



WILTON, NEW HAMPSHIRE

LAND USE LAWS



DRIVEWAY REGULATIONS

SECTION G

ADOPTED DECEMBER 21, 2005
AMENDED NOVEMBER 7, 2018; DECEMBER 1, 2021; AUGUST 2, 2023



WILTON LAND USE LAWS AND REGULATIONS
SECTION G - DRIVEWAY REGULATIONS

TABLE OF CONTENTS
DRIVEWAY REGULATIONS

| | | |
|-----|--|----|
| 1.0 | AUTHORITY | 2 |
| 2.0 | PURPOSE | 2 |
| 3.0 | PERMITS..... | 2 |
| 4.0 | GENERAL PROVISIONS | 3 |
| 5.0 | ENTRANCE REQUIREMENTS | 4 |
| 6.0 | DESIGN REQUIREMENTS | 5 |
| 7.0 | MAINTENANCE | 6 |
| 8.0 | APPLICATION REQUIREMENTS | 7 |
| | DRIVEWAY PERMIT AND REGULATIONS WAIVER APPLICATION | 9 |
| | DRIVEWAY PERMIT APPLICATION REVIEW CHECKLIST | 14 |

WILTON LAND USE LAWS AND REGULATIONS
SECTION G - DRIVEWAY REGULATIONS

1.0 AUTHORITY

The Wilton Planning Board (Planning Board) hereby adopts the following regulations pursuant to its authority as set forth in RSA Sections 236:13, 236:14 and 674:35. All driveways accessing private property from a public right-of-way in Wilton shall be constructed in compliance with these regulations. The Planning Board hereby authorizes the Secretary of the Planning Board (Secretary), in consultation with the Town Road Agent (Road Agent), the Fire Chief, the Stormwater Manager and/or other qualified consultants as set forth herein, to receive and review driveway permit applications to determine whether they comply with these regulations.

These regulations may be amended by the Planning Board following a public hearing on the proposed changes. Terms, capitalized or otherwise, used, but not defined, in these regulations shall have the meanings set forth in the Wilton Zoning Ordinance. For purposes of these regulations, “common driveway” means a driveway serving more than one lot and, unless otherwise indicated, “driveway” includes temporary driveways. “Right of way” means “public right-of-way,” as defined in the Wilton Zoning Ordinance.

2.0 PURPOSE

The regulation of driveway location and design is intended to promote safe and efficient ingress and egress from and into private property, including for emergency vehicles, as well as control surface/stormwater drainage in and around the entrance and within any applicable wetlands and other setbacks along the driveway.

3.0 PERMITS

- a. Permit Required. Anyone proposing to construct, alter or relocate a driveway, including a temporary driveway, within the right-of-way, or to change or expand the use of a lot accessed by a driveway (an applicant) shall obtain a permit from the Town. The application shall be directed to the Secretary, who shall, in the case of any inconsistencies, uncertainties, questions or lack of clarity in the application, require notification to abutters and present it to the Planning Board for its review. The issuance of a driveway permit by the Secretary is not evidence of compliance with the requirements imposed by an approved subdivision, site or other plan, including any specific requirements imposed upon the location or construction of the driveway, the requirements of which take precedence over a driveway permit. Elements of a proposed driveway that are inconsistent with an approved plan require Planning Board approval.
- b. Performance Guarantee. In appropriate cases, including in connection with the issuance of a temporary permit, the Planning Board may require the applicant to provide a suitable performance guarantee to secure the construction of the proposed driveway compliance with the conditions to the issuance of the permit and the other requirements of these regulations.
- c. Expiration. A driveway permit shall expire one year after its issuance. If construction is not complete at that time, upon good cause shown and payment of an additional application fee, the Secretary may extend the permit for a reasonable additional period.
- d. State Permit. Before applying for a permit from the Town, an applicant shall obtain a permit from the New Hampshire Department of Transportation (DOT) for any driveway accessing a State highway, a copy of which shall accompany the application.

WILTON LAND USE LAWS AND REGULATIONS
SECTION G - DRIVEWAY REGULATIONS

- e. Temporary Permit. Anyone proposing to construct temporary access to a lot for construction, logging or other activities shall obtain a temporary permit from the Town, a copy of which shall be provided to the Planning Board. Temporary permits shall be valid for a period of six months, which may be extended by the Road Agent for an additional six months upon request.

