

Chapter 41

**DRIVEWAYS**

[HISTORY: Adopted by the Town of Henniker 3-14-2000. Amendments noted where applicable.]

**GENERAL REFERENCES**

Wastewater treatment plant -- See Ch. 88.  
Land subdivision -- See Ch. 202.

Zoning -- See Ch. 203  
Cogswell Springs Water Works -- See Ch. 301

**~ 41-1. Compliance required.**

The contractor or owner shall construct a driveway in accordance with these regulations.

**~ 41-2. General requirements.**

The apron of the driveway shall not exceed beyond the gutter line so as to interfere with surface drainage. If a sidewalk is involved, the sidewalk shall be reconstructed so that no sudden drops or steps will be created to pose a problem for pedestrian traffic. Driveways are the owner's responsibility inward from the gutter line. If a cross culvert is needed as indicated, the maintenance and replacement will be the owner's responsibility. If the driveway is shown on approval plans by the Henniker Planning Board, it will be built as shown, and any changes will be resubmitted for approval.

**~ 41-3. Location.**

A driveway/entrance shall only be constructed at the locations as shown in the approved sketch as submitted by the applicant. No driveway shall be located within 10 feet of any side or back lot boundaries.

**~ 41-4. Hold harmless agreement.**

The Town of Henniker and its duly appointed agents and employees shall be held harmless against any action for personal injury and/or property damage sustained by reason of exercise of the permit.

**~ 41-5. Drainage structure.**

Drainage structures shall be furnished and installed as required by the Highway Superintendent. (See Typical Drive Profile Controls on file in the Selectmen's office.)

**~ 41-6. First twenty feet of driveway.**

Twenty feet of a driveway shall be built with no more than a five-percent grade. (See Typical Drive Profile Controls on file in the Selectmen's office.)

**~ 41-7. Location sketch.**

The following shall be included in the location sketch:

- A. Name.
- B. Road frontage in feet.
- C. Tax lot number.
- D. Width distances to boundaries.
- E. Length of clear sight distances along the road in both directions.
- F. Grade from frontage of the road.
- G. Length of driveway or access road.
- H. Proposed culverts (twelve-inch minimum).

**~ 41-8. Staking and flagging.**

The proposed driveway is to be staked and flagged, and the side boundary lines must be flagged.

**~ 41-9. Permit restrictions.**

The application is not a permit to begin construction. The project shall not be started until approval from the Selectmen's office is received. Approval will not be given until such time as the Highway Superintendent, the Chief of Police and the Code Enforcement Officer have signed the proper forms.

**~ 41-10. Existing driveways and logging roads; paving of driveways.**

Paving of existing driveways or access roads require the same review as a new installation and may require re-grading per order of the Highway Superintendent. Paving of a driveway will require notification to Cogswell Spring Water Works and the wastewater treatment plant. An existing logging road may need an approved driveway permit.

**~ 41-11. Construction in wetlands.**

Article XXIII, Wetlands Conservation, of Chapter 133, Zoning, protects public health, safety and general welfare by controlling and guiding the use of land areas which have been identified as wetlands in accordance with RSA 674:16. If a driveway is to be constructed in a wetland, the applicant shall consult Article XXIII of Chapter 133, Zoning, and permits must also be obtained from the State of New Hampshire, Department of Environmental Services, Wetlands Board. If, after review of Article XXIII, it is determined that a dredge and fill permit from the New Hampshire Wetlands Board is required, the driveway permit will not be approved until said permit is obtained or information is submitted providing proof that said permit is not needed.

**~ 41-12. Application fee.**

A fee of \$5 is required when submitting an application.

**~ 41-13. Restoration of highways by town; reimbursement for costs.**

The town reserves the right to restore the highway or cause the same to be restored under its direction, and the grantees or parties to whom the permit is granted shall reimburse the town for any and all liability and expense suffered by reason of such work.

**~ 41-14. Keeping of permit at workplace.**

The permit shall be kept with the individual in charge at the place where the work is being performed and shall be produced for examination upon request of any town official.

**~ 41-15. Numbering of buildings.**

The owner shall conform to Chapter 28, Buildings, Number of, of the Code of the Town of Henniker.

**~ 41-16. Notification of completion of construction.**

The Highway Superintendent shall be notified upon completion of construction so as to verify that the driveway was built according to plan and that it conforms with regulations. The Highway Superintendent may revoke the permit at any time.

**~ 41-17. Enforcement.**

Upon any well-founded information that the terms of this chapter are being violated, it is the duty of the Board of Selectmen to take immediate steps to enforce the provisions herein by seeking an injunction in Superior Court or by other legal action as set forth in RSA 676 and 676:19.

**~ 41-18. Validity of permit.**

The permit is valid for one year from date of issue.