

CHAPTER VI
DRIVEWAY REGULATIONS
FOR THE TOWN OF MONT VERNON
NEW HAMPSHIRE

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ARTICLE 1 – AUTHORITY AND PURPOSE

VI-101 AUTHORITY:

VI-101.1 AUTHORITY Pursuant to the authority vested to the Mont Vernon Planning Board by the legislative body of Mont Vernon, New Hampshire and in accordance with the provisions of Chapters 236:13 and 674:35 of the New Hampshire Revised Statutes Annotated as amended, the Mont Vernon Planning Board adopts the following regulations governing all driveway construction in the Town of Mont Vernon, New Hampshire.

VI-102 PURPOSE AND AMENDMENTS:

VI-102.1 PURPOSE The purposes of the town of Mont Vernon Driveway Regulations are to guard the public welfare and safety of all citizens to:

Adopted: January 9, 2018

- (a) 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;
- (b) ensure that driveways entering onto roads do not represent a safety hazard;
- (c) minimize the amount of terrain alteration and vegetative removal on hillside areas required for driveway construction;
- (d) ensure that driveways do not disrupt drainage systems or culverts, damage the surface of right-of-ways, or cause erosion or siltation of traveled ways or surface waters; and
- (e) avoid unreasonable public expenditures.

VI-102.2 AMENDMENTS These regulations may be amended by the Mont Vernon Planning Board following a public hearing on the proposed change.

ARTICLE 2 – DEFINITIONS

VI-201 DEFINITIONS:

VI-201.1 DEFINITIONS The definitions contained in the Mont Vernon Subdivision Regulations shall apply, in addition to the following:

ACCESS -- A way or means of approach to provide physical entrance to a property.

AUTHORITY HAVING JURISDICTION (AHJ) --The municipal department or department administrator such as but not limited to the Public Works Director, Fire Chief, Police Chief, Planning Board, etc. that have the authority to enforce regulations or requirements of this ordinance.

COMMON DRIVEWAY – A driveway that provides access to more than one dwelling or multiple lots.

CONSTRUCTION -- For the purposes of this regulation, means not only the construction of a new driveway, but also any substantial alterations or widening to an existing driveway. This does not include regrading for maintenance, repaving, repairs or improvements of a similar nature.

DRIVEWAY -- A public or private roadway providing primary access from either a public or private road for vehicles to a dwelling, business, parking area, or other structure or facility that is currently used on a regular basis.

RIGHT-OF-WAY – All town, state, and federal highways and the land on either side of the same as covered by statutes regarding the width of the right-of-way, and private roads as approved by the Planning Board pursuant to the Town Subdivision Regulations.

TRAVELLED WAY – That part of the driveway within a right-of-way, if one exists, that is designated for vehicular travel.

TURNOUT -- An area perpendicular to the driveway that allows a vehicle to back in and drive out.

TURNAROUND – An area large enough to allow a emergency vehicles to turn fully around on the property without having to back up.

ARTICLE 3 - GENERAL PROVISIONS

VI-301 PROVISIONS:

VI-301.1 PERMITS Prior to the construction or change in use and/or intensity of any driveway entrance, exit, or approach to any private, town or state road, and prior to obtaining any applicable building permits for the property, the landowner or authorized agent shall apply for a driveway permit and secure approval of such proposal in accordance with these regulations.

VI-301.2 APPROVAL An approval by the Town of Mont Vernon to construct a driveway does not eliminate the need for the property owner to secure any necessary permits from state agencies, such as the NH Department of Transportation or Department of Environmental Services.

VI-302.3 NON-CONFORMING Driveways providing access to dwellings, businesses or other structures or access to agricultural or undeveloped land in existence prior to the adoption of this ordinance shall maintain legal or legal non-conforming status provided there is no change in use and/or intensity of any driveway, driveway entrance, exit, or approach to any private, town or state road.

ARTICLE 4 - OWNER RESPONSIBILITY

VI-401 RESPONSIBILITY:

VI-401.1 RESPONSIBILITY The owner of the property accessed by a driveway shall have continued responsibility for the adequacy and maintenance of the driveway and any grades, culverts, retention basins and bridges pertaining to such access, whether or not the driveway is located within the public right-of-way.

VI-401.2 HAZARDOUS CONDITIONS If any driveway becomes a potential 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 other features; the Town of Mont Vernon may issue an order to the responsible party to repair or remove such hazardous conditions or take other actions as specified in RSA 236:13. If no response occurs within a reasonable time, the Town may take appropriate action to remedy; the costs of such action will be charged to the property owner.

ARTICLE 5 - DRIVEWAY CONSTRUCTION STANDARDS

VI-501 STANDARDS:

The following construction standards shall apply to all driveways.

