

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 all affected VDOE roads.
- 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.

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 VDOE Class VI Road Waiver Agreement must be submitted and filed prior to submission of a Driveway Application. (Exhibit 4)**
- 4.2 A permit is required before undertaking any driveway alterations that in any way affect 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.
- 4.3 Two driveway permits are required:
- 1) A driveway permit for construction.
 - 2) A driveway permit for operation.
- 4.4 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.
- 4.5 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 VDOE website. The form shall conform generally to that shown in Exhibit #1 (VDOE application). 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.
- 5.2 All driveways must be clearly marked with a 1-foot square sign with the street address number of the house on the sign. This sign shall be nailed to the driveway width stake at the edge of the road.

6. APPLICATION FEES

- 6.1 For new driveways (including the addition of a second driveway to an existing property or for rerouting an existing driveway, a permit fee of \$200 shall be submitted with the application.
- 6.2 Applications for alterations to an existing driveway (including paving or any change within 20 feet of any road), require a permit fee of \$75 to be submitted with the application.
- 6.3 For driveways for new dwellings, paving an existing driveway and addition of a second driveway, 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 percent (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 or not 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. All driveways must meet the road at a negative grade.
 3. Side Ditches are required for all driveways in cut slopes. (**See Exhibit 3 "A-A Driveway Cross Section"**)
 4. No driveway, including its designated parking area, shall be closer

than 15 feet to a side, or back property line.

5. For a corner lot, no driveway shall be located closer than 25 feet to the corner.

6. 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:

7. The Board of Commissioners may allow 2nd driveway permits for properties having less than 400 feet of frontage as suggested by RSA 236:13.

8. The Board of Commissioners may deny a driveway permit if it is concluded that public safety may be at risk.

9. 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.

10. Any applicant requesting to modify an existing driveway shall bring the entire property into compliance with the current Driveway Ordinance.

11. 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. Headers are required for all culverts: headers are to be made from stones to protect the culvert inflow and outflow; a tabletop stone over the culvert is also required. All header stones are to be below the profile of the driveway.

12. 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.

13. A grate may be required on any driveway that may place water on any road.

7.5 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 cause to be taken whatever action is necessary to protect the highway and the traveling public, and the owner or other responsible party shall be civilly liable to the state or municipality for its costs in taking such action in accordance with NHRSA 236:13, VI. In addition, if a 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 completed within one year after issuance of the permit. A new application, including fees, proof of bond, and septic permit from NH DES will be required following the initial one-year permit duration.

10. WAIVER

10.1 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.

11. PENALTY

11.1 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.

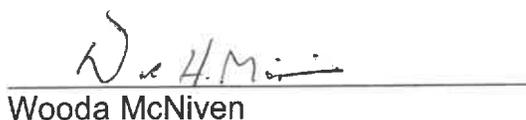
12. ADOPTION

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.
This ordinance was revised following a Public Hearing on December 9, 2025.

