

Town of Cornish Driveway Regulations

AUTHORITY AND PURPOSES

Pursuant to the authority vested in the Cornish Planning Board by the State of New Hampshire and in accordance with the provisions of Chapter 236, Sections 13 and 14, N.H. Revised Statutes Annotated, the Cornish Planning Board adopts the following regulations governing the construction and alteration of driveways.

The purpose of these regulations are to ensure safe access to Town roads and to ensure that the Town incurs no undue cost arising from the impact on Town roads due to poor driveway design.

DEFINITIONS

DRIVEWAY shall mean any route providing vehicular access serving no more than two (2) lots, sites, or dwelling units and intersecting with any road under the jurisdiction of the Town of Cornish.

DRIVEWAY ACCESS shall mean the first fifty feet (50') of a driveway measured from the edge of the traveled portion of the Town road along the centerline of the driveway.

SIGHT DISTANCE shall mean the length of 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 so located so as to represent the critical line of sight between the operator of a vehicle using the driveway (operator assumed to be seated eight feet (8') outside the edge of the traveled way) and the operator of a vehicle approaching from either direction.

WIDTH of a driveway shall be measured perpendicular to the centerline of the driveway.

PROCEDURE

Application

When a permit is required, the applicant shall file an application, with a drawing of the proposed construction, with the Road Agent. Application forms are available in the Selectmen's Office or from the Road Agent.

Road Agent Inspection

Upon receipt of an application, the Road Agent will contact the Fire Chief and the designated member of the Planning Board and arrange a site visit at their earliest convenience. The Road Agent, Fire Chief and member of the Planning Board will review the application and inspect the site of the proposed driveway. The Road Agent shall report any observed inaccuracies in the application to the Board, and shall recommend to the Board whatever action on the application he considers most appropriate.

Board Action

After considering the application, recommendations of the Road Agent, and the comments of the applicant and any other interested parties, the designated Planning Board member, Fire Chief and the Road Agent shall agree to:

- a. Approve;
- b. Approve with conditions
- c. Disapprove the construction permit application; or
- d. Recommend the matter to the Planning Board for their consideration.

If the application is approved, a written construction permit shall be issued to the applicant stating the terms and specifications for the construction or alteration of the driveway. If the application is disapproved, a letter shall be sent to the applicant stating the reasons for the disapproval. If the designated member of the Planning Board and Road Agent disagree, the matter shall be referred to the Planning Board. The decision of the Planning Board shall be accepted by the designated member of the Planning Board and the Road Agent.

Expiration of Permit

If a driveway is not completed within one (1) year from the date of the approval, it shall expire. Construction shall not begin or continue until the permit is renewed.

STANDARDS

1. The entrance approach (driveway) within the road right-of-way shall slope down from the crown of the road to the shoulder of the road at least one (1) inch to the foot.
2. Drainage structures as are necessary to maintain new or existing drainage shall be installed the standards specified by the Road Agent and at the discretion of the Road Agent.
3. No water shall discharge from the driveway upon the traveled surface of a road or upon abutters' property without a drainage easement. Run off should be directed to existing ditches.
4. A residential driveway shall be at least twelve (12) feet in width but not more than twenty-five (25) feet in width, except that the driveway may be flared to a maximum width of fifty (50) feet to accommodate the turning radius of vehicles expected to use the driveway.
5. A non-residential driveway is considered on an individual basis depending on location and use by the Planning Board and shall not be more than fifty (50) feet in width plus flare.
6. An entrance approach shall be laid out so as to intersect with the road as nearly as possible at right angles, but in no case at an angle of less than sixty (60) degrees.

7. The location shall be selected to provide safe sight distance, based on the standard that the sight distance shall be ten (10) times the speed posted on the existing Town road (30 mph = 300 feet sight distance). 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, but not 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 shall be provided. The indicated speed shall be the safe sight distance available divided by ten (10). All necessary signage shall be purchased and installed by the town at the applicant's expense.
8. The grade shall not exceed 5% within 100 feet of the intersection with the Town road.
9. A suitable turn-around should be provided so that emergency vehicles do not have to back down to exit the driveway.
10. No more than two (2) access points shall be allowed from any one (1) town road to any one (1) parcel of land unless the parcel's frontage along that road exceeds five hundred (500) feet and provided the minimum safe sight distance requirements can be met. The total number of access points along roads that exceed five hundred (500) feet of frontage shall be at the discretion of the Road Agent after consultation with the Planning Board.

ADMINISTRATION

Enforcement

Upon determination 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 is responsible for the enforcement of these regulations.

Penalty

As provided under RSA 236:14, any person who violates any provision of RSA 236:16, or these regulations made under authority of RSA 236:13, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, and, in addition, shall be liable for the cost of the restoration of the road to the satisfaction of the Board.

Variations from Standards

Where strict conformity to these regulations would cause undue hardship or injustice to the owner of the land, a driveway plan substantially in conformance with these regulations may be approved by the Road Agent and Planning Board, provided that the spirit of the regulations will be respected, and that the public convenience and safety will not be adversely affected.

Adopted by the Cornish Planning Board on August 3, 1995