4.0 GENERAL PROVISIONS

- a. Construction. A driveway may not be constructed, altered or relocated without a permit. Except to the extent waived in compliance with Section 4.i, all driveways shall be constructed in accordance with (i) these regulations, (ii) other applicable Federal, State and local land use laws and regulations, including, without limitation, those established by the DOT and Section H, Stormwater Management Regulations, of the Wilton Land Use Laws and Regulations (Stormwater Regulations), (iii) the requirements of applicable subdivision, site or other plans approved by the Planning Board and (iv) the permit.
- b. Inspection. A driveway may not be used, and a Certificate of Occupancy for a structure served by the driveway shall not be issued, until the Building Inspector, in consultation with the Road Agent and the Fire Chief, has inspected its construction and confirmed in writing to the Planning Board Secretary, subject to Section 4.i, that it conforms to applicable requirements.
- c. Location. A driveway shall be constructed only in the location shown on the driveway permit or, if applicable, the subdivision, site or other approved plan. Any change in location will require an amendment to the issued permit or the applicable subdivision, site or other approved plan. Unless a Special Exception has been granted, a driveway shall not be located in the Wetland Conservation District setback.
- d. Common Driveways. A common driveway may not effectively extend the length of a proposed dead-end right-of-way as a means of avoiding limitations on the length of such right-of-way.
- e. Number of Driveways. A lot may have only one entrance.
- f. Bridges. If a bridge is required, it shall be designed, stamped and its construction approved by a Civil or Structural Engineer licensed in New Hampshire. The bridge must be rated for expected load. The Planning Board may require an engineering review and/or inspection of the bridge, in consultation with the Fire Chief, by a qualified consultant at the applicant's expense. All wetland or waterway crossings, in addition, require a Special Exception from the Zoning Board of Appeals.
- g. Street Numbers. All driveways providing access to a structure with a separate address shall be numbered from both directions, with a letter, number and symbol height of at least four inches, contrasting with the background of the sign and installed and maintained so as to be easily readable from the intersecting right-of-way at night. When a structure is within 30 feet of the right-of-way, the number may be placed on it alone with the approval of the Building Inspector.
- h. Engineering Review. The Planning Board may require an engineering or other professional review and/or inspection of any driveway constructed, or proposed to be constructed, in connection with a permit or permit application under these regulations, at the applicant's expense.
- i. Waivers. The Planning Board, in consultation with the Road Agent and/or the Fire Chief, may adapt or waive, in whole or in part, the requirements of subsection 4.e, 5.a or 6.b

WILTON LAND USE LAWS AND REGULATIONS
SECTION G - DRIVEWAY REGULATIONS

pursuant to RSA 674.36(II)(n) when the applicant shows that (1) strict conformity would pose an unnecessary hardship and waiver would not be contrary to the spirit and intent of these regulations; or (2) specific site conditions indicate that the waiver will properly carry out the spirit and intent of these regulations.

No other provisions of these regulations may be waived by the Planning Board.

5.0 ENTRANCE REQUIREMENTS

- a. Siting.
 1. The maximum width of any residential driveway at the entrance from the right-of-way shall be 24 feet;
 2. The minimum distance between the centerlines of driveways for lots to be used for any non-residential purposes shall be 110 feet;
 3. The minimum distance between the centerlines of driveway entrances, whether on the same side of the right of way or the opposite side, to lots to be used for any non-residential purposes shall be 110 feet, except for driveways directly across from each other;
 4. The minimum distance between the centerlines of driveway for lots to be used solely for residential purposes shall be 60 feet; and
 5. The minimum distance between the centerlines of driveway entrances, whether on the same side of the right of way of the opposite side, to lots to be used solely for residential purposes shall be 60 feet, except for driveways directly across from each other.
- b. Angle of Intersection. The angle at which a driveway intersects the right-of-way shall be no more than 90 degrees, but in no event less than 60 degrees.
- c. Grading. A driveway shall slope ¼” to ½” per foot (2% to 4%) downward away from the edge of the right-of-way to the center of the right-of-way ditch line so that the driveway does not drain into the right-of-way, as provided in Appendix I, Road Design Standards and Specifications, of the Land Use Laws and Regulations.
- d. Line of Sight Distance. The all-season safe sight distance along the right-of-way shall be determined by the applicable speed limit on the right-of-way, as follows:

| | <u>Type of road</u> | <u>Speed limit, or if none, typical speed</u> | <u>Minimal safe sight distance</u> |
|-----|---------------------|---|------------------------------------|
| (a) | Minor roads | 30 mph or lower | 200 feet |
| (b) | Through roads | 31 - 40 mph | 275 feet |
| (c) | Through roads | 41 - 50 mph | 400 feet |
| (d) | Major roads | 51 - 60 mph | 525 feet |

Un-posted roads shall be assumed to have a 30 mph speed limit.

