

Chapter 193

DRIVEWAYS

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**[HISTORY: Adopted by the Planning Board of the Town of Hudson as amended through 4-9-2025.
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.

Engineering Technical Guidelines & Typical Details

§ 193-1. Title; definitions.

- A. The official title of this chapter is the "TOWN OF HUDSON DRIVEWAY and Other ACCESS Regulation," hereinafter referenced as "this chapter."
- B. 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. Where required, driveway culverts should be a minimum of 12-inch, dual walled HDPE pipe. One inch of cover should be provided for every inch of pipe size.
- 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 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.

- A. DRIVEWAY PERMITS are required for the following:
 - (1) New residential lots served by public or private roads.
 - (2) New or existing lots served by shared DRIVEWAYS.
 - (3) Existing lots that require a new DRIVEWAY or curb cut onto a public or private road.
 - (4) Any work that affects DRIVEWAY access, grade, drainage, footprint, curb cut, or the portion of the DRIVEWAY located between the edge of road pavement/right-of-way and the front principal building setback line.

B. All DRIVEWAY PERMIT applications shall include the following:

- (1) A plan and profile of the proposed DRIVEWAY, from the edge of pavement/right-of-way to the front principal building setback line.
- (2) Sight distance information shall be provided for each DRIVEWAY.
- (3) DRIVEWAY PERMIT plans shall be prepared and stamped by a New Hampshire licensed Professional Engineer or Land Surveyor when required by the Town Engineer.

C. DRIVEWAY WAIVERS

The PLANNING BOARD authorizes the TOWN ENGINEER and PUBLIC WORKS DIRECTOR to jointly grant waivers from the requirements of these Regulations pertaining to DRIVEWAY location, design, grade, width, spacing, sight distance, drainage, or other driveway-related standards. Such waivers may be granted only upon a written finding that strict compliance is impractical or unnecessary due to the specific circumstances of the site, and that the alternative proposed will provide adequate safety, access, drainage, and protection of the public way. The TOWN ENGINEER and PUBLIC WORKS DIRECTOR may impose reasonable conditions on any waiver approval to ensure compliance with the intent of these Regulations. All DRIVEWAY WAIVER decisions shall be issued in writing and maintained as part of the applicable SUBDIVISION, SITE PLAN, DRIVEWAY PERMIT, or other municipal record.

§ 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. 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. Designation of administrator.

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

§ 193-8. Design criteria.

The following design criteria shall be incorporated into all applications:

- A. DRIVEWAY locations shall be selected to most adequately protect the safety of the traveling public.
- B. Any proposed drainage structures, traffic control devices and channelization islands to be installed by the OWNER shall be described in the application.
- 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. DRIVEWAYS/ACCESSORY DRIVEWAYS leading to a dwelling and in excess of 150 feet in length shall be no less than 12 feet wide at all points.
- E. All DRIVEWAYS shall include the provision of a Safe Stopping Sight Distance equal to or greater than that recommended in Chapter 3 of the current edition of A Policy on Geometric Design of Highways and Streets published by AASHTO at the time of the PERMIT application.
- 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. Up to two DRIVEWAYS per parcel having adequate frontage, as required by Chapter 334, Zoning, is allowed
- H. Side and rear setbacks of no less than five feet from property bounds to DRIVEWAYS and ACCESSORY DRIVEWAYS, unless a shared ACCESS is required 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.

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.

§ 193-9. Application fee.

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

§ 193-10. Responsibility to enforce.

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

§ 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 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.

§ 193-12. 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.

§ 193-13. Waivers; appeals process.

- A. 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.
- B. 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.