

TOWN OF TEMPLE, NH

DRIVEWAY REGULATIONS

ADOPTED 2/18/2009

AMENDED 2/15/2017

AMENDED 2/15/2022

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SECTION I - AUTHORITY:

The Town of Temple Planning Board hereby adopts the following regulation pursuant to its authority as set forth at RSA 236:13.V and VI, and establishes that no driveway accessing private property to a public way in the Town of Temple shall be constructed without compliance with this regulation.

SECTION II – PURPOSE:

Inasmuch as driveways and entrances are, in effect, intersections, they 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 driveway. The purpose of these regulations is to establish criteria, standards, application forms, and fees charged if any, for the location and design of driveways within the Town of Temple.

SECTION III – PERMIT:

Anyone desiring to construct, alter, repair (within 30 ft. of right of way), pave, repave 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 Town of Temple Road Agent. This permit shall provide for the construction, alteration, repair, repaving, or relocation of such driveway in accordance with the specifications provided in the driveway permit form, which is attached hereto and incorporated herein by reference. The driveway location as indicated on the approved subdivision plat (if applicable) or the approved septic plan is the ONLY driveway to be utilized unless a change is authorized in writing by the Select Board or the Planning Board.

Any driveway accessing a State highway must obtain a permit from the State of New Hampshire, Department of Transportation.

SECTION IV – ACCESS POINTS:

A. If a property is adjacent to a side road, the access to the main road shall be via the side road, if at all practicable.

B. Curb cuts shall be limited to one per residential lot, except where the Road Agent or the Planning Board has determined that a second cut is warranted. 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, and the physical constraints of the lot, including natural features, unusual lot shape or 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;
3. A second curb cut is required by the location of a Detached Accessory Dwelling as allowed by Article IV Section 7B of this ordinance.

C. A permit is required from the Town of Temple for any temporary access entrance. A bond shall be required to guarantee restoration of the area disturbed by the temporary access.

D. All commercial driveways shall be subject to the requirements of the Site Plan Review Regulations and the design approved by the Planning Board.

E. Additional access points (bar ways) may be added to agricultural fields and wood lots as needed to provide reasonable access.

SECTION V – DESIGN REQUIREMENTS:

The following specifications and design criteria are required within 30 feet of the public right of way.

A. It is understood that the applicant shall confer with the Road Agent as to sloping, culverts, and any other aspects of construction of said driveway. The Select Board, or their appointed agent, may waive any of the design requirements when it is shown that strict compliance would cause undue or unnecessary hardship. The Road Agent may require engineered drawings of the driveway when in their opinion the need is warranted by certain aspects of the design, such as wetland crossings, ledge removal, steep slopes, underground drainage, etc.

B. It is solely the property owner's responsibility if emergency vehicles are not able to access the site.

C. All new driveways established to serve structures intended for human occupancy should have a cleared minimum width of 16 feet and graveled or paved surface of 12 feet or more.

The maximum width of a driveway shall be 30' at the edge of the right-of-way.

D. The driveway shall have a 3% negative grade, from the edge of the traveled way to the center of the ditch line and no more than 3% positive grade from the center of ditch line back to edge of right of way so that the driveway does not drain onto the road.

E. The intersection of the centerline of a driveway with the travel lane of a town maintained road should form an angle as close as practicable to 90 degrees, but in no case shall be less than 60 degrees.

F. A minimum of 15" culvert pipe shall be utilized where necessary, or as deemed appropriate by the Road Agent. ADS-N12 plastic, or class III and greater cement shall be acceptable. The Road Agent must approve and supervise all driveway culvert installations.

The driveway shall not interrupt the natural or ditch line flow of drainage water. Where necessary, culverts, water bars, ditches and other drainage structures shall be installed to ensure adequate drainage of the street. No drainage may be discharged onto a public road. All drainage must be tied into any roadside drainage. The Road Agent shall have the final authority regarding the use of a drainage swale or a culvert.

G. All bridges shall be constructed in accordance with sound engineering practices, be built to a minimum of H-20 load specification, have proper wetlands permits, and provide stamped drawings from a professional engineer.

H. In order to protect the physical integrity of town roads, driveways that abut paved roads shall be constructed with paved aprons that shall be as wide as the driveway, including flares, and at least 4' in depth, measured from the town road edge of pavement. The apron shall be paved with a minimum of 2" of pavement, and the finish height shall not be higher than the road.

