DRIVEWAY REGULATIONS
For 1 and 2-Family Dwellings & Non-Commercial Uses

Town of Swanzey, New Hampshire
Adopted: July 5, 2001
Amended: August 25, 2011

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SECTION I
Authority and Purpose

Pursuant to the authority vested in the Swanzey Planning Board by the legislative body of Swanzey, and in accordance with the provisions of Chapters 674:35 and 236:13 of the New Hampshire Revised Statutes Annotated, as amended, the Swanzey Planning Board adopts the following regulations governing all access to Class I-V roads for 1 and 2-family dwellings and non-commercial uses. In addition, State regulations apply to access on all state-maintained roads. These regulations are designed to accomplish the purposes of protecting the health, safety, convenience, and general welfare of the citizens. In cases where there is a conflict between state and local regulations, the more stringent shall apply. In the event that the property seeks access from a State road, a driveway permit is required from both the State and the Town.

SECTION II
General Provisions

It shall be unlawful to construct, alter or relocate any access without a written driveway permit issued by the Swanzey Public Works Director. All driveways constructed, altered or relocated must conform to the standards set forth in these regulations.

No building permit for new structures shall be issued with respect to any property until the landowner or his authorized agent has obtained a driveway permit.

No building permit for the construction of a dwelling unit or structure or building shall be issued if the building derives its access from a private way or Class VI road, unless specifically permitted by the Zoning Board of Adjustment.

Access off of a Class VI road for the purpose of logging, excavation or other site work not in conjunction with the construction of a dwelling house or structure or building may be permitted at the discretion of the Public Works Director.

SECTION III
Definitions

The definitions contained in the Swanzey Subdivision Regulations shall apply, in addition to the following:

Access: A public or private point of entry or exit from land adjacent to a public highway used by motor vehicles as defined in RSA Chapter 236, Section 13. An access may be described as a driveway or an entrance depending upon the type of land use and volume of traffic generated by that use.

Clear Access Width: The area/width required to be clear of any obstructions, including but not limited to fences, shrubs, light poles, stone walls and buildings.

Construction: For purpose of this regulation means not only construction of a new driveway but major reconstruction, relocation or paving of an existing driveway. It does not include repairs, regrading or repaving of an existing driveway.

Corner Clearance: The minimum distance, measured parallel to a highway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of an access excluding its radii.

Driveway: A type of vehicular access that serves one of the following land uses: residential (1 and 2-family dwelling); home-based occupations; forest management activities; farming; low impact industrial (e.g. substations), unless it is demonstrated, in accordance with the latest edition of the ITE Trip Generation Manual, published by the Institute of Transportation Engineers that the use generates 30 or more vehicle trips per day (see "Entrance"). Driveways may consist of surface material such as mineral soil, gravel, asphalt or other natural or man-made material constructed or created for repeated passage of on-road vehicles.

Entrance: A type of access that serves one of the following land uses: multi-family residential (serving three or more dwelling units); housing developments; retail, office, or service business including department store, strip mall, convenience store, gas station, auto repair shop, restaurant, or similar use unless the applicant demonstrates, in accordance with the latest edition of the ITE Trip Generation Manual, published by the Institute of Transportation Engineers that the use generates less than 30 vehicle trips per day.

Highways (State & State Aid), Classification of: Class I highways in the Town of Swanzey include all of State Route 10 and 12. Class II highways in the Town of Swanzey include all of State Route 32, Sawyer's Crossing Road, Swanzey Lake Road, Flat Roof Mill Road, South Road, Lake Street, Swanzey Factory Road, a portion of Homestead Avenue, and a portion of Westport Village Road.

Sight Distance, All Season: All-season sight distance means a line that encounters no visual obstruction between two points, each at a height of 3 feet 9 includes 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 (point 1) and the operator of a vehicle approaching from either direction (point 2).

SECTION IV
Design Standards

A. Driveways must be from a Class V road or better.

B. The associated land clearing from accesses shall not cause excessive erosion.

C. Corner Clearance: No driveway shall be constructed within 100 feet of an intersecting road. (See Fig. 1)

D. The minimum width from the property line to the proposed access shall be 10 feet unless it is shared access between the two abutting properties. In cases where access is restricted by the spacing requirements of Section IV, E, a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows

traffic to travel across one parcel to access another, and/or access the public street. All shared driveways shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall be recorded with the deed. The minimum width of a shared access shall be at least 20 feet. Shared driveways shall be signed in accordance with E911 regulations.

E. A minimum of a 325-foot all-season safe sight distance in each direction is required. If the all-season safe sight distance cannot be obtained, and the driveway is not an unreasonable hazard to the traveling public, the driveway shall be located at the safest point as determined by the Public Works Director.

