XXXV. ACCESS MANAGEMENT (added March 2007)

I. Authority

These regulations are adopted pursuant to the authority granted in New Hampshire Revised Statutes Annotated (RSA) 674:35, and procedurally under the guidance of 675:6.

II. Purpose

These Access Management Regulations are adopted for the purposes of promoting traffic safety and efficiency, maintaining proper traffic capacity and traffic flow, reducing vehicular collision frequency, minimizing the future expenditure of public revenues, and improving the design and location of access connections to county and township roads while at the same time providing necessary and reasonable ingress and egress to properties along those roads.

The Newton Planning Board finds and determines that these regulations establish the minimum standards necessary to properly manage access to arterial and town roads in the Town of Newton and to carry out the purpose and intent of RSA 674:35.

III. Implementation and Administration

The effective date of these regulations is March, 2007. The Newton Planning Board is responsible for implementing and administering these regulations.

IV. Applicability

A. These regulations shall apply to all access connections constructed on or after the effective date of these regulations designed or intended for motor vehicle, bicycle, equestrian or pedestrian use to arterial or town roads. They shall also apply to all existing access connections for the purposes described in this Article whenever the land use or the access classifications of such existing access connections change or whenever the existing access is upgraded by reconstruction, relocation, modification, or expansion.

B. These regulations do not apply to the original approval of extant platted subdivisions governed by the Town of Newton Subdivision Regulations.

C. Scenic Road: Streets and roads formally designated by the Town of Newton as a Scenic Road are subject to all applicable provisions these regulations in addition to the requirements the Scenic Road statute.

V. Definitions

A. Access Classification: A classification system that defines driveways according to their purpose and use:

1. Minimum Volume (MV) driveway

a) field drive – provides access to agriculture lands and principally used by farm equipment

b) utility drive – provides access to public utility facilities

2. Very Low Volume (VLV) driveway

a) farm drive – provides access to farm buildings, including single home

b) single family residence drive

c) single family common access drive serving four or fewer residences

d) multi-family residence drive serving four or fewer residential units

e) customary home occupations

f) walking, jogging, biking or equestrian trails

3. Low Volume (LV) driveway

a) less than 100 trip ends in the peak hour

4. Medium Volume (MV) driveway

a) 100 or more but less than 200 trip ends in the peak hour

5. High Volume (HV) driveway

a) 200 or more trip ends in the peak hour

B. Access Connection: Any connection to a road or street which permits access to or from the road or street by vehicles, equipment, cars, trucks, buses, motorcycles, bicycles, pedestrians, or horses or other animals, for the purpose of crossing the road or street or accessing the road or street. An access connection may be a road, street, driveway, or trail.

C. Driveway: An access connection other than from another public road or street.

D. Road Classification: A system for roadway hierarchy used to determine the appropriate degree of access management regulation in order to promote public safety and congestion prevention. For the purpose of these regulations, all roads on the State and Town road systems shall be placed in one of the following functional classifications: Principal Arterial, Minor Arterial, Collector, Subcollector, Local (Access) Streets. The classifications of state and town roads within the Town of Newton are identified in the Town of Newton Subdivision Regulations and Site Plan Review Regulations, which is subject to annual review and reclassification by the Planning Board.

E. Stopping Sight Distance (SSD): The distance required by a driver of a vehicle, traveling at a given speed, to bring the vehicle to a stop after an object on the roadway becomes visible.

F. Subdivision Regulations: The Town of Newton Subdivision Regulations as enacted and amended by the Newton Planning Board.

G. Technical Design Standards: The most recent publication of technical design standards as authorized by the Town of Newton Subdivision Regulations and Site Plan Review Regulations.

H. Definitions by Reference: Definitions of the Newton Zoning Ordinance, the Newton Subdivision Regulations, and the Newton Site Review Regulations are incorporated by reference into these regulations to the extent not inconsistent with the above definitions.

