



TOWN OF CAMPTON

BUILDING & DRIVEWAY PERMITS ON CLASS VI AND PRIVATE ROADWAYS

I. Purpose and Intent

Under RSA 674:41, the Board of Selectmen has the discretion to authorize the issuance of building permits on Class VI and private roads within the Town, after review and comment by the Planning Board.

The Board of Selectmen has adopted these guidelines to help guide the decision-making process when it is presented with such an application. It is emphasized that the Board of Selectmen will consider any factor relevant to the authorization of a building permit in a particular case. Therefore, this statement of guidelines is not intended to describe an exhaustive list of considerations, but to be a guide for both the Board of Selectmen and applicants for such building permits.

The New Hampshire Supreme Court has said that the purpose of RSA 674:41, I(c) is to prevent scattered and premature development; that the decision of whether to allow building on Class VI roadways or private roads is a major policy decision; and that unrestricted building can have a major impact on the Town's budget if the Town is forced to subsequently upgrade substandard unmaintained roads. The Board is mindful that development along a Class VI or private road may tend to drain existing Town services and force increased costs to the Town to provide additional services. It is therefore the purpose of these guidelines to minimize development along Class VI or private roads that may lead to such a result. It is also the purpose of these guidelines to ensure that any structures built on private or Class VI town roads are reasonably accessible to emergency vehicles twelve months each year. 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 unreasonably endangered.

II. Application

- a. Every application to the Board of Selectmen requesting that the Board authorize the issuance of a building permit on a Class VI town or private road shall be made in writing and accompanied by a map drawn to scale showing:
 - i. The location of the size of the lot and its relation to the Class VI or private road and the distance to the intersection with the Class V or better road which gives access to the Class VI or private road;
 - ii. The specific location of all proposed structures;
 - iii. The location and length of the driveway giving access to the structures from the Class VI or private road;
 - iv. Wetlands delineation, by a certified wetlands scientist, on the subject property or adjacent property that could be impacted, and whether a State Wetlands Permit application has been submitted;
 - v. Existing features along the area of the Class VI or private road from the proposed structure to the intersection with the Class V or better road providing access;
- b. A road plan that includes the private or Class VI road(s) that provide access to the approved driveway on the property and the proposed improvements. The plan shall include the stamp of a NH licensed engineer with confirmation that the road(s) indicated on the plan meet or exceeds the emergency lane criteria noted in these guidelines.
- c. A written road maintenance agreement to be recorded at the Grafton County Registry of Deeds, if there is more than one party who will be residing on the road in question or the applicant agrees in writing to assume 100% of the road maintenance costs for the portion of Class VI or private road affected. Applicant shall address the need for a potential turnaround for emergency vehicles in order to avoid or eliminate a dead-end road;

- d. Any other information which the Board of Selectmen may reasonably require.
- e. All above referenced must be submitted as a complete packet to the Planning Board no later than the first of the month to be on the Planning Board agenda for that month. The planning department will provide notification of the application to the fire chief, police chief and road agent. Following the planning board review, the complete packet with written comments and recommendations shall be forwarded to the Board of Selectmen.

III. Criteria to Be Considered

The Board of Selectmen should issue a building permit upon a Class VI or private road only when it is demonstrated by an applicant, and determined by the Board of Selectmen, that issuance of the permit will not have a negative impact upon the Town (i.e., the planned development is not deemed "scattered and premature"). The Board of Selectmen should evaluate applications, in consultation with the Planning Board, using the following criteria (as well as any other criteria they deem relevant):

- a. Conditions of the Class VI road or private road: whether the road has adequate drainage, whether the grade is suitable to handle increased development and use, whether the surface is suitable for increased use, and whether public safety personnel, vehicles and/or equipment would have difficulty reaching the property, creating increased risks to those occupying or using the proposed structure(s).
- b. Length of travel to reach the nearest intersection with a Class V or better road (see Section IV below).
- c. Conditions of connecting roads and intersections: whether they are adequate to handle increased traffic.
- d. Effects on municipal services: whether the proposed development would result in an increased need for police, fire, rescue, water, sewer, electric and/or other public service, and whether the condition of the road result in increased risk to Town personnel, vehicles and/or equipment trying to reach the property in emergency situations.
- e. How the proposed development will fit into general growth/development patterns in the Town and if the issuance of the building permit would tend to distort the Town's official map or Master Plan.