F. The driveway shall have a minimum width of 12 feet and a maximum width of 24 feet, a minimum clear access width of 15 feet and a minimum length of 30 feet. The driveway entrance may be flared out as it approaches the road. (See Fig. 1)

G. The grade of all driveways will slope away from the roadway surface at a minimum slope of 1/4 inch per foot to a point at the center of the existing ditch line.

H. Culverts: If a culvert is required for proper drainage, the culvert shall be a minimum of 15 inches in diameter and a minimum of 30 feet in length, and shall be new galvanized steel, concrete or HDPE. The culvert shall be long enough to maintain the access width dimensions and a stable foreslope. The culvert shall be installed by the landowner or developer under the supervision and with the approval of the Public Works Director. Maintenance of the culvert, including the inlet and outlet, shall be the responsibility of the owner of the driveway.

I. The drainage ditch shall be 6 inches below the outlet end of the culvert and drop at least one-quarter inch per foot to the nearest point of drainage relief.

J. Any driveway crossing a wetland or body of water shall have all permits required by the State of New Hampshire Wetlands Board.

K. Driveways shall not interrupt the natural or ditch line flow of drainage water. Where shallow ditch lines or natural drainage courses exist, they may be swaled at a point beyond the shoulder to accommodate the flow of storm water.

L. If the slope of the driveway is at least 10% but less than 15%, an adequate stormwater drainage plan and an erosion control plan that meets the design standards and specifications set forth in the "Erosion and Sedimentation Control Design Handbook for Developing Areas in New Hampshire" (USDA Natural Resources Conservation Service [formerly the USDA Soil Conservation Service]) shall be submitted.

M. For driveways with a slope greater than ten per cent (10%), the first thirty feet (30') from the public road must be at a slope of five per cent (5%) or less.

N. Driveways having slopes of 15% or greater shall not be permitted. All driveways shall have a minimum grade of not less than one-half per cent (.5%).

O. There shall be no more than one driveway to a single parcel of land unless the Public Works Director approves additional driveways.

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P. Driveways shall intersect roadways at an angle as close as is practicable to 90 degrees, but in no case shall the angle be less than 75 degrees. (See Fig. 1)

Q. Any bridges shall be constructed in accordance with sound engineering practices. Bridges require the stamp of a professional engineer.

R. Driveways over 150 feet in length may be required to be surveyed for existing and proposed topography.

S. Driveways of 150 feet in length or greater shall provide a proper turnaround for emergency vehicles at their inner termination subject to approval of the Swanzey Fire Chief. (See Fig. 1)

T. Driveways must be constructed and maintained in suitable condition for emergency vehicles. Driveways longer than 300 feet must provide suitable turnouts that will allow two emergency vehicles to pass. Such turnouts should be located at approximately 300 foot intervals as the topography dictates and shall be constructed of adequate size and load bearing ability to accommodate a 30 foot long fire truck weighing 15 tons.

U. Driveway turn-arounds and throats: A driveway turn-around is required for all driveways with access on any Class I or Class II highway. The driveway turn-around shall be designed so vehicles using the driveway have no cause to back into the highway. No residential access with average daily traffic greater than 10 trips shall be located or arranged so as to permit or cause any vehicle to be backed out on to any public street or highway. (See Fig. 1)

V. Where a lot has frontage on two or more streets, the access to the lot shall be provided from the street where there is lesser potential for traffic congestion, hazards to highway traffic and pedestrians. In cases where creating a driveway to a lesser travel way is problematical, the Public Works Director may allow a driveway on the higher volume street if the driveway does not significantly detract from public safety. For driveways on higher volume streets, the Planning Board or Public Works Director shall consider the functional classification of the streets, the length of frontage on the highway, the intensity of the traffic generated by the development receiving access, the topography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for traffic.

W. For any driveway connecting to a Class I or Class II highway, the driveway including all radii must be paved from the edge of pavement of the Class I or Class II highway for the length of the design vehicle using the access.

SECTION V
Procedures

A. Prior to commencing work, the applicant will file an application with the Public Works Director on a form provided by that office. The application must be accompanied by the current application fee; said fee to be established by the Swanzey Planning Board.

B. Prior to the issuance of the driveway permit, the Public Works Director shall conduct a site visit. The Applicant is responsible for clearly marking the location of the proposed driveway. The location of the proposed driveway is to be marked on or before the time the application for driveway permit is submitted.

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C. The contractor shall give 24-hour notice to the Public Works Director before starting the construction.

D. The Public Works Director will make a final inspection to determine all work has been satisfactorily completed in conformance with these regulations **prior to the issuance of a certificate of occupancy.**

SECTION VI
Administration and Enforcement

A. These regulations shall be administered by the Swanzey Public Works Director. The enforcement of these regulations is vested with the Swanzey Board of Selectmen and/or its designee.

B. The standards of these regulations may be waived when, in the opinion of the Public Works Director, 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.

C. 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.

D. These regulations may be amended by the Planning Board following a public hearing on the proposed change(s).

FEES:

$50.00 per application.

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