



TOWN of BRENTWOOD NH

DRIVEWAY and ACCESS PERMIT APPLICATION

\$100. FINE IF PERMIT IS NOT POSTED AT TIME OF INSPECTION

Inspections must be scheduled at least 48 hours in advance

PROPERTY ADDRESS: _____ .Map. _____ Lot. _____ .-. Zone _____ .

PROPERTY OWNER: _____ . Telephone No. _____ .

Mailing Address: _____ .Town _____ State _____ Zip _____ .

Email Address: _____ .Contact Person. _____ .

CONTRACTOR: _____ . Telephone No. _____ .

Mailing Address: _____ .Town _____ State _____ Zip _____ .

Email Address: _____ .Contact Person. _____ .

DESCRIPTION / USE OF PROPERTY: - Residential - Multi-family - Commercial / Business. - Industrial.

TYPE OF CONSTRUCTION: - Asphalt. - Gravel. - Pavers. - Alteration. - Reconstruction. - Permeable.

DESCRIPTION OF PROJECT: _____ .

_____ .

_____ .

With this application you must submit a site plan, septic plan, or map showing the location of the proposed driveway must be included with this application. The plan should indicate the driveways position relative to existing landmarks such as utility poles, fences, roads, and rock walls. Include distance from property lines to driveway and requested width of driveway. Include total frontage of lot along roadway. Please indicate direction with a North arrow on the proposal. The proposal shall be submitted as accurate and scaled for review by the Towns Engineer.

Will driveway disturb or alter an existing curb? _____ - Yes. - No.

Will driveway disturb or alter an existing sidewalk? _____ - Yes. - No.

Will driveway disturb or alter an existing stonewall? _____ - Yes. - No.

The following is an application for permission to construct/reconstruct a driveway, entrance, exit, approach adjoining the undermentioned property pursuant to the location and specifications as described below. The town Engineer will review the completed application to determine that the proposed driveway is allowable under the requirements within this application, the Town of Brentwood Subdivision Regulations, and this state of New Hampshire requirements outlined in RSA 236:13.

SECTION 8 - SPECIFIC PLAN REQUIREMENTS. 8.27 The location of proposed driveways must be detailed on the plan. In accordance with *Town of Brentwood Subdivision Regulations Addendum C Driveway and Other Accesses to Town Roads*, driveways shall be placed no closer than ten (10) feet from a property line for newly created lots. (Section 8.27 added 1/21/2021). *The 10-foot buffer runs parallel the full length of the property line.*

Pursuant to **236:13 Driveways and Other Accesses to the Public Way**, and regulations adopted hereunder, I apply for permission to construct a driveway entrance as described in this permit. I understand the construction conditions as printed on the attached pages of this application.

AS THE LANDOWNER/APPLICANT, I HEREBY AGREE TO THE FOLLOWING CONDITIONS:

1. In accordance with RSA 236:13 (VI), please be advised that the property owner(s) to which this driveway provides access shall have the continuing responsibility for the adequacy of the access and any grades, culverts, or other structures pertaining to the access, whether or not located within the public right-of-way. To leave the road right-of-way free from all debris such as, stones, rocks, earth, and brush resulting from the construction of said driveway.
2. To construct the driveway entrance only for the bona fide purpose of securing access to the identified private property, such that the road right-of-way is used for no purpose other than that approved for by the Town of Brentwood, as identified above, and the conditions for construction attached.
3. To construct the driveway entrance at the permitted location in accordance with state statues, town rules and regulations, all provisions of the driveway permit regulations, as outlined in the written permit and standard drawings for driveway entrances issued by the New Hampshire Department of Transportation.
4. To hold harmless the Town of Brentwood, NH and its' duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of this Driveway Permit.
5. To furnish and install drainage structures and improvements deemed necessary to maintain the existing road drainage and adequately handle any increased runoff resulting from the site, so that no additional drainage runs into or onto the Town's roadway.
6. If this access becomes a potential threat or a hazard by reason of situation, flooding, erosion, frost action, vegetative growth, improper grade, or the failure of any culvert, the property owner is responsible for all corrective action and for obtaining all necessary permits.
7. That driveway permits are non-transferable and are valid for only one year from date of issuance.
8. That property owner's agent must submit written proof that he or she is an authorized agent.

ISSUANCE OF PERMIT: The Town Engineer will inspect the site for compliance. Please mark the edges of the proposed driveway as it approaches the Town's roadway with two 4' grade stakes tied with a survey ribbon or other colored marking.

The signature(s) below certifies that the property owner has read this entire document and understands and will adhere to the property owner(s) responsibilities.

SIGNATURE: _____ . Date: _____
(Property Owner/ Applicant Signature)

DRIVEWAY PERMIT FEE: - RESIDENTIAL. = \$300.00. - COMMERCIAL / BUSINESS / INDUSTRIAL. = \$300.00.

Permit Fee is due at time of submission. The Town Engineers approval is required, prior to the issuance of a Certificate of Occupancy.

- TOWN ENGINEERS PRE APPROVAL RECEIVED AND ATTACHED; _____ . Date: _____

FOR DEPARTMENT USE ONLY: _____

FEE AMOUNT RECEIVED: \$ _____ . - Check # _____ . - Cash - Credit Card.

NAME ON CHECK: _____

BUILDING OFFICIAL: _____ . Date: _____

- APPLICATION APPROVED - APPLICATION DENIED - APPLICATION INCOMPLETE.

* NOTE: Dig Safe must be called prior to any excavation.*

TITLE XX

TRANSPORTATION

CHAPTER 236

HIGHWAY REGULATION, PROTECTION AND CONTROL REGULATIONS

Excavations and Driveways

Section 236:13

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.

IV-a. For any existing or proposed residential use of land, including multifamily development that is not classified as a

major driveway under the department's policy relating to driveways and access to the state highway system, the department shall issue or deny the permit described in paragraph II within 60 days of receiving a completed application.

IV-b. For expedited permitting of major entrances for residential use of 20 units or greater:

(a) The commissioner of the department of transportation shall revise the department's policy for the permitting of driveways and other access to the state highway system to implement an optional program for the expedited permitting of major entrances for residential use of 20 units or greater, within 60 business days of approval of the traffic impact study.

(b) An applicant electing to use the expedited permitting process under this paragraph shall pay a \$120 per unit non-refundable permit fee, which shall be credited to the highway fund.

(c) The commissioner of the department of transportation, with approval of the governor and council, may adjust the fee in subparagraph (b).

(d) In addition to the permit fee in subparagraph (b), the applicant shall pay a retainer as formulated in the department's policy relating to the permitting of driveways and other access to the state highway system, for reasonable expenses incurred by the department for third-party professional engineer review and consultation during the expedited permitting process. All third-party review fees shall be tracked and a copy provided to the applicant. All unused retainages shall be refunded to the applicant within 120 days of the issuance of the permit.

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). The planning board or its delegate shall act on permits under this section within 65 days after notification of issuance.

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.

Source. 1939, 109:1. RL 107:4. 1945, 188:1, part 19:12. 1950, 5:1, part 9:1, par. 2. RSA 249:17. 1969, 254:1. 1971, 302:1. 1981, 87:1. 1985, 103:4; 402:6, I(a)(7), (b)(7). 1997, 52:1, 2, eff. July 18, 1997. 2014, 125:1, eff. Aug. 15, 2014. 2024, 367:1, eff. Oct. 22, 2024. 2025, 141:395, eff. Oct. 5, 2025; 154:1, 2, eff. Oct. 5, 2025.