

ACCESS/DRIVEWAY REGULATIONS
Town of Andover, New Hampshire

Section I. AUTHORITY

Pursuant to the authority vested in the Andover Planning Board by the State of New Hampshire, and in accordance with the provisions of Chapter 236, Sections 13(v) and 14, NH Revised Statutes Annotated, the Andover Planning Board adopts the following regulations governing the construction and alteration of accesses, driveways, entrances, exits, and approaches within the limits of the right-of-way of all streets under the jurisdiction of the Town of Andover.

Section II. DEFINITIONS

BOARD shall mean the Planning Board of the Town of Andover.

DRIVEWAY shall mean any access driveway, entrance, exit, or approach (temporary or otherwise) within the limits of the right-of-way of any street under the jurisdiction of the Town of Andover.

ENGINEER shall mean a New Hampshire Professional Engineer.

GRADE shall mean the steepness of a driveway. Grade shall be expressed in percent by dividing the change of elevation along the centerline of the driveway in a given distance by that given distance and multiplying by 100.

ROAD AGENT shall mean the Road Agent of the Town of Andover.

SIGHT DISTANCE shall mean the length of a line which encounters no visual obstruction between two points, each at a height of three feet nine inches above the road surface, and so located so as to represent the critical line of sight between the operator of a vehicle using the driveway and the operator of a vehicle approaching from either direction.

STREET shall mean any town road.

SURVEYOR shall mean a New Hampshire Licensed Surveyor.

WIDTH of a driveway shall be measured parallel to the centerline of the street.

Section III. REQUIREMENT

It shall be unlawful to construct or substantially alter a driveway except in accordance with the terms and specifications of a written permit issued by the Andover Planning Board.

Section IV. PROCEDURE

1. **Application.** Any person wishing to construct or alter a driveway shall obtain an Access/Driveway Permit application from the Town Office, and shall file that application, required construction details, and a map of the proposed construction with the Board or its designated representative.

The following information shall be provided with the application:

- a) the name and address of the owner, the tax map and lot number of the property to be served by the driveway,
- b) the location of the driveway, with distances to the nearest street intersections, if said distances are less than 100 feet,
- c) the lengths of the street frontages of the property to be served by the driveway,
- d) the dimensions of the proposed driveway within the limits of the right-of-way of the street,
- e) the dimensions and specifications of the driveway's paved apron,
- f) the lengths of the sight distances in both directions along the street,
- g) a description, including dimensions, of any culverts, other drainage structures, and traffic control devices, to be constructed, also the depth of fill over any culverts,
- h) the grade of the driveway,
- i) if the application is for the alteration of a driveway, a description of the proposed changes.

The following information shall be provided on the map:

- a) the location and dimensions of the proposed driveway and of the street within the minimum sight distance,
- b) property boundaries, if within 100 feet of the driveway,
- c) distances to the nearest street intersection, if within 100 feet of the driveway,
- d) locations of other driveways and buildings if within 100 feet of the driveway,
- e) the location of any existing driveways serving the property,
- f) the location of any visual obstructions to the required sight lines,
- g) the length of sight distances in both directions along the street,
- h) the location of any drainage structures, and traffic control devices, to be installed.

Failure of the applicant to supply the information and the map requested shall be sufficient grounds for the denial of the application.

The Board may require the preparation of plans by an engineer or a surveyor, at the expense of the applicant, when deemed necessary.

2. Approval of Application. The Board or its designated agent may approve the application subject to the following conditions:

- a) The application shall be properly and legibly completed.
- b) The location, design and construction of driveways shall meet the general and geometric requirements stated in these regulations. Necessary provisions for drainage, pavement types and thickness, sight distance requirements, and other general construction details must be acceptable to the Road Agent.
- c) The permit shall require that the applicant assume the following construction responsibilities:
 - The applicant shall furnish all materials and bear all costs of necessary construction within the limits of the street right-of-way.
 - The Board reserves the right of inspection by its authorized representatives of any driveway construction within the right-of-way. In the event of faulty workmanship and/or materials, the Board shall have the right to stop work until such time as the objectional conditions are corrected. All costs incurred in the removal and/or correction of defective workmanship and/or materials shall be borne by the applicant.

If the application is approved, a written construction permit shall be issued to the applicant stating the terms and specifications for the construction or alternation of the driveway. If the application is disapproved, a letter shall be sent to the applicant stating the reasons for the disapproval.

Section V. STANDARDS

1. Number. No more than two driveways shall be constructed from any one street to any one parcel, unless the frontage along the street exceeds five hundred feet. When the frontage exceeds five hundred feet, no more than three driveways shall be constructed. A single driveway serving no more than two lots is an acceptable option.
2. Location. The location shall be selected to most adequately protect the safety of the traveling public. The driveway shall be at least twenty-five feet from the nearest intersection.
3. Sight Distances. The location shall be selected to provide safe sight distances, based on the following standards developed by the American Association of State Highway Officials.

