



# **TOWN OF BELMONT**

**NEW HAMPSHIRE**

## **DRIVEWAY REGULATIONS**

ENACTED: MARCH 9, 1992

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**DRIVEWAY REGULATIONS  
Town of Belmont, New Hampshire**

Adopted: March 9, 1992  
Amended: October 25, 2010  
June 25, 2018

**PURPOSE**

The purpose of these Regulations is to promote the orderly and planned growth of undeveloped areas of Belmont. Driveway review will protect the interest of the public and the taxpayer.

**SECTION 1. BASIS OF THESE REGULATIONS**

**A. Authority**

The following regulations governing the construction and alteration of driveways, entrances, exits and approaches within the limits of the right of way are adopted by the Planning Board in accordance with the provisions of NH RSA 236, Sections 13 and 14.

It shall be unlawful to construct, pave, repave, resurface, or alter in any way that substantially affects the size or grade of any driveway, entrance, exit, approach within the limits of the right of way of any highway under the jurisdiction of the Town of Belmont for temporary or permanent use that does not conform to the terms and specifications of a written permit issued by the Planning Board/Designee and the Public Works Director/Designee when authorized by these regulations.

*“Roads”* as used within this document include any highway or other way regulated by the Planning Board.

**B. Separability**

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

**C. Procedure**

**1. Application**

Any person wishing to construct or alter a driveway for temporary or permanent use or change the use of an existing driveway shall obtain a driveway permit

application from the Land Use Office and shall file that completed application, with an accurate sketch of the proposed construction, with the Land Use Office.

The following information shall be provided on the sketch:

- a. Name of owner and street address of properties across the road from your driveway and on each side of your property.
- b. Location of all existing driveways serving the property.
- c. Distance to the nearest road intersection, if within 100 feet.
- d. Location and pole number of the closest utility pole.
- e. Location and widths of the driveway for which the permit is requested. Widths should include the driveway width at the property line and at the flare of the driveway where it meets the road.
- f. Dimensions and specifications of the driveway's paved apron (width and depth from the road).
- g. Lengths of the sight distances in both directions along the road. Location/description of any visual obstructions to the required sight lines.
- h. Description (including dimensions) of any culverts, other drainage structures, traffic control devices, and channelization islands to be placed, repaired or constructed, also the depth of fill over any culverts.
- i. The grade (slope) of the driveway.
- j. Any additional information for staff to best understand the location and proposal.

Failure of the applicant to supply the information and the sketch requested shall be sufficient grounds for the denial of the application. The Planning Board may require the preparation of plans by an engineer or a surveyor, when deemed necessary.

At the time the application is submitted, the location of the proposed driveway/work shall be marked at the site with easily seen painted stakes or flagging, at least two per side, at a minimum located at the road edge and at the property line. If the driveway is not clearly marked the application will be deemed incomplete and no permit shall be issued.

## **2. Inspections and Approval**

The Public Works Director/Designee or Planning Board/Designee shall view the site and evaluate the application for compliance with the Standards outlined in Section D below. Compliant applications shall be signed by both the Public Works Director/Designee and Planning Board/Designee for approval.

If approved, a written driveway permit shall be issued to the applicant stating the

terms and specifications for the construction, alteration or use of the driveway. If denied, written notification shall be sent to the applicant stating the reason for denial.

Once permanent work is completed, or a temporary entrance has been installed in accordance with these regulations, the applicant shall contact the Land Use Office for an inspection and a letter of compliance will be issued.

For temporary entrances, a second inspection must be scheduled when the driveway is either closed or finished as a permanent driveway.

Unless a letter of compliance has been issued, permits expire 6 months from date of issuance. One 6-month extension can be requested at no cost.

### **3. Planning Board Appeal**

Driveway permit applications that receive a denial may be revised to comply with the Standards outlined in Section D below and resubmitted to the Land Use Office for re-review or the applicant may appeal the denial to the Planning Board. The applicant shall outline in a letter to the Planning Board why the Standards cannot be met and make application for an Appeal Hearing. The Planning Board shall conduct a public hearing on the appeal after giving abutters 10 days notice and posting the notice in two public places. The Planning Board shall, after considering the application, the recommendations of the Public Works Director/Designee, Land Use staff, comments from the applicant, abutters or other interested parties approve, approve with conditions or deny the driveway permit application. If denied, written notification outlining the reasons for denial shall be sent to the applicant.