VI. Preliminary Access Approval

A. In conjunction with any subdivision or site plan approval, the Planning Board shall issue a preliminary access approval. The preliminary access approval will indicate those locations along the lot for which access is acceptable and in conformance with these regulations.

B. Prior to the issuance of a building permit for any parcel of land which is not subject to a subdivision or site plan approval, the Road Agent shall, upon written request, issue a preliminary access approval. The preliminary access approval will indicate those locations along the lot for which access is acceptable and in conformance with these regulations. The preliminary access approval shall be issued within seven (7) working days following submission of all the information required by these regulations.

C. For preliminary access approval or for access permit issuance when no preliminary access approval was required, the Road Agent may require any or all of the following information be shown by a registered engineer or surveyor on either a survey plat or other accurate drawing:

1. Distances from the side property lines to the nearest adjacent driveways and their use.
2. Location of any driveways across from the property and their use.
3. Location of any driveways on the property and their use.
4. Available sight distance (SSD) and required sight distance (SSD).
5. Required driveway spacing.
6. Location of proposed driveways, if known.
7. Other information as required by the Road Agent.

VII. Access Permits

A. Prior to the construction of a driveway, the Road Agent shall issue an access permit. The permit will be for access at a location for which a preliminary access approval was previously granted or at a location that is otherwise in conformance with these regulations. In those situations where no preliminary access approval was issued, the Road Agent may require submission of the Preliminary Access Approval information.

B. Permits issued may include interim or temporary permits and shall prescribe the permitted uses and any limitations or conditions of the permit as well as the access classification. New permits are required whenever the land use or the access classifications of existing driveways change or whenever existing driveways are upgraded, including widening.

C. For Minimum Volume and Very Low Volume driveways, access permits shall be issued with the building permit or within seven (7) working days following submission of all information required by these regulations.

D. For all other driveway classifications, access permits shall be issued within thirty (30) working days following submission of all information required by these regulations.

E. Any access permit which is not approved and issued or is not disapproved within the above time frames shall be deemed approved and shall be issued in accordance with the information submitted.

F. An access permit fee as established by the Board of Selectmen to cover the cost of administering these regulations shall accompany the access permit application.

G. Access permits shall expire if the driveway is not constructed within one (1) year of the date of access permit issuance

H. Where required, a New Hampshire Department of Transportation (NHDOT) Driveway Permit must be approved in addition to a local access permit. Issuance of an NHDOT Driveway Permit does not supersede the requirements specified herein and does not presuppose entitlement of a local access permit.

VIII. Variances and Appeals

A. Variances may be granted by the Zoning Board of Adjustment for all classes of driveways. Variances are appropriate if not contrary to the public interest where, owing to special conditions, a literal enforcement of the regulations will result in unnecessary hardship, and such that the spirit of the regulations will be observed and substantial justice done.

B. In the granting of variances in accordance with the standards on paragraph A, the Board of Appeals may consider the following:

1. Whether not granting the variance would deny all reasonable access.
2. Whether granting the variance would endanger the public safety.
3. Whether the hardship was self-created.
4. Whether granting the variance would hinder traffic safety or the proper operation of the public road.
5. Whether granting the variance would be consistent with the purpose of these regulations.
6. Whether all feasible access options except granting a variance have been considered.

C. The applicants for variances may provide evidence of unique or special conditions that make the strict application of these regulations impractical or impossible. Such evidence may include:

1. Indirect or restricted access cannot be obtained.
2. No engineering or construction solutions can be applied to mitigate the condition.
3. No alternative access is available.

D. All applications for appeals or variances shall be file in accordance with the Town of Newton Zoning Ordinance. Appeals shall be filed within thirty (30) days of the Planning Board/Road Agent's decision.

IX. Enforcement

A. If any driveway is installed contrary to these regulations, the Code Enforcement Officer shall notify the property owner in writing. The notification shall identify the problem with the driveway and establish a 15 day period for the property owner to correct the problem. If the problem is not corrected within 15 days, the town may block the access at the point that it enters a public road right-of-way.

