

WILTON, NEW HAMPSHIRE

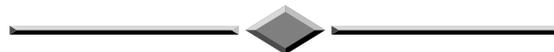
LAND USE LAWS



DRIVEWAY REGULATIONS

SECTION G

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



WILTON LAND USE LAWS AND REGULATIONS
SECTION G - DRIVEWAY REGULATIONS

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1.0 AUTHORITY

The Town of Wilton Planning Board (Planning Board) hereby adopts the following regulations pursuant to its authority as set forth at RSA 236:13, RSA 236:14, and RSA 674:35. All driveways accessing any private property from a public way in the Town of 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 Wilton Road Agent, the official charged with reviewing and/or managing stormwater concerns and compliance for Wilton (Stormwater Manager), and/or other qualified consultants as set forth herein, to receive and review driveway permit applications to determine whether they comply with the requirements of these regulations.

These regulations may be amended by the Planning Board following a public hearing on the proposed change. Capitalized terms used, but not defined, in these regulations shall have the meanings set forth in the Wilton Zoning Ordinance.

2.0 PURPOSE

In order to promote safe and efficient ingress and egress from private property, driveways require certain controls. Driveway designs shall establish grades that adequately protect and promote a safe and controlled approach to the highway in all seasons of the year. In addition to proper access, driveway designs shall provide for suitable discharge and control of surface drainage in and around the entrance (within the Town Right-of-Way), within the wetland setback (50' from wetlands) along the driveway, and within building setbacks.

3.0 PERMITS

- a. Anyone desiring to construct, alter, or relocate a driveway within the Town Right-of-Way or to change or expand the use of a lot accessed by such a driveway shall first apply for a permit from the Town of Wilton. The application shall be directed to the Secretary.
- b. In appropriate cases, the Planning Board may require the applicant to provide a suitable performance guarantee to secure compliance with the conditions to the issuance of the permit and the other requirements of these regulations.
- c. Any proposed driveway accessing a State highway must receive a permit from the State of New Hampshire Department of Transportation before a driveway application may be filed with the Secretary. A copy of the state permit shall be submitted to the Secretary with the driveway permit application.

4.0 GENERAL PROVISIONS

- a. A driveway may not be constructed without a permit. The Building Inspector shall impose adequate erosion control requirements, which must be in place prior to construction commencing. Except to the extent waived in compliance with Section 4.i, all driveways shall be constructed in accordance with these regulations, as well as other applicable Federal, state and local land use laws and regulations, including, without limitation, those established by the State of New Hampshire Department of Transportation. See Wilton Land Use Laws and Regulations Appendix I – Road Design Standards and Specifications for additional guidance.
- b. 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

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Agent, has inspected its construction and confirmed, subject to Section 4.i, that the driveway conforms to the specifications set forth in these regulations.

- c. A driveway shall be constructed only in the location shown on the approved driveway permit and/or the approved subdivision or site plan. A scale drawing with the proposed drive location and dimensions shall be provided with the driveway permit application. Any proposed change in location will require an amendment to previously approved plans.
- d. Private common driveways shall be built according to the specifications contained in the subdivision plan approved by the Planning Board, and otherwise in accordance with the requirements of Chapter 5, Driveway Entrance Requirements, and Chapter 6, Design Requirements of these regulations.
- e. The maximum number of driveway entrances per lot shall be one (1).
- f. 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 by a qualified consultant at the applicant's expense.
- g. 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 (4) inches, contrasting with the background of the sign and installed and maintained so as to be easily readable from intersecting right-of-way at night. When a structure is within thirty (30) feet of the intersecting right-of-way, the number may be placed on it alone with the approval of the Building Inspector.
- h. Any driveway, private way, or road serving two or more addressable structures shall be named using road naming rules outlined by the National Emergency Number Association (NENA) and recommendations of New Hampshire 911, and the name shall be approved by the Wilton Select Board. The name shall be posted on a sign or signs conforming to the Town's guidelines and standards, including the following:
 1. if the road is continuous, do not change names at an intersection, curve, or some other point;
 2. avoid sound-alike names (Bay View Dr. or Bayview Dr.);
 3. do not use names with a different suffix (Smith Rd., Smith Ln.);
 4. use the NENA recommended format for road names (e.g., Prefix Directional – 2 characters, Road Name – 40 characters, Road Suffix – 4 characters and Post Directional – 2 characters); and
 5. do not use special characters such as hyphens, apostrophes, or dashes.
- i. The Planning Board, in consultation with the Road Agent, may waive, in whole or in part, the requirements of subsection 4.e, 5.a or 6.b pursuant to RSA 674.36(II)(n) when the applicant shows that:
 1. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of these regulations; or
 2. specific circumstances relative to the subdivision, or conditions of the land in such subdivision, 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.

