

**LEGAL NOTICE
TOWN OF HAMPTON, NEW HAMPSHIRE**

The Planning Board will hold a Public Hearing on Wednesday March 3, 2021 at 7:00 PM to consider the proposal listed below:

Town of Hampton Driveway Regulations: Full revision and re-codification of the existing Town of Hampton Driveway Regulations, first adopted on October 1, 2008 and last amended on August 17, 2016. New Driveway Permit Application Form to be included as Appendix A and Impervious Coverage Form to be included as Appendix B.

A copy of the proposed text is available for review at the Town Planning Office and on the Town of Hampton website (hamptonnh.gov).

The Planning Board Chairman Tracy Emerick, has determined that, due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, in order to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this body is authorized to meet electronically.

Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, Chairman Emerick is confirming that the Planning Board are:

Utilizing a teleconference service for this electronic Meeting. The Public may join the teleconference by calling 1-857-444-0744 and using the code 156034. The audio of the Meeting will also be broadcast live on Hampton local access Channel 22.

THE HAMPTON PLANNING BOARD
Tracy Emerick
Chairman

Publish: February 16, 2021



DRIVEWAY REGULATIONS

I. PURPOSE

The purpose of these Regulations is to promote the orderly and planned growth of developed and undeveloped areas of the Town of Hampton. 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.

II. 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 Town highways and public rights-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.

It is intended that when applications for driveway permits are received hereunder that comply with all of the Regulations enacted herein, that as the Planning Board's designated Representative, the Public Works Director (or designee) 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 Public Works Director (or designee), without further action by the Planning Board, except as specified in these Regulations for appeals and public hearings.

B. Prohibited

It shall be unlawful for any person, firm, corporation or other entity to develop, construct, alter, locate, or relocate a driveway, or impact the size or grade of any driveway, entrance, exit, or approach within the limits of the right-of-way of any highway under the jurisdiction of the Town of Hampton without obtaining a driveway permit in accordance with these Regulations.

C. Pre-Existing Driveways to be Issued Driveway Permits

Any owner of property with an existing driveway(s) on the date of enactment of these Regulations shall be entitled to the issuance of a driveway permit for the existing driveway(s) at its current location whether or not it meets the other terms and conditions of these Regulations so long as any non-conformity in existence on the date of enactment has not since been expanded and the applicant shows reasonable effort to bring the driveway into conformity.



D. 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, so long as the purposes of these Regulations can still be achieved in the absence of the invalid provision.

E. Definitions

Highway or Public Right-of-Way shall mean a Town road, street, avenue, terrace, drive, boulevard, place or way that has been accepted as a Town highway or public right-of-way by acceptance, dedication, layout or through the performance of maintenance (excluding declared emergency lanes under RSA 231:59-a).

III. PROCEDURE

A. Permit Application

Any person wishing to construct, alter, locate or relocate a driveway shall obtain and complete an Application and Permit Form (Appendix A). [Seal Coating of an existing driveway does not require a Driveway Permit]. A completed application with an accurate drawing/plan of the proposed location and details as required by the Application and of the Construction Standards below shall be filed with the Department of Public Works. The Application shall:

1. Describe the location, area and width of driveway, as well as the entrance exit or approach. The location shall be selected that will most adequately protect the safety of the travelling public. Applicants are encouraged to submit a photograph or image of the existing driveway with their application.
2. Describe any drainage structures and traffic control devices such and channelization islands, signage, lane markings to be installed by the applicant if applicable.
3. Establish grades that adequately protect and promote street drainage and permit a safe and controlled approach to the street in all seasons of the year.
4. Include any other terms and specifications necessary for the safety of the traveling public.
5. Include a \$50, non-refundable application fee made payable to the Town of Hampton. After-the-fact applications will require a \$250, non-refundable application fee to cover the additional administrative and technical review of all such projects.

Failure of the applicant to supply the information as required above and on the Application and Permit Form shall be sufficient grounds for denial of the application. The Public Works Director, or designee, may require additional information and/or the preparation of plans by a New Hampshire licensed engineer or land surveyor, when deemed necessary, at the expense of the applicant(s). In addition, based on the location of the proposed driveway and associated work, wetland delineation(s) may be required.

