

DRIVEWAY & ACCESS REGULATIONS

CITY OF CLAREMONT,
NEW HAMPSHIRE

AMENDED:

Adopted by the Claremont Planning Board
November 8, 2021

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ARTICLE I

AUTHORITY

Pursuant to the authority granted Planning Boards under RSA 236:13, (V), as well as the authority granted in RSA 674:35, 674:36 & RSA 674:44, the Claremont Planning Board adopts the following regulations governing driveways and access to Class IV, V, and VI highways within the city of Claremont, New Hampshire.

ARTICLE II

DEFINITIONS

Driveway: A private way from a public street to give access to abutting property. Such access often leads to a building, house, garage, etc.

Curb cut: An access cut into a street curb for vehicular traffic to enter onto a road.

Road: A way leading from one place to another with specially prepared surface for traveling between two or more points.

Private road: A street or route owned and maintained by a private individual, organization or company and that is *not* maintained by the City. NOTE: Any applicant requesting a permit for a private road must follow Article VI in the Driveway and Access Regulations.

ARTICLE III

PURPOSE

It shall be unlawful to construct or alter the width, grade, entrance, exit or access of any drive or roadway within the limits of the right of way of any class IV, V, or VI highway or of any proposed subdivision, regardless of whether or not the subdivision road has been accepted as a public right of way, except in compliance with the terms, conditions and specifications of a written permit issued under the authority of the City. Such permits shall be issued in the interests of the public safety and welfare, as follows:

- A. To provide maximum safety and protection to the traveling public through the orderly control of traffic movement in Claremont;
- B. To maintain the serviceability of affected roads;
- C. To ensure that driveways entering onto city roads do not represent a safety hazard;

- D. To ensure that emergency services can be reasonably and safely provided to all dwelling units in the city, including those constructed on, or accessed by steep slopes;
- E. To ensure that driveways do not disrupt drainage systems or culverts, damage the surface of roads or rights-of-way, or cause erosion or siltation of roads or rights-of-way or siltation of surface waters;
- F. To establish the criteria, standards, application forms and fees charged for the location and design of driveways within the city of Claremont;
- G. To provide a uniform practice for the application for and issuance of driveway permits;
- H. To monitor the design and construction of driveway entrances (curb cuts) and exits within the city's rights-of-way.

ARTICLE IV

SCOPE

These regulations shall apply to the installation of all temporary and permanent driveway entrances (curb cuts) onto the city of Claremont's Class IV and V roads, or if applicable, Class VI roads. No driveway entrance (curb cut), exit or approach to any right-of-way in the city shall be constructed or substantially altered without first obtaining a permit from the Department of Public Works.

Additionally, these regulations shall apply to the installation of driveways that are proposed as part of a subdivision or non-residential site plan review application before the Claremont Planning Board.

The Claremont Planning Board retains continuing jurisdiction over the adequacy and safety of every exiting driveway, entrance, exit or approach to a city road, installed within the city's right-of-way, subdivision road and non-residential site plan, whether or not such access was constructed or installed pursuant to a permit under these regulations.

Any driveway applicant accessing a State of New Hampshire highway outside the compact area must obtain a permit from the State of New Hampshire, Department of Transportation, rather than from the Planning Board/Department of Public Works.

ARTICLE V

GENERAL PROVISIONS

Prior to the construction, alteration, grading, paving or repaving, moving or change in use and/or intensity of any driveway, entrance, exit or approach to any city road, within the city's right-of-way as well as the construction of a driveway on a lot in a subdivision or fronting on a private

road, whether or not the subdivision has been accepted as a public right of way, and prior to obtaining any applicable building permits for the property, the applicant shall secure approval of such proposal in accordance with these regulations.

Once the driveway is complete, it must be approved and signed off as installed in accordance with the permit and the Director of Public Works or his/her designee must be satisfied with the construction, prior to the issuance of a Certificate of Occupancy.

