

Curb Cut Regulations
for Driveways and Other Permanent or Temporary Access
Town of Orford

Section I. Authority

Pursuant to the authority vested in the Orford Planning Board by the State of New Hampshire and in accordance with the provisions of Chapter 236, Sections 13 and 14, N.H. Revised Statutes Annotated, the Orford Planning Board adopts the following regulations governing the construction and alteration of curb cuts from public highways under the jurisdiction of the Town of Orford.

Section II. Definitions

All Season Safe Sight Distance shall mean the length of the line which encounters no visual obstruction between two points, each at a height of three feet nine inches above the pavement, and so located so as to represent the critical line of sight between the operator of a vehicle using the curb cut and the operator of a vehicle approaching from either direction.

Board shall mean the Planning Board of the Town of Orford.

Curb Cut shall mean the first 25' of an access way measured from the edge of the traveled portion of the Town road measured along the centerline of the access way.

Driveway shall mean any driveway, entrance, exit, or approach including the curb cut within the limits of the right of way of any highway under the jurisdiction of the Town of Orford

Engineer shall mean a licensed New Hampshire Engineer.

Grade shall mean the steepness of the curb cut. Grade shall be expressed in percent by dividing the change of elevation along the centerline of the curb cut in a given distance and multiplying by 100.

Public Highway shall mean an easement held in trust by government for use of the public.

Road Agent shall mean the Road Agent for the Town of Orford.

Street shall mean any highway under the jurisdiction of the Town of Orford.

Surveyor shall mean a licensed New Hampshire surveyor.

Width of a curb cut shall be measured parallel to the centerline of the street.

Section III. Alteration

It shall be unlawful to construct or alter in any way that substantially affects the size or grade of any curb cut, entrance, exit, or approach within the limits of the right of way of any highway under the jurisdiction of the Town of Orford that does not conform to the terms and specifications of a written permit issued by the Orford Planning Board.

Section IV. Procedure

1. Application. Any person wishing to construct or alter a curb cut shall obtain a construction permit application from the Board, and shall file that application, with a map of the proposed construction, with the Board.

The following information shall be provided on the application:

- a) The name and mailing address of the owner, tax map and lot numbers of the property to be served by the curb cut.
- b) The names and addresses of the owners of the property directly across the street from the proposed curb cut, and of any other property within 100 feet of the curb cut.
- c) The location of the curb cut, with the distances to the nearest street intersections, if said distances are less than 100 feet.
- d) The lengths of the street frontages of the property to be served by the curb cut.
- e) The dimensions of the proposed curb cut within the limits of the right of way of the street.
- f) The dimensions and specifications of the curb cut's paved apron.
- g) The lengths of the sight distances in both directions along the street.
- h) Description including dimensions of any culverts, other drainage structures, and traffic control devices to be constructed as well as the depth of fill over any culverts.
- i) The grade of the curb cut.
- j) If the application is for the alteration of a curb cut, a description of the proposed changes.

The following information shall be provided on the map:

- a) the location and dimensions of the proposed curb cut and of the street within the minimum sight distance,
- b) property boundaries, if within 100 feet of the curb cut,
- c) location of any stone wall or other structure proposed to be breached or removed,
- d) distances to the nearest street intersection, if within 100 feet of the curb cut,
- e) locations of other curb cuts, buildings within 100 feet of the curb cut,
- f) the location of any existing curb cuts serving the property,
- g) the location and dimensions of the curb cut's paved apron,
- h) the location of any visual obstructions to the required sight lines,
- i) the length of sight distances in both directions along the street,
- j) the location of any drainage structures, and traffic control devices, to be installed.

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

The Board may require the preparation of plans by an engineer or a surveyor, when it deems such plans necessary.

2. Road Agent Inspection. The Road Agent shall review the application and inspect the site of the proposed curb cut. The Road Agent shall report any observed inaccuracies in the application to the Board, and shall recommend to the Board whatever action on the application he deems most appropriate.