VI-501.1 DRIVE ACCESS

- (a) All drive accesses shall be located as shown on approved plans or as directed by Mont Vernon Public Works Director.
- (b) Drive accesses for either residential or non-residential use shall be a minimum of sixteen (16) feet and a maximum of thirty (30) feet wide at the curb line or edge of traveled way. The drive access shall taper back 20 feet from the curb line or edge of traveled way to the minimum required width. If the driveway is within a vertical curbed section, the curbing on each side of the drive opening shall be tipped down with a six (6) foot descending tip down on each side of driveway.
- (c) Drive accesses shall slope downward away from the traveled way for minimum of ten (ten) feet to allow for proper roadway drainage and prevent drive drainage or erosion onto the traveled way.

VI-501.2 PAVING In order to protect the physical integrity of paved roadways, the street-side edge of all driveways that intersect with a paved roadway must also be paved according to the requirements below:

- (a) All driveways for non-residential use shall have a paved apron thirty (30) feet wide for at least the first twenty-five (25) feet, commencing at the edge of pavement of the intersecting road.
- (b) All driveways for residential use shall have a paved apron sixteen (16) feet wide, or two (2) feet less than the width of the apron for at least the first twenty (20) feet, commencing at the edge of pavement of the intersecting road.
- (c) The pavement shall consist of three (3) inches of hot bituminous pavement, with a two (2) inch base course and a one (1) inch wearing course. The requirement for 1 inch wearing course may be waived by Director Public Works on a case by case basis provided the pavement thickness is not less than 3".

VI-501.3 TRAVEL WIDTH Driveways must be designed, constructed, and maintained so as to have a minimum twelve (12) foot travel width. Outside of the traveled way there must be enough width to accommodate snow storage areas, drainage, parking areas, clearance for emergency vehicles, etc.

VI-501.4 VERTICLE CLEARANCE Driveways must be designed, constructed, and maintained so as to have at least thirteen and one-half (13 ½) feet of vertical clearance.

VI-501.5 GATES If gated, the following standards apply:

- (a) Gate openings must be at least fourteen (14) feet wide, except where there are existing stone walls between which the gate will be placed.
- (b) Gates must not open into the public right-of-way.
- (c) All gates must be provided with an access system approved by the fire chief for emergency responders such as a pass code or key access (KnoxBox), etc.

VI-501.6 PASSING LANES, VEHICLE TURNOUTS AND TURN AROUNDS Extended length driveway shall provide the following as deemed necessary by the Authority Having Jurisdiction:

- (a) Driveways longer than 300 feet must include a turnout no farther than fifty (50) feet from the primary residence or building. The turnout must be perpendicular to the driveway and be at least twelve (12) feet in width and twenty (20) feet in length as measured from the edge of the driveway. The area of the turnout may not be steeper than five (5) percent, and have an inside radius of fifteen (15) feet. Other dimensions may be approved, provided the applicant can demonstrate that emergency vehicles can safely back in and drive out.
- (b) Driveways longer than one thousand (1,000) feet must include a passing area at least every eight hundred (800) feet, exclusive of the required turnout in (1) above or turnaround in (3) below. This passing area shall be at least twenty-four (24) feet wide for a length of at least fifty (50) feet, tapered back to the twelve (12) foot width on both ends. The grade along the entire length of the passing area must not exceed five (5) percent.
- (c) Driveways longer than two thousand (2,000) feet must have a turnaround with at least a ninety (90) foot diameter, no closer than fifty (50) feet and no further than three hundred (300) feet from the primary residence or building.

VI-501.7 CONSTRUCTION REQUIREMENTS All driveways shall be constructed of a minimum of twelve (12) inches of suitable material (e.g., gravel, crushed gravel but may also include fabric beneath).

VI-501.8 CURVES Horizontal curves with a direction change of more than thirty (30) degrees shall not contain slopes of more than ten (10) percent.

VI-501.9 BRIDGES

- (a) All bridges must be designed, installed, and maintained in accordance with the designs of a New Hampshire-licensed engineer and must be able to support the heaviest vehicle likely to operate on the driveway. For purposes of these regulations, the load capacity shall be at least sixty thousand (60,000) pounds, GVW (Gross Vehicle Weight).

- (b) All bridges must be designed, installed, and maintained so as to convey at least a one hundred (100) year storm event and must be reviewed by the Mont Vernon Public works Director.

