

TOWN OF NEW BOSTON, NEW HAMPSHIRE

DRIVEWAY REGULATIONS

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TOWN OF NEW BOSTON

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Section 1 AUTHORITY

Pursuant to the authority provided in RSA 236:13, (V), as well as the authority granted in RSA 674:36 & RSA 674:44, as well as the Master Plan, the Zoning Ordinance, and the existing site plan review and subdivision regulations of the Town of New Boston, the Planning Board has adopted the within regulations to govern the application for, design, construction, and placement of driveways, both as the same constitute intersections with existing or proposed town roads, and as the same are laid out on the lot or site.

Note: The Town of New Boston Fire Chief has the delegated authority to enforce the State Fire Code. The State Fire Code regulating driveways is NFPA 1, Chapter 18 and NFPA 1141. It is recommended that all property owners review those regulations before committing to construction of any driveway.

Section 2 TITLE

These regulations shall hereafter be known, cited and referred to as the "Driveway Regulations of the Town of New Boston", hereinafter referred to as "these regulations".

Section 3 PURPOSE

- A. To provide maximum safety and protection to the traveling public through the orderly control of traffic movement in New Boston;
- B. To maintain the serviceability of affected roads;
- C. To ensure that driveways entering onto Town roads do not represent a safety hazard;
- D. To ensure that emergency services can be reasonably and safely provided to all dwelling units in the Town, including those constructed on, or accessed by, steep slopes;
- E. To ensure that driveways do not disrupt drainage systems, or culverts, damage the surface of roads or rights-of-way, or cause erosion or siltation of roads or rights-of-way or siltation of surface waters;
- F. To establish the criteria, standards, application forms and fees charged for the location and design of driveways within the Town of New Boston;
- G. To provide a uniform practice for the application for and issuance of driveway permits;
- H. To monitor the design and construction of driveway entrances (curb cuts) and exits within the Town's right-of-way.

Section 4 SCOPE

These regulations shall apply to the installation of all temporary and permanent driveway entrances (curb cuts) onto Town of New Boston Class V roads or, if applicable, Class VI roads. No driveway entrance (curb cut), exit or approach to any right-of-way in the Town shall be constructed or substantially altered without first obtaining a driveway permit from the Road Agent.

Additionally, these regulations shall apply to the installation of driveways that are proposed as part of a Subdivision or Non-Residential Site Plan Review Application before the Planning Board.

The Planning Board retains continuing jurisdiction over the adequacy and safety of every existing driveway, entrance, exit, or approach to a Town road, installed within the Town's right-of-way, whether or not such access was constructed or installed pursuant to a permit under these regulations.

Any driveway accessing a State highway must obtain a permit from the State of New Hampshire, Department of Transportation, rather than the Planning Board.

Section 5 DEFINITIONS

Applicant shall mean the owner or authorized representative of the owner of the property for which a driveway permit is sought.

Apron shall mean an area that shall be as wide as the driveway, including flares, and shall extend at least 25' into the lot, measured from the centerline of the road, constructed in order to protect the physical integrity of the Town road. Paved aprons are only required for driveways that access onto paved Town roads.

Ditchline shall mean a long narrow excavated channel constructed for drainage.

Driveway shall mean a private access from the edge of the Town's right-of-way to the lot. Driveway design and construction are regulated as part of Subdivision and Non-Residential Site Plan applications only, as detailed below in these regulations.

Driveway entrance (curb cut) shall mean any point of vehicular access to or from a Town road, within the Town's right-of-way, regardless of how the driveway is configured within the property.

Driveway permit shall mean a permit signed by the Road Agent granting approval to install a driveway entrance (curb cut) in accordance with these regulations.

Driveway Certificate of Use shall mean a certificate signed by the Road Agent indicating that the driveway entrance (curb cut) has been constructed in accordance with the approved Driveway Permit and these regulations.

Existing Lot/Lot of Record shall mean a lot which is part of a subdivision of record in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Road/Street/Highway when used within these regulations shall mean a public right-of-way which the Town or State has the duty to maintain regularly or a right-of-way shown on a subdivision plat approved by the Planning Board and recorded with the County Register of Deeds which provides the principal means of access to abutting property.

Swale shall mean a shallow depression in the surface of the land of specified depth and distance from the travel lane, designed and constructed to drain surface waters.

Section 6 GENERAL PROVISIONS

Prior to the construction, alteration, paving or repaving, moving or change in use and/or intensity of any driveway, entrance, exit or approach to any town road, within the Town's right-of-way as well as the construction of a driveway on a lot (for subdivisions and non-residential site plan reviews), and prior to obtaining any applicable building permits for the property, the applicant shall secure approval of such proposal in accordance with these regulations.

