

Chapter 193

DRIVEWAYS

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[**HISTORY: Adopted by the Planning Board of the Town of Hudson as amended through XX-XX-XXXX. Subsequent amendments noted where applicable.**]

GENERAL REFERENCES

Excavation of soil — See Ch. 200.

Subdivision of land — See Ch. 289.

Site plan review — See Ch. 275.

Zoning — See Ch. 334.

Administrative requirements and definitions — See Ch. 276.

§ 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 DRIVEWAYS.
- 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)~~

A. **Repair, replacement, or repaving of an existing DRIVEWAY or ACCESSORY DRIVEWAY.**

B. Minor structures constructed for primary use as a mailbox, provided that the PUBLIC WORKS DIRECTOR 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.

~~**§ 193-7. Definitions.**~~

§ 193-7. Designation of administrator.

~~The PLANNING BOARD shall designate the person~~ **The Engineering Department is designated** to administer the provisions of this chapter.

~~**§ 193-9. (Reserved)**~~

~~**§ 193-10.**~~ **193-8. Design criteria.**

The following design criteria shall be incorporated into all applications:

~~A. Location description of the DRIVEWAY so selected to most adequately protect the safety of the traveling public.~~

A. **DRIVEWAY locations shall be 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.~~
- B. Any proposed drainage structures, traffic control devices and channelization islands to be installed by the OWNER shall be described in the application.
- ~~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.~~
- C. Finished grades, profiles and/or cross sections, shall be designed to adequately protect and promote HIGHWAY drainage and PERMIT a safe and controlled approach to the HIGHWAY in all seasons of the year. No portion of a DRIVEWAY may exceed 10% grade.
- ~~D. Other terms and specifications necessary for the safety of the traveling public.~~
- D. DRIVEWAYS in excess of 150 feet in length shall be no less than 12 feet wide at all points.
- ~~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.~~
- E. DRIVEWAYS shall include the 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.~~
- F. Maximum cumulative 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.~~
- G. Up to two DRIVEWAYS per parcel having adequate frontage, as required by Chapter 334, Zoning, is allowed.
- ~~H. Side and rear setback areas for accessory buildings shall apply to DRIVEWAYS, unless a shared ACCESS is required by the PLANNING BOARD. [Amended 5-18-2022]~~
- H. Side and rear setbacks of no less than 5 feet from property bounds to DRIVEWAYS and ACCESSORY DRIVEWAYS, 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.~~
- I. With the exception of duplexes, 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 PUBLIC WORKS DIRECTOR and specified on the DRIVEWAY PERMIT. [Amended 10-9-2018]

Additional design criteria to be incorporated into all driveway applications is provided within Design Sheet R-8, from the Engineering Technical Guidelines & Typical Details document adopted as part of these regulations and attached hereto as Appendix A.

§ ~~193-11.~~ 193-9. Application fee.

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

§ ~~193-12.~~ 193-10. Responsibility to enforce.

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

§ ~~193-13.~~ 193-11. Cease-and-desist action against violations.

The Engineering Department shall order the OWNER of any property to cease and desist any action which, in the opinion of the Engineering Department, 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, what ordinance has been violated and a 30-day 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~~ Engineering Department 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.~~ 193-12. 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.~~ [Amended 10-9-2018] § 193-13. Waivers; appeals process.

A request to waive any provision of this chapter may be made by an APPLICANT in writing to the PLANNING BOARD, which shall act within 60 days. Prior to making a decision on the waiver, the PLANNING BOARD shall afford the Engineering Department, Zoning Department, Department of Public Works, and Fire Department a reasonable opportunity to comment on the matter or to advise the PLANNING BOARD.

Any decision of the Engineering Department may be appealed in writing within 30 days of the date of the decision to the PLANNING BOARD, which shall act within 30 days. Prior to making a decision on the appeal, the PLANNING BOARD shall afford the Engineering Department, Zoning Department, Department of Public Works, and Fire Department a reasonable opportunity to comment on the matter or to advise the PLANNING BOARD.

Editing Notes:

In comparison with the version presented to the Planning Board on 2/5/25, the following changes have been done:

1. *Removal of definition section §193-7.*

2. *Removed of empty reserved section §193-9.*
3. *Inclusion of replacement exemption requested by Planning Board in §193-6.*
4. *Modification of the definition of DRIVEWAY to better address the feedback issued by the Planning Board.*
5. *Clarification of Time-limits on waiver requests and appeals, as requested by Planning Board.*
6. *The definition of DRIVEWAY and ACCESSORY DRIVEWAY must be added to §276-2 at the same time that this chapter is adopted, the definitions are as follows:*
 - a. *DRIVEWAY: Any improved or traveled way for vehicles serving as an area of access, entrance, exit or approach to any parcel of land, originating at an intersection with a HIGHWAY extending to a maximum distance of the front principal building setback line of the LOT.*
 - b. *ACCESSORY DRIVEWAY: Any improved or traveled way for vehicles originating from a DRIVEWAY, ending within the bounds of a LOT, that is at no point located within the front yard building setback.*

