

Driveway Regulations

TOWN OF FREMONT ROCKINGHAM COUNTY NEW HAMPSHIRE

September 14, 2005

ARTICLE 1: GENERAL PROVISIONS

SECTION 1. AUTHORITY

Under the Authority vested in the Fremont Planning Board by the voters of the Town of Fremont, New Hampshire, on March 12, 1957, and under the New Hampshire Revised Statutes Annotated, and the powers conferred by RSA 236:13 for regulation of access to public highways the Fremont Planning Board adopts the following driveway regulations.

SECTION 2. PURPOSE

1. To provide for orderly development and access to public ways within the Town of Fremont.
2. To construct driveway entrance at permitted location in accordance with State Statutes, Town practices and provisions of driveway permit specifications and drawings for driveway entrances.
3. Insure that all driveways conform to current zoning requirements and those specific provisions as applicable within Subdivision or Site plan approvals.

SECTION 3. VALIDITY

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 and jurisdiction such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

SECTION 4. CONFLICTING PROVISIONS

Whenever the regulations made under the authority hereof differ from those prescribed by the statute, ordinance or other regulations, that provision which imposes the greater

restriction or the highest standard shall govern.

SECTION 5. REFERENCES

- A. Fremont Master Plan - Town of Fremont.
- B. Land Subdivision Regulations - Town of Fremont.
- C. Fremont Zoning Ordinance.
- D. Site Plan Review Regulations – Town of Fremont
- E. Applicable Town, State and/or Federal Permits.

SECTION 6. JURISDICTION

These regulations apply specifically to driveway applications onto any roads or streets within the jurisdiction of the Town of Fremont. For all driveways located on State maintained roads within the Town of Fremont the driveway permit shall comply with the requirements of the State of New Hampshire.

ARTICLE 2: APPLICATION PROCEDURES

SECTION 1. Permit Required

No driveway giving access to a Class V or Class VI highway or road shown on a subdivision plat or having been adopted by the Town of Fremont shall be constructed or altered in any way that substantially effects the size and grade of the driveway within the limits of the public right-of-way without a written permit issued by the Planning Board or its designee.

This includes all driveways of new construction and all reconditioning, paving or re-paving of exiting driveways.

Driveway access to Class VI roads can only be approved by the Office of Selectmen.

Consistent with these regulations all driveway construction, reconstruction, resurfacing, or paving where it accesses a Town right of way must have an issued permit prior to work beginning. Work completed without a permit may be required to be altered or reconstructed so as to meet town Driveway Specifications.

Section 2. Administration

The Planning Board or its designee shall administer the permit application process, perform site inspections as appropriate, and issue enforcement directives in connection with these regulations.

Section 3 – Permit Fee

A fee, established by the Planning Board, shall be submitted by the applicant to the Planning Board or its designee prior to the issuance of the Driveway Permit. This fee amount shall be posted within the Town of Fremont fee schedules and may be revised as determined to be necessary. Separate permit fees may be established for residential, commercial, and multi-family or as otherwise deemed necessary by the Planning Board.

Section 4 – Permit Application

The Driveway Permit application shall be obtained from and submitted to the Planning Board or its designee. For new construction a permit is required to be obtained prior to the issuance of a building permit. In all cases an approved permit is required prior to work activity within the Town designated right-of-way access.

Section 5 – Inspections

An inspection schedule shall be established as part of the driveway permit. The applicant/owner is responsible to insure that inspections are scheduled prior to work being performed.

Section 6 – Occupancy Permitting

Occupancy permits shall not be issued until final inspection and sign-off of the driveway permit has taken place and/or a security bond is posted as determined by these regulations.

Article 3 – Security Bonding

A security cash bond shall be required to be established to insure completion of all appropriate work activity within the access right-of-way. The amount of this security bond shall be set by the Planning Board and may be revised as determined to be necessary from time to time.

Article 4 – Permitting

The Applicant is responsible for obtaining a driveway permit from the Planning Board or designee prior to the issuance of a building permit. A copy of the signed driveway permit shall be submitted at the time of application for a building permit.

When a proposed driveway is located on a State road, the Applicant is responsible for obtaining the necessary approval and permits from the State. A copy of the permit shall be submitted to the Town of Fremont and the New Hampshire Department of Transportation approval number shall be shown on the permit.

