



# DRIVEWAY PERMIT APPLICATION

## Instructions

1. Pre-mark the proposed driveway with white paint or sticks with white flags
2. Call Dig-Safe (8-1-1) with a description of the location and fill in **ticket #** \_\_\_\_\_
3. Enter applicant and driveway information below
4. Complete the driveway sketch form on page 2 of this application
5. Review all Goffstown Development and Zoning Regulations, state laws, and standard driveway details attached to this permit
6. Sign the application form and submit to the Department of Public Works at 404 Elm St. or email: **PW-Engineering@GoffstownNH.gov**  
**\*\*\*Constructon may NOT begin until you receive a signed permit back from DPW\*\*\***
7. After an approved permit has been received from DPW, review all notes and details and ensure your site crew understands the information on the permit before commencing work
8. After completion of work, please contact DPW for a final inspection

### Applicant Information

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Town/State/ZIP: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

### I am the (circle one):

Property Owner / Contractor / Paver

### Owner Information (if different from above)

Owner name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Town/State/ZIP: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

### Permit Type (check one)

- New Driveway (\$100 non-refundable fee)**  
New openings or relocations
- Modification (no fee)**  
Top coat/overlay of existing  
Removal & replacement  
Culvert repair  
Gravel-to-asphalt  
Temporary logging access
- Reinspection (\$100 fee)**

### Access is for a (circle one):

Residence / business / subdivision / logging  
 Other \_\_\_\_\_  
 Map: \_\_\_\_\_ Lot: \_\_\_\_\_

**\*\*\*Ensure sketch is completed on page 2 prior to submission\*\*\***

### Applicant Acknowledgment

By signing this application, the undersigned acknowledges that they have read and hereby agree to abide by the Town of Goffstown Development & Zoning Regulations, RSA 236:13 & 472:6, all standard driveway details, and any other special conditions that may be stipulated by the Department of Public Works. Applicant also acknowledges that a satisfactory inspection does not constitute any representation by the Town as to the quality of the work or imply any guaranty or warranty of the work. The undersigned also acknowledges that all maintenance and drainage associated with the driveway are the continuing and sole responsibility of the property owner.

Printed name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Town Staff Use Only

Payment received by: \_\_\_\_\_ Check number: \_\_\_\_\_ Cash receipt #: \_\_\_\_\_

# DRIVEWAY PERMIT APPLICATION SKETCH

MAP \_\_\_ LOT \_\_\_



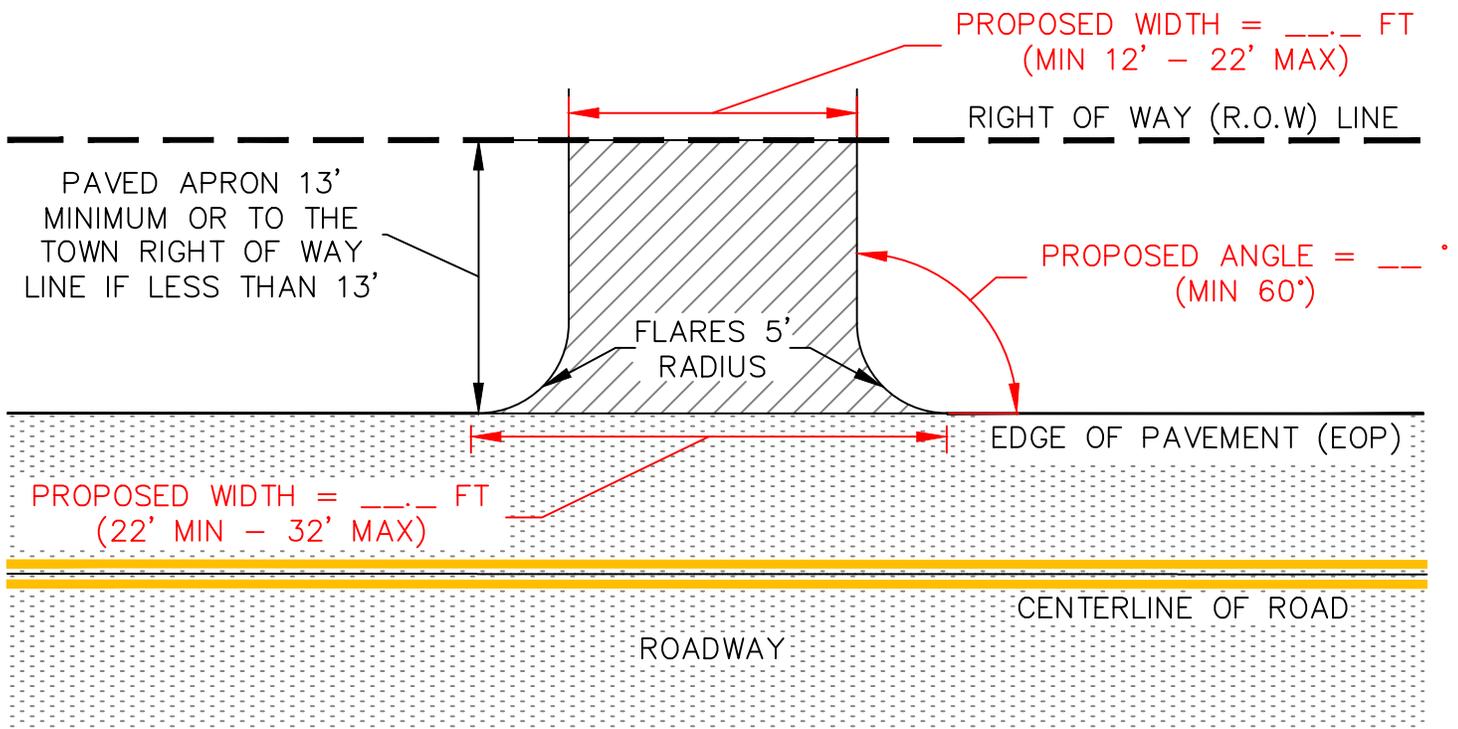
PROPOSED DRIVEWAY LENGTH \_\_\_\_\_ FEET  
(DISTANCE ROAD TO BUILDING)

REQUESTED DRIVEWAY SURFACE (CIRCLE ONE):

NOTE: ONLY ASPHALT ALLOWED IN R.O.W

ASPHALT / CONCRETE / GRAVEL / BRICK / STONE / OTHER \_\_\_\_\_

PLEASE SKETCH THE GENERAL SHAPE AND ANY SPECIAL FEATURES OF THE DRIVEWAY FROM ROAD TO THE BUILDING: GRADING, PIPES OR DITCHES (EXISTING OR PROPOSED), NATURAL FLOW OF WATER, STONE WALLS ETC.