B. Construction Standards and Approval Requirements

The Public Works Director or designee shall review the application for completion and conduct an inspection of the existing conditions. Applications are provided by the Department of Public Works to the Conservation Coordinator (or designee) to review the location of the proposed driveway and associated work as it relates to the Wetlands Conservation District and the total impervious coverage on the lot, prior to the issuance of a Driveway Permit. All applications shall be in compliance with the Construction Standards below:

1. **Number:** No more than one driveway (curb cut) shall be constructed to any one property or residence at a location determined to be safest. Where the frontage along that street exceeds 500 feet or the property is in the commercial or industrial zones, up to two (2) driveways may be permitted, if an all-season sight distance of 400 feet in both directions along the street can be achieved.
2. **Location:** The location shall be selected so as to provide the most adequate degree of safety for the traveling public.
 - a. The driveway shall be at least twenty-five (25) feet from the nearest street intersection and not less than two (2) feet (including flare) from the nearest property line. For lots with 50 feet of frontage, the minimum setback from a street intersection shall be ten (10) feet.
 - b. The driveway shall be laid out so as to intersect with the highway as nearly as possible at right angles (90 degrees).
3. **Width:** No driveway on any lot shall exceed twenty-four (24) feet in width for single-family or two-family residences and fifty (50) feet in width for a multi-family residential, commercial or industrial use.
4. **Paved Aprons:** Driveways that abut paved highways shall be constructed with bituminous paved aprons that shall encompass the entire driveway area located within the Town's Right of Way. Where the property line is equal to or less than 3 feet from the edge of the roadway pavement the driveway and apron shall be bituminous asphalt for a minimum of 3 feet from the paved highway regardless of the driveway material. Aprons shall not be porous asphalt. Aprons shall be constructed and maintained in such a way as to protect the edge of the highway pavement from deterioration.

If the edge of the applicant's property line is greater than 3 feet from the edge of the highway pavement and any materials other than bituminous asphalt are proposed within the Right of Way (beyond the 3 feet bituminous apron), the Public Works Director (or designee) may approve the Driveway Application and Permit with conditions. The conditions will include but are not limited to:

- a. The applicant will be required to seek and obtain permission from the Board of Selectman in order to utilize such other materials and the applicant will be expected to sign a Hold Harmless and Indemnification Agreement to be recorded in the Rockingham County Registry of Deeds that will entail holding harmless the Town of Hampton and its duly-

appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of the permit, and

- b. The Applicant will procure and keep in force a policy of property and liability insurance that names the Town as an additional insured and carries a minimum coverage limit of \$2,000,000, and
 - c. The Town of Hampton will not replace or repair non-bituminous surfaces (including porous asphalt).
5. **Drainage:** The type of construction where the driveway meets the edge of the traveled way shall commensurate with existing conditions with respect to drainage, curb configuration and grade. The grade of entrances and exits shall be constructed to slope down and away from the Town roadway surface for a distance equivalent to the existing Town roadway, ditch or drainage line and shall be subject to the approval of Public Works Director (or designee).
- a. The property owner shall be responsible for the proper installation and maintenance of all drainage facilities (driveway culvert, swale, etc.) and the driveway bed that lies between the edge of the traveled way and the parcel's property line.
 - b. Where deemed necessary by the Public Works Director (or designee) , culverts, water bars, ditches, swales and other drainage structures shall be installed by the applicant and maintained by the applicant and his successors in title to ensure adequate drainage of the street and to prevent excessive drainage from the driveway or the abutting property into the roadway.
 - c. In no case shall the permitted driveway construction cause water to stand on the pavement, shoulders or within the street right-of-way limits. In those cases, where property development increases drainage runoff such that existing street drainage structures are insufficient to adequately dispose of all drainage, the applicant will be required to provide additional or larger drainage facilities to prevent any ponding within the street right-of-way or adjacent lands thereto.
 - d. Culverts shall be at least twelve (12) inches in diameter, or larger if considered necessary by the Planning Board, Public Works Director or designee. A minimum of twelve (12) inches of crushed gravel shall be placed over culverts before pavement is applied. Culverts shall be approved plastic smooth bore pipe and shall have protective headwalls.
6. **Sidewalks and Road Repair:** When the construction of a driveway would require the disturbance of the roadway (other than the apron) or a sidewalk, the applicant shall obtain an Excavation Permit from the Department of Public Works before proceeding with any work or construction. The applicant is responsible to provide, during construction, any and all required protection to pedestrians, vehicles and abutting buildings and properties, including barriers during the day and night, required traffic control, including police officers, at his/her own expense. Any highway or sidewalk disturbed during the construction of a driveway shall be restored to the satisfaction of the Public Works Director or designee, including the complete clean-up and restoration of the public highway (right of way).

7. **Wetland Conservation District (WCD):** Any proposed work located within the WCD requires an approved Town Wetlands Permit to be provided by the Planning Board upon a recommendation from the Conservation Commission.
8. **Sealed Surface Coverage:** The new construction or expansion of a driveway requires that the total lot impervious coverage (sealed surface coverage) not exceed what is allowed in the Zoning District, including the more stringent requirements of the Aquifer Protection District. An impervious Coverage Form is located in Appendix B.

