

**DRIVEWAY REGULATIONS FOR THE TOWN OF EFFINGHAM, NH**  
As adopted by the Planning Board at the meeting of October 7, 2004

**SECTION 1 AUTHORITY**

The Town of Effingham Planning Board hereby adopts the following regulations pursuant to the provisions of RSA 236:13 and establishes that no driveways accessing private property to a private or public way in the Town of Effingham shall be constructed without compliance with these regulations.

**SECTION 2 PURPOSE**

In as much as driveways and entrances are, in effect, intersections, they require certain controls as to size and location in order to provide safe and efficient access to property fronting on the road, as well as to provide for the proper and suitable discharge and control of surface drainage in and around said driveway.

**SECTION 3 DEFINITIONS**

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

CONSTRUCTION: For the purposes of these regulations, means not only the construction of a new driveway, but also any improvements to or alterations of an existing driveway.

DRIVEWAY: Any improved or unimproved area serving as an area of access, entrance, exit, or approach from any street to any parcel of land, regardless of public or private ownership.

**SECTION 4 PERMIT**

- 4.1 A driveway permit is required to construct or alter in any way that affects the size, grade, location, or type of surface of any driveway to any private, town or state road. Applications that do not require any other approval by the Planning Board will be issued by the Zoning Enforcement Officer in conformance with these regulations. Applications for driveways involving Steep Slopes (Article 17), Wetlands (Article 16), Major Site Plan Review, or Subdivision must be submitted for Planning Board approval. The submission of an application shall constitute authorization by the landowner for the Planning Board or Zoning Enforcement Officer, or designee, to enter upon the property, to investigate the facts giving rise to the application and to ensure compliance with these regulations.
- 4.2 Applicants for a driveway access permits shall submit a \$25.00 application fee.
- 4.3 Driveway permits expire one (1) year from the initial date of issue. Permits may be renewed prior to expiry with no additional costs.

**SECTION 5 ACCESS POINTS**

- 5.1 If a property is bounded by two roads, the access should be via the safest road as determined by the Zoning Enforcement Officer. The safest road shall be determined by the Zoning Enforcement Officer or Planning Board by considering proximity to intersections, road surface, drainage, safe-sight distance, and topography.

5.2 Curb cuts should be limited to one per lot, except where the Zoning Enforcement Officer or Planning Board has determined that a second cut is warranted. A scale drawing indicating the features necessitating the second access must be submitted for the Zoning Enforcement Officer to make a determination.

5.3 A second cut may be granted under the following conditions:

- A. A second cut is necessary for access to a secondary use or structure, and the physical constraints of the lot, including natural features, unusual lot shape or size, or elevation change necessitates the second access.
- B. A second access is necessary to allow handicapped access for an individual who is a permanent resident of the property.

5.4. An applicant for a new subdivision shall show acceptable proposed driveways, entrances, exits, or approaches on the subdivision plans submitted to the Planning Board before any subdivision approval is granted. The Planning Board shall place such necessary conditions on any approvals so as to uphold the spirit and intent of these regulations.

## **SECTION 6 DESIGN REQUIREMENTS**

6.1 All newly constructed driveways shall be constructed as follows:

- A. Driveways must be graded and have proper drainage to prevent runoff from entering a Town right-of-way. When necessary, as determined by the Zoning Enforcement Officer or Planning Board, drainage culverts shall be installed as follows:
  - 1. Twelve (12) inch riveted aluminized, corrugated steel pipe, polypropylene or aluminum, at least twenty (20) feet in length, are required as a minimum.
  - 2. All culverts must have headwalls (stone, concrete or masonry) built on each end. Applicant shall own and have continuing responsibility for the maintenance, repair, and replacement of the culvert.
  - 3. Minimum one (1) foot cover over culvert.
- B. Sight distance is measured ten (10) feet back from the edge of the roadway and three (3) foot, nine (9) inches high, This may require clearing of brush and/or trees. Sight Distances shall be compatible with the maximum speed limit posted on the road:

<u>Speed Limit</u>	<u>Sight Distance</u>
<= 30 MPH	200
40 MPH	300
50+ MPH	400

- C. Driveway width shall be twelve (12) feet minimum for the first fifty (50) feet measured from the property line.

- D. Any driveway with a slope greater than 15% requires review according to Article 17 of the Zoning Ordinance.
- E. All driveways shall approach the right-of-way line at a grade of not more than 3% for a minimum distance of twenty (20) feet.
- F. A driveway, entrance, exit or approach shall be no closer than 150' from any intersection of highways and streets whenever possible.
- G. Access to the highway shall be at an angle of no less than 60 degrees, and at a 90 degree angle wherever possible.

**SECTION 7 WAIVERS**

- 7.1 Waiver requests for driveways involving Steep Slopes, Wetlands, Major Site Plan Review or Subdivision must be submitted to the Planning Board.
- 7.2 All other waiver requests must be submitted to the Zoning Enforcement Officer. Any portion of these regulations may be waived where, in the opinion of the Zoning Enforcement Officer, after notification to the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of the regulations.

**SECTION 8 SEVERABILITY**

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

**SECTION 9 ENFORCEMENT**

The enforcement of these regulations is vested with the Selectmen.

**SECTION 10 AMENDMENTS**

These regulations may be amended by the Planning Board but **only following a public hearing** on the proposed amendment. Such amendment shall not take effect until a copy of said amendment shall be certified by a majority of the Board and filed with the Effingham Town Clerk.

**SECTION 11 DECISIONS**

The Zoning Enforcement Officer shall render a decision on an application within 30 days. If the Zoning Enforcement Officer has not, the applicant may request a decision from the Planning Board.

**SECTION 12 FILING**

- 12.1 Upon enactment, these regulations shall be signed by the Chairman of the Planning Board, endorsed by a majority of the Board, and originals so exhibited shall be filed with the Effingham Town Clerk.

12.2 A copy of these Regulations shall be filed with the Office of Energy & Planning in Concord, NH.

ADOPTED BY THE EFFINGHAM PLANNING BOARD SEPTEMBER 18, 2004

S/WILLIAM STEWART   CHAIRMAN  
S/HENRY SPENCER     SECRETARY

RECORDED WITH TOWN CLERK  
S/MARILYNN MAUGHAN

Amended    December 2, 2004, Filed December 9, 2004  
Amended    March 26, 2015, Filed May 1, 2015  
Amended    January 21, 2016