END OF APPLICANT INFORMATION



# DRIVEWAY PERMIT APPROVAL NOTES

APPLICATION AT MAP      LOT

**Driveway width**

At ROW line (12' min - 22' max)

At road edge (22' min - 32' max)

**Distance from nearest side property line (min 10' ft)**

**Distance from other driveways on same or adjacent lots (ft)**

**Distance from nearest intersection (at ROW line)**

**Driveway apron transition condition detail (see attached detail sheets)**

Cut      Fill      Curb      Paved swale      Berm      Other

**Driveway culvert**

Required      Not required      Existing      Headwall      Flared end section

**Size**      **Type**      Concrete      HDPE      Other

**Stone wall impacts**

Yes      No      Notes

**Sight distance (200' in both directions, as seen from a point 10' into the driveway)**

Brush removal	left	right	both directions
Slope grading	left	right	both directions (N/A for existing)

**Length over 300' or serving multiple dwelling units?**      (Requires NFPA standards and FD approval)

**General notes**

- Maximum grade 10% (N/A for existing)
- If gravel, a paved apron is required from street to ROW line (12w'x13'd min)
- Establish erosion control to protect roadside swales and closed drainage
- Install stabilized construction entrance and clean any tracked debris daily

**Special board approval (if required)**

For      Granted date

**Wetlands/WSWC impact?**      Permit #

**Additional requirements/notes**

**Permit Issued By:**

**Date:**

**\*\*\*Subject to all attached notes and standard detail sheets\*\*\***

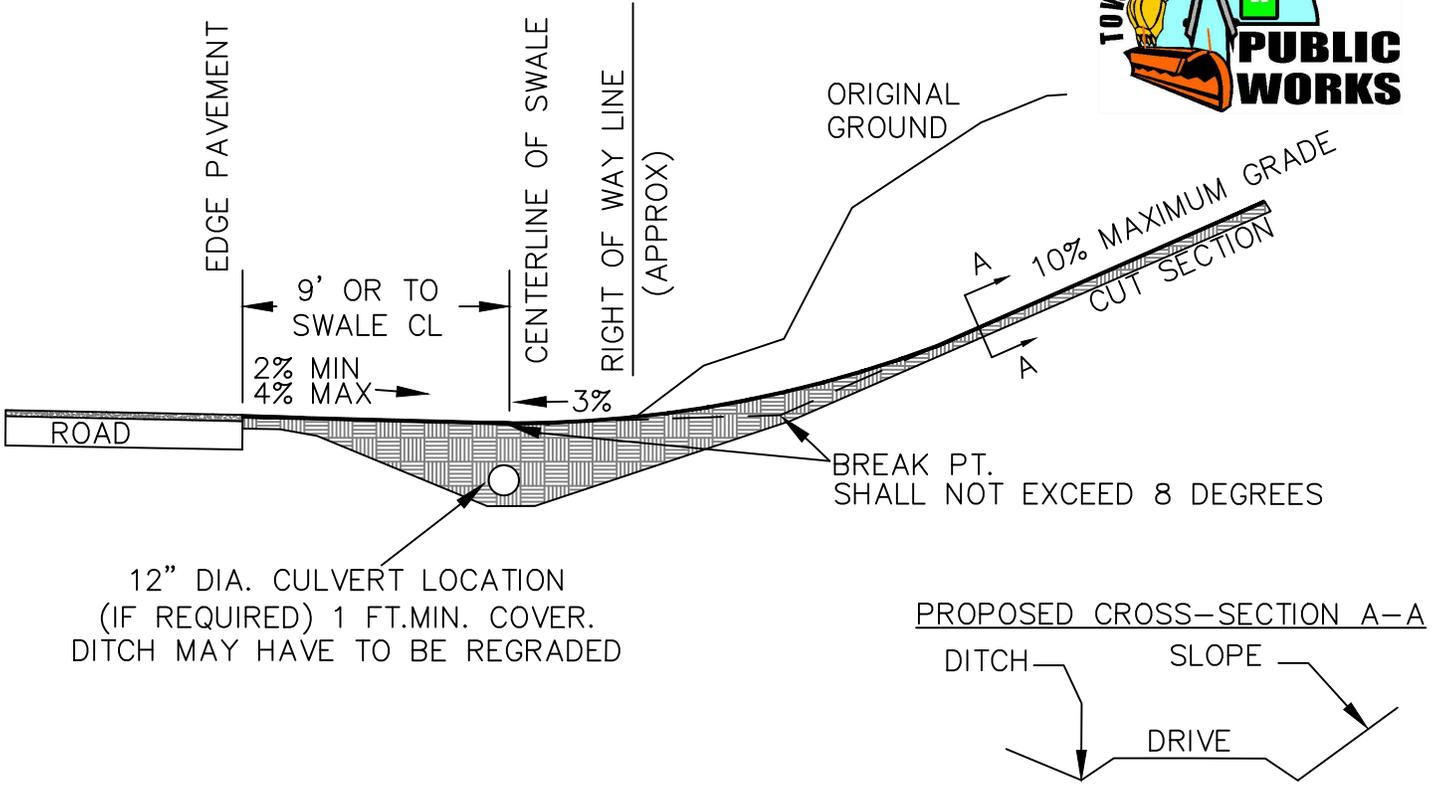
**\*\*\*Ensure all contractors understand the permit provisions\*\*\***