- e. Measuring Line of Sight Distance. The all-season safe sight distance shall be measured from a point three feet nine inches (3’9”) above the proposed driveway surface and at least ten feet back from the edge of the right-of-way. From this point, the critical line of sight shall be measured in both directions to a point three feet nine inches (3’9”) above the intersecting right-of-way at the distance calculated as above and be applicable for vehicles approaching the proposed driveway from either direction.

WILTON LAND USE LAWS AND REGULATIONS
SECTION G - DRIVEWAY REGULATIONS

6.0 DESIGN REQUIREMENTS

- a. Unobstructed Right-of-Way. Other than mailboxes and house numbers, no structures, including buildings, permanent or portable signs, lights, displays, fences, walls, etc. shall be permitted on or under the right-of-way. All obstructions shall be removed to a distance at least five feet behind the sight line, and vegetation shall be cut back and maintained, so that the sight line is not compromised.
- b. Minimum Width. Except as the Fire Chief may otherwise determine on a case-by-case basis, the minimum width of any residential driveway along its entire length shall be at least 16 feet, plus two-foot shoulders, but shall in no event be less than 12 feet, plus two-foot shoulders.
- c. Distance to Centerline. The minimum distance between the property line (side and rear) and the centerline of the driveway shall be 30 feet in the Residential District and 50 feet in all other districts. There shall be buffering adequate, in the discretion of the Planning Board, to protect abutting uses from noise, light and other intrusions.
- d. Non-residential Driveways. Driveways for lots to be used in whole or in part for industrial, commercial or agricultural purposes shall be adequately designed for their purpose, as determined by the Road Agent and the Fire Chief, and, if requested by the Planning Board, professional review.
- e. Paved Apron. Driveways that intersect paved rights-of-way shall be constructed in conformance with Appendix I, Road Design Standards and Specifications, of the Land Use Laws and Regulations, with paved aprons as wide as the driveway, including flares, and at least ten feet in depth, measured from the edge of the right-of-way's pavement. The apron shall be constructed with a minimum of two inches of pavement, and the finished height shall not be higher than the right-of-way.
- f. Maximum Grade. All new driveways established to serve structures intended for human occupancy shall have a maximum grade of 8% at any point along their length. However, grades of up to 10% may be permitted by the Planning Board, as recommended by the Fire Chief, on a case-by-case basis, for short distances no more than 15% of the total length of the driveway. The Fire Chief may impose additional requirements as a condition to allowing steeper grades. This standard shall not apply to driveways intended to serve non-occupancy structures, such as utility service buildings and other private ways intended for purposes such as logging and silviculture.
- g. Additional Access Requirements. Subject to adjustment from time to time by the Fire Chief to accommodate changes in equipment, or to the extent applicable State fire codes or guidance may from time to time require stricter standards:
 1. Driveways 150 or more feet in length shall provide an adequate turnaround at the end of the drive for emergency vehicles, as determined by the Fire Chief.
 2. Driveways longer than 300 feet and narrower than 16 feet, plus two-foot shoulders, shall provide suitable by-passes that will allow two emergency vehicles to pass, as determined by the Fire Chief. Such by-passes shall be located at approximately 300-foot intervals as the topography dictates and shall be of adequate size and load-bearing ability to accommodate a 45-foot-long fire truck weighing 30 tons.
 3. Vertical clearance along the driveway shall be at least 13 feet, six inches (13'6").
- h. Culverts. The Planning Board, acting through the Secretary, in consultation with the Road Agent and/or the Stormwater Manager, may require one or more new culverts to be

WILTON LAND USE LAWS AND REGULATIONS
SECTION G - DRIVEWAY REGULATIONS

constructed where required along the path of a proposed driveway for any of the following reasons:

1. protection of the driveway from stormwater runoff or other water flow;
 2. retention of stormwater runoff on the property;
 3. wetland protection;
 4. where otherwise required for compliance with the Stormwater Regulations; and/or
 5. as may be reasonably required by specific site conditions.
- i. Culvert Specifications. If a culvert is required, it shall be at least 15 inches in diameter and constructed of at least 16-gauge riveted aluminum, corrugated steel, reinforced concrete, or polypropylene. The culvert shall be a minimum of 20 feet long and with all headers mortared or securely fastened to avoid end damage by vehicles. If the Stormwater Manager recommends a more complex drainage system to address stormwater management concerns, the Planning Board may require professional review at the applicant's expense.
- j. Stormwater Runoff. All driveways and drainage systems shall be designed to retain stormwater runoff on the property and shall otherwise comply with the Stormwater Regulations. All new driveways located within (pursuant to a Special Exception), or in close proximity to, the Wetland Conservation District setback shall have a road pitch that diverts all stormwater runoff, together with sediment and chemicals carried by the runoff, away from the Wetlands Conservation District. Driveway drainage shall not introduce stormwater runoff to the Wetlands Conservation District from any area beyond the District and its setback.
- k. Additional Design Elements. The Fire Chief and/or the Road Agent may, in their discretion, impose such additional requirements on a case-by-case basis as may be necessary to address identified safety concerns.