A completed driveway must be approved by the Road Agent, and a "Driveway Certificate of Use" completed, prior to the issuance of a Certificate of Occupancy.

**Section 7 APPLICATION PROCEDURE AND SCOPE OF REVIEW FOR
DRIVEWAY PERMITS (ALL LOTS)**

- 7.1 Prior to submitting an Application for a Driveway Permit form, the applicant shall clearly mark and flag the location of the driveway entrance (curb cut) with a centerline stake a distance of 25' from the center of the road.
- 7.2 The driveway permit process begins with the submission of a completed Application for Driveway Permit form, along with a \$75.00 application fee, to the Office of the Planning Board/Planning Department, during regular office hours, located in the New Boston, NH, Town Hall.
- 7.3 The Planning Board, or their designee, shall examine the submitted Application for a Driveway Permit form upon submission and shall notify the applicant of any additional documents or information required to classify the application as complete.
- 7.4 The Planning Board, or their designee, shall review the history of the property, including, but not limited to, previous Driveway Permits, previous subdivisions, topography, soil types, prior restrictions from other Boards or agencies, easements, and so on. This information shall be transmitted with the Application for a Driveway Permit form to the Road Agent.
- 7.5 The Road Agent shall review the permit and physically inspect the proposed driveway entrance (curb cut) for sight distance, drainage and other Town right-of-way issues.
- 7.6 The Road Agent shall approve, conditionally approve or disapprove the application within two (2) weeks of the date of submission. The Road Agent shall then complete, date and sign a Driveway Permit and return it to the Office of the Planning Board/Planning Department.
- 7.7 Once the Driveway Permit is signed and dated by the Road Agent, the permit will be forwarded from the Office of the Planning Board/Planning Department to the applicant and the driveway entrance (curb cut) can be installed.
- 7.8 Construction of the driveway entrance (curb cut) shall be completed in accordance with the terms and specifications of the permit.
- 7.9 An approved Driveway Permit is a pre-requisite to a Building Permit. Foundation only permits may be issued by the Building Inspector at the owner's risk.
- 7.10 Upon completion of the construction of the approved driveway entrance (curb cut), the Road Agent shall be contacted to perform a post-construction inspection at least 14 days prior to the issuance of a Certificate of Occupancy by the Building Inspector for new construction.

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- 7.11 The Road Agent shall complete a "Driveway Certificate of Use" for all driveway entrances (curb cuts) inspected and forward same to the Building Inspector prior to the issuance of a Certificate of Occupancy.

Section 8 APPLICATION PROCEDURE FOR DRIVEWAY PERMITS AND DRIVEWAYS AS PART OF A SUBDIVISION OR NON-RESIDENTIAL SITE PLAN

- 8.1 Applications for a Driveway Permit for driveway entrances (curb cuts) on existing town roads shall be submitted per Section 7 above.
- 8.2 Applications for a Driveway Permit for all interior lots (those accessing onto a new development road) must be applied for after the sub-base of the new road is in place, and shall be submitted per Section 7 above.
- 8.3 As part of a Subdivision or Non-Residential Site Plan Review Application, the Planning Board may conduct a site walk of the property. If the Planning Board identifies the proposed driveway location as being in critical areas as defined in the Town of New Boston Zoning Ordinance, the Board shall require an engineered driveway plan, to include a plan and profile, and/or an Individual Stormwater Management Plan to be submitted to prove that the driveway can meet the construction criteria described in these regulations. The Planning Board reserves the right to require an engineered driveway plan at their discretion.
- 8.4 Upon completion of a driveway that required an engineered plan, the Planning Board shall require an as-built plan prepared by a Licensed Land Surveyor or Professional Engineer licensed in the State of New Hampshire to be submitted proving that the driveway was constructed in accordance with the engineered plan.
- 8.5 The Building Inspector/Code Enforcement Officer shall conduct compliance inspections for any driveways approved by the Planning Board as part of a Subdivision or Non-Residential Site Plan Review Application at least 14 days prior to the request for issuance of a Certificate of Occupancy. Scheduling a compliance inspection is the applicant's responsibility.
- 8.6 A Driveway Permit approved for installation by the Road Agent is a pre-requisite to the issuance of a Building Permit by the Building Department. Foundation only permits may be issued by the Building Inspector at the owner's risk.

