



APPLICATION FEE = \$100.00

APPLICATION FOR DRIVEWAY PERMIT

TO: Director of Public Works
100 Stone Quarry Drive
Durham, NH 03824
(603) 868-5578

Date: _____

FOR OFFICE USE:

Permit # _____

Fee Paid: _____

Pursuant to the provisions of the Durham Zoning Ordinance, Site Review and Subdivisions Regulations and amendments, anyone wishing to modify (by moving a driveway entrance, paving of an existing gravel drive, or repaving of an existing paved drive) or construct a new driveway from a Town controlled road cannot do so without a written permit issued by the Department of Public Works.

Driveway Address

Tax Map and Lot#

Owner's Name – Print Name

Telephone Number

Owner's Mailing Address – Street, City, State and Zip Code

Name of Contractor (if Applicant)

Telephone Number

Contractor's Mailing Address – Street, City, State and Zip Code

Signature of Property Owner or Applicant

Email Address of Owner or Applicant (if interested in obtaining permit by email)

This is a _____ (new or modification of existing drive).

The driveway is requested for access to

Describe nature of industry, business and/or subdivision

Will driveway be paved? Yes _____ No _____

Will driveway disturb or alter an existing curb? Yes _____ No _____

Will driveway disturb or alter an existing sidewalk? Yes _____ No _____

Will driveway disturb or alter an existing stonewall? Yes _____ No _____

Is the lot/parcel, where the drive is proposed, currently under Town Planning Board review?

YES _____ **NO** _____

NOTE: IF YES, this driveway permit will not be acted upon until the Planning Board acts on the proposed subdivision, site review or boundary line adjustment plan. The Durham Subdivision Regulations require that roads and/or driveways for subdivisions abutting the following main roads shall be spaced not less than 1,200 feet apart – Routes 4, 108, 155-A, Durham Point Road to the Newmarket Town line, Mill Road, Bennett Road and Packers Falls Road. If this separation requirement cannot be met, the applicant may apply to the Planning Board for a waiver from the driveway spacing requirements. For more information, contact the Planning Department at (603) 868-8064.

NOTE: Bennett Road, Durham Point Road and Packers Falls Road are designated Scenic Roads within the Town of Durham and as such are subject to the conditions of NH RSA 231.157-158 regarding tree cutting, etc.

As the landowner/applicant, I hereby agree to the following:

- (1) In accordance with RSA 236:13 (VI), please be advised that the property owner(s) to which this driveway provides access shall have the continuing responsibility for the adequacy of the access and any grades, culverts, or other structures pertaining to the access, whether or not located within the public right-of-way.
- (2) If this access becomes a potential threat or a hazard by reason of situation, flooding, erosion, frost action, vegetative growth, improper grade, or the failure of any culvert, the property owner is responsible for all corrective action and for obtaining all necessary permits.
- (3) To construct driveway entrance(s) only for the bona fide purpose of securing access to private property such that the roadside right-of-way is used for no purpose other than travel.

- (4) To construct driveway entrance(s) at permitted location(s) in accordance with statutes, driveway permit specifications outlined in the written permit and standard drawings for driveway entrances issued by the New Hampshire Department of Transportation.
- (5) To hold harmless the Town of Durham and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of this permit.
- (6) To furnish and install drainage structures that are necessary and prescribed to maintain existing roadside drainage and adequately handle increased runoff resulting from development.
- (7) **ISSUANCE OF PERMIT:** The Department of Public Works will inspect the site and issue a permit or attempt to contact the applicant within fifteen (15) days from the date the application is received. **Please mark the driveway's edges as it approaches the Town's roadway with two 4' grade stakes tied with a survey ribbon or other colored marking.** Any questions, call the Department of Public Works at (603) 868-5578.

The signature(s) below certifies that the property owner has read this entire document and understands and will adhere to the property owner(s) responsibilities.

Signature of Property Owner/Applicant

For Code Enforcement Use Only

Proposed Driveway is in compliance with current Town ordinances. ☐ Yes ☐ No

If no, please state reason.

