

Town of Lyme

CURB CUT REGULATIONS

SECTION I: AUTHORITY AND PURPOSES:

Pursuant to the authority vested in the Lyme Planning Board by the State of New Hampshire and in accordance with the provisions of Chapter 236, Sections 13 and 14, NH RSA, the Lyme Planning Board adopts the following regulations governing the construction and alteration of curb cuts from the town's public highways.

The purposes of these regulations are to ensure safe access to Town roads and to ensure that the Town incurs no undue cost arising from the impact on Town roads due to inadequate curb cut design.

SECTION II: DEFINITIONS:

1. ACCESS WAY shall mean a corridor for vehicular traffic including a driveways and private roads.
2. ALL SEASON SAFE SIGHT DISTANCE shall mean the length of a line which encounters no visual obstruction in any season between two points, each at a height of three feet nine inches (3'9") above the pavement or road surface, and so located so as to represent the critical line of sight between the operator of a vehicle using the access way (operator assumed to be seated eight feet (8') outside the edge of the traveled way) and the operator of a vehicle approaching from either direction.
3. BOARD shall mean the Planning Board of the Town of Lyme.
4. CURB CUT shall mean the first thirty feet (30') of an access way measured from the edge of the traveled portion of the Town road along the centerline of the access way.
5. DRIVEWAY shall mean an area located on a lot, and built for direct access to a structure or off-street parking space. A driveway shall not serve more than two lots.
6. ENGINEER shall mean a licensed New Hampshire Engineer.
7. GRADE shall mean the steepness of an access way. Grade shall be expressed in per cent by dividing the change of elevation along the centerline of the access way by the distance measured horizontally.
8. INTERESTED PARTY shall mean any property owner owning property within five hundred (500') feet of the proposed access way curb cut on either side of the road.
9. ROAD shall mean any Class V or Class VI public highway under the jurisdiction of the Town for the purposes of these regulations. The word road includes the entire right-of-way.

10. ROAD AGENT shall mean the Road Agent of the Town of Lyme.
11. SURVEYOR shall mean a licensed New Hampshire surveyor.
12. THROAT shall be the opening of the access way to the road measured parallel to the centerline of the road.
13. WIDTH of an access way shall be measured perpendicular to the centerline of the access way.

SECTION III: APPLICABILITY:

A written Town curb cut permit shall be required to construct any new access way or to alter the first thirty (30) feet of any existing access way to any road so as to cause changes in the potential for erosion, sight distance or drainage on to the Town road right-of-way. A waiver shall be granted if the Road Agent and Planning Board representative find that the proposed alteration does not affect the potential for erosion, sight distance, or drainage on to the Town right-of-way. A town curb cut permit is not required for access to a State highway although a State permit is required.

SECTION IV: PROCEDURE:

1. APPLICATION: The applicant shall submit a curb cut application, with a plan or drawing of the proposed construction, to the Planning and Zoning Administrator.
 - a. The following information shall be provided on the application:
 1. The name, mailing address, and phone number of the owner of the property to be served by the access way.
 2. The tax map and lot number, the street address, and the road frontage lengths in feet.
 3. If the application is for the alteration of an existing access way, a description of the proposed changes.
 - b. The following information shall be provided on the drawing for the application:
 1. The location and dimensions of the proposed access way including any apron. Show the angle of intersection between the access way and the road.
 2. Property boundaries, if within one hundred feet (100') of the driveway access. The location of any existing access ways serving the property. Distances to all other access ways and road intersections within the all season safe sight distance (up to 400') and abutting property boundaries.

3. The grade of the first twenty feet (20') and the next ten feet (10') of the access way and if required by the Board, the next seventy feet (70').
4. The location of any culverts, other drainage structures, traffic control devices, and channelization islands to be installed.

Failure of the applicant to supply the information and the drawing requested shall be sufficient grounds for the denial of the application.

The Board may require the preparation of plans and or profiles by an engineer or a surveyor at the expense of the applicant.

2. **SITE INSPECTION:** Upon receipt of a curb cut application, the Planning and Zoning Administrator will contact the Road Agent to arrange a site visit with the Planning Board representative at their earliest convenience. They will review the application and inspect the site of the proposed access way. The Road Agent shall report any observed inaccuracies in the application, and shall recommend whatever action on the application he/she considers most appropriate.

3 **ACTION:** After considering the application, and the comments of the applicant and any other interested parties, the Planning Board representative and the Road Agent shall agree to: a) approve; b) approve with conditions; c) disapprove the curb cut permit application; or d) recommend the matter to the Board for their consideration. If the application is approved, a written curb cut permit shall be issued to the applicant stating the terms and specifications for the construction or alteration of the access way curb cut. If the application is disapproved, a letter shall be sent to the applicant stating the reasons for the disapproval. If the Planning Board representative and Road Agent disagree, the matter shall be referred to the Board.

4. **APPEAL:** Any applicant or interested party may appeal to the Board within thirty (30) days the decision of the Planning Board representative and the Road Agent.

5. **INSPECTION AND CERTIFICATION OF USE:** The Road Agent shall inspect a completed access way curb cut and issue a certificate of use if he/she finds that the access way curb cut is built according to the approved plans. If he/she finds that the access way curb cut does not conform to the approved plans, the matter shall be referred to the Board.

6. **EXPIRATION OF PERMIT:** If an access way curb cut is not completed within one year from the date of approval, it shall expire. Construction shall not begin or continue until the permit is renewed.