ARTICLE VI

APPLICATION PROCEDURE AND SCOPE OF REVIEW FOR DRIVEWAY PERMITS (ALL LOTS)

1. Prior to submitting an application for a driveway permit, the applicant shall clearly mark and flag the location of the driveway entrance (curb cut) with a centerline stake a distance of 25' from the center of the road.

2. The driveway permit process begins with the submission of a completed application "driveway permit" form along with the appropriate application fee. The applicant must submit such form to the Department of Public Works, 8 Grandview Street, Claremont, NH, during normal business hours of 7:00 AM – 3:00 PM, Monday-Friday. Public Works permits may also be filled out and paid on line at www.claremontnh.com/documents-permits. Said applicant shall also include an accurate plan showing:
 - A: The proposed location of the driveway, entrance, exit, or approach. This location should be selected to most adequately protect the safety of the traveling public.

 - B: Describe any proposed drainage structures, traffic control devices or channelization and other improvements to be provided and installed.

 - C: Establish proposed grades for driveway and sidewalks if applicable that adequately protect and promote highway drainage and permit safe and controlled approach to the highway in all seasons of the year.

 - D: Include any other terms and specifications proposed by the applicant to provide for the safety of the pedestrian, bicycling and traveling public.

 - E: Include a copy of approved site or subdivision plan if required.

 - F: The applicant is required to call Dig-Safe (call 811), prior to any construction.

3. Access to proposed commercial and industrial developments and for proposed public/private streets shall first be reviewed and approved by the Planning Board as part of site plan/subdivision review.

Applications for such accesses shall include a copy of the approved site/subdivision plan. In these instances, the Planning Board, or their designee, shall review the history of the property, including but not limited to, previous driveway permits, previous subdivisions, topography, soil types, prior restrictions from other boards or agencies, easements, etc. This information shall be transmitted to the Director of Public Works before any permit is granted.

4. The Director of Public Works, or his/her designee, shall review all permit applications and physically inspect proposed driveway entrances (curb cut) for sight distance, drainage and other city right-of-way issues and then specify any changes or requirements.
5. The Director of Public Works, or his/her designee, shall approve or disapprove the application within two (2) weeks of the date of submission.
6. Access (curb cut) for a property fronting a public right of way consisting of more than a two lane highway shall be designed by a licensed land surveyor or professional engineer licensed in the State of NH. This would be reviewed by the Traffic Committee and Planning Board prior to the approval by the Department of Public Works.
7. Construction of the driveway entrance (curb cut) shall be completed in accordance with the terms and specifications of the permit. All driveways for newly constructed or relocated buildings must conform with the *NFPA Life Safety Code* (chapter 18), "Fire Department Access and Water Supply" which requires 20-feet in width if drive is longer than 50 feet with the capability to accommodate a standard fire department apparatus and/or have some mechanism to ensure life safety. (Fire Dept. needs to have access within 50 feet of an exterior door of the building). **Note:** If the one or two family dwelling is protected with an approved automatic sprinkler system, the distance from an exterior door can be increased to 150 feet. Applicants must consult with the City of Claremont Fire Department/Fire Prevention Bureau.
8. An approved driveway permit is a pre-requisite to a building permit. Foundation only permits may be issued by the building inspector at the owner's risk.
9. Upon completion of the construction of the approved driveway entrance (curb cut), the DPW director, or his/her designee, shall be contacted to perform a post-construction inspection at least (14) days prior to the issuance of a Certificate of Occupancy by the building inspector for new construction.
10. The DPW director, or his/her designee, shall forward the approved driveway permit certifying the applicant fulfilled all regulations of said permit to the building inspector prior to the issuance of the Certificate of Occupancy.

