

Town of Amherst Driveway Regulations  
Adopted May 21, 2014

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**SECTION I. AUTHORITY**

The Town of Amherst Planning Board hereby adopts the following regulation pursuant to its authority as set forth at RSA 236:13.V, and establishes that hereafter no driveway or access point providing access from private property to a public way owned and maintained by the Town of Amherst shall be constructed without compliance with this regulation.

**SECTION II. PURPOSE**

Inasmuch as driveways, entrances and access points are, in effect, intersections, and therefore require certain controls as to size, location and construction in order to provide safe and efficient access to property fronting on the public way, as well as surface drainage in and around said driveways, this regulation is enacted for the purpose of such control.

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**SECTION III. DEFINITIONS**

- A. Access Point: An opening for vehicles to enter from or exit to a public right-of-way.
- B. DPW Director: the Director of Public Works or designated agent.
- C. Driveway Approach: An area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide access for vehicles from the roadway to the adjacent property.
- D. Driveway: A permanent access point that is intended to provide access for vehicles from the roadway to the adjacent property.
- E. Driveway Entrance: Portion of a driveway which immediately abuts the public right-of-way or a private street.
- F. Residential Driveway: An access point that is intended to provide access for vehicles from the roadway to a residential property serving less than three dwelling units.
- G. Non-residential Driveway: An access point that is intended to provide access for vehicles from the roadway to a non-residential (commercial, industrial, etc.) use or an access point that is intended to provide access to a private roadway.
- H. Right of Way: The full width of the legal right of way of a public road, which width generally is understood to extend beyond the limits of the paved or traveled portion of the road.
- I. Temporary Access Point: An access point to be utilized for a temporary period of time not to exceed one year.

**SECTION IV. PERMIT**

Anyone desiring to construct, alter, or relocate a driveway or temporary access point in order to obtain access to an existing public way or a proposed street or public way, shall first apply for and obtain a permit from the Director of Public Works (DPW Director). This permit shall provide for the approved location, construction, alteration or relocation of such driveway in accordance with the specifications provided in the driveway permit form, which is available at the Department of Public Works, the Community Development Office and related websites. The driveway location as indicated on the approved permit (in accordance with the approved site plan or septic plan, as applicable) is the ONLY driveway to be utilized unless the DPW Director or the Planning Board authorizes a change in writing. If a permanent house or structure number is assigned by the Building Department at the time of driveway permit issuance the number shall be located so as to be clearly visible from the roadway at start of construction.

If the roadway to be accessed by a proposed driveway is maintained by the State of NH, the applicant shall apply for and receive a driveway permit from the State of NH Department of Transportation (NHDOT) and will not be required to obtain a Driveway Permit from the Town of Amherst. Applicants can obtain a permit and information for driveway permits on State maintained roadways at [www.nh.gov/DOT](http://www.nh.gov/DOT) or by calling the Department of Transportation directly at 603.271.3734. A copy of the final, signed NHDOT Permit shall be submitted to the Town of Amherst.

## **SECTION V. PERMIT PROCESS**

- A. Prior to submitting an application for a driveway permit the applicant shall clearly mark and flag the location of the proposed driveway with a centerline stake at the edge of the right-of-way (ROW). The applicant shall then submit completed applications to either the Department of Public Works or Community Development Office.
- B. Applications will be reviewed with a site inspection (as necessary) and approved by the Department of Public Works within ten (10) business days. The approved permit and any additional documentation will be sent to the Community Development Office.
- C. Once the driveway permit has been approved by the DPW Director the driveway can be installed.
- D. A construction exit/entrance shall be in place prior to the start of on-site activity (see Appendix, Figures 4 and 5).
- E. Upon completion of a driveway or a minimum of fourteen (14) days prior to the issuance of a Certificate of Occupancy (CO) by the Building Department, the Department of Public Works will perform a post-construction inspection and issue a Certificate of Compliance (CC) for the driveway. A copy of the CC will be sent to the Community Development Office. A CO will not be issued unless a driveway CC has been issued by the Department of Public Works or a security is in place.
- F. Failure to begin construction within one (1) year of application approval will render the driveway permit null and void.
- G. A permit is required from the Department of Public Works for any temporary access point. A security in an amount to be determined by the DPW Director may be required at the discretion of the Director. If a security is required, the applicant shall submit an itemized detailed estimate of the cost to complete the driveway to the DPW Director who shall determine the required amount of the security.

