



# Town of Milford Driveway Permit Regulations

Residential & Non-Residential

Adopted August 19, 2008

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**SECTION I                    AUTHORITY**

The Town of Milford 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 providing access from private property to a public way owned and maintained by the Town of Milford shall be constructed without compliance with this regulation.

**SECTION II                    PURPOSE**

Inasmuch as driveways and entrances 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.

**SECTION III                    PERMIT**

Anyone desiring to construct, alter, or relocate a driveway 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) or designated agent. 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 Milford. 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 Milford.

**SECTION IV                    PERMIT PROCESS**

- A. Prior to submitting an application for a driveway permit,
- B. 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.
- C. Applications will be reviewed with a site inspection (as necessary) and approved by the Department of Public Works within five (5) business days. The approved permit and any additional documentation will be sent to the Community Development Office.
- D. Once the driveway permit has been approved by the DPW Director or designated agent, the driveway can be installed.

- E. A construction exit/entrance shall be in place prior to the start of on-site activity (see Appendix, Figures 4a and 4b).
- F. Upon completion of the 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.

## **SECTION V                      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 entrance. 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.
- D. A construction exit/entrance is required for all driveways (See Appendix, Figure 4a). 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 VI                      NON-RESIDENTIAL ACCESS POINTS**

- A. Curb cuts shall be limited to one (1) per lot, except 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. 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 entrance. 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 driveways (See Appendix, Figure 4b). 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            DESIGN REQUIREMENTS**

- A. Driveway design and construction shall conform to the applicable Residential or Non-Residential detail and the Department of Public Works Infrastructure Design, Construction and Administration Standards. 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. Upon written application, the DPW Director may waive any of the design requirements when it is shown that strict compliance would cause undue or unnecessary hardship, so long as such waiver does not result in any injury to the public health or welfare.
- 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. Flat driveway side-slopes (4:1 to 6:1) are required to minimize hazards to vehicles that leave the pavement for any reason.
- D. All paved driveways shall require an asphalt apron. The asphalt apron shall be paved twenty feet (20') from the edge of pavement and shall be constructed with a minimum of three inches (3") of asphalt with emulsion applied at the joint with the Town roadway surface.
- E. All new driveways established to serve structures intended for human occupancy shall have a maximum grade of ten percent (10%). 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.
- F. All driveways shall have not more than four percent (4%) negative grade from the edge of the traveled way to the center of the ditch line and no more than four percent (4%) positive grade from the center of the ditch line back to the end of the apron, to insure the driveway does not drain into the street.
- G. All driveways shall intersect the Town's roadway at a perpendicular angle to the center line.
- H. Where required, culverts shall be at least fifteen inches (15") in diameter and shall be constructed of reinforced concrete, high density polyethylene pipe or approved equal. The driveway will have minimum three foot (3') shoulders on each side where it meets the culvert. Culverts shall have a minimum twelve inches (12") of cover above the crown.
- I. Headwalls shall be constructed of either pre-cast or cast-in-place concrete. The culvert cover shall be equal to or greater than two feet (2'). Stone and mortar headwalls shall not be permitted. Where headwalls are not applicable, pre-manufactured flares will be placed on each pipe end.
- J. 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 for a distance of two hundred (200) feet.

## K. Driveway Design Features:

1. The following table (VII.K.1) summarizes driveway design features:

	Zoning Districts	
	R	A, B, C, I, LCB, ICI, ICI-2, Open Space & Conservation Subdivisions
<b>Minimum tangent between drives</b>	100 feet	50 feet
<b>Minimum distance from intersections</b>	100 feet	50 feet

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

2. Driveway design features for the Commerce and Community District shall be based upon the approved Master Regulating Plan and/or Site Regulating Plan.
3. Safe sight distance shall be compatible with the maximum speed limit posted on the road, as described in the following table (VII.K.3):

<b>Speed Limit (MPH)</b>	<b>Sight Distance</b>
15-25 MPH	200 feet
26-35 MPH	300 feet
36-55 MPH	400 feet

- L. 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.
- M. 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.
- N. 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 VIII 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. The driveway culverts carrying surface water in roadside ditches under driveways within the Town right-of-way, provided said driveway culverts were initially installed according to permit conditions;
  2. Drainage systems within the roadway limits, serving existing State highways, and constructed for the purpose of controlling highway and surface water run-off; and,
  3. 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 IX EASEMENT AND SECURITY**

- A. The applicant shall, at the discretion of the DPW Director and as a condition of the granting of the Driveway Permit, be required to provide to the Town of Milford, its successors and/or assigns, an easement for the purpose of entering upon the premises of the 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 to be determined by the DPW Director may be required at the discretion of the Director 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 Milford.
- C. If a security is deemed necessary, the applicant shall submit an itemized detailed estimate of the cost to complete the DPW Director who shall determine the required amount of the security. The security shall be provided to the Department of Public Works accompanied by the necessary securities form and W-4, to be held in an escrow account and released within one (1) year of obtaining a CC. Failure to begin construction within one (1) year of application approval will render the driveway permit null and void. 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.
- D. Funds may be withdrawn from the security by the Town of Milford and applied to the cost of said construction which the Town of Milford is obliged to complete. No funds shall be expended at any site in excess of the amount of the security pertaining to said site.
- E. 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 Milford 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 X SEPARABILITY**

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

**SECTION XI            ENFORCEMENT**

The Milford Board of Selectmen and the DPW Director are charged with the power and authority to enforce the provisions of these regulations.

