

TOWN OF NEW IPSWICH

661 Turnpike Rd New Ipswich NH 03071



TOWN OF NEW IPSWICH DRIVEWAY REGULATIONS

RESIDENTIAL

Adopted 03/03/2021

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SECTION I: AUTHORITY

Pursuant to the authority granted under the New Hampshire Revised Statutes Annotated 236:13 the Town of New Ipswich Planning Board hereby adopts the following regulation for driveway access to Town Roads, public and private. Hereafter, no driveway shall be constructed without compliance with this regulation.

SECTION II: PURPOSE

This regulation applies to the construction of new Driveways on single lots of record and to the construction of shared driveways or relocation of an approved driveway in a subdivision. The intent is to ensure safe sightline, drainage, access, public safety and integrity of Town Roads. Inasmuch as driveways, entrances and access points are, in effect, intersections and therefore 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 driveways, this regulation is enacted for the purpose of such control.

SECTION III: DEFINITIONS

- A. Access Point: An opening that provides access to a lot for vehicles during construction and is closed when all on-site work is completed unless it is the Driveway Entrance.
- B. Driveway: A public or private roadway providing primary access for vehicles from either a Highway or private street to a dwelling, structure, business, parking area, or facility that is used on a regular basis. A driveway is considered a structure.
- C. Driveway Entrance: The junction of the Driveway with a Highway or private street.
- D. Highway: As defined in RSA 229:1

SECTION IV: PERMIT

Anyone desiring to construct, alter or relocate a driveway or to create an Access Point must obtain a permit from The Board of Selectmen or their designee. The application and fee for the permit is available at the Town Office and on the Town website (www.townofnewipswich.org).

1. If a driveway will be entering a state road, a State Driveway Permit must be obtained from the New Hampshire Department of Transportation prior to obtaining a permit from the Town. A copy of the State Driveway Permit will be given to the Board of Selectmen or their designee. Any proposed alteration must receive State approval prior to the start of construction.
2. A permit shall be required when making a substantial change to an existing Driveway. Substantial change includes any alteration that would affect the use, location, size or grade of any Driveway or may cause the flow of water onto any public Highway or private street. What constitutes substantial change shall be determined by the Board of

Selectmen or their designee. No permit shall be required when paving an existing Driveway and no substantial change is proposed.

SECTION V: PERMIT PROCESS

- A. Prior to submitting a permit application for a Driveway or Access Point, the applicant shall clearly mark and flag the location of the proposed Driveway Entrance or Access Point with a centerline stake at the edge of the right-of-way (ROW). The applicant shall then submit a completed application to the Selectmen or their designee.
- B. The application for a Driveway permit must be accompanied either by evidence that the Driveway will not impact a Wetlands or Wetlands buffer or by a copy of a decision letter from The Zoning Board of Adjustment granting a variance to the New Ipswich Wetlands Ordinance. Evidence may consist of a reference to a Subdivision Plan or Site Plan showing the location of any wetlands on the site, or a determination from the Town Conservation Commission.
- C. The Driveway or Access Point can be installed only when a permit has been issued by the Selectmen or their designee.
- D. An Access Point shall be in place prior to the start of on-site activity.
- E. Upon completion of a driveway or a minimum of 14 days prior to the issuance of a Certificate of Occupancy by the Building Inspector, the Selectmen or their designee will perform a post-construction inspection and issue a Certificate of Compliance for the Driveway or Access Point. A copy of the Certificate of Compliance will be sent to the Code Enforcement Officer. A Certificate of Occupancy will not be issued unless a Certificate of Compliance has been issued by the Selectmen or their designee or a security is in place.
- F. Permits are valid for one year.

SECTION VI: DRIVEWAY CONSTRUCTION & DESIGN STANDARDS

- A. Residential Driveway Entrances are to be no less than 10'. A Driveway may be flared beyond the width of the Driveway at the Driveway Entrance to accommodate the turning radius of vehicles expected to use the particular Driveway Entrance. The maximum width at the property line is 25 ft. including the apron/flare.
- B. The Driveway Entrance shall be at an angle as close to 90 degrees to the Highway or private street as practicable. In no case shall the angle of intersection be less than 60 degrees.
- C. The Driveway shall be constructed so as to direct storm water runoff and debris away from the Highway or private street.

