

DRIVEWAY REGULATIONS

TOWN OF ORANGE, NEW HAMPSHIRE

APPROVED: APRIL 19, 2011

NOTICE TO PROPERTY OWNERS

The Town of Orange Driveway Regulations adopted by the Planning Board addresses the standards and specifications for the intersection of a driveway and a road within the limits of the road right of way. The driveway regulations **DO NOT APPLY** to that part of the driveway extending beyond the road right of way. However, the Town wishes to notify property owners that in designing and constructing a driveway beyond the limits of the road right of way that due consideration should be given to the fact that emergency vehicles in general are not able to may not be able to access driveways that exceed a grade of 15% 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.

PURPOSE:

The purpose of these regulations is to promote the planned and safe growth of the undeveloped areas of the Town of Orange. Driveway review will protect the interest of the public and the taxpayer. A "driveway" shall mean an area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving not more than two (2) lots or sites.

BASIS OF THESE REGULATIONS:

- a. **AUTHORITY:** The following regulations governing the construction and alteration of driveways, entrances, exits and approaches within the limits of the right of way are adopted by the Planning Board in accordance with the provision of Chapter 236, sections 13 and 14, New Hampshire Revised Statutes Annotated. It shall be unlawful to construct or alter in any way that which substantially affects the size or grade of any driveway exit or approach within the limits of the right of way of any highway under the jurisdiction of the Town of Orange that does not conform to the terms and specifications of the written permit issued by the Planning Board or Road Agent when authorized by these regulations.
- b. **SEPARABILITY:** If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

PROCEDURE FOR APPLICATION:

- a. **APPLICATION:** Any person wishing to construct or alter a driveway shall obtain a construction permit from the Selectmen's Office, Town Clerk, or Road Agent and shall file said application together with a site plan map of the proposed construction with the Road Agent. All information shall be provided as required by the application. The application shall be reviewed for completeness within 21 days of submittal. An incomplete application will not be reviewed, including applications submitted without a site plan map.

The Road Agent shall review the application for compliance with the standards outlined in section "b" below, and inspect the site. The Planning Board authorizes the Road Agent to approve the application if he/she determines the application complies with the standards. If the application is approved, a written driveway permit shall be issued to the applicant stating the terms and specifications for the construction or alteration of the driveway.

*FAILURE TO COMPLY WITH THE ROAD AGENT'S REVIEW WILL RESULT IN THE NON-
ISSUANCE OF A BUILDING PERMIT AND/OR CERTIFICATE OF OCCUPANCY.*

If the application is denied, written notification shall be sent to the applicant stating the reason for denial. The applicant may then revise the application to comply with the regulations and resubmit it to the Road Agent or appeal the decision to the Planning Board. If appealing the decision, the applicant shall outline in a letter addressed to the Planning Board why the standards cannot be met. The Planning Board shall conduct a public hearing on the appeal after giving abutters 10 days notice and posting the notice in two public places. The Planning Board shall, after considering the application, the recommendation of the Road Agent, comments from the applicant, and comments from abutters or other interested parties, approve, approve with conditions, or deny the driveway permit application. If denied, written notification outlining the reasons for denial shall be sent to the applicant.

b. STANDARDS

- (1) **NUMBER:** No more than two driveways shall be constructed from any one street to any one property, unless frontage along that street exceeds 500 feet. When the frontage exceeds 500 feet, one additional driveway may be allowed for every additional 500 feet of frontage.
- (2) **LOCATION:** The location shall be selected to protect the most adequate degree of safety for the traveling public. The driveway shall be at least 50 feet from the nearest street intersection as measured from the center lines.
- (3) **SITE DISTANCE:** The location for the new driveway shall be selected to provide safe sight distance, and shall be designed and built in such a manner so that a driver at a point ten feet outside the shoulder of the town road and at a height of three feet and nine inches, will have unobstructed views for a minimum of 150 feet in either direction. An exception to this section may be granted to lots that were in existence at the time of the enactment of these regulations that have less than 300 feet of road frontage or have topographic restrictions (such as wetlands, ledge or steep slopes) limiting their practical access location to a location closer than 150 feet to a lot line. In such instances the final determination of the driveway location shall be subject to the approval of the Road Agent.
- (4) **DRIVEWAY ALIGNMENT:** All driveways will enter at an angle of within 20 degrees of perpendicular to the town road centerline. At a point 20 feet outside the town road shoulder, the alignment may be changed with a reasonable horizontal curve. If the degree of change exceeds 45 degrees, said design is subject to approval by the Planning Board.
- (5) **DRIVEWAY WITH NEGATIVE GRADE:** The driveway at a distance of 20 feet from the shoulder of the road, will be no more than one foot lower than the shoulder grade. Beyond that point, a reasonable vertical curve will be used to meet up to a recommended 15% maximum negative grade.
- (6) **DRIVEWAY WITH A POSITIVE GRADE:** The driveway at a distance of six feet from the shoulder of the road, will be a minimum of six inches lower than the shoulder grade. At a distance of 20 feet from the shoulder of the road, the driveway grade will be no more than 18 inches higher than the shoulder grade. Beyond that point, a reasonable vertical curve will be used to meet up to a recommended 15% maximum positive grade.
- (7) **DRIVEWAY SURFACE:** As a minimum construction standard, all driveways, for a minimum of 20 feet from the road shoulder, shall be surfaced with a minimum of 8 inches of clean bank run gravel, topped with a minimum of 4 inches of crushed gravel.
- (8) **PAVED APRON:** Driveways that abut paved streets shall be constructed with paved aprons that shall be as wide as the driveway and at least 5 feet in depth as measured perpendicularly from the edge of the street pavement (and deeper if deemed necessary by the Road Agent). The paved apron shall be constructed in such a way as to protect the edge of the road pavement from deterioration.

