

TOWN OF PITTSFIELD
PLANNING BOARD

DRIVEWAY REGULATIONS

INSTRUCTIONS TO APPLICANTS FOR THE
CONSTRUCTION, ALTERATION OR RELOCATION
OF DRIVEWAYS

IMPORTANT: READ CAREFULLY BEFORE
FILLING OUT ATTACHED APPLICATION

ADOPTED 7/17/97

TOWN OF PITTSFIELD
PLANNING BOARD
DRIVEWAY REGULATIONS

PURPOSE

The purpose of these regulations is to promote the orderly and planned growth of developed and undeveloped areas of the Town of Pittsfield. Driveway review will protect the interests of the general public, citizens and taxpayers of the community by establishing selected locations for driveways that will protect the safety of the traveling public, establishing grades that adequately protect and promote highway drainage, and permit a safe and controlled approach to highways in all seasons of the year.

SECTION 1. BASIS OF THESE REGULATIONS

A. Authority

The following regulations governing the construction, alteration, location and relocation 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 New Hampshire Revised Statutes Annotated, Chapter 236, Sections 13 and 14.

B. Issuing Authority

It is intended that when applications for driveway permits are received hereunder, that comply with all of the regulations enacted herein, that the Superintendent of Public Works or the Planning Board's designated representative, shall have full authority to issue such requested permit without further action by the Planning Board.

Applications received that do not comply with all of the requirements of these regulations may likewise be rejected by the Superintendent of Public Works, or the Planning Board's designee, without further action by the Planning Board, except as specified in these regulations for appeals and public hearings.

C. Permit Required

A permit issued under these regulations shall be required to:

1. Construct, alter, locate or relocate a driveway within the limits of the right-of-way of any highway (town roadway) under the jurisdiction of the Town of Pittsfield.
2. Impact the size or grade of any driveway, entrance, exit or approach within the limits of the right-of-way of any roadway under the jurisdiction of the Town of Pittsfield.

D. Prohibited

It shall be unlawful for any person, firm, corporation or other entity to develop, construct, alter, locate, or relocate a driveway within the limits of the right-of-way of any roadway under the jurisdiction of the Town of Pittsfield that does not meet or exceed the terms of a written permit issued pursuant to these regulations.

E. Pre-Existing Driveways to be issued Driveway Permits

Any owner of property with an existing driveway on the date of enactment of these regulations, shall be entitled to the issuance of a driveway permit for the existing driveway at its current location, whether or not, it meets all of the terms and conditions of these regulations.

F. Application Assistance

All employees and officials of the Town of Pittsfield are requested to assist applicants for a permit under these regulations, in the process of completing an application hereunder, and locating a driveway in accordance with the requirements included herein.

G. 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.

H. Procedure

1. Application Form: Any person wishing to construct, alter, locate or relocate a driveway shall obtain a construction permit application from the Planning Board and shall file that completed application, with an accurate drawing of the proposed construction, alteration, location or relocation, with the Planning Board.

(a). The following information shall be provided on the application.

1. The name, address and telephone number(s) of the owner of the property the driveway serves.
2. The names and addresses of the owners of the property directly across the street from the proposed driveway, of the abutters on either side of the lot where the driveway will be located, and of any other property within 100 feet of the driveway.
3. Lengths of the street frontages of the property serviced by the driveway.
4. The use to be served by the driveway.

(b). The following information shall be provided on the drawing.

1. The location and dimensions of the proposed driveway.
2. Property boundaries of all abutters located on the same street as the driveway, of abutters located across the street, and of all abutters located on the same street as the driveway, if within 100 feet of the driveway.
3. Distances to the nearest street intersection, if within 100 feet.
4. Location of any existing driveways serving the property.
5. Dimensions of the proposed driveway within the limits of the right-of-way of the street.
6. Dimensions and specifications of the driveway's paved apron.
7. Lengths of the sight distances in both directions along the street.

8. Description (including dimensions) of the culverts, other drainage structures, traffic control devices, and channelization islands to be constructed, also the depth of fill over any culverts.
9. Grade of the driveway.
10. Description of any proposed changes or a proposed alteration or relocation of a driveway.
11. Location of any visual obstructions to the required sight lines.
12. Location and pole number of the closest utility pole.

