

**APPENDIX - DRIVEWAY REGULATIONS**

Note: Driveway Regulations are not part of the zoning ordinance. They are adopted by the Planning Board under separate statute. They are being provided here for your convenience.

**PURPOSE:**

The purpose of these regulations is to promote the planned and safe growth of the Town of Gorham. Driveway review will protect the interest of the public and the taxpayer.

A “driveway” shall mean an access from a public street, serving not more than two (2) dwellings, lots, sites or multi-family buildings as approved by the Planning Board; provided that each lot or site must have frontage meeting the requirements of Section 3.21 of the Town of Gorham Zoning Ordinance.

**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 provision of Chapter 236, sections 13, V and 14, New Hampshire Revised Statutes Annotated. It shall be unlawful to construct or alter in any way that which substantially affects the size or grade of any driveway exit or approach within the limits of the right of way of any highway under the jurisdiction of the Town of Gorham that does not conform to the terms and specifications of the written permit issued by the Planning Board or Public Works Director when authorized by these regulations.
- 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 invalidated any other section, clause, provision, portion or phrase of these regulations.

**PROCEDURE FOR APPLICATION:**

- a. **APPLICATION:** Any person wishing to construct or alter a driveway shall obtain a construction permit from the Town Office, and shall file said application together with a site plan map of the proposed construction with the same office. All information shall be provided as required by the application. An incomplete application will not be reviewed, including applications submitted without a site plan map. [Please note: DRIVEWAY ACCESS TO THE NH STATE HIGHWAY SYSTEM MUST BE OBTAINED FROM THE NH DEPT. OF TRANSPORTATION, DISTRICT #1 (603-788-4641) not the Town of Gorham]

The Public Works Director, Chief of Police and Fire Chief shall review the application for compliance with the standards outlined in section “b” below and inspect the site. The Planning Board shall review the comments of the Public Works Director, Chief of Police and the Fire Chief in determining whether to approve the application. If the application is approved, a written driveway permit shall be issued to the applicant stating the terms and specifications for the construction or alteration of the driveway.

FAILURE TO OBTAIN A PROPER DRIVEWAY PERMIT, AND TO CONSTRUCT A DRIVEWAY ACCORDING TO AN APPROVED APPLICATION, MAY REQUIRE THAT THE DRIVEWAY BE REMOVED AT THE OWNER’S EXPENSE. LAND OWNER’S WILL BE HELD RESPONSIBLE FOR ANY DAMAGE TO TOWN ROADS DURING AND FOLLOWING CONSTRUCTION. DRIVEWAY CONSTRUCTION MUST BE COMPLETED WITHIN ONE YEAR OF APPROVAL DATE.

If the application is denied, written notification shall be sent to the applicant stating the reason for denial. The applicant may then revise the application to comply with the regulations and appeal to the Planning Board for reconsideration.

If appealing the decision, the applicant shall outline in a letter addressed to the Planning Board why the standards cannot be met. 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 recommendation of the Public Works Director, Chief of Police and the Fire Chief, the comments from the applicant, and comments from 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.

**b. STANDARDS**

1. NUMBER: No more than two driveways shall be permitted on any one lot.
2. LOCATION: The location shall be selected to protect the most adequate degree of safety for the traveling public. The driveway shall be at least 25 feet from the nearest street intersection.
3. SITE DISTANCE: The location for the new driveway shall be selected to provide safe sight distance, and shall be designed and built in such a manner so that a driver at a point ten feet outside the shoulder of the town road, will have unobstructed views for a minimum of 150 feet in either direction.