Article 5 – Fremont Driveway Construction Standards

1. When a proposed driveway is located on a Town road, the Applicant is responsible for certifying the proper sight distance is provided at the location indicated on the plans. For all residential driveways located on the lot serving a single family or duplex lot, the minimum proper all season sight distance shall be two hundred (200') feet in all directions. Residential Sight distance is measured from ten feet back from the edge of the roadway and 5 feet high. Clearing of brush and/or trees, or ledge outcroppings may be required to gain proper site distances.
2. For all other driveways (common/shared, commercial, industrial, multi-family, etc.), the minimum all season sight distance shall be two-hundred (200') feet in all directions. Proper visibility easements, if required, shall be provided to meet the sight distance requirements.
3. All driveways shall conform to the side and rear setbacks contained in their specific approved subdivision plan otherwise access right-of-way set backs shall reflect a 30 foot sideline setback within the Town access right-of-way – once outside of the access right of way the driveway may be positioned no closer than 10 feet from the property sideline. Exceptions to the sideline setbacks may be approved upon inspection of the site and any existing conditions that so warrant.
4. All new subdivisions after the acceptance of these regulations shall provide for thirty (30) foot property sideline setbacks unless otherwise waived by the Planning Board.
5. Driveway width for residential single family shall be at a minimum of 10 feet to a maximum of 14 feet at the right-of-way with ten (10') foot radii at the edge of pavement of the street. Shared driveway or duplex driveway width shall be a minimum of 18 feet and a maximum of 20 feet within the Town right-of-way.
6. All driveways shall provide sufficient opportunity for reversing of vehicles to prevent backing onto Town Roads. This area should be a minimum of 18 – 22 feet in width to provide for anticipated angle of access of 60-90 degrees.
7. Any new driveway of excessive length (greater than 250 feet) shall provide a turnaround for emergency vehicles. Such turnaround shall be located within 50 feet of the structure. The turnaround shall have a design dimension of 18 x 50 feet or may provide for pass-by design sized to 10 feet width and 40 feet in length. All emergency areas shall have a base minimum of six (6) inches of bank run gravel with a surface minimum of four (4) inches of processed gravel. Any such emergency turnaround shall be maintained and accessible for year round use.
8. No grades shall be greater than 10% unless written approval is provided by the fire chief.
9. Driveways must be graded and have proper drainage to prevent runoff from entering a town right-of-way. This will generally require a -2% slope to be maintained for 25 feet from the roadway surface. All cut slopes are to be 2:1 or less.
10. Where required, culverts must be a minimum of twelve (12) inch HDPE (or sufficiently similar material) and a minimum of twenty (20) feet long and/or extend at least five (5) feet from the edge of pavement or gravel. Such culverts such have an HDPE flare attached or similarly constructed material approved by the Planning Board and/or designee.

11. Culverts may require headwalls built on each end. Headwalls should be constructed of stone unless otherwise approved by the Planning Board or its' designee. Headwall construction shall be a minimum 6 inches thick at top and 18 inches thick at the base.
12. A Minimum of (1) foot cover over all culverts is desired where feasible.
13. Driveway flare shall be no more than twenty-two (22) feet at the roadway.

Article 6 – Definition

Driveway shall mean to include any access to public way and is meant to include all parking areas, turning areas, etc.

Article 7 - Additional Provisions

1. The Applicant/owners is to hold harmless the Town of Fremont and it's duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of the Town Driveway Permit.
2. The applicant/owner is responsible to furnish and install drainage structures that are necessary in maintaining existing highway drainage and adequately handle increased runoff resulting from development and in such a manner so as to prevent any drainage from running onto the Town roadway.
3. The applicant/owner is to leave the Town of Fremont highway right-of-way free from all debris such as stones, earth and brush resulting from the construction of such driveway. All areas are to be properly seeded to prevent erosion.
4. Any non-property owners must submit written proof that he/she is an authorized agent prior to seeking a permit.
5. All driveways must conform to current Fremont zoning requirements.
6. All driveways shall be constructed as to provide all season safe access for fire and safety apparatus.
7. All driveways are to be viewed/inspected by the Planning Board or designee prior to paving in order to insure proper drainage.
8. If the driveway is not to be paved; at least a thirteen foot apron (access right-of-way) is to be paved in from the roadway. This apron shall be three inches (3") thick of hot top with a base minimum of six (6) inches of bank run gravel covered with a minimum of four (4) inches of processed gravel.
9. Upon the issuance of a permit the owner/applicant agrees to maintain the driveway culvert in good and operational condition, regardless of the culvert location.