Section 9 DRIVEWAY ENTRANCE (CURB CUT) DESIGN CRITERIA (ALL LOTS)

Driveway entrances (curb cuts) shall meet the following criteria or a permit shall not be issued.

- 9.1 All season safe sight distance of two hundred (200) feet in both directions along the road shall be obtained. For the purposes of this section, all season safe sight distance is defined as the line which encounters no visual obstruction between 2 points, each at the height of 3' 6" above the pavement/road/driveway surface, and 10 feet back from the edge of traveled way to represent the critical line of sight between the operator of the vehicle using the driveway and the operator of a vehicle approaching from either direction.
- 9.2 The Road Agent shall have the final authority with regard to requiring the removal of sight distance obstructions (e.g., rocks, trees, brush, debris or construction), within the Town's right-of-way.
- 9.3 The maximum width of a driveway shall be 30' at the edge of the right-of-way.
- 9.4 The driveway shall intersect with the edge of traveled way at an angle between 60 and 90 degrees.
- 9.5 The driveway intersection with the road shall be joined by curves of 10' radii minimum.
- 9.6 For driveways in a cut section, a 3% negative grade shall be maintained from the edge of the traveled way to the center of the ditchline and no more than a 3% positive grade from the center of the ditchline to the right-of-way.
For driveways in a fill section, a 3% negative grade shall be maintained from the edge of the traveled way to the right-of-way.
Only clean water shall be permitted to drain into the Town's ditchline. (Amended 6/28/11.)
- 9.7 The driveway shall not interrupt the natural or ditchline flow of drainage water. Where necessary, culverts, water bars, ditches and other drainage structures shall be installed to ensure adequate drainage of the street.
- 9.8 No drainage may be discharged onto a public road. All drainage shall be tied into any roadside drainage.
- 9.9 If a culvert is required for proper drainage, the culvert shall be a minimum of 12" in diameter and shall be of 16 gauge aluminum or galvanized steel, concrete or HDPE and shall have at least 12" of cover. Should the culvert be larger than 12", the depth of cover shall equal the diameter of the pipe. The bottom of the ditch shall be at least 2' deep. The culvert shall be long enough to accommodate a 3:1 side slope and to maintain the driveway width dimensions. Each end of the culvert shall be marked with a concrete or stone header.

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- 9.10 In those cases where shallow ditchlines or natural drainage courses exist, driveways may be swaled at a point beyond the shoulder to accommodate the flow of stormwater. In all other cases, driveways shall have sufficiently sized culverts installed and maintained by the landowner.
- 9.11 All culverts shall be designed so as to convey the full flow of water in existing drainage swales as well as any additional water that may be transmitted by the driveway.
- 9.12 The Road Agent shall approve all culvert installations and may increase the diameter of the culvert at his discretion. The Road Agent shall have the final authority regarding the use of a drainage swale or a culvert.
- 9.13 Temporary and permanent erosion and sedimentation control measures shall be provided before, during and after construction, in accordance with the Best Management Practices as described in the "New Hampshire Stormwater Manual", NHDES, December 2008, as amended, a copy of which is available in the Office of the Planning Board/Planning Department.
- 9.14 In order to protect the physical integrity of town roads, driveways that abut paved roads shall be constructed with a paved apron. The apron shall be paved with 2" of base/binder pavement, and the finish height shall not be higher than the road.
- 9.15 During construction, all roads shall be cleared of debris and sediment on a daily basis.
- 9.16 All driveways providing access to a primary residence or building shall be numbered in accordance with the "Street & Address Numbering Ordinance", adopted by the Board of Selectmen on September 6, 2005, and as amended.

Section 10 DRIVEWAY DESIGN CRITERIA (FOR EXISTING LOTS)