4. DRIVEWAY ALIGNMENT: All driveways will enter at an angle of 90 degrees to the town road centerline. At a point 20 feet outside the town road shoulder, the alignment may be changed with a reasonable horizontal curve. If the degree of change exceeds 45 degrees, said design is subject to approval by the Planning Board.
5. DRIVEWAY WITH NEGATIVE GRADE: The driveway at a distance of 20 feet from the shoulder of the road will be no more than one foot lower than the shoulder grade. Beyond that point, a reasonable vertical curve will be used to meet up to 15% maximum negative grade.
6. DRIVEWAY WITH A POSITIVE GRADE: The driveway at a distance of six feet from the shoulder of the road will be a minimum of six inches lower than the shoulder grade. At a distance of 20 feet from the shoulder of the road, the driveway grade will be no more than 18 inches higher than the shoulder grade. Beyond that point, a reasonable vertical curve will be used to meet up to 15% maximum positive grade.
7. DRIVEWAY SURFACE: All driveways, for a minimum of 25 feet from the shoulder, shall be surfaced with a minimum of 12 inches of clean bank run gravel.
8. PAVED APRON: Driveways that abut paved street shall be constructed with paved aprons that shall be as wide as the driveway and at least 5 feet in depth as measured perpendicularly from the edge of the street pavement (and deeper if deemed necessary by the Planning Board). The paved apron shall be constructed in such a way as to protect the edge of the road pavement from deterioration.
9. DRAINAGE: All driveways entering on a town road in locations that have or require a side drainage ditch, shall have a culvert of the size, length, and gauge specified by the Public Works Director. Such culverts will have proper pitch and a minimum cover of 12 inches. Inlet and outlet ditches shall be as required for good drainage. All driveways in cuts will have side ditches at least 12 inches below driveway grade.
10. DRIVEWAY WIDTH: All driveways serving single residential homes will have a minimum width of 12 feet with proper flare at the intersection with the town road. Side ditches where required will be at least two feet outside the shoulder of the driveway.
11. SIDEWALK AND ROAD REPAIRS: When the construction of a driveway would require the disturbance of a street or a sidewalk, the applicant shall obtain the permission of the Public Works Director before proceeding with construction. Any road or sidewalk disturbed during the construction of the driveway shall be restored to the satisfaction of the Public Works Director.
12. PERFORMANCE BOND: The applicant may be required by the Public Works Director to file a bond or letter of credit in an amount sufficient to cover the cost

of construction of that portion of the driveway within the right of way of the road, including the required culverts, ditches, other drainage structures and pave apron, and to cover the cost of repairing public sidewalks and streets disturbed by the construction. All bonds or letter of credit shall be for 100% of the estimated cost as determined by the Public Works Director or engineer's cost estimate. The performance bond or letter of credit shall not be released until the Public Works Director has certified completion of the bonded construction and repairs in accordance with the standards.

**ADMINISTRATION**

- a. **PENALTY:** As provided under RSA 236:14, any person who violates any provision of RSA 236:13 or these regulations shall be guilty of a violation or a misdemeanor and shall be liable for the cost of restoration of the street to the satisfaction of the Board of Selectmen.
- b. **WAIVER:** Where conformity to these regulation would cause undue hardship (other than financial), or injustice to the owner of the land, the Planning Board may, upon the recommendation and advisement of the Public Works Director, waive any of the above regulations, provided that the spirit of the regulations will be respected and that the public convenience and safety will not be affected.

**NOTICE TO PROPERTY OWNERS**

The Town of Gorham Driveway Regulations adopted by the Planning Board addresses the standards and specifications for the intersection of a driveway and a road within the limits of the road right of way. The driveway regulations **DO NO APPLY** to that part of the driveway extending beyond the road right of way. However, the Town wishes to notify property owners that in designing and construction a driveway beyond the limits of the road right of way that due consideration should be given to the fact that emergency vehicles in general may not be able to access driveways that exceed a grad of 15% and/or have curves with and 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.**

**Zoning Ordinance, Town of Gorham, New Hampshire**

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TOWN OF GORHAM, NEW HAMPSHIRE

**DRIVEWAY APPLICATION FORM**

A driveway permit is needed for the opening of any driveway onto a town road or onto a town approved road. A state driveway permit is required for a driveway onto a state maintained road.

