

DRIVEWAY ORDINANCE

1. AUTHORITY

- 1.1 This regulation is adopted by the Village District of Eidelweiss Board of Commissioners pursuant to authorization adopted at the 1995 Annual Meeting to RSA 31:39 and 52:3-a and pursuant to a vote by the Madison Planning Board delegating authority to approve driveway permits within the boundaries of the Village District of Eidelweiss to the Commissioners.
- 1.2 All provisions of this Ordinance apply to all driveways within the boundaries of the Village District of Eidelweiss including those driveways constructed prior to the adoption of the Driveway Ordinance.

2. DEFINITION

- 2.1 The term Driveway is interchangeable with the terms “curb cut” and “lot access” and is defined as creation of any manner of entering a lot from any road within the boundaries of the Village District of Eidelweiss.

3. PURPOSE

The purpose of a driveway permit system is to:

- 3.1 Provide maximum safety and protection to the traveling public on District roads.
- 3.2 Maintain the serviceability of affected highways.
- 3.3 Provide a uniform practice throughout the District for the application and issuance of driveway permits.
- 3.4 Monitor the design and construction of driveway entrances and exits and to ensure drainage, water flow and construction issues are addressed.
- 3.5 Monitor equipment and heavy truck traffic on District roads.

4. DRIVEWAY PERMIT

- 4.1 No person may create a new access to a Class V or Class VI Road within the Village District of Eidelweiss without first obtaining a driveway permit from the Commissioners. A permit is also required before undertaking any driveway alterations that in any way affects the size, grade, surface (including paving) or drainage of any existing driveway, entrance, exit or approach within the limits of the right-of-way of any Class V or Class VI Road within the Village District.

- 4.2 No driveway permit shall create a new access to any road or property outside of the Eidelweiss Residential District However District properties abutting NH State Route 113 (Conway Road) may be granted driveway permits by the NH Department of Transportation.
- 4.3 Two driveway permits are required: a driveway permit for construction and a driveway permit for operation.
- 4.4 For new home construction, a driveway permit for operation from the Village District of Eidelweiss is required before a certificate of occupancy will be issued by the Town of Madison.

5. APPLICATION

- 5.1 An application for a driveway permit shall be made on a standard form available from the District Office or the Selectmen's Office in Madison. The form shall conform generally to that shown in Exhibit #1. The Commissioners or their designee shall review the application and supporting documentation for compliance with this regulation and may visit the site if deemed necessary. Approval of a permit application may be conditioned upon such factors as are deemed necessary or appropriate and any such conditions shall be noted on the permit. The application shall be considered and approved or denied in writing. If more than one driveway is planned, a separate application and driveway permit for construction is required for each and the additional driveway may be allowed when site conditions are adequate and meet the requirements of RSA 236:13 and other District requirements.

6. APPLICATION FEES

- 6.1 To cover the costs of professional monitoring and inspection for changes to an existing driveway, a permit fee of \$75 shall be submitted with the application. For new driveways for new construction, addition of a second driveway or for rerouting an existing driveway a permit fee of \$200 shall be submitted with the application.
- 6.2 For driveways for new dwellings, a performance bond, irrevocable letter of credit or other type of security, shall be submitted with the application provided that in no event shall the form of security be in the form of cash or a passbook. The amount of performance bond shall be for a minimum of \$4,000 or as otherwise determined by the Board of Commissioners. Twenty per cent (20%) of the bond shall remain in effect for the year following approval of the driveway for operation. The District shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.

7. CONSTRUCTION

- 7.1 The applicant shall be responsible for all costs of construction of the driveway, including culverts, drainage systems or other structures relating to access to the property, whether located within the right of way.

