



Victoria F. Sheehan  
Commissioner

**THE STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**

District 6 Office, PO Box 740, Durham, NH 03824



William Cass, P.E.  
Assistant Commissioner

**DRIVEWAY PERMIT**

To: Sharyl Murphy  
5 Exeter Road  
North Hampton, NH 03862

City/Town: Barrington  
Route/Road: NH 9 (S0000009)  
Patrol Section: 603  
Tax Map: 238  
Lot: 11  
Development: Residence/Business

Permit #: 06-027-561  
District: 06  
Permit Date 9/16/2019

06-027-561

Permission is hereby granted to construct (alter) a driveway, entrance, exit or approach adjoining NH 9 (S0000009), pursuant to the location and specifications as described below. Failure to adhere to the standards and engineering drawings previously approved shall render this instrument null and void. Failure to start or complete construction of said facility within one calendar year of the date of this permit shall require application for permit extension or renewal in accordance with the Driveway Access Rules. Facilities constructed in violation of the permit specifications or the rules, shall be corrected immediately upon notification by a Department representative. Any cost by the State to correct deficiencies shall be fully borne by the landowner. The landowner shall defend, indemnify and hold harmless the Department 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 permit.

**Drive 1**

Location: Approximately 0.27 miles east of NH 125 on the north side of NH 9 (S0000009).  
GPS: 43.210916 N 70.990971 W.

Specifications: This permit authorizes a paved access to be used as a Single Family Residential/Commercial drive. Any change in use, increase in use or reconstruction of the driveway requires reapplication.

The right-of-way line is located 33 Feet from and parallel to the center line of the Highway. The driveway shall not exceed 24 feet in width. The entrance of the drive may be flared; typically the flare radius is one half the driveway width.

**Other Conditions:**

No structures, including buildings, permanent or portable signs, lights, displays, fences, walls, etc. shall be permitted on, over or under the Highway Right of Way.

No parking, catering or servicing shall be conducted within the Highway Right of Way.

The applicant shall comply with all applicable ordinances and regulations of the municipality or other State Agencies.

The Department has relied on the title and subdivision information provided by the landowner. The Department has not performed additional title research and makes no warranty or representation concerning landowner's legal right to access. In the event of a dispute about the landowner's legal right to the access provided herein, the landowner will defend and indemnify the Department.

All excavated topsoil, or in the absence of topsoil the top 6 inches of soil, within the limits of state ROW shall be properly re-used within the limits of the state ROW. All temporary stockpiles of the re-use material shall be located within the state ROW, or as otherwise approved by the District Engineer.

The Contractor shall be solely responsible for the handling, transport and disposal of any surplus material generated by their project and shall comply with all federal, state and local laws, ordinances and rules in doing so.

1/7

I/We, the contractor/Owner, certify that the property will not have any illicit unauthorized drainage connections to the NHDOT storm water drainage system. An illicit discharge is any direct or indirect discharge to the NHDOT drainage system that is not composed entirely of storm water. Illicit discharges include, without limitation, sewage, process wastewater, or wash water and any connections from floor drains, sinks, or toilets.

1. This permit is for access to a Single Family Residence, an Antique Shop and a Glass Replacement Business. (Shop and Business approximately 600 SF)
2. The expanded use of one existing driveway entrance is permissible. This permit requires and permits no physical change to the existing driveway.
3. Other access to the highway from the premises is to be prevented. No part of the right-of-way may be used for any purpose other than travel.
4. The existing drainage along NH 9 shall be maintained.
5. This permit is subject to obtaining the minimum all season sight distance of 400 feet in each direction by clearing all trees and brush in the NHDOT right-of-way and as necessary on the applicant's property. All season safe sight distance shall be maintained by the landowner as per RSA 236:13.
6. This permit allows access to Barrington tax map 238, lot 11.
7. This permit supersedes permit 06-027-54 dated November 1, 1948.
8. The applicant will be responsible for mitigation should the future use of this driveway unfavorably impact the highway.