B. In addition, whoever violates any provision of these regulations shall be fined upon conviction not more than five hundred dollars for each offense. Each day of violation is a separate offense.

X. Standards

A. The arrangement, character, extent, width, grade, and location of all access connections shall conform with these regulations and shall be considered in their relation to existing and planned roads, streets and driveways, topographical conditions, and public convenience and safety and the proposed uses of the land to be served by such access connections.

1. The requirements of these regulations vary depending on the road classification as defined herein.
2. The provisions of any existing or future Access Management Plan prepared for a specific road or portion of a road shall apply. The applicable requirements of the Subdivision Regulations and the Technical Design Standards shall also apply.
3. General

a) All driveways or driveway upgrades shall meet or exceed the requirements of these regulations. The location of all access connections shall permit adequate horizontal and vertical sight distance as specified in the Technical Design Standards based on the stopping sight distance for the legal speed limit at the location of the driveway.

b) Common access driveways and/or cross access or through access easements may be required and are permitted to satisfy the requirements of these regulations. Proposed common access driveways and/or cross access or through access easements shall be in accordance with the Common Access Drive Regulations in the Technical Design Standards.

c) Existing driveways that do not conform with these regulations shall be considered nonconforming driveways and shall be brought into conformance with these regulations under the following conditions:

(1) When new access permits are requested;

(2) When driveway upgrades are proposed;

(3) When significant increases in trip generation are planned for the driveway;

(4) If the use served by the nonconforming driveway discontinues for a consecutive period of 2 years; or

(5) When there is a change of use of the property access.

d) To the greatest extent possible developments shall incorporate unified access and circulation systems. Where a proposed development abuts to and connects, through internal circulation, to an existing subdivision or development which has access to a Collector or Local Road, the proposed development shall, when necessary, upgrade the intersection at the Collector or Local Road and the existing subdivision's or development's access to the Collector or Local Road.

e) When a new driveway or driveway upgrade is permitted, the property owner(s) shall eliminate all pre-existing non-conforming driveways upon completion of the new driveway or driveway upgrade as required by the Planning Board. No new driveways or driveway upgrades shall be permitted for parcels or contiguously-owned parcels where access rights have been previously extinguished or acquired by a governmental body.

f) The Planning Board shall require a Traffic Impact Study for any Medium Volume or High Volume driveway and may require a Traffic Impact Study for any Low Volume driveway. The Traffic Impact Study shall be prepared in accordance with the requirements of the Technical Design Standards and the Planning Board.

4. NUMBER, SPACING AND WIDTH OF ACCESS POINTS

a) Number of Access Points:

(1) Minimum Volume Driveways

(a) New driveways or driveway upgrades shall be located no closer than 495 feet from an existing or proposed driveway serving the same parcel or serving contiguously-owned parcels.

(2) Very Low Volume Driveways

(a) Along Principal Arterials: No new driveways or driveway upgrades shall be permitted along a Principal Arterial from parcels or contiguously-owned parcels where access is available or can be made available from a lower classification road or street or from a common access driveway. No more than one driveway shall be permitted per parcel or per contiguously-owned parcels.

(b) Along Minor Arterial Roads: No new driveways or driveway upgrades shall be permitted along a Minor Collector Road from parcels or contiguously-owned parcels where access is available or can be made available from a lower classification road or street. No more than one driveway shall be permitted per parcel or per contiguously-owned parcels.

(c) Along Collectors and Subcollectors: No more than one driveway or driveway upgrade shall be permitted per parcel or per contiguously owned parcels.

(d) Along Local Streets: No more than one driveway or driveway upgrade shall be permitted per parcel or per contiguously-owned parcels.

(3) Low, Medium and High Volume Driveways

(a) No more than one driveway shall be permitted per parcel or per contiguously-owned parcels.

(b) Driveway Access Spacing:

(1) Driveway access spacing shall be measured from the edge of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street.