- 7.2 All driveways shall be constructed in accordance with the State Department of Transportation Administrative Rules and Standards in effect in 2001 as amended and as may be subsequently amended. Exhibit #3 illustrates the cut and fill of a typical driveway and exhibit #2 shows the radius of a driveway meeting the road for different driveway widths and angles of entry.
- 7.3 All new or modified driveways that intersect the road at a positive grade are required to be constructed in such a way that no drainage from the driveway flows onto or undermines the intersecting road.
- 7.4 The following standards shall also apply to all driveways and accesses:
1. No driveway entrance shall be less than 12 feet or more than 20 feet in width.
 2. No driveway, including its designated parking area, shall be closer than 15 feet to a side, or back property line.
 3. For a corner lot, no driveway shall be located closer than 25 feet to the corner.
 4. All driveways, including any driveway designed to have two accesses to District roads will be required to have both accesses in compliance with all aspects of this Ordinance and NH RSA 236:13 with the following modifications:
 5. The Board of Commissioners may allow 2nd driveway permits for properties having less than 400 feet of frontage as suggested by RSA 236:13.
 6. The Board of Commissioners may deny a driveway permit if it is concluded that public safety may be at risk.
 7. Any applicant requesting more than one driveway will be required to submit a separate application and fee for each driveway. No property will be allowed more than two driveways.
 8. Any applicant requesting to modify an existing driveway shall bring the entire property into compliance with the current Driveway Ordinance.
 9. The minimum size for a culvert shall be 15 inches when the culvert is constructed of HDPE, has a corrugated exterior wall, and a smooth interior wall.
 10. In cases where the property's development changes the drainage run off, such that existing structures in the road are rendered inadequate, or where runoff will be altered from the pre-construction pattern, the applicant shall be required to provide improvements to drainage structures and to secure drainage rights downstream to accommodate that increased runoff.

- 7.2 When the grade for the proposed driveway from the edge of the traveled way or the edge of the street owned by the Village District of Eidelweiss exceeds plus or minus 8% then an engineering review, paid for by the applicant, may be required at the discretion of the Board of Commissioners to ensure compliance with the above standards.

8. MAINTENANCE

- 8.1 The District shall be responsible for the maintenance of:

1. Driveway culverts within the limits of the right-of-way of the Village District provided they were installed according to permit conditions.
2. Drainage systems within the limits of the right-of-way of the Village District after they have been approved and accepted.
3. Maintenance of culverts and drainage systems within the right-of-way will be limited to cleaning of the culvert and drainage system to ensure adequate protection for roads.
4. The applicant, or the applicant's successor-in-title, shall be responsible for the repair or replacement of the driveway, culvert, drainage systems, or other structures pertaining to access or permitted alterations on the owner's property whether located in the public right-of-way or not, which result in damage to any road or other property. If the owner or occupant does not correct the situation, the Commissioners may issue a notice and, after providing opportunity for hearing, order (by certified mail) requiring correction of the situation within 60 days, or such period as may be appropriate under the circumstances. All corrective actions are subject to review and approval by the Commissioners. If an owner or occupant does not take corrective action as ordered, the District may take the action and the owner or occupant shall be liable to the District for all costs incurred in accordance with NHRSA 236:13, VI. In addition, if the driveway, culvert or drainage system, or other structures due to improper installation or construction or to changed circumstances (other than action by the District such as changes to the road), the property owner or occupant shall be responsible for similarly taking corrective action.

9. PERMIT DURATION

- 9.1 Any activity authorized by a permit issued under this regulation shall be commenced within 90 days after issuance and shall be completed within one year after issuance of the permit. A permit may be renewed or extended upon application but shall conform to any new standards or conditions as may be applicable.

10. REVOCATION OF PERMIT

- 10.1 If the terms and conditions of a permit are violated, then the permit shall be suspended or revoked pending a hearing before the Board of

Commissioners. After a hearing, the Commissioners may revoke, alter or amend the permit.

11. WAIVER

11.1 The Board of Commissioners may waive strict compliance with a standard or procedure set forth in this regulation if they find that the purpose or this regulation can be met without requiring strict compliance. Any such determination shall be made in writing with a statement of the reasons justifying the waiver.

12. PENALTY

12.1 Any person who violates this regulation shall be deemed to have violated an ordinance of the Village District and may be punished by a fine of not more than \$500 with each day of violation considered a separate offense. In the alternative, any violator shall be subject to the penalties by RSA 236:14. In addition, the person responsible for the violation shall be liable for the cost of restoration of the road to a condition satisfactory to the Board of Commissioners.

13. ADOPTION

This ordinance was first adopted by the Board of Commissioners June 16th, 1995. The revised ordinance was adopted on March 12, 2004.

This ordinance was revised following a Public Hearing on April 10, 2012.

This ordinance was revised following a Public Hearing on August 30, 2014.