If the application is approved, a written driveway permit shall be issued to the applicant stating the terms and specifications. If the application is denied, written notification shall be sent to the applicant stating the reason(s) for disapproval. Those applications that cannot meet the Procedure Requirements of Section III, may appeal to the Planning Board and request a waiver. These standards shall not be applied so as to deny access to an existing legal lot of record.

C. Performance Security

The applicant shall be required to post a performance bond in an amount of \$500.00 to guarantee construction of said driveway in compliance with the terms and conditions of the permit and to cover any damages that may occur to town property as a result of construction associated with development of the parcel. The certificate of such bond shall be filed with the Department of Public Works, and held by the Town of Hampton (may be posted by owner or contractor) and in effect throughout completion and inspection of work.

IV. PLANNING BOARD APPEAL

Driveway permit applications denied by the Public Works Director (or designee) may be revised to comply with the Application Requirements and Construction Standards that were the reason for denial, or the applicant may appeal the denial by the Public Works Director (or designee) to the Planning Board and request a waiver from the Planning Board of the specific requirements.

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 of the Public Works Director, (or designee) waive any of the above Application Requirements and/or Construction Standards provided that the spirit of the Regulations and standards will be respected and that the public convenience and safety will not be affected.

Upon Appeal, 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 as defined in RSA 672:3, 10 days' notice and posting notice in two public places. The Planning Board shall, after considering the application, recommendations of the Public Works Director (or designee), recommendation from the Conservation Coordinator (if applicable), comments from the applicant and comments from abutters or other interested parties, either 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.

The Planning Board may also address any appeal request in conjunction with any associated application (site plan, subdivision, etc.) requiring a public hearing.

Applications or appeals requiring a public hearing shall be in accordance with the Planning Office public hearing deadline dates. The applicant shall submit a list of the names and addresses of owners of record of all abutting properties as indicated in the Town's records when filing said appeal. Abutters should be verified with the Town's Assessing Office.

The applicant or appellant shall also pay to the Planning Office the sum stated in the Non Refundable Fee Schedule for the notification of abutters.

V. ADMINISTRATION

A. Enforcement

Upon determination by the Planning Board or the Public Works Director (or designee) that a violation of these Regulations has occurred, notice shall be given to the Board of Selectmen and Town Manager recommending appropriate enforcement procedures. The Board of Selectmen is responsible with the Planning Board for the enforcement of these Regulations.

B. 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 if a natural person or a misdemeanor if any other person and shall be liable for the cost of restoration of Town Property or the Right of Way to the satisfaction of the Public Works Director (or designee) and for the costs of enforcement including attorney fees.

VI. INTERPRETATION

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

VII. AMENDMENTS

These Regulations may be amended by the Planning Board, but only following a public hearing.

VIII. NUMBERING

After amendments are adopted, the Planning Board shall have the authority to renumber the sections of these Regulations consecutively without further amendment.

IX. ADOPTION

These Regulations shall become effective after a public hearing, adoption, and certification by the Planning Board, and placement on file with the Town Clerk and the Planning Office.

Adopted this 1st day of October in the Year of Our Lord 2008.

Amended this 17th day of June in the Year of Our Lord 2009.

Amended this 18th day of September in the Year of Our Lord 2013.

Amended this 17th day of August in the Year of Our Lord 2016.

Amended this ___ day of _____ in the Year of Our Lord 2021.

Town of Hampton, NH
DRIVEWAY APPLICATION AND PERMIT- APPENDIX A



Application Date:	Application Fee: <input type="checkbox"/> \$50.00 <input type="checkbox"/> \$250.00 (After the Fact) Bond Fee: <input type="checkbox"/> \$500.00	Permit No. (Staff Only) :
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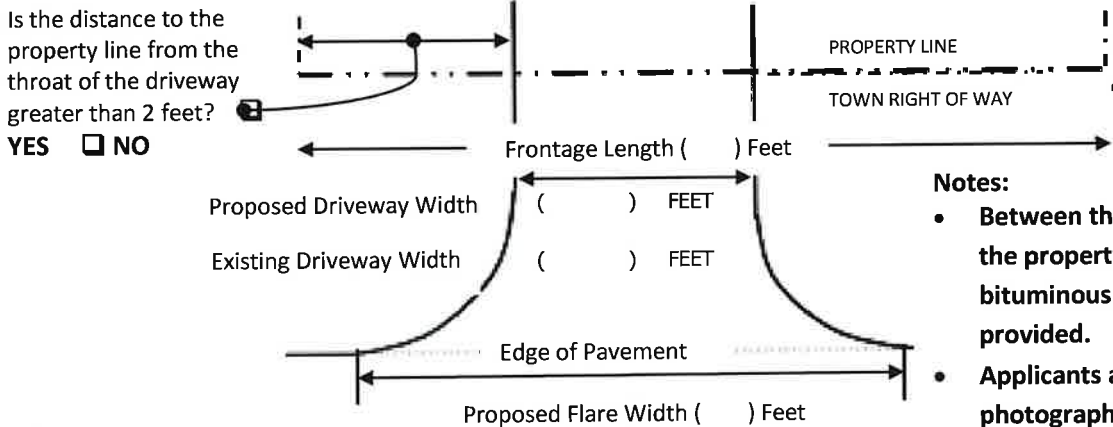
PERMIT INFORMATION

