

Chapter 193

DRIVEWAYS

[HISTORY: Adopted by the Planning Board of the Town of Hudson as amended through 10-14-2015. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Excavation of soil — See Ch. 200.
Site plan review — See Ch. 275.
Administrative requirements and definitions — See Ch. 276.
Subdivision of land — See Ch. 289.
Zoning — See Ch. 334.

§ 193-1. Title; definitions.

The official title of this chapter is the "TOWN OF HUDSON DRIVEWAY and Other ACCESS Regulation," hereinafter referenced as "this chapter."

Words in all capital letters are those with special definitions as noted in § 276-2 of the LAND USE REGULATIONS.

§ 193-2. Authority.

This chapter is adopted pursuant to RSA 236:13.

§ 193-3. Purposes.

The purposes of this chapter are to:

- A. Ensure the public safety through the orderly control of traffic movement onto and from HIGHWAYS, exits, streets and roadways.
- B. Provide a uniform practice and procedure relative to the design and construction of DRIVEWAY entrances.
- C. Ensure the existence of necessary drainage facilities required to provide a safe and controlled approach to a HIGHWAY in all seasons of the year.
- D. Prevent the existence of unsafe conditions resulting from improper placements of any DRIVEWAY, wall, barrier, structure or any other object or combination thereof within or adjacent to any RIGHT-OF-WAY accepted by or dedicated to the Town.

§ 193-4. Permit required.

It shall be unlawful to construct or alter a DRIVEWAY in any way that substantially affects the size or grade of any entrance, exit or approach within or adjacent to the limits of the RIGHT-OF-WAY of any HIGHWAY that does not conform to the terms and specifications of a written PERMIT issued in accordance with this chapter. It shall also be unlawful to excavate or

disturb the shoulders, ditches, embankments or the surface improved for travel of HIGHWAY for any purpose whatsoever, including the placement of any wall, barrier, structure or any other object without a written PERMIT issued in accordance with this chapter.

§ 193-5. When effective.

This chapter (and amendments thereto) becomes effective immediately upon adoption by the PLANNING BOARD.

§ 193-6. Exemptions.

Only the following categories are exempt from the provisions of this chapter:

- A. (Reserved)
- B. Minor structures constructed for primary use as a mailbox, provided that the road agent has no objection to any aspect of such placement either before, during or after placement of the structure.
- C. Any work associated with the construction or reconstruction of any HIGHWAY that is lawfully performed in accordance with the provisions of RSA 233 or RSA 234.
- D. Construction that is proposed and lawfully approved by the PLANNING BOARD as part of Chapter 200, EXCAVATION of Soil.

§ 193-7. Definitions.

See § 276-2.

§ 193-8. Designation of administrator.

The PLANNING BOARD shall designate the person to administer the provisions of this chapter.

§ 193-9. (Reserved)

§ 193-10. Design criteria.

The Town Engineer may promulgate engineering criteria to be incorporated in all applications, provided that the following minimum design criteria are incorporated:

- A. Location description of the DRIVEWAY so selected to most adequately protect the safety of the traveling public.
- B. Description of any drainage structures, traffic control devices and channelization islands to be installed by the owner.
- C. Establishment of grades, i.e., profiles and/or cross sections, that adequately protect and promote HIGHWAY drainage and PERMIT a safe and controlled approach to the HIGHWAY in all seasons of the year.
- D. Other terms and specifications necessary for the safety of the traveling public.

- E. Provision of a Safe Stopping Distance equal to or greater than that recommended in the current AASHTO specifications published by AASHTO at the time of the PERMIT application.
- F. Maximum DRIVEWAY width of 50 feet, except that a DRIVEWAY may be flared beyond a width of 50 feet, at and near its junction with the HIGHWAY, to accommodate the turning radius of vehicles expected to use the particular DRIVEWAY.
- G. Only one DRIVEWAY per parcel having adequate frontage, as required by Chapter 334, Zoning, is allowed, except in the case of two-unit residential buildings (duplexes), one DRIVEWAY per unit shall be allowed.
- H. DRIVEWAYS are not permitted in side or rear setback areas, unless a shared ACCESS is required by the PLANNING BOARD.
- I. With the exception of Subsection G, above, shared DRIVEWAYS are not allowed unless approved by the PLANNING BOARD.
- J. All driveway surface material within the RIGHT-OF-WAY shall be BITUMINOUS CONCRETE or other surface material approved by the ROAD AGENT and specified on the DRIVEWAY PERMIT.

§ 193-11. Application fee.

A fee as specified in § 276-6 shall be required at the time of application for each PERMIT requested.

§ 193-12. Responsibility to enforce.

The PLANNING BOARD shall be responsible for the enforcement of the provisions of this chapter.

§ 193-13. Cease-and-desist action against violations.

The CIVIL ENGINEER shall order the OWNER of any property to cease and desist any action which, in the opinion of the CIVIL ENGINEER, is a violation of this chapter. Any order to cease and desist shall be in writing, sent by certified mail, return receipt requested. Said order shall contain a description of the violation and a deadline by which the OWNER is expected to take corrective or remedial action. A copy of this chapter shall be attached to said order. Following the expiration of the deadline, without correction of the violation, the CIVIL ENGINEER shall report to the PLANNING BOARD (copy to the violator). The PLANNING BOARD may refer such violation to counsel for purposes of enforcement through the appropriate court.

§ 193-14. Violations and penalties.

Any person who violates any provision of this chapter shall be guilty of a violation, if a natural person, and a misdemeanor, if any other person, and, in addition, shall be liable for the costs of restoration of the HIGHWAY to a condition satisfactory to the Hudson PLANNING BOARD.

§ 193-15. Waivers; appeals process.

Any provision of this chapter or any decision of the CIVIL ENGINEER may be appealed only in writing to the PLANNING BOARD, which shall act within 30 days. Prior to making a decision on the appeal, the PLANNING BOARD shall afford the CIVIL ENGINEER, the Town Engineer and the road agent a reasonable opportunity to comment on the matter or to advise the PLANNING BOARD.