## **D. Standards**

- 1. Temporary Uses:** The standards for temporary construction entrances for temporary activities such as logging and utility maintenance or during commercial/residential construction shall comply with those standards determined by the Public Works Director/Designee or Planning Board/Designee, based on specific site conditions, to be necessary to protect all road, drainage and other infrastructure at/near the access point for the duration of the temporary use. See Exhibit E-2. At a minimum, a construction entrance shall be installed sufficient to protect the road, control stormwater and avoid tracking into the road. Reclaiming the disturbed area to its natural state or constructing a driveway to permanent standards under a permanent driveway permit upon completion of the temporary activity is also required. In addition to a driveway permit, a Permit to work in a Road ROW from the Selectmen's Office may also be necessary and security may be required.

2. **Number:** No more than two driveways shall be constructed from any one road to any one property, unless frontage along that road exceeds 500 feet. When the frontage exceeds 500 feet, no more than three driveways shall be constructed.
3. **Location:** The location shall be selected to provide the most adequate degree of safety for the travelling public. The driveway shall be at least 25 feet from the nearest road intersection.

Additionally, lots must have at least one access over their legal frontage. Primary access located in another location requires a Conditional Use Permit (Zoning Article 15. Frontage).

4. **Sight Distances:** The location shall be selected to provide safe sight distances. The minimum all-season sight distance shall be the posted speed limit times ten (10). Unposted roads shall be assumed to be thirty mph (30). The sight triangle shall begin at a point three feet nine inches (3'-9") above the driveway surface and be located in the proposed driveway at least ten feet (10') back from the edge of the traveled way. The other ends of the triangle shall also be measured three feet nine inches (3'-9") above the Town roadway at a point ten (10) times the posted speed limit of the Town road and be applicable in both directions from the proposed driveway. In addition, any blind spots within the triangle shall be noted on the plan.

For the properties where the minimum sight distances described above cannot be met, the driveway shall be placed at the safest possible location. The speed posted on the town road may be reduced accordingly but not to less than 30 mph. If a lesser speed is indicated, a yellow warning sign indicating the hazard to be encountered (e.g. Blind Drive) with an Advisory Speed Sign mounted directly below showing the indicated speed to the nearest 5 mph multiple may be required by the Planning Board. The indicated speed shall be the safe sight distance available divided by ten (10). The cost for all necessary warning and advisory signs shall be borne by the applicant.

In the case of major uses a preliminary traffic impact study and conceptual design plan may be required. In order to reduce unnecessary expenses, a preliminary review will determine if detailed design plans will also be required.

5. **Intersection:** The driveway shall be laid out so as to intersect with the road as nearly as possible at right angles, but in no case at an angle of less than sixty degrees.
6. **Width:** The driveway shall have a minimum width of 12 feet. The driveway shall be flared at its junction with the road to provide the turning radius of emergency vehicles as per the Subdivision Regulations. The driveway shall have a maximum width of 50 feet at its junction with the road unless a greater width is needed to provide the required turning radiuses for emergency vehicles.
7. **Grade:** The grade of entrances and exits shall be constructed to slope down and

away from the town road surface for a distance equivalent to the existing town road ditch line or 10' if none. See Exhibit E-1.

8. **Paved Apron:** Driveways that abut paved roads shall be constructed with paved aprons that shall be as wide as the driveway and at least five feet in depth as measured perpendicularly from the edge of the road pavement (and deeper, if deemed necessary by the Public Works Director/Designee or Planning Board/Designee). The paved apron shall be constructed and maintained in such a way as to protect the edge of the road pavement from deterioration. Paved apron is required for Certificate of Occupancy or Use of the property. For driveways accessing onto a paved road from lots under construction, the Public Works Director/Designee may grant a temporary waiver for the apron during construction. However, suitable materials, approved by the Director/Designee will be required to guarantee road pavement protection at all times (see Exhibit 1). For lots not under construction, the paved apron shall be constructed at the time the driveway is installed, prior to use, to protect against road infrastructure damage. In all cases, the paved apron shall be in place, inspected and certified as compliant prior to a Certificate of Occupancy or Use being issued.
9. **Drainage:** The driveway shall not interfere with road drainage. Where necessary, culverts, waterbars, ditches, and other drainage structures or on-site catchment areas shall be installed and maintained by the lot owner to insure adequate drainage of the road and to prevent excessive drainage from the driveway onto the road. Culverts shall be at least 12 inches in diameter, and larger if considered necessary by the Board or its designee. A minimum of 12 inches of fill shall be placed over culverts.

