

## **Town of Bristol Driveway Regulations**

### **1. TITLE AND PURPOSE**

The title of these regulations is the Town of Bristol Driveway Regulations. The purpose is to regulate the establishment, repair, construction, improvement, modification, and reconstruction of private driveways; to ensure that the methods of repair, construction, improvement, modification, and reconstruction practices used for any driveway will properly protect the public health, safety, and general welfare of persons in the Town of Bristol. These Regulations are adopted pursuant to the authority granted to the Planning Board under RSA 236:13.

### **2. DEFINITION.**

In this ordinance, the term "driveway" is defined to mean private driveway, road, lane, field road or other means of travel through any part of a private parcel of land, which connects or will connect with any public roadway.

### **3. DRIVEWAY PERMIT REQUIRED.**

- A. No person may establish or construct a driveway or reconstruct, reroute, or alter an existing driveway in a manner that changes the existing topography of the land, without first obtaining a Driveway Permit from the Town. Application forms and information can be obtained from the Land Use Office or Town website.
- B. No person may create a new access to a Class V or Class VI Road without first obtaining a driveway permit. An amended permit is also required before undertaking any driveway alterations that in any way affects the size, grade, surface (including paving) or drainage of any existing driveway, entrance, exit or approach within the limits of the right-of-way of any Class V or Class VI Road.
- C. Any person prior to and at the time of seeking a Driveway Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.
- D. No building permit for new residential construction will be issued until the driveway is routed with an appropriate base and erosion control.
- E. With the approval of the Highway Department, the driveway permit may allow for the excavation of a residential construction site to provide for site preparation and to provide fill for the proposed driveway.
- F. A nonrefundable fee of an amount determined by the Planning Board will be charged for each driveway application.

### **4. SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS.**

All driveways shall be constructed in accordance with NH RSA 236:13 as amended and as may be subsequently amended.

## **SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS (continued).**

These specifications shall apply to construction of new driveways and major reconstruction of existing driveways. The Highway Superintendent or designee may grant a waiver pursuant to Section 16 of some or all of these specifications for minor improvement of existing driveways.

- A. All costs of construction of said driveway, including the costs of the culverts and engineer's plan, if required, shall be paid by the property owner requesting the permit.
- B. In cases where the property's development changes the drainage run off, such that existing structures in the road are rendered inadequate, or where runoff will be altered from the pre-construction pattern, the applicant shall be required to provide improvements to drainage structures and to secure drainage rights downstream to accommodate that increased runoff.
- C. All new or modified driveways that intersect the road at a positive grade are required to be constructed in such a way that no drainage from the driveway flows onto or undermines the intersecting road.
- D. All (new) driveways and major reconstruction of existing driveways that enter a Town Road such that natural flowage water is obstructed shall require a culvert having a minimum diameter of 12 inches, minimum length of 20 feet, placed in the roadway drainage ditch. The cost of said culvert and installation and maintenance shall be borne by the property owner. No driveway drainage shall enter upon the traveled way. Installation of culvert and adequate drainage shall be approved by the Highway Superintendent and/or his designee. Culverts shall be purchased from suppliers other than the Town.
- E. All (new) driveways shall be set back a minimum of 10 feet from a boundary line.
- F. For all residential driveways located on the lot serving a single family or duplex, the minimum all season sight distance shall be two hundred (200') feet in all directions. Residential Sight distance is measured from ten (10') feet back from the edge of the roadway and five (5') feet high. Clearing of brush and/or trees, or ledge outcroppings may be required to gain proper sight distances.

## **5. CONSTRUCTION METHODS/MATERIALS.**

The driveway must have at least six (6) inches of three (3) inch minus gravel on the roadbed, covered with three (3) inches of crushed bank run extended to the edge of the right-of-way. A field road, which is a road used only for agricultural purposes, and does not provide access to a residence, is exempt from this provision.

## **6. DRIVEWAY DIMENSIONS.**

At the intersection of the road, the driveway shall be constructed with a minimum roadway width of twelve (12) feet, with a minimum four (4) feet shoulder on each side with a maximum three (3) to one (1) slope. There shall be a minimum of twenty (20) feet from the center of the ditch on one side of the

## **DRIVEWAY DIMENSIONS (continued).**

driveway to the center of the ditch on the other side. Curves in the driveway shall have an inside radius of no less than 36 feet.

## **7. MAINTENANCE.**

Landowners shall be responsible to maintain their driveways, including any culverts or other structures to prevent damage or threat to the integrity of the public road.

## **8. EROSION CONTROL**

- A. EROSION CONTROL PLAN REQUIRED. A Driveway Permit Application for any proposed driveway construction, improvement, or modification shall be accompanied by an erosion control plan. An erosion control plan shall include the driveway owner's intentions and timing to seed, mulch, ditch, place culverts and carry out other erosion control practices, all of which shall be accomplished within 60 days after beginning driveway construction or modification. Temporary erosion control measures must be in place when construction starts.
- B. ENGINEER'S PLAN. An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway which disturbs land with a grade of more than ten percent (10%). If an engineer's plan of the driveway is prepared, an erosion control plan shall describe practices which are not mentioned or required in the engineer's plan.
- C. EROSION CONTROL REQUIREMENTS. All driveways shall be constructed and maintained to maximize the erosion control and stormwater management best practices. Once the construction of the driveway has begun, all specified erosion controls shall begin immediately. For winter construction, erosion control alternatives must be implemented within 30 days and maintained until specified controls may be accomplished.
- D. SLOPE AND GRADE. Refer to Article 4.17 Steep Slopes and Ridgelines in the Zoning Ordinance.