## **SECTION VI. RESIDENTIAL ACCESS POINTS**

- A. If a property is adjacent to a side road, the access to the main road should be via the side road.
- B. Curb cuts shall be limited to one (1) per residential lot, except where the DPW Director has determined that a second cut is warranted and can be safely accommodated. A scale drawing indicating the features necessitating the second access must be submitted for the DPW Director to make a determination. A second cut may be granted under the following conditions:
  - 1. A second curb cut is necessary for access to a secondary use or structure, or if the physical constraints of the lot, including natural features, unusual lot shape, size or elevation change necessitates the second access.
  - 2. A second curb cut is necessary to allow handicapped access for an individual who is a permanent resident of the property.
- C. A permit is required from the Department of Public Works for any temporary access point. A security in an amount to be determined by the DPW Director may be required at the discretion of the Director. If a security is required, the applicant shall submit an itemized detailed estimate of the cost to complete the driveway to the DPW Director who shall determine the required amount of the security.

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- D. A construction exit/entrance is required for all residential driveways and temporary access points (See Appendix, Figure 4). The public right-of-way shall be cleared daily of debris such as mud, stone, earth and all construction supplies, vehicles and equipment. Said maintenance of the exit/entrance shall be the responsibility of the permit applicant.

**SECTION VII. NON-RESIDENTIAL ACCESS POINTS**

- A. Curb cuts shall be limited to one (1) per lot, unless additional curb cuts are approved through Planning Board Site Plan approval or if the DPW Director has determined additional curb cuts are warranted and can be safely accommodated. If the driveway(s) are not shown on an approved Site Plan, a scale drawing indicating the features necessitating additional access points must be submitted to the DPW Director to make a determination, who may consult with the Fire, Police, EMS and Planning Departments prior to making a determination. Additional cuts may be granted to provide access to a secondary use, structure or corner lots, to increase access safety or if the physical constraints of the lot, including natural features, unusual lot shape, size, or elevation change necessitates the additional access.
- B. A permit is required from the Department of Public Works for any temporary access point. A security in an amount to be determined by the DPW Director may be required at the discretion of the Director. If a security is required, the applicant shall submit an itemized detailed estimate of the cost to complete the driveway to the DPW Director who shall determine the required amount of the security.
- C. A construction exit/entrance is required for all non-residential driveways and temporary access points (See Appendix, Figure 5). The public right-of-way shall be cleared daily of debris such as mud, stone, earth and all construction supplies, vehicles and equipment. Said maintenance of the exit/entrance shall be the responsibility of the permit applicant.

**SECTION VIII. DESIGN REQUIREMENTS**

- A. Driveway design and construction shall conform to the applicable Residential or Non-Residential detail and the regulations contained herein. It is understood that the applicant shall confer with the DPW Director who shall determine specifications as to sloping, culverts, headwalls and other aspects of construction of said driveway only when it deviates from the typical profile and standards. The deviations shall be noted in writing on the Driveway Permit.
- B. All driveways shall be a minimum of ten feet (10') in width. A residential entrance shall flare as it approaches the pavement to a maximum width of twenty-four feet (24') measured at the existing edge of roadway. A non-residential entrance shall flare as it approaches the pavement to a maximum width of fifty feet (50').
- C. All driveways shall be designed so as to minimize disturbance to stone walls.
- D. Flat driveway side-slopes (4:1 to 6:1) are required to minimize hazards to vehicles that leave the pavement for any reason.
- E. The asphalt apron of paved driveways shall be paved twenty feet (20') from the edge of pavement of a public road and shall be constructed with a minimum of three inches (3") of asphalt with emulsion applied at the joint with the Town roadway surface.

