

Policy for excavation within Barrington public roadways including driveways

Adopted by Board of Selectmen August 13, 2012

Whereas we the Board of Selectmen hereby determine that in order to protect the public health, safety and general welfare, it will be necessary in the public interest to adopt the following regulations for the Town of Barrington, as authorized pursuant to RSA 236:10.

It shall be unlawful to excavate or disturb the shoulders, ditches, embankments or the surface improved for travel of any class V highway for any purpose whatever without written permission from the highway agent of the town; provided that in cases of emergency where the public health or safety is endangered such immediate action as may be necessary may be taken without such permission, but in such cases the person directing or taking such action shall at once notify the official empowered to give written permission. See RSA 236:9, 236:10 and 41:11

Excavation Policy

Before issuing an excavation permit, the Highway Agent will require financial security to cover all reasonable costs associated with the repair and reconstruction of the area disturbed in case the person doing the work does not properly make repairs. This shall include the costs of the engineering firm the town uses to review any plans and construction. The Highway Agent can require the pre-submittal of a design to be sure the work planned meets town standards. This can also include seam removal. The financial security can be in the form of a bond, a letter of credit or cash. The Treasurer will hold any deposit. The owner supplying the financial security will give the town the authority to use the funds to fix the road if it is not repaired properly and within the timeframe stated in the application. See RSA 236:10 Upon completion, the Town shall not arbitrarily withhold funds from any cash bond or letter of credit, but shall first make a good faith effort to resolve any differences with the owner/applicant doing the excavation or restoration.

Driveway Policy:

The Barrington Planning Board currently requires a paved 16 foot apron on all driveways accessing private paved roads in subdivisions and paved town roads. The Board of Selectmen also requires that before any occupancy permit is issued, the driveway apron must be paved 16 feet on paved roads or that there is sufficient surety to pave the apron. See RSA 236:13. A building permit may be issued if there is an adequate construction entrance that the Road Agent finds satisfactory. Upon completion of the construction and before receiving an occupancy permit the property must have a 16 foot paved apron that also restores any damage done to the road surface or edges that were damaged by the construction. If the pavement plants are closed, or there is a similar situation preventing pavement of the driveway entrance, the town may accept financial surety in lieu of the actual pavement to issue an occupancy permit. Paving is the preferred option to the financial security and the latter is only to be used when it is the only feasible option. The Board of Selectmen delegates to the Building Inspector and Road Agent the decision if paving is required instead of financial security. The amount of financial

security shall be based upon the estimated cost of the driveway apron area plus potential damage to the road granting access, but not be less than \$2,000 if no culvert is involved or not less than \$4,000 if a culvert is needed. At the time of inspection for a certificate of occupancy the Highway Agent will inspect or reinspect the paved apron to see if it meets the required standards. If it does not and there is no financial security or that security is inadequate, the amount required can be increased before the occupancy permit is issued. Any existing temporary occupancy permits that have been issued pending the completion of a driveway apron will not be converted to an unconditional occupancy permit without either financial security in place or the satisfactory completion of the driveway apron paving. All properties on which financial security is taken instead of paving the apron, shall be paved within two months of the time the paving plants reopen in the Spring or the Town may take the surety and use it to pave the driveway apron.