(2) Minimum Volume Driveways

(a) New driveways or driveway upgrades shall be located no closer than 25 feet from an existing or proposed driveway and no closer than 80 feet from an existing or proposed road or street.

(3) Very Low Volume Driveways

(a) Along Principal Arterials: Where new driveways or driveway upgrades along Principal Arterial are permitted, they shall be located no closer than 495 feet from an existing or proposed driveway or from an existing or proposed road or street.

(b) Along Minor Arterial Roads: Where new driveways or driveway upgrades along a Minor Collector Road are permitted, they shall be located no closer than 360 feet from an existing or proposed driveway or from an existing or proposed road or street.

(c) Along Collectors and Subcollectors: New driveways or driveway upgrades shall be located no closer than 40 feet from an existing or proposed driveway or no closer than 120 feet from an existing or proposed road or street.

(d) Along Local Streets: New driveways or driveway upgrades shall be located no closer than 25 feet from an existing or proposed driveway or no closer than 80 feet from an existing or proposed road or street.

(4) Low, Medium and High Volume Driveways

(a) No more than one driveway shall be permitted per parcel or per contiguously-owned parcels.

(b) If the centerline of an opposite drive is less than fifteen feet (15') from the centerline of the proposed drive, the drives form an

intersection and the minimum spacing requirements shall apply for the closest drive.

(c) Opposite-right driveways shall be located no closer than the minimum requirements of Table 1A. Additional opposite right spacing over and above that set forth in Table 1A may be required if the Planning Board determines that there is insufficient left turn queue storage or weave maneuver area between the opposite right driveway and proposed driveway. This determination shall be made under peak traffic conditions. Desirable spacing will be required except where minimum spacing may be allowed in older developments with insufficient frontage.

Table 1A.
Opposite Right (Downstream)
Driveway Spacing

Roadway Classification	Minimum Spacing (Feet)	Desirable Spacing (Feet)
Major Arterial	300	400
Minor Arterial	225	350
Collector & Subcollector	175	300
Local Street	125	250

(d) A minimum of one hundred twenty-five (125') shall be required between opposite-left driveways for all roadway classifications.

(e) Same-side adjacent driveways shall be located no closer than the minimum requirements of Table 1B. Desirable spacing will be required except where minimum spacing may be allowed in older developments with insufficient frontage.

Table 1B.
Same-side Adjacent
Driveway Spacing

Roadway Classification	Minimum Spacing (Feet)	Desirable Spacing (Feet)
Major Arterial	275	350
Minor Arterial	230	300
Collector	185	235
Local Street	150	190

(5) Signalized Access Driveway Spacing:

(a) Along Principal Arterials: For new driveways or driveway upgrades that will warrant traffic signals, the spacing from the nearest existing or proposed signalized intersection shall be no closer than 2640 feet from the nearest existing or proposed unsignalized intersection shall be no closer than 1320 feet.

(b) Along Minor Arterials: For new driveways or driveway upgrades that will warrant traffic signals, the spacing from the nearest existing or proposed signalized intersection shall be no closer than 1760 feet or from the nearest existing or proposed unsignalized road or street intersection shall be no closer than 880 feet.

(c) Along Local Roads: For new driveways or driveway upgrades that will warrant traffic signals, the spacing from the nearest existing or proposed signalized intersection shall be no closer than 1320 feet or from the nearest existing or proposed unsignalized road or street intersection shall be no closer than 660 feet.

(6) Driveway Approach Width

(a) Commercial/Industrial: The maximum width of a driveway approach for a two-way driveway shall not exceed thirty-six feet (36') including two-foot (2') shoulders. The minimum width of a driveway approach for two-way driveway shall not be less than twenty-four feet (24') including two-foot (2') shoulders.

(b) Residential: The maximum width of a driveway approach shall not exceed fifteen feet (15'). The minimum width of a driveway approach shall not be less than ten feet (10'). The combined width of two driveways for residential circular drives shall not exceed twenty-eight feet (28').