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5.0 DRIVEWAY ENTRANCE REQUIREMENTS

- a. General Requirements.
 - 1. The minimum width of any residential driveway at the property line shall be 15 feet;
 - 2. The maximum width of any residential driveway at the property line shall be 24 feet;
 - 3. The minimum distance between the centerlines of drives to parcels to be used solely for other than residential purposes shall be 110 feet;
 - 4. The minimum distance from intersections (on the same side of road) of drives to parcels to be used solely for other than residential purposes shall be 110 feet;
 - 5. The minimum distance between the centerlines of drives for parcels to be used for residential purposes shall be 60 feet (this includes drives on the opposite side of the right-of-way);
 - 6. The minimum distance from intersections (on the same side of the road) of drives to parcels to be used for residential purposes shall be 60 feet (this includes drives on the opposite side of the right-of-way);
 - 7. Driveways for industrial, commercial or agricultural use shall be designed for their purpose; and
 - 8. The minimum distance between the centerlines of drives to property lines shall be 30 feet in all zoning districts.
- b. The angle at which a driveway should intersect the public right-of-way shall be at least at ninety (90) degrees, but in no event less than sixty (60) degrees.
- c. The grade of the driveway shall slope ¼" to ½" per foot (2% to 4%) downward away from the edge of the traveled surface of the Town roadway to the center of the roadway ditch line so that the driveway does not drain into the public right-of-way.
- d. An all-season safe sight distance shall be established for each proposed driveway. The required all-season safe sight distance shall be based on the applicable speed limit on the right-of-way with which a driveway intersects, 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 thirty (30) mph speed limit.

- e. 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 (10') 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. Any obstructions shall be noted on the plan or permit application. All obstructions shall be removed to a distance at least five (5) feet behind the sight line so that it is not compromised. The Building Inspector shall confirm that the site line is not obstructed prior to final inspection.

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6.0 DESIGN REQUIREMENTS

- a. No structures, including buildings, permanent or portable signs, lights, displays, fences, walls, etc. shall be permitted on or under the Town Right-of-Way. Mailboxes and house numbers for emergency services are exempt.
- b. In order to protect the physical integrity of Town roads, driveways that abut paved roads shall be constructed with paved aprons that shall be as wide as the driveway, including flares, and at least ten (10) feet in depth, measured from the edge of the Town road's pavement. The apron shall be constructed with a minimum of two (2) inches of pavement, and the finished height shall not be higher than the Town road.
- c. All new driveways established to serve structures intended for human occupancy shall have a maximum grade of ten percent (10%). However, grades of up to twelve percent (12%) may be permitted by the Planning Board, in consultation with the Wilton Fire Chief, on a case-by-case basis, for short distances, no more than fifteen percent (15%) of the total length of the common drive. 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, silviculture, agriculture, and recreational access.
- d. Additional emergency access requirements:
 1. Driveways 150 or more feet in length shall provide an adequate turnaround at the end of the drive for emergency vehicles, subject to the approval of the Wilton Fire Chief.
 2. Driveways longer than 300 feet shall provide suitable by-passes that will allow two emergency vehicles to pass, subject to the approval of the Wilton 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 30-foot-long fire truck weighing fifteen (15) tons.
- e. 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 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 Section H of the Wilton Land Use Laws and Regulations: Stormwater Management and Erosion Control Regulations, including the implementation of a Stormwater Management and Erosion Control Plan; and/or
 5. as may be reasonably required by specific site conditions.
- f. If a culvert is required, it shall be at least fifteen inches (15") in diameter and constructed of at least sixteen- (16-) gauge riveted aluminum, corrugated steel, reinforced concrete, or polypropylene. The culvert shall be a minimum of twenty feet (20') long and with all headers mortared or securely fastened to avoid end damage by vehicles.

If the Stormwater Manager recommends that a more complex drainage system is necessary to address stormwater management concerns, the Planning Board may require an engineering review by a qualified consultant at the applicant's expense.
- g. All driveways and drainage systems shall be designed to retain stormwater runoff on the property and shall otherwise comply with applicable stormwater regulations and

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requirements. All new driveways located within 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.