- D. New Driveway culverts when required by the Selectmen or their designee shall be a minimum of 15 inches in diameter where feasible. Culverts will be installed by the owner under the supervision of the Selectmen or their designee. Driveway culverts shall be long enough to maintain the Driveway width dimension and/or at least a 3:1 side slope. Driveway culverts shall be corrugated plastic or concrete which meets H-20 loading. Concrete or rubble masonry headers are required on both ends of culverts where flared end sections are not reasonable to use. The drainage ditch shall be six (6) inches below the outlet end of the culvert and drop at least one-half inch to the foot for a distance to be determined by the Road Agent.
- E. Driveways may require a drainage plan to ensure that storm-water and spring melt-water will not result in erosion or endanger the integrity of the Highway or private street.
- F. All new driveways established to serve structures intended for human occupancy shall have a maximum grade of 15%. The purpose of the maximum grade requirement is to ensure public safety and accessibility for emergency vehicles. This standard shall not apply to driveways intended to serve non-occupancy structures such as utility service buildings and other private ways intended for purposes such as logging, silviculture, agriculture and recreational access.
- G. All driveways on a paved road shall require a paved apron. The apron shall be paved fifteen feet from the edge of the Driveway Entrance and shall be constructed with a minimum of 3" of asphalt with emulsion applied at the joint with the Town highway or private street surface.
- H. For a driveway with a grade of 10% or greater, a "landing" area of a minimum of 20 feet in length at a grade up to 3% approaching the Driveway Entrance. Of the 20 ft, the last 4-6 ft abutting the roadway shall be at a grade less than or equal to negative one percent (-1%). A drainage plan approved by a NH licensed engineer can serve as a replacement to this requirement.
- I. Every effort shall be made to minimize the potential impact to neighboring properties. Appropriate buffering along the driveway (landscaping) shall be provided to protect the privacy of neighbors and shield them from dust, noise, lighting, etc.
- J. All bridges shall be constructed in accordance with NH State standards.
- K. Any Driveway impacting a wetland or wetlands buffer shall have all permits required by the State and Town posted on-site until a Certificate of Occupancy is issued or all on-site work is completed.
- L. No signs, lights, displays, fences, walls, etc. shall be permitted on, over, or under the town road right-of-way.

- M. The Board of Selectmen or their designee may require engineered plans that include topography, wetlands, grading, erosion control or other such details as considered to be necessary for the specific site.

SECTION VII: LOCATION AND NUMBER OF DRIVEWAYS

A. Location

1. The Driveway Entrance for any lot shall be located along the frontage of the lot, except where there is an easement for right-of-way recorded at the Hillsborough County Registry of Deeds.
2. The location of the Driveway Entrance or Access Point shall be selected to most adequately protect the safety of the traveling public.
3. Every effort shall be made to maintain the integrity of stone walls (RSA 472:6). Any portion of a stone wall which is part of a boundary marker and is removed by the creation of an Access Point shall be reconstructed when the Access Point is closed.
4. For corner lots, where feasible, the Driveway Entrance or Access Point shall be located on the less traveled way.
5. All season safe site distance shall be required as defined in the NH DOT Driveway Regulations.
6. The location of Driveway entrances must be shown on subdivision plans. Multiple options may be shown and indicated as such.

B. Driveways shall be limited to one per residential lot, except where the Selectmen or their designee has determined that a second Driveway is warranted and can be safely accommodated. A scale drawing indicating the features necessitating the second Driveway must be submitted for the Selectmen or their designee to make a determination. A second Driveway may be granted for the following conditions:

1. It is necessary for access to a secondary use or structure.
2. The physical constraints of the lot, including natural features, unusual lot shape, size or elevation change necessitates the second Driveway.
3. It is necessary to allow handicapped access for an individual who is a permanent resident of the property.
4. Where a horseshoe driveway is proposed and approved by the Selectmen or their designee, a second Driveway Entrance is permitted.

C. During construction the public right-of-way shall be cleared daily of debris such as mud, stone, earth and all construction supplies, vehicles and equipment. Said maintenance of the Driveway Entrance or Access Point shall be the responsibility of the permit applicant.