**Upon completion of the work, please contact DPW for a post-construction inspection**

**Final Inspection By:**

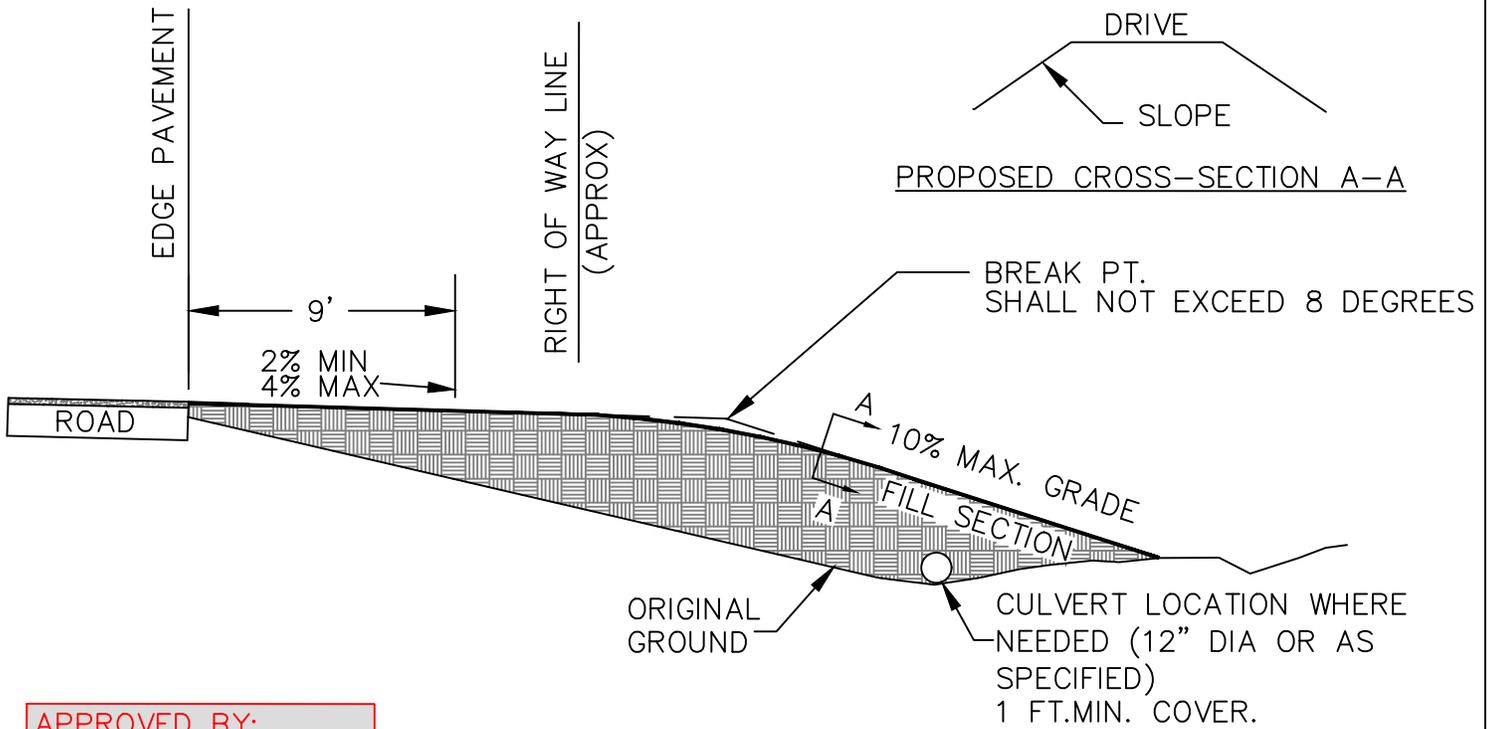
**Date:**

**Notes:**



APPROVED BY: \_\_\_\_\_

**CUT DRIVEWAY DETAIL**

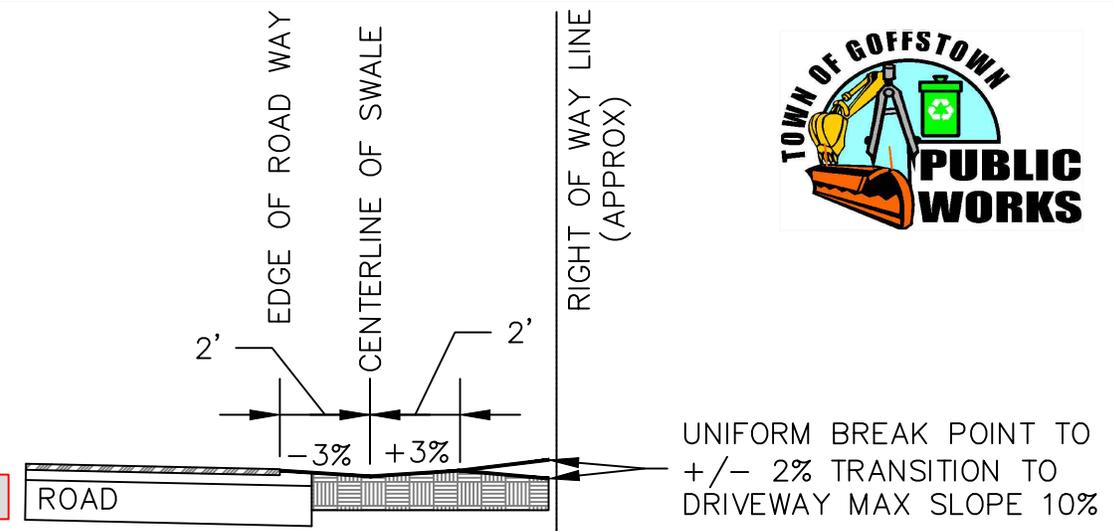


APPROVED BY: \_\_\_\_\_

**FILL DRIVEWAY DETAIL**

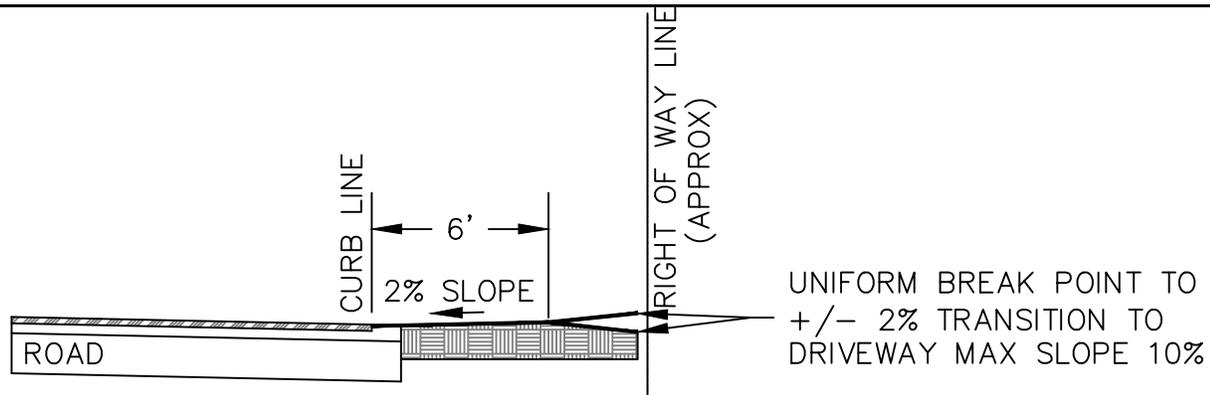


APPROVED BY: \_\_\_\_\_

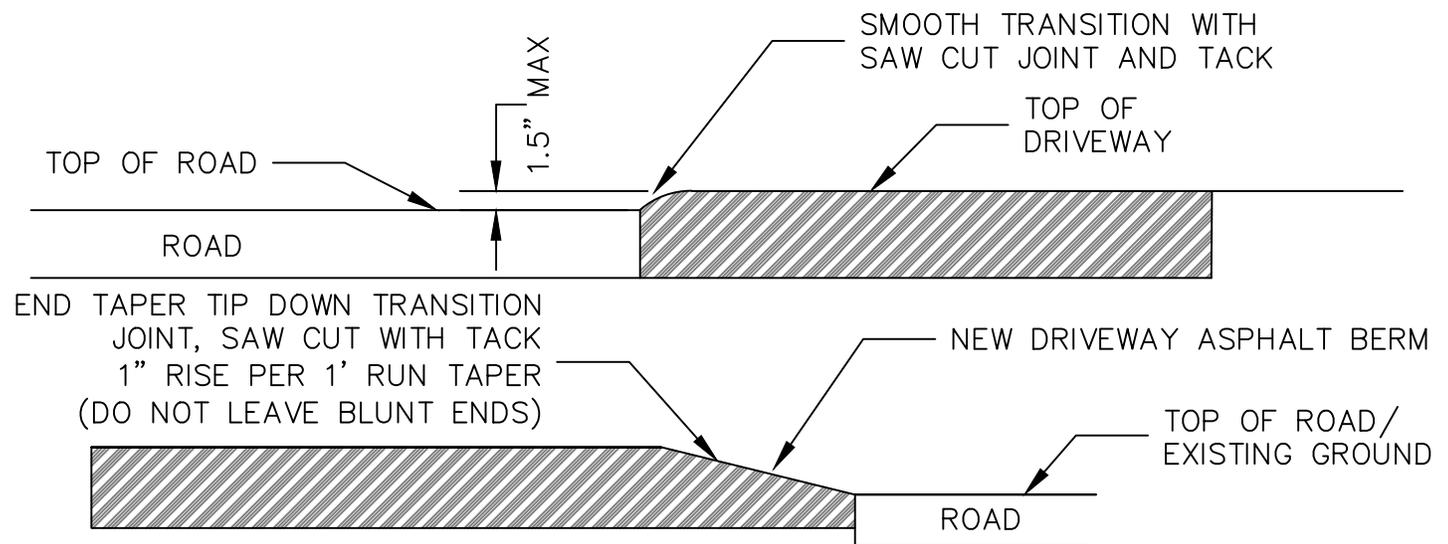


**PAVED SWALE ACROSS DRIVEWAY DETAIL**

APPROVED BY: \_\_\_\_\_



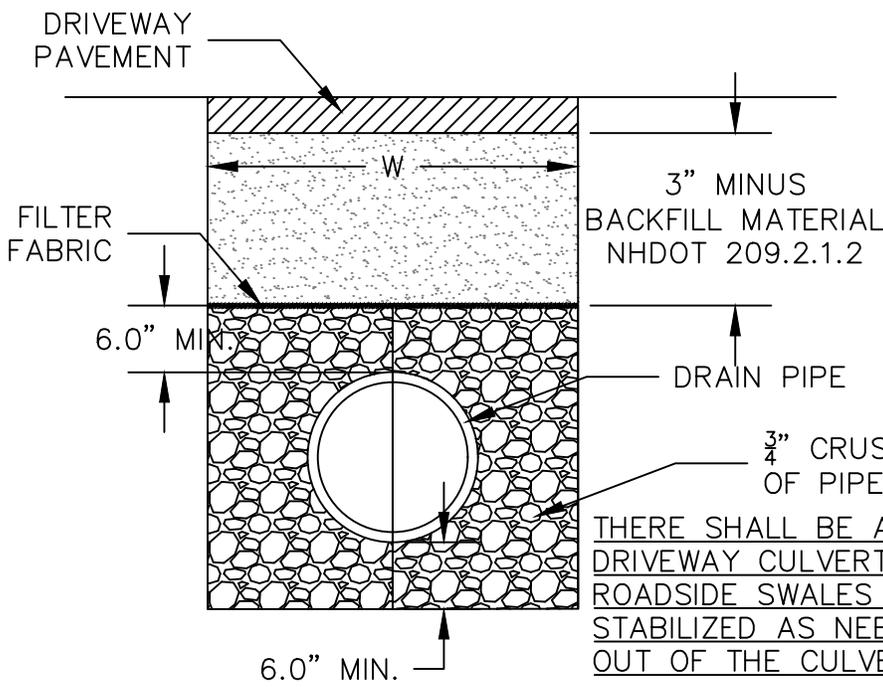
**CURB LINE DRIVEWAY DETAIL**



**\*\*DPW WILL NOT BE HELD LIABLE FOR ANY DRIVEWAY DAMAGE THAT MAY RESULT