



TOWN OF BELMONT

NEW HAMPSHIRE

DRIVEWAY REGULATIONS

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**DRIVEWAY REGULATIONS
Town of Belmont, New Hampshire**

Adopted: March 9, 1992

PURPOSE

The purpose of these Regulations is to promote the orderly and planned growth of undeveloped areas of Belmont. Driveway review will protect the interest of the public and the taxpayer.

SECTION 1. 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 provisions of Chapter 236, Sections 13 and 14, N.H. Revised Statutes.

It shall be unlawful to construct, or alter in any way that substantially affects the size or grade of any driveway, entrance, exit, approach within the limits of the right of way of any highway under the jurisdiction of the Town of Belmont that does not conform to the terms and specifications of a written permit issued by the Planning Board, its designee or the 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.

C. Procedure

1. Application

Any person wishing to construct or alter a driveway shall obtain a construction permit application from the Planning Office and shall file that completed application, with an accurate sketch of the proposed construction, with the Planning Office.

- a. The following information shall be provided on the application:
 1. The name and address of the owner of the property the driveway serves.
 2. The names and addresses of owners of the property directly across the street from the proposed driveway, and of any other property within 100 feet of the driveway.
 3. Lengths of the street frontages of the property served by the driveway.
 4. Use to be served by driveway.

- b. The following information shall be provided on the sketch:
 1. Location and dimensions of the proposed driveway.
 2. Property boundaries, if within 100 feet of the driveway.
 3. Distances to the nearest street intersection, if within 100 feet.
 4. Location of any existing driveways serving the property.
 5. Dimensions of the proposed driveway within the limits of the right of way of the street.
 6. Dimensions and specifications of the driveway's paved apron.
 7. Lengths of the sight distances in both directions along the street.
 8. Description (including dimensions) of any culverts, other drainage structures, traffic control devices, and channelization islands to be constructed, also the depth of fill over any culverts.
 9. Grade of the driveway.
 10. Description of any proposed changes in a proposed alteration of a driveway.
 11. Location of any visual obstructions to the required sight lines.
 12. Location and pole number of the closest utility pole.

Failure of the applicant to supply the information and the sketch requested shall be sufficient grounds for the denial of the application.

The Planning Board may require the preparation of plans by an engineer or a surveyor, when deemed necessary.

2. Inspections and Approval

The Road Agent, Acting Road Agent or Planning Board designee shall review the application for compliance with the Standards outlined in Section D below and inspect the site. The Planning Board authorizes the Road Agent, Acting Road Agent or Planning Board designee to approve the application if the application complies with the Standards outlined in Section D below.

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. If the application is disapproved, written notification shall be sent to the applicant stating the reason for disapproval.

3. **Planning Board Appeal**

Driveway permit applications disapproved by the Road Agent, acting Road Agent or Planning Board designee may be revised to comply with the Standards outlined in Section D below and resubmitted to the Road Agent for review and approval or the applicant may appeal the decision of disapproval by the Road Agent to the Planning Board. The applicant shall outline in a letter 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 recommendations of the Road Agent, comments from the applicant and comments from abutters or other interested parties approve, approve with conditions or disapprove the driveway permit application. If disapproved, written notification outlining the reasons for disapproval shall be sent to the applicant.

D. **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, no more than three driveways shall be constructed.
2. **Location:** The location shall be selected to provide the most adequate degree the safety of the travelling public. The driveway shall be at least 25 feet from the nearest street intersection.
3. **Sight Distances:** The location shall be selected to provide safe sight distances, based on the following standards developed by the New Hampshire Department of Public Works and Highways in its Highway Design Manual (1983), and shall be ten (10) times the speed posted on the existing town road (eg., 30 mph = 300 ft; 35 mph = 350 ft, etc.).