Failure of the applicant to supply the information and the drawing requested shall be sufficient grounds for denial of the application.

The Planning Board may require the preparation of plans by an engineer or a surveyor, when deemed necessary, at the expense of the applicant(s).

2. Inspections and Approval

The Superintendent of Public Works, or Planning Board designee shall review the application for compliance with the Standards outlined in Section I below, and inspect the site. The Planning Board shall authorize the Superintendent of Public Works or Planning Board designee to approve the application, if the application complies with the Standards outlined in Section I below.

If the application is approved, a written driveway permit shall be issued to the applicant stating the terms and specifications for the construction, alteration, location or relocation of the driveway. If the application is disapproved, written notification shall be sent to the applicant stating the reason for disapproval.

3. Planning Board Appeal

Driveway permit applications disapproved by the Superintendent of Public Works or the Planning Board designee may be revised to comply with the Standards outlined in Section I below and resubmitted to the Superintendent of Public Works or Planning Board designee for review and approval or the applicant may appeal the decision of disapproval by the Superintendent of Public Works or the Planning Board designee to the Planning Board. The applicant shall outline in a letter 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 recommendations of the Superintendent of Public Works or Planning Board designee, comments from the applicant and comments from abutters or other interested parties, approve, approve with conditions or disapprove the driveway permit application. If disapproved, written notification outlining the reasons for disapproval shall be sent to the applicant.

Applications or appeals requiring a public hearing shall be filed with the Planning Board not less than fifteen (15) days before any regular meeting, if the application or appeal is to be placed on the agenda for consideration at that meeting. The applicant shall submit a list of the names and addresses of owners of record of all abutting properties as indicated in the Town records not more than five days before the date of filing of an application or appeal hereunder, identified by the map and lot numbers as shown on the Pittsfield Tax Map(s).

The applicant or appellant shall also pay an application fee in the form of a check made payable to the Town of Pittsfield for a sum as stated in the Non Refundable Fee Schedule for the notification of abutters and for filing an application or appeal.

I. Standards

1. Number: No more than two driveways (curb cuts) shall be constructed from any one street to any one property, unless frontage along that street exceeds 500 feet. When the frontage exceeds 500 feet, no more than three driveways shall be constructed.

2. Location: The location shall be selected to provide the most adequate degree of safety for the traveling public. The driveway shall be at least 25 feet from the nearest street intersection.

3. Sight Distance: The location shall be selected to provide safe sight distances, based on the following standards developed by the New Hampshire Department of Public Works and Highways in its Highway Design Manual (1983), and shall be ten (10) times the posted speed on the existing Town road (e.g., 30 mph = 300 ft; 35 mph = 350 ft., etc.).

For properties where the minimum sight distances described above cannot be met, the driveway shall be placed at the safest possible location and the speed posted on the Town road shall be reduced accordingly, by the Superintendent of Public Works, 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 Superintendent of Public Works or the Planning Board's designee. The indicated speed shall be the safe sight distance available divided by ten (10). The cost of all necessary warning and advisory signs, including replacements and maintenance, shall be borne by the applicant and subsequent owners of the property.

4. Intersection: The driveway shall be laid out so as to intersect with the street as nearly as possible at right angles, but in no case at an angle of less than sixty degrees.

5. Width: The driveway shall have a minimum width of 12 feet. The driveway shall be flared at its junction with the street to provide the turning radius of emergency vehicles. The driveway shall have a maximum width of 50 feet at its junction with the street unless a greater width is needed to provide the required turning radiuses for emergency vehicles.

6. 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.

When approaches are paved with asphalt or tar, the minimum rate of slope shall be 3/8" per foot; for all other surfacing, the slope shall be a minimum of 1/2" per foot.

7. Paved Apron: Driveways that abut paved streets 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 street pavement (and deeper, if deemed necessary by the Planning Board, the Superintendent of Public Works, or the Planning Board's designee). The paved apron shall be constructed and maintained in such a way as to protract the edge of the road pavement from deterioration.

