

DRIVEWAY REGULATIONS

WEBSTER, NEW HAMPSHIRE

AdoptedMarch 7, 2006

AmendedDecember 20, 2007

Amended October 16, 2014

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TABLE OF CONTENTS

<u>Section</u>	<u>Topic</u>	<u>Page</u>
I	Authority & Purpose	3
II	Scope	3
III	Definitions	3
IV	Permit Requirements	4
V	Specifications	6
VI	Planning Board Options	9
VII	Property Owner Responsibilities	9

Driveway Application/Permit/Approval
(Separate Document)

Webster Driveway Regulations

I - Authority & Purpose

The Webster Planning Board adopts the following regulations to replace all previously existing Webster Driveway Regulations, pursuant to the authority vested in the Webster Planning Board by the voters in the Town of Webster on March 9, 1971 and by the provisions of:

1. RSA 236:13 & RSA 236:14, re access to state highways and Town streets,
2. RSA 236:19 & RSA 236:20, re deposition of water, snow, or other materials on public ways,
3. RSA 674:16 & RSA 674:17, re Zoning Regulations,
4. RSA 674:35 & RSA 674:36, re Subdivision Regulations,
5. RSA 674:43 & RSA 674:44, re Site Plan Review Regulations,
6. RSA 41:11, re adoption of highway regulations, and
7. NFPA 1 – Life Safety Code, Chapter 18, re Fire Department access and water supply.,

The purpose of these regulations is to preserve the integrity of Webster's roads and, above all, to protect the life and safety of both landowners and the travelling public. These regulations provide a uniform procedure for the receipt and review of applications for and the issuance of driveway permits. It is the intent of these regulations to maintain compliance with the Webster Zoning Ordinance, the several regulations cited above, and all other applicable laws, ordinances, rules, and regulations.

II - Scope

These Driveway Regulations and the included permit requirements apply to driveways connecting to both Town and State roads.

Driveways connecting to State roads are governed by State regulations and require State permits in addition to Webster permits, per RSA 236:13. Such driveways thus require both Webster and State permits, but see Section IV-B-2a below.

III - Definitions

The definitions as found in Webster's *Zoning Ordinance* and *Subdivision Regulations*, as amended, are hereby incorporated as appropriate with the following additions and/or modifications:

- (a) **Driveway.** A privately owned vehicular access way originating at a street and serving a single dwelling or, in the absence of a dwelling, a single lot.
- (b) **Shared Driveway.** A privately owned vehicular access way originating at a street and serving 1) Two dwellings, or 2) One dwelling and one additional lot with no dwelling, or 3) Two lots without dwellings. (Note that, per the *Webster Zoning Ordinance*, a dwelling with an accessory apartment is regarded as two dwellings.)

- (c) **Private Road.** A privately owned vehicular access way originating at a street and serving 1) Three or more dwellings, or 2) A number of dwellings plus a number of lots without dwellings totaling three or more.
- (d) **Street Edge.** For a paved street, the edge of the pavement, including the paved shoulder if present. For a gravel or otherwise unpaved street, the edge of the area periodically graded or otherwise maintained for travel.
- (e) **Grade.** The change in elevation in a given horizontal distance, measured in % (percentage) units. For example, a two (2) foot rise in a driveway over a horizontal distance of 50 feet is a grade of 4%.
- (f) **Swale.** A depressed channel with gently sloped sides designed and constructed to direct the flow of water.
- (g) **Curb Cut.** The line along which a driveway, including any corner rounding, abuts the street edge, whether or not an actual curb is present.