**SECTION XII            AMENDMENT**

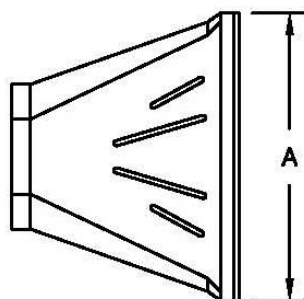
These regulations may be amended by the Planning Board following a noticed public hearing on the proposed amendment. All amendments will take effect upon approval by a majority of the Planning Board and filed with the Milford Town Clerk.



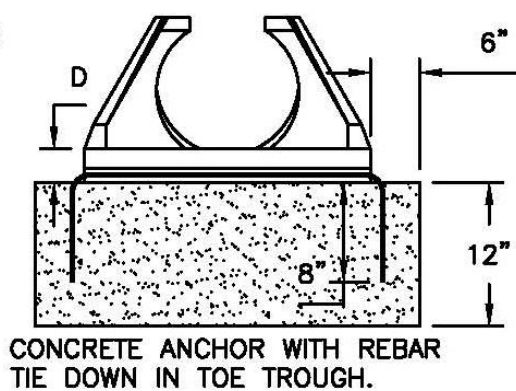
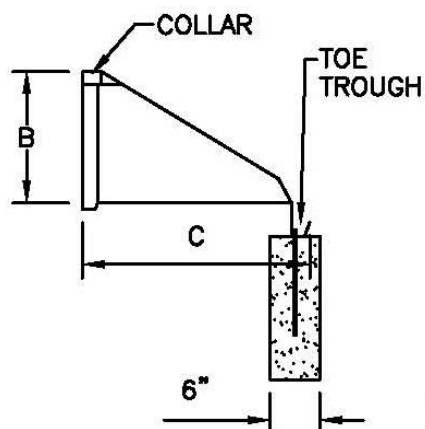


Figure 2. Flared End Detail

	PIPE DIAMETER (INCHES)				
DIMENSION	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