For the properties where the minimum sight distances described above cannot be met, the driveway shall be placed at the safest possible location and the speed posted on the town road shall be reduced accordingly but not to less than 30 mph. If a lesser speed is indicated, a yellow warning sign indicating the hazard to be encountered (eg Blind Drive) with an Advisory Speed Sign mounted directly below showing the indicated speed to the nearest 5 mph multiple may be required by the Planning Board. The indicated speed shall be the safe sight distance available divided by ten (10). The cost for all necessary warning and advisory signs shall be borne by the applicant.

4. **Intersection:** The driveway shall be laid out so as to intersect with the street as nearly as possible at right angles, but in no case at an angle of less than sixty degrees.
5. **Width:** The driveway shall have a minimum width of 12 feet. The driveway shall be flared at its junction with the street to provide the turning radius of emergency vehicles as per the Subdivision Regulations. The driveway shall have a maximum width of 50 feet at its junction with the street unless a greater width is needed to provide the required turning radiuses for emergency vehicles.
6. **Grade:** The grade of entrances and exits shall be constructed to slope down and away from the town road surface for a distance equivalent to the existing town road ditch line. When the approaches are paved with asphalt or tar, the minimum rate of slope shall be 3/8" per foot; for all other surfacing, the slope shall be a minimum of 1/2' per foot.
7. **Paved Apron:** Driveways that abut paved streets shall be constructed with paved aprons that shall be as wide as the driveway and at least five feet in depth as measured perpendicularly from the edge of the street pavement (and deeper, if deemed necessary by the Board or its designee). The paved apron shall be constructed and maintained in such a way as to protect the edge of the road pavement from deterioration.
8. **Drainage:** The driveway shall not interfere with the streets drainage. Where necessary, culverts, waterbars, ditches, and other drainage structures shall be installed to insure adequate drainage of the street and to prevent excessive drainage from the driveway onto the road. Culverts shall be at least 12 inches in diameter, and larger if considered necessary by the Board or its designee. A minimum of 12 inches of fill shall be placed over culverts.
9. **Sidewalks And Road Repair:** When the construction of a driveway would require the disturbance of a street or a sidewalk, the applicant shall obtain the permission of the Board or its designee before proceeding with construction. Any road or sidewalk disturbed during the construction of the driveway shall be restored to the satisfaction of the Board or its designee.
10. **Security:** The applicant may be required by the Board or its designee to file security in an amount sufficient to cover the cost of the construction of that portion of the driveway within the right of way of the road, including the required culverts, ditches, other drainage structures and the paved apron, and to cover the cost of repairing public sidewalks and streets disturbed by the construction. Security shall be approved as to form and sureties by the Board or its designee. The amount of security shall be based on a contractor's or an engineer's cost estimate of the necessary construction and repair. The estimate shall be approved by the Board or its designee prior to obtaining the security. All bonds or letters of credit shall be for 100% of the estimated cost. Security shall not be released until the Board or its designee has certified completion of the secured construction and repairs in accordance with the standards stated in these regulations and in accordance with the plan approved by the Board or its designee.

E. ADMINISTRATION

- 1. Enforcement:** Upon determination by the Planning Board that a violation of these regulations has occurred, notice shall be given to the Board of Selectmen recommending appropriate enforcement procedures. The Board of Selectmen are responsible for the enforcement of these regulations.
- 2. Penalty:** As provided under RSA 236:14, any person who violates any provision of RSA 236:13 or of 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.
- 3. Waiver:** Where conformity to these regulations would cause undue hardship (other than financial) or injustice to the owner of the land, the Board may, upon 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.

SECTION 2. INTERPRETATION

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

SECTION 3. AMENDMENTS

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

SECTION 4. NUMBERING

After amendments are adopted, the Board shall have the authority to renumber the sections of these regulations consecutively.

SECTION 5. ADOPTION

These regulations shall become effective after a public hearing, adoption and certification by the Planning Board and placement on file with the Board of Selectmen, the Town Clerk and the Belknap County Registry of Deeds.