Board of Commissioners


Mark Graffam


Nancy Cole


Wooda McNiven

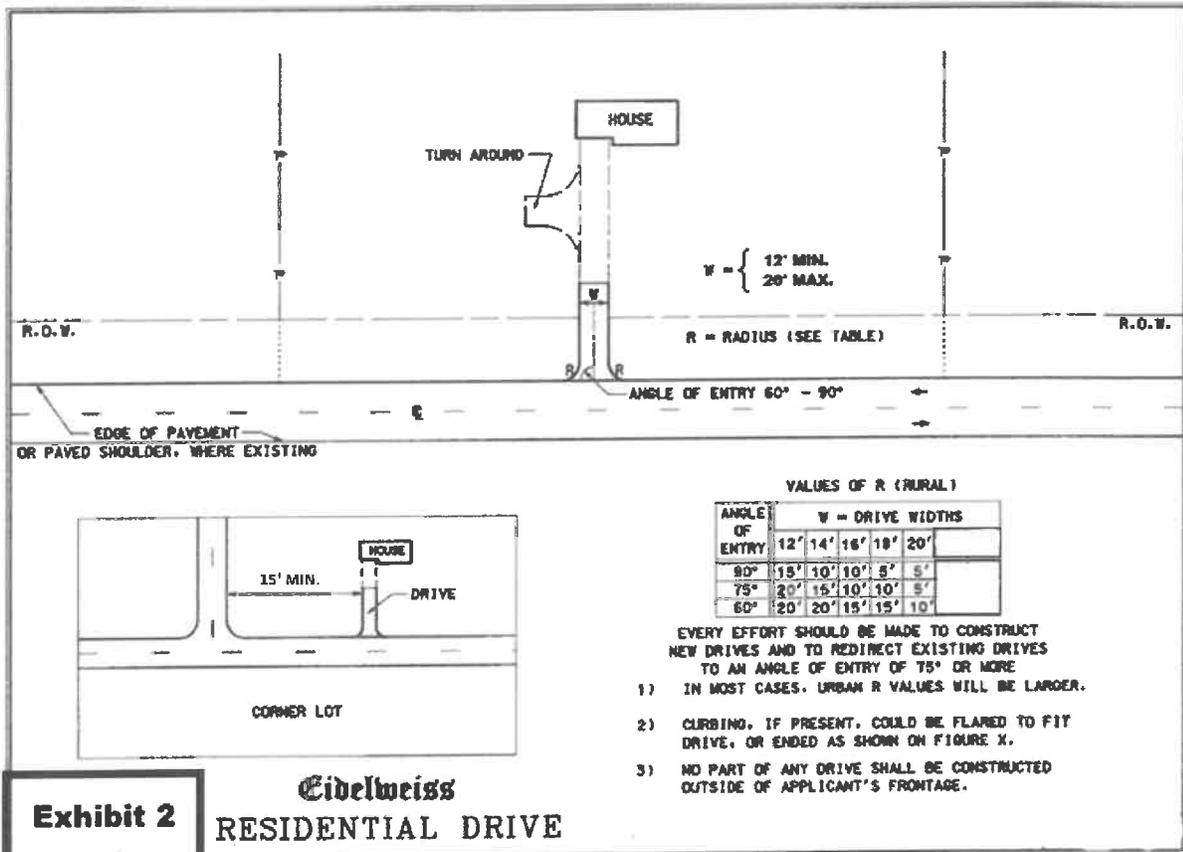
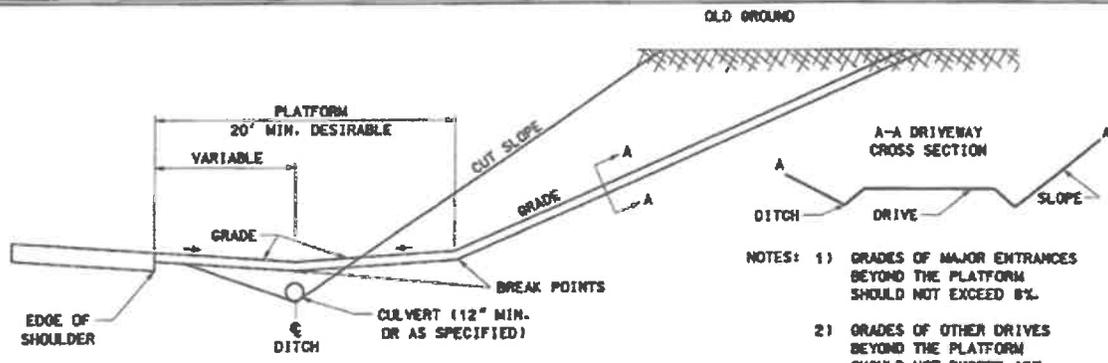
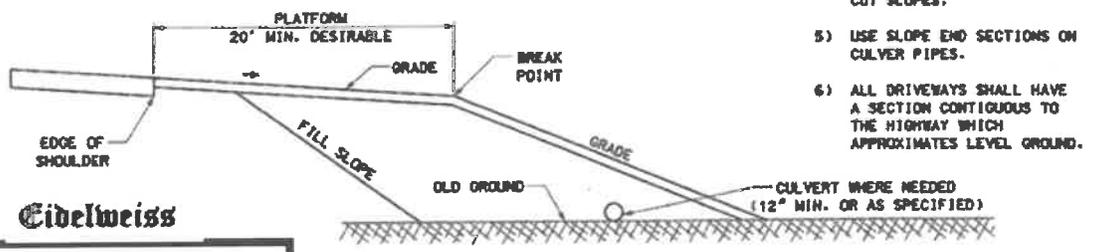