Approved

  
District Engineer  
For Director of Administration

Copies: District, Town, Patrolman

**NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION**

District 1, 641 Main St, Lancaster NH 03584  
 District 2, 8 Eastman Hill Road, Laconfield, NH 03748  
 District 3, 2 Sawmill Rd, Gilford, NH 03249

District 4, 19 Base Road, Swanzey, NH 03446  
 District 5, 16 East Point Drive, Bedford, NH 03110  
 District 6, PO Box 740, Durham, NH 03824

**APPLICATION FOR DRIVEWAY PERMIT**

Pursuant to the provisions of Revised Statutes Annotated, Chapter 236, Section 13 (printed on reverse of application) and amendments thereto, and Declaratory Ruling 2000-01, permission is requested to: (select one): **Construct / Alter**  
 (Indicate quantity of) 1 driveway entrance(s) to my property on the (select): **North / South / East / West** side of  
 NH Route 9 or Street/Road: 535 Franklin Pierce Highway in the Town of  
Damington at a location which will meet the requirements for safety specified in said statutes.

The driveway entrance(s) requested is (are) for access to: Residence / Home Occupation / Home Business

Describe nature and size of industry, business or subdivision: 600sqft antique and glass shops  
30 Feet (select): **North / South / East / West** of Utility Pole Number: 1067 D  
25 Feet (select Feet or Miles): **North / South / East / West** of Road or Junction: Route 125 residential glass not commercial  
 Town Tax Map # 238 and Lot # 11

As the landowner (or designated applicant) I agree to the following:

1. To construct driveway entrance(s) only for the bonafide purpose of securing access to private property such that the highway right-of-way is used for no purpose other than travel.
2. To construct driveway entrance(s) at permitted location(s).
3. To construct driveway entrance(s) in accordance with statutes, rules, standard drawings, and permit specifications as issued by the New Hampshire Department of Transportation.
4. To defend, indemnify and hold harmless the New Hampshire Department of Transportation 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 permit.
5. To furnish and install drainage structures that are necessary to maintain existing highway drainage and adequately handle increased runoff resulting from the land development and obtain all easements thereto.
6. I am the owner or a duly authorized agent of the owner of the parcel upon which the driveway will be constructed. I have provided accurate and complete title and subdivision information concerning the parcel to the Department. I understand that the Department is relying on this information in considering this application and that the Department does not perform independent title research or make judgments about title or access disputes.

• For new driveway(s), include copy of current deed and, if not the same, previous deed dated prior to July 1, 1971 of the parcel. If this parcel is part of a larger tract subdivided after July 1, 1971, then provide complete subdivision plans and deed history dating back to at least July 1, 1971.

• Attach sketch or plan showing existing and proposed driveway(s) and the adjacent highway indicating distance to town road, town line, or other readily identifiable feature or landmark and also to the nearest utility pole (including pole numbers)

RECEIVED  
JUL 05 2019  
DISTRICT SIX

Sharyl Murphy  
 Signature of Landowner (Applicant)  
Sharyl Murphy  
 Printed Name of Landowner  
 Date: June 30, 2019  
 Contact Agent, if not Landowner: \_\_\_\_\_

5 Exeter Road  
 Mailing Address  
North Hampton, NH 03862  
 Town/City, State, Zip Code  
 Telephone Number(s) 603.502.2015 cell

FOR OFFICE USE ONLY:  
 GPS N = \_\_\_\_\_ GPS W = \_\_\_\_\_  
 Section: \_\_\_\_\_ Width: \_\_\_\_\_ Speed: \_\_\_\_\_  
 Right of Way: \_\_\_\_\_ Drainage: \_\_\_\_\_ SLD: \_\_\_\_\_  
 Conditions: \_\_\_\_\_  
 Permit Number Assigned: \_\_\_\_\_

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**§ 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.

