

RYE PLANNING BOARD
PROPOSED LAND DEVELOPMENT REGULATIONS AMENDMENT 2024-02
RE: Driveway regulations

Amendment to the Town's Driveway Regulations set forth in Appendix E to the Land Development Regulation's at Section 5-E to amend (M) as follows (**Note: New text *emboldened and italicized*. Deleted text ~~struck through~~**).

Section 5: Construction Standards:

- A. No driveway shall be constructed within 100 feet of an intersecting road, said distance measured from the nearest road side line to the nearest driveway sideline. (*Section 602.2 B (4) of the Rye Planning Board Land Development Regulations*)
- B. No driveway shall be constructed within 10 feet of an abutting property line, said distance measured from the nearest abutting side line to the nearest driveway sideline.
- C. Corner lots driveways shall access only from the lesser traveled road. (*Section 202.6 Rye Zoning Ordinance*)
- D. Access to a lot must be over its own frontage. (*Section 202.14 Rye Zoning Ordinance.*)
- E. A minimum 200 foot all season safe sight distance in each direction must be provided and maintained.
- F. The driveway shall have a maximum finished width of 14 feet at the property line and flare to a maximum finished width of 20 feet at the road surface.
- G. The grade of all driveways shall slope away from the road surface at a minimum slope of ¼ inch per foot (2%) to a point at the center of the drainage swale or the property line whichever is encountered first.
- H. Any driveways which require a driveway culvert to maintain proper road drainage shall have a culvert minimum inside diameter of 12 inches, and be a minimum of twenty (20) feet long. All driveway culverts shall be constructed of HDPE plastic with water tight joints. In addition all culverts shall begin and end with headwalls or flares.
- I. It is the responsibility of the property owner to determine whether wetland permits are required. Any driveway construction which disturbs a wetland or body of water shall have received a permit from the State of New Hampshire, Department of Environmental Service prior to beginning construction.
- J. Driveways shall be constructed to anticipate and address any and all storm water or drainage flow along the road, without directing the flow into or onto the travel way. No storm or site drainage shall be directed into or onto the road surface.
- K. Driveways shall not interrupt the natural flow of storm water or drainage. Where such interruption is likely the driveway shall be adequately swaled or culvert installed.
- L. Driveways shall intersect roadways at an angle as close as practicable to 90 degrees, but in no case shall the intersecting angle be less than 75 degrees.

- M. The Board shall seek the comment of the Fire Chief on any proposed new driveway. The Board will seek the Fire Chief's comment with regard to any or all of the following: width, vertical clearance, grade, suitability of road surface, bridges, dead-ends, and the ability to pass and turn around once in the driveway. In addition to the foregoing, driveways greater than 150 feet measured from the edge of the paved roadway to the residence shall be equipped with a suitable turnaround area for emergency apparatus and require written approval from the Rye Fire Chief.*
- N. A shared driveway facilitating greater than two dwellings requires Planning Board approval.
- O. Property owners requesting more than one driveway per lot shall require Planning Board approval.
- P. Temporary access points across Town property or right of ways for the purpose of logging, gravel removal, or other temporary uses shall require the issuance of a temporary driveway permit.
- Q. The property owner is responsible to adhere to any and all local, state and federal rules and regulation associated with the requested driveway construction.
- R. All driveways shall have a finished surface of either, concrete, bituminous asphalt, or modular paving units within the Town right of way.
- S. All driveways shall be constructed in such a manner as to not create any potential for any damage to road maintenance equipment, or the public. Any driveway with the potential to do so will be required to be reconstructed or removed at the owner's expense.
- T. The Public Works Director may require submission of a detailed drainage and grading plan, at his sole discretion, whenever there is a question regarding compliance with these regulations. Said plan shall be prepared by a licensed professional engineer at the expense of the property owner.
- U. Driveways located on state highways also require a Driveway Permit from NH DOT District 6.
- V. Driveways for non-residential and multi-family uses shall be constructed per the standards of Section 704 of the *Rye Planning Board Land Development Regulations*. (Section 611.5 (E) of *Rye Planning Board Land Development Regulations*.)

Explanation

b. *House Bill 296*

This house bill amends RSA 153:5 to add a new paragraph which reads as follows:

VI. The provisions of the state fire code and associated rules shall not supersede the authority of local land use boards under planning and zoning provisions of Title LXIV of the RSA to regulate and permit driveway access, when not governed by RSA 236:13, for detached one or two-family dwelling units in a structure used only for residential purposes, and provided that minimum driveway width shall not be less than 12 feet for driveways over 150 feet in length. Before issuing the approval, the local land use boards shall give due consideration to any written recommendations of the municipal fire chief regarding fire department access, to include width, vertical clearance, grade, suitability of road surface, bridges, dead-ends, and the ability to pass and turn around once in the driveway.