- a) The minimum sight distance shall be two hundred feet on streets with speed limits of 30 MPH or lower.

- b) The minimum sight distance shall be two hundred and seventy-five feet on streets with speed limits between 31 and 40 MPH inclusive.
- c) The minimum sight distance shall be three hundred and fifty feet on streets with speed limits between 41 and 50 MPH inclusive.
- d) The minimum sight distance shall be four hundred feet on streets with speed limits greater than 50 MPH.

For properties where the minimum sight distances described above cannot be met, the driveway shall be placed at the safest possible location.

- 4. Intersection. The driveway shall be laid out so as to intersect with the street as nearly as possible to a right angle, but in no case at an angle of less than sixty degrees. The driveway shall be constructed in such a way as to protect the edge of the street pavement from deterioration.
- 5. Width. The driveway shall be a minimum width of fourteen feet at its junction with the street. The driveway shall have a maximum width of fifty feet at its junction with the street, except that the driveway may be flared beyond a width of fifty feet to accommodate the turning radius of vehicles expected to use the driveway.
- 6. Grade. The grade of the driveway within 15 feet of the edge of the right-of-way to the travelled surface shall be no greater than 5%.
- 7. Commercial Applications. Where safety considerations require that entry onto the highway be limited to the designated driveway location and the premises are so situated that entry onto the highway can be had from other locations, barriers sufficient to prevent that entry shall be constructed.
- 8. Drainage. The driveway shall not interfere with the street's drainage. Where necessary, culverts, waterbars, ditches, and other drainage structures shall be installed to insure adequate drainage of the street and to prevent excessive drainage from the driveway onto the street. Culverts shall be at least twelve inches in diameter, and larger, if necessary. A minimum of twelve inches of fill shall be placed over culverts.
- 9. Sidewalk and Road Repair. When the construction of a driveway would require the disturbance of a street or a sidewalk, the applicant shall obtain the permission of the Road Agent, before proceeding with construction. Any street or sidewalk disturbed during the construction of the driveway shall be restored to the satisfaction of the Road Agent.
- 10. Performance Bond. The applicant may be required by the Board to file a bond or other financial security acceptable to the Board. The selected security shall be in an amount sufficient to cover the cost of the construction of that portion of the driveway within the right-of-way of the street, 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. In its determination, the Board will consider factors including the following: the character of the proposed use, the potential drainage or safety problem created by the proposed driveway, etc. The bond shall be approved as to form and sureties by the Board. The amount of the bond shall be based on a contractor's or engineer's cost estimate of the necessary construction and repair. The estimate shall be approved by the Board prior to the obtaining of the bond. All bonds shall be for 100% of the estimated cost.

The performance bond 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 Board.

In lieu of a performance bond, the applicant shall have the option of depositing with the town, cash or savings bank book properly endorsed to the town in an amount approved by the Board, as sufficient to cover the cost of construction and repair.

Section VI. ADMINISTRATION

1. Violation. A violation shall have occurred if the owner has not fulfilled the provisions of these regulations as determined by the Board.
2. Enforcement. Upon determination by the Board that a violation of these regulations has occurred, notice shall be given to the Board of Selectmen recommending appropriate enforcement procedures. The Board of Selectmen is responsible for the enforcement of these regulations.
3. Penalty. If no adequate corrective action is taken within 30 days of notification that violation has occurred, the owner may be fined not more than one hundred dollars (\$100.00) per day and, in addition, shall be liable for the cost of restoration of the street to a condition satisfactory to the Road Agent of the Town of Andover.
4. Waiver. Where strict conformity to these regulations would cause undue hardship or injustice to the owner of the land, a driveway plan substantially in conformance with these regulations may be approved by the Board, provided that the spirit of the regulations will be respected, and that the public convenience and safety will not be adversely affected.
5. Validity. If any section, provision, portion, clause, or phrase of these regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding will not affect, impair, or invalidate any other section, clause, provision, portion, or phrase of these regulations.
6. Amendment. These regulations may be amended or rescinded by the Board following a public hearing on the proposed change.
7. Adoption. These regulations shall become effective after a public hearing, adoption and certification by the Board, and filing with the Board of Selectmen and the Town Clerk.
8. Maintenance. Any driveway constructed or altered after the effective date of these regulations shall be maintained by the landowner so that, at all times, the driveway meets the standards then in effect.
9. Fee. A fee of \$10.00 per access shall be submitted with the application.