VI-501.10 CULVERTS

- (a) All culverts shall be a minimum of twelve (12) inches in diameter or designed to an acceptable storm runoff flow rate and must be designed, installed, and maintained so as to support a load capacity of at least 60,000 pounds, GVW.
- (b) All culverts must be designed so as to convey the full flow of water of existing drainage swales as well as any additional water that may be transmitted by the driveway.
- (c) Culverts shall be placed at the edge of the property line outside of the road right-of-way.
- (d) Culverts shall have either an approved concrete or stone headwall or flared ends with sloped, vegetated banking at each end of culvert pipe.

VI-501.11 NUMBERING All driveways providing access to a primary residence or building shall be numbered from both directions, with a letter, number, and symbol height of at least four (4) inches, contrasting with the background of the sign and installed and maintained so as to be easily readable from public ways at night. When a house is within thirty (30) feet of the right-of-way, the number may be placed only on the house, with approval of the Planning Board.

VI-501.12 NAMING Common driveways serving more than two (2) addressable structures will be named using road naming rules outlined by the National Emergency Number Association and recommendations of New Hampshire E-911. Said name will require written approval of the Selectmen. Name will be posted on a sign or signs as approved by the Planning Board.

Naming rules:

- (a) Avoid sound-alike names (Bay View Dr or Bayview Dr.)
- (b) Do not use names with a different suffix (Smith Rd, Smith La)
- (c) Do not use special characters such as hyphens, apostrophes or dashes.

VI-501.13 GRADES AND SLOPES

- (a) Driveways with a grade of greater than fifteen (15) percent will not be permitted.
 - I. Driveways with grades greater than ten (10) percent up to fifteen (15) percent require design by a New Hampshire licensed civil engineer.
 - II. Driveways required to obtain an engineered design must submit to the Building Inspector, prior to certificate of occupancy an affidavit of compliance with approved plan by the civil engineer of design

- (b) To ensure that vehicles will have adequate distance to stop during icy conditions where driveways intersect with a road or other driveway, whether public or not, the grade shall not exceed five (5) percent within thirty (30) feet of the intersection. Grades greater than five (5) percent, up to ten (10) percent maximum may be permitted provided the first twenty-five (25) feet from the intersection are paved.
- (c) At the house-side terminus of a driveway, the grade shall not exceed ten (10) percent for the last thirty (30) feet.
- (d) No more than twenty-five (25) percent of the total length of a driveway may contain grades of fifteen (15) percent.
- (e) Grades of fifteen (15) percent or more may not exist within one hundred (100) feet of an intersection or within one hundred (100) feet of the house-side terminus.
- (f) Grades of fifteen (15) percent or more may not extend in any section of driveway for a distance of more than one hundred fifty (150) feet, and there must be at least one hundred (100) feet of separation between segments containing grades of fifteen (15) percent or more.
- (g) For purposes of these regulations, the degree of grade increase or decrease shall be measured over a distance of twenty (20) feet. These regulations apply to both downward and upward grades.

VI-501.14 DRAINAGE AND EROSION CONTROL

- (a) Driveways that slope down from a road must 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.
- (b) No drainage can be discharged onto a public road and must be tied into any roadside drainage in a manner satisfactory to the Mont Vernon Public Works Director or NH DOT.
- (c) During and after construction, including temporary driveways, the driveway must not cause erosion or sedimentation of drainage systems or surface waters.
- (d) For driveways one thousand (1,000) feet or more in length, or containing grades of fifteen (15) percent, the issuance of a driveway permit may require a drainage plan by a New Hampshire licensed engineer to ensure that stormwater and spring meltwater will not result in erosion, endanger the integrity of the driveway surface, or cause siltation of drainage systems or surface waters.

VI-501.15 DRIVEWAY LOCATION

- (a) No driveway entrance may be constructed within fifty (50) feet of an intersecting road, unless the applicant can demonstrate that there would be no safety hazards created.
- (b) Driveways shall be located a minimum of ten (10) feet from side or rear property lines.
- (c) When two (2) driveway entrances on the same side of the road are within fifty (50) feet of each other, a common access may be required, for reasons of safety and topographical considerations.
- (d) All-season safe sight distance in each direction is required, in accordance with standards recommended by NH DOT and/or American Association of State Highway and Transportation Officials (AASHTO).
- (e) Any driveway crossing a body of water, wetlands, or wetland buffer shall have all permits required by the NH Wetlands Board and/or a special exception from the Mont Vernon Zoning Board of Adjustment prior to the driveway approval.
- (f) There shall be no more than one primary access to a single parcel of land unless a need for multiple accesses can be demonstrated to the Director of Public Works.
- (g) Driveways shall intersect roadways at an angle of ninety (90) degrees.
- (h) No structures (including buildings), permanent or portable signs, lights, displays, fences, walls, etc. shall be permitted on, over, or under the town road right-of-way.
- (i) Driveways providing access to multi-unit residential, commercial, or industrial uses shall be designed to conform to good engineering practice using the most recent version of the NHDOT manual, *Administrative Rules for the Permitting of Driveways and Other Accesses to the State Highway System* as a guide.

