

# Town of Washington Driveway Regulations

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## 1: Authority

These regulations are adopted by the Washington Planning Board under the authority of New Hampshire [RSA 236:13](#) – [236:14](#). They govern the construction and alteration of driveways, entrances, exits, and approaches within the limits of the right-of-way of Town roads.

For access to property located on a State-maintained highway, a [driveway permit](#) must be obtained from the New Hampshire Department of Transportation.

## 2: Purpose

The purpose of these regulations is to maintain compliance with [RSA 236:13](#) and to ensure that driveways in the Town of Washington are designed, constructed, and maintained in a way that provides the maximum safety and protection to the traveling public and in a way that protects and maintains the serviceability of affected highways.

## 3: Permit Required

No person shall construct or establish any new driveway, or shall modify, reconfigure, or relocate an existing driveway in any manner which affects the area within the right-of-way of a Town road with respect to location, width, grade, entrance, exit, approach, drainage, or associated structures, without first obtaining a driveway permit. Any application for a driveway permit shall be made on an [application form](#) provided by the Town.

The Director of Public Works may require additional information or plans, depending on the location and design of the driveway. No building permits will be issued prior to obtaining a driveway permit and construction of a driveway.

## 4: New Driveways

All new driveways shall conform to the procedures, requirements, and standards set forth in these regulations.

## 5: Modification of Existing Driveways

For an existing driveway which does not comply with these regulations, but which did comply with standards in effect at the time of construction, the owner of property served may modify, reconfigure, or relocate that driveway without bringing it into compliance, so long as the use of the property served is not being changed in a significant way. In such cases the Director of Public Works shall issue a permit upon a finding that the modified driveway protects and enhances the public interests served by these regulations to at least the same degree as the driveway prior to modification.

## 6: Permits for Temporary Driveways

There are a variety of situations where a driveway is necessary to alleviate a temporary need to cross a right-of-way. Logging operations, utility maintenance, and commercial or residential constructions are examples. In addition to the standards for permanent driveways, the following regulations apply to temporary driveways.

- A. Temporary Permit. A temporary permit with a stipulated time limit is required for all temporary driveways. A temporary permit shall be valid for no more than six months; however, upon written request, the Director of Public Works may extend the permit for an additional six months.
- B. Safety Requirements. To ensure safety of the permittee and the traveling public, the Director of Public Works may state on the temporary permit that the use of flaggers, signs, cones, and other traffic control devices are required.
- C. Signage. If signs are required for safety considerations, the signs are to be maintained by the permittee for quality and effectiveness, as determined by the Director of Public Works. If the operation is suspended for 30 or more days, the signs must be removed by the permittee; the signs must be reinstalled when operations begin again.
- D. Logging Operations. A permit and a bond may be required. Exceptions to the permitting and bonding requirements may be granted if the access is through an existing permitted drive that can safely handle the equipment.
- E. Construction Operations. For operations requiring construction vehicles or other heavy vehicles, these operations shall be treated in the same manner as logging operations whenever the driveway is temporary in nature.
- F. Utility Maintenance. Routine utility maintenance or service may be conducted within the right-of-way without a written permit and without any bonding requirement.
- G. Limitation on Number of Driveways. No more than one temporary driveway shall be permitted to access a single parcel of land or lot of record unless approved by the Director of Public Works.
- H. Removal. Temporary driveways must be removed at the end of the permitted period.

## 7: Application Procedures

Any person wishing to construct or alter a driveway shall apply for a permit as follows.

- A. The applicant shall obtain a [Driveway Permit Application](#) form either in-person from the Select Board office or from the [Town of Washington website](#).
- B. After completing the application form, the applicant shall submit the form to the Planning Board at the Washington Town Office, together with the required site plan, and any other required attachments. The required fee shall be paid to the Town of Washington at this time.

- C. The location and extent of the driveway, together with the configuration of the curb cut in the right-of-way, must be staked or flagged in order to facilitate site inspection. Failure to do so shall result in the denial of the permit. A denial for this reason shall require reapplication and an additional payment of the application fee.
- D. Failure to obtain a permit may require that the driveway be removed at the owner's expense. If construction is started before permit approval is granted, the application fee shall be doubled.
- E. Once complete, the Director of Public Works shall review the application and any supporting documents or information, and shall issue a driveway permit or deny the application within a reasonable time, not to exceed 30 calendar days. This review period shall begin at the time that the application is complete, and shall not include the time necessary for a preliminary review or for additional requested information to be provided by the applicant.

## 8: Contents of Driveway Permit Applications

The contents of the [Driveway Permit Application](#) shall be determined by the Planning Board to conform to the regulations herein, as revised from time-to-time when necessary. All applications shall be printed legibly or typewritten on this form. The Director of Public Works may require the preparation of plans by an engineer or a surveyor if they deem such plans necessary. Failure of the applicant to supply the required information shall be sufficient grounds for denial of the application.

## 9: Limitation on Number of Permanent Driveways

If an application is made for more than one permanent driveway to serve a single parcel of land or lot of record from a single highway, the following provisions shall apply.