3. Board Action. At its regular meeting, the Board shall, after considering the application, the recommendations of the Road Agent, and the comments of the applicant and any other interested parties, approve, approve with conditions, or disapprove the construction permit application. If the application is approved, a written construction permit shall be issued to the applicant stating the terms and specifications for the construction or alteration of the curb cut. If the application is disapproved, a letter shall be sent to the applicant stating the reasons for disapproval.

4. Expiration of Permanent Curb Cut Permits. Permanent curb cut permits shall expire after six months. If work has not been completed in this time, a new application must be submitted to the Planning Board.

Section V. Standards

1. Number. No more than one curb cut shall be constructed from any one street to any one property, unless the frontage along that street exceeds five hundred feet. When the frontage exceeds five hundred feet, no more than two curb cuts shall be constructed.

2. Location. The location shall be selected to most adequately protect the safety of the traveling public. The curb cut shall be at least 75 feet from the nearest intersection.

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 200 feet on streets with speed limits of 30 mph or lower.
 - b) The minimum sight distance shall be 275 feet on streets with speed limits between 31 and 40 mph, inclusive.
 - c) For the properties above where the minimum sight distance cannot be met, the curb cut shall be placed at the safest possible location by Planning Board approved waiver.

4. Intersection. The curb cut shall be laid out so as to intersect with the street as nearly as possible to a right angle, but in no case, at an angle less than 60 degrees. This requirement may be modified by the Planning Board on a case-by-case basis for reasons of topography and direction of traffic flow.

5. Width. The curb cut shall be a minimum width of 18 feet at its junction with the street. The curb cut shall have a maximum of 50 feet at its junction with the street, except that the curb

cut may be flared beyond a width of 50 feet to accommodate a turning radius of vehicles expected to use the curb cut.

6. Grade. The grade of the curb cut within 15 feet of the edge of the right of way to the traveled surface shall be no greater than 5%.

The Curb Cut Regulations do not apply to the remainder of the driveway or other access way. However, the Town hereby places all property owners on notice that in designing and constructing a driveway beyond the limits of these Regulations, care and consideration should be given to emergency vehicle access. Generally, these vehicles may not be able to access driveways that exceed a grade of 15% or have curves with an inside radius less than 30 feet. It is solely the property owner's responsibility if emergency or delivery vehicles are not able to access the site.

7. Paved Apron. Curb cuts that abut paved streets shall be constructed with paved aprons that shall be as wide as the curb cut and at least five feet in depth as measured perpendicularly from the edge of the street pavement (and deeper, if deemed necessary by the Board). The paved apron shall be constructed in such a way as to protect the edge of the street pavement from deterioration.
8. Drainage. The curb cut shall not interfere with the street's drainage or maintenance. Where necessary, culverts, waterbars, ditches, and other drainage structures shall be installed to insure adequate drainage of the street and to prevent excessive drainage from the curb cut into the street. Culverts shall be at least 15 inches in diameter, and larger if necessary. A minimum of 15 inches of fill shall be placed over culverts. Stone headers are required at both ends of the culvert.
9. Sidewalk and Road Repair. When the construction of a curb cut would require the disturbance of a street or a sidewalk, the applicant shall obtain the permission of the Road Agent, before proceeding with construction. Any street or sidewalk disturbed during the construction of the curb cut shall be restored to the satisfaction of the Road Agent.
10. Best Management Practices. All construction shall use best management practices to prevent off-site drainage and erosion before, during, and after construction.
11. Performance Bond or Other Security. The applicant may be required by the Select Board under RSA 236:10 to file a bond or other form of security in an amount sufficient to cover the cost of the construction of that portion of the curb cut within the right of way of the street, including the required culverts, ditches, other drainage structures and the paved apron, and to cover the cost of repairing public sidewalks and streets disturbed by the construction. The security shall be approved as to form and sureties by the Board. The amount of the security shall be based on a 125% of the contractor's or engineer's cost

estimate of the necessary construction and repair. The estimate shall be approved by the Board prior to the obtaining of the security.