No driveway may discharge or allow to be discharged stormwater which presents a threat to the integrity of the highway or its surface, ditches, embankments, bridges or other structures or a hazard to the safety of the traveling public. Such activity may result in an order of repair from the Planning Board. Upon failure to comply, the Planning Board may cause to be taken whatever action is necessary to protect the highway and the traveling public; and the owner shall be civilly liable to the Town for the costs in taking such action (NH RSA 236:13,VI; 236:39, 236:19, 236:38).
10. **Sidewalks and Road Repair:** When the construction of a driveway would require the disturbance of a road or a sidewalk, the applicant shall obtain a Permit to Work in the Town Road Right of Way from the Board of Selectmen before proceeding with construction. Any road or sidewalk disturbed during the construction of the driveway shall be restored to the satisfaction of the Board of Selectmen or its designee.
11. **Security:** The applicant may be required by the Public Works Director/Designee or Planning Board/Designee to file security in an amount sufficient to cover the cost of the construction of that portion of the driveway within the right of way of the road, including the required culverts, ditches, other drainage structures and the

paved apron, and to cover the cost of repairing public sidewalks and roads disturbed by the construction. Security shall be approved as to form and sureties by the Planning Board/Designee. The amount of security shall be based on a contractor's or an engineer's cost estimate of the necessary construction and repair. The estimate shall be approved by the Planning Board/Designee prior to obtaining the security. All bonds or letters of credit shall be for 100% of the estimated cost. Security shall not be released until the Public Works Director/Designee or Planning Board/Designee has certified completion of the secured construction and repairs in accordance with the standards stated in these regulations and in accordance with the plan approved by the Planning Board or its designee.

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.
13. **Mail Box:** If a US Postal mail box will be installed adjacent to this driveway, it MUST comply with the location/setbacks required by the US Postal Service. Mailboxes that are not erected in compliance with such Regulations are subject to damage by road maintenance activities. The Town will not accept requests for the repair or replacement of damaged mail boxes that are not installed in accordance with USPS standards. For placement requirements contact Belmont Postmaster or review <https://www.usps.com/manage/mailboxes.htm>.
14. **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.
15. **Other Permits:** It shall be the responsibility of the owner or owner's agent to obtain any and all other permits/permissions required for the work. Permits may include, but are not limited to NH DES, landowner, Belmont Site Plan or Subdivision.

#### **E. Waiver, Enforcement, Fines, Penalties and Injunctive Relief**

##### **1. Waiver**

The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may only grant a waiver if the board finds, by majority vote, that:

- a. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- b. Specific circumstances relative to conditions of the land indicate that the waiver will properly carry out the spirit and intent of the regulations.

Waivers must be submitted in writing and shall only be considered during the formal review of an application for which abutters have been notified.

2. **Written Notice of Violation.** A written notice of violation shall be issued to the



property owner by certified mail from the Planning Board's Agent if said Agent determines that conditions at the site are in violation of any of the requirements of this regulation or plans approved under this regulation and that the violation is not an immediate threat to public health and safety. The notice of violation shall:

- a. Specify the actions or conditions which violate the requirements of this regulation or plans approved under this regulation;
- b. Identify what needs to be done to correct the violation(s);
- c. Specify a reasonable time frame within which the violation will be corrected;
- d. Be provided to the property owner with a copy to be kept in the official records of the Planning Board.

**3. Cease and Desist Order.** A temporary cease and desist order may be issued to the property owner by the Planning Board's Agent if the Agent determines that conditions at the site are in violation of any of the requirements of this regulation and the violation is either:

- a. An immediate threat to public health and safety; or
- b. The property owner has failed to take corrective action(s) identified in a written notice of violation issued under these regulations within the time frame specified therein.