7. **ZONING PERMIT NEEDED:** In addition to the access way curb cut permit, prior to construction, an approved zoning permit must also be obtained from the Planning and Zoning Administrator.

SECTION V: STANDARDS

1. **NUMBER:** No more than two (2) access ways shall be constructed from any one road to any one property, unless the frontage along the road exceeds five hundred feet (500'). When the frontage exceeds five hundred feet (500'), one additional access way may be allowed per additional five hundred feet (500') of frontage.
2. **LOCATION:** The location shall be selected to adequately protect the safety of the traveling public. The access way shall be at least seventy-five feet (75') from the nearest road intersection (measured from the edge of the traveled way to the centerline of the access way).
3. **ALL SEASON SAFE SIGHT DISTANCES:** The location shall be selected to provide safe sight distances in all seasons, based on the following standards developed by the American Association of State Highway and Transportation Officials.
 - a. The minimum sight distance shall be two hundred feet (200') on roads with speed limits of thirty miles per hour (30 mph) or lower.
 - b. The minimum sight distance shall be two hundred and seventy-five feet (275') on roads with speed limits over thirty-one miles per hour (31 mph).

An applicant may request a waiver of the above standards from the Board for properties where the minimum sight distances described above cannot be met or where the traffic volume on a service road or local road is low. The Board may grant such a request if the access way is placed at the safest possible location and does not pose an undue safety hazard to traffic or pedestrians.

4. **INTERSECTION:** The access way shall be laid out so as to intersect with the road as nearly as possible at a right angle, but in no case, at an angle of less than sixty (60) degrees. This requirement may be modified on a case by case basis for reasons of topography and direction of traffic flow.
5. **WIDTH:** The access way curb cut shall be a minimum width of eighteen feet (18') at its junction with the road. The access way shall have a maximum width of fifty feet (50') at its junction with the road, except that the access way may be flared beyond a width of fifty feet (50') to accommodate the turning radius of vehicles expected to use the access way.
6. **GRADE:** The grade of the access way curb cut shall be no greater than 5% for the first 20 feet and eight per cent (8%) for the next 10 feet. The grade of the remainder of the access way and its effect on the access way curb cut shall be subject to the requirements of Article IV of the Zoning Ordinance.
7. **PAVED APRON:** Access ways that abut paved roads shall be constructed with paved aprons that shall be as wide as the access way and at least five feet (5') long as measured perpendicularly from the edge of the road pavement (and deeper, if considered necessary by the Board). The paved apron shall be constructed in such a way as to protect the edge of the road pavement from erosion or other deterioration such as could be caused by the action of heavy trucks using the access way.

8. **DRAINAGE:** The access ways shall not interfere with the road's drainage or maintenance. Where necessary, culverts, waterbars, ditches, and other drainage structures shall be installed to insure adequate drainage of the road and to prevent excessive drainage from the access way curb cut onto the road. Culverts shall be new and at least twelve inches (12") in diameter, and larger, if necessary as determined by the Road Agent. A minimum of twelve inches (12") of fill shall be placed over culverts. Stone headers are required at both ends of the culvert.

9. **ROAD REPAIR:** Any road disturbed during the construction of the access way shall be restored to the satisfaction of the Road Agent.

10. **PERFORMANCE BOND:** The applicant may be required by the Board to file a bond or other security method in the amount sufficient to cover the cost of the construction of that portion of the access way within the right-of-way of the road, including the required culverts, ditches, other drainage structures and the paved apron, and to cover the cost of repairing public sidewalks and roads disturbed by the construction. The bond shall be approved as to form and sureties by the Board. The amount of the bond shall be based on a contractor's or an engineer's cost estimate of the necessary construction and repair. The estimate shall be approved by the Board prior to obtaining the bond. All bonds shall be for one hundred percent (100%) of the estimated cost.

The performance bond or other approved security method shall not be released until the Road Agent has certified completion of the bonded construction and repairs in accordance with the standards stated in these regulations and in accordance with the approved plan.

In lieu of a performance bond, the applicant shall have the option of depositing cash with the town or other security properly endorsed to the Town in an amount approved by the Board, as sufficient to cover the costs of construction and repair.

SECTION VI: ADMINISTRATION

1. **Enforcement:** Upon determination by the Board that a violation of these regulations has occurred, notice shall be given by the Board recommending appropriate enforcement procedures. The Board is responsible for the enforcement of these regulations.

2. **Penalty:** As provided under RSA 236:14, any person who violates any provision of RSA 236:16, or these regulations made under authority of RSA 236:13, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, and, in addition, shall be liable for the cost of the restoration of the road to the satisfaction of the Board.

3. **Waiver:** Where strict conformity to these regulations would cause undue hardship or injustice to the owner of the land, an access way plan substantially in conformance with these regulations may be approved by the Board, provided that the spirit of these regulations will be respected, and that the public convenience and safety will not be adversely affected.

4. **Validity:** If any section, provision, portion, clause, or phrase of these regulations shall be held to be invalid or unconstitutional by any court or authority, such holding will not affect, impair, or invalidate any other section, clause, provision, portion, or phrase of these regulations.

5. Amendment: These regulations may be amended or rescinded by the Board following a public hearing on the proposed change(s). The Board shall transmit a copy of any changes of these regulations to the Selectboard, the Road Agent, and the Town Clerk.

6. Adoption: These regulations shall become effective after a public hearing, adoption and certification by the Board, and filing with the Selectboard, the Road Agent, and the Town Clerk.

Adopted: March 24, 1988
Revised: October 25, 1990
June 23, 2005