

**DRIVEWAY REGULATIONS**  
**OF THE TOWN OF**  
**MOULTONBOROUGH,**  
**NEW HAMPSHIRE**

Revised  
October 22,  
2025

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# **TOWN OF MOULTONBOROUGH**

## **DRIVEWAY REGULATIONS**

### **1.0 Purpose:**

The purpose of these regulations is to further the safe and orderly development of the Town through the establishment of an administrative procedure by which the location, method and materials used to provide vehicular access to and from Town streets onto private property are subject to the review and approval of DPW Director/Road Agent.

### **2.0 Statutory Authority:**

This regulation is enacted pursuant to the provisions of NH RSA 674:35 and 236:13, V, as amended.

### **3.0 Applicability:**

The provisions of this regulation apply to the construction of any driveway, which intersects with any Town-owned and/or Town maintained right of way.

### **4.0 Definitions:**

**For the purposes of this regulation, the following definitions shall apply:**

**All Season Sight Distance-** A line which encounters no visual obstruction between two points, each at a height of 3-feet and 9-inches above the road surface and so located as 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.

**Driveway-** A vehicular access way from a public way to a single primary building, which is located on a single lot. A “shared driveway” may service up to two-lots if it complies with the terms and conditions of these Driveway Regulations.

**Lot-** A parcel of land intended to be separately owned, rented, developed, or otherwise used as a unit.

### **5.0 Driveway Permits:**

- 5.1 Henceforth, it shall be unlawful to construct any driveway until the DPW Director/Road Agent has reviewed and approved of such construction and has issued a written permit for such work. No permit shall be required for any existing driveway. For purposes of this section, any driveway constructed as indicated above which abuts or is clearly designed to provide access to a public way as defined by New Hampshire RSA 259:125 shall be presumed to be situated within the right-of-way. Pursuant to this section, a driveway permit application must be obtained from and filed with the Public Works office by any landowner or his/her agent.

5.2 Before any construction work is commenced, said permit application shall have been reviewed and approved, and a driveway permit issued by the DPW Director/Road Agent.

*Said permit application shall:*

Describe the location of the driveway, entrance, exit and/or approach. The location shall be selected to most adequately protect the safety of the traveling public. The applicant may choose any driveway location that meets the minimum standards under section VI of this regulation.

Describe any drainage structures, traffic control devices and channelization islands to be installed by the applicant.

Establish grades that adequately protect and promote street drainage and permit a safe and controlled approach to the street in all seasons of the year.

Include any other terms and specifications necessary for the safety of the traveling public.

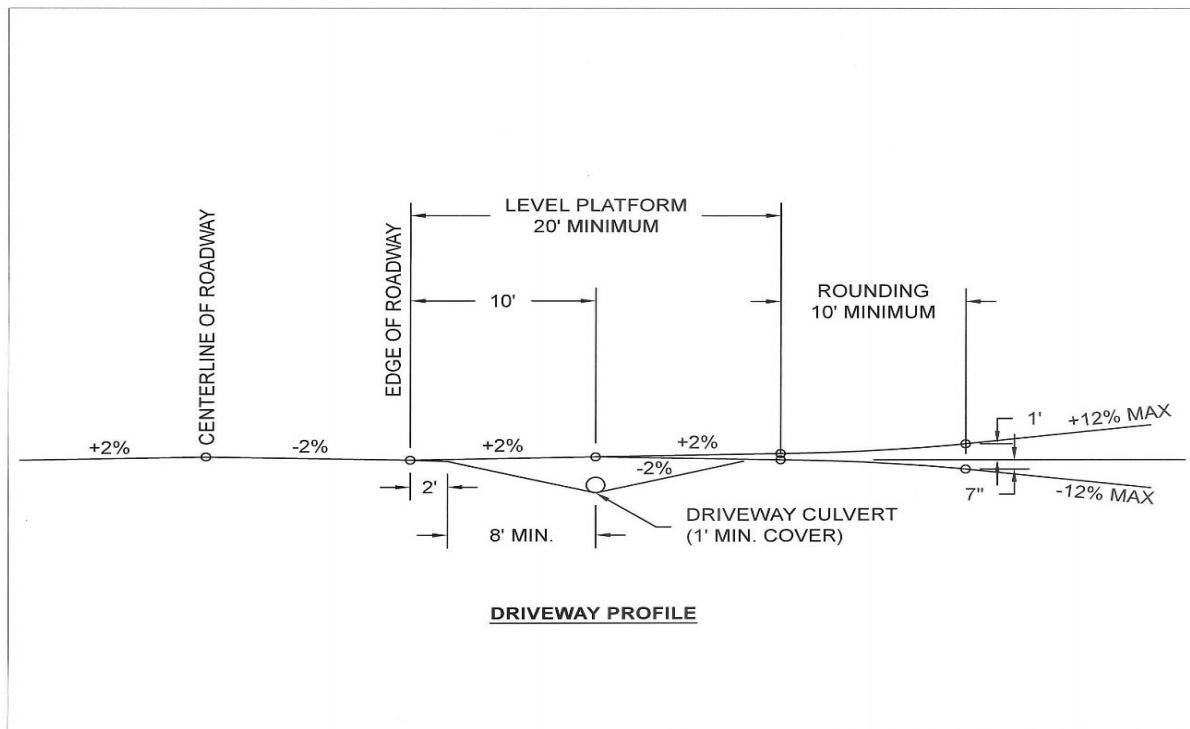
## **6.0 Standards:**

6.1 Unless an all-season safe sight distance, pursuant to the table listed below, in both directions along the street can be obtained, no more than one access to a single parcel of land or to shared access for two adjacent lots shall be permitted. This access shall be at that location the DPW Director/Road Agent determines to be the safest. Final approval for use of any additional access shall not be granted until it has been demonstrated that the all-season safe sight distance has been met.