8. Drainage: The driveway shall not interfere with the streets drainage. Where necessary, culverts, waterbars, ditches, and other drainage structures shall be installed and maintained to insure adequate drainage of the street and to prevent excessive drainage from the driveway into the road. Culverts shall be at least 12 inches in diameter, and larger if considered necessary by the Planning Board, the Superintendent of Public Works, or the Planning Board's designee. A minimum of 12 inches of compacted fill shall be placed over culverts.

9. Sidewalks and Road Repair: When the construction of a driveway would require the disturbance of a street or a sidewalk, the applicant shall obtain the permission of the Planning Board or its designee before proceeding with construction. The permittee is responsible to provide, during construction, any and all required protection to pedestrians, vehicles and abutting buildings and property, including barriers during the day and night or required traffic control, including Police Officers, at his own expense. Any road or sidewalk disturbed during the construction of a driveway shall be restored to the satisfaction of the Planning Board, the Superintendent of Public Works, or the Planning Board's designee, including the complete clean-up and restoration of the public right-of-way.

10. Performance Bond: The applicant may be required by the Planning Board, the Superintendent of Public Works, or the Planning Board's designee to file a bond or letter of credit 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 streets disturbed by the construction. The bond or letter of credit shall be approved as to form and sureties by the Planning Board. The amount of the bond or letter of credit 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, the Superintendent of Public Works, or the Planning Board's designee prior to obtaining the bond or letter of credit. All bonds or letters of credit shall be for 100% of the estimated costs. The performance bond or letter of credit shall not be released until the Planning Board, the Superintendent of Public Works, or the Planning Board's designee has certified completion of the bonded construction and repairs in accordance with the standards stated in these regulations and in accordance with the plan approved by the Planning Board, the Superintendent of Public Works, or the Planning Board's designee.

J. Administration

1. Enforcement: Upon determination by the Planning Board that a violation of these regulations has occurred, notice shall be given to the Board of Selectmen recommending appropriate enforcement procedures. The Board of Selectmen are responsible for the enforcement of these regulations.

2. 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.

3. Waiver: Where conformity to these regulations would cause undue hardship (other than financial) or injustice to the owner of the land, the Planning Board may, upon recommendation and advisement of the Superintendent of Public Works, or the Planning Board's designee, 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.

SECTION 2. INTERPRETATION

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

SECTION 3. AMENDMENTS

These regulations may be amended or rescinded by the Planning Board, but only following a public hearing. The chairman or vice chairman of the Planning Board shall record any changes authorized at the Registry of Deeds of Merrimack County. Certified copies signed by a majority of the Board members shall be filed with the Town Clerk and the Board of Selectmen.

SECTION 4. NUMBERING

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

SECTION 5. ADOPTION

These regulations shall become effective after a public hearing, adoption and certification by the Planning Board and placement on file with the Board of Selectmen, the Town Clerk and the Merrimack County Registry of Deeds.

Adopted this 17th day of July in the Year of our Lord one thousand nine hundred and ninety-seven.

Helen G. Schoppmeyer, Chairman

Susan G. Muenzinger
Susan G. Muenzinger, Vice Chairman

Gerard A. Leduc
Gerard A. Leduc

John D. Lenaerts
John D. Lenaerts

PLANNING BOARD

Armand W. Riel

Carl A. Sherblom

Frederick T. Hast
Frederick T. Hast, Selectmen's Rep.

TOWN OF PITTSFIELD

APPLICATION FOR A DRIVEWAY PERMIT

To: Town of Pittsfield
Planning Board
P O Box 98
Pittsfield, NH 03263

Dear Board Members:

Pursuant to the provisions of New Hampshire Revised Statutes Annotated, Chapter 236, Sections 13 and 14, and amendments thereto, permission is requested to construct, alter or relocate _____ driveway entrance(s) to my property on the _____ side of _____ in the Town of Pittsfield, New Hampshire, at a location that will meet the requirements specified in Statute and the Regulations enacted thereunder.