7.0 MAINTENANCE

- a. Pursuant to RSA 236:13(VI), the owner(s) of a lot accessed by a driveway shall have continuing responsibility for the adequacy and maintenance of the driveway as originally constructed and any grades, culverts or other structures associated with it, whether or not located within the right-of-way.
- b. The owner(s) of a lot accessed by a driveway, or the responsible party designated in a recorded deed or covenant, shall have continuing responsibility for maintaining year-round unobstructed sight distance requirements and emergency vehicle access. No obstructions, including, but not limited to signage, ornaments, lighting, snow or vegetation shall be permitted to hinder sight distance or such access.
- c. If the Building Inspector, in consultation with the Road Agent and/or the Fire Chief, determines that, as a result of any failure to maintain it as required by these Regulations, any driveway is or becomes:
 1. a threat to the right-of-way or its surface, ditches, embankments, bridges or other structures; or
 2. a hazard to the safety of the traveling public, by reason of obstructed sight distances, siltation, flooding, erosion, frost action, vegetation, improper grade or the failure of any culvert, traffic control device, drainage structure or any other feature,

WILTON LAND USE LAWS AND REGULATIONS
SECTION G - DRIVEWAY REGULATIONS

the Building Inspector shall issue an order by certified mail to the owner(s) or other responsible party to repair or remove, at its expense, such hazardous condition and to obtain any and all permits required therefor. The order shall describe the hazard, prescribe the corrective action, and set a reasonable time for completion. Such an order shall be enforceable to the same extent as a permit issued under these Regulations.

- d. If an order issued as set forth in Section c.2 is not complied with within the time prescribed, the Building Inspector shall take any action necessary, in the Building Inspector's discretion, to protect the right-of-way and the traveling public, and the owner(s) or other responsible party shall be liable to the Town for its costs to take such action, in accordance with RSA 236:13(VI), and for any other damages incurred as a result of such failure.

8.0 APPLICATION REQUIREMENTS

The application for any driveway permit, including a temporary permit, shall include the following:

- a. Four copies of a scale plan/drawing indicating:
 1. Map & lot numbers and name and address(es) of owner(s)
 2. Lot boundaries, acreage and road frontage
 3. Zoning districts for the lot(s)
 4. Lot numbers and addresses of abutters
 5. North arrow and bar scale
 6. Locations and dimensions of existing driveways, if any, and rights-of-way, including on abutting lots, and any existing obstructions affecting the right-of-way
 7. Location of proposed driveway(s), including width of driveway at entrance to right-of-way and sight distance to both left and right of driveway entrance
 8. Centerline distances between the proposed driveway and other driveways and distance from the centerline of the proposed driveway to intersections within 525 feet of the driveway
 9. Nearest distance from the centerline of the proposed driveway to side property lines
 10. Length of all common driveways
 11. Minimum width, maximum grade and minimum clearance at any point along the entire length of the proposed driveway(s)
 12. Locations and dimensions of turnarounds and by-passes for emergency vehicles, if required
 13. Wetlands, required wetland setbacks, and distance of proposed driveway from all water bodies, wetlands and wetlands setbacks
 14. Locations of utilities and easements
 15. Locations of any engineered structures or systems such as culverts or swales that do or may impact the driveway
 16. Traffic flow patterns
 17. Structures on the lot

WILTON LAND USE LAWS AND REGULATIONS
SECTION G - DRIVEWAY REGULATIONS

- 18. Snow storage locations
- 19. A key if any symbols are used
- 20. Parking locations.
- b. Photos showing the existing conditions of the site.
- c. Reference to any applicable approved subdivision, site or other plan.
- d. If any waiver(s) of these Regulations is requested as permitted by Section 4.i, the section(s) to be waived and the reasons for such request.
- e. The Secretary, the Road Agent, the Fire Chief and/or the Planning Board may require additional information as deemed necessary.