IV - Permit Requirements

- A. Construction or modification of a driveway interfacing with a town or State road in Webster requires a Webster permit granted in accordance with the 3-step permitting process outlined in Section B below.
 - 1. For purposes of these regulations, “modification” includes any substantial change of driveway geometry and any change that potentially results in diversion of storm water or debris onto the street. Because the water-permeability of a paved surface is generally less than that for an unpaved surface, paving a previously unpaved driveway is considered a “modification” if the driveway configuration is such that diversion of storm water onto the street will result. Top-coating an existing paved driveway with material an inch or less in thickness is regarded as maintenance, not a modification.
 - 2. Also for purposes of these regulations, “modification” includes any change to sight lines or any other aspect potentially impacting the safety of the traveling public.
 - 3. In order to avoid subsequent problems, if it is not clear whether or not a permit is required, landowners are encouraged to check with the Planning Board before proceeding.
 - 4. Permits for use of pre-existing access ways.
 - a. Occasional and/or seasonal access via an undeveloped pre-existing way (woods road, stone wall gap, etc.) for purposes of tending agricultural fields or forest lands, or conducting wood harvesting not requiring the filing of an Intent to Cut, requires a driveway permit only if it impacts existing water drainage features (e.g. requires installation of a culvert), damages pavement, or poses a detriment to the public way or a hazard to the public welfare. If any such impact or change does occur, the property owner shall effect appropriate remedy or, upon failure to do so, shall pay any costs the Town incurs in effecting such remedy.
 - b. Use of a pre-existing access way for wood harvesting on a scale sufficient to require the filing of an Intent to Cut requires a driveway permit.

- c. The Planning Board reserves the right to impose driveway permit requirements if, in the Board's judgment, the level of activity and/or the nature of use at a particular site so warrants.
- 5. Permits for creation of temporary access ways.
 - a. A driveway permit is required for a temporary access way, such as might be required if heavy equipment is needed for a construction project and no existing driveway provides adequate access.
 - b. Any Driveway Construction Permit issued for a temporary access way shall state the condition that it is temporary.
 - c. If such access requires site changes (ditch modification, grade changes, wall breaching, etc.), the property owner must restore the site to its original condition within 60 days of the completion of the activity for which the access was required.
 - d. The property owner retains responsibility for assuring that use of the temporary access way does not endanger the travelling public.

B. The driveway permitting process consists of the following 3 steps:

- 1. The property owner(s) shall execute and submit for Planning Board review the 'Driveway Application' portion of the 'Driveway Application/Permit/Approval' form available from the Town Office. If this form is executed by an agent of the owner(s), the application must include written authorization for said agent to act on behalf of the owner(s). The application must include a dimensioned drawing with sufficient detail to demonstrate compliance with the specifications enumerated in Section V below, and may include additional supporting documents.
- 2. If the Planning Board and the Webster Fire Chief find the driveway as proposed in the 'Driveway Permit Application' to be compliant with all relevant requirements, they will sign the 'Driveway Construction Permit' section of the form, appending any additional requirements they deem appropriate. A copy of the form thus executed will be provided to the applicant.
 - a. In the case of a driveway intersecting a State road, issuance of a State driveway permit shall be regarded as compliance with the Webster requirements for the design of the driveway/street intersection.
- 3. Following completion of driveway construction, the applicant must notify the Town Office that the work accomplished is ready for Planning Board inspection. If that inspection confirms that the driveway has been built in accordance with the Driveway Construction Permit, the 'Final Driveway Approval' section of the form will be signed and a copy provided to the applicant.

C. It is the responsibility of the property owner to obtain all other necessary permits.

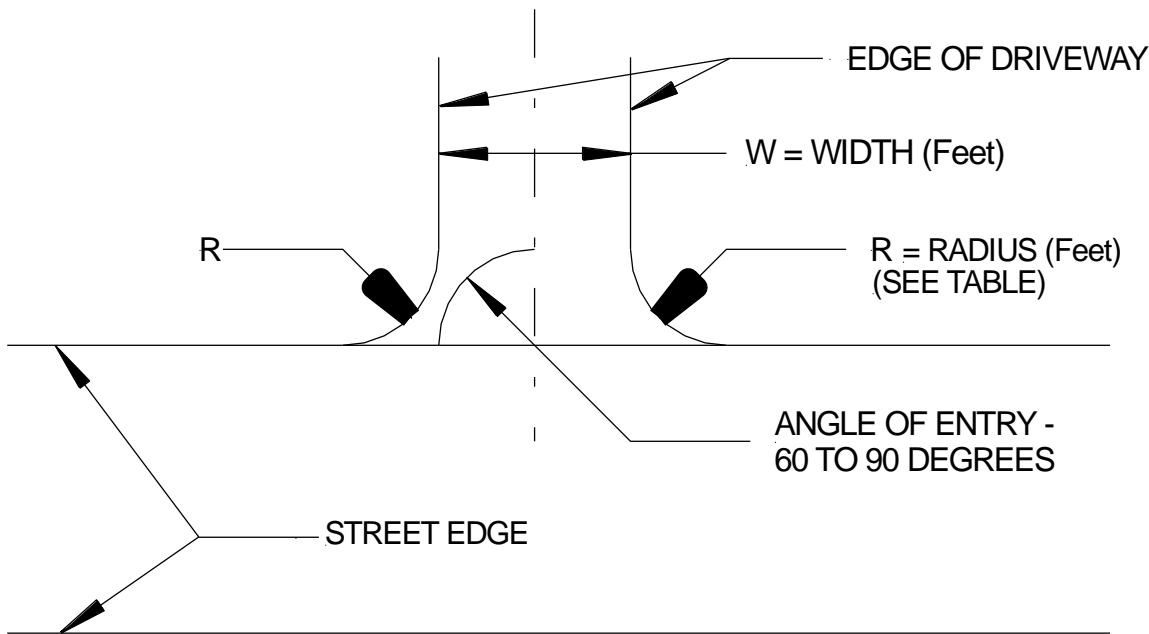
D. All driveway permits issued by the Planning Board shall expire 2 years after the initial approval date. The Planning Board may issue a one-time extension for up to an additional two years.