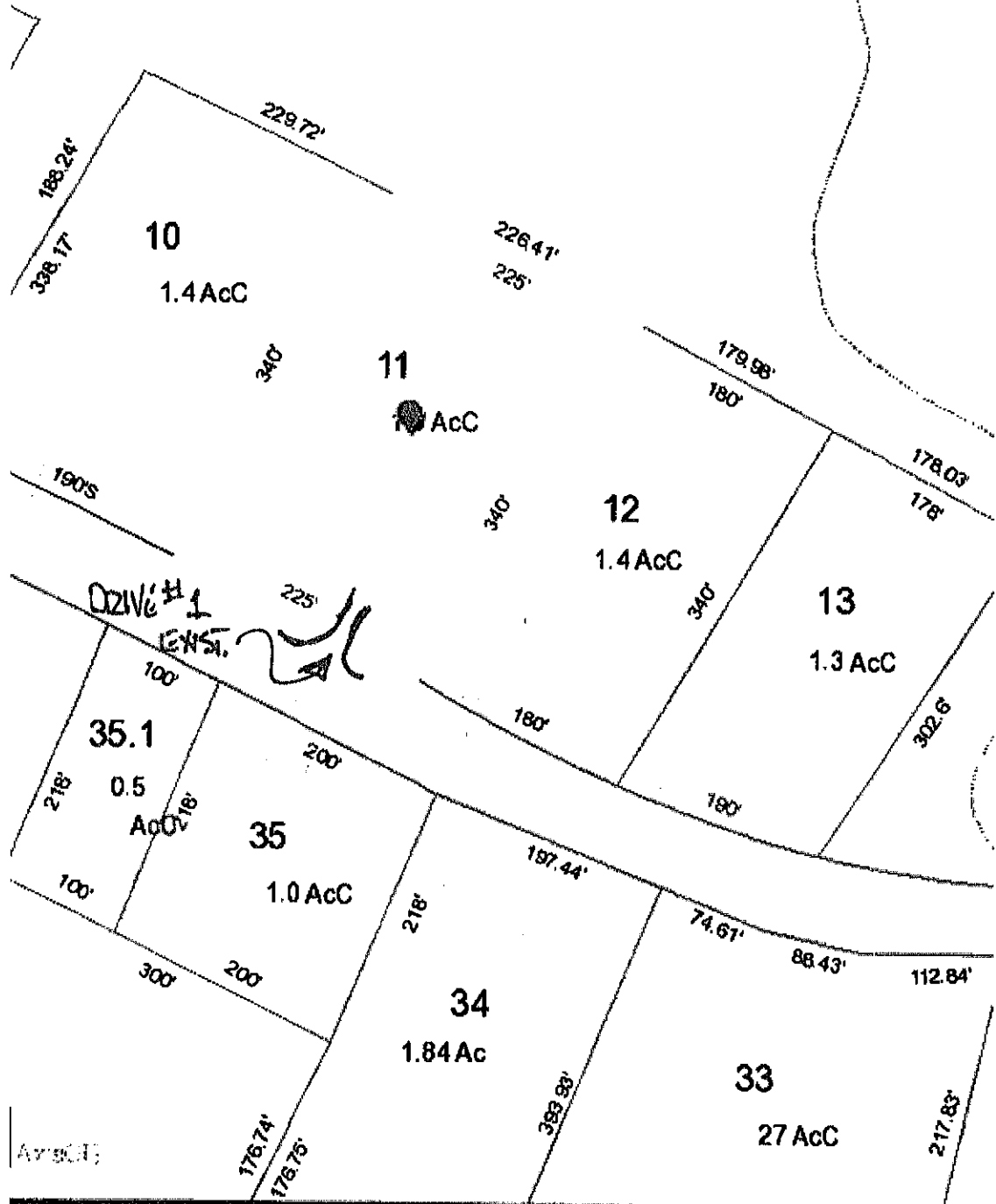
V. The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III and IV shall be conferred upon the planning board in cities and towns in which the planning board has been granted the power to regulate the subdivision of land 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.

