

Chapter 204

DRIVEWAY REGULATIONS

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[HISTORY. Adopted by the Planning Board on 6-4-2015. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 204-1. Authority.

These regulations are adopted pursuant to the authority invested in the Bow Planning Board by Chapter 236, Sections 13-14, New Hampshire Revised Statutes Annotated, as amended; and the Town of Bow Subdivision Regulations (authorized by 3/8/1960 Town Meeting, originally adopted 5/18/1967); Zoning Ordinance (originally adopted 3/8/1955); and the Site Plan Review Regulations (originally adopted 5/5/1986); all as from time to time amended.

§ 204-2. Title.

This chapter shall hereafter be known, cited and referred to as the "Driveway Regulations of the Town of Bow," hereinafter referred to as "these regulations."

§ 204-3. Purpose.

The purpose of these regulations is to establish the criteria, standards, application forms and fees charged for the location and design of driveways within the Town of Bow.

§ 204-4. Adoption of RSA 236:13.

In addition to the standards contained herein all driveways shall also conform to the standards found within RSA 236:13, as amended, except where modified herein.

§ 204-5. Jurisdiction.

These regulations shall apply to the installation of all temporary and permanent access points onto the Town of Bow roads, including any changes to existing driveways beyond normal maintenance. In general, the provisions contained herein apply primarily, but not exclusively, to the improvements within the public road right of way. All developments located on a state road shall obtain a driveway permit from the New Hampshire Department of Transportation prior to the issuance of a building permit for new construction or final acceptance for existing construction.

§ 204-6. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

Article II
Word Usage and Definitions

§ 204-7. Word usage.

For purposes of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.

- A. Unless the context clearly indicates to the contrary, words used in the present tense shall include the future tense; words used in the plural number shall include the singular; words used in the singular shall include the plural; the word "herein" shall mean "in these regulations"; the word "regulations" shall mean "these regulations"; the word "shall" or "will" is mandatory; the word "may" is permissive.
- B. A "person" shall include natural persons as well as a corporation, a partnership and/or an incorporated association of persons such as a club; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- C. The terms "drive", "driveway" or "access point" mean a driveway and the terms shall be used interchangeably.
- D. Words not specifically defined herein shall have their common meaning.

§ 204-8. Terms defined.

The following definitions, in addition to the definitions found within the Town of Bow's Zoning Ordinance, Subdivision Regulations, and Site Plan Review Regulations, are hereby adopted for the purpose of these regulations:

APPLICATION - An application for a driveway permit.

BOARD - The Planning Board for the Town of Bow.

DRIVEWAY - A private entrance, exit, or approach providing vehicular access to a street or highway.

POINT OF TANGENCY - The point at which the curb radius ends and the ramp begins. (See Appendix B.) Editor's Note: Appendix B is included at the end of the chapter.

RAMP - That portion of a driveway located between the point of tangency and the property line.

RESURFACED - The installation of a new layer of bituminous pavement. The definition of "resurfacing" shall not include the addition of sealcoating to a driveway.

RIGHT-OF-WAY (ROW) - Town-owned property, easements or other interests therein, dedicated for municipal highway purposes.

SINGLE DRIVEWAY - A driveway serving one (1) lot or use.

TEMPORARY DRIVEWAY - A driveway which is only to be used for a period of six (6) months or less.

ARTICLE III
General Requirements and Design Standards

§ 204-9. Permits.

No driveway shall be constructed, modified, resurfaced or moved without obtaining a driveway permit from the Public Works Director (PWD), or his/her authorized agent. Through its authority, the Planning Board is authorized to approve the general location of a driveway via subdivision approval and specific driveway design via site plan approval. Such approvals by the Planning Board shall be interpreted as authorizing the PWD to approve modifications that are consistent with Planning Board approval.

§ 204-10. Driveway permit application.

The application for a driveway permit shall be made on the application form as shown in Appendix A included at the end of the chapter. The Public Works Director may require additional information or plans depending on the location and design of the driveway.

§ 204-11. Driveways.

All driveways shall conform to the Town of Bow Subdivision Regulations (including, but not limited to 3.02K & 8.01K), Zoning Ordinance (including, but not limited to 6.06 & 6.07), Site Plan Review Regulations (including, but not limited to 5.02S & Appendix A.04G), and the following requirements:

- A. Driveways shall not be placed within fifty (50) feet of a street right of way intersection.
- B. For driveways with a grade in excess of ten percent (10%), a twenty-foot-long flat platform with a maximum grade of 2% approaching the street is required.
- C. Driveway construction shall be approved by the Public Works Director after consultation with Fire, Police, and Planning Departments.
- D. The driveway shall be graded so that water from the lot does not flow onto the street:
 - (1) Commercial lots located above the street may require a grate across the driveway entrance in order to divert the water and prevent it from adversely affecting the road or ROW.
 - (2) Any driveway located over a culvert shall slope to drain into the culvert.
 - (3) All curbed driveways shall have catch basins at the back of the sidewalk.
- E. Any culvert within the road right-of-way shall be a minimum of fifteen (15) inches in diameter, unless otherwise approved, and shall have at least twelve (12) inches of cover. The culvert inverts shall match the bottom of the ditch. The PWD may require approved geotextile fabric be installed beneath paved areas. The culvert shall be bedded in compacted 3/4" minus stone which shall extend from 6" below the pipe to halfway up the pipe.
- F. The driveway pavement shall match the grade at edge of pavement, shall not block street drainage, and shall drain away from the street.
- G. On corner lots, driveways shall be located at least fifty (50) feet from the street ROW intersection. In conformance with the Subdivision Regulations, a Temporary Turnaround shall be treated as an intersection and driveways shall not be located within fifty (50) feet of the end or the ear of the turnaround. See Appendix C.
- H. A permanent residential one or two-family driveway shall be paved from the edge of the town roadway pavement with a maximum width of twenty (20) feet, measured at the ramp or throat, not the curved radius. Driveways for multi-family residential and non-residential uses may be approved by the Planning Board via site plan approval. The driveway shall be paved for a minimum length of five (5) feet from the edge of