- 10.1 Driveways should be of a grade in order to allow reasonable access by emergency vehicles. 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 10% and/or that have curves with an inside radius less than 22.5 feet. It is solely the property owner's responsibility if emergency vehicles are not able to access the site.
- 10.2 Driveways should be located where the grade of the road onto which the driveway will access is 8% or less.
- 10.3 In the interests of travelling safety and maintenance, driveways should be designed, constructed and maintained so as to have at least a 12 foot travel width. Outside of the traveled way there should be enough width to accommodate snow storage areas, drainage, parking areas and clearance for emergency vehicles.
- 10.4 The driveway should be constructed no closer than 10 feet from abutting property lines for purposes of snow removal, general maintenance, protection of abutters, and to comply with Section 9.5 above.
- 10.5 The driveway should be constructed so as to provide all-season access for Town emergency equipment.
- 10.6 Any driveway crossing a wetland or body of water shall have all permits required by the Wetlands Bureau and shall additionally comply with the Town of New Boston Wetlands Conservation and Stream Corridor District and Conditional Use Permit requirements.
- 10.7 Any bridges should be constructed in accordance with sound engineering practice and as approved by the Planning Board.
- 10.8 The driveway should not interrupt the natural or ditchline flow of drainage water. Where necessary, culverts, water bars, ditches and other drainage structures shall be installed to ensure adequate drainage of the street.
- 10.9 No drainage shall be discharged onto a public road. All drainage must be tied into any roadside drainage.
- 10.10 Driveways that slope away from the driveway entrance (curb cut) should be designed so as to avoid the conveyance of stormwater runoff from the road in a way that can cause flooding, erosion, or provide other hazard to the driveway itself or any structures on the property.
- 10.11 Temporary and permanent erosion and sedimentation control measures should be provided before, during and after construction, in accordance with the Best Management

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Practices as described in the "New Hampshire Stormwater Manual", NHDES, December 2008, as amended, a copy of which is available in the Office of the Planning Board/Planning Dept.

Note: NFPA 1, Chapter 18, may contain requirements different from, or in addition to, Section 10 above. Applicants are advised to consult with the Town of New Boston Fire Chief.

Section 11 DRIVEWAY DESIGN CRITERIA (SUBDIVISIONS AND NON-RESIDENTIAL SITE PLAN REVIEW)

- 11.1 The maximum allowable grade for a driveway proposed as part of a Subdivision or Non-Residential Site Plan Review Application shall not exceed 10% along any portion.
- 11.2 The algebraic difference between two adjacent grades shall not exceed 12%.
- 11.3 Driveways shall be completely installed during the application of the upper base of gravel and the base course of pavement to a distance 25' from the centerline of the new road.
- 11.4 Driveways shall be located where the grade of the road onto which the driveway will access is 8% or less.
- 11.5 Driveways shall be designed, constructed and maintained so as to have at least a 12' travel width. Outside of the traveled way there shall be enough width to accommodate snow storage areas, drainage, parking areas, and clearance for emergency vehicles.
- 11.6 Guardrails shall be required when the side slopes for driveways in a fill section are steeper than 3:1 and the vertical slope height is 5' or greater, or at the Planning Board's discretion.
- 11.7 All culverts shall be designed so as to convey the full flow of water in existing drainage swales as well as any additional water that may be transmitted by the driveway.
- 11.8 For purposes of snow removal, general maintenance, protection of abutters, and to comply with Section 9.5 above, no driveway shall be constructed closer than 10 feet from abutting property lines.
- 11.9 The driveway shall be constructed so as to provide all-season access for Town emergency equipment.
- 11.10 Any driveway crossing a wetland or body of water shall have all permits required by the Wetlands Bureau and shall additionally comply with the Town of New Boston Wetlands Conservation and Stream Corridor District and Conditional Use Permit requirements.
- 11.11 Any bridges shall be constructed in accordance with sound engineering practice and as approved by the Planning Board.
- 11.12 The driveway shall not interrupt the natural or ditchline flow of drainage water. Where necessary, culverts, water bars, ditches and other drainage structures shall be installed to ensure adequate drainage of the street.
- 11.13 No drainage may be discharged onto a public road. All drainage shall be tied into any roadside drainage.

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- 11.14 Driveways that slope away from the driveway entrance (curb cut) shall be designed so as to avoid the conveyance of stormwater runoff from the road in a way that can cause flooding, erosion, or provide other hazard to the driveway itself or any structures on the property.
- 11.15 Temporary and permanent erosion and sedimentation control measures shall be provided before, during and after construction, in accordance with the Best Management Practices as described in the "New Hampshire Stormwater Manual", NHDES, December 2008, as amended, a copy of which is available in the Office of the Planning Board/Planning Dept.
- 11.16 The Planning Board may consult with the Conservation Commission for recommendations and advice regarding construction of the driveway and erosion control practices, if necessary, for a proposed driveway with close proximity to wetlands.

Note: The State Fire Code incorporates NFPA 1141 (2003, or as amended). This publication may contain requirements different from, or in addition to, the requirements listed herein. Applicants are advised to consult with the Town of New Boston Fire Chief.