Town Code Enforcement Officer

Date

INCLUDE SKETCH OF PROPERTY AND PROPOSED DRIVE LOCATION

☐ See Attached Sketch

- 1) Include distance from property lines to driveway and requested width of driveway.
- 2) Include total frontage of lot along roadway.

DRIVEWAY PERMIT PROCEDURES

STEP 1

Obtain an application for a drive permit from the Department of Public Works Office, 100 Stone Quarry Drive.

STEP 2

Read application thoroughly and fill form out entirely; return with application fee to the Department of Public Works, 100 Stone Quarry Drive, Durham NH 03824.

STEP 3

A DPW representative will review the driveway application and plan, visit the site, and develop conditions of approval for the permit, if driveway is acceptable otherwise a letter outlining why the permit was not issued will be sent out.

STEP 4

DPW Representative will forward the conditions and permit to the Code Enforcement Office and the Zoning Administrator (Town Planner) for compliance with Town ordinances.

STEP 5

Code Enforcement and Town Zoning Administrator (Town Planner) will review and sign off or deny the application and return it to the DPW.

STEP 6

DPW will issue Drive Permit or send letter of denial to owner/applicant.

STEP 7

Once the permit has been issued, construction of driveway can start.

STEP 8

Upon completion driveway construction owner/applicant will contact Public Works Department to schedule a final inspection of the driveway. Please take note that NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS THE DRIVEWAY RECEIVES FINAL INSPECTION. The Department of Public Works will review the driveway within 3 working days of formal notice for final inspection.

STEP 9

Once the driveway is acceptable the Department of Public Works will notify Code Enforcement of final inspection acceptance.

**TITLE XX
TRANSPORTATION**

**CHAPTER 236
HIGHWAY REGULATION, PROTECTION AND CONTROL
REGULATIONS**

Excavations and Driveways

Section 236:13

236:13 Driveways and Other Accesses to the Public Way. –

V. The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III and IV shall be conferred upon the planning board in cities and towns in which the planning board has been granted the power to regulate the subdivision of land as provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry out the provisions of this section. Such regulations may delegate administrative duties, including actual issuance of permits, to a highway agent, board of selectmen, or other qualified official or body. Such regulations, or any permit issued under them, may contain provisions governing the breach, removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of way, and any landowner or landowner's agent altering a boundary in accordance with such provisions shall be deemed to be acting under a mutual agreement with the city or town pursuant to RSA 472:6, II (a).

VI. The commissioner of transportation or planning board shall retain continuing jurisdiction over the adequacy and safety of every existing driveway, entrance, exit, and approach to a highway, whether or not such access was constructed or installed pursuant to a permit under this section, and, unless the access is a public highway, the owners of property to which the access is appurtenant shall have continuing responsibility for the adequacy of the access and any grades, culverts, or other structures pertaining to such access, whether or not located within the public right of way. If any such access is or becomes a potential threat to the integrity of the highway or its surface, ditches, embankments, bridges, or other structures, or a hazard to the safety of the traveling public, by reason of siltation, flooding, erosion, frost action, vegetative growth, improper grade, or the failure of any culvert, traffic control device, drainage structure, or any other feature, the commissioner of transportation or planning board or their designee may issue an order to the landowner or other party responsible for such access to repair or remove such hazardous condition and to obtain any and all permits required therefor. The order shall describe the hazard, prescribe what corrective action or alteration in the location or configuration of such access shall be required, and set a reasonable time within which the action shall be completed. Such an order shall be sent by certified mail, and shall be enforceable to the same extent as a permit issued under this section. If the order is not complied with within the time prescribed, the commissioner or planning board or their designee may cause to be taken whatever action is necessary to protect the highway and the traveling public, and the owner or other responsible party shall be civilly liable to the state or municipality for its costs in taking such action.

Source. 1939, 109:1. RL 107:4. 1945, 188:1, part 19:12. 1950, 5:1, part 9:1, par. 2. RSA 249:17. 1969, 254:1. 1971, 302:1. 1981, 87:1. 1985, 103:4, eff. Jan. 1, 1986; 402:6, I(a)(7), (b)(7). 1997, 52:1, 2, eff. July 18, 1997.