The driveway(s) requested is for access to:

Street Address

Declare the nature of the Business, Industry and/or Subdivision

Tax Map Number _____ Lot Number _____

As the Landowner applicant, I hereby agree to the following permit requirements:-

1. To construct driveway entrances only for the bona fide purpose of securing access to my private property, such that the public right-of-way is used for no purpose other than travel.
2. To construct driveway entrances at permitted location(s) in accordance with Statutes, all provisions of driveway permit specifications and standard drawings for driveway entrances issued by the Town of Pittsfield.

3. To hold harmless the Town of Pittsfield, and its duly appointed and elected agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of this permit.
4. To furnish and install drainage structures that are necessary to maintain existing street drainage and adequately handle increased runoff resulting from development.
5. That as a condition of this permit, the driveway(s) , culvert(s), and other structures and materials required hereunder, are the responsibility of the permittee and that the same will be kept in good repair, at all times, and at my expense, and as ordered by the Town of Pittsfield as the need may arise.

Yours truly,

Signature of Landowner (Applicant)

Mailing Address

Home Telephone Number Work Telephone Number

ATTACH HERETO ALL REQUIRED DETAILED PLANS AND/OR MAPS, AND
OTHER MATERIALS REQUIRED UNDER THE REGULATIONS.

TOWN OF PITTSFIELD

DRIVEWAY PERMIT

Permission to construct, alter or relocate a driveway, entrance, exit, or approach adjoining

(Street Address)

pursuant to the location and specifications as described below, is hereby granted. Failure to adhere to the adopted Driveway Regulations of the Town of Pittsfield or the Standards contained therein or to construct the facilities permitted hereunder in accordance with the plans and/or maps and specifications previously submitted by the applicant, and approved by the Board, and failure to complete the construction of said facility within one calendar year of the date of this permit shall render this instrument null and void. Facilities constructed in violation of these conditions shall be corrected at the applicant's expense immediately upon notification by a representative of the Planning Board or the Town of Pittsfield; the cost of removing said facility, if required, shall be fully borne by the owner of the property where located.

LOCATION: _____

1. This permit requires that the area adjacent to the public right-of-way be graded such that required drainage will be maintained and free flow will be maintained for the full frontage of the property, including through required culverts.
2. _____ driveway entrance(s) is (are) permitted at this location, each is not to exceed _____ feet in width. The driveway entrance(s) may be flared as they approach the street to a maximum width of _____ feet.
3. No other accesses from the public right-of-way shall be permitted.
4. No part of the public right-of-way may be used except for the driveway(s) permitted herein.
5. No structures, including buildings, permanent or portable signs, lights, displays, fences, walls, or any thing with a position on the ground, shall be permitted on, over or under the limits of the public right-of-way, except those permitted by and shown on the

approved plans for this permitted project.

6. The total width of the public right-of-way at this location is _____.
7. No parking, catering or servicing shall be conducted within the public right-of-way under this permit.
8. The landowner/permittee shall comply with all the applicable Ordinances, Statutes, and Regulations of the Town of Pittsfield and the State of New Hampshire.
9. No work shall commence hereunder until the permittee gives the Superintendent of Public Works, the Chief of Police and the Fire Chief 48 hours notice of the intent to commence work.
10. No work shall commence hereunder until the permittee or his/her agent secures and provides to the Superintendent of Public Works a valid dig-safe number together with the dig-safe start of work date and time.
11. During construction the permittee is responsible to provide any and all required protection to pedestrians, vehicles or abutting buildings and property, including barriers during the day and night or required traffic control, including Police Officers, at his own expense.
12. The permittee is responsible for the complete clean-up and restoration of the public right-of-way.

BOND OR LETTER OF CREDIT RECEIVED ON _____

INSURANCE CERTIFICATE RECEIVED ON _____

DIG-SAFE NUMBER _____

DIG-SAFE START DATE AND TIME _____

THIS PERMIT EXPIRES AT _____ AM/PM. ON _____

APPROVED _____
 Planning Board Chairperson, Superintendent of Public Works, or Planning
 Board Designee.

DATE OF APPROVAL _____