

**TOWN OF BENNINGTON, NEW HAMPSHIRE
DRIVEWAY REGULATIONS**

Notice: If the proposed driveway is off a State highway, a State driveway permit must be obtained.

SECTION I – PURPOSES AND AUTHORITY

A. Purposes

The purposes of these Driveway Regulations are to:

1. Promote the orderly and planned growth of undeveloped areas of Bennington;
2. Protect the public's health, safety, and welfare;
3. Insure safe access to and from the Town street or State highway to the building site for the owners, guests, and emergency response personnel and vehicles;
4. Insure that driveway designs and construction will prevent erosion and sediment from driveways entering onto public highways;
5. Insure that driveway designs and construction will provide safe access for fire and other emergency response vehicles;
6. Insure that driveway designs and construction will provide safe sight distance at the intersection with a public highway; and
7. Insure that driveway designs and construction will prevent adverse storm water drainage impacts on the street providing access to the property.

B. Authority

The following regulations govern the construction and alteration of driveways, entrances, exits, and approaches to and from a public highway and the entire length of the driveway to a building site or to the end of the driveway.

The authority for these Driveway Regulations is provided by:

1. RSA 236:13 & 14 – Access to State Highways and Town Streets;
2. RSA 236:19 & 20 – Relative to Causing Water, Snow, or Other Materials to be Placed upon the Highway;
3. RSA 674:16 & 17 – Zoning;
4. RSA 674:35 & 36 – Subdivision Regulations;
5. RSA 674:43 & 44 – Site Plan Review Regulations;
6. RSA 41:11 – Authorizing the Selectboard to Adopt Highway Regulations; and

7. NFPA 1 – Life Safety Code, Chapter 18, Fire Department Access & Water Supply.

It shall be unlawful to construct or alter in any way that substantially affects the size, layout, or grade of any driveway, driveway exit, or approach within the limits of the right-of-way to and from a Town street or State highway in the Town of Bennington, public or private, that does not conform to the standards of these regulations and to the terms and specifications of a written permit issued by the Road Agent.

SECTION II – STANDARDS

- A. The Driveway Permit is to be issued before a Building Permit is applied for and before any entrance is made to the lot, or before an existing but unpaved driveway is paved. The Road Agent will inspect and approve the driveway location prior to the Driveway Permit application being submitted. The Driveway Permit must be signed off by the Road Agent.
- B. Any driveway with access on a State highway must comply with RSA 236:13.
- C. Driveways must meet all requirements of the NFPA Uniform Fire Code including, but not limited to, minimum width, overhead clearance, and provisions for turnarounds. The following exceptions apply for driveways for (1) one- and (2) two-family residences:
 - a.) Unobstructed width of the driveway need not be wider than 10 feet.
- D. The edge of a driveway's traveled way must be at least twenty (20) feet from an abutter's property, unless that property owner has rights to the shared driveway. (See Figure 1a & 1b)
- E. A minimum of two hundred (200) feet all season safe sight distance in each direction shall be required.
- F. The apron's slope will depend on topography and will be determined by the Road Agent but will not normally exceed a five (5) percent grade within twenty five (25) feet of the highway edge or fifty (50) feet of the center of the roadway.
- G. Apron base area will be cleared of unsuitable material and replaced with no less than twelve (12) inches of approved gravel. It will be brought to specifications but will not be paved prior to any building construction, including excavation.
- H. The driveway entrance (apron) must be flush with the Town road surface and of the same composition (i.e., gravel to gravel or bituminous to bituminous).
- I.
 - a. Aprons for driveways to single family residential structures, where the driveway meets the road at an angle of approximately 90 degrees, shall have a minimum width at the roadway edge calculated by subtracting the roadway width (measured at the entrance to the driveway) from 44 feet, but in no case shall the apron be narrower than 17 feet at the roadway edge.

Exception #1: if the main structure is no farther than 40 feet from the roadway edge, the apron need not be wider than 17 feet at the roadway edge.

Exception #2: If culverts are required within the apron, the apron must be 30 feet wide at the roadway edge.

The apron shall taper to a minimum width of 10 feet, 20 feet from the road.

(figure 1a)

b. Aprons for all other driveways shall be 30 feet wide at the road edge, tapering to 20 feet wide, 20 feet from the road. (Figure 1b)

c. If the apron is to be paved, the paving will be at least 20 feet in depth.