FROM THIS SPECIAL CONDITION, INCLUDING BUT NOT LIMITED TO, BREAKS, SCRAPES OR MISSING CHUNKS. APPROVAL OF THIS CONDITION DOES NOT CONSTITUTE APPROVAL TO DIRECT DRIVEWAY RUNOFF INTO THE STREET\*\***

APPROVED BY: \_\_\_\_\_

**BERM ACROSS DRIVEWAY DETAIL**



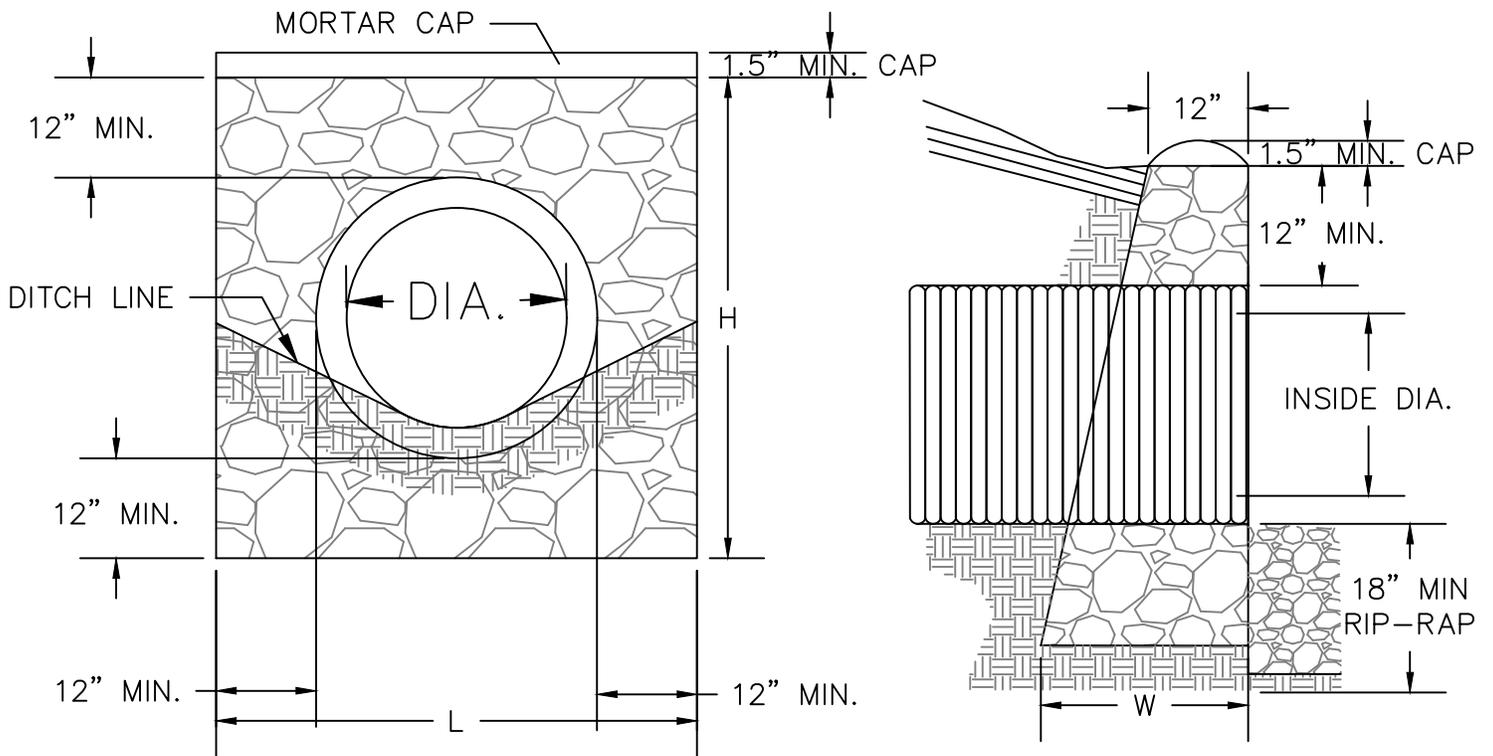
3" MINUS  
BACKFILL MATERIAL  
NHDOT 209.2.1.2

DRAIN PIPE

$\frac{3}{4}$ " CRUSHED STONE TO TOP  
OF PIPE AND 6" BEDDING

THERE SHALL BE A MINIMUM 1' OF COVER OVER ALL  
DRIVEWAY CULVERT PIPES.  
ROADSIDE SWALES SHALL BE CLEANED, GRADED AND  
STABILIZED AS NEED TO ENSURE PROPER FLOW IN AND  
OUT OF THE CULVERT PIPE TO THE TOWN SATISFACTION.