I. Permanent house numbers will be assigned by the Road Agent at the time the driveway permit is issued.

J. For purposes of snow removal, general maintenance, and protection of abutters, it is hereby suggested that no driveway be constructed closer than 10 feet from abutting property lines.

K. All season safe sight distance is defined as a line which encounters no visual obstruction between two points, each at a height of 3 feet 9 inches about the pavement, and 10 feet 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.

L. Safe sight distance shall be compatible with the maximum speed limit posted on the road:

SPEED LIMIT	SIGHT DISTANCE
30 mph	200 feet
40 mph	300 feet
50+ mph	400 feet

M. During construction, all roads shall be cleared of debris and sediment on a daily basis.

SECTION VI – BONDING:

Should the approved Driveway Permit require that the driveway have a paved apron installed and said paved apron is not satisfactorily completed at the time a Certificate of Occupancy is requested, for instance, if the driveway apron cannot be paved due to winter conditions, the applicant shall post security with the Select Board in the amount of \$2,000. This security shall be in a form acceptable to the Select Board. The security shall be held until the paving of the apron is satisfactorily inspected by the Road Agent, at which time the security shall be refunded to the applicant. The security shall be held for 1 year, at which time it will be forfeited and the town will pave the apron.

SECTION VII – WAIVERS:

Waivers or modifications of these regulations may be made by the Select Board or their appointed agent upon request in writing, in appropriate situations if the spirit and intent of the regulations are not violated thereby.

SECTION VIII– TEMPORARY DRIVEWAYS:

- A. Temporary driveways used in conjunction with construction, logging or other activities on Class V roads will be required to post a bond or other surety in order to ensure that any damage done to public streets is covered. Bond amounts will be set according to the size of the project.
- B. No more than one temporary driveway shall be permitted per lot at any one time.
- C. Temporary driveway permits are valid for a period of one (1) year. The Road Agent may extend that permit for an additional year.
- D. Temporary driveways shall be restored to a natural state whereby all obstructions in the right-of-way are to be removed and the area restored to its original ditch line slope and loamed and seeded, so as to prevent erosion.
- E. Stabilized construction entrances shall be required for heavy trucking/logging operations at the discretion of the Road Agent.

SECTION IX – COMMON DRIVEWAYS:

A. Common driveways will be permitted in the Town of Temple where terrain and or drainage conditions make individual driveways impractical, when approved by the Planning Board. The common portion shall have a cleared width of 20', be graveled at least 12" deep x 16' wide.

The common driveway is defined as that portion of the driveway that provides access to two or more individual parcels. The common driveway becomes a private driveway at the point at which it provides access to one parcel.

B. Should the common portion of the driveway extend further than the right-of-way line, the Planning Board will require legal easements to be submitted along with the Driveway Permit Application for review by town counsel. Said review shall be at the applicant's expense. Said documents shall provide, at a minimum, for maintenance of the driveway in a fashion sufficient to ensure that the same is

reasonably accessible by emergency vehicles and that said responsibility shall be a condition of lot ownership that shall run with the land. Additionally, such documents shall provide that the common driveway shall not become a town road.

SECTION X – MAINTENANCE AND RESPONSIBILITY:

A. The owners of the property accessed by a driveway shall have continuing responsibility for the adequacy of the driveway and any grades, culverts, or other structures pertaining to such driveway, whether or not located within the public right-of-way. If any such driveway is or becomes a threat to the integrity of the highway or its surface, ditches, embankments, bridges, or other structures, or a hazard to the safety of the traveling public, by reason of siltation, flooding, erosion, frost action, vegetative growth, improper grade, or the failure of any culvert, traffic control device, drainage structure, or any other feature, the Select Board or their designee may issue an order to the landowner or other party responsible for such driveway to repair or remove such hazardous condition and to obtain any and all permits required therefore. The order shall describe the hazard, prescribe what corrective action or alteration in the location nor configuration of such access shall be required, and set a reasonable time within which the action shall be completed. Such an order shall be sent by certified mail, and shall be enforceable to the same extent as a permit issued under these regulations. If the order is not complied with within the time prescribed, the Select Board or their designee 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 Town of Temple for its costs in taking such action.

