

TOWN OF RUMNEY DRIVEWAY REGULATIONS

Revised September 28, 2021

SECTION 1 AUTHORITY

Pursuant to the grant of authority in RSA 236:13 V, the Town of Rumney Planning Board has adopted the following regulations governing driveways and other accesses, including entrances, exits, approaches or private roads, whether permanent or temporary, to roads under the jurisdiction of the Town of Rumney (Class V and Class VI highways). Private roads shall comply with the requirements of Section 11 of the Town of Rumney Subdivision Regulations unless waived by the Planning Board.

Driveways on private roads in subdivisions may be subject to similar requirements as part of the Planning Board's approval of the subdivision. Any driveway constructed onto a private road may be required to be brought into conformity with the standards applicable at the time of construction should application be made for the town to accept the private road as a Class V highway.

SECTION 2 PERMIT REQUIRED

It shall be unlawful to construct a driveway or other access, whether temporary or permanent, or significantly alter the size, grade, angle, location, drainage, or usage of any driveway or other access within the limits of a town road that does not conform to the terms and specifications of a written Driveway Permit issued by the Road Agent.

It shall be unlawful to use a driveway that was granted a temporary permit under Section 5 past the date set therein for temporary use to expire without a written extension from the Road Agent or a new permit for permanent construction.

SECTION 3 GENERAL STANDARDS

No permit shall be issued for a driveway that would or would likely in the foreseeable future perform in such a way as to pose a significant threat to public safety, including to those using the town road and those using the driveway, or a significant threat to the town road, including its shoulders, ditches, culverts, embankments or surfaces.

SECTION 4 DESIGN STANDARDS

The following shall be the minimum design standards for driveways and other accesses serving residential or small commercial development.

For larger developments, the standards described in the most recent *Policy Relating to Driveways and Access to the State Highway System* published by the New Hampshire Department of Transportation may be required.

1. The maximum width of any driveway shall be thirty-five feet measured parallel to the public road centerline at the curb or shoulderline with a desirable width between 20 and 30 feet. Driveways may be flared as they meet the town road.
2. The angle of the driveway with respect to the road edge shall not be less than 60 degrees.
3. No part of any driveway shall be constructed outside the applicant's frontage.

4. An all-season safe sight distance of 200 feet in either direction along the town road shall be required for a single-family residence; 400 feet shall be required for all other developments. For existing lots, when only one possible entry exists, a waiver may be requested.
5. The grade of entrances and exits shall be constructed to slope away from the roadway surface for a distance equivalent to the existing ditch line or for twenty feet, whichever is greater. Where the approaches are paved, the minimum rate of slope shall be 3/8" per foot. For all other surfacing, the slope shall be a minimum of 1/2" per foot. In neither case shall the slope be more than 1" per foot. The drainage of ditches shall not be impeded and the provisions for drainage shall be subject to the approval of the Road Agent. The cost of any required drainage structures including culvert pipe, grating, catch basins or paving required to provide access shall be paid for by the property owner. The type, strength and depth of any such culvert pipe, grating, catch basins or paving that is placed under or within 10' of the edge of the travelled way shall be approved by the Road Agent and stated on the permit.
6. The minimum culvert size shall be fifteen inches (15") in diameter. The Road Agent may modify this requirement (larger or smaller) where deemed necessary and appropriate.
7. Since drainage is an important factor in the safety and structural stability of the town road, all drainage features in connection with the permitted driveway construction shall be as approved. In no case shall the permitted construction cause water to stand on or within 10' of the edge of the town road. Depressed island areas should be retained between edge of shoulders and private property for storage of snow and snow melt runoff. Flat driveway sideslopes (4:1 to 6:1) are required to minimize hazards to vehicles which leave the town road travelled way for any reason. In those cases where property development increases drainage runoff such that existing town road drainage structures are insufficient to dispose adequately of all drainage, the applicant will be required to provide additional or larger drainage facilities to prevent any ponding on the town road or within 10' of its edge.
8. Any two driveways on a single lot connected to a single town road shall be separated by an island at least 10 feet wide. In addition, driveways shall be set back at least 10 feet from side property lines unless the driveway is serving both lots.
9. Driveways near intersections of two roads, whether state, town or private roads, must be located sufficiently far from the intersection that a vehicle leaving that driveway will be properly oriented in the roadway, in its normal traffic lane and moving with the normal flow of traffic before arriving at the intersection. For this reason, a minimum of 100 feet shall be required from the nearest edge of the driveway and the edge of the crossroad travelled way. If two driveways to the same property access two intersecting roads, a clear and distinct island area shall be created to separate these two driveways.
10. The construction or installation of a barrier or other obstruction to vehicular access to the town road may be required when appropriate and necessary to prevent unregulated and improper access to the road.
11. No more than two driveways from any one road to any one parcel of land shall be permitted unless frontage along that road exceeds 500 feet. Where frontage exceeds 500 feet, no more than three driveways or approaches will be permitted.
12. Parking, loading, or servicing of vehicles shall not take place on the public road or in the driveway within 10' of the edge of the travelled way of the town road. No structures, including permanent or portable buildings, signs, lights, displays, fences, walls, sanitary facilities, etc. shall be permitted on, over, or under a public road, or in the driveway within 10' of the edge of the travelled way of the town road.
13. It is recommended that a minimum of 25 feet be provided between the edge of the travelled way of any town road and the near edge of any vehicle service facility. In any event, this distance should be sufficient so that no vehicles will be serviced on town property.

