



**DRIVEWAY
REGULATIONS
OF THE TOWN OF
MILTON
NEW HAMPSHIRE**

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TOWN OF MILTON DRIVEWAY REGULATIONS

I. Purpose:

The purpose of these regulations is to further the safe and orderly development of the Town through the establishment of an administrative procedure by which the location, method and materials used to provide vehicular access to and from Town streets onto private property are subject to the review and approval of DPW Director/Road Agent.

II. Statutory Authority:

This regulation is enacted pursuant to the provisions of NH RSA 674:35 and 236:13, V, as amended.

III. Applicability:

The provisions of this regulation apply to the construction of any driveway, which intersects with any Town-owned and/or Town maintained right of way.

IV. Definitions: For the purposes of this regulation, the following definitions shall apply:

All Season Sight Distance- A line which encounters no visual obstruction between 2 - points, each at a height of 3-feet and 9-inches above the pavement and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.

Driveway- A vehicular access way from a public way to a single primary building, which is located on a single lot. A “shared driveway” may service up to 2-lots if it complies with the terms and conditions of the Subdivision Regulations or Site Plan Review Regulations.

Lot- A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

V. Driveway Permits:

A. Henceforth, it shall be unlawful to construct any driveway until the DPW Director/Road Agent has reviewed and approved of such construction and has issued a written permit for such work. No permit shall be required for any existing driveway. For purposes of this section, any driveway so constructed as indicated above which abuts or is clearly designed to provide access to a public way as defined by New Hampshire RSA 259:125 shall be presumed to be situated within the right-of-way. Pursuant to this section, a written driveway permit application

must be obtained from and filed with the Public Works office by any landowner or his/her agent.

B. Before any construction work is commenced, said permit application shall have been reviewed and approved and a driveway permit issued by the DPW Director/Road Agent.

Said permit shall:

1. Describe the location of the driveway, entrance, exit or approach. The location shall be selected to most adequately protect the safety of the traveling public. The applicant may choose any driveway location that meets the minimum standards under section VI of this regulation.
2. Describe any drainage structures, traffic control devices and channelization islands to be installed by the applicant.
3. Establish grades that adequately protect and promote street drainage and permit a safe and controlled approach to the street in all seasons of the year.
4. Include any other terms and specifications necessary for the safety of the traveling public.

VI. Standards:

A. Unless an all -season safe sight distance, pursuant to the table listed below, in both directions along the street can be obtained, no more than 1 -access to a single parcel of land or to shared access for two adjacent lots, and this access shall be at that location the DPW Director/Road Agent determines to be the safest. Final approval for use of any additional access shall not be granted until it has been demonstrated that the all-season safe sight distance has been met.

The all season safe site distance shall be as follows:

Road Speed:	30-MPH	35-MPH	40-MPH	45-MPH	50-MPH
Site Distance:	200-ft	250-ft	305-ft	360-ft	425-ft

B. Within 20-feet of the point where the driveway intersects the public right -of-way, the maximum slope of a driveway to 2 or fewer dwelling units shall not exceed 12% and the maximum slope for other driveways shall not exceed 8%. The grade of the approach (within 20-feet) at the location to be agreed upon is to be such as will permit a safe and controlled approach to the highway at all seasons and so designed that no water will discharge from the approach upon the paved surface of the highway.

C. No driveway, including any flare, shall be within 5 -feet of a side property line, except for shared driveways or when the Planning Board has approved a subdivision with side - by-side driveways to alleviate road cuts.

D. The angle of the driveway with respect to the pavement edge shall not be less than 60 - degrees to 90-degrees, except that a smaller angle may be used for entrance driveways along a divided street, permitting only one -way operation of the driveway.

E. At rural intersections, the minimum distance between the nearest edge of the driveway and the crossroad edge of pavement, measured along the edge of pavement, shall be 100 - feet. At urban intersections, this minimum distance may be reduced to 25 -feet.

Driveways to be located on the opposite side of T -intersections shall generally conform to the urban intersections standard. The Planning Board may reduce or waive these requirements, if justifiable based on specific site conditions, including lot size.

F. The type of construction where the driveway meets the edge of the traveled way shall be commensurate with existing conditions with respect to drainage and curb configuration and shall be subject to the approval of the DPW Director/Road Agent. The property owner shall be responsible for the proper installation and maintenance of all drainage facilities (driveway culvert, swale, etc.) and the driveway bed that lies between the edge of the travel ed way and the parcel's property line. It shall be the DPW Director/Road Agent's responsibility to make sure the drainage is proper.

G. In no case shall the permitted driveway construction cause water to stand on the pavement, shoulders or within the street right -of-way limits. In those cases where property development increases drainage runoff such that existing street drainage structures are insufficient to adequately dispose of all drainage, the applicant will be required to provide additional or larger drainage facilities to prevent any ponding within the street right-of-way or adjacent lands thereto.

H. For access to a proposed commercial or industrial enterprise, to a subdivision, or to a multifamily dwelling containing more e than 3-dwelling units, all of which for purposes of this regulation shall be considered a single parcel of land, said permit application shall be accompanied by such engineering drawings as may be required by the DPW Director/Road Agent and the Planning Board for site plan review.

I. No construction permit shall allow a driveway entrance, exit or approach to be constructed more than 30-feet in width. The driveway shall not funnel to less than 12 - feet in unobstructed width. The material shall be suitable to maintain the weight of a fire apparatus.

J. Driveways longer than 150-feet shall require 20 -feet in unobstructed width, a turnaround, and must have suitable material to maintain the weight of a fire apparatus. The Planning Board shall not have the authority to waive this requirement.

K. Buildings, which are protected with an approved automatic fire sprinkler system, that are-install ed in accordance to the National Fire Protection Association

codes, may be permitted up to 450-feet in distance from the Town road or right-of-way. Once denied by the DPW Director/Road Agent based on non-compliance with this requirement, and upon a waiver request from the applicant, the Planning Board shall have the authority to waive or decrease the requirement.

L. The DPW Director/Road Agent may require additional work to be done by the applicant in the case of construction/reconstruction of sidewalks.

M. The DPW Director/Road Agent shall determine swale requirements and culvert sizes, locations and lengths. If denied by the DPW Director/Road Agent based on non-compliance with this requirement, and upon a waiver request from the applicant, the Planning Board shall have the authority to waive or decrease the requirement.

VII. Violations and Penalties; Costs of Restoration:

Penalties: Any person who violates any of the provisions of these regulations shall be subject to fines and penalties as spelled out in RSA 676:17. The landowner shall be liable for the cost of restoration of the affected public street to a condition, which conforms to the provisions of this regulation to the satisfaction of the DPW Director/Road Agent. If a landowner fails to ensure that the above said conformance is accomplished within 30 -days of receiving written notification from the DPW Director/Road Agent, the restoration shall be accomplished by the Town and charged to the landowner.

VIII. Modification of Standards:

Upon denial of a driveway permit application by the DPW Director/Road Agent, and upon a request by the applicant to the Planning Board, the standards of these regulations, except where expressly non-waiverable, may be waived by the Planning Board when specific circumstances surrounding a proposal, or a condition of the land, indicate that strict adherence to the standards would not be possible or create an unnecessary burden for the landowner, and such waiver will not be in conflict with the purpose and intent of these regulations.

These regulations may be amended by the Planning Board after a public hearing.