

DRIVEWAY PERMITTING REGULATIONS

TOWN OF BROOKFIELD, NEW HAMPSHIRE

ARTICLE I - DRIVEWAY PERMITTING PROCESS

- A. Driveways shall be constructed to ensure that the structural integrity of the edge of pavement at the intersection with a town road is maintained. In the event of pavement deterioration due to driveway use, the permit holder or owner of the lot shall be responsible for repairs to the satisfaction of the road agent.
- B. It shall be unlawful to construct or alter any driveway or the approach to any driveway within the limits of any town right-of-way without a written permit issued by the road agent. No work shall be permitted prior to a permit being issued.
- C. An application for a driveway permit is contained in these regulations. Any person seeking to install or alter a driveway shall complete said application in full and attach a drawing that depicts the location, type of surface materials, a cross-section and plan, driveway markers to indicate location of driveway cut and any other pertinent information. Each application shall also include payment in full.
- D. An applicant for a driveway permit shall agree to indemnify, save harmless, and defend the town from any and all legal or other claims that may be made against the town as a result of the issuance of a driveway permit.
- E. No driveway permit shall be issued when, in the opinion of the road agent, the permit may result in an unsafe condition due to visibility or other hazard. Appeal process is through the Zoning Board of Adjustment. RSA 676:5
- F. No driveway shall have a traveled way that is greater than forty feet (40') in width within the town right-of-way.
- G. All driveways that intersect with a town right-of-way shall be required to meet the following standards:
 - 1. Driveway design shall conform to the recommended criteria as set forth upon inspection by the road agent, in accordance with standards developed by the New Hampshire Department of Transportation.

2. Sight distances at horizontal, vertical and intersection locations shall conform to recommended criteria as set forth by the road agent in accordance with standards set forth by the American Association of State Highway and Transportation Officials (AASHTO).
3. It shall be unlawful for any person to cause running water or surface water run-off to enter upon a town highway. Whenever a driveway is installed or altered, surface water (whether natural flowage or a result of surface run-off) must be directed away from the town highway by means of proper grading and/or installation of a culvert. Culverts may consist of pipes made from corrugated metal, polyethylene, aluminum, ductile iron, or reinforced concrete. All pipe connections must be sealed in accordance with specifications as set forth by the manufacturers. The minimum diameter shall be twelve inches (12") except when larger pipes are required by the road agent. The minimum amount of cover shall be two feet (2') from top of pipe. Pipe inlets shall be constructed to minimize circumvention. Headwalls are recommended. Pipe outlets shall be constructed so as to prevent water flow from entering upon a town highway at all times. The town shall not be responsible for any expenses associated with the installation, maintenance, or repairs to culverts or any other privately owned objects that are located within the town's right-of-way.
4. Erosion shall be controlled using seeding, sod, mulch, matting, hay bales, or siltation fencing. Alternative vegetative cover may be permitted in unusual circumstances but must conform to Department of Environmental standards. Drainage slopes that exceed a five percent (5%) grade shall require riprap with NH Department of Transportation Class "c" stones or some other slope stabilization device acceptable to the road agent. Back slopes of drainage ditches should not be steeper than 2:1.

The road agent may waive any of these conditions not deemed to be essential for public safety or the physical integrity of the town road.

- H. The road agent shall review a driveway permit application that meets all of the requirements in Section G and shall render a decision to approve or deny within thirty (30) days. A denial shall include specific reasons and any recommendations that may result in subsequent approval. An approval may include any other terms and specifications the road agent may deem necessary for public safety.
- I. Whenever a driveway permit is approved that may cause a private road to be obstructed or rendered impassable, it shall be expressly understood that said permit is granted based upon the representations of the applicant that there are no adjoining property owners or users of an existing right-of-way that may be abandoned or altered who have any legal interest in its continued use. The town is not responsible for providing any access to property over private roads or portions

of a right-of-way not generally used for travel. In the event a driveway permit is issued, the town has no liability or duty to restore said access.

- J. In the event it is determined by a court of competent jurisdiction that other persons have an interest in the continued use of an existing driveway, private road, or right-of-way and that said interested persons have been harmed by the issuance of a driveway permit, then said permit shall be automatically revoked, and the applicant or heir thereto shall return the driveway, private road, or right-of-way to its original condition.
- K. A driveway that is constructed or altered in such a way as **not** to be in compliance with all of the terms and specifications of an approved application shall be deemed to be installed or altered without a permit. Failure to obtain a permit is a violation and shall result in a fine of \$100.00.
- L. The code enforcement officer shall not issue a building permit to any person unless a valid driveway permit has been obtained or a permit issued under these regulations.
- M. Driveway permits shall not be issued that violate the provisions of the town's zoning ordinance or any other applicable rule, regulation, or law.
- N. No newspaper boxes, structures, buildings, permanent or portable signs, lights, poles, posts, gates, displays, fences, walls, shrubs, or other objects shall be installed within the town right-of-way unless specifically authorized by the road agent. Furthermore, whether authorized or not, it shall be expressly understood the town has no liability whatsoever for damages to any objects located within the town right-of-way. RSA 236:14
- O. In the event the road agent is unavailable fulfill the responsibilities under these regulations, the selectmen may authorize a designee for the purpose of issuing driveway permits in accordance with the rules and regulations enumerated herein.

ARTICLE II - TEMPORARY PERMITS

A temporary permit shall expire no later than one year from date of issuance. Anyone making a temporary driveway onto a town road shall apply for a temporary driveway permit and shall endeavor to make entrances as safe as possible and to preserve road integrity. Anyone filing for an "intent to cut" shall apply for a temporary driveway permit. Temporary driveways shall meet the following standards:

- A. Culverts, lined ditches, and appropriate material or structures shall be used to maintain the integrity of the town road.

- B. Stone walls that are moved are to be replaced when the driveway is abandoned.
- C. Gravel or other suitable material shall be used to construct the driveway to prevent the degradation of the paved surface as well as to eliminate muck and mud from being tracked onto the road surface.
- D. Appropriate signs are to be used if the line of sight is less than 400 feet in either direction from the driveway.
- E. Driveways may be angled up to 60 degrees, at the discretion of the road agent, to the intersection of the town road to facilitate access to the roadway to prevent breaking up of the traveled surface by having as flat an access as possible.
- F. Restoration or reclamation of the driveway entrance shall be done within 30 days of abandonment or at a time determined by the road agent.

ARTICLE III - PENALTY FOR BREACH OF THIS TOWN REGULATION

The penalty for a breach of town regulations relating to driveway permits shall be a violation. The responsibility for the cost of restoring the town right-of-way to a condition satisfactory to the road agent shall be that of the violator. In the event of an immediate hazard, the road agent shall take whatever action is deemed necessary to eliminate the hazard, to include removal of pavement or other materials and the restoration of ditches, culverts, or other structures.

Adopted: June 9, 1997

Revised: May 11, 1998