5. TURNING RADII

a) Turning Radii. The principal users of the roadway shall be considered when determining the inside turning radii. The inside turning radii shall vary between a minimum of fifteen feet (15') and a maximum of thirty feet (30') and meet the minimum and maximum requirements of Table 2A.

Table 2A.
Inside Turning Radii

Land Use	Minimum Inside Turning Radii (feet)	Maximum Inside Turning Radii (feet)
Residential Only	15	20
Commercial/Industrial Only	20	30
Mixed Uses	15	30

6. CORNER CLEARANCE

a) No driveway approach may be located closer to the corner than indicated in Table 3A. The measurement shall be taken from the intersection of property lines at the corner to the nearest edge of the proposed driveway pavement. When these requirements cannot be met due to lack of frontage, the nearest edge of the proposed driveway pavement shall be located as far as possible from the intersection of property lines at the corner.

Table 3A.
Distance of Driveway
Approach from Corner

Speed (mph)	Distance from Corner (feet)
30	325
35	425
40	525
45	630
50	750
55	875

7. THROAT LENGTH

a) Driveway Throat Length. Driveway throat length shall be measured from the edge of the property line to the furthest end of the driveway. A minimum driveway throat length of twenty-five feet (25') for collector streets, forty feet (40') for minor arterials, and fifty-five feet (55') for principal arterials shall be required. The purpose of the driveway throat length is to allow for traffic entering the site to be stored on site in order to avoid a queue of traffic on the roadway causing delays and a potentially hazardous situation.

8. SHARED ACCESS

a) Shared Access. Shared driveways are encouraged and may be required between adjacent lots that front on arterial and collector streets. In such cases, a joint access easement between the property owners may be required. The location and dimensions of said easement shall be determined by the Planning Board.

b) Shared Parking Provision. Parking provision for any combination of uses on the same site shall consider the opportunity for combined visits (i.e. one parking space in front of a gas station pump may count as one parking space for both the convenience store and the gas station in a combined gas station/convenience store development). Shared parking arrangements with adjoining non-residential developments or other uses on site are encouraged. Off-site shared parking shall be protected with a shared parking easement agreement which shall be reviewed and approved by the Planning Board and recorded with the approved site plan.

c) Parking shall be located within six hundred feet (600') of the principal use and connected to the principal use by a five foot (5') wide pedestrian path.

d) Parking shall not be permitted in any required setback or between the principal structure and a public street, including corner lots. Parking shall be located to the side or rear of the principal structure. The Planning Board may waive this requirement in situations where lot configuration or use renders such parking lot location impractical, however, effort shall be made to locate parking to the side or rear of buildings.

9. ALIGNMENT OF ACCESS POINTS

a) Intersection Alignment. If a proposed driveway cannot meet the requirements of Section 1, above, then the proposed driveway shall be aligned directly opposite an existing or proposed opposite driveway and the configuration shall be treated as a four-way intersection.

b) Angle of Driveway Approach. The angle of driveway approach shall be approximately ninety (90) degrees for two-way driveways and between sixty (60) degrees and ninety (90) degrees for one-way driveways.

10. SIGHT DISTANCE

a) All season safe sight distance is defined as a line which encounters no visual obstruction between two (2) points, each at a height of three feet nine inches (3'-9") above the pavement, and ten feet (10') back from the road pavement 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.

b) Safe sight distance shall be compatible with the maximum speed limit posted on the roadway as indicated in Table 6A.

Table 6A.
All-Season Safe Sight Distance

Speed Limit (mph)	All Season Safe Sight Distance (feet)					
	Downgrades			Upgrades		
	3%	6%	9%+	3%	6%	9%+
25	158	165	173	147	143	140
30	205	215	227	200	184	179
35	257	271	287	237	229	222
40	315	333	354	289	278	269
45	378	400	427	344	331	320
50	446	474	507	405	388	375
55	520	553	593	469	450	433

c) To prevent hardships to owners of small parcels of land or special land uses, exceptions to the all season safe sight distance requirements should be allowed for individual homes, agricultural land, public works land, highway department land and temporary accesses for vehicles such as construction vehicles, gravel trucks and log trucks. The road shall then be properly signed for "Blind Drive" or "Trucks Entering."