SECTION VIII: SHARED DRIVEWAYS

- A. As a condition of subdivision approval, the Planning Board may require a shared driveway for two or more (but not more than four) properties. The Planning Board may consider any of the following reasons in determining whether to require a common driveway:
1. To minimize entries onto highways or private streets.
 2. To improve sight distances where they might otherwise be too short for safe entry onto the public road.
 3. To avoid locations where steep slopes preclude or make difficult the construction of a safe driveway.
 4. To take advantage of an existing highway or private street.
 5. To avoid wetlands.
 6. Any other site specific condition indicating a shared driveway as the prudent choice.
- B. Depending on the length of the shared driveway and other site conditions, the Planning Board may require: passing and turning areas.
- C. With respect to the shared property line, shared driveways constructed under this provision need not comply with the setback requirement of Article XII, Section A of the Town of New Ipswich Zoning Ordinance.
- D. A Shared Driveway Agreement shall be drafted prior to approval of the permit. This agreement shall include the following information and may be reviewed by the Town attorney at the applicant's expense:
1. The Parties involved
 2. Responsibility for maintenance (winter plowing, upkeep, etc.)
 3. Responsibility for improvements (resurfacing, paving, etc.)
- E. Shared Driveway agreements shall be recorded at the Registry of Deeds before a permit is issued.
- F. In the case of a common driveway shared by 3 or more dwellings, the driveway shall be named and signage displaying the name must comply with the Town of New Ipswich regulations related to Shared Driveways.

SECTION IX: MAINTENANCE RESPONSIBILITY

- A. Temporary and permanent erosion and sedimentation control shall be provided before, during and after construction, in accordance with the best management practices as described in the "New Hampshire Stormwater Manual" (NH Department of Environmental Services 2008) as amended.
- B. The applicant, or their grantees, successors and/or assignees served by the Driveway shall be responsible for the maintenance of the Driveway, drainage structures, signage and sight distance impediments on their property.
- C. The Department of Public Works may also specifically maintain the following drainage structures:
 - 1. Drainage systems within the highway limits, serving existing State Highways and constructed for the purpose of controlling Highway and surface water run-off and;
 - 2. Catch basins, manholes or other specified connecting drainage structures constructed at the end of cross Highway culverts or parallel culverts serving the State Highway system.

SECTION X: EASEMENT AND SECURITY

- A. The Selectmen or their designee may require security to guarantee the proper construction according to the requirements of the permit.
- B. All driveway aprons shall be paved or bonded to be paved prior to the issuance of a Certificate of Occupancy. From April 1 to September 30 the driveway apron shall be paved prior to the issuance of a Certificate of Occupancy. Driveway aprons that cannot be paved between October 1 and March 31 shall provide the Town with a bond for paving prior to the issuance of a Certificate of Occupancy. All bonded driveways shall be paved between April 1 and July 1 of the following spring. Arrangements shall be made with the Selectmen or their designee to schedule.
- C. If a security is deemed necessary, the applicant shall submit an itemized estimate of the cost to complete the Driveway to the Selectmen or their designee, who shall determine the required amount of the security. The security shall be provided to the Selectmen to be held in an escrow account and released upon issuance of a Certificate of Compliance.
- D. Failure to complete construction within one calendar year from the date of posting of a security may result in the calling of the security, unless specifically extended by the Selectmen or their designee for a period of 1 additional year.
- E. Funds may be withdrawn from the security by the Town of New Ipswich to complete the driveway according to these regulations and the issued permit.

SECTION XI: WAIVERS AND APPEALS

- A. Upon written application, the Selectmen or their designee may waive any of the design requirements for Driveways when it is shown that strict compliance would cause undue or unnecessary hardship, so long as such waiver does not result in the likelihood of injury to the public health, safety or welfare.
- B. Any applicant or abutter aggrieved by the regulations herein or a decision made by the Selectmen or their designee in regards to a waiver request shall appeal that decision to the Zoning Board within 30 days of the waiver being granted.

SECTION XII: SEPARABILITY

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

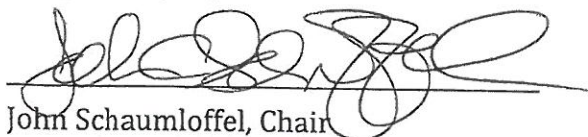
SECTION XIII: ENFORCEMENT

The New Ipswich Board of Selectmen, or their designee is charged with the power and authority to enforce the provisions of these regulations. Any person who violates these Regulations may be punished by a fine of \$275 for the first day of the violation and \$550 for subsequent violations pursuant to RSA 676:17. In the alternative, any violator may be subject to the penalties by RSA 236:14. In addition, the person responsible for the violation shall be liable for the cost of restoration of the road to a condition satisfactory to the Selectmen.

SECTION XIV: AMENDMENT

These regulations may be amended by the Planning Board following a noticed public hearing on the proposed amendment. All amendments will take effect upon approval by a majority of the Planning Board and filed with the Town of New Ipswich Town Clerk.

Adopted 03/03/2021


John Schaumlöffel, Chair