V – Specifications

All driveways must be built and maintained in accordance with RSA 236:13 and the following specifications. No departure from these specifications shall be allowed without written approval from the Webster Planning Board or its designee.

1. In order to provide reasonable assurance of safe passage by emergency vehicles, driveway construction must include the following. Asphalt pavement is optional.
 - a. The removal of all topsoil, stumps, brush, roots, boulders, and like material to a depth sufficient to reach undisturbed or compacted soil free of organic material;
 - b. Placement of sufficient compacted bank run gravel to a depth compatible with the intended finished driveway elevation but in no case less than 12 inches;
 - c. Placement of a least 6 inches of compacted coarse crushed gravel and a finish layer of “hard pack” or comparable material;
2. The width of a driveway (not counting any corner rounding at the street intersection, and not counting parking areas or other features interior to the lot) shall be a minimum of 12 feet and a maximum of 16 feet. This requirement applies to the width suitable for vehicular travel in the case of an unpaved driveway and to the width of the pavement in the case of a paved driveway.
3. Driveways shall not interrupt the natural or ditch line flow of drainage water. In some cases where shallow ditch lines or natural drainage courses exist, driveways may be crossed by swales at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, driveways must have sufficiently sized culverts, spaced a minimum of four (4) horizontal feet from the street edge, installed and maintained by the property owner.
4. In no case shall the culvert pipe under a driveway be less than 15 inches in diameter, or be placed with its uppermost point less than one culvert diameter below the travelled surface. Multiple culvert pipes may be used if required.
5. Driveways shall have unobstructed all-season lines of sight such that an operator of a vehicle exiting a driveway has clear visibility of any approaching vehicle within 200 feet to either side of the point where the driveway centerline intersects the street edge, and can be seen by the operator of any such approaching vehicle. Said lines of sight shall be defined is straight lines between points located 3 feet 9 inches above the traveled surface, and representing the eye positions of the respective vehicle operators.
6. Driveway centerlines, from the point where they intersect the street edge, continuously to a point of 20 feet outside that point of intersection, shall be at an angle relative to said edge as close as practical to 90 degrees but in no circumstances less than 60 degrees. Whenever possible, all driveways shall include all-season turnarounds sufficient to eliminate any need to back vehicles into the associated street.
7. The corners where the edges of the driveway meet the street edge must be rounded sufficiently to allow typical passenger vehicles (cars, small pickup trucks, small vans, etc.) to make entering and exiting right-hand turns without crossing the street centerline. The following figure shows suggested dimensions.

DRIVEWAY GEOMETRY



Values of R

Angle of Entry, degrees	Driveway Width W		
	12'	14'	16'
90	15'	10'	10'
75	20'	15'	10'
60	20'	20'	15'

8. The intersection of the edge of a driveway (excluding any corner rounding) and the street edge must be at least 75 feet and preferably 200 feet from the nearest edge of any intersecting street.
9. The intersection of the edge of a driveway (including any corner rounding) and the street edge shall be at least 10 feet from an abutter's property line.
10. When possible, driveways shall be constructed to slope downward from the street edge at least $\frac{1}{2}$ inch per foot for a distance of at least eight (8) feet. For at least the next 20 feet, the grade of the driveway shall not exceed $+\/- 5\%$..
11. If site topography is such that compliance with Item 10 above is not possible, the first 20 feet of the driveway must be crowned (at least 4 inches higher at the centerline than at the edges) or laterally sloped (at least $\frac{1}{2}$ inch per foot) to divert water to the side of the driveway and into appropriate ditches before it reaches the street. The foregoing $+\/- 5\%$ grade requirement for the 20 feet beyond the first 8 still applies.