**4. Enforcement.** These regulations shall be administered by the Planning Board and enforced by the Board of Selectmen as provided in NH RSA 236:13 and 236:14, as amended.

**SECTION 2. INTERPRETATION**

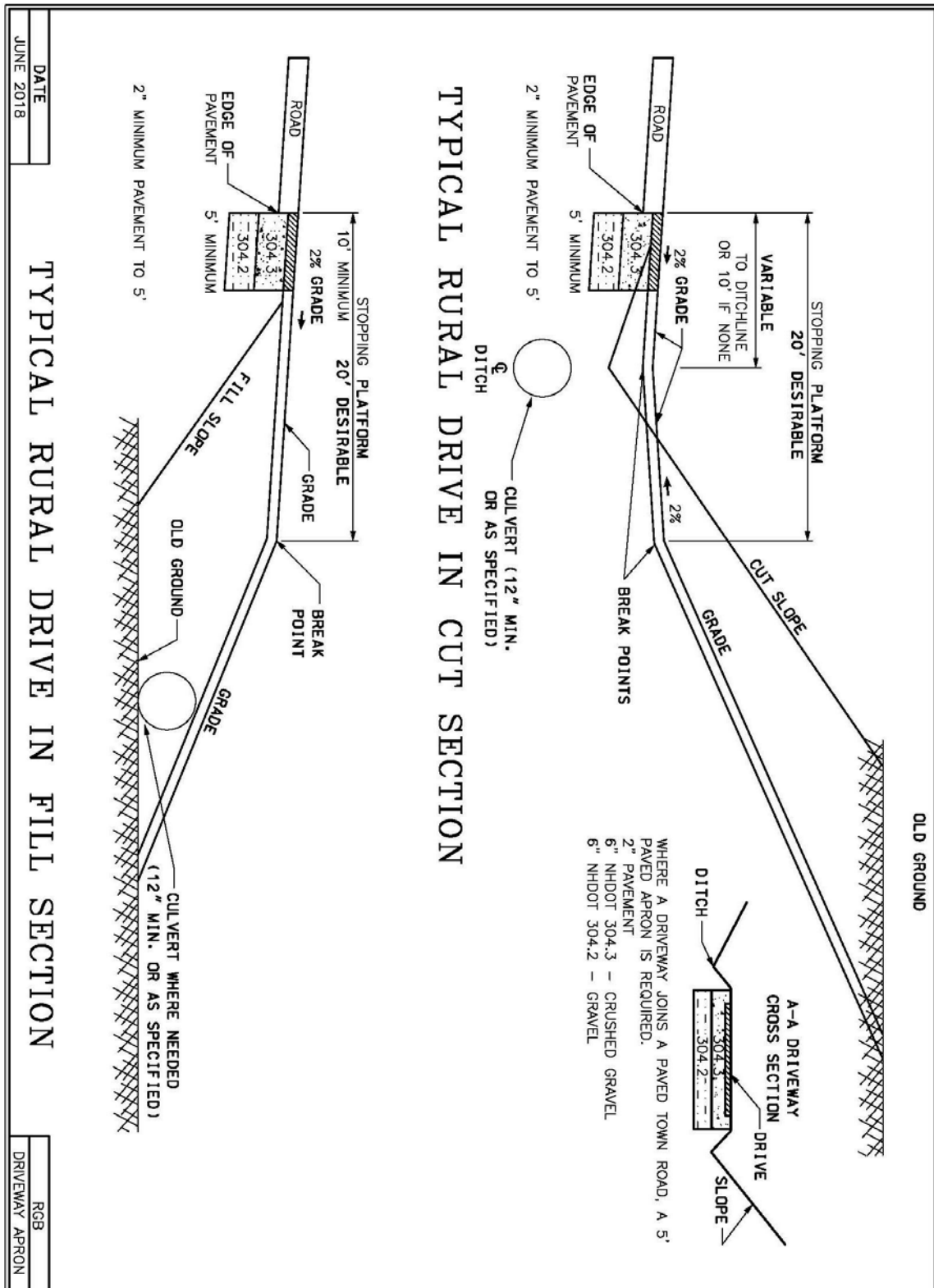
In matters of judgement or interpretation of the above general requirements, the opinion of the Planning Board shall prevail.