B. The owner of the property accessed by the driveway shall have continuing responsibility for maintaining sight distance. No obstructions e.g. signage, ornaments, lighting, vegetative growth, etc., shall be permitted to hinder sight distance.

SECTION XI – EASEMENT AND BOND:

A. The applicant shall, at the discretion of the Road Agent, be required as a condition of the granting of the Driveway Permit, to provide to the Town of Temple, its successors 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 do all things necessary for, and incidental to, such drainage easement in question.

B. Furthermore, and where appropriate and necessary, in the opinion of the Road Agent, the applicant may be required to provide a bond of a minimum of \$1,500, or an amount necessary as security for 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 Temple.

C. The purpose of this provision is to control the construction of the driveway to the extent that it may impact any town road and/or town right-of-way. An additional purpose is the extent to which the construction of the driveway on the property of the applicant shall interfere with, impede or in any way affect surface drainage so as to create a need for the Town to regulate the same.

D. Failure to begin driveway construction within one (1) year of permit approval will render the driveway permit null and void. Failure to complete construction of this driveway within 2 yrs. of permit approval will render permit null and void.

E. Funds may be withdrawn from the bond by the Town of Temple and applied against the cost of said construction that the Town of Temple is obliged to complete. No funds shall be expended at any site in excess of the amount of the bond pertaining to said site.

SECTION XII – SEPARABILITY:

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

SECTION XIII – ENFORCEMENT:

The Temple Select Board is charged with the power and authority to enforce the provisions of these regulations.

SECTION XIV – AMENDMENT:

These Regulations may be amended by a majority vote of the Planning Board, but only following a public hearing on the proposed amendment, and such amendment shall not take effect until a copy of said amendment shall be certified by a majority of the Board and filed with the Temple Town Clerk.

SECTION XV – FILING:

- A. Upon enactment, these regulations shall be signed by the Chairman of the Planning Board, endorsed by a majority of the Board and originals so exhibited shall be filed with the Temple Town Clerk and with the Office of State Planning in Concord, NH.
- B. A copy of any amendments to these Regulations shall also be filed with the Temple Town Clerk and with the Office of State Planning in Concord, NH.

PERMANENT

Town of Temple, NH

Application for Permanent Driveway Access to Class V and Class VI Roads

Date of Application _____

Pursuant to the provisions of RSA Chapter 236:13, permission is requested to _____ construct _____ alter a driveway entrance to property located on _____ Road.

Tax Map _____ Lot _____

Purpose of access: Permanent _____

Location: Nearest intersection and distance _____

Nearest utility pole and distance _____

Other identifying landmark _____

Is this a scenic road according RSA 231:158, IV _____ Yes _____ No
Scenic Road Hearing Required _____ Yes _____ No Minutes Attached _____ Yes _____ No

As landowner/applicant, I agree to the following:

1. To construct the driveway entrance only for vehicular access to the property.
2. To construct the driveway entrance only at the location specified in this permit.
3. To construct and maintain the driveway entrance in accordance with all currently applicable statutes, rules, drawings, and specifications issued by the Temple Planning Board.
4. To defend, indemnify, and hold harmless the Town of Temple and its agents and employees against any action, injury and/or property damage sustained by reason of exercise of this permit.
5. To furnish and install drainage structures necessary to maintain existing highway drainage and adequately handle runoff resulting from land development, and to obtain all easements relating thereto.
6. I state that I am the owner or authorized agent of the parcel upon which the driveway will be constructed.
7. Grade stakes will be placed to indicate the permanent driveway entrance at the intersecting roadway.

Attached is:

1. A copy of the current deed, if this is a new driveway.
2. A sketch or plan showing existing and proposed driveways, and the adjacent highway, indicating distances to the town road, town line, nearest utility pole (Including number), and any other landmark or feature.

Landowner: (print name) _____ (signature) _____

(address) _____ (phone) _____

cc: Planning Board
Code Enforcement Officer

February 2022

The owners of the property accessed by this driveway shall have continuing responsibility for the adequacy of the driveway and any grades, culverts, or other structures pertaining to such driveway, within 30' of the public right-of-way.

Regulations:

Driveway can accommodate a heavy duty and commercial trucks _____ Yes _____ No

Sight distance is at least 10 feet times the rate of the speed limit of the road to which the driveway enters measured at a height of 3 feet _____ Yes _____ No

Is this a shared driveway _____ Yes _____ No

For Further Information, please contact the Temple Highway Dept. at (603) 878-2744.