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- F. All unpaved driveways shall require an asphalt apron. The asphalt apron shall be paved twelve feet (12') from the edge of pavement of a public road and shall be constructed with a minimum of three inches (3") of asphalt with emulsion applied at the joint with the Town roadway surface.
- G. All new driveways established to serve structures intended for human occupancy shall have a maximum grade of eight percent (8%). The purpose of the maximum grade requirement is to ensure public safety and accessibility for emergency vehicles. 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.
- H. All driveways shall have a minimum of a one percent (1%) negative grade from the edge of the traveled way to the center of the ditch line, to insure the driveway does not drain into the street.
- I. All driveways shall intersect the Town's roadway at an angle as close to perpendicular as practicable and shall not be less than sixty (60°) degrees from the Town ROW line.
- J. Where required, culverts shall be at least fifteen inches (15") in diameter and shall be constructed of reinforced concrete, high density polyethylene pipe, riveted aluminum, corrugated steel, or approved equal. The driveway will have shoulders minimum of three feet (3') shoulders on each side where it meets the culvert. Culverts shall be a minimum of thirty feet (30') long and shall have a minimum twelve inches (12") of cover above the crown, or comparable equal, alternative load bearing pipe configuration.
- K. Headwalls shall be constructed of pre-cast, cast-in-place concrete, or stone and mortar. The culvert cover shall be equal to or greater than two feet (2'). Where headwalls are not applicable, pre-manufactured flares will be placed on each pipe end.
- L. Safe sight distance shall be maintained and is defined as a line which encounters no visual obstruction between two points, each at a height of three feet, nine inches (3'9") above the pavement, and ten feet (10') back from the road pavement, to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction as described in Section L.4 below. Unposted roads shall be assumed to be thirty (30) mph.
- M. Driveway Design Features:
1. The following table summarizes driveway design features:

|   | <b>For parcels with fifty-one feet (51')<br/>or more of frontage</b> | <b>For parcels with fifty feet (50')<br/>or less of frontage</b> |
|---|--|--|
| Minimum tangent between drives*         | 100 feet   | 50 feet  |
| Minimum distance between intersections* | 100 feet   | 50 feet  |

\*Note: The dimensions of the minimum tangent between drives and distance from intersection shall be detailed on the driveway plan.

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2. Safe sight distance shall be compatible with the maximum speed limit posted on the road, as described in the following table:

| Speed Limit (MPH) | Sight Distance |
|-------------------|----------------|
| 15-25 MPH         | 200 feet       |
| 26-35 MPH         | 300 feet       |
| 36-55 MPH         | 400 feet       |

3. In cases of rear lots with private ways to local streets, the above requirements for minimum tangent between drives and maximum frontage drives shall not apply.
4. Any driveway impacting a wetland or wetlands buffer shall have all permits required by the State and Town posted on-site until a CC is issued or all on-site work is completed, whichever comes last.
5. Two-way driveways, divided driveways and alternate major entrances shall be constructed to State DOT standards and shall be approved by the Planning Board or the DPW Director.

## **SECTION IX. MAINTENANCE RESPONSIBILITY**

- A. Temporary and permanent erosion and sedimentation control measures shall be provided before, during and after construction, in accordance with the best management practices as described in the "New Hampshire Stormwater Manual" (NH Department of Environmental Services 2008) as amended, a copy of which is available in the Community Development Office.
- B. The applicant, or their grantees, successors and/or assigns served by the driveway shall be responsible for the following:
  1. Maintenance of the driveway from the edge of the roadway pavement or paved shoulder, if existing;
  2. Maintenance of all approved and/or required upstream and downstream drainage alterations including but not limited to: pipe extensions, open ditches, swales, drainage systems and detention ponds, with the exception of connecting catch basins, manholes or other specified structures at roadway cross culverts;
  3. All driveway pavement markings and all traffic control signs on the drive with the exception of a stop sign or yield sign; and,
  4. Operational costs of electric service for traffic signals and street lights that are required by the permit.
- C. The Department of Public Works may also specifically maintain the following drainage structures:
  1. Drainage systems within the roadway limits, serving existing State highways, and constructed for the purpose of controlling highway and surface water run-off; and,
  2. Catch basins, manholes or other specified connecting drainage structures constructed at the end of cross roadway culverts or parallel culverts serving the State highway system.