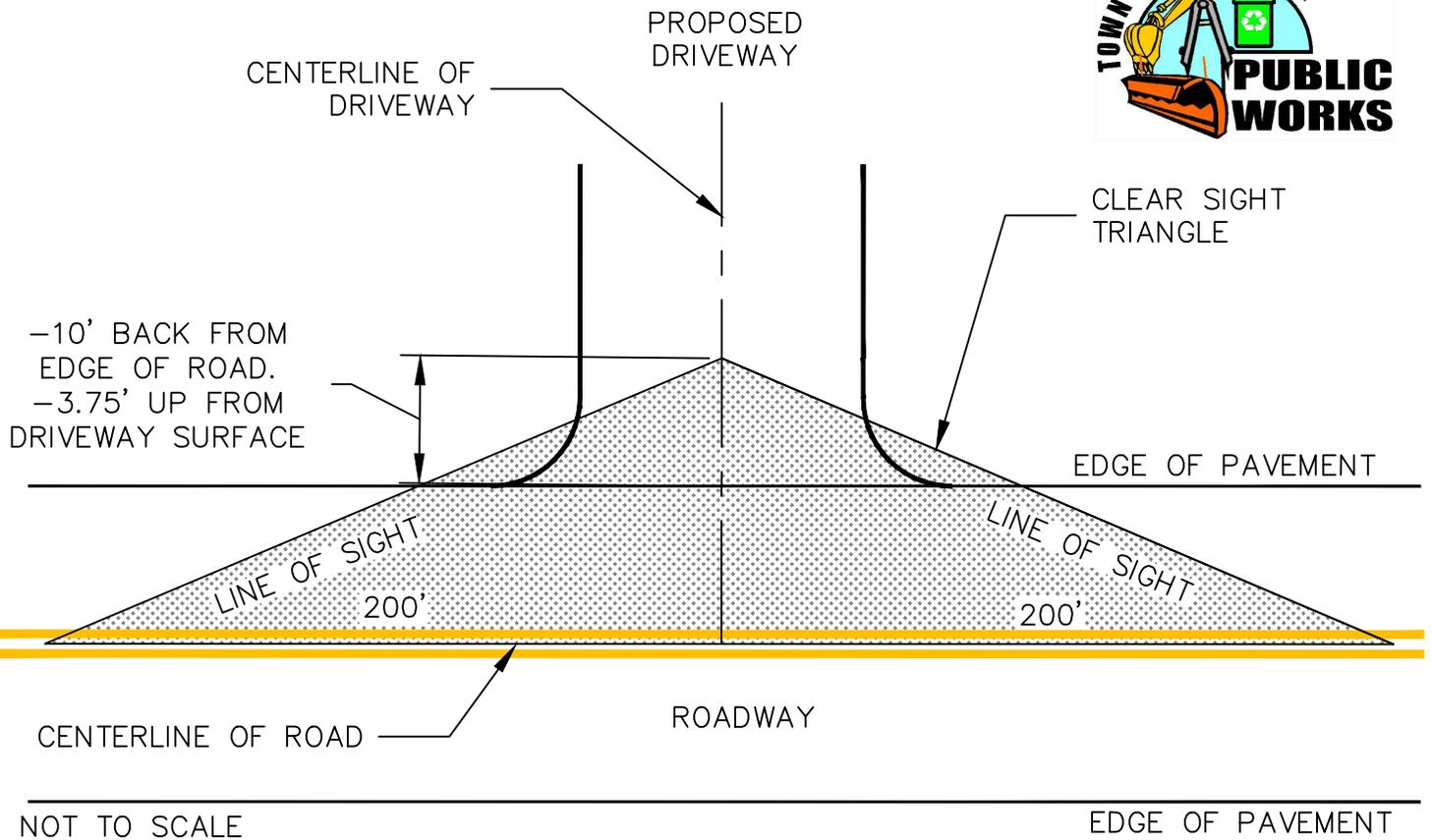
**DRIVEWAY CULVERT PIPE TRENCH DETAIL**



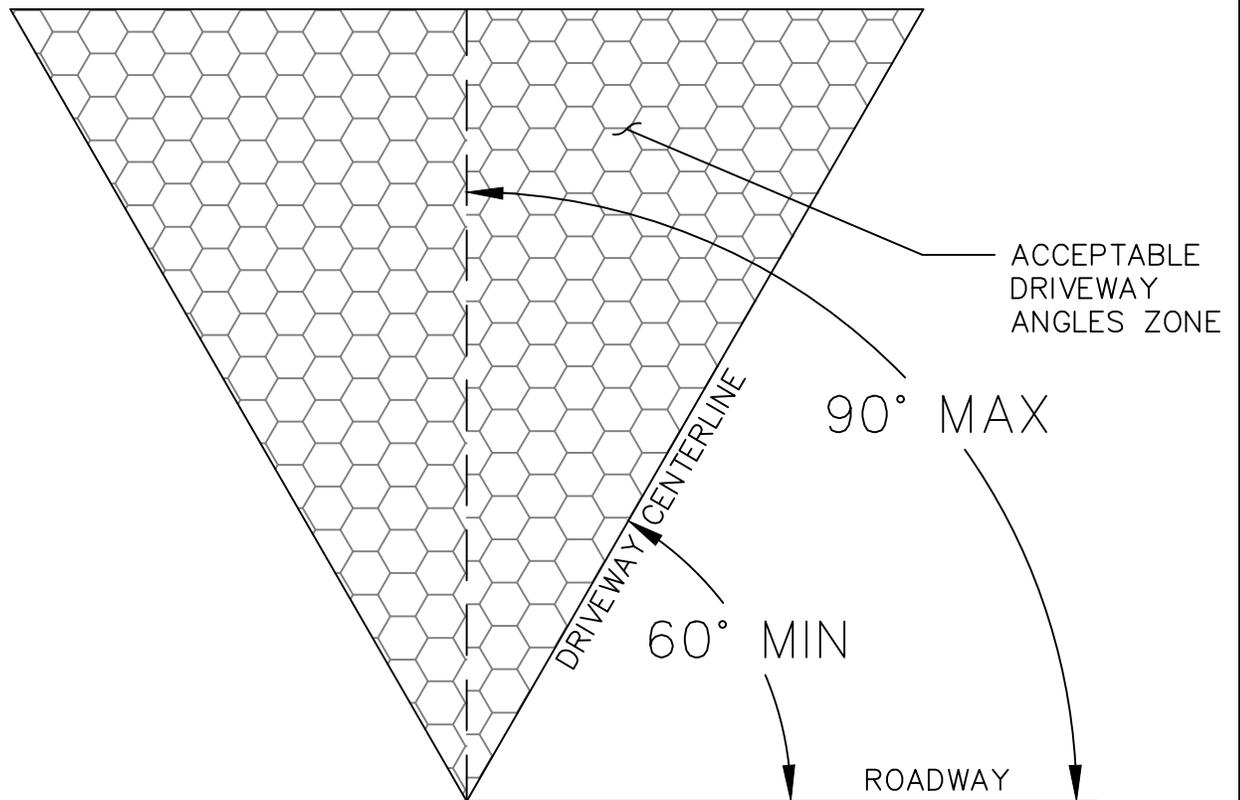
DIA. D (IN)	HEADWALL LENGTH L	HEADWALL HEIGHT H	HEADWALL BOTTOM WIDTH W
12	3'-6"	3'-6"	10.5"
15	4'-6"	3'-9"	1'-11.25"
18	5'-6"	4'-0"	2'-0"
24	7'-6"	4'-6"	2'-1.5"

