



TOWN OF LYNDEBOROUGH, NH

DRIVEWAY REGULATIONS

ADOPTED December 31, 2012

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SECTION I - AUTHORITY:

The Town of Lyndeborough Planning Board hereby adopts the following regulation pursuant to its authority as set forth at RSA 236:13.V and VI, and established that hereafter no driveway accessing private property to a public way in the Town of Lyndeborough shall be constructed without compliance with this regulation.

SECTION II – PURPOSE:

Inasmuch as driveways and entrances are, in effect, intersections, they require certain controls as to size, location and construction in order to provide safe and efficient access to property fronting on the public way, as well as surface drainage in and around said driveway, and for the purpose of such control this regulation is enacted.

SECTION III – PERMIT:

Anyone desiring to construct, alter, repair (within 30 ft. of right of way), repave or relocate a driveway in order to obtain access to an existing public way or a proposed street or public way, shall first apply for and obtain a permit from the Town of Lyndeborough Road Agent. This permit shall provide for the construction, alteration, repair, repaving, or relocation of such driveway in accordance with the specifications provided in the driveway permit form, which is attached hereto and incorporated herein by reference. The driveway location as indicated on the approved septic plan is the ONLY driveway to be utilized unless a change is authorized in writing by the Road Agent or the Planning Board. Permanent house numbers will be assigned by the Road Agent at the time the driveway permit is issued.

SECTION IV – ACCESS POINTS:

- A. If a property is adjacent to a side road, the access to the main road should be via the side road.
- B. Curb cuts shall be limited to one per residential lot, except where the Road Agent or the Planning Board has determined that a second cut is warranted. A second cut may be granted under the following conditions:
 - 1. A second curb cut is necessary for access to a secondary use or structure, and the physical constraints of the lot, including natural features, unusual lot shape or size, or elevation change necessitates the second access.
 - 2. A second curb cut is necessary to allow handicapped access for an individual who is a permanent resident of the property.
- C. A permit is required from the Town of Lyndeborough for any temporary access entrance. A bond shall be required to guarantee restoration of the area disturbed by the temporary access.
- D. Street areas and the public right-of-way shall be cleared daily of debris such as mud, stone, construction vehicles and equipment.
- E. All commercial driveways shall be built to the Town of Lyndeborough's minimum road specifications according to estimated average daily traffic counts. The Planning Board may reduce the requirements during site plan review.
- F. Any driveway accessing a State highway must also obtain a permit from the State of New Hampshire, Department of Transportation.

SECTION V – DESIGN REQUIREMENTS:

A. The design of the proposed driveway construction shall conform in all aspects to the “Typical Drive Profile Controls” schematic reference (see Addendum). It is understood that the applicant shall confer with the Road Agent as to sloping, culverts, and any other aspects of construction of said driveway. Any deviations from the typical profile and standard shall be noted in writing on the Driveway Permit. The Road Agent may waive any of the design requirements when it is shown that strict compliance would cause undue or unnecessary hardship, so long as such waiver shall not result in any injury to the public health or welfare. The Road Agent may require engineered drawings of the driveway when in his opinion the need is warranted by certain aspects of the design, such as wetland crossings, ledge removal, steep slopes, underground drainage, etc.

B. Driveways shall 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.

C. All new driveways established to serve structures intended for human occupancy should have a cleared minimum width of 16 feet and graveled or paved surface of 12 feet or more. The algebraic difference between any two adjacent grades in a driveway shall not exceed 12%.

The maximum width of a driveway shall be 30’ at the edge of the right-of-way. ***Ditches shall not send dumping water onto the public roadway.***

D. At grades of 8% or greater, ditches and slopes shall be stabilized with rip-rap stone or stabilization fabric or vegetation to prevent erosion. Driveways should not exceed a grade of 12%. Grades of up to 18% may be allowed when conditions warrant the need, but will not exceed more than 35% of the total length of the driveway, shall be paved with a minimum 3” pavement, will not exceed more than 100’ in length in any section, and shall be preceded by a straight section at less than 12% grade and at least the same length.

E. Driveway side-slopes of less than 4:1 are required to minimize hazards to vehicles that leave the pavement for any reason. Guardrails or acceptable barriers shall be required at slopes of 3:1 or greater.

F. The driveway shall have a 3% negative grade, from the edge of the traveled way to the center of the ditch line and no more than 3% positive grade from the center of ditch line back to edge of right of way so that the driveway does not drain onto the road.