- A. There shall be no more than one driveway access to a single parcel of land or lot of record unless the need for multiple accesses can be demonstrated. The Director of Public Works may require a common access to be used, for reasons of safety and topographical considerations.
- B. No more than one driveway shall be permitted unless there is all-season safe sight distance in both directions along the highway. If the all-season safe sight distance cannot be obtained, a single driveway may be located at the safest point as determined by the Director of Public Works, provided that it is not an unreasonable hazard to the traveling public.
- C. When frontage along the highway is five hundred feet (500') or less, no more than two driveways shall be permitted. However, all-season safe sight distance shall be

maintained for all driveways, and there shall be no other significant safety risks to the traveling public.

- D. Except as provided in paragraphs (B) and (C) above, when frontage on a single parcel of land or lot of record does exceed five hundred feet (500'), no more than three driveways or accesses shall be permitted.

## 10: Driveway Access Standards

Driveway access or "curb cuts" to all Town roads shall comply with these standards.

- A. The curb cut shall have a minimum travel surface width of twelve feet (12') at its intersection with the travel surface of the highway and for a distance of fifteen feet (15') back from the highway travel surface. In addition to this width, the driveway entrance must be flared as it approaches the highway. If conditions do not allow the minimum width of twelve feet (12'), the Director of Public Works may approve a driveway of narrower width, provided that it is at least ten feet (10') wide. However, in all cases the driveway shall be wide enough to accommodate emergency vehicles.
- B. In addition to the minimum travel surface width, a no-obstruction zone five feet (5') wide shall be provided on each side of the curb cut for a distance of fifteen feet (15') back from the highway travel surface.
- C. The curb cut shall have a maximum travel surface width of fifteen feet (15') at the driveway's intersection with the travel surface of the highway and for a distance of fifteen feet (15') back from the highway travel surface, except where the driveway flares at its junction with the highway travel surface.
- D. No part of a curb cut, including its flare, shall be sited within five feet (5') of a property line.
- E. A curb cut shall not access a highway within 50 feet (50') of the intersection of that highway with another highway. The Director of Public Works may lower this requirement only if evaluation of sight distance, parcel size, or other relevant safety considerations warrant such modification. In no case shall a curb cut encroach upon the curved section of the corner at which two highways intersect.
- F. The intersection of the centerline of a driveway with the travel surface of a highway should form an angle as close as is practicable to 90 degrees. In no case shall the angle be less than 60 degrees.
- G. The driveway landing shall be at the same level as the Town road to a point no less than the stonewall or edge of the right-of-way.

- H. All access to the property must be attained through a permitted driveway. Other access to the premises shall be prevented by construction of a barrier or barriers, such as a grass plot, low hedge, or fence.

## 11: Drainage

To allow for adequate driveway and highway drainage, the following provisions shall be met.

- A. A driveway shall not interfere with the natural or ditch line flow of drainage water.
- B. In no case shall the permitted construction cause water to stand (pond) on the highway travel surface or shoulders or within the limits of the right-of-way.
- C. Where necessary, culverts, ditches, and other drainage structures shall be installed to ensure adequate highway drainage and to prevent drainage from the driveway onto the highway.
- D. In cases where property development increases drainage runoff, such that existing structures in the highway are rendered inadequate or the increased runoff rate results in an impairment of design capacity, the applicant shall be required to provide improvements to drainage structures to accommodate that increased water runoff, and to secure drainage rights downstream.
- E. All drainage structures to be used in connection with driveway construction shall be specified on the permit by the Director of Public Works, and all drainage structures shall be installed as specified. The type of material, strength, length, size, and cover required over drainage structures shall be in conformance with specifications of the New Hampshire Department of Transportation or as amended.
- F. In the absence of a well-defined ditch, a shallow depression or swale, when approved by the Director of Public Works, is considered to be a drainage structure as specified in the above paragraph. This swale shall be constructed beyond the edge of the shoulder to accommodate drainage and the storage of snow.
- G. The applicant shall be responsible for restoration of any damage within the right-of-way and will seed and fertilize and/or rip-rap as soon as possible after construction to prevent erosion and to prevent runoff water from entering the highway.

## 12: Stone Walls

In accordance with [RSA 472:6](#), no stone wall or other boundary marker which is located along the boundary of a public highway shall be breached by the construction or establishment of a driveway unless specifically authorized by a permit issued under these regulations. The permit

shall specify the width of any authorized breach. If breached temporarily to facilitate construction, stone walls shall be restored to their original state.

## 13: “Dig Safe”

It shall be the responsibility of the owner or owner’s agent to give notice under [RSA 374:51](#) to the Underground Utility Damage Prevention System, commonly referred to as “Dig Safe,” prior to performing any work under these regulations. “Dig Safe” is notified by calling 1-888-DIG-SAFE.

## 14: Permit Approval

The Planning Board authorizes the Director of Public Works to approve Part I of the [Driveway Permit Application](#) if, after inspecting the site, they determine that the application and supporting information demonstrate compliance with these regulations

The Select Board approves Part II of the [Driveway Permit Application](#) if it determines that the provisions of [LUO 307.2](#) and the appropriate State RSAs have been met.