**Section 12 DRIVEWAY ENTRANCE (CURB CUT) CONSTRUCTION MATERIALS
(ALL LOTS)**

12.1 Driveways that abut paved roads: The apron shall be constructed of the following:

- 2" base/binder pavement
- 6" crushed gravel
- 12" bank run gravel

12.2 Driveways that abut gravel roads: The apron shall be constructed of the following:

- crushed gravel to match the existing depth of the roadway base or crushed gravel to a depth of 12" inches, whichever is greater.

Section 13 DRIVEWAY CONSTRUCTION MATERIALS (ALL LOTS)

13.1 The remaining portion of the driveway outside the right-of-way should be constructed to provide an adequate surface for emergency vehicle support. A minimum of 6" of crushed or processed gravel is recommended. If the remaining portion of the drive is to be paved, a minimum of 2" base/binder pavement is recommended.

Section 14 COMMON DRIVEWAYS

- 14.1 In accordance with the Goals and Objectives in the Master Plan, common driveways are encouraged where feasible to minimize curb cuts onto Town roads and provide maximum safety and protection to both the traveling public and the property owners. Common driveways shall be approved only after it has been proven to the Planning Board that each lot could, if needed, support its own driveway in accordance with these regulations and the Town of New Boston Zoning Ordinance.
- 14.2 Common driveways will be permitted in the Town of New Boston in accordance with the following specifications. The common driveway is defined as that portion of the driveway that provides access to two or more individual parcels. The common driveway becomes a private driveway at the point at which it provides access to one parcel.
- 14.3 The acceptable common driveway configuration is such that the driveway enters at the common lot line and splits to the separate lots within one hundred feet (100') of the right-of-way line.
- 14.4 Wherever common driveways result in access by one or more landowners over the land of another, the Planning Board will require Deeds of Easement to be submitted for review by Town Counsel. Said review shall be at the applicant's expense. Said documents shall provide, at a minimum, for maintenance of the driveway in a fashion sufficient to ensure that the same is reasonably accessible by emergency vehicles and that said responsibility shall be a condition of lot ownership that shall run with the land. Additionally, such documents shall provide that the common driveway shall not become a town road.
- 14.5 Common driveways shall have the shared portion of the driveway built to NFPA 1141, Fire Protection Infrastructure for Land Development in Suburban and Rural Areas, 2008 Edition, and as amended.
- 14.6 A common driveway constructed to NFPA standards as listed in Section 14.5 must be complete up to a point fifteen feet beyond the common access point, between the home and the Town road, including drainage, crushed gravel and grading, and all identification markers must be installed prior to the issuance of a building permit.

Section 15 SECONDARY DRIVEWAYS AND DRIVEWAY ENTRANCES (CURB CUTS)

- 15.1 Driveways shall be limited to one per lot, except as provided for under Section 15.2 below.
- 15.2 The Road Agent may grant a second driveway if there is 200' or more between the original driveway and the proposed secondary driveway, and if the physical constraints of the lot, including natural features, unusual lot shape or size, or elevation change makes the use of the original driveway as access impractical for the proposed current use.

Section 16 TEMPORARY DRIVEWAY ENTRANCES (CURB CUTS)

- 16.1 An application for a temporary driveway entrance (curb cut) shall be submitted and processed in accordance with Section 7 of these regulations. However, the application fee for said permit shall be \$25.00.
- 16.2 Temporary driveway entrances (curb cuts) used in conjunction with construction, logging or other activities on Class V or Class 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 Road Agent shall approve the amount of the security. This security shall be in a form acceptable to the Planning Board and shall be submitted to the Office of the Planning Board/Planning Department. The security shall be held until the items listed in Section 16.5 below have been completed.
- 16.3 No more than one temporary driveway entrance (curb cut) shall be permitted per lot at any one time.
- 16.4 Temporary driveway permits are valid for a period of one (1) year. The Road Agent may extend that permit for an additional year.
- 16.5 Temporary driveway entrances (curb cuts) shall be restored to a natural state whereby all obstructions in the right-of-way are to be removed and the area restored to its original ditchline slope and loamed and seeded, so as to prevent erosion.
- 16.6 Stabilized construction entrances shall be required for heavy trucking/logging operations at the discretion of the Road Agent.

Section 17 PAVING ONLY PERMIT (EXISTING LOTS)

- 17.1 An Application for a Driveway Permit form for Paving Only shall be submitted and processed in accordance with Section 7 of these regulations. However, the application fee for said permit shall be \$25.00.
- 17.2 The driveway shall be properly prepared so that when the pavement is applied, the required 3% negative grade as defined in Section 9.6 above, or such other requirement from the approved driveway permit on file, is maintained and there is no change to any existing drainage structures.
- 17.3 The Road Agent shall be contacted to perform a pre-paving inspection to ensure that the driveway is in compliance with Section 9.6 above. A post-paving inspection shall also be required.

