

CITY OF BERLIN DRIVEWAY AND ACCESS REGULATIONS

Adopted by the Berlin Planning Board on June 10, 1999

Amended by the Berlin Planning Board on November 6, 2008

Amended by the Berlin Planning Board on May 7, 2013

Section I. PURPOSE

The purpose of these regulations is to assure the safe movement of vehicles onto city streets, to avoid disruption of existing drainage systems, to assure that drainage from new driveways is properly channeled, to assure that city sidewalks are preserved, to assure that on street parking is preserved where needed, and to assure that roadways and intersections are not overly burdened by excessive or improperly located driveways. In addition, these regulations establish the criteria, standards, and fees charged for the location and design of driveways within the City of Berlin.

Section II. DEFINITIONS

- A. Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
- B. Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.
- C. Drainage System: Pipes, swales, natural features and human-made improvements designed to carry surface water runoff.
- D. Driveway: A private roadway providing access to a street or highway.
- E. Driveway Width: The width of a driveway, measured perpendicular to the driveway.
- F. Frontage: That portion of a lot bordering a highway or street, usually the side where the main building entrance is located or in the general direction in which the principal building faces. On a corner or through lot, the frontage may be designated by the owner, but should be consistent with the orientation of the other lots and improvements on the same side of the street.
- G. Total Driveway Width: The sum of the width of all driveways on a lot.
- H. Traffic Impact Study: A report analyzing anticipated roadway conditions with and without an applicant's development. The report may include an analysis of mitigation measures and financial contributions for traffic improvements.

Section III. AUTHORITY

Pursuant to the authority granted Planning Boards under RSA 236:13, the Berlin Planning

Board adopts the following regulations governing the construction or alteration of driveways and accesses to Class IV, V, and VI highways within the City of Berlin, New Hampshire.

Section IV. PERMITS REQUIRED

It shall be unlawful to construct, or alter in any way that substantially affects the width or grade of any driveway or access within the limits of the right of way of any Class IV, V, or VI highway, except under the authority of, and in conformity to, the terms and specifications of a written permit issued by the Public Works Director or their designee. Any permits on roadways outside of the urban compact must be obtained from the New Hampshire Department of Transportation District One Office in Lancaster, NH. The Public Works Department can assist applicants in determining what jurisdiction their driveway/project fall under.

Section V. APPLICATION REQUIREMENTS

Before any driveway or access construction or alteration work is commenced, the owner of the property abutting the highway or their agent shall pay a ten dollar (\$10.00) application fee and submit a written application to the City's Public Works Department for a permit for the driveway or access construction or alteration. The application shall be on forms furnished by the City of Berlin (available at the Public Works Department and Planning Department) and shall:

- A. Describe the proposed location of the driveway or access. This location should be selected to most adequately protect the safety of the traveling public.
- B. Describe any proposed drainage system, traffic control devices, channelization islands and other improvements to be provided and installed by the applicant.
- C. Show all proposed grades that adequately protect and promote highway drainage, and permit a safe and controlled approach to the highway in all seasons of the year.
- D. Include any other engineering data and specifications concerning the construction or alteration proposed by the applicant.

Section VI. APPLICATION PROCEDURES

A. Residential Driveways or Accesses in Residential Zones

For all applications for a residential driveway or access which fall within a residential zone, as defined by the City of Berlin's Zoning Ordinance, the Public Works Director or their designee shall review the application and conduct an inspection of the driveway or access location. The Community Development Director shall be consulted for advice when needed. If the Public Works Director approves the application, a written permit shall be issued authorizing the proposed construction or alteration work.

B. Commercial and Industrial Driveways or Accesses and Zones

For all applications which fall within a commercial or industrial zone and for all properties which are used for business and industrial purposes in other zones, as defined by the City of Berlin's Zoning Ordinance, the Berlin Planning Board shall review the application and approve or disapprove the application. The Planning Board's review will consider the recommendation of the Public Works Director and Community Development Director. The Planning Board may require the applicant to submit additional information, such as a traffic impact study. If the application is approved by the Berlin Planning Board, the Public Works Director shall issue a written permit authorizing the proposed construction or alteration work.

Section VII. PERMITS

Permits for driveway or access construction or alteration shall be issued by the Public Works Director and shall:

- A. Describe the location of the driveway or access and the work to be performed,
- B. Describe any drainage systems, traffic control devices, channelization islands or other structures required to be installed by the applicant,
- C. Establish grades that adequately protect and promote highway drainage and permit a safe and controlled approach to the highway in all seasons of the year,
- D. Specify the time frame that the permit is valid for – the Public Works Department will normally issue a seasonal permit for the proposed work.
- E. Include any other terms and specifications concerning the construction or alteration of the driveway.

Section VIII. DESIGN CRITERIA

All driveway or access construction and alteration shall conform to the following criteria:

- A. Locations for a new driveway or access shall be selected to most adequately protect the property owner and safety of the traveling public in all seasons of the year.
- B. For each lot where the primary use is residential, the maximum driveway or access width shall be 12 feet for lots with less than 100 feet of frontage. Lots that have greater than or equal 100 feet of frontage the driveway or access width allowed is up to 24 feet. For residential lots with more than one driveway, each driveway width shall be a maximum of 12 feet.
- C. For each lot where the primary use is commercial or industrial, the maximum number of driveways is two (2) per one hundred feet (100') of frontage. The maximum total driveway width is forty-eight feet (48') per one hundred feet of frontage (100').
- D. A single commercial or industrial driveway or access shall not exceed 50 feet in width. However, a fifty foot driveway or access may be flared beyond the width of 50 feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit, or approach.
- E. Driveways or accesses must not direct storm water and ground water into city streets. Any drainage systems needed to meet this condition will be the applicant's responsibility and must be approved by the Public Works Director or their designee.
- F. Driveways or accesses must not block the flow of drainage in gutters, drainage ditches, or pipes. Any culverts or other drainage systems to be installed within the road right-of-way must be approved by the Public Works Director or their designee and may require a street opening permit.
- G. Driveway pavement should approximately match the grade at the edge of the pavement.
- H. Driveways shall connect to the street at a right angle, if possible.
- I. Driveways on opposite sides of the street should be aligned or offset sufficiently so as to avoid turning conflicts.

Section IX. WAIVERS

- A. The Planning Board has the authority to waive or modify the provisions of these regulations.
- B. The Public Works Director has the authority to review residential permit applications and allow a onetime waiver of up to 24 feet to applicants who do not have adequate frontage. The Public Works Director shall allow the waiver after careful review of several factors including but not limited to safety for the applicant and others, the size of the access compared to the frontage, and ability to meet all other provisions of these regulations.

Section X. APPEALS

Any person aggrieved by a decision of the Public Works Director or their designee may appeal in writing the decision to the Planning Board. Any person aggrieved by a decision of the Planning Board may appeal the decision to the Superior Court.

Section XI. PENALTY

Any person who violates these regulations shall be fined not more than \$100.00 and, in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the Public Works Director.

Section XII. ENFORCEMENT

The Public Works Director or their designee shall have the primary responsibility for enforcement of these regulations.

Section XIII. SEPARABILITY

The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof.

Section XIV. EFFECTIVE DATE

These regulations shall take effect upon passage.

Section XV. ADOPTION

Adopted by the Berlin Planning on June 10, 1999

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