12. All parts of an otherwise unpaved driveway within 3 feet of a paved road shall be paved. This paved ‘apron’ shall be a minimum of two (2) inches thick, and shall be placed over appropriate base materials to minimize settling and movement. No alteration of the pavement of a Town road shall be made without the prior approval of the Webster Road Agent.
13. All driveways must meet NFPA code requirements, subject to approval by the Webster Fire Chief or his designee acting as agent for the State Fire Marshal.
 - a. Driveways longer than 300 feet and/or having an uphill or downhill slope of greater than 5% should be in accordance with a Driveway Plan generated by a licensed surveyor or engineer and appended to the Driveway Permit Application.
 - b. Driveways longer than 300 feet should provide a passing zone of an additional 12 feet width, for a distance of 50 feet on the straight portion, at intervals of no more than 300 feet, to allow passage of vehicles traveling in opposite directions.
 - c. Driveways longer than 300 feet should terminate with a vehicle turning area sufficient in size and design to allow Webster Fire Department equipment to turn around.
 - d. Driveways serving a dwelling should terminate within 50 feet of said dwelling.
 - e. All parts of a driveway, including turnaround areas, should have at least 12 feet of overhead clearance, free of wires, tree branches, and other obstructions.
 - f. Where there are sharp drop-offs close to the edge of the driveway, guard rails should be installed.
14. Driveways should disrupt natural water flow patterns as little as possible, employing ditches and culverts as appropriate.
15. When possible, driveways should be routed away from wetlands, rock outcroppings, and other natural topographical features.
16. No driveway shall be permitted which the Planning Board considers likely to become a danger to the public.
17. A second curb cut may be allowed for a single property only if the street frontage exceeds 500 feet. In the case of a corner lot, curb cuts on each street shall be allowed only if the frontage on each street is at least 250 feet.
18. Compliance with these requirements shall not relieve the property owner from the responsibility for compliance with other federal, state or local laws, ordinances, rules, and regulations.

VI – Planning Board Options

- A. The Planning Board may, at its sole discretion, permit a Shared Driveway serving either two dwellings or one dwelling and one additional lot without a dwelling. A dwelling including an Accessory Apartment shall be considered to be two dwellings. Shared Driveway approval shall be predicated upon deed language or easement agreements, filed with the Registry of Deeds, specifying that the owners of all properties served by said Shared Driveway shall be jointly and severally liable to the Town for maintenance of said Shared Driveway in accordance with these *Driveway Regulations* and other applicable Town ordinances.
- B. Any access way serving more than two properties is considered a Private Road, is beyond the purview of these *Driveway Regulations*, and will be considered by the Planning Board in conjunction with a subdivision proposal or otherwise on a site-specific basis.
- C. The Planning Board may require an engineering study, a detailed site plan, expert advice, or a site inspection with regard to a proposed driveway. The Planning Board or its agent may conduct on-site inspections of the driveway at any stage of construction. The applicant shall be responsible for all expenses related to any such requirements. By submission of an application, the applicant shall be deemed to have acknowledged and consented to this obligation.
- D. There may be circumstances in which reasonable vehicular access cannot be obtained while fully complying with these regulations. In such circumstances, the Planning Board has the authority to waive the requirements herein to the extent required to allow reasonable vehicular access.

VII – Property Owner Responsibilities

RSA 236:13.VI provides that owners of property to which driveway access is appurtenant shall have continuing responsibility for the adequacy of said access, including grades, culverts, or other structures pertaining to such access, whether or not located within the public right of way and even if the driveway pre-dates the driveway permit system. If any driveway connection threatens the highway due to plugged culverts, siltation, etc., the Planning Board or its designee can order the owner to repair it. If the owner doesn't comply, the municipality can take whatever action is necessary and charge the resulting costs to the property owner.