**SECTION 3. ADOPTION AND AMENDMENTS**

These shall become effective and may be amended after a public hearing, adoption and certification by the Board, and filing of certified copies with the Town Clerk, Belknap County Registry of Deeds and NH Office of Strategic Initiatives.

**SECTION 4. NUMBERING**

After amendments are adopted, the Planning Board shall have the authority to renumber the sections of these regulations consecutively.



## TEMPORARY CONSTRUCTION EXIT

### GENERAL DESCRIPTION

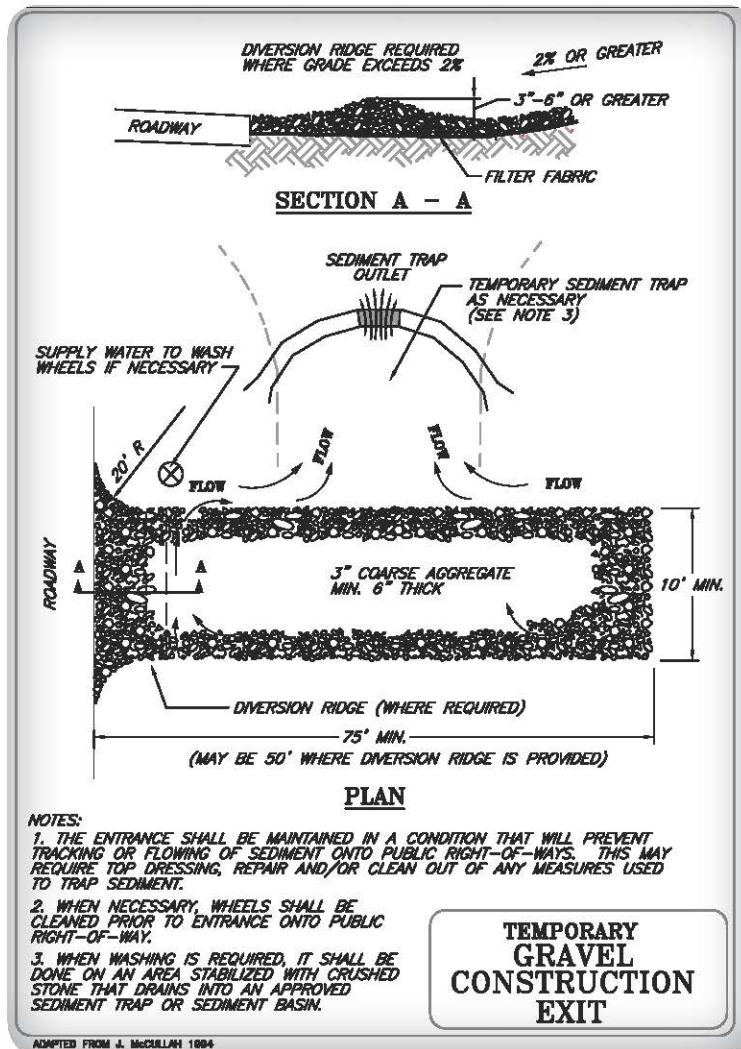
A stabilized construction exit consists of a pad of stone aggregate placed on a geotextile filter fabric, located at any point where traffic will be leaving a construction site to an existing access road way or other paved surface. Its purpose is to reduce or eliminate the tracking of sediment onto public roads by construction vehicles. This helps protect receiving waters from sediment carried by stormwater runoff from public roads.

### CONSIDERATIONS

- Only construction traffic *leaving* the site is required to use the temporary stabilized exit. Consider providing a separate, unprotected, entrance for traffic entering the site. This will increase the longevity of the stabilized exit by eliminating heavy loads entering the site and reducing the total traffic over the device.
- Locate construction entrances and exits to limit sediment leaving the site and to provide for maximum utility by all construction vehicles. Avoid entrances that have steep grades and entrances at curves in public roads.
- The entrance should be maintained in a condition that will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand, and repair and/or maintenance of any measures used to trap sediment.

#### 4-2. Sediment Control Practices

- The pad should be maintained or replaced when mud and soil particles clog the voids in the stone such that mud and soil particles are tracked off-site.
- Natural drainage that crosses the location of the stone pad should be intercepted and piped beneath the pad, as necessary, with suitable outlet protection.



## 4-2. Sediment Control Practices