Permit Address:		
Map:	Lot:	Is driveway within the Wetland Conservation District* <input type="checkbox"/> YES <input type="checkbox"/> NO
Primary Use:		New or Existing Driveway:
<input type="checkbox"/> Residential Single or Two Family <input type="checkbox"/> Residential Shared or Multi Family <input type="checkbox"/> Commercial/ Industrial <input type="checkbox"/> Other Explain) _____		<input type="checkbox"/> New Driveway <input type="checkbox"/> Existing Driveway to be resurfaced** <input type="checkbox"/> Existing Driveway with changes **Sealcoating does not require a permit
		Dig Safe Number:
		Dig Safe Start Date / Time:
Name of Contractor:		Mailing Address:
		Telephone: () -
Name of Property Owner:		Mailing Address:
		Telephone: () -
Do you want your permit emailed: <input type="checkbox"/> YES <input type="checkbox"/> NO (Permit must be posted outside and be visible for inspection) If so, enter email address here: _____		

** Wetland Conservation District: More information can be found in Section 2.3 of the Zoning Ordinance. If necessary, contact the Conservation Coordinator for assistance at 603-929-5808. (If the yes box is checked, the Driveway Application and Permit will not be issued until a Wetlands Permit is approved by the Planning Board and the appeal period on said permit has lapsed).*

PROPOSED DRIVEWAY PLAN

FILL IN ALL DIMENSIONS



Notes:

- Between the edge of pavement and the property line a minimum 3' bituminous asphalt apron must be provided.
- Applicants are encouraged to include a photograph/image of the existing driveway with their application

Applicant to Answer Questions Below:

1. What is the existing driveway material(s): _____
2. What is the proposed driveway material(s): _____
3. What work is proposed (explain): _____
4. Is there a catch basin or a culvert located within 25 feet of the driveway? YES NO
 Is there a utility pole within 10 feet of driveway? YES NO

If yes to either question above, show locations of drainage structure, size and materials of culvert on plan

5. What is the Percent of Impervious Lot Coverage: Existing: _____ Proposed: _____
 (Only needed for a new driveway or expanded driveway that adds impervious pavement to an existing driveway. See the attached Impervious Coverage Form or contact the Conservation Coordinator for assistance at 603-929-5808)

**Impervious Coverage Form – Appendix B
Town of Hampton**

Address _____

Map _____ Lot _____

Select one of the following zones that apply to the above referenced property:

_____ Zones RAA, RA, RB, RCS, G and I - Maximum Impervious Coverage = 60%

_____ Zone B, BS and BS1 - Maximum Impervious Coverage = 75%

_____ Aquifer Protection Zone - Residential - Maximum Impervious Coverage = 25%

_____ Aquifer Protection Zone – Non-Residential - Maximum Impervious Coverage = 60%

IMPERVIOUS COVERAGE CALCULATION

Total Lot Area* (1acre = 43,560 sq. ft.) (A)

*Land determined to be wetlands, areas of poorly or very poorly drained soils shall not be included in the Lot Area square footage.

The following are structures within property lines (write NA if not applicable):

Impervious Surface	Existing (B)	Final (C)
Square footage of the main structure/house		
Square footage of garage		
Square footage of deck		
Square footage of driveway, walkways, & stairs (asphalt, gravel, or concrete)		
Square footage of shed		
Square footage of air conditioning unit(s) pad		
Square footage of generator pad		
Square footage of patio		
Square footage of pool, measured from exterior of pool wall		
Total Square Footage		

EXISTING IMPERVIOUS COVERAGE: $(B_{total} \div A) \times 100$ _____ %

PROPOSED IMPERVIOUS COVERAGE: $(C_{total} \div A) \times 100$: _____ %

The undersigned states that he/she completed the above impervious coverage calculations and represents that the figures are accurate.

Signature _____

Name (Please Print) _____

Date _____