Section 18 MAINTENANCE AND RESPONSIBILITY (ALL LOTS)

- 18.1 The owner shall have continuing responsibility for maintaining the driveway such that no driveway or access threatens the integrity of the public highway or adversely affects the safety of the traveling public. This responsibility extends to 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.

Enforcement of this section shall be the responsibility of the Building Inspector/Code Enforcement Official and the procedures for enforcement shall be as described in the above-referenced statute. This can include taking whatever actions are necessary to protect the highway and the traveling public, with the owner or other responsible party held civilly liable to the Town for its costs in taking such actions.

- 18.2 The owner of the property accessed by the driveway shall have continuing responsibility for maintaining sight distance. No obstructions (e.g. signage, ornaments, or lighting) shall be permitted to hinder sight distance.
- 18.3 The driveway shall be maintained so as to provide all season access for Town emergency equipment.

Section 19 BONDING

- 19.1 Should the approved Driveway Permit require that the driveway have a paved apron installed and said paved apron is not satisfactorily completed at the time a Certificate of Occupancy is requested (for instance, if the driveway apron cannot be paved due to winter conditions), the applicant shall post security with the Planning Board in the amount of \$2,000. The security shall be held until the paving of the apron is satisfactorily inspected by the Road Agent.
- 19.2 The applicant may propose posting a security with the Planning Board if the applicant is unable to satisfactorily complete conditions established by the Planning Board as part of the approval of a driveway for a Subdivision or Non-Residential Site Plan Review prior to the time a Certificate of Occupancy is requested. For instance, if permanent stabilization of side slopes has not been achieved, the applicant shall prove that temporary stabilization is in place and shall produce estimates for completing the permanent stabilization to the satisfaction of the Building Inspector/Code Enforcement Officer. The security shall be held until the condition is fulfilled and satisfactorily inspected by the Building Inspector/Code Enforcement Official.
- 19.3 All securities in this section shall be in a form acceptable to the Planning Board. They shall be submitted to the Office of the Planning Board/Planning Department. Securities shall be held until all conditions are fulfilled and a satisfactory inspection is conducted, at which time the security shall be returned to the applicant.

(NOTE: It is expected that the applicant will make every effort to plan the construction of the driveway in a timely fashion and complete the work required prior to requesting a Certificate of Occupancy. This sub-section should in no way be interpreted to mean that a security will be accepted for every driveway. It is intended that this sub-section be used, for example, to allow the submission of securities to cover completion of items that are affected by winter weather conditions and the timing of construction and not those issues that will affect the safety of the property owners or the traveling public.)

Section 20 PLANNING BOARD APPEALS

- 20.1 Applications for a Driveway Permit disapproved by the Road Agent may be revised to comply with the standards outlined in these regulations and resubmitted to the Road Agent for review and approval; or the applicant may appeal, in writing, the disapproval to the Planning Board. The applicant shall outline why the standards cannot be met. The Planning Board shall review the matter under Miscellaneous Business at a regular Planning Board meeting. The Planning Board shall, after considering the application, the recommendations of the Road Agent and comments from the applicant, approve, approve with conditions or disapprove the Application for a Driveway Permit. If still disapproved, the Planning Board shall send written notification to the applicant outlining the reasons for disapproval.
- 20.2 Should driveway installation inspections by the Road Agent or Building Inspector/Code Enforcement Officer reveal issues that must be rectified before approval can be granted, the Road Agent or Building Inspector/Code Enforcement Officer shall provide the applicant with written notification of the deficiencies and an opportunity to complete the installation to their satisfaction. The applicant may appeal, in writing, the unsuccessful inspection to the Planning Board. The applicant shall outline why the construction criteria cannot be met. The Planning Board shall review the matter under Miscellaneous Business at a regular Planning Board meeting. The Planning Board shall, after considering the findings and recommendations of the Road Agent or Building Inspector/Code Enforcement Officer and comments from the applicant, approve, approve with conditions or disapprove the driveway construction. If still disapproved, the Planning Board shall send written notification to the applicant outlining the reasons for disapproval.
- 20.3 Appeals from a decision of the Planning Board involving site plan review or subdivision approval are made to Superior Court as per RSA 677:15.

Section 21 WAIVERS

Waivers or modifications of these regulations may be made by the Planning Board upon request in writing, in appropriate situations, if the spirit and intent of the regulations are not violated thereby, except for those requirements mandated by RSA 236:13.