14. Any driveway from a commercial establishment shall have turning space provided so that all vehicles can enter the public way moving forward, i.e., patrons shall not back out onto the road.

SECTION 5 TEMPORARY DRIVEWAYS

A permit is required for a temporary driveway or other access used in conjunction with construction, logging or other activities on a Class V or VI highway. The Road Agent may require such standards contained in Section 4 as they deem reasonable.

All temporary driveways shall conform to the following requirements:

1. No more than one (1) temporary driveway shall be permitted per lot when feasible.
2. Temporary driveway permits are valid for a period of two years. The Road Agent may extend that permit for an additional one-year period.
3. Temporary driveways 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.
4. Temporary driveways shall be restored to a natural state, restored to the original ditch, and blocked off from vehicular traffic.

SECTION 6 WAIVERS

The Road Agent may waive or modify, as part of a written permit, any of the substantive provisions of these regulations or the NHDOT Policy, including the granting of extensions of time, for good cause shown, upon a finding that the interests of public safety and welfare will not be adversely affected. A waiver request submitted with a permit application shall include a written public safety and welfare justification for the waiver. A waiver may be granted subject to such conditions or alternative standards as the Road Agent deems reasonable to further the purposes of these regulations.

For accesses approved by the Planning Board as part of its approval of a subdivisions, no waiver shall be valid unless approved by the Planning Board as part of its original approval or an amendment thereto.

SECTION 7 PROCEDURES

- A. Applications may be obtained at the Town Office or on the town website. Completed applications may be submitted to the Town Administrative Assistant or directly to the Road Agent.
- B. Within twenty-one days, the Road Agent shall review the application for completeness, notify the applicant if it is incomplete with reasons therefore, and, when complete, either issue a permit (providing a copy to the applicant with a notice to be displayed at the site) or deny the application (providing the applicant with the reasons therefore in writing).
- C. The Road Agent may require a bond or other surety in order to ensure that any damage done to public streets is covered and to ensure that the construction or significant alteration conforms with the performance and design standards of the permit, including, where necessary, security to be held for twelve months following completion to help ensure proper performance throughout the year. The Board of Selectmen has the authority to determine the amount of the financial guarantee required and the form of the surety.
- D. The Town may require a reasonable application fee to administer this program, and it may charge the applicant for any engineering or other studies reasonably necessary to evaluate the application, the size bond to be requested, and the completed work.
- E. The applicant shall give at least forty-eight (48) hours notice to the Road Agent of the date and time for the installation of a driveway to enable the Road Agent to review the installation to ensure compliance with these regulations.

SECTION 8 EXISTING DRIVEWAYS

- A. Whenever an existing town road is improved by construction, existing driveways to the road may be altered to conform to the spirit and intent of the standards contained in Section 4 by the agency doing the construction.
- B. Driveways constructed prior to May 15, 1987 which are causing damage to a town road may be required to conform to these standards. Driveways constructed after May 15, 1987 without a permit as required by the then existing driveway regulations are subject to the penalties shown in Section 10.

SECTION 9 APPEALS

Any decision of the Road Agent with respect to a permit, order or waiver under these regulations may be appealed to the Planning Board by any person directly affected. The appeal shall be filed within 30 days of the decision being appealed. Any person aggrieved by the decision of the Planning Board upon an appeal of this section may appeal to the Superior Court under RSA 677:15.

SECTION 10 ENFORCEMENT AND PENALTIES

- A. Any person who violates any provisions of these regulations or a written permit issued thereunder 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 Board of Selectmen.
- B. The issuance of a permit does not lessen the duty of the owner of any driveway to maintain and use the permitted access in a manner which will avoid causing damage to the town road, its culverts, ditches, embankments and surfaces; or posing a significant threat to public safety.