7.0 DRIVEWAY MAINTENANCE

- a. Pursuant to RSA 236:13(VI), the owners of the property 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 pertaining to such driveway, whether or not located within a public right-of-way.
- b. The owner of the property accessed by the driveway shall have continuing responsibility for maintaining unobstructed sight distance requirements. No obstructions, including, but not limited to signage, ornaments, lighting, and vegetative growth shall be permitted to hinder sight distance.
- c. If the Building Inspector, in consultation with the Road Agent, determines that any driveway is or becomes:
 1. a threat to the public 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, vegetative growth, improper grade, or the failure of any culvert, traffic control device, drainage structure, or any other feature,the Building Inspector shall issue an order to the owner to repair or remove 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 sent by certified mail and shall be enforceable to the same extent as a permit issued under these regulations.
- d. If the order is not complied with within the time prescribed, the Building Inspector shall take whatever action is necessary to protect the highway and the traveling public, and the owner shall be liable to the Town of Wilton for its cost in taking such action, in accordance with RSA 236:13(VI).

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PLANNING BOARD
TOWN OF WILTON, NH
DRIVEWAY PERMIT AND
REGULATIONS WAIVER APPLICATION
(Amended December 1, 2021)

Complete this form to obtain a permit to construct a driveway and/or to request the waiver of any requirements that may be waived by the Planning Board. See Wilton Land Use Laws and Regulations Section G: Driveway Regulations, and Section H: Stormwater and Erosion Control Regulations.

1. Property Information

Describe the lot(s) to which this application applies (the location of proposed development, construction, improvement or structure requiring the permit). If more than one lot is involved, describe them below or attach additional copies of this page.

Tax Map and Lot Number _____ Lot Size _____

Street Address _____

Zoning District (check one):

- Residential General Residence and Agricultural
- Commercial Industrial Office Park

Relevant Overlay Districts (check any that apply):

- Research and Office Park Floodplain Conservation Watershed
- Wetlands Conservation Aquifer Protection Age-restricted Housing

- Check this box if this lot is part of an approved subdivision.
- Check this box if this driveway entrance is from a State highway (please provide a copy of the state driveway permit application).

2. Owner(s)

List all owners of each lot below or attach additional copies of this page.

Name (individual(s), company or other):

Mailing address (Street, Town, State, Zip):

If not an individual, name of contact: _____

Complete one entry below for each owner:

- Daytime phone _____ Evening phone _____
- Work e-mail _____ Personal e-mail _____

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3. Applicant

Same as owner

If the applicant is other than the owner(s) (e.g., tenant, proposed purchaser, developer), provide the following information.

Name (individual(s), company or other):

Mailing address (Street, Town, State, Zip):

If not an individual, name of contact: _____

Complete one entry below:

Daytime phone _____ Evening phone _____

Work e-mail _____ Personal e-mail _____

Relationship to the Property: _____

4. Representative of the Applicant

If a representative is authorized to act on behalf of the applicant before the Wilton Planning Board or Zoning Board, or otherwise to respond to questions or provide further information about this application to those Boards, the Secretary of the Planning Board (Secretary) and/or the Land Use Administrator, provide the following information.

Name: _____

Company (if any): _____

Mailing address (Street, Town, State, Zip): _____

Complete one entry below:

Daytime phone _____ Evening phone _____

Work e-mail _____ Personal e-mail _____

(application continues next page)

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5. Required Site/Project Information

- Provide four (4) copies of a site plan/drawing describing existing and proposed driveway conditions, including the following information.
 - a. Name and address of owner(s)
 - b. Map & lot numbers
 - c. Parcel boundaries
 - d. Lot acreage and road frontage
 - e. Zoning district for lot(s)
 - f. Lot number and addresses of abutters
 - g. Direction indicator (north) and scale
 - h. Locations of existing driveways and roads, including on abutting property
 - i. Locations of proposed driveway, including width of driveway at property line, distance to other driveways, distance from nearest intersection and sight distance to both left and right of driveway entrance
 - j. Locations of utilities
 - k. Locations of easements
 - l. Locations of any engineered structures or systems such as culverts or swales that do or may impact the driveway
 - m. Traffic flow patterns
 - n. Structures on the lot
 - o. Snow storage location
 - p. A key if any symbols are used
 - r. Parking locations
 - s. Wetlands and show measured distance from all water bodies and wetlands.