Section 22 ENFORCEMENT

The Town of New Boston Planning Board or its designee is charged with enforcing the provisions of these regulations.

Section 23 SEVERABILITY

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

Section 24 PENALTY

Violations of the provisions of this regulation may be pursued, in the discretion of the code enforcement official(s), without limitation, in the manner(s) provided in RSA 236:14, or RSA 676:15, 17, 17-a and/or 17-b, as the same be determined to be appropriate by said code enforcement official(s).

Section 25 APPLICATION FORMS

The Application for Driveway Permit Form, Driveway Permit Form, Application for Paving Only Permit Form, Paving Only Permit Form, and Driveway Certificate of Use Form, are attached and hereby made part of these regulations.

TOWN OF NEW BOSTON
APPLICATION FOR DRIVEWAY PERMIT

For Official Use Only		
Receipt Date _____	Received By _____	
Application # _____	Fee \$ _____	Paid Date _____

Street Name: _____ Tax Map/Lot# _____

Owner's Name: _____

Owner's Address: _____

Telephone Number: _____

Applicant's Name & Address (if different than owner):

Application is for: (please check one)

- Road Entry Permit
- Proposed Driveway
- Common Driveway # lots to share driveway _____
- Secondary Driveway # of existing driveways _____
- Temporary Driveway
- Relocation of Existing Driveway

Proposed Use: (e.g. residential, commercial, logging, etc.)

Will the driveway pass over/through wetlands? Y _____ N _____

If yes, you may require a State Dredge & Fill Permit and/or a Town Conditional Use Permit.

Is the driveway on a Scenic Road? Y _____ N _____

Will the driveway require stone wall removal? Y _____ N _____

Is the driveway flagged to indicate the centerline? Y _____ N _____

Attach a sketch of project (you may use the back of this sheet).

Sketch shall show:

- location of side boundary lines and identifying markers;
- distance from the driveway to the nearest side property line;
- location of intersecting streets and driveways within 100' of the proposed driveway and the distance therefrom;
- proposed width of driveway;
- name of all streets and surface type within 100' of the proposed driveway;
- tax map/lot number of the property;
- tax map/lot number of abutting properties;
- location of proposed drainage structures.

I hereby apply for a driveway permit. I acknowledge that I have read the driveway regulations and that I will comply with same as well as with any conditions attached to the approval of the driveway permit.

I attest that, to the best of my knowledge, all information provided in this application is accurate and that the driveway location has been accurately marked as required in the driveway regulations.

I understand that if any submission requirements are incomplete, review of my application will be delayed until all required information has been submitted.

I hereby give permission for the Road Agent and the Planning Board, or their designee, to enter upon the subject property at all reasonable times for the purpose of such inspections as may be appropriate.

Signature of owner: _____ Date: _____

Signature of applicant: _____ Date: _____

Application Fees: Road Entry/Proposed Driveway/Common Driveway/Secondary Driveway/Temporary Driveway/Relocation of Existing Driveway \$75.00

Office Use Only:

- Road Entry Permit
- Proposed Driveway
- Common Driveway
- Secondary Driveway
- Temporary Driveway

Supersedes # _____

TOWN OF NEW BOSTON DRIVEWAY PERMIT

Driveway Permit Number _____ Date of Issue _____

Issued to: _____

Tax Map/Lot # _____ Street Name: _____

This Driveway Permit certifies that the owner/applicant may construct a driveway in accordance with the Application for Driveway Permit # _____. Additional requirements are as checked below:

- The maximum allowable grade of the driveway shall not exceed 10%. (Applicable to lots created after June 25, 2002.)
- This permit requires the driveway to have a 3% negative grade from the edge of traveled way to center of ditchline and no more than 3% positive grade from center of ditchline to right-of-way;
OR
- This permit requires the driveway to have a 3% negative grade from the edge of the traveled way to the right-of-way.
- A _____ inch culvert _____ feet long is required.
OR
- A swale is required to accommodate the flow of stormwater.
- This permit requires 2" of pavement to be applied to the driveway to a minimal distance of 25' from the centerline of the road.
- The driveway intersection with the road shall be joined by curves of 10' radii minimum.
- The driveway shall intersect with the road at an angle of 60 - 90 degrees.
- Engineered driveway plans required by Planning Board. (Submission of as-builts and a compliance inspection by the Building Inspector/Code Enforcement Officer will be required post-construction.) *[For driveways that are part of a subdivision or non-residential site plan review.]*
- Other requirements: _____

Approved by: _____ Date: _____
New Boston Road Agent

The owners of the property accessed by this driveway shall have continuing responsibility for the adequacy of the driveway and any grades, culverts, or other structures pertaining to such driveway, whether or not located in the public right-of-way.