## **SECTION X. EASEMENT AND SECURITY**

- A. The applicant may, at the discretion of the DPW Director or Planning Board, and as a condition of the granting of the Driveway Permit, be required to provide to the Town of Amherst, its successors and/or assigns, an easement for the purpose of entering upon the premises of the

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applicant to control or maintain surface drainage on the property and perform all necessary maintenance for, and incidental to, said drainage easement.

- B. A security in an amount as detailed below shall be required to guarantee the proper construction of any culverts, piping, ditching or other efforts incidental to and necessary for the proper discharge and control of surface drainage in and around the vicinity of the proposed driveway as well as the proper construction of the driveway entrance both on the property of the applicant or on the property of the Town of Amherst.
  - 1. Residential Driveway Permit: A security in the amount of \$600 is required.
  - 2. Temporary Access Points: A security may be required at the discretion of the Director of Public Works in an amount to be determined as set forth in Section X.C below.
  - 3. Non-Residential Driveway Permit: A security shall be required in an amount to be determined as set forth in Section X.C below
- C. If a security is deemed necessary, the applicant shall submit an itemized detailed estimate of the cost to complete the driveway to the DPW Director, who shall determine the required amount of the security. The security shall be provided to the Department of Public Works to be held in an escrow account and released upon issuance of a CC.
- D. Failure to complete construction within one (1) calendar year from the date of posting of a security shall result in the automatic calling of the security, unless specifically extended by the DPW Director for a period of one (1) additional year.
- E. Funds may be withdrawn from the security by the Town of Amherst and applied to the cost of said construction which the Town of Amherst is obliged to complete. No funds shall be expended at any site in excess of the amount of the security pertaining to said site.
- F. Driveways that have not received a CC at the time of the issuance of a CO will be required to provide a security to insure completion of the approved driveway to Town of Amherst specifications. If a security is provided in lieu of obtaining a CC for the driveway, The Department of Public Works shall submit documentation to the Community Development Office notifying them of the security.

**SECTION XI. WAIVERS AND APPEALS**

- A. Upon written application, the DPW Director may waive any of the design requirements for residential access points when it is shown that strict compliance would cause undue or unnecessary hardship, so long as such waiver does not result in the likelihood of injury to the public health, safety or welfare.
- B. Upon written application, the Planning Board may waive any of the design requirements for non-residential access points as part of Non-Residential Site Plan approval when it is shown that strict compliance would cause undue or unnecessary hardship, so long as such a waiver does not result in in the likelihood of injury to the public health, safety or welfare.
- C. Any applicant or abutter aggrieved by the regulations herein or a decision made by the Director of Public Works in regards to a waiver request shall appeal that decision to the Planning Board within 30 days. The Planning Board shall apply the standards in appeals as outlined above.

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**SECTION XII. SEPARABILITY**

The invalidity of any provision of these regulations shall not affect the validity of any other provisions

**SECTION XIII. ENFORCEMENT**

The Amherst Board of Selectmen, Zoning Administrator, and the DPW Director are charged with the power and authority to enforce the provisions of these regulations.