ARTICLE VII

APPLICATION PROCEDURE FOR DRIVEWAY PERMITS AND DRIVEWAYS AS PART OF A SUBDIVISION OR NON-RESIDENTIAL SITE PLAN

1. Applications for a driveway permit for driveway entrances (curb cuts) on existing city roads shall be submitted per Article VI above.
2. Applications for a driveway permit for interior lots (those accessing onto existing or a new development road) must be applied for after the sub-base of the road is in place, and shall be submitted per Article VI above.
3. As part of a subdivision or non-residential site plan review application, the planning board may conduct a site walk on the property. If the planning board identifies the proposed driveway location as being in critical areas as defined by natural features, utilities or by the City of Claremont's zoning ordinance, the board shall require an engineered driveway plan, to include a plan and profile, and/or an individual stormwater management plan to be submitted to prove that the driveway can meet the construction criteria described in the regulations. The Claremont Planning Board reserves the right to require an engineered driveway plan at their discretion.
4. Upon completion of a driveway that required an engineered plan, the planning board shall require an as-built plan prepared by a licensed land surveyor or professional engineer licensed in the State of New Hampshire to be submitted proving that the driveway was constructed in accordance with the engineered plan.
5. The building inspector/code enforcement officer and or the Department of Public Works, shall conduct compliance inspections for any driveways approved by the planning board as part of the subdivision or non-residential site plan review application prior to the request for issuance of a certificate of occupancy. Scheduling a compliance inspection is the applicant's responsibility.
6. A driveway permit approved for installation by the director of public works or his/her designee, is a pre-requisite to the issuance of a building permit by the building department. Foundation only permits may be issued by the building inspector at the owner's risk.

ARTICLE VIII

DRIVEWAY ENTRANCE (CURB CUT) DESIGN CRITERIA (ALL LOTS)

Driveway entrances (curb cuts) shall meet the following criteria or a permit shall not be issued:

1. All season safe sight distance. For the purposes of this section, all season safe sight distance is defined as the line which encounters no visual obstruction between (2) points, each at the height of 3' 9" above the pavement/road/driveway surface, and 10-feet back from the edge of

the traveled way to represent the critical line of sight between the operator of the vehicle using the driveway and the operator of a vehicle approaching from either direction. Note: A road with a 35-mph speed limit should have a minimum of 250' in both directions for safe site distance.

Site distance shall be defined as:

GENERAL RULE OF THUMB FOR SITE DISTANCE

<i>SPEED</i> <i>(MPH)</i>	<i>SIGHT DISTANCE</i> <i>(FT)</i>
15.....	80
20.....	115
25.....	155
30.....	200
35.....	250
40.....	305
45.....	360
50.....	425
55.....	495
60.....	570
65.....	645
70.....	730
75.....	820
80.....	910

2. The Director of Public Works, or his/her designee, shall have the final authority with regard to requiring the removal of sight distance obstructions (e.g. rocks, trees, brush, debris or construction) within the city's right-of-way.
3. The maximum width of a driveway shall be 30' at the edge of the right-of-way.
4. The driveway shall intersect with the edge of traveled way at an angle between 60 and 90 degrees.
5. The driveway intersection with the road shall be joined by curves of 10' radii minimum.

6. For driveways in a cut section, a 4% negative grade shall be maintained from the edge of the traveled way to the center of the ditchline and no more than a 4% positive grade from the center of the ditchline to the right-of-way. For driveways in a fill section, a 4% negative grade shall be maintained from the edge of the traveled way to the right-of-way.
7. Driveways should be of a grade in order to allow reasonable access by emergency vehicles. The property owner needs to design a driveway beyond the right-of-way that shows care and consideration to the fact that emergency vehicles generally are not able to access driveways that exceed 10% and/or that have curves with an inside radius less than 22.5 feet. It is solely the property owner's responsibility if emergency vehicles are not able to access the site.
8. The driveway should not be constructed within 10 feet from abutting property lines.
9. Any driveway crossing a wetland (Ex: shallow water, waterlogged soils, swamps, marshes, bogs, has wetland vegetation, etc.) or any body of water shall have all permits required by the NHDES Wetlands Bureau.
10. Any bridges should be constructed in accordance with sound engineering practice and as approved by the Planning Board or its designee.
11. Only clean water shall be permitted to drain into the city's ditchline.
12. Water from the roadway traveling into the driveway or onto the public right-of-way will be the responsibility of the property owner.
13. The driveway shall not interrupt or impede the flow of water in natural channels or man-made ditchlines. Where necessary, culverts, water bars, ditches and other drainage structures shall be installed to ensure adequate drainage of the street.
14. No drainage may be discharged onto a public road. All drainage shall be tied into any roadside drainage.
15. If a culvert is required for proper drainage, the culvert shall be a minimum of 12" in diameter and shall be concrete or HDPE and shall have at least 12" of cover. Should the culvert be larger than 12", the depth of cover shall equal the diameter of the pipe. The bottom of the ditch shall be at least 2' deep. The culvert shall be long enough to accommodate a 3:1 side slope and to maintain the driveway width dimensions. Each end of the culvert shall be marked with a concrete or stone header.