Office Use Only:

Road Entry Permit

Proposed Driveway

Common Driveway

Secondary Driveway

Temporary Driveway

Supersedes # _____

TOWN OF NEW BOSTON DRIVEWAY CERTIFICATE OF USE

Tax Map/Lot # _____ Street Name: _____

Driveway Permit Issued to: _____

This Permit to Use certifies that the above-noted driveway has been installed in accordance with all specifications and conditions as noted on Driveway Permit # _____, issued _____.

For Official Use Only

The following have been satisfactorily completed/installed:

10% maximum driveway grade

3% negative grade from edge of traveled way to center of ditchline & no more than 3% positive grade from center of ditchline to right-of-way
OR

3% negative grade from edge of traveled way to right-of-way

culvert
OR

swale

paved apron

radii

angle of intersection

As-builts for engineered driveways

other requirements - briefly describe _____

Approved by: _____ Date: _____
Road Agent

Approved by: _____ Date: _____
Building Inspector/Code Enforcement Officer, re: as-builts or other P.B. requirements

This Permit to Use must be completed and signed prior to the issuance of any Certificate of Occupancy by the Building Inspector.

The owners of the property accessed by this driveway shall have continuing responsibility for the adequacy of the driveway and any grades, culverts, or other structures pertaining to such driveway, whether or not located in the public right-of-way.

TOWN OF NEW BOSTON
APPLICATION FOR PAVING ONLY PERMIT

For Official Use Only		
Receipt Date _____	Received By _____	
Application # _____	Fee \$ _____	Paid Date _____

Street Name: _____ Tax Map/Lot# _____

Owner's Name: _____

Owner's Address: _____

Telephone Number: _____

Applicant's Name & Address (if different than owner):

Application is for: (please check one)

Paving Only

Proposed Use: (e.g. residential, commercial, logging, etc.)

Attach a sketch of project (you may use the back of this sheet). Sketch shall show:

- location of side boundary lines and identifying markers;
- distance from the driveway to the nearest side property line;
- location of intersecting streets and driveways within 100' of the proposed driveway and the distance therefrom;
- proposed width of driveway;
- name of all streets and surface type within 100' of the proposed driveway;
- tax map/lot number of the property;
- tax map/lot number of abutting properties;
- location of proposed drainage structures.

I hereby apply for a paving only permit. I acknowledge that I have read the driveway regulations and that I will comply with same as well as with any conditions attached to the approval of the paving only permit.

I attest that, to the best of my knowledge, all information provided in this application is accurate and that the driveway shall be properly prepared so that when the pavement is applied, the required 3% negative grade as defined in the driveway regulations, or such other requirement from the approved driveway permit on file, is maintained and there is no change to any existing drainage structures.

I understand that if any submission requirements are incomplete, review of my application will be delayed until all required information has been submitted.

I understand that I must contact the Road Agent to perform a pre-paving inspection to ensure that the driveway is in compliance with the driveway regulations. I further acknowledge that a post-paving inspection is also required.

I hereby give permission for the Road Agent and the Planning Board, or their designee, to enter upon the subject property at all reasonable times for the purpose of such inspections as may be appropriate.

Signature of owner: _____ Date: _____

Signature of applicant: _____ Date: _____

Application Fees:

Paving Only \$25.00

**TOWN OF NEW BOSTON
PAVING ONLY PERMIT**

Paving Only Permit Number _____ Date of Issue _____

Issued to: _____

Tax Map/Lot # _____ Street Name: _____

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This Paving Only Permit certifies that the owner/applicant may pave a driveway in accordance with the Application for Paving Only Permit # _____.

Additional requirements are as checked below:

This permit requires the driveway to maintain a 3% negative grade from the edge of traveled way to center of ditchline and no more than 3% positive grade from center of ditchline to right-of-way or such other requirement from the approved driveway permit on file.

Other requirements: _____

Approved by: _____ Date: _____
New Boston Road Agent

The owners of the property accessed by this driveway shall have continuing responsibility for the adequacy of the driveway and any grades, culverts, or other structures pertaining to such driveway, whether or not located in the public right-of-way.
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I hereby certify that the driveway has been paved in accordance with the above Paving Only Permit.

Approved by: _____ **Date:** _____
Road Agent