**SECTION XIV. AMENDMENT**

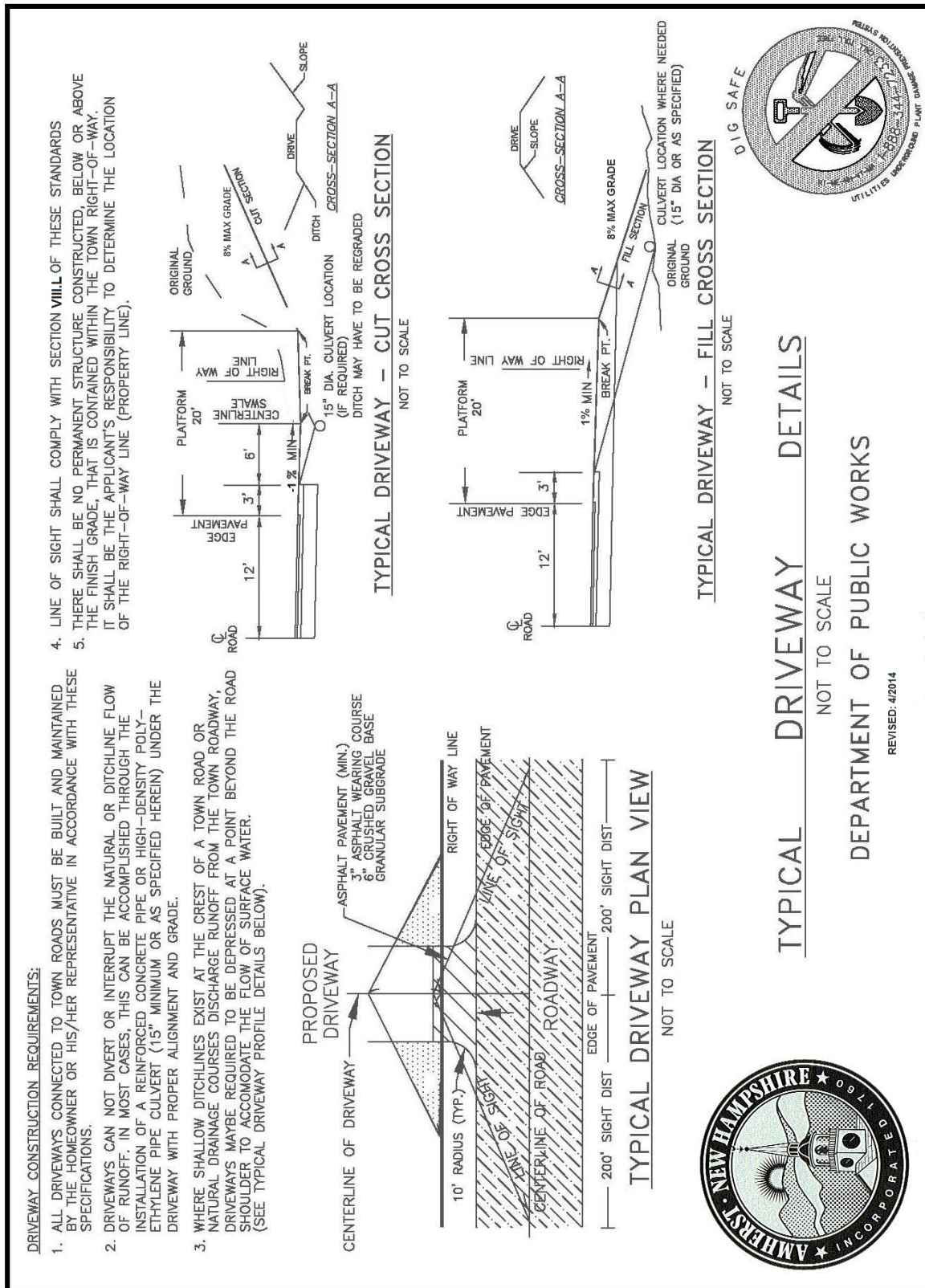
These regulations may be amended by the Planning Board following a noticed public hearing on the proposed amendment. All amendments will take effect upon approval by a majority of the Planning Board and filed with the Amherst Town Clerk.

**SECTION XV. APPENDIX**

|   |    |
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| FIGURE 5: NON-RESIDENTIAL CONSTRUCTION ENTRANCE ..... | 13 |