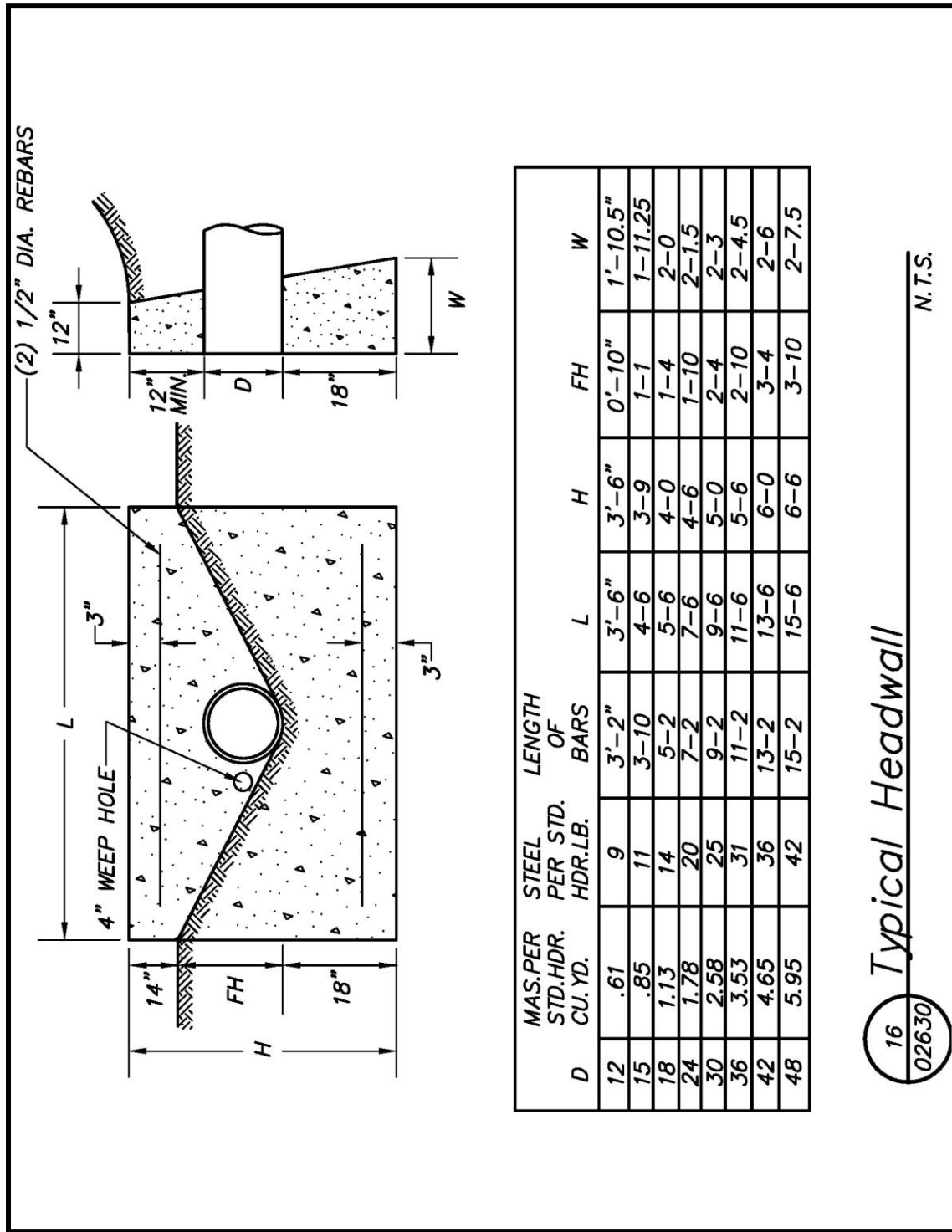


Figure 4a. Residential Construction Entrance

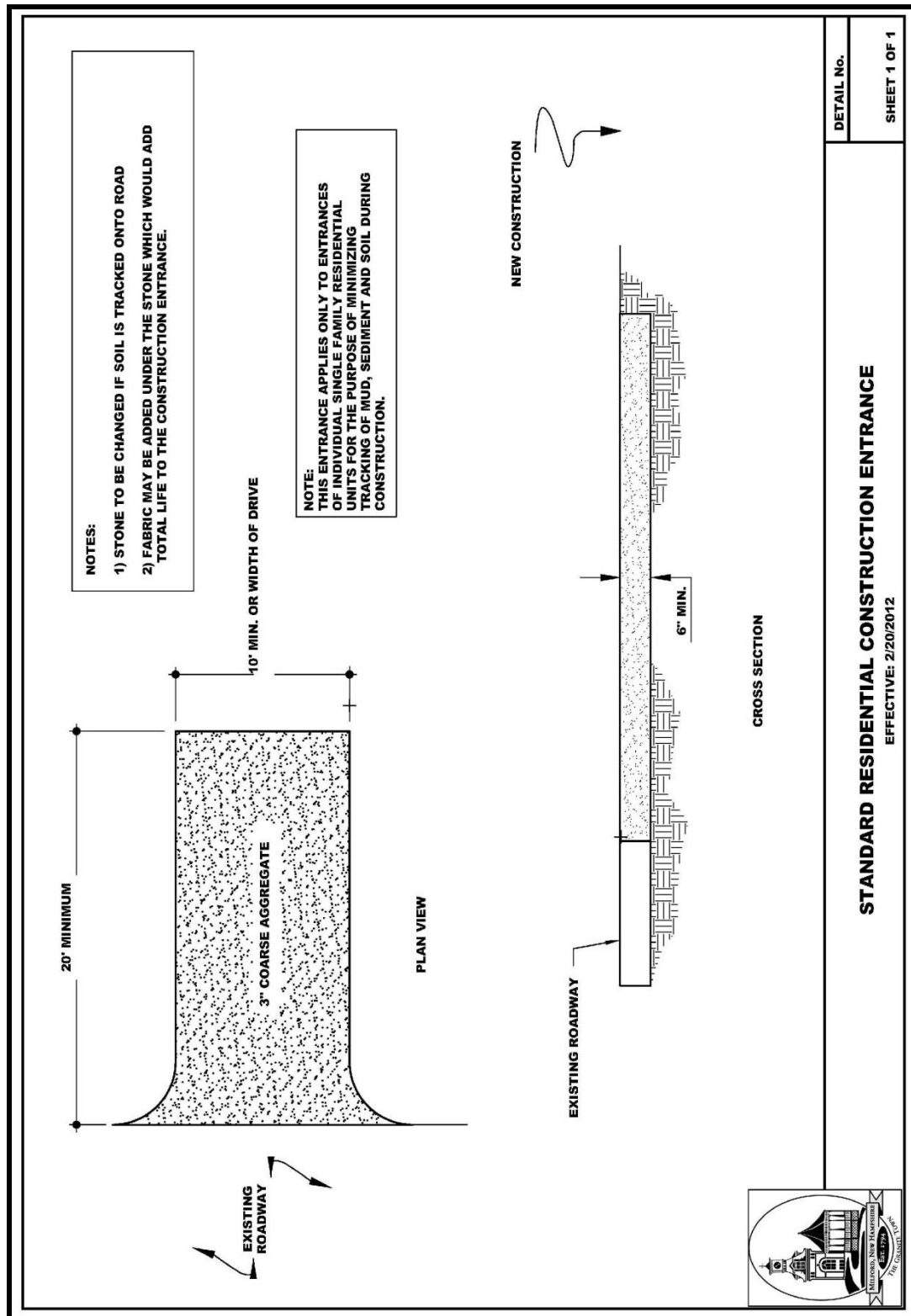


Figure 4b. Non-Residential Construction Entrance