- Provide photos of the site.

Yes No Are waivers of the Driveway Regulations requested (e.g., for driveway/entrance location; number of driveways)? If so, identify and provide the reason for the request. Attach an additional sheet if necessary.

Please Note:

The Planning Board may require additional information as it deems necessary.

Construction of a driveway must comply with the requirements of Section G of the Wilton Land Use Laws and Regulations: Driveway Regulations, except to the extent they are waived by the Planning Board, and may require a Stormwater Plan to be approved by the Planning Board or its delegate.

Failure to complete construction of the driveway within one year following the issuance of this permit and in compliance with the Driveway Regulations of the Town of Wilton shall render this permit null and void.

(application continues next page)

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6. Abutters (for waiver requests only)

Attach a list of the names and addresses of all abutters identified in Town records as of a date not more than five (5) days prior to submitting this application. The list shall include all abutters directly across roadways and/or streams, the owner(s) of each such property, and all others identified in RSA Sections 676:4-I (d) and 676:7 I(a) and Section 4.14 of the Wilton Zoning Ordinance. Please also provide three sets of mailing labels for the abutters.

7. Fees

Include payment of the following permit and notification fees with this application. (See Appendix III to the Wilton Land Use Laws and Regulations – Application Fee Schedule.)

Legal Notice Fee (for waiver requests)	\$ _____
Driveway Permit Application Fee	\$ _____
Driveway Regulations Waiver Application Fee	\$ _____
Abutter Notification (for waiver requests) _____ # of abutters x \$ _____ /abutter	\$ _____
Total	\$ _____

<p>Please Note: In addition, the Planning Board may require the applicant to fund an escrow account for the payment of the fees of professional consultants or advisors to the Board, at such times, for such purposes, and in such amounts as the Planning Board may determine (“Escrow Fees”).</p>

(application continues next page)

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8. Authorizations, Undertakings and Signatures

This application must be signed by the owner(s), the applicant and any representative of the applicant, as set forth below. Attach additional copies of this page, if necessary.

Owner(s):

Each undersigned owner hereby certifies that, to the best of his/her/its knowledge and belief, all of the information provided in this application with respect to the property(ies) owned by him/her/it identified above is true, complete and correct.

Name (individual(s), company or other): _____

Signature: _____ **Date** _____

Print Name and Capacity if signing on behalf of non-individual owner:

Applicant (must be executed even if the applicant is also an owner):

The undersigned applicant hereby (a) certifies, to the best of his/her/its knowledge and belief, that all of the information provided in this application is true, complete and correct; (b) agrees to be fully responsible for the payment of all fees, costs and expenses associated with this application and the project the subject hereof, including, without limitation, Escrow Fees, and (c) authorizes the above-named representative, if any, to act on behalf of the applicant before the Wilton Planning Board or Zoning Board, or otherwise to respond to questions or provide further information about this application to those Boards or the Secretary.

Name (individual(s), company or other): _____

Signature: _____ **Date** _____

Print Name and Capacity if signing on behalf of non-individual applicant:

Signature of Owner _____ **Date** _____

Representative:

The undersigned representative hereby acknowledges and accepts the applicant's authorization to act on behalf of the applicant before the Wilton Planning Board or Zoning Board, or otherwise to respond to questions or provide further information about this application to those Boards or the Secretary.

Name (individual(s), company or other): _____

Signature: _____ **Date:** _____

Print Name and Capacity if signing on behalf of non-individual representative:

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FOR OFFICIAL USE ONLY

Application delivered to:

Name: _____

Title/Capacity: _____

Signature: _____ **Date:** _____

Driveway Plan

Road Agent was consulted: _____

Plan approved for construction by the Secretary

Secretary

Date

Notes on approved driveway

1. This permit requires that the area adjacent to the highway be graded such that the surface will slope from the edge of pavement to a line ___ feet distance from and parallel to the pavement and ___ inches below the edge of pavement.

2. Driveway not to exceed _____ feet in width. The driveway entrance(s) may be flared as they approach the pavement. Width of pavement at edge of highway not to exceed _____ feet.

Completed Driveway

Driveway inspected and approved Driveway inspected and NOT approved

Building Inspector

Date

Signature verifies that the driveway was installed according to the above approved plan.