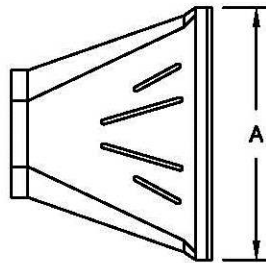


**FIGURE 1: DRIVEWAY DETAIL**

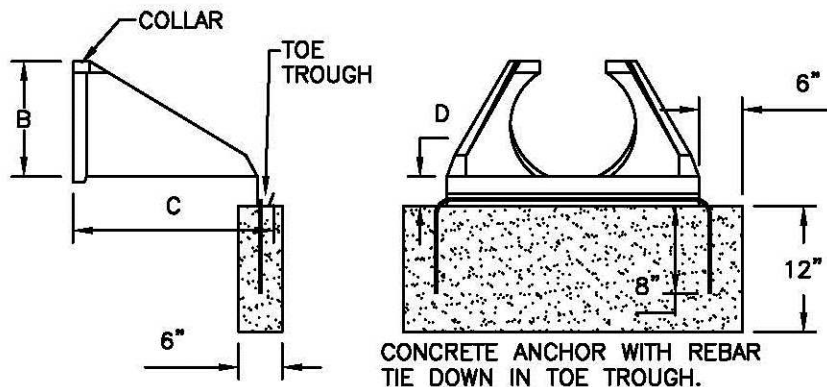


**FIGURE 2: FLARED END DETAIL**

| DIMENSION | PIPE DIAMETER (INCHES) |    |      |      |      |
|-----------|------------------------|----|------|------|------|
|           | 15                     | 18 | 24   | 30   | 36   |
| A         | 41                     | 49 | 59.5 | 88   | 88   |
| B         | 19                     | 22 | 28   | 36   | 43   |
| C         | 34                     | 43 | 48   | 63.5 | 66.5 |
| D         | 6                      | 6  | 6    | 6    | 6    |



THE INVERT OF THE  
PIPE AND THE END  
SECTION SHALL BE  
AT THE SAME  
ELEVATION.

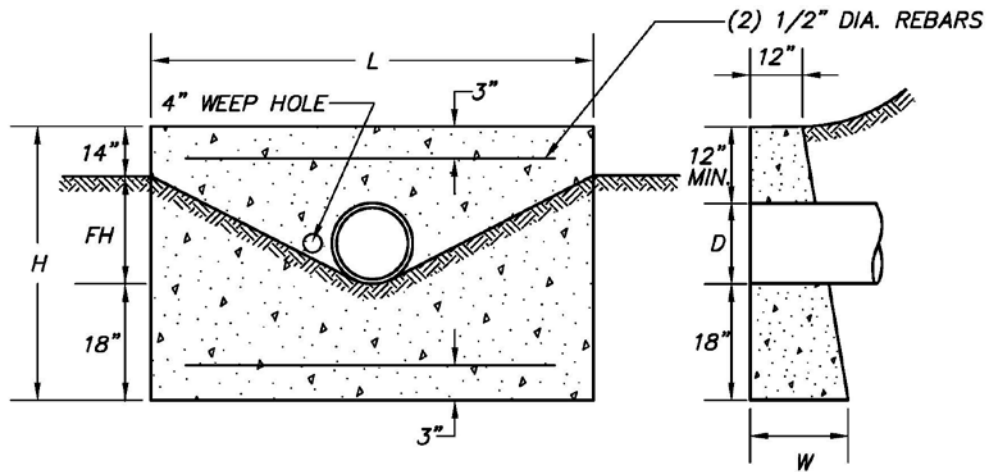


## FLARED END SECTION — HDPE

HANCOR HI-Q FLARED END SECTION OR EQUAL

JUNE 6, 2002  
SCALE: NONE

FIGURE 3: HEADWALL DETAIL



| D  | MAS.PER<br>STD.HDR.<br>CU.YD. | STEEL<br>PER STD.<br>HDR.LB. | LENGTH<br>OF<br>BARS | L     | H     | FH     | W        |
|----|-------------------------------|------------------------------|----------------------|-------|-------|--------|----------|
| 12 | .61                           | 9                            | 3'-2"                | 3'-6" | 3'-6" | 0'-10" | 1'-10.5" |
| 15 | .85                           | 11                           | 3-10                 | 4-6   | 3-9   | 1-1    | 1-11.25  |
| 18 | 1.13                          | 14                           | 5-2                  | 5-6   | 4-0   | 1-4    | 2-0      |
| 24 | 1.78                          | 20                           | 7-2                  | 7-6   | 4-6   | 1-10   | 2-1.5    |
| 30 | 2.58                          | 25                           | 9-2                  | 9-6   | 5-0   | 2-4    | 2-3      |
| 36 | 3.53                          | 31                           | 11-2                 | 11-6  | 5-6   | 2-10   | 2-4.5    |
| 42 | 4.65                          | 36                           | 13-2                 | 13-6  | 6-0   | 3-4    | 2-6      |
| 48 | 5.95                          | 42                           | 15-2                 | 15-6  | 6-6   | 3-10   | 2-7.5    |



Typical Headwall

N.T.S.

