curves with an inside radius less than 30 feet. It is solely the property owner's responsibility if emergency or delivery vehicles are not able to access the site.

- D. The driveway must be graded so that water from the lot does not flow onto the street:
  - 1. Commercial lots located above the street may require a grate across the driveway

entrance in order to divert the water and prevent it from adversely affecting the road or ROW.

2. Any driveway located over a culvert shall slope to drain into the culvert.

3. All curbed driveways must have catch basins at the back of the sidewalk.

E. Any culvert within the road right-of-way must be minimum of fifteen (15) inches in diameter, (30) feet in length and have at least twelve (12) inches of cover. Ideal material for culvert is non-corrosive.

F. The driveway pavement shall match the grade at edge of pavement, shall not block street drainage and must have a dip before meeting the street so that the driveway does not drain onto the street.

G. The maximum width of a ramp shall be thirty (30) feet.

H. The number of driveways per lot shall be governed by RSA 236:13, as amended. Only drives which provide safe access to the street shall be permitted by the Road Agent.

I. The driveway shall connect to the street at a right angle, if possible. However in no case shall the driveway intersect the street at less than a sixty (60) degree angle.

J. Sight distances shall be based on safety and best construction practices and the specifics of the site as determined by the Road Agent, in accordance with AASHTO minimum sight distances (see chart below).

Design Speed of Public Way Minimum Sight Distance (feet)	
20	125
30	200
40	275
50	400

(A) AASHTO PGDHS-1990, Tables III-1 and III-5

K. Driveways shall be placed a minimum of ten (10) feet from any side property line (common driveways exempt).

L. Driveways shall be a minimum of sixteen (16) feet in width within the right-of-way.

M. Driveways that abut paved streets shall be constructed with paved aprons that shall be as wide as the driveway. The paved apron shall be constructed in such a way as to protect the edge of the road from deterioration.

## **12. Temporary Driveways**

In addition to such standards in Section 11 as the Road Agent deems reasonable all temporary driveways shall conform to the following requirements.

- A. Temporary driveways shall require a permit from the Building Inspector's Office.
- B. No more than one (1) temporary driveway shall be permitted per lot.
- C. Temporary driveway permits are valid for a period of six (6) months. The Road Agent may extend that permit for an additional six (6) months.
- D. Temporary driveways used in conjunction with construction, logging or other activities on Class V and VI roads may be required to post a bond or other surety in order to ensure that any damage done to public streets is covered. The Board of Selectmen has the authority to determine the amount of the financial guarantee required and the form of the surety.

## **13. Enforcement**

The Road Agent and his/her designated agent are charged with enforcing the provisions of these Regulations.

## **14. Civil Enforcement**

Appropriate actions and proceedings may be taken by law or in equity to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties as set forth below.

## **15. Violations and Penalties**

The Town adopts the provision of RSA 236:14, as amended, in enforcement of any violation of these regulations. Any person, corporation or other entity that fails to comply with or violates any of these regulations shall be subject to prosecution as a misdemeanor.

## **16. Waivers**

The Road Agent has the authority to waive or modify the provisions of this chapter except for those required by RSA 236:13, as amended. The Road Agent shall provide within 10 business days a written justification and documentation for all waivers granted. All appeals of any action of the Road Agent pertaining to driveways and these regulations shall be made in writing within 60 calendar days of said action to the Planning Board.

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## 17. Appeals

Any person aggrieved by an official action of the Planning Board may appeal to the Superior Court as provided by New Hampshire RSA 677: 15 as amended.

Public Hearing Held: January 7, 2010

Driveway Regulations Adopted: January 7, 2010

Driveway Regulations Amended: September 5, 2019

8 APPENDIX "A"

**DRIVEWAY PERMIT APPLICATION FORM**

Applicant: \_\_\_\_\_ Date \_\_\_\_\_

Property Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Map \_\_\_\_\_ Lot \_\_\_\_\_

Check One: New Construction (Specify type - gravel, rock or asphalt) \_\_\_\_\_

Modify Existing Construction \_\_\_\_\_ Temporary Driveway \_\_\_\_\_

Resurface \_\_\_\_\_ Culvert Replacement \_\_\_\_\_

Please fill out this application to the best of your ability. The Road Agent will assist you in answering any questions you have regarding the application.

As the land owner(s), We/I hereby agree to the following conditions:

A.) To bear all cost of construction and materials (including required drainage structures) necessary to complete the driveway to the Town of Barnstead's satisfaction.

B.) To indemnify, defend and hold harmless the Town of Barnstead and its agents, employees and officials from and against any claim for personal injury or property damage sustained or arising out of the exercise of this permit.

C.) To abide by the provisions of the Driveway Regulations and the specifications below:

1. That the driveway be constructed in the location and with the dimensions as diagrammed on the back of the application or attachment.
2. That any change or exceptions to the below specifications have written approval of the Road Agent and;
3. That the Road Agent has the right to remove or correct – at the owner's expense – any driveway entrance not built in accordance with the Town of Barnstead's Driveway Regulations or as outlined on this application form.
4. All driveway connections, including structures such as culverts, remain the continuing responsibility of the landowner, even those located within the Right-of-Way.
5. That the driveway meets all provisions of State Wetlands Regulations and the Barnstead driveway regulations.
6. Completion of driveway not to exceed one year from date permit is issued.
7. On final inspection, approval picture will be taken and kept on file.

