

# TOWN OF RYE, NEW HAMPSHIRE DRIVEWAY REGULATIONS

## Section 1: Authority and Purpose

Pursuant to RSA 236:13, V, the Rye Planning Board hereby adopts these Driveway Regulations and delegates responsibility for administering the regulations and for issuing Driveway permits to the Town of Rye Public Works Director. These regulations are an amendment to the *Rye Planning Board Land Development Regulations*. Adopted by the Rye Planning Board on November 9, 2010.

## Section 2: General Provisions

It shall be unlawful to construct, new driveway or access point or to alter any existing driveway or access point which does not conform to the terms and specifications of a written driveway permit issued by the Rye Public Works Director, in accordance with these regulations.

No building permit shall be issued with respect to any property until such time as the property owner or his authorized agent has obtained a driveway permit in accordance with these regulations.

Any person who alters the location, alignment, width, grade, or drainage of an existing driveway or access point within the town right-of-way shall obtain a driveway permit in accordance with these regulations. Work which consists only of paving or repaving an existing driveway and which does not otherwise alter the driveway does not require a driveway permit but shall require a paving permit.

Driveway permits are valid for one year from date of issuance.

## Section 3: Definitions

All definitions shall be the same as those defined within the subdivision and site plan review regulations with the following additions:

Access: A way or means of approach to provide physical entrance to a property.

All season site distance: A line that encounters no visual obstruction between two points, each at a height of 3 feet 9 inches above the road surface, allowing for a snow windrow and/or seasonal changes. The line represents the line of sight between the operator of a vehicle using the driveway and the operator of a vehicle approaching from either direction.

Construction: For the purpose of this regulation means not only the construction of a new driveway but any reconstruction, alteration, relocation, or paving of an existing driveway which changes the alignment, grade, width, drainage, or dimensions within the Town's right of way.

Driveway: A private way for vehicles which provides entrance, exit, access, or approach to or from land in Rye to a public street.

## Section 4: Fees

All permits shall be \$75.00

## Section 5: Construction Standards

- A. No driveway shall be constructed within 100 feet of an intersecting road, said distance measured from the nearest road side line to the nearest driveway sideline. (Section 602.1 B (4) of *Rye Planning Board Land Development Regulations*)
- B. No driveway shall be constructed within 10 feet of an abutting property line, said distance measured from the nearest abutting side line to the nearest driveway sideline.
- C. Corner lot driveways shall access only from the lesser traveled road. (Section 202.6 *Rye Zoning Ordinance*.)
- D. Access to a lot must be over its own frontage. (Section 202.14 *Rye Zoning Ordinance*.)
- E. A minimum 200 foot all season safe sight distance in each direction must be provided and maintained.
- F. The driveway shall have a maximum finished width of 14 feet at the property line and flare to a maximum finished width of 20 feet at the road surface.
- G. The grade of all driveways shall slope away from the road surface at a minimum slope of  $\frac{1}{4}$  inch per foot (2%) to a point at the center of the drainage swale or the property line whichever is encountered first.
- H. Any driveway which requires a driveway culvert to maintain proper road drainage shall have a minimum inside diameter of 12 inches, and be a minimum of twenty feet long. All driveway culverts shall be constructed of HDPE plastic with water tight joints. In addition, all culverts shall begin and end with headwalls or flares.
- I. It is the responsibility of the property owner to determine whether wetland permits are required. Any driveway construction which disturbs a wetland or body of water shall have received a permit from the State of New Hampshire, Department of Environmental Service prior to beginning construction.
- J. Driveways shall be constructed to anticipate and address any and all storm water or drainage flow along the road, without directing the flow into or onto the travel way. No storm or site drainage shall be directed into or onto the road surface.
- K. Driveways shall not interrupt the natural flow of storm water or drainage. Where such interruption is likely the driveway shall be adequately swaled or culvert installed.
- L. Driveways shall intersect roadways at an angle as close as practicable to 90 degrees, but in no case shall the intersecting angle be less than 75 degrees.
- M. The Board shall seek the comment of the Fire Chief on any proposed new driveway. The Board will seek the Fire Chief's comment with regard to any or all of the following: width, vertical clearance, grade, suitability of road surface, bridges, dead-ends, and the ability to pass and turn around once in the driveway. In addition to the foregoing, driveways

greater than 150 feet measured from the edge of the paved roadway to the residence shall be equipped with a suitable turnaround area for emergency apparatus and require written approval from the Rye Fire Chief.

- N. A shared driveway facilitating greater than two dwellings requires Planning Board approval.
- O. Property owners requesting more than one driveway per lot shall require Planning Board approval.
- P. Temporary access points across Town property or right of ways for the purpose of logging, gravel removal, or other temporary uses shall require the issuance of a temporary driveway permit.
- Q. The property owner is responsible to adhere to any and all local, state and federal rules and regulation associated with the requested driveway construction.
- R. All driveways shall have a finished surface of either, concrete, bituminous asphalt, or modular paving units within the Town right of way.
- S. All driveways shall be constructed in such a manner as to not create any potential for any damage to road maintenance equipment, or the public. Any driveway with the potential to do so will be required to be reconstructed or removed at the owner's expense.
- T. The Public Works Director may require submission of a detailed drainage and grading plan, at his sole discretion, whenever there is a question regarding compliance with these regulations. Said plan shall be prepared by a licensed professional engineer at the expense of the property owner.
- U. Driveways located on state highways also require a Driveway Permit from NH DOT District 6.
- V. Driveways for non-residential and multi-family uses shall be constructed per the standards of Section 705 of the *Rye Planning Board Land Development Regulations*. (Section 611.5 (E) of *Rye Planning Board Land Development Regulations*.)

## **Section 6. Procedure**

- A. Prior to starting any work, the applicant shall file a driveway permit application with the Rye Public Works Director on the appropriate form.
- B. Prior to issuance of a driveway permit the Public Works Director, or his designee shall conduct a site visit to determine site conditions
- C. The applicant is responsible for marking the center line or side limits of the subject driveway.
- D. The Rye Public Works Director shall make a final inspection of the driveway to determine satisfactory completion in conformance with these regulations, prior to signing off on the certificate of occupancy.

## **Section 7. Enforcement**

These regulations shall be administered by the Rye Public Works Director; and enforced by the Rye Building Inspector and Rye Board of selectmen.

The standards may be waived when in the opinion of the Rye Planning Board specific circumstances surrounding a proposal, or a condition of the land, indicates 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.

Standards 5C, 5d may not be waived without a variance from the Zoning Board of Adjustments. Waivers to Standards 5A, 5V require Rye Planning Board approval per Section 900 of the *Rye Planning Board Land Development Regulations*.

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.

These regulations may be amended by the Planning Board at any time after conducting a public hearing regarding the changes.