11. BICYCLE AND PEDESTRIAN PROVISION

a) General Provisions. The site plan shall provide for a system of pedestrian and/or bicycle paths appropriate to the type and scale of development. This system shall connect the major building entrances/exits, parking areas and any existing sidewalks within or adjacent to the project. The pedestrian and/or bicycle network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall also be designed to link the project with residential, recreational, commercial facilities, schools, bus stops and existing bicycle or pedestrian facilities in the neighborhood. When deemed

appropriate, connections with amenities such as parks or open space on or adjacent to the site may be required.

b) Pedestrian Paths. A minimum five foot (5') wide pedestrian path shall be provided throughout the site, connecting adjacent streets, sidewalks and parking area(s) to the entrances of all principal structures. Pedestrian paths shall be marked by accent strips of brick, concrete block or textured paving materials to define pedestrian walkways and crosswalks. Pedestrian paths may be incorporated with accessible routes as required by the Americans' with Disabilities Act, as amended. Guidelines for sidewalk construction features are as follows (guidelines may be modified to meet site specific situations with Planning Board approval):

(1) Accessibility. Sidewalk corridors shall be easily accessible to all users, whatever their level of ability and comply with all Americans with Disability Act (ADA) standards.

(2) Adequate Travel Width. The sidewalk shall be a minimum of five feet (5') wide.

(3) Continuity. The walking route along a sidewalk corridor shall be obvious, shall connect destinations and shall not require pedestrians to travel out of their way unnecessarily.

(4) Landscaping. Plantings and street trees in the sidewalk corridor shall create a desirable environment and shall contribute to the psychological and visual comfort of sidewalk users.

(5) Social Space. Sidewalk corridors shall provide places for people to interact. There shall be places for standing and sitting.

(6) Quality of Place. Sidewalk corridors shall contribute to the character of neighborhoods and business districts and strengthen their identity. Rural pathways/trails or mixed use trails shall be considered as alternatives where appropriate.

c) Bicycle Facilities. Separate bicycle facilities may be required by the Planning Board if deemed appropriate. Bicycle facilities may be provided in the form of a separate off-street path or onstreet marked bicycle lanes. Bicycle facilities may be combined with pedestrian facilities. Bicycle facilities shall be designed in accordance with AASHTO, *Guide for the Development of Bicycle Facilities*, 1999, as amended.

12. TRANSIT PROVISIONS

a) Mass Transit Facilities. Mass transit facilities shall be incorporated within all major site plans that could generate high volumes of transit use. Transit routes, access points, bus pull-out facilities and shelter locations shall be addressed along major roadways within and on the perimeter of such projects. Transit facilities shall be provided in a manner to make transit an attractive mode of travel for both employees and patrons. Shelters shall be located next to significant clusters of buildings, and shall be provide protection from prevailing winds and inclement weather. A five foot (5') wide pedestrian path shall connect the bus shelter to the principal structure(s) in the development.

b) Bus Pull-Out Facilities. Bus pull-out facilities shall be incorporated into all mass transit projects located along a collector or arterial roadway. A clear separation shall be provided between the pull-out facilities and vehicular traffic and parking lots or parking structures. Pull-out facilities shall not obstruct traffic flow when buses discharge passengers.

13. ROUNDABOUTS

a) Roundabouts. Roundabouts as defined in FHWA, *Roundabouts: An Informational Guide*, June 2000, as amended, may be used as an alternative to traditional three or four-way intersections where traffic conditions allow.

XI. Adoption

These regulations are adopted by resolution of the Newton Planning Board on after public hearings were held on November 28, 2006 and January 8, 2007.