## 15: Construction and Costs

Failure to complete construction of an approved driveway within one calendar year from the date of issue of the permit shall render the permit null and void.

Facilities constructed in violation of permit conditions shall be corrected immediately upon notification of the Director of Public Works or the costs of removing said facility shall be fully borne by the owner.

As a condition of the permit, the applicant, or its grantees, successors, or assigns, shall be required to construct or to pay for the cost of all driveway construction and alterations and any associated modifications that are made to the town-maintained highway and other affected property. Any highway disturbed during the construction of a driveway shall be restored to the satisfaction of the Director of Public Works.

## 16: Performance Bond

Pursuant to [RSA 236:10](#), A bond in the form of cash or letter of credit from a New Hampshire bank may be required by the Town to cover costs associated with restoration or repair of a town road where the excavation will occur. The Town of Washington shall not arbitrarily withhold funds from any cash bond or letter of credit, but shall first make a good faith effort to resolve any differences with the contractor doing the excavation or restoration.

## 17: Continuing Owner Responsibility

All owners of property served by a driveway shall have a continuing duty, including financial responsibility, for keeping and maintaining that driveway, and any grades, culverts, or other structures appurtenant to it, on an ongoing basis, in such a condition that the adequate and safe function of the public highway, and of the driveway, are not adversely affected.

It is the property owner's responsibility to keep culverts free of soil and debris. If it is determined by the Highway department that the culvert needs to be replaced, the cost of such action will be the responsibility of the owner of the driveway whether the work is done by the Highway Department, owner, or owner's agent. The Highway Department will approve the design and final installation of the culvert.

This provision applies whether or not the driveway was constructed or installed pursuant to a permit under these regulations.

Upon receipt of invoice, payment will be expected in full, within 90 calendar days from the invoice due date.

## 18: Corrective Order

- A. Whenever, by reason of siltation, flooding, erosion, frost action, vegetative growth, or the failure of any culvert, traffic control device, drainage structure, or any other feature, any driveway becomes a potential threat to the integrity of the public highway or its surfaces, ditches, embankments, bridges, or other structures, or a hazard to the safety of highway or driveway users, the Select Board may issue an order to the owner or owners of property served, or the owner's agent, to repair or remove the threat or hazard.
- B. The order shall describe the threat or hazard, shall describe what corrective action is required, may set forth a time within which the owner or owner's agent must submit for approval a plan for the repair, alteration, or other work, and shall set forth a time within which the corrective action shall be completed. The order shall be sent by certified mail.
- C. If the order is not complied with within the time prescribed, the Select Board may cause the repair, alteration, or other corrective action to be completed by the Department of Public Works. As set forth in [RSA 236:13](#) the owner or owner's agent shall be liable for the Town's full costs in taking such action.
- D. If the Director of Public Works determines that the issuance of an order under this section would create unnecessary delay in correcting an imminent threat or hazard, or would otherwise be contrary to the public interest, they may cause the repair or other action to be taken by the Town without issuing an order. The owner of property served,



or owner's agent, shall nonetheless be responsible under [RSA 236:14](#) for the cost of restoring the highway.

- E. Nothing in these regulations prevents the Town from making an agreement with an owner concerning a particular driveway, including, but not limited to, an agreement for the Town to perform repairs at an owner's expense. However, no such agreement shall release an owner from future compliance with the duty set forth in Section 17 above, "Continuing Owner Responsibility."

## 19: Appeals

Any decision of the Director of Public Works with respect to a permit, order, or waiver under these regulations may be appealed in writing to the Planning Board by any person directly affected. The procedures for notice and hearing of such an appeal shall be the same procedures utilized for minor lot line adjustments, as set forth in [RSA 676:4 I\(e\)](#). If the appeal pertains to a corrective order, the appeal must be filed prior to the deadline for corrective action set forth in the order. Any person aggrieved by the decision of the Planning Board upon an appeal under this section may appeal to the Superior Court under [RSA 677:15](#).

## 20: Enforcement and Penalties

Pursuant to [RSA 236:14](#), any person who violates these regulations, or any condition or specification of a permit or order issued under these regulations, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and, in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the Director of Public Works. The Town may take any appropriate enforcement action to prevent unlawful construction, to recover damages, or to restrain, correct, or abate a violation.

## 21: Notice to Property Owners and Applicants

The regulations herein address the standards and specifications for driveway access or curb cuts. The driveway itself (the strip of land on a lot, tract or parcel that provides ingress and egress) is governed by [LUO 307.2](#) Driveway Design and Construction.

## 22: Definitions

Terms in these regulations shall be interpreted consistently with similar terms in the DOT Policy and the Washington Land Use Ordinance.

## 23: Severability

If any section, subsection, sentence, clause, phrase, or other part of these regulations should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall remain in full force and effect; and, to this end, the provisions of this policy are severable.

## 24: Effective Date

These regulations and any future amendments shall become immediately effective upon a majority vote by the Planning Board after a Public Hearing.