G. It is recommended that efforts be made to locate driveways where the grade of the road onto which the driveway will access is 8% or less.

H. The intersection of the centerline of a driveway with the travel lane of a town maintained road should form an angle as close as practicable to 90 degrees, but in no case shall be less than 60 degrees.

I. A minimum of 15” culvert pipe shall be utilized where necessary, or as deemed appropriate by the Road Agent. ADS-N12 plastic, 16 GA. galvanized steel, or class III and greater cement shall be acceptable. The Road Agent must approve all driveway culvert installations. ***The use of self-flushing plastic pipe is recommended.***

The driveway shall not interrupt the natural or ditch line flow of drainage water. Where necessary, culverts, water bars, ditches and other drainage structures shall be installed to ensure adequate drainage of the street. No

drainage may be discharged onto a public road. All drainage must be tied into any roadside drainage. The Road Agent shall have the final authority regarding the use of a drainage swale or a culvert.

J. All bridges shall be constructed in accordance with sound engineering practices, be built to a minimum of H-20 load specification, have proper wetlands permits, and provide stamped drawings from a professional engineer.

K. In order to protect the physical integrity of town roads, driveways that abut paved roads shall be constructed with paved aprons that shall be as wide as the driveway, including flares, and at least 4' in depth, measured from the town road edge of pavement. The apron shall be paved with a minimum of 2" of pavement, and the finish height shall not be higher than the road.

L. All mailboxes will be placed on the left upon entering the property to facilitate municipal snow removal. The mailbox will be set so the front of the box is 18" off the edge of the pavement, or edge of gravel on gravel roads.

M. For purposes of snow removal, general maintenance, and protection of abutters, it is hereby suggested that no driveway be constructed closer than 10 feet from abutting property lines.

N. All season safe sight distance is defined as a line which encounters no visual obstruction between two points, each at a height of 3 feet 9 inches about the pavement, and 10 feet back from the road pavement 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.

O. Safe sight distance shall be compatible with the maximum speed limit posted on the road:

SPEED LIMIT	SIGHT DISTANCE
0-30 mph	150 feet
30 mph	300 feet
40 mph	400 feet
50+ mph	500 feet

P. During construction, all roads shall be cleared of debris and sediment on a daily basis.

Q. Mention something about the opening of stone wall?

SECTION VI – BONDING:

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 Selectmen in the amount of \$2,000. This security shall be in a form acceptable to the Selectmen. The security shall be held until the paving of the apron is satisfactorily inspected by the Road Agent, at which time the security shall be refunded to the applicant. The security shall be held for 1 year, at which time it will be forfeited and the town will pave the apron.

SECTION VII – 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.

SECTION VIII– TEMPORARY DRIVEWAYS:

A. Temporary driveways used in conjunction with construction, logging or other activities on Class V roads will be required to post a \$1,200 bond or other surety in order to ensure that any damage done to public streets is covered. *In the event of a large or unusual job, the Road Agent will have the discretion to determine the bond amount.*

B. No more than one temporary driveway shall be permitted per lot at any one time.

C. Temporary driveway permits are valid for a period of one (1) year. The Road Agent may extend that permit for an additional year.

D. The application procedure for a temporary driveway shall be the same as for a regular driveway permit.

E. Temporary driveways 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 ditch line slope and loamed and seeded, so as to prevent erosion.

F. Stabilized construction entrances shall be required for heavy trucking/logging operations at the discretion of the Road Agent.

SECTION IX – COMMON DRIVEWAYS:

A. In accordance with the Goals and Objectives in the Master Plan, common driveways shall be 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 Lyndeborough Zoning Ordinance.

B. Common driveways will be permitted in the Town of Lyndeborough when approved by the Planning Board. The common portion shall have a cleared width of 20', be graveled at least 24" deep x 16' wide, and shall be paved with 3" of pavement.

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.

C. Should the common portion of the driveway extend further than the right-of-way line, the Planning Board will require legal easements to be submitted along with the Driveway Permit Application 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.

SECTION X – MAINTENANCE AND RESPONSIBILITY:

(Kent recommends adding the State RSA for Driveway culvert cleaning)

A. The owners of the property accessed by a 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 within the public right-of-way. If any such driveway is or becomes a 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 Selectmen or their designee may issue an order to the landowner or other party responsible for such driveway to repair or remove such hazardous condition and to obtain any and all permits required therefore. ***The order shall describe the hazard, prescribe what corrective action or alteration in the location nor 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 these regulations. If the order is not complied with within the time prescribed, the Selectmen 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 Town of Lyndeborough for its costs in taking such action.