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pavement of the roadway. The driveway construction shall be complete before issuance of a Certificate of Occupancy.

- I. The number of driveways per lot shall be as governed by RSA 236:13, as amended, and the Public Works Director. Only drives which provide safe access to the streets shall be permitted.
- J. The driveway shall connect to the street at a right angle, if possible. However in no case shall the driveway intersect the street at less than a sixty (60) degree angle.
- K. Adequate all season safe sight distance in each direction shall be present. In cases where the Planning Board has not determined the minimum adequate sight distance via subdivision or site plan review, all season safe site distance for Arterial (Class A) and Collector (Class B) Streets shall comply with the recommendations of the American Association of State Highway and Transportation Officials (AASHTO) in *A Policy on Geometric Design of Highways and Streets*. For driveways for one and two-family dwellings on a Local (Class C) Street, a minimum of 275 feet of all season safe sight distance shall be present. Unless all season safe sight distance can be obtained, the driveway shall be located at that location that the Public Works Director determines to be safest.
- L. Driveways shall be placed a minimum of ten (10) feet from any property line.
- M. Driveways for one and two-family residential shall be a minimum of twelve (12) feet in width with a desirable width of fifteen (15) feet. Driveway width shall be measured at the ramp or throat. Minimum driveway width for multi-family and non-residential uses shall conform to conditions of Planning Board approval of subdivision and/or site plan.
- N. The radius of a driveway meeting a street shall not extend beyond the applicant's frontage without notarized permission from the abutter.
- O. Prior to issuance of a driveway permit, the Public Works Director shall be authorized to require an acceptable financial guarantee to ensure that the Town ROW and roadway are in as good condition following driveway construction as were found prior to construction. Documentation of the amount and purpose of the financial guarantee shall be placed in the applicable building permit and Planning Board files, and shall be provided to the Finance Department.

§ 204-12. Temporary driveways.

Except where otherwise approved by the PWD, temporary driveways shall conform to the standards in § 204-11. In addition, all temporary driveways shall conform to the following requirements:

- A. Temporary driveways shall require a permit from the Public Works Director.
- B. No more than one (1) temporary driveway shall be permitted per lot.

- C. Temporary driveway permits are valid for a period of six (6) months. The Public Works Director may, at his discretion, extend that permit for a six (6) month period and require a five (5) foot paved apron to protect the town roadway.
- D. Temporary driveways used in conjunction with construction, logging or other activities on Class V and VI roads may be required to post a bond or other surety in order to ensure that any damage done to public streets is covered. The Board of Selectmen has the authority to determine the amount of the financial guarantee required and the form of the surety.

Article IV
Administrative Procedures

§ 204-13. Establishment of fees.

It shall be the responsibility of the Board of Selectmen to establish a fee for a driveway permit pursuant to these regulations. Once adopted that fee schedule shall be considered part of these regulations.

§ 204-14. Collection of fees.

An applicant for a driveway permit shall submit the required fee to the PWD. It shall be the responsibility of the Public Works Director, or designee, to collect the appropriate fee for all driveway permits within the Town of Bow.

§ 204-15. Driveway approval.

A completed driveway shall be approved by the Public Works Director prior to the issuance of a certificate of occupancy for new construction or final acceptance for existing construction.

§ 204-16. Enforcement.

The Public Works Director is charged with enforcing the provisions of this chapter.

§ 204-17. Civil enforcement.

Appropriate actions and proceedings may be taken by law or in equity to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties as set forth below.

§ 204-18. Violations and penalties.

The town adopts the provisions of RSA 236:14, as amended, in the enforcement of any violations of these regulations. Any person, corporation or other entity who fails to comply with

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or violates any of these regulations shall be subject to prosecution as a misdemeanor. In addition the cost of restoring the road to its preexisting condition shall be borne by the violator.

§ 204-19. Waivers.

Upon receipt of a written request, the Public Works Director (PWD) has the authority to waive or modify the provisions of this chapter except for those required by RSA 236:13, as amended, or those related to Planning Board conditions of approval. The written request for waiver shall provide written justification and documentation for all waivers. For such waivers and modifications approved, the PWD shall provide the decision in writing and shall include justification and documentation. All appeals of any action of the Public Works Director pertaining to driveways and these regulations shall be made in writing to the Planning Board, which shall issue a written decision within 60 days.

§ 204-20. Appeals.

Any person aggrieved by an official action of the Planning Board may appeal to the Superior Court as provided by New Hampshire RSA 677:15, as amended