This Section to Be Filled Out By Town Staff

Date of Submission: _____ / _____ / _____

Culvert Required: Material () **diameter** () **Length** ()

Bond Required (\$) **Easements**

Application Fee (\$) **Drainage or other Study** (*if necessary*) **Fee** (\$)

Fees Paid **Date:** _____ / _____ / _____ **Total - \$** _____

Approvals:

Granted **Granted with Conditions** **Denied:** **Date:** _____ / _____ / _____

Administrator's (Road Agent) Signature: _____

Conditions:

1. _____
2. _____
3. _____

TEMPORARY

Town of Temple, NH

Application for Temporary Driveway Access to Class V and Class VI Roads

Date of Application _____

Pursuant to the provisions of RSA Chapter 236:13, permission is requested to ____ construct ____ alter a driveway entrance to property located on _____ Road.

Tax Map ____ Lot _____

Purpose of Access: Residential ____ Commercial ____ Temporary, Expiring on _____

Is this a scenic road according to RSA 231:158, IV ____ Yes ____ No

Scenic Road Hearing Required ____ Yes ____ No Minutes Attached ____ Yes ____ No

Location: Nearest intersection and distance _____

Nearest utility pole and distance _____

Other identifying landmark _____

As landowner/applicant, I agree to the following:

1. To return temporary driveway to original condition within 60 days of completion of project, including timber operations, construction and all other operations which apply.
2. To construct the temporary driveway entrance only for vehicular access to the property.
3. To construct the temporary driveway entrance only at the location specified in this permit.
4. To construct and maintain the temporary driveway entrance in accordance with all currently applicable statutes, rules, drawings, and specifications issued by Temple Planning Board.
5. To defend, indemnify, and hold harmless the Town of Temple and its agents and employees against any action, injury, and/or property damage sustained by reason of exercise of the permit.
6. To furnish and install drainage structures necessary to maintain existing highway drainage and adequately handle runoff resulting from land development.
7. I state that I am the owner or authorized agent of the parcel upon which the temporary driveway will be constructed.
8. Grade stakes will be placed to indicate the temporary driveway entrance at the intersecting roadway.

Attached is:

1. A copy of the current deed, if this is a new driveway.
2. A sketch or plan showing existing and proposed driveways, and the adjacent highway, indicating distances to the town road, town line, nearest utility pole (including number), and any other landmark or feature.

Landowner: (print name) _____ (signature) _____

(address) _____ (phone) _____

Regulations:

Driveway can accommodate heavy duty and commercial trucks ____ Yes ____ No

Sight distance is at least 10 feet times the rate of the speed limit of the road to which the driveway enters measured at a height of 3 feet ____ Yes ____ No

Is this a shared driveway ____ Yes ____ No

For further information, please contact the Temple Highway Dept. at (603) 878-2744.

This Section to Be Filled Out By Town Staff

Date of Submission: ____/____/____

Culvert Required: Material () diameter () Length ()

Bond Required (\$) Easements

Application Fee (\$) Drainage or other Study (if necessary) Fee (\$)

Fees Paid Date: ____ / ____ / ____ Total - \$ _____

Approvals:

Granted Granted with Conditions Denied: Date: ____ / ____ / ____

Administrator's (Road Agent

PAVING ONLY PERMIT

Paving Only Permit Number: _____ Date of Issue: _____

Issued to: _____

Tax Map/Lot #: _____ Street Name: _____

This Paving Only Permit certifies that the owner/applicant may pave a driveway in accordance with the Application for Paving Only Permit # _____.

Additional requirements are as checked below:

This permit requires the driveway to maintain a 3% negative grade from the edge of traveled way to center of ditchline and no more than 3% positive grade from center of ditchline back to end of apron or such other requirement from the approved driveway permit on file.