16. In those cases where shallow ditchlines or natural drainage courses exist, driveways may be swaled at a point beyond the shoulder to accommodate the flow of stormwater. In all other cases, driveways shall have sufficiently sized culverts installed and maintained by the landowner.
17. All culverts shall be designed so as to convey the full flow of water in existing drainage swales as well as any additional water that may be transmitted by the driveway.
18. The Director of Public Works or his/her designee, shall approve culvert installations and may increase the diameter of the culvert at his/her discretion. The director of public works or his/her designee, shall have the final authority regarding the use of a drainage swale or a culvert.
19. Temporary and permanent erosion and sedimentation control measures shall be provided before, during and after construction, in accordance with the Best Management Practices as described in the "New Hampshire Stormwater Manual."
20. In order to protect the physical integrity of city roads, driveways that abut paved roads shall be constructed with a paved apron (2 foot minimum from edge of traveled way). The apron shall be paved with a minimum of 2" thick base/binder pavement, and the finish height shall not be higher than the road.
21. During construction, all roads shall be cleared of debris and sediment on a daily basis. A construction stabilized entrance may be required.
22. All driveways providing access to a primary residence or building shall be numbered in accordance with the city of Claremont's 911 street & address numbering ordinance.
23. No access permit shall be approved if driveway is more than 50 feet in width, (needs planning board approval). No access permit will be approved for more than two driveways to any one parcel of land unless the frontage along the highway exceeds 500 feet.
24. The applicant shall furnish all materials and bear all costs of necessary construction within the City highway right-of-way.

ARTICLE IX

DRIVEWAY ENTRANCE (CURB CUT) CONSTRUCTION MATERIALS (ALL LOTS)

1. Driveways that abut paved roads: the apron shall be constructed of the following:
 - 2" base/binder pavement
 - 6" crushed gravel

- 12” bank run gravel
 - Road stabilization fabric may be required
2. Driveways that abut gravel roads: the apron shall be constructed of the following:
- crushed gravel to match the existing depth of the roadway base or crushed gravel to a depth of 12”, whichever is greater

ARTICLE X

TEMPORARY DRIVEWAY ENTRANCES (CURB CUTS)

1. An application for a temporary driveway entrance (curb cut) shall be submitted and processed in accordance with Section VI of these regulations. However, the application fee will be governed by the city of Claremont’s fee schedule.
2. An applicant for a temporary driveway entrances (curb cuts) used in conjunction with construction, logging or other activities on Class IV, V or Class VI roads, may be required to post a bond or other surety in order to ensure that any damage done to public streets is covered. The Director of Public Works or his/her designee shall approve the amount of the security. This security shall be in a form acceptable to the director of public works or his/her designee, and submitted to the city treasurer. The security shall be held until the items listed in #6 below have been completed.
3. No more than one temporary driveway entrance (curb cut) shall be permitted per parcel at any one time.
4. The applicant may be required to install a culvert approved by the Department of Public works and have all wetland land permit approvals in their possession, (if necessary.)
5. Temporary driveway permits are valid for a period of one (1) year. The Director of Public Works or his/her designee may extend that permit for an additional year.
6. Temporary driveway entrances (curb cuts) shall be restored to a natural state whereby all obstructions in the right-of-way are removed, the area is restored to its original ditchline slope, and it is loamed/seeded so as to prevent erosion.
7. Stabilized construction entrances may be required for heavy trucking/logging operations at the discretion of the director of public works or his/her designee. Applicant may also be asked to install an asphalt apron if the DPW notices any damage to the public way.