FOR PIPE OVER 24" CONSULT WITH THE TOWN ENGINEER

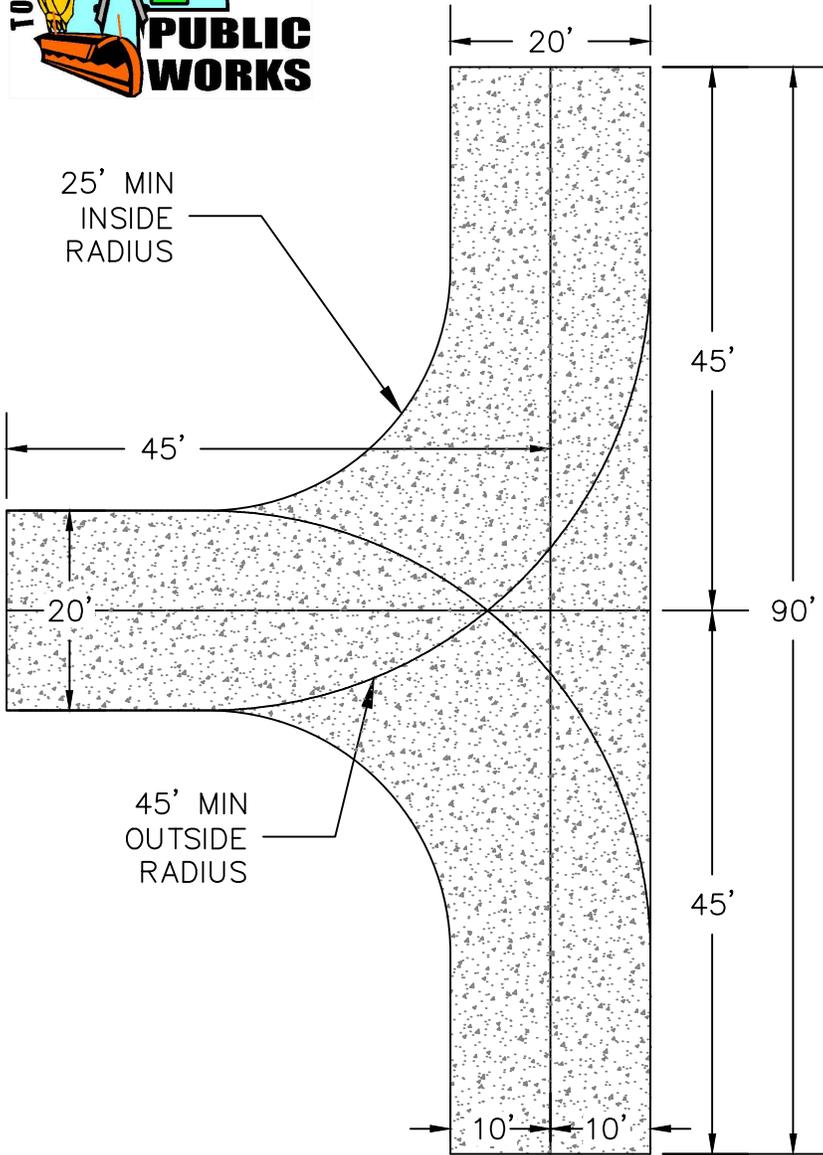
**HEADWALL DETAIL**



**TYPICAL DRIVEWAY SIGHT DISTANCE DETAIL**



**TYPICAL DRIVEWAY ANGLE OF INTERSECT DETAIL**



**FIRE DEPARTMENT CONSIDERATIONS:  
(GOFFSTOWN DEVELOPMENT REGULATIONS)**

- A. ANY GATE INSTALLED ON A DRIVEWAY MUST BE 30 FEET BACK FROM THE PUBLIC RIGHT-OF-WAY, HAVE A CLEAR OPENING OF 2 FEET PLUS THE WIDTH OF THE DRIVEWAY AND PROVIDE THE FIRE DEPARTMENT WITH ACCESS TO LOCKING MECHANISMS.
- B. DRIVEWAYS/PRIVATE ROADS SERVING 2 OR 3 DWELLING UNITS, NO MATTER THEIR LENGTHS, SHALL BE THE SAME AS THOSE FOR DRIVEWAYS WITH LENGTHS OVER 300 FEET.
- C. DRIVEWAYS OVER 300 FEET MUST MEET NFPA-1 AND NFPA-1141 STANDARDS AND BE APPROVED BY THE GOFFSTOWN FIRE DEPARTMENT.

**KEY DESIGN CRITERIA INCLUDE:**

- (1) MINIMUM DRIVEWAY WIDTH SHALL BE 16 FEET, INCLUDING SHOULDERS.
- (2) MINIMUM "CLEAR FIRE ACCESS" SHALL BE 20 FEET WIDE, CENTERED OVER THE DRIVEWAY SIMILAR TO A RIGHT-OF-WAY OVER A ROAD. THERE SHALL BE NO OBSTRUCTIONS WITHIN THIS CLEAR FIRE ACCESS, INCLUDING TREES, UTILITY POLES, STONEWALLS, LEDGE OR OTHER OBSTRUCTIONS THAT WOULD IMPACT ACCESS ON THE DRIVEWAY FOR THE FIRE DEPARTMENT. THE CLEAR FIRE ACCESS MUST BE KEPT CLEAR AT ALL TIMES AND IS THE RESPONSIBILITY OF THE HOME OWNER.
- (3) DRIVEWAY SURFACE SHALL BE PAVEMENT, CRUSHED GRAVEL, NITPACK OR OTHER SUITABLE MATERIAL FOR SUPPORTING THE LOADS OF FIRE APPARATUS DURING ALL WEATHER DRIVING CONDITIONS.
- (4) TURNING RADII ON THE DRIVEWAY SHALL BE A MINIMUM OF 25 FEET ON THE INSIDE CURVE.
- (5) AN APPROVED TURNAROUND IS REQUIRED AT THE END OF THE DRIVEWAY SUITABLE FOR A FIRE TRUCK TO MANEUVER.

**ADDITIONAL NFPA REQUIREMENTS**

5.2.16.3 – THE ANGLE OF APPROACH AND THE ANGLE OF DEPARTURE SHALL NOT EXCEED 8 DEGREES AT ANY POINT ON THE ROAD WAY OR IT INTERSECTION WITH ANOTHER ROAD OF FIRE LANE.

5.2.17.1 – EVERY DEAD-END ROADWAY MORE THAN 300FT IN LENGTH SHALL PROVIDE AT THE CLOSED END WITH A TURNAROUND HAVING NO LESS THAN 120FT OUTSIDE DIAMETER OF THE TRAVEL WAY.

**\*\*TURNAROUND AREA SHALL NOT BE USED AS PARKING OR STORAGE. AREA MUST BE ACCESSIBLE FOR FIRE EQUIPMENT AT ALL TIMES\*\***

**NFPA TURNAROUND DETAIL**

## **Goffstown Development Regulations; Appendix A (excerpt)**

### **Section 8: Driveways**

**A. Purpose:** In as much as driveways are, in effect, intersections, they require certain controls in order to provide safe and efficient access to and exits from property, as well as to provide for proper and suitable discharge and control of surface drainage in and around the entrance (within the Town Right of Way) to said driveway, this regulation is enacted. (See RSA 236:13) The driveway standards, including drainage, shall apply to the entire driveway, from the right-of-way to the structure, including parking areas.

**B. Permits:** Anyone desiring to construct, repave, pave, or relocate a driveway within the Town right-of-way shall first apply for a permit from the Town of Goffstown Director of Public Works (hereafter 'Director'), who is hereby delegated the authority to administer these regulations on the part of the Planning Board. The Director shall prescribe the application form for such a permit and shall have the authority, in appropriate cases, to require the applicant to provide satisfactory surety to guarantee the performance of permit conditions. Security, if required, shall be provided prior to a permit being issued. In addition to the foregoing, the Director is empowered to act on behalf of the Planning Board with regard to any and all of the duties and prerogatives set forth in RSA 236:13, (V) and (VI), in order to implement these regulations and the foregoing statutes.