## **9. DRAINAGE CONTROL.**

- A. Each driveway shall have a culvert installed at the ditch line where the driveway meets the public road. The culvert shall be sized to carry the expected stormwater flow and shall be at least twelve (12) inches in diameter. This requirement can be waived by the Highway Superintendent per Section 16 or, in the case of a state highway, approved by the New Hampshire Department of Transportation.
- B. Ditches, roadway crowning, and culverts shall be designed to carry the expected stormwater flow.
- C. The driveway shall be planned, constructed, and maintained to prevent diversion of surface water onto public roads, and to prevent adverse impacts on adjoining properties.
- D. In cases where the property's development changes the drainage run off, such that existing

### **DRAINAGE CONTROL (continued).**

structures in the road are rendered inadequate, or where runoff will be altered from the pre-construction pattern, the applicant shall be required to provide improvements to drainage structures and to secure drainage rights downstream to accommodate that increased runoff.

### **10. CLEARING.**

Approval of Fire Chief is required regarding adequate public safety access. In cases where such clearing would be environmentally damaging, the Fire Chief will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. A field road is exempt from this requirement.

### **11. SHARED ACCESS.**

Access for more than one residence to a public road via any shared private road or shared driveway may be approved if the Highway Superintendent determines that a shared private road or driveway is desirable for environmental or safety reasons. A shared driveway shall be approved only if:

- A. Each property either has road access guaranteed by legal easement, or an alternative site for a private driveway.
- B. A shared driveway maintenance agreement is executed and properly recorded with the Register of Deeds.
- C. No more than four (4) residences share a single driveway.
- D. Access continues to meet minimum standards in RSA 674:41.

### **12. EXISTING DRIVEWAYS AND FIELD ROADS.**

When washing or other conditions created by existing driveways or field roads become a potential hazard to a public road, the Land Use Office shall notify the property owner of the conditions by certified mail, including a description of the problem, corrective action required, and a reasonable time within which such action must be taken. Any property owner failing to correct such condition(s) within the time stated in the notice by the Land Use Office shall be subject to the Penalties in Section 14 of these regulations.

### **13. APPROVALS AND DENIALS.**

- A. Town Action. - The Highway Superintendent shall approve or deny every Driveway Permit Application for new construction and for driveway improvement. The Highway Superintendent may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the permittee.
- B. Denial. In the event of a denial of a Driveway Permit Application, the Highway Superintendent shall recite in writing the particular facts upon which it bases its denial of the permit. Decisions on Driveway Permits may be appealed by petition to the Superior

## **APPROVALS AND DENIALS (continued).**

Court.

- C. Effective Period. A Driveway Permit is effective for 12 months from the date of issuance.
- D. The approval of a Driveway Permit application by the town does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant or permittee is in compliance with these regulations. No person may rely on the issuance of either permit to determine that a driveway, bridge, culvert, or highway access location is fit or safe for any purpose or that any person is in compliance with these regulations or any State or County laws or ordinance. Issuance of a permit does not ensure that the driveway will be suitable for use or otherwise passable for emergency vehicles at any time after the date of issuance.
- E. The approval of a Driveway Permit application does not establish or commit the town to future approval of any driveway as a public road or highway in the town.

### **14. ENFORCEMENT AND PENALTIES**

If the owner(s) of the land through which the driveway passes do(es) not make required corrections ordered by the Town under Section 12 within the time stated in the notice, the Town shall cause the required corrections to be made as necessary to remove or abate the threat to the integrity of the public road and to the traveling public. The Land Use Office may file an action in the Superior Court to enforce the terms of these Regulations. Any person who constructs or alters a driveway without a Driveway Permit as required by these Regulations, or who undertakes any work to construct or alter a driveway in violation of the terms of a Driveway Permit, or who fails to take corrective action to address a problem with an existing driveway pursuant to a notice issued under Section 12 of these Regulations, is liable to the Town for the costs of all actions taken to protect the public road and the traveling public and to restore the road to a condition satisfactory to the Highway Superintendent. Any person who violates the provisions of these Regulations shall be guilty of a criminal violation if a natural person or guilty of a misdemeanor if any other person. (RSA 236:14).

### **15. REVOCATION OF PERMIT**

If the terms and conditions of a permit are violated, then the permit shall be suspended or revoked by the Highway Superintendent / Land Use Office.

### **16. WAIVER**

The Highway Superintendent may waive strict compliance with a standard or procedure set forth in this regulation if they find that the purpose of this regulation can be met without requiring strict compliance. Any such determination shall be made in writing with a statement of the reasons justifying the waiver.