*The all-season safe site distance for residential driveways shall be as follows:*

Road Speed: 30-MPH	35-MPH	40-MPH	45-MPH	50-MPH
Site Distance: 200-ft	250-ft	305-ft	360-ft	425-ft

6.2 The grade of the level platform, within 20-feet of the edge of the roadway, at the location to be agreed upon, shall not be greater than 2%, shall permit a safe and controlled approach to the highway in all seasons, and shall be designed so that no water will discharge from the driveway upon the paved surface of the highway. Beyond 20-feet of the point where the driveway intersects the public right -of-way, the maximum slope of a driveway to 2 or fewer dwelling units shall not exceed 12% and the maximum slope for other driveways shall not exceed 8%.



- 6.3 No driveway, including any flare, shall be within 5 -feet of a side property line, except for shared driveways or when the Planning Board has approved a subdivision with side-by-side driveways to alleviate road cuts.
- 6.4 The angle of the driveway with respect to the pavement edge shall not be less than 60-degrees, except that a smaller angle may be used for entrance driveways along a divided street, permitting only one -way operation of the driveway.
- 6.5 Residential driveways shall be located no closer than forty (40-ft.) to a road intersection. The Planning Board may reduce or waive this requirement, if justifiable based on specific site conditions, including lot size. Nonresidential driveways shall adhere to the Nonresidential Driveway Table on p. A of the Site Plan Review Regulations.
- 6.6 The type of construction where the driveway meets the edge of the traveled way shall be commensurate with existing conditions with respect to drainage and curb configuration and shall be subject to the approval of the DPW Director/Road Agent. The property owner shall be responsible for the proper installation and maintenance of all drainage facilities (driveway culvert, swale, etc.) and the driveway bed that lies between the edge of the traveled way and the parcel's property line. Final approval of the installation shall be made by the DPW Director/Road Agent.
- 6.7 In no case shall the permitted driveway construction cause water to stand on the pavement, shoulders or within the street right-of-way limits. In those cases where property development increases drainage runoff such that existing street drainage structures are insufficient to adequately dispose of all drainage, the applicant will be required to provide additional or larger drainage facilities to prevent any ponding within the street right-of-way or adjacent lands thereto.

- 6.8 For access to a proposed commercial or industrial enterprise, to a subdivision, or to a multi-family dwelling containing more than 3-dwelling units, all of which for purposes of this regulation shall be considered a single parcel of land, said permit application shall be accompanied by such engineering drawings as may be required by the DPW Director/Road Agent and the Planning Board for site plan review.
- 6.9 All residential driveways shall be a minimum of twelve feet (12-ft.) in width. A residential entrance shall flare as it approaches the pavement to a maximum width of twenty feet (20-ft.) 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'). The construction material shall be suitable to maintain the weight of a fire apparatus.
- 6.10 Driveway Length Requirements:
  - 6.10.1 Driveways longer than 300 feet must include a turnout no farther than fifty (50) feet from the primary residence or building. The turnout must be perpendicular to the driveway and be at least twelve (12-ft.) feet in width and twenty (20) feet in length as measured from the edge of the driveway. The area of the turnout may not be steeper than five (5) percent and have an inside radius of fifteen (15) feet. Other dimensions may be approved, provided the applicant can demonstrate that vehicles can safely back in and drive out.
  - 6.10.2 Driveways longer than one thousand (1,000) feet must include a passing area at least every eight hundred (800) feet, exclusive of the required turnout in (1) above or turnaround in (3) below. This passing area shall be at least twenty-four (24) feet wide for a length of at least fifty (50) feet, tapered back to the ten (10) foot width on both ends. The grade along the entire length of the passing area must not exceed five (5) percent.
  - 6.10.3 Driveways longer than two thousand (2,000) feet must have a turnaround with at least a ninety (90) foot diameter, no closer than fifty (50) feet and no further than three hundred (300) feet from the primary residence or building. the Planning Board shall not have the authority to waive the turnout, passing area or turnaround requirements.
- 6.11 The DPW Director/Road Agent may require additional work to be done by the applicant in the case of construction/reconstruction of sidewalks.
- 6.12 The DPW Director/Road Agent shall determine swale requirements and culvert sizes, locations, and lengths. If denied by the DPW Director/Road Agent based on non - compliance with this requirement, and upon a waiver request from the applicant, the Planning Board shall have the authority to waive or decrease the requirement.

## **7.0 Violations and Penalties; Costs of Restoration:**

Penalties: Any person who violates any of the provisions of these regulations shall be subject to fines and penalties as spelled out in RSA 676:17. The landowner shall be liable for the cost of restoration of the affected public street to a condition, which conforms to the provisions of this regulation to the satisfaction of the DPW Director/Road Agent. If a landowner fails to ensure that the above said conformance is accomplished within 30 -days of receiving written notification from the DPW Director/Road Agent, the restoration shall be accomplished by the Town and charged to the landowner.

## **8.0 Modification of Standards:**

Upon denial of a driveway permit application by the DPW Director/Road Agent, and upon a request by the applicant to the Planning Board, the standards of these regulations, except where expressly non-waiverable, may be waived by the Planning Board when specific circumstances surrounding a proposal, or a condition of the land, indicate that strict adherence to the standards would not be possible or create an unnecessary burden for the landowner, and such waiver will not be in conflict with the purpose and intent of these regulations.

*These regulations may be amended by the Planning Board after a public hearing.*