Exhibit 2

**Eidelweiss
RESIDENTIAL DRIVE**



DRIVE IN CUT SECTION



- NOTES:**
- 1) GRADES OF MAJOR ENTRANCES BEYOND THE PLATFORM SHOULD NOT EXCEED 8%.
 - 2) GRADES OF OTHER DRIVES BEYOND THE PLATFORM SHOULD NOT EXCEED 15%.
 - 3) THE ALGEBRAIC DIFFERENCE BETWEEN TWO ADJACENT GRADES SHOULD NOT EXCEED 10%.
 - 4) DITCHES ARE RECOMMENDED FOR UNCURBED DRIVEWAYS IN CUT SLOPES.
 - 5) USE SLOPE END SECTIONS ON CULVERT PIPES.
 - 6) ALL DRIVEWAYS SHALL HAVE A SECTION CONTIGUOUS TO THE HIGHWAY WHICH APPROXIMATES LEVEL GROUND.

Eidelweiss

Exhibit 3

DRIVE IN FILL SECTION



ROAD WAIVER AGREEMENT

An Agreement this ____th day of _____, 2025. Between the Village District of Eidelweiss, a New Hampshire Municipal Corporation with a mailing address of 1680 Conway Road, Madison, NH 03849 (Licensor) and _____, Owner of mailing address (Licensee).

WHEREAS, Licensee is the owner of Tax Map _____, Lot _____ (the “Property”); and

WHEREAS, access to the Property is over _____ a Class VI Highway or Private Road;
and

WHEREAS, the Licensor, pursuant to the provisions of RSA 674:41(I)(c), has agreed to issue a building permit for the construction of a residence and/or improvement on the Property, and a license to maintain that portion of _____ serving as access to the Property as if a private driveway, subject to the Licensee agreeing to maintain said roadway and indemnify the Licensor for its failure to do so.

NOW THEREFORE, the parties agree as follows:

1. Licensor agrees to issue to Licensee a building permit for the construction of a residence and/or improvement on the Licensee’s aforesaid property with access to the residence and/or improvement to be over _____, so called, and further grants to Licensee a license to maintain that portion of _____ that is used to access the Property as if the same were a private driveway.
2. Licensee acknowledges that the Village District of Eidelweiss and the Town of Madison, by the issuance of said building permit and the granting of this license, neither assumes responsibility for the maintenance and repair of _____, nor assumes liability for any damages resulting from the use of said _____ by him, his heirs, successors, assigns, guests, invitees or any others who should use _____ for the purpose of accessing the Property.

3. Licensee will not hold the Village District of Eidelweiss and the Town of Madison liable for injuries or damages that may arise from all risks associated with and/or requiring municipal response to emergencies on said Property such as, but not limited to, police, fire and ambulance services, when the municipal response is hampered or delayed by the location of the Property on a Class VI roadway or Private Road, or by the failure of the Licensee to maintain that portion of _____ accessing the Property in a reasonable condition to allow such emergency access.

This agreement shall be appurtenant and run with said Property until such time _____, as it runs from _____ to the driveway serving the Property, shall be reclassified by the Village District of Eidelweiss and the Town of Madison as a Class V highway, and furthermore, the same is intended to be binding and enforceable against the Licensee's heirs, successors and assigns.

WITNESS MY HAND AND SEAL this _____ day of _____, _____.

Witness

Name of Owner, Owner

STATE OF NEW HAMPSHIRE
COUNTY OF CARROLL, ss.

Personally, appeared the above-named _____, and acknowledged the foregoing as their voluntary act and deed, before me this _____ day of _____, _____.

Seal

Notary Public

My Commission Expires: _____

Village District of Eidelweiss
By its Board of Commissioners

Witness

commissioner name

Witness

commissioner name

Witness

commissioner name

STATE OF NEW HAMPSHIRE
COUNTY OF CARROLL, ss.

Personally, appeared the above-named commissioner name, commissioner name and commissioner name and acknowledged the foregoing as their voluntary act and deed, before me this _____ day of _____, _____.

Seal

Notary Public

My Commission Expires: _____

VILLAGE DISTRICT OF EIDELWEISS
1680 CONWAY RD #1027
MADISON, NEW HAMPSHIRE 03849
603-367-9022

APPLICATION FOR A DRIVEWAY PERMIT
(Exhibit 1 of the VDOE Driveway Ordinance)

DRIVEWAY PERMITS: It shall be unlawful to construct or alter in any way that substantially affects the size or grade of any driveway, entrance or exit or approach within the limits of the right-of-way of any Class V or Class VI Road within the Village District without first obtaining a driveway permit from the Board of Commissioners.