B. The owner of the property accessed by the driveway shall have continuing responsibility for maintaining sight distance. No obstructions e.g. signage, ornaments, lighting, vegetative growth, etc., shall be permitted to hinder sight distance.

SECTION XI – EASEMENT AND BOND:

A. The applicant shall, at the discretion of the Road Agent, be required as a condition of the granting of the Driveway Permit, to provide to the Town of Lyndeborough, its successors or assigns, an easement for the purpose of entering upon the premises of the applicant to control or maintain surface drainage on the property and do all things necessary for, and incidental to, such drainage easement in question.

B. Furthermore, and where appropriate and necessary, in the opinion of the Road Agent, the applicant may be required to provide a bond of a minimum of \$1,500, or an amount necessary as security for the proper construction of any culverts, piping, ditching or other efforts incidental to and necessary for the proper discharge and control of surface drainage in and around the vicinity of the proposed driveway as well as the proper construction of the driveway entrance both on the property of the applicant or on the property of the Town of Lyndeborough.

C. The purpose of this provision is to control the construction of the driveway to the extent that it may impact any town road and/or town right-of-way. An additional purpose is the extent to which the construction of the driveway on the property of the applicant shall interfere with, impede or in any way affect surface drainage so as to create a need for the Town to regulate the same.

D. Failure to begin driveway construction within one (1) year of permit approval will render the driveway permit null and void. Failure to complete construction of this driveway within 2 yrs. of permit approval will render permit null and void.

E. Funds may be withdrawn from the bond by the Town of Lyndeborough and applied against the cost of said construction that the Town of Lyndeborough is obliged to complete. No funds shall be expended at any site in excess of the amount of the bond pertaining to said site.

SECTION XII – SEPARABILITY:

The invalidity of any provision of these regulations shall not affect the validity of any other provisions.

SECTION XIII – ENFORCEMENT:

The Lyndeborough Board of Selectmen is charged with the power and authority to enforce the provisions of these regulations.

SECTION XIV– AMENDMENT:

These Regulations may be amended by the Planning Board but only following a public hearing on the proposed amendment and such amendment shall not take effect until a copy of said amendment shall be certified by a majority of the Board and filed with the Lyndeborough Town Clerk.

SECTION XV – FILING:

A. Upon enactment, these regulations shall be signed by the Chairman of the Planning Board, endorsed by a majority of the Board and originals so exhibited shall be filed with the Lyndeborough Town Clerk and with the Office of State Planning in Concord, NH.

B. A copy of any amendments to these Regulations shall also be filed with the Lyndeborough Town Clerk and with the Office of State Planning in Concord, NH.

LYNDEBOROUGH DRIVEWAY ENTRANCE STANDARDS & SPECIFICATIONS

1. Driveways.

Driveway permits must be obtained from Town or state officials for all driveways and included in any subdivision package. For major subdivisions, the distance between driveways shall be at least twice the distance of the required frontage. No driveway shall be located closer than hundred-fifty (150) feet from a roadway intersection. Minimum required sight distance is ten (10) feet times the speed limit of the road to which the driveway enters measured at a height of three (3.75) feet. Shared driveways are permitted to serve as access to all legal frontage lots. A shared driveway can serve a maximum of four dwelling units. Site distance shall be documented on plan. Drainage must be constructed in accordance with the Lyndeborough Street and Road Design Standards. All driveways and private roads entering on a paved road shall install a paved apron for a minimum of twenty-five (25) feet or to the edge of the ROW whichever is less from the edge of the town pavement. For driveways entering the town road from an elevation lower than the town road on the property owners land shall only require a 5 foot paved apron connected to the town pavement. Each driveway shall provide an adequate turnaround area to prevent backing onto a public road.

2. Drainage.

- A. All drainage features to be used in connection with construction shall be specified on the permit.
- B. All drainage features shall be installed as specified on the permit. The type of material, strength, length, size and cover required over drainage structures shall be in conformance with NHDOT specifications.
- C. In no case shall the permitted construction cause water to stand (pond) on the roadway, shoulders, or within the limits of the right-of-way.
- D. In the absence of a well-defined ditch or a curb, a shallow depression or swale when approved by the Road Agent is considered to be a drainage structure as specified in (b) above. This swale shall be constructed beyond the edge of the shoulder to accommodate drainage and the storage of snow.
- E. In cases where property development increases drainage runoff, such that existing structures in the highway are rendered inadequate or the increased runoff rate results in an impairment of design capacity, the applicant shall be required to provide improvements to drainage structures to accommodate that increased water runoff, and to secure drainage rights downstream.

