

DRIVEWAY ACCESS REGULATIONS

TOWN OF SUTTON, NEW HAMPSHIRE

This regulation was first adopted on February 24, 1998. It was subsequently amended once to this current amendment on July 23, 2019.

ARTICLE I: PURPOSE

- A.** The purpose of these Regulations is to promote the orderly and planned growth of undeveloped areas of Sutton, and to ensure that all new driveways, changes to existing driveways, an increase in the use of a driveway, and temporary accesses, comply with the basic standards contained herein. The driveway review will protect the interest of the public and the taxpayer.

- B.** Examples that shall require a driveway permit include (but are not limited to):
 - 1. Access onto a new building lot.

 - 2. Temporary Access onto woodlots (including logging operations) **whether existing or not**, and even through existing stone wall gaps.

 - 3. An existing access, where a change of use of the property or building is proposed.

 - 4. An existing access where a change in the occupancy of the dwelling is proposed, such as converting from seasonal to year-round use.

ARTICLE II: BASIS OF THESE REGULATIONS

A. AUTHORITY:

- 1. 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 Annotated.

- 2. It shall be unlawful to construct, or alter in any way that substantially affects the size or grade of any driveway exit, the approach within the limits of the right-of-way of any highway under the jurisdiction of the Town of Sutton that does not conform to the terms and specifications of a written permit issued by the Planning Board, the Road Agent, or Designee when authorized by these regulations.

B. SPECIAL NOTICE:

- 1. These regulations apply specifically to the location, design, and construction of driveways where they access the abutting road right of way.

- 2. There are additional regulations within the Zoning Ordinance (*Article III Section L, Driveways and Article XI, Steep Slope Overlay District, Conditional Use Permit*) and the Subdivision Regulations (*Article VIII D, Driveway Standards*) that apply to

the location, design and construction of driveways within the applicable private property.

3. These additional regulations may impact the location of a driveway where it accesses the road.

ARTICLE III: PROCEDURE

A. APPLICATION:

1. An applicant wishing to construct or alter a driveway shall obtain a Temporary and Permanent Driveway Access Application & Permit from the Road Agent and shall file that application, with a drawing of the proposed construction, with the Road Agent.
2. An applicant SHALL also conform to the driveway design standards in Article III Section L of the Zoning Ordinance. These regulations apply to the driveway within the lot and beyond the abutting right of way.
3. An applicant SHALL also determine if the proposed driveway is in the Steep Slope Overlay District and if so, must ALSO conform to the standards as set forth in the Zoning Ordinance – Article XI – Steep Slope Overlay District.

B. SUBMISSION REQUIREMENTS: All Temporary and Permanent Driveway Access Applications shall include;

1. The name and address of the owner of the property the driveway serves.
2. The residential address of the property, and the Tax Assessor's Map and Lot number.
3. The intended use of the driveway; whether this is an alteration or change in use of an existing driveway; and if intended as a temporary driveway access, when the use will begin and when the temporary use will cease and the access point restored to its original condition.
4. A representation that a Conditional Use Permit is not required, or, if the proposed driveway is in the Steep Slope Overlay District, a copy of an approved Conditional Use Permit.
5. The name of the contractor who will perform the construction of, or modification to, to an existing driveway.
6. The following information shall be provided on an accurate, to scale drawing:
 - a. The location and dimensions of the proposed driveway and its measured relationship to landmarks.
 - b. Location of property boundaries, if within 100 feet of the driveway.
 - c. Distances to the nearest street intersection, if within 100 feet.

- d. The length of minimum sight distances in both directions along the street, and, the location of any visual obstructions to the required sight lines.
- e. Existing and proposed grades and drainage and any potential impact on the street.
- f. Proposed surface treatment of driveway apron.

7. Additional Requirements:

- a. The Planning Board or Road Agent may require the preparation of plans by an engineer or a surveyor, when such plans are deemed necessary.
- b. Failure of the applicant to supply the information and drawings requested shall be grounds for denial of the application.

C. REVIEW, INSPECTION AND APPROVAL:

1. The Road Agent, Acting Road Agent or Selectmen's Designee shall review the application for compliance with the Standards outlined in Article III below and inspect the site.
2. The Planning Board authorizes the Road Agent, Acting Road Agent or Selectmen's Designee to approve the application if he/she determines the application complies with the Standards outlined in Article III below and does not require a Conditional Use Permit
3. If the application is approved, a written driveway permit shall be issued to the applicant stating the terms and specifications of the construction or alteration of the driveway and a signed copy provided to the Planning Board.
4. If the application is disapproved, written notification shall be sent to the applicant and the Planning Board stating the reason for disapproval.