Applicant(s) Signature \_\_\_\_\_

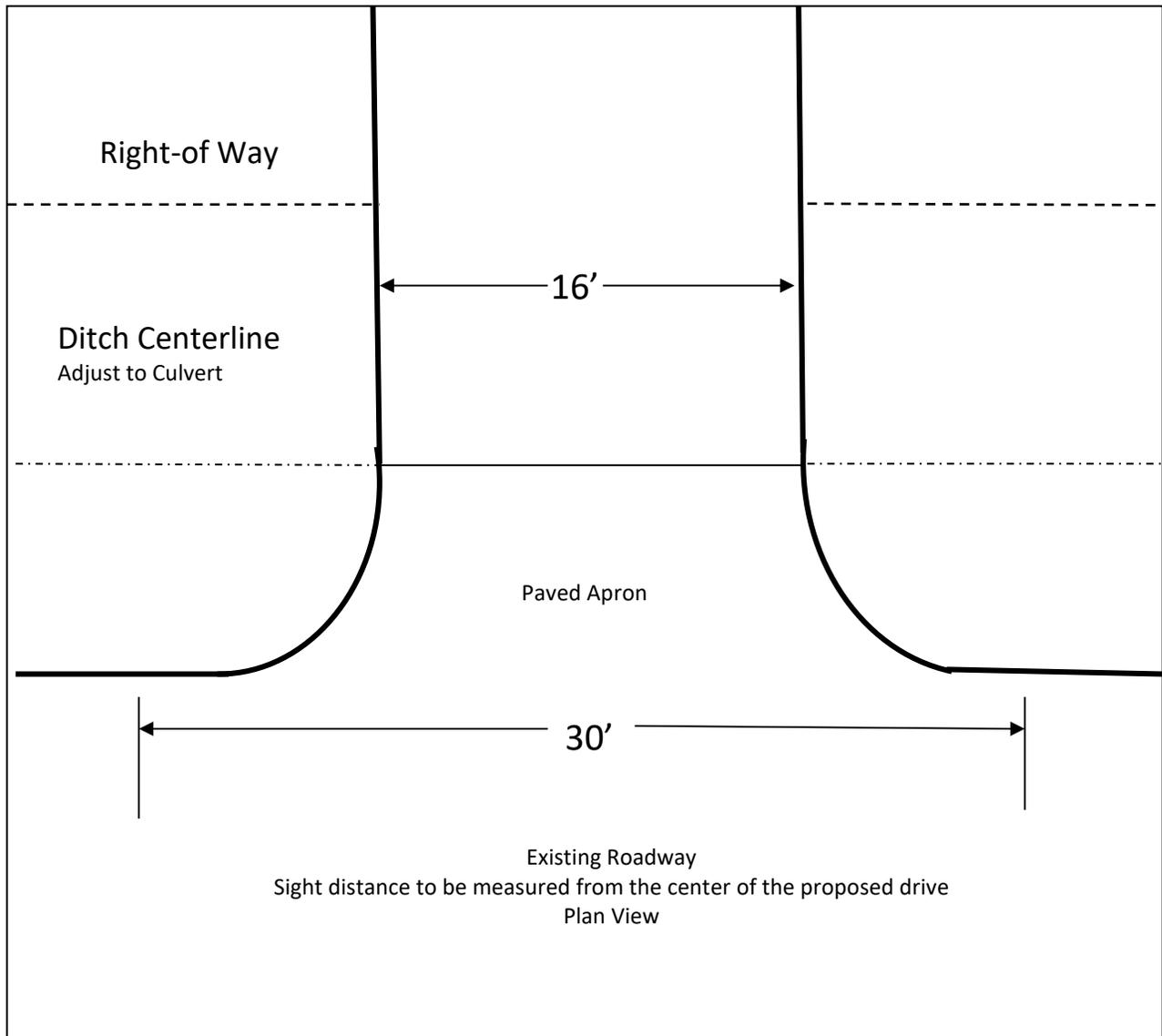
Application Fee - \$25.00 (does not apply to new construction and culvert replacements)

PLEASE DIAGRAM THE PROPOSED DRIVEWAY ON THE BACK OR PROVIDE ATTACHMENTS TO THIS APPLICATION, INCLUDE ALL DIMENSIONS AS REQUIRED IN ARTICLE III # 11.

\_\_\_\_\_  
Road Agent plans approved date

\_\_\_\_\_  
Road Agent – Construction approve Date

# Town of Barnstead Highway Department




_____ Nancy Carr, Chairman	_____ Katherine Preston
_____ Elaine Swinford, Vice-Chairman	_____ David Kerr
_____ Karen Schacht, Secretary	_____ Sharen Hodgdon
_____ Lori Mahar, Selectmen's Rep.	_____ Bruce Grey, Alternate
_____ Diane Beijer, Selectmen's Rep. Alternate	_____ Matt Furtney, Alternate
	_____ Dale Twitchell, Alternate

I do hereby certify that on September 5<sup>th</sup>, 2019 the Town of Barnstead Zoning Ordinance with original signatures was filed with the Town Clerk, Town Hall, Barnstead, New Hampshire.

\_\_\_\_\_  
Mary Clarke, Town Clerk