

TOWN OF LEMPSTER
NEW HAMPSHIRE
HIGHWAY ACCESS ORDINANCE

ARTICLE I

AUTHORITY

Pursuant to the authority granted to Planning Boards under RSA ^{236:13}~~249:17~~
(effective ^{APRIL 20, 1981}~~August 3, 1971~~) the Town of Lempster Planning Board adopts the
following regulations governing the construction or alteration of driveways,
roads and accesses to Class IV, V, and VI highways within the Town of
Lempster, New Hampshire.

ARTICLE II

PERMITS REQUIRED

It shall be unlawful to construct, or alter in any way that substantially
affects the size or grade of, any driveway, road entrance, exit, or approach,
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 Planning Board of the
Town of Lempster.

ARTICLE III

PROCEDURES AND CONSTRUCTION CRITERIA

3.1 Before any construction or alteration work listed in Article II is
commenced, the party proposing such construction or alteration shall submit
a written application to the Planning Board for a permit for said construction
or alteration. Said application shall be on forms provided by the Planning
Board and shall:

a. Describe the proposed location of the driveway, entrance, exit, or
approach. This location should be selected to most adequately protect the
safety of the traveling public and the traffic carrying capability of the
town highway system.

b. Describe any proposed drainage structures, traffic control devices, channelization islands or other structures to be installed by the applicant.

c. Show all proposed grades that adequately protect and promote highway drainage and permit 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.

3.2 The Planning Board or its designated appointee shall review the application and conduct an inspection of the access location within ten (10) working days. After reviewing the application, the Planning Board, if it approves said application, shall issue a written permit authorizing the proposed construction or alteration work.

Said permit shall:

a. Describe the location of the driveway, road entrance, exit, or approach as approved by the Planning Board.

b. Describe any drainage structures, 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 safe and controlled approach to the highway in all seasons of the year.

d. Include any other terms and specifications concerning the construction or alteration.

3.3 For access to a proposed commercial or industrial enterprise or to a subdivision, the application required by Paragraph 3.1 shall be accompanied by an engineering drawing showing the information required by Paragraph 3.1.

3.4 Unless all season, safe sight distance of 400 feet in both directions along the highway can be obtained, the Planning Board shall not permit more than one access to a single parcel of land and this access shall be at that location the Planning Board determines would be safest. The Planning Board shall not give final approval for additional accesses until it is fully satisfied that the 400-foot, all season, safe sight distance has been provided for each additional access. For this purpose, "all season, safe sight distance" is defined as a line which encounters no visual obstruction between two points, each at a height of 3'9" above the pavement, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.

3.5 No construction permit shall be approved by the Planning Board which allows:

a. The maintained travel surface of a driveway, road entrance, exit, or approach to be more than 50 feet in width, except that said travel surface may be flared beyond a width of 50 feet at its junction with the town highway's travel surface to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit, or approach.

b. More than two driveways, road entrances, exits, or approaches from any one parcel of land to any one town highway unless the frontage along that highway exceeds 500 feet.

ARTICLE IV

FEEES

Prior to issuance of any construction permit, the Planning Board shall collect a fee of \$5 per highway access. Any and all costs incurred by the Municipality in excess of the above-mentioned fees shall be paid by the applicant prior to any action by the Board to approve or disapprove.

ARTICLE VPERFORMANCE BOND

The applicant may be required to provide the Town of Lempster with a performance bond, letter of credit, or other financial security, to be approved by the Town Counsel, in an amount sufficient to cover the cost of completing the proposed construction or alteration and the cost of relaying cables and conduits, moving fire hydrants, utility poles, and other objects displaced by the construction or alteration. The amount of said bond, letter of credit, or other financial security shall be set by the Planning Board.

ARTICLE VIAPPEALS

Any person grieved by a decision of the Planning Board may appeal said decision to the Superior Court.

ARTICLE VIIPENALTY

RSA 249:18 provides that any person who violates these regulations shall be fined not more than \$100 for each violation and, in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the Planning Board.

ARTICLE VIIIENFORCEMENT

Upon written complaint of the Board of Selectmen, Planning Board or the Superintendent of the Highway Department concerning violations of this ordinance, the Town Counsel shall take any legal action necessary to enforce these regulations.