The security shall not be released until the Road Agent has certified completion of the secured construction and repairs in accordance with the plan approved by the Board. In lieu of a performance bond or other surety, the applicant shall have the option of depositing with the town, cash in an amount approved by the Board, as sufficient to cover 125% of the estimated costs of construction and repair.

Section VI. Temporary Curb Cuts

In addition to the standards in Section V, all temporary curb cuts shall conform to the following requirements.

- A. Temporary curb cuts shall require a permit from the Planning Board or its designee, the Orford Road Agent.
- B. Temporary curb cut permits are valid for a period of six months. The Planning Board or its designee may extend that permit for an additional six months.
- C. At the end of the permitted period, temporary curb cuts shall be removed and the topography and drainage within the public right-of-way restored to a condition at least equal to the condition that was present before the excavation or disturbance creating the temporary curb cut.
- D. If the safe all-season sight distance is less than the required distance as provided in Section V 3, or other special circumstances, such as downgrades, are present, the Town may require the installation of one or more black-on-orange “Trucks Entering” sign(s), of 36-inch by 36-inch dimension, with side road indicators. If the operation is suspended for 30 or more days, the signs are to be removed and reinstalled when operations begin again. The permittee shall provide, install and remove any signs necessary, in coordination with the Road Agent.

Section VII. Administration

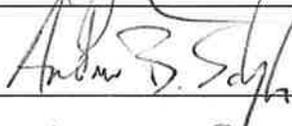
1. Enforcement. Upon determination of the Board that a violation of these regulations has occurred, notice shall be given to the Board of Selectmen recommending appropriate enforcement procedures. The Board of Selectmen is responsible for the enforcement of these regulations.
2. Continued Maintenance by Landowner. The property owner shall have responsibility for the adequacy of the access and any grades, culverts, or other structures pertaining to access, whether or not located within the public right of way. The Planning Board retains jurisdiction over the adequacy and safety of every existing curb cut. If any such curb cut becomes a potential threat to the integrity of the highway, the traveling public, or other features, the Planning Board or its designee may issue an order to the landowner to repair

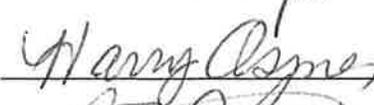
or remove hazardous condition. If the order is not complied with within the time prescribed, the planning board or its designee may take corrective action according to NH RSA 236:13 VI. The owner will be liable for costs of that action.

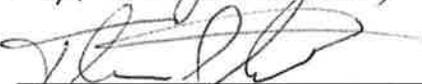
3. Penalty. As provided under RSA 236:14, any person who violated any provision of RSA 236:13, or these regulations made under authority of RSA 236:13, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, and, in addition, shall be liable for the cost of the restoration of the street to the satisfaction of the Board.
4. Waiver. Where strict conformity to these regulations would cause undue hardship or injustice to the owner of the land, a curb cut plan substantially in conformance with these regulations may be approved by the Board, provided that the spirit of the regulations will be respected, and that the public convenience and safety will not be adversely affected.
5. Validity. If any section, provision, clause, or phrase of these regulations shall be held to be invalid or unconstitutional, by any court or competent authority, such holding will not affect, impair or invalidate any other section, clause, provision, portion, or phrase of these regulations.
6. Amendment. These regulations may be amended or rescinded by the Board following a public hearing on the proposed change. The Board shall transmit a copy of any changes of these regulations to the Board of Selectmen, the Road Agent, and the Town Clerk.
7. Adoption. These regulations shall become effective after a public hearing, adoption and certification by the Board, and filing with the Board of Selectmen, the Road Agent, and the Town Clerk.

Certification by the Planning Board:











Adopted: November 19, 2012