3. Permits for Temporary Driveways

- A. There are a variety of situations where a driveway is necessary to alleviate a temporary need to cross a right-of-way. Logging operations, utility maintenance and commercial/residential construction are examples.
- B. Temporary driveway permits shall have a stipulated time limit, not to exceed 60 days after completion of project. When bonds are required, they shall be posted at 110% - 150% of the estimated cost to repair or restore potential damage to slopes, shoulders and pavement. Safety of the permittee and the traveling public is of primary concern, and the Road Agent may on the permit require use of flaggers, signs, cones and other traffic control devices.
 - I. Logging Operations - A permit and a bond shall be required. Exceptions to the permitting and bonding specifications may be granted if the access is through an existing permitted drive that can safely handle the trucking (this would include lot clearing where the access is the same as the permanent driveway and the permit has been approved by the Road Agent). Bonding may be waived if the applicant has consistently responded in an acceptable manner to the requirements of previous permits. In no case shall the actual logging operations be conducted within the right-of-way.
 - II. Construction/Heavy Vehicles - These operations shall be treated in the same manner as logging operations whenever the driveway is temporary in nature.
 - III. Signage – A black on orange “Trucks Entering” sign, of 36" by 36" dimension, with side road indicators, shall be erected by the permittee if the drive sight distance is less than 500 feet, or special circumstances, such as downgrades, are present. Specification sheets are to be provided with

the drive application. If the operation is suspended for 30 or more days, the signs are to be removed and reinstalled by the permittee when operations begin again. When erected, the signs are to be maintained by the permittee for quality and effectiveness, as determined by the Road Agent.

4. Maintenance Responsibility.

- A. The permittee, or its grantees, successors, and assigns served by a driveway shall be responsible for:
- I. Maintenance of the driveway from the edge of the highway pavement or paved shoulder, if existing;
 - II. Maintenance of all approved and/or required upstream and downstream drainage alterations including but not limited to:
 - III. Pipe extensions; b. Open ditches; c. Swales and/or drainage systems, and d. Detention ponds, with the exception of connecting catch basins, manholes or other specified structures at highway cross culverts;
 - IV. All driveway pavement markings and all traffic control signs on the drive with the exception of the stop sign or yield sign; and
 - V. Operational costs of electric service for traffic signals and streetlights that are required by the permit.
 - a. The Highway department may maintain all modifications made to and within the highway including traffic signals which were required by the Road Agent who issued the permit, unless such maintenance is the responsibility of a political subdivision or is specifically excluded as a condition of the permit. If maintenance responsibilities are allocated to the Highway department, the Road Agent shall require as a condition of the permit that the applicant provide appropriate deeds reflecting conveyance of additional right of way or easement rights to assure that department personnel have full right to enter and access any structure or improvement to be maintained.
 - b. The Highway department may also specifically maintain specific drainage structures.

5. Grade entering the road or street

There shall be a driveway platform that extends 20 feet in perpendicular to the edge of shoulder. The first 6 feet shall be a negative grade of between -2% and -4%. The remainder of the 20 feet shall be at a grade not to exceed between +8% and -8%.

6. Sight Distance

The sight distance shall be measured at a height of 3.75 feet and 10 feet perpendicular off the edge of the road for point 1 and 3.75 feet high in the center of the road for point 2. The distance between point 1 and 2 shall be at least 10x the posted speed limit in all directions and seasons. For example, in a 30 MPH zone the sight distance would be 10x30= 300 feet minimum.

7. When required, bonding shall be sufficient to cover all costs.
8. Class VI roads shall be maintained in a condition equal to or better than prior to construction and shall meet the requirements of the road agent.
9. The driveway entrance permit shall have a 2 year lifespan.
10. Driveway entrances shall be greater than 20 feet from abutting driveways.
11. All entrances shall be capable of handling a class 8 truck.
12. The Road Agent shall have continuing authority under RSA 236.
13. The planning board and code enforcement officer shall be copied on all applications.
14. Utility Maintenance or Service - Routine utility maintenance may be conducted within the right-of-way once the location has been approved by the Road Agent. Written permits and bonding are not required.