FIGURE 4: RESIDENTIAL CONSTRUCTION ENTRANCE

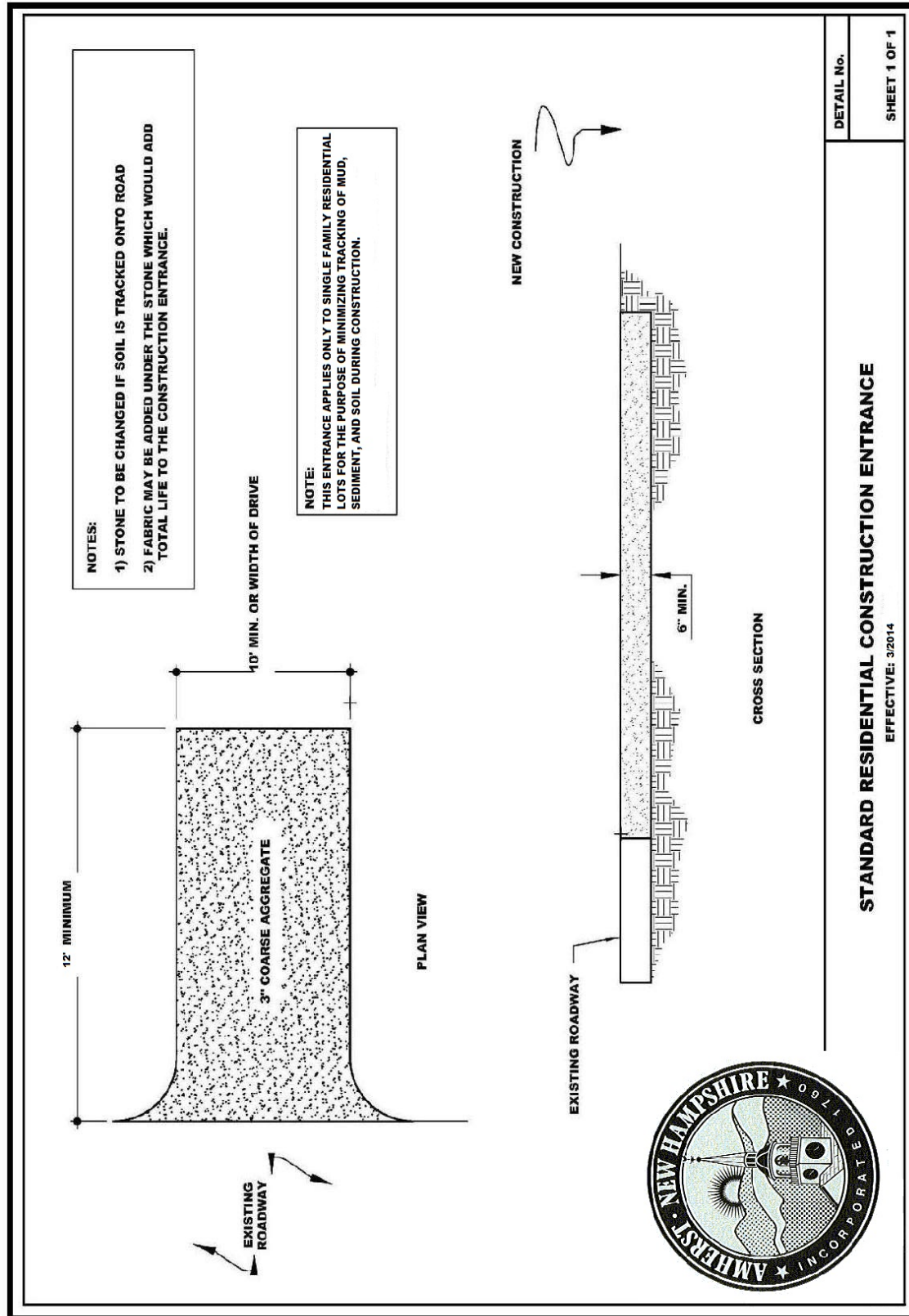


FIGURE 5: NON-RESIDENTIAL CONSTRUCTION ENTRANCE