Name(s) of Property Owner: _____

Eidelweiss Street Address: _____

Tax Map and Lot Number: _____

Phone Number: _____

Mailing Address: _____

Email Address: _____

Contractor (Name, Address, Phone): _____

Applicant agrees to all the conditions of the driveway ordinance.

Signature of Applicant: _____

Date of Application: _____

NOTES:

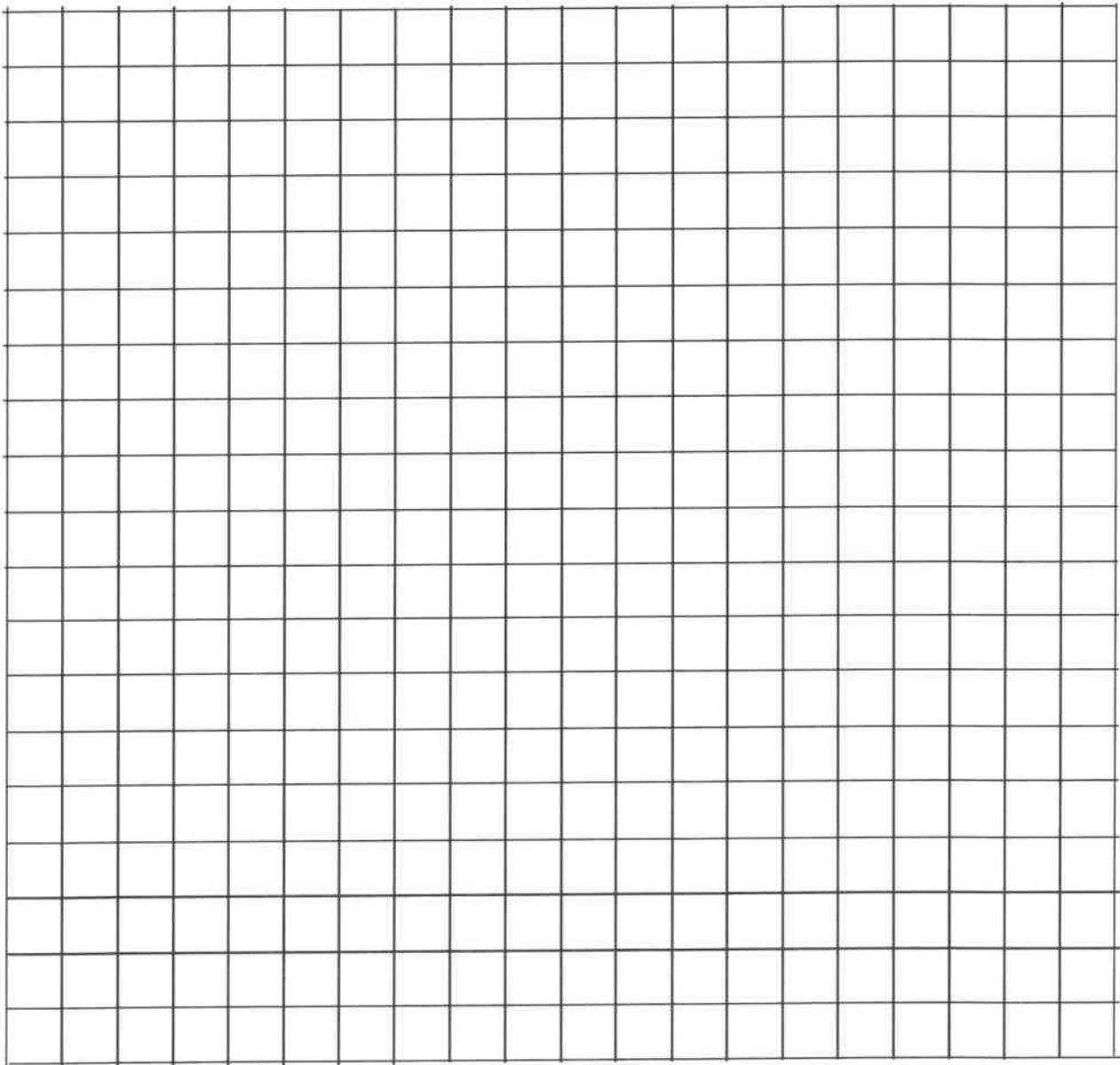
1. Include diagrams as indicated on the next page.
2. (new construction) Include a certified plot plan and a copy of the State approved septic design.
3. The driveway must be staked out with house # and lot corners must be located so that a site visit can be made prior to the issuance of a driveway construction permit.
4. Notification must be given to the Board of Commissioners when the driveway is completed so that a post construction inspection can be carried out and a driveway permit for operation issued.
5. New homes require a driveway permit for operation before a certificate of occupancy will be issued.
6. Driveways can be designed on top of septic systems in accordance with NH DES design criteria but in no case will be allowed to be closer than 25 feet from the boundary edge of the septic system.