### **C. General Requirements: These requirements apply to all new, upgraded or relocated driveways.**

1. A plan showing the location, proposed grading and drainage of the driveway, including sight distance requirements must be provided with the application. The proposed location shall be clearly staked in the field.
2. Driveways shall in no way impede the natural flow of water along or away from the ROW. It is the property owner's responsibility to properly construct and maintain the apron and drainage structures, e.g. culvert and swale, between the roadway and the property line.
3. Driveways, as measured from the nearest edge, shall not intersect a public road within 50 feet of the nearest sideline of another public road.
4. Whenever a common driveway is either proposed or required, the applicant shall provide documents, subject to the approval of the Board, which adequately establishes the perpetual joint easements and maintenance responsibility for the common driveway. The applicant shall also execute the Town's waiver of liability agreement.
5. With the exception of shared driveways, no driveway, including any of its flare, shall be within 10 feet of a side property line.
6. A Dig Safe number must be provided on the application.
7. The maximum width of any residential driveway, at the Town right-of-way line, shall not exceed 22 feet, including flare radii of 5 feet. Flares of 10-foot radius may be constructed. Industrial and commercial driveways shall be designed for their proposed use.
8. Driveways should intersect the street at 90 degrees, and shall not intersect at less than 60 degrees.
9. There shall be no permanent structure, e.g. fences, walls, lampposts or irrigation systems, constructed above or below the finish grade, within the right-of-way. There shall be no filling, or changing, of the town's drainage ditches, system or structures within the right-of-way.
10. The grade of the driveway shall slope no less than  $\frac{1}{4}$ " per foot, and no more than  $\frac{1}{2}$ " per foot, downward away from the edge of the traveled surface of the Town roadway, to the center of the roadway ditch line. The maximum allowable grade for a driveway is 10%.
11. Fire Department Considerations:
  - a. Any gate installed on a driveway must be 30 feet back from the public right-of-way, have a clear opening of 2 feet plus the width of the driveway and provide the Fire Department with access to locking mechanisms.
  - b. Driveways/private roads serving 2 or 3 dwelling units, no matter their lengths, shall be the same as those for driveways with lengths over 300 feet.
  - c. Driveways over 300 feet must meet NFPA-1 and NFPA-1141 Standards and be approved by the Goffstown Fire Department. Key design criteria include:
    - (1) Minimum driveway width shall be 16 feet, including shoulders.
    - (2) Minimum "clear fire access" shall be 20 feet wide. This is centered over the driveway similar to a right-of-way over a road. There shall be no obstructions within this clear fire access, including trees, utility poles,

stonewalls, ledge or other obstructions that would impact access on the driveway for the Fire Department. The clear fire access must be kept clear at all times and is the responsibility of the home owner.

(3) Driveway surface shall be pavement, crushed gravel, knit pack or other suitable material for supporting the loads of fire apparatus during all weather driving conditions.

(4) Turning radii on the driveway shall be a minimum of 25 feet on the inside curve.

(5) An approved turn-around is required at the end of the driveway suitable for a fire truck to maneuver.

12. If DPW determines that a culvert is required, the minimum shall be a 12-inch diameter corrugated, smooth-walled HDPE, reinforced concrete or polypropylene. The culvert shall be a minimum of 20 feet long and extend a minimum of 5 feet from the edge of the driveway pavement. Culverts require a minimum of 1 foot cover. Headers, mortared or preset, or flared-end sections to be built to DPW specifications.

13. Sight Distance:

- a. The minimum all-season sight distance for a driveway shall be 200 feet. The sight triangle shall begin at a point three feet nine inches (3'-9") above the driveway surface and be located in the proposed driveway at least 10 feet back from the edge of the traveled way. The other ends of the sight triangle shall also be measured three feet nine inches (3'-9") above the Town roadway at a point 200 feet to the center of the oncoming travel lanes in both directions.
- b. Unless an all-season safe sight distance of two hundred (200) feet in both directions from each entrance can be obtained, the DPW shall not permit more than one (1) access to a single parcel of land.

14. A 13-foot paved apron, or to the edge of the Town Right of Way if less than 13 feet, shall be constructed from the edge of the Town road's traveled way. This is not required if the Town road is not paved.

15. See Zoning Ordinance Section 7.4 for separation of driveways.

---

## **Goffstown Zoning Regulations (excerpts)**

**1.2.2 Relationship to other laws, ordinances, and regulations** - Whenever the provisions of the Ordinance conflict with any other ordinance, statute, or rule, the more restrictive or the higher standard shall apply. In the event of any conflict between any provisions of the Ordinance with other provisions of the Ordinance, the more restrictive or higher standard shall apply.

### **7.3 Parking Area Design Standards**

**7.3.4 Driveway Widths** - Driveways connecting parking lots to a street or another parking lot shall be at least twenty-four (24) feet in width for two-way traffic flow and at least twelve (12) feet in width for one-way traffic flow. No driveway shall exceed twenty-four (24) feet in width not including flares, except as otherwise approved by the Planning Board as part of the approval of a Site Plan pursuant to Section 15.4.2, Subdivision Approval and Site Plan Review.

**7.3.5 Setbacks and Restrictions** - Except for areas within defined driveways, off-street parking shall not be located within the required front yard setback area in the Agricultural, Residential-1 and Residential-2 districts. In the RSBO-1 and RSBO-2 and in all non-residential districts, no off-street parking for any use shall occur within ten (10) feet of the front lot line. No off-street parking for any use in any district shall be located within five (5) feet of any side and rear lot lines, except that parking lots on adjacent parcels may be interconnected.

**7.3.6 Surfacing and Drainage** - All parking areas and driveways shall have a durable and dust-free surface that shall be graded and drained so as to continuously dispose of all surface water. Surfacing materials shall be one of the following: asphalt, nit-pack, crushed stone, concrete, or crushed bank run gravel.

### **7.4 Access and Driveway Standards**

**7.4.1 Restrictions on Backing into a Street** - Except in the Village Commercial district, and except in connection with single-family detached dwellings and two-family dwellings, parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may enter and exit the parking area without backing within or into a street, and without inhibiting pedestrian safety.

**7.4.2 Separation of Driveways in Residential Districts** - Driveways entering streets in a residential district shall be located at least fifty- (50) feet from street intersections, and at least forty- (40) feet from other existing driveways on the

same lot or an adjacent lot. One (1) driveway is permitted per lot for the first one hundred (100) feet of lot frontage. One (1) additional driveway is permitted per lot for each additional one hundred fifty (150) feet of lot frontage after the first one hundred (100) feet of lot frontage. Where compliance cannot be achieved with these standards, the Planning Board may grant a Conditional Use Permit pursuant to Section 7.5, Alternative Parking Arrangements.

**7.4.3 Separation of Driveways in Non-residential Districts** – Except in the Village Commercial district, and except where a Conditional Use Permit has been granted by the Planning Board pursuant to Section 7.5, Alternative Parking Arrangements, the following standards are established in non-residential districts:

**7.4.3.1** For all local streets, driveways entering such streets shall be located at least one hundred twenty-five (125) feet from street intersections, and at least one hundred (100) feet from other existing driveways on the same lot or an adjacent lot. One (1) driveway is permitted per lot for the first one hundred fifty (150) feet of lot frontage. One (1) additional driveway is permitted per lot for each additional one hundred fifty (150) feet of lot frontage after the first one hundred fifty (150) feet of lot frontage.

**7.4.3.2** For all collector and arterial streets, driveways entering such streets shall be located at least two hundred (200) feet from street intersections, and at least two hundred (200) feet from other existing driveways on the same lot or an adjacent lot. One (1) driveway is permitted per lot for the first three hundred (300) feet of lot frontage. One (1) additional driveway is permitted per lot for each additional three hundred fifty (300) feet of lot frontage after the first three hundred (300) feet of lot frontage.