No building permit will be issued unless there is an approved driveway permit on file.

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Property Address: \_\_\_\_\_

Phone Number: (days) \_\_\_\_\_ (eves) \_\_\_\_\_

Applicant (if other than Property Owner): \_\_\_\_\_

Tax Map: \_\_\_\_\_ Lot #: \_\_\_\_\_

Check One:

New Construction     Resurface / Modify     Temporary Driveway

Check One:

Home     Business     Logging

As the landowner(s), I (We) hereby agree to the following conditions:

1. To bear all cost of construction and materials (including required drainage structures) necessary to complete the driveway to the Town of Gorham's satisfaction.
2. To hold harmless the Town of Gorham and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of exercise of this permit.
3. To abide by the provisions of the Driveway Regulations and the specifications below:

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- a. That the driveway be constructed in the location and with the dimensions as diagrammed on the attached sheet so that no drainage runs onto a Town roadway.
- b. That any change or exceptions to the below specifications have written approval of the Public Works Director and;
- c. That the Highway Department has the right to remove or correct – at the owner’s expense – any driveway entrance not built in accordance with the Town of Gorham’s Driveway Regulations or as outlined on this application form.
- d. Private Driveway connections, including structures such as culverts, remain the continuing responsibility of the landowner, even those located within the Right-of Way.
- e. If proposed driveway crosses a stream or a wetland applicant should refer to the State of NH Wetland Rules.
- f. A MAXIMUM of two (2) approved driveways per lot is allowed.

\_\_\_\_\_

Landowner(s) Signature

\_\_\_\_\_

Date

**Zoning Ordinance, Town of Gorham, New Hampshire**

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DIAGRAM SHALL INCLUDE DISTANCE FROM PROPERTY LINES TO DRIVEWAY AND WIDTH OF DRIVEWAY.

NOTE: THE LOCATION OF THE PROPOSED DRIVEWAY SHALL BE STAKED FOR INSPECTION.

The following information shall be provided:

- a. Sight distances in both directions
- b. Description and location (including dimensions) of any culverts together with the depth of fill over any culverts.

Examples of Driveway Diagram

Date: \_\_\_\_\_

Permit # \_\_\_\_\_

Permission to construct a driveway, entrance, exit, approach adjoining \_\_\_\_\_  
\_\_\_\_\_ Road/Street pursuant to the location and specifications as described below, is hereby granted. Failure to adhere to the standards and drawings previously submitted and failure to complete construction within one calendar year of the date of this permit shall render this permit null and void. Driveways constructed in violation of these conditions shall be corrected immediately upon notification.

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LOCATION

1. This permit requires that the area adjacent to the road be graded such that the surface will slope from the edge of the pavement at 2% to a line Twenty-five (25) feet distant from the roadway pavement, and
2. Two (2) inches below the edge of pavement, which line will serve as a drainage gutter.
3. \_\_\_\_\_foot wide driveway is permissible. The driveway entrance may be flared as it approaches the roadway pavement.
4. Other access to the highway from the premises is to be prevented by construction of a barrier or barriers such as a grass plot, low hedge, curbed island, etc.
5. No structures, including buildings, permanent or portable signs, lights, displays, fences, walls, etc shall be permitted on, over or under the highway right-of-way.
6. The road right-of-way is located\_\_\_\_\_feet from and parallel to the centerline of road pavement.
7. The applicant shall comply with all zoning ordinance and regulations specified by the Town of Gorham.
8. Brush and trees shall be cut back on both sides of the proposed to obtain a clear line of sight in both directions from a point in the proposed driveway approximately 12 feet from the edge of pavement.

\_\_\_\_\_  
By: Planning Board Chairman

\_\_\_\_\_  
Date

I agree to construct said driveway in complete compliance with the conditions of this permit, as shown above.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date