**§ 236:14 Penalty.** – Any person who violates any provision of this subdivision or the rules and regulations made under authority thereof shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and, in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the person empowered to give such written permission.

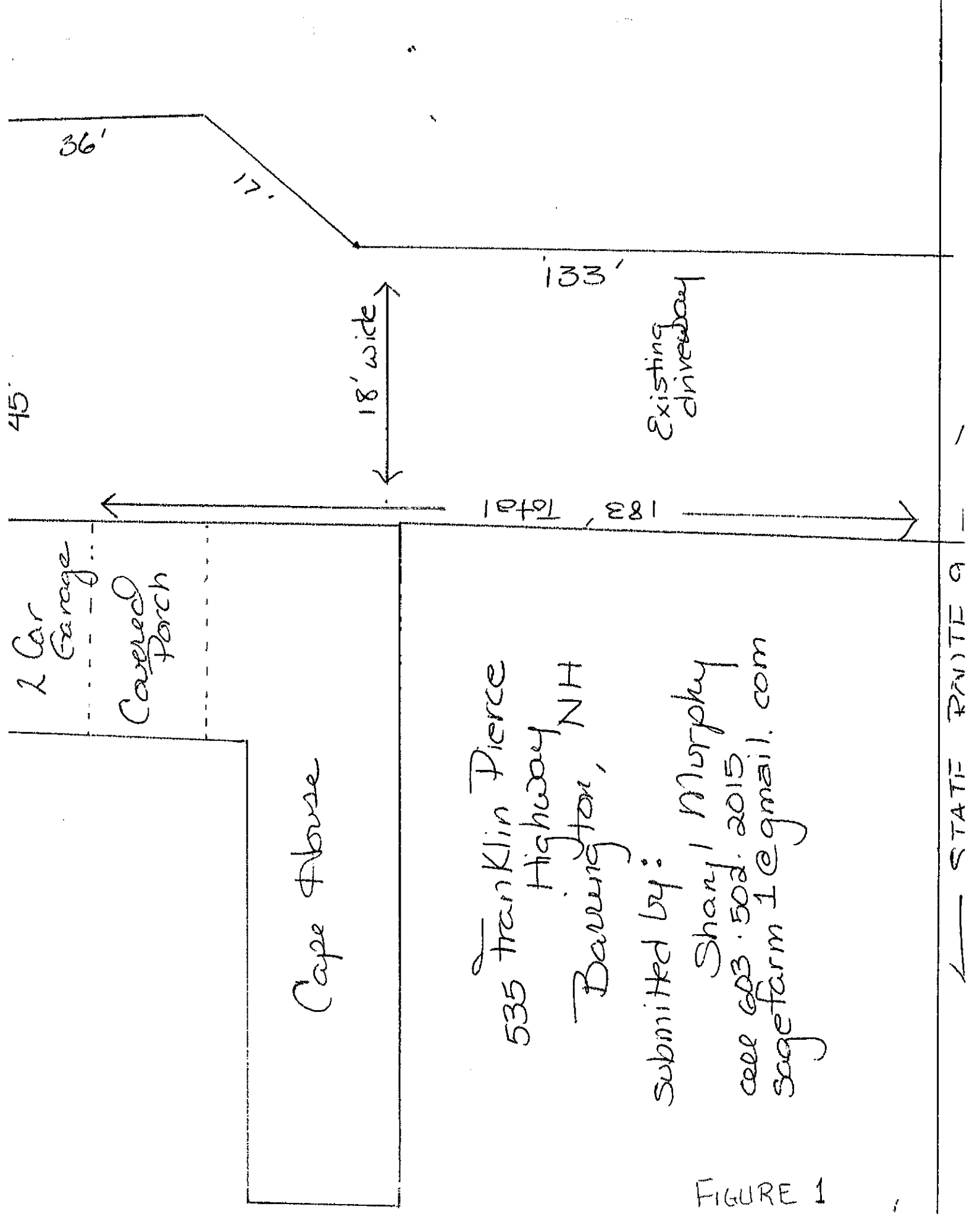
P/O 3rd DISTRICT TAY MAP 238

= JULY 1971 LOT OF RECORD  
= CURRENT LOT



Disclaimer Help Feedback

Desktops >> Address



Cape Abuse

535 Franklin Pierce  
Highway, NH  
Barrington,

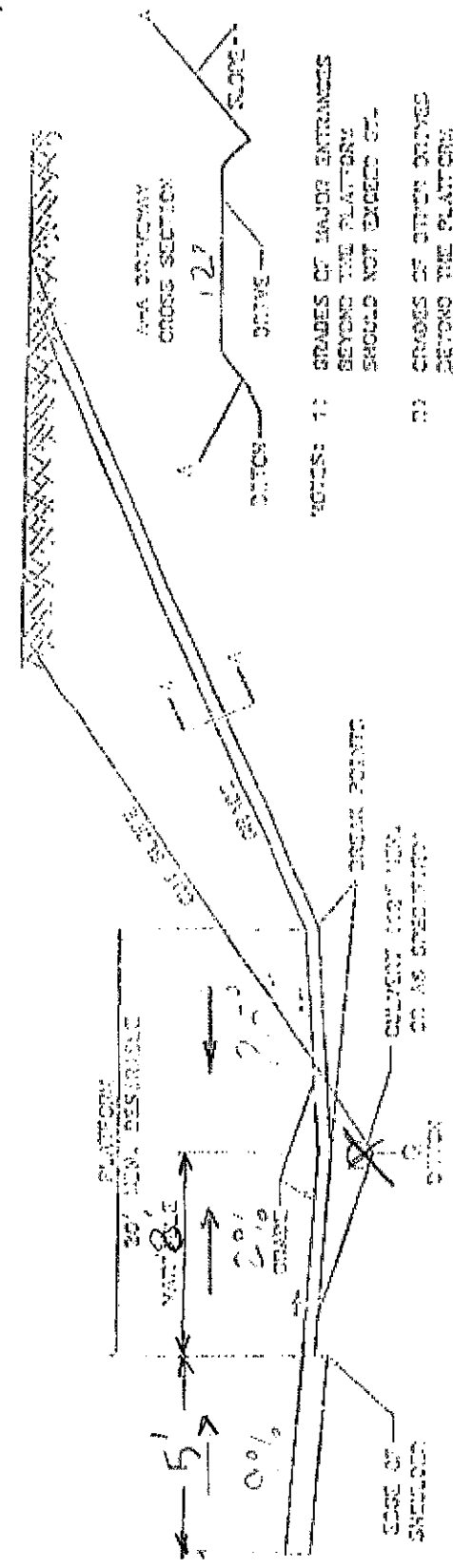
submitted by:

Sharyl Murphy  
cell 603.503.2015  
sagefarm1@gmail.com

FIGURE 1

STATE ROUTE 9

OLD GROUND



TYPICAL RURAL DRAIN IN CUT SECTION

- NOTES:
- 1) GRADES OF MAJOR ENTRANCES BEYOND THE PLATFORM SHOULD NOT EXCEED 0%.
  - 2) GRADES OF OTHER DITCHES BEYOND THE PLATFORM SHOULD NOT EXCEED 10%.
  - 3) THE ALIGNED DIFFERENCE BETWEEN THE ADJACENT GRADES SHOULD NOT EXCEED 10%.
  - 4) DITCHES ARE RECOMMENDED FOR UNGRADED DRIVING IN CUT SLOPES.
  - 5) USE SAME END SECTIONS ON CULVERT PIPES.
  - 6) ALL OPENINGS SHALL HAVE A SECTION CORRESPONDING TO THE HIGHWAY WHICH APPROXIMATES LEVEL GROUND.

FIGURE 2

*Blunden 12-2-00*

DATE: 11/27/2006

BY: ELECTOR