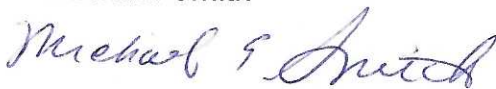
This ordinance was revised following a Public Hearing on January 23, 2015.

This ordinance was revised following a Public Hearing on December 28, 2018.

This ordinance was revised following a Public Hearing on May 14, 2022.

Board of Commissioners

Michael Smith



Ralph Lutjen



Jay Buckley

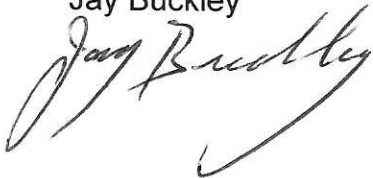


EXHIBIT 2

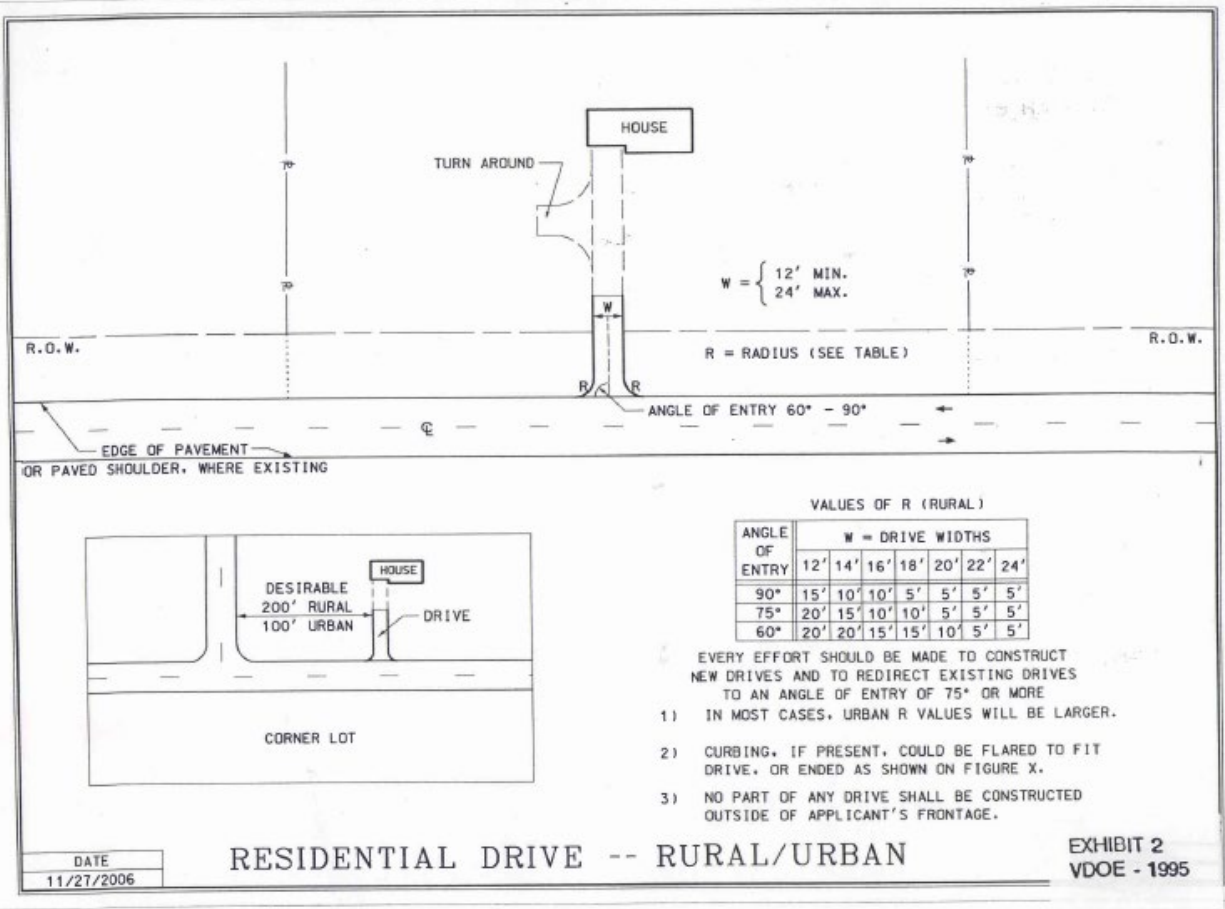


EXHIBIT 3