(9) **DRAINAGE:** All driveways entering on a town road in locations that have or require a side drainage ditch, shall have a culvert of the appropriate size, length, and gauge subject to approval by the Road Agent. Such culverts will have proper pitch and a minimum cover of 12 inches and shall be aligned with existing roadside ditches where applicable unless otherwise specified by the Road Agent. Inlet and outlet ditches shall be as required for good drainage. Headwalls may be required at the discretion of the Road Agent. All driveways in cuts will have side ditches at least 12 inches below driveway grade.

10) **DRIVEWAY WIDTH:** All driveways serving single residential homes will have a minimum width of 12 feet with proper flare having a minimum radius of 20 feet at the intersection with the town road. Side ditches, where required, will be at least two feet outside the shoulder of the driveway. For driveways wider than 12 feet, a lesser radius may be approved at the discretion of the Road Agent.

11) **SIDEWALK AND ROAD REPAIRS:** When the construction of a driveway would require the disturbance of a street or a sidewalk, the applicant shall obtain the permission of the Road Agent before proceeding with construction. Any road or sidewalk disturbed during the construction of the driveway shall be restored to the satisfaction of the Road Agent.

ADMINISTRATION

- a. **ENFORCEMENT:** The Board of Selectmen are responsible for the enforcement of these regulations.
- b. **PENALTY:** As provided under RSA 236:14, any person who violates any provision of RSA 236:13 or these regulations shall be guilty of a violation or a misdemeanor and shall be liable for the cost of restoration of the street to the satisfaction of the Board of Selectmen.
- c. **WAIVER:** Where conformity to these regulations would cause undue hardship (other than financial), or injustice to the owner of the land, the applicant may bring the application to the Planning Board, which may, upon the recommendation and advisement of the Road Agent, waive any of the above regulations, provided that the spirit of the regulations will be respected and that the public convenience and safety will not be affected.

INTERPRETATION

In matters of judgment or interpretation of the above general requirements and standards, the opinion of the Planning Board shall prevail.

AMENDMENTS

These regulations may be amended or rescinded by the Planning Board, but only following a public hearing on the proposed change. The chairman or clerk of the Planning Board shall record any changes so authorized at the Registry of Deeds of Grafton County. Certified copies signed by a majority of the Planning Board members shall be filed with the Town Clerk and Selectmen.

NUMBERING

After amendments are adopted, the Planning Board shall have the authority to renumber the sections consecutively.

EFFECTIVE DATE

Amendments to these Driveway Regulations, were adopted by the Orange Planning Board on April 19, 2011 at the conclusion of a duly noticed public hearing.

Certified Copy: Town Clerk

**TOWN OF ORANGE, NEW HAMPSHIRE
DRIVEWAY APPLICATION FORM**

A driveway permit is needed for the opening of any driveway onto a town road or onto a town approved road. A state driveway permit is required for a driveway onto a state maintained road. No building permit will be issued unless there is an approved driveway permit on file.

Property Owner: _____ **Date:** _____

Property Address: _____

Phone Number: _____ (days) _____ (eves)

Applicant (if other than Property Owner): _____

Tax Map: _____ **Lot:** _____

As the landowner(s), We/I hereby agree to the following conditions:

1. To bear all cost of construction and materials (including required drainage structures) necessary to complete the driveway to the Town of Orange's satisfaction.
2. To indemnify and hold harmless the Town of Orange and its duly appointed agents and employees against any action for person injury and/or property damage sustained by reason of exercise of this permit.
3. To abide by the provisions of the Driveway Regulations and the specifications below:
 - a. That the driveway be constructed in the location and with the dimensions as diagrammed on the attached sheet.
 - b. That any change or exceptions to the below specifications have written approval of the Road Agent and;
 - c. That the Highway Department has the right to remove or correct – *at the owner's expense* – any driveway entrance not built in accordance with the Town of Orange's Driveway Regulations or as outlined on this application form.
 - d. Private Driveway connections, including structures such as culverts, remain the continuing responsibility of the landowner, even those located within the Right-of-Way.
 - e. If proposed driveway crosses a stream or a wetland applicant should refer to the State of NH Wetland Rules.

Landowner(s) Sign _____

For Town Use:

Current fee as posted by Board of Selectmen \$ _____ [] approved with conditions, see attached

Date Application Received: _____ [] approved without conditions

Date Application Approved: _____ Approved by: _____

Date Application Expires is One Year from Date Application Approved.