VILLAGE DISTRICT OF EIDELWEISS

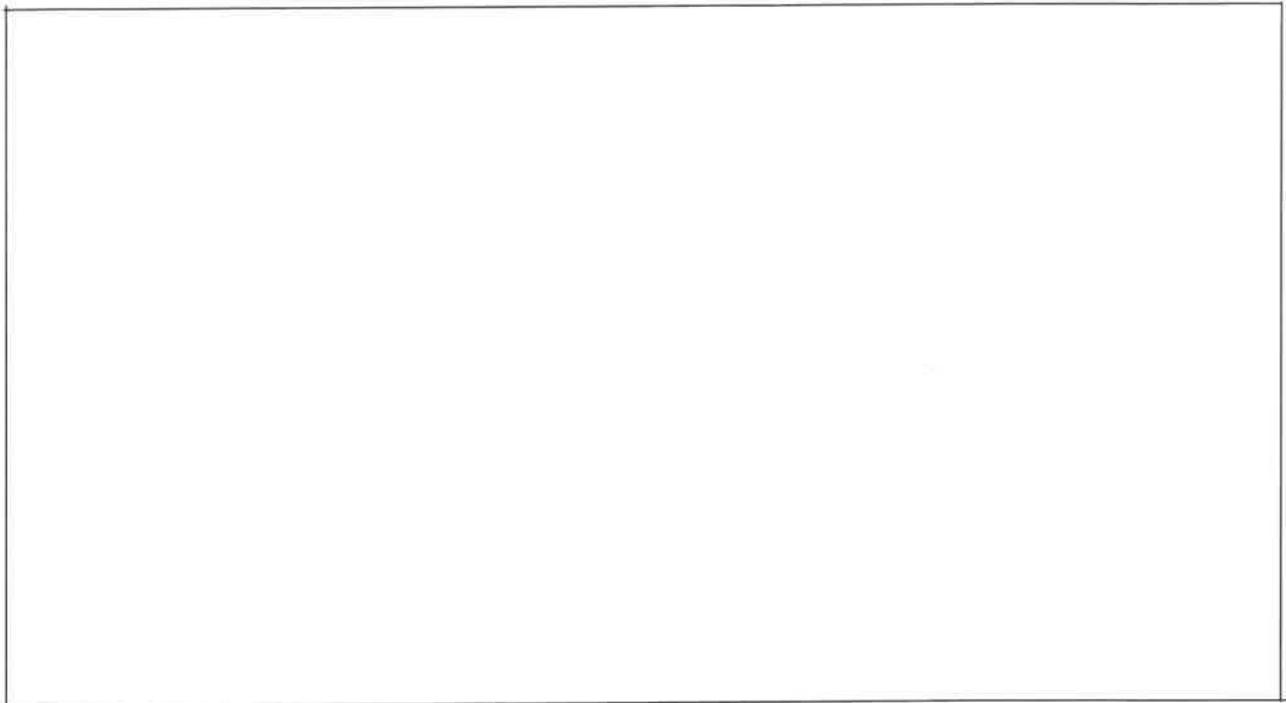
DRIVEWAY PERMIT APPLICATION (MAP & LOT NO. _____)

1. Describe the proposed driveway project or nature of the modification.

2. Draw a diagram (plot plan) of the proposed driveway or modification, showing width, the road with which the driveway intersects, the distance to the nearest boundary line and approximate location of the house. (See Exhibit 3)



3. Draw a profile diagram of the approximate incline or grade of the driveway and where it meets the road. (See Exhibit 2)



4. (new construction)The VDOE may or may not have Public Water System distribution capabilities to your property.

Do you plan on installing your own well on your property for a water supply?

Yes No

Do you plan on applying for a hook up to the VDOE Public Water System?

Yes No

4. Additional Comments:
