

## **POLICY REGARDING CONSTRUCTION ON CLASS VI AND PRIVATE ROADS**

Under RSA 674:41 the Select Board (hereinafter, the Board) must evaluate and individually authorize construction concerning all buildings accessed from Class VI town roads and Private Roads, after review and comment by the Planning Board. Should such authorization be issued, the recording of a liability waiver, see Section 6, below, is always required.

The Board may approve such construction, without the full application of this policy, on Class VI and Private Roads in the following circumstances:

- a) General maintenance or repair of an existing structure.
- b) Minor additions to an existing structure such as decks or porches.
- c) Replacement of an existing building, where the use, volume and footprint remain the same.

The following forms of construction must be considered by the Board, with all applicable terms of this policy:

- a) Erection of any new habitable building.
- b) Conversion of a seasonal dwelling into a year-round dwelling.
- c) Change of use of the property (for example from single family into a multi-family).
- d) Additions that add to the volume of an existing building.
- e) Any other situations not included above.
- f) New accessory buildings: barns, sheds, garages and other non-human habitable buildings.

The Board has adopted this policy to help provide a uniform decision-making process when it is presented with such an application. The Board shall pay particular attention to the Town's Master Plan and the advice and opinion of the Planning Board as well as consider any factor it deems relevant to the authorization of construction in a particular case. Therefore, this statement of policy is not intended to be an exhaustive list of factors which may be taken into account by the Board when reviewing an application for construction on a Class VI or Private Road.

1. **Statement of Purpose.** It is the purpose of this policy to ensure that emergency vehicles going to any structure built on Class VI or Private Roads will travel on roads that are properly constructed and maintained so as to be accessible in a safe manner at all times. In that way, the safety and property of people occupying or using those structures will not be unreasonably placed at risk, nor will the safety of emergency response personnel or their vehicles and equipment be needlessly endangered.

Further, the Board is mindful that under RSA 634:36 II the Town must provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services; and that the Town must provide for the harmonious development of the municipality and its surrounding area.

Further, the Board is mindful that development along a Class VI or Private Road may well lead to the receipt of a petition to lay out the road as a Class V, town-maintained road, or a petitioned

warrant article requesting the Town Meeting to reclassify the Class VI or Private Road as Class V.

It is therefore the purpose of this policy to limit development along Class VI or Private Roads where such development will have a detrimental impact on the health, financial welfare, or resilience of the Town.

2. **Application.** Every application to the Board requesting that the Board authorize construction on a Class VI or Private Road shall be made in writing and be accompanied by a map drawn to scale showing:
  - a) The location and size of the lot and its relation to the Class VI or Private Road and the Class V or better road which allows access to the Class VI or Private Road;
  - b) The specific location of all proposed structures;
  - c) The location and length of the driveway giving access to the structures from the Class VI or Private Road;
  - d) Any other information which the Board may reasonably require including, but not limited to, the location and condition/capacity of any existing bridges or culverts, impacts to wetlands, road grade and a plan describing continued maintenance for the road you are requesting authorization on.
  
3. **Partial List of Factors.** In reviewing an application for construction on a Class VI or Private Road the Board may consider any factors it deems relevant, including but not limited to the following:
  - a) Whether such permission would be contrary to the spirit and intent of this policy;
  - b) Whether the applicant proposes to physically bring the relevant portion of the Class VI or Private Road up to Class V standards;
  - c) Whether the Board finds that the applicant will properly maintain, individually or through a Road Association, the portion of the Class VI or Private Road needed to access the property from the Class V or better road;
  - d) Any recommendations provided by the Planning Board review;
  - e) Any recommendations provided by a Road Agent, Police Department, Health Officer, Fire Department, or that are otherwise deemed relevant by the Board.
  
4. **Improvements to Class VI and Private Roads.**
  - a) Before beginning any work within a Class VI road right of way, the applicant must receive a written permit from the Board pursuant to RSA 236:9-11 and shall be subject to the penalties provided by RSA 236:14 for failure to secure or comply with the terms of said permit.
  - b) The standards with which Class VI and Private Roads must be brought into compliance, in the usual case, are those set out in the Stratford Subdivision Regulations, adopted by the Stratford Planning Board, and any amendments thereto. However, the Board reserves the discretion to waive the application of such road standards or any portion thereof for good cause shown for the construction of only a single family dwelling on a single lot. In case such a waiver is granted, the applicant shall nonetheless adhere to the following

minimum requirements to ensure that emergency vehicles will be able to access the property at any time of the year without undue risk to life and equipment:

- i) The road shall have a sixteen foot (16') traveled surface with two foot (2') shoulders on each side;
    - ii) the road shall be finished with four inches (4") of crushed gravel;
    - iii) drainage culverts shall be installed as required;
    - iv) turnarounds shall be constructed as required;
    - v) pavement may be required, depending upon steepness of slope and other relevant circumstances.
  - c) The Board may require that the proper completion of the required improvements to the Class VI or Private Road be secured to the Town by the applicant by the submission of a performance bond, irrevocable letter of credit, cash, or other type or types of security in an amount and subject to such terms and conditions as shall be specified by the Board.
5. **Public Hearing.** Prior to the issuance of its decision on the application, the Board shall hold a public hearing with at least seven (7) days prior notice to the applicant and to each owner of property abutting the Class VI or Private Road in question. The notice shall also be posted in at least two (2) public places within the Town.
6. **Notice to be Recorded.** Prior to the actual issuance of approval by the Board, the applicant shall produce evidence that a notice has been properly recorded at the Coos County Registry of Deeds to the effect that the Town of Stratford neither assumes responsibility for maintenance of the Class VI or Private Road nor liability for damages resulting from the use thereof, pursuant to RSA 674:41 I (c) (3). Such notice shall be prepared at the expense of the applicant by an attorney who shall represent the Town's interests in the matter, to be named by the Board of Selectmen. In addition, prior any occupancy or use of the building, the applicant shall complete all roadwork to the satisfaction of the Town's Road Agent and Fire Chief.
7. **Guarantee of Future Maintenance.** Prior to the actual issuance of the Board's permission, the applicant is encouraged to join and contribute to a Road Association responsible for future road maintenance, or individually agree to perform the road maintenance necessary to safely access the property from a Class V or better road. In either case, the applicant shall provide the Selectman with an appropriate duly recorded instrument for the purpose of guaranteeing that future maintenance of the access road will be performed in a timely manner.
8. **Appeal.** Any applicant, after applying for and being denied approval to construct a building on a Class VI or Private Road by the Board of Selectmen, may appeal to the Zoning Board of Adjustment. Any such decision made in this connection by the Zoning Board of Adjustment shall be in writing together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.
9. **Repeal.** The adoption of this Policy shall operate as a repeal of any other statement of policy to the extent the latter is inconsistent herewith.

**CLASS VI/PRIVATE ROAD – REQUEST FOR SELECT  
BOARD APPROVAL OF CONSTRUCTION: DOCUMENT  
CHECKLIST**

Town of Stratford  
P.O. Box 366  
1956 US Rt. 3  
North Stratford, NH 03590  
(603) 922-5533

- \_\_\_ Original, fully executed Class VI or Private Road Notice of Limits of Municipal Responsibility and Liability.
- \_\_\_ Copy of Map (showing location & size of lot, location of all proposed structures, location and length of driveway and relationship of lot to the Class VI/Private Road and the Class V Road that provides access).
- \_\_\_ Copy of Property Deed.
- \_\_\_ Copy of Abutter's List.
- \_\_\_ Copy of Comments/Recommendation for road improvements from Road Agent.
- \_\_\_ Copy of Comments/Recommendation from Police Chief, and Fire Chief.
- \_\_\_ Copy of Comments/Recommendations from the Planning Board's Public Hearing.
- \_\_\_ Any other information Property Owner wishes to provide to explain their request for permission to build on a Class VI or Private Road.

\*All information must be submitted to the Administrative Assistant to the Select Board before a public hearing will be scheduled. Information must be returned to the Stratford Town Office at PO Box 366, North Stratford, NH 03590.