**7.4.4 Measurement of Separations** - The separation between public street intersections and driveways is measured from the point of intersection of the nearest edge of each of the street rights-of-way to the nearest edge of the driveway where it intersects with the right-of-way line. The separation between driveways is measured from the nearest edge of each driveway where it intersects with the street right-of-way.

**13.3 Wetland and Surface Water Conservation (WSWC) District**

**13.3.1 Purpose of the WSWC District** - The purpose of the WSWC District is to protect and regulate the use of wetlands and surface waters in the Town of Goffstown in the interest of the public health, and welfare.

**13.3.3 Limits of the WSWC District**

**REQUIRED WETLAND SETBACKS**

Date Lot Created	Wetland Size	Setback Requirement
Prior to March 9, 1993	Any	None
March 9, 1993 to March 10, 2003	<2,000 SF	None
	>2,000 SF	50 feet
March 11, 2003 to March 11, 2008	<2,000 SF	None
	> 2,000 SF to <20,000 SF	50 feet
	>20,000 SF	100 feet
After March 11, 2008	<2,000 SF	None
	>2,000 SF	100 feet
	Any defined surface water	100 feet

**13.3.5 Uses not permitted in the WSWC District** – The following uses are not permitted in the WSWC District:

**13.3.5.1** Any alteration of the surface configuration of the land:

**13.3.5.2** Any structure.

**13.3.5.3** Removal of any vegetation.

**13.3.6 Uses Permitted in the WSWC District** - The following uses and structures shall be permitted in the WSWC District, provided that the use and structure does not cause increases in the contamination of surface or ground water:

**13.3.6.3** Forestry, logging and tree farming;

**13.3.6.7** Fences, footbridges, and catwalks provided that they allow unobstructed flow of water, do not change the natural contour of the land, and do not destroy native vegetation;

**13.3.6.8** Roads or driveways for crossing wetlands and the WSWC District provided that there is no other alternative development plan that will further minimize impacts to the wetlands and the WSWC District.

## **Driveway-related State of NH Revised Statutes, Annotated (RSA)**

### **236:13 Driveways and Other Accesses to the Public Way**

**I.** It shall be unlawful to construct, or alter in any way that substantially affects the size or grade of, any driveway, entrance, exit, or approach within the limits of the right-of-way of any class I or class III highway or the state-maintained portion of a class II highway that does not conform to the terms and specifications of a written permit issued by the commissioner of transportation.

**II.** Pursuant to this section, a written construction permit application must be obtained from and filed with the department of transportation by any abutter affected by the provisions of paragraph I. Before any construction or alteration work is commenced, said permit application shall have been reviewed, and a construction permit issued by said department. Said permit shall:

- (a) Describe the location of the driveway, entrance, exit, or approach. The location shall be selected to most adequately protect the safety of the traveling public.
- (b) Describe any drainage structures, traffic control devices, and channelization islands to be installed by the abutter.
- (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) Include any other terms and specifications necessary for the safety of the traveling public.

**III.** For access to a proposed commercial or industrial enterprise, or to a subdivision, all of which for the purposes of this section shall be considered a single parcel of land, even though acquired by more than one conveyance or held nominally by more than one owner:

- (a) Said permit application shall be accompanied by engineering drawings showing information as set forth in paragraph II.
- (b) Unless all season safe sight distance of 400 feet in both directions along the highway can be obtained, the commissioner shall not permit more than one access to a single parcel of land, and this access shall be at that location which the commissioner determines to be safest. The commissioner shall not give final approval for use of any additional access until it has been proven to him that the 400-foot all season safe sight distance has been provided.
- (c) For the purposes of this section, all season safe sight distance is defined as a line which encounters no visual obstruction between 2 points, each at a height of 3 feet 9 inches 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.

**IV.** No construction permit shall allow:

- (a) A driveway, entrance, exit, or approach to be constructed more than 50 feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a 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.
- (b) More than 2 driveways, entrances, exits or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds 500 feet.

**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 or governing body in cities and towns in which the planning board or governing body has been granted the power to regulate the grading and improvement of streets within a subdivision 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.

#### **472:6 Removing or Altering Boundary Markers**

**I.** Any person who purposely commits or causes to be committed any of the following acts with regard to a boundary marker knowing it to be a boundary marker shall be guilty of a misdemeanor: defacement, alteration of location, or removal of a stone wall or monument, or a mark on a tree, made for the purpose of designating a point, course or line in the boundary of a tract of land or in the dividing line between towns.

**II.** The provisions of paragraph I shall not apply when a boundary marker is moved pursuant to:

- (a)** Mutual agreement between all landowners whose property lines are affected by the moving of the boundary, or
- (b)** Authorization by government officials in order to more accurately place the boundary, or
- (c)** A finally adjudicated court order or decree, or
- (d)** A law that requires or allows the movement or alteration.

#### **539:4 Stone, Etc.**

Whoever shall willfully and unlawfully dig or carry away any stone, including stone from a stone wall, ore, gravel, clay, sand, turf, mold, or loam upon or from land holden in common or from the land of another person, or shall aid therein, shall forfeit to the person injured treble damages based on the cost of materials and restoration, and including attorney's fees and costs.

#### **674:41 Erection of Buildings on Streets**

**I.** From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:

**(a)** Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time; or

**(b)** Corresponds in its location and lines with:

- (1) A street shown on the official map; or
- (2) A street on a subdivision plat approved by the planning board; or
- (3) A street on a street plat made by and adopted by the planning board; or
- (4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and, in case of the planning board's disapproval, by the favorable vote required in RSA 674:40; or

**(c)** Is a class VI highway, provided that:

- (1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and
- (2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and
- (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds; or

**(d)** Is a private road, provided that:

- (1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and
- (2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and
- (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or

**(e)** Is an existing street constructed prior to the effective date of this subparagraph and is shown on a subdivision plat that was approved by the local governing body or zoning board of adjustment before the municipality authorized the planning board to approve or disapprove subdivision plats in accordance with RSA 674:35, if one or more buildings have been erected on other lots on the same street.

**II.** Whenever the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and when the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed streets, the applicant for such permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any municipality which has adopted zoning regulations in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local legislative body, or to a board of appeals, whichever is appropriate, in accordance with RSA 674:14 and 674:15, including the requirement for a public hearing. In a municipality which does not require building permits, direct application may be made to the zoning board of adjustment, or the local legislative body, or the board of appeals for permission to erect the building. In passing on such appeal or application, the board of adjustment, local legislative body, or board of appeals may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if the issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based, and if erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality. Any such decision made in this connection by a board of adjustment, local legislative body, or by a board of appeals pursuant to this section and RSA 674:14 and 674:15 shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

**II-a.** Municipalities may except any lot, including island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body pursuant to RSA 675, first submitted to the planning board for its approval and:

**(a)** If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or

**(b)** If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

**III.** This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e).

**IV.** In addition to the requirements for the erection of buildings in paragraph I and notwithstanding the exceptions provided in paragraph II, the planning board for a county in which there are located unincorporated towns or unorganized places shall require every building which is erected on leased land located within an unincorporated town or unorganized place to have a building permit. A building permit shall be required under this paragraph regardless of the proximity of the building to any street or highway. The county shall, by resolution, authorize the planning board to issue building permits under this paragraph.