ARTICLE XI

PAVING ONLY PERMIT (EXISTING LOTS)

1. A “Paving Only” driveway permit application shall be submitted and processed in accordance with section VI of these regulations. Such form, with the appropriate fee, must be submitted to the Department of Public Works, 8 Grandview Street, Claremont, NH, during normal business hours of 7:00 AM – 3:00 PM, Monday-Friday or on the city website at www.claremontnh.com/documents-permits. The application fee for said permit will be governed by the City of Claremont’s fee schedule.
2. The driveway shall be properly prepared so that when the pavement is applied, the required 4% negative grade or such other requirement from the approved driveway permit on file, is maintained and there is no change to any existing drainage structures.
3. The Director of Public Works or his/her designee, shall be contacted to perform a pre-paving inspection to ensure that the driveway is in compliance with the regulations. A post-paving inspection shall also be required.

ARTICLE XII

MAINTENANCE AND RESPONSIBILITY (ALL LOTS)

1. The owner of the driveway entrance shall have continuing responsibility for maintaining the driveway such that no driveway or access threatens the integrity of the public highway or adversely affects the safety of pedestrian, biking and the traveling public. This responsibility extends to the adequacy of the access and any grades, culverts, or other structures pertaining to such access, whether or not located within the public right-of-way. Though the City reserves the right to clear debris from driveway culverts within the right-of-way prior to or during a significant weather event, the maintenance of the driveway culvert falls primarily upon the homeowner. The City does NOT improve, repair, or replace driveway culverts.
2. Enforcement of this section shall be the responsibility of the Director of Public Works or his/her designee pursuant to the Claremont City Code. This can include taking whatever actions are necessary to protect the highway and traveling public, with the owner or other responsible party held civilly liable to the city for its costs in taking such actions.
3. The city reserves the right of inspection by its authorized representative of any driveway construction abutting or within the public right-of-way. In the event of faulty workmanship and/or materials, the director of public works or his/her designee shall have the right to stop work until such time as the objectionable conditions are corrected. All costs incurred in the

removal and/or correction of defective workmanship and/or materials shall be borne by the applicant.

4. The owner shall furnish all materials and bear all costs related to the construction of a driveway.
5. All materials used abutting or within the public right-of-way shall meet the specifications of the City of Claremont. The Director of Public Works or his/her designee, shall determine the construction detail appropriate for each permit application.
6. The owner of the property accessed by the driveway shall have continuing responsibility for maintaining sight distance. No obstructions (e.g. signage, foliage, vegetation, ornaments, or lighting and such) shall be permitted to hinder sight distance.
7. The driveway shall be maintained so as to provide all season access for city emergency equipment.
8. The total cost of all construction and maintenance of the work specified shall be borne by the applicant, his grantees, successors, and assigns, with the exception of the maintenance of certain drainage structures constructed according to permit specifications by the applicant.

ARTICLE XIII

APPEALS

Any person aggrieved by a decision of the Director of Public Works may appeal said decision to the planning board.

ARTICLE XIV

PENALTY

Pursuant to RSA 676:17 and applicable provisions of the Claremont City Code, any person who violates these regulations may be issued a fine not to exceed \$275.00 for the first offense and \$550.00 for subsequent offenses for each violation for each day during or on which such violation continues to exist beyond the date of notice of any violation and, in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the Director of Public Works or his/her designee.

ARTICLE XV

ENFORCEMENT

The Director of Public Works or his/her designee shall have the primary responsibility for enforcement of these regulations.

ARTICLE XVI

APPLICABILITY AND EFFECTIVE DATE

These regulations are intended to replace and supersede the Driveway and Access regulations adopted by the Claremont Planning Board February 28, 1983. These regulations shall be effective and shall apply to all applications for driveway and/or access permits as of the date of adoption indicated below.

Adopted by the Claremont Planning Board on 11/8/2021


Chairperson