- J. A driveway will not be paved on frozen ground; if it cannot be paved because of the season an extension may be granted until the following May 15, providing the application provides appropriate evidence of cause to the Board of Selectmen.
- K. Any driveway crossing a wetland or a body of water shall have a special exception from the Zoning Board of Adjustment, made in consultation with the Conservation Commission, as well as all required State permits.
- L. Any driveway to be constructed within fifty feet of a pond, river or stream shall have a special exception from the Zoning Board of Adjustment, in consultation with the Conservation Commission, as well as all required State permits.
- M. A non-interest bearing performance bond will be required and shall be maintained until the apron, whether paved or not, is approved as complete, the value of which shall be \$1,500.00.
- N. The need for culverts and their siting will be determined by the Road Agent. Culverts will be a minimum of twelve (12) inches in diameter unless a great diameter is determined by the Road Agent. Headers will be concrete or stone. Drop inlets may be required. Culvert coverage will be a minimum of twelve (12) inches of gravel or greater if determined by the Road Agent. Culverts will have a minimum pitch of one eighth (1/8) inch per foot.
- O. Drainage will be maintained at all times during and after construction.
- P. Driveways shall pitch ½" per foot away from the road edge for a distance of ten feet and ½" per foot back up to the level of the road surface in the next ten feet on a level lot or a lot higher than the road. (See Figure II)
- Q. Any driveway connection which threatens the public way (i.e., by plugged culverts, erosion, siltation, etc.) will be repaired by the property owner. If the owner refuses to complete the repairs, the Town reserves the right to do so at the owner's expense.

R. Slopes. (See Figures II & III)

1. Driveway cannot have a slope greater than sixteen (16) percent at any point on the driveway.
2. Any driveway exceeding twelve (12) percent grade must be designed by a licensed NH engineer; including, amongst other components, an erosion control plan.
 - a. No more than twenty five (25) percent of the total length of any driveway may contain slopes of twelve (12) percent or more.
 - b. Slopes of twelve (12) percent or more may not exist within one hundred (100) feet of an intersection or within seventy five (75) feet of the house side terminus. The last twenty five (25) feet before the house may not exceed a 10% grade. (See Figure III)
 - c. Slopes of twelve (12) percent or more may not extend in any section of a driveway for a distance of more than one hundred fifty (150) feet, and segments with grades of twelve (12) percent or more must be separated by at least one hundred (100) feet of driveway with grades of less than twelve (12) percent.
3. Where driveways intersect with a road or other driveway, whether public or not, the uphill slope shall not exceed five (5) percent within twenty five (25) feet of the intersection, so as to ensure that vehicles will have adequate distance to stop during icy conditions prior to reaching the intersection. (See figure II)
4. For purposes of these regulations, the degree of slope shall be measured over a distance of (20) feet. These regulations apply to both downward and upwards slopes.

S. Drainage and Erosion Control.

1. Driveways that slope down from a road must be designed so as to avoid the conveyance of stormwater runoff from the road in a way that can cause flooding, erosion, or provide other hazard to the driveway itself or any structures on the property.
2. No drainage can be discharged onto a public road and must be tied into any roadside drainage in a manner satisfactory to the Bennington Road Agent or the New Hampshire Department of Transportation.
3. During and after construction, the driveway must not cause erosion or sedimentation of drainage systems or surface waters.

T. If the use of the property changes from residential to either commercial, or industrial, a new driveway permit is required.

U. The driveway permit will be issued by the Selectboard and will remain effective for a period of one (1) year, with a potential extension of one (1) additional year. The Town Road Agent will

have responsibility for the oversight of the apron component of the driveway. The Code Enforcement Officer will have responsibility for the oversight of the remainder of the driveway.

SECTION III – APPEAL

Appeal of a decision of the Road Agent to deny a driveway permit may be made to the Planning Board. To appeal the decision to the Planning Board, the applicant shall submit a statement in writing to the Planning Board, outlining why the standards enumerated in these regulations cannot be met, or how the Road Agent has misinterpreted or misapplied the regulations. The Planning Board shall conduct a Public Hearing on the appeal after giving abutters ten (10) days' written notice and posting notice in two public places. The Planning Board may approve, approve with conditions, or disapprove the appeal and shall provide written notice thereof to the applicant.

SECTION IV – PENALTY

1. A violation of these regulations shall be punishable by a fine of Two Hundred Seventy-Five Dollars (\$275.00) for the first offense and Five Hundred Dollars (\$500.00) for each subsequent offense if not corrected within five business days. Each day that such violation is found to have continued after the date upon which the violator receives written notice from the Town shall constitute a separate offense.
2. Any person violating these regulations shall be liable for the cost of restoration of the highway to a condition satisfactory to the Road Agent.