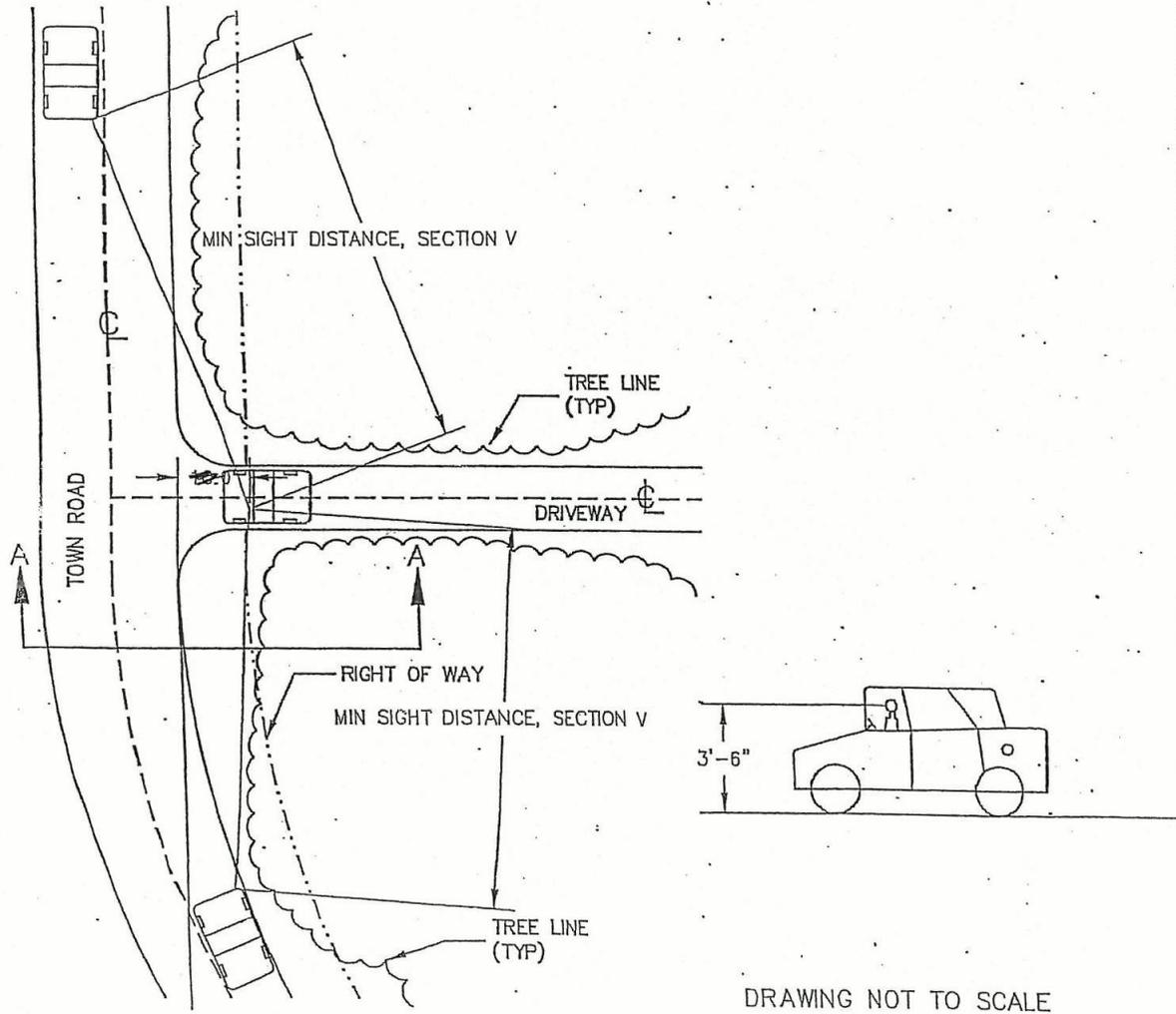
Other requirements (See Section V – Design Requirements): _____

Approved by: _____ Date: _____
Road Agent

The owners of the property accessed by this driveway shall have continuing responsibility for the adequacy of the driveway and any grades, culverts, or other structures pertaining to such driveway, within 30' of the public right-of-way.

I hereby certify that the driveway has been paved in accordance with the above Paving Only Permit.

Approved by: _____ Date: _____
Road Agent



PLAN

DRAWING NOT TO SCALE

NOTE: FIGURE 2 IS INTENDED TO SUPPLEMENT THE DRIVEWAY REGULATION TEXT. SHOULD THERE BE A DISCREPANCY BETWEEN THE TEXT AND FIGURE 1, THE TEXT SHALL GOVERN.

TOWN OF TEMPLE, NH
DRIVEWAY REGULATIONS
FIGURE 2
SIGHT DISTANCE
REQUIREMENTS