VI-501.16 COMMON DRIVEWAYS

- (a) If approved by the Planning Board one driveway may serve more than one lot. In such a case, the Planning Board may require that the driveway common area maintain a 50-foot right-of-way.
- (b) An independent inspection of the driveway may be required, by an engineer approved by Planning Board and paid for by the applicant. The inspector will certify that these regulations are complied with.

- (c) Before any application for a common driveway is approved, the landowner(s) must submit a maintenance agreement and provide a deeded easement that clearly defines each property owner's rights and responsibilities.
- (d) The house numbers for all residences are to be placed at the entrance to the common driveway from the traveled way, and the individual house numbers are to be placed at the entrance to each individual private driveway according to Section VI 501.11.

VI-501.17 TERRAIN

- (a) Driveways should follow the natural terrain, and cuts or fills should be minimized.
- (b) All driveways must be designed, constructed, and maintained so as to ensure that emergency vehicles, including ambulances and fire trucks, can ingress and egress easily during emergency events.
- (c) Driveways that propose to be constructed with grades and elevations greater than ten (10) percent must submit a driveway design plan in accordance with VI-501.13 (1).

ARTICLE 6 - TEMPORARY DRIVEWAY PERMITS

VI-601 TEMPORARY DRIVEWAY PERMITS:

VI-601.1 TEMPORARY DRIVEWAY

Permission for temporary driveways and construction entrances for such activities as logging, utility maintenance and construction is required. Temporary permits shall have a stipulated time limit not to exceed six months. Upon written application to the Public Works Director, a six-month extension may be granted. Temporary driveways must comply with acceptable New Hampshire Best Management standards for erosion control.

ARTICLE 7 - MODIFICATIONS AND WAIVERS

VI-701 MODIFICATIONS AND WAIVERS:

VI-701.1 MODIFICATION AND WAIVERS

The standards of these regulations may be modified or waived by the Mont Vernon Planning Board when specific circumstances surrounding a proposal, or a condition of the land, indicate that strict adherence to the standards would create a hardship for the landowner, and such modification will not be in conflict with the purpose and intent of these regulations. Modifications or waivers can only be granted by approval of both the Planning Board and the DPW Director.

ARTICLE 8 - APPLICATION PROCEDURE

VI-801 APPLICATIONS PROCEDURE:

VI-801.1 APPLICATIONS

- (a) Prior to commencing work, the applicant will file an application with attached driveway plan with the Mont Vernon Public Works Director or its designated agent, on a form provided by that office. A copy of the application will be forwarded to the Mont Vernon Code Enforcement Officer/Building Inspector.
- (b) Before the Mont Vernon Public Works Director acts on the application, there will be an inspection of the site. For any paved driveways or entrances, there shall be an inspection following the laying of the gravel base and prior to the final paving.
- (c) There shall be 24-hour notice to the Mont Vernon Public Works Director and Code Enforcement Officer before starting construction of the driveway.
- (d) A final inspection by the Mont Vernon Public Works Director will be made to determine that all work has been satisfactorily completed in conformance with these regulations prior to the issuance of a Certificate of Occupancy.

ARTICLE 9 - ADMINISTRATION AND ENFORCEMENT

VI-901 ADMINISTRATION AND ENFORCEMENT:

VI-901.1 ADMINISTRATION

- (a) These regulations shall be administered by the Mont Vernon Planning Board. The Planning Board, through the authority granted to it under RSA 236:13 (V) hereby delegates administrative duties and enforcement regarding this regulation to the Mont Vernon Public Works Director, who may, in the administration of his/her duties, consult with the Building Inspector / Code Enforcement Officer.
- (b) In reviewing an application to construct a driveway, the Public Works Director shall apply accepted principles of traffic safety engineering. In addition, the Board may, in the exercise of sound discretion, consider the factors including but not limited to the existence of a sprinkler system, the quantity and quality of traffic, the existence of on-street parking, sight distance, adjacent land use, development of access away from arterial streets and onto side streets, anticipated development in the area, and speed limits. After such review and approval by the Public Works Director, the Building Inspector may issue a building permit.

VI-901.2 ENFORCEMENT

- (a) New driveways constructed in violation of these regulations shall be corrected immediately upon notification by the Town of Mont Vernon, or the costs of removing or construction shall be fully borne by the property owner.
- (b) Any person who violates any provision of this regulation shall be subject to fines and penalties as authorized in RSA 676: 15 & 17.