D. PLANNING BOARD APPEAL:

1. Driveway permit applications disapproved by the Road Agent, Acting Road Agent or Selectmen's Designee may be revised to comply with the Standards outlined in Section F 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.
2. The applicant shall outline in a letter to the Planning Board why the standards cannot be met.
3. The Planning Board shall conduct a public hearing on the appeal after giving abutters 10 days of notice and after posting the notice in two public places (10 days, not including the day of posting or the day of the hearing).

4. 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.
5. If disapproved, written notification outlining the reasons for disapproval shall be sent to the applicant.

ARTICLE III DESIGN STANDARDS:

A. CONFORMANCE WITH OTHER REGULATIONS:

The Applicant 's proposed driveway access design SHALL conform to the requirements herein or the requirements of Article VIII Section D of the Subdivision Regulations, whichever is more restrictive.

B. LOCATION:

The driveway location shall be selected to protect to the most adequate degree, the safety of the traveling public. The driveway shall be at least 50 feet from the nearest street intersection and shall intersect with the road at a minimum of 60%.

C. SIGHT DISTANCES:

The location for the new driveway shall be selected to provide safe sight distances in all directions and shall be at least ten (10) times the posted speed limit, but not less than two hundred fifty (250) feet.) (See Article VIII, Section D, 2, d of the Subdivision Regulations).

D. DRAINAGE WITHIN ROAD ROW:

1. The driveway shall not interfere with the street's drainage.
2. Culverts, water bars, ditches, and other drainage structures shall be installed by the applicant to ensure adequate drainage of the street and to prevent excessive drainage from the driveway onto the road.
3. Culverts shall be at least 12 inches in diameter, and larger if considered necessary by the Road Agent.
4. A minimum of 12 inches of fill shall be placed over culverts.
5. The location and size of culverts, if needed, and a paved apron, if needed, shall be determined by the Road Agent.

E. DRAINAGE WITHIN THE PROPERTY:

See the Zoning Ordinance (*Article III Section L, Driveways, and Article XI, Steep Slope Overlay District*) and the Subdivision Regulations (*Article VIII, Section D, Driveway Standards*).

ARTICLE IV: ADMINISTRATION:

A. PERFORMANCE BOND:

1. The applicant may be required by the Road Agent to file a bond or letter of credit 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.
2. The bond or letter of credit shall be approved, with respect to form and sureties, by the Town (Road Agent, Board of Selectmen, Planning Board or Town Counsel).
3. The amount of the bond or letter of credit shall be based on a contractor's or an engineer's cost estimate of the necessary construction and repair.
4. The estimate shall be approved by the Road Agent prior to obtaining the bond or letter of credit.
5. All bonds or letters of credit shall be for 100% of the estimated cost of driveway improvements.
6. The performance bond or letter of credit shall not be released until the Road Agent has certified completion of the bonded construction and repairs in accordance with the Standards stated in these regulations and in accordance with the plan approved by the Road Agent or Planning Board.

B. ENFORCEMENT:

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

C. NOTICES TO PROPERTY OWNER:

1. The purpose of this notice is to alert the property owner to provide for emergency vehicle access in designing and constructing the driveway across private property.
2. The following NOTICE TO PROPERTY OWNER will be sent by certified mail to the property owner of record when a Permanent Driveway Access Permit is issued. Such a notice is not required for a Temporary Driveway Access Permit.

Notice to Property Owner

The Town of Sutton Driveway Regulations, as adopted by the Planning Board, address the standards and specifications for the intersection of a driveway and a road within the limits of the road right-of-way. These Driveway Access Permit Regulations do NOT apply to the part of the driveway extending beyond the road right-of-way. However, the Town wishes to notify property owners that in designing and constructing a driveway beyond the limits of the road right-of-way there are regulations in the both the Zoning Ordinance and Subdivision Regulations that can materially affect the final location of a driveway access. See ARTICLE II B above.

D. INTERPRETATION:

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

E. AMENDMENTS

These regulations may be amended or rescinded by the Planning Board but only following a public hearing on the proposed change.

F. NUMBERING

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

G. 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.

H. EFFECTIVE DATE

The effective date of these amended regulations shall be 7-23-2019.