IV. Distance to Class V Road

It is the general policy of the Board of Selectmen that no building permit will be authorized if the driveway access to the principal structure from the Class VI or private road begins more than 200 feet from the intersection of the Class VI or private road and the Class V or better road which gives access to the Class VI or private road. Applications that meet the 200-foot distance will not be automatically approved, however, as this is but one criterion to be considered. In addition to the criteria listed in Section III above, the Board of Selectmen will consider the following even where the 200-foot distance is met:

- a. The nature, condition and grade (12% or less) of the Class VI or private road; and
- b. The nature, condition and length of the driveway from the Class VI or private road to the proposed structure(s).

The Board of Selectmen may consider waiving the 200-foot distance:

- i. Where the deviation from the 200-foot distance is insignificant and the Board finds the issuance of the permit is not contrary to the spirit and intent of this policy; **or**
- ii. Where the applicant proposes to physically bring the relevant portion of the Class VI or private road to the Town's Class V standards; and
- iii. The Board finds that there is a strong likelihood that the applicant will properly maintain the improved portion of the Class VI or private road; and
- iv. The Board finds that the issuance of the building permit is not contrary to the spirit and intent of this policy.

V. Improvements to Class VI Roads

The Board of Selectmen may, when it deems necessary for the provision of safety services or to minimize future financial impacts on the Town budget, require the applicant as a condition of approval to improve the Class VI or private road in accordance with the standards and guidelines set forth in this Section V.

Before beginning any work within the limits of the Class VI road (including the traveled way and any shoulders, drainage structures, or associated areas), the applicant must obtain written permission from the Board of Selectmen pursuant to RSA 236:9-:11, and shall be subject to the penalties provided by RSA 236:14 and any other applicable statute or ordinance for failure to secure or comply with the terms of that permit.

- a. For a single lot and/or single dwelling unit, the Board of Selectmen shall adhere to the minimum standard set forth below for improvement of Class VI or private roads. Each application and case is looked at on a case-by-case basis, with the specific conditions of the road in question and its ability to support the passage of emergency vehicles being the primary consideration. In general terms, the minimum standard includes the following:
 - i. Sixteen-foot (16') travel surface
 - ii. Two-foot (2') shoulders on each side
 - iii. Twelve-inches (12") bank run gravel base
 - iv. Four-inches (4") crushed gravel surface
 - v. Installation of drainage culverts as may be required after NHDES Wetlands permit approval
 - vi. Potential of pavement, depending on conditions or steepness of slope
 - vii. Fifty-foot (50') Right of Way
 - viii. Easement for drainage and maintenance
- b. For multiple lots and/or dwelling units, the Class VI or private road is to be brought to Class V standards, and the standards to be met are those set out in the Town Road and Subdivision Standards as they may be modified under subsection c below.
- c. The Board of Selectmen may require something other than the minimum or Class V standards as it finds appropriate.
- d. The Board of Selectmen will require that the proper completion of the improvements be secured by the provision by the applicant to the Town of security in a form of surety bond or cash equivalent in the amount to be determined by the Board of Selectmen.
- e. The Board of Selectmen will also require that all such work be completed to the satisfaction of the Town's Road Agent.

VI. Notice to Be Recorded- Agreement & Release Form

Prior to the actual issuance of any building permit authorized by the Board of Selectmen for construction on a Class VI or private road, the applicant shall provide the Town with an executed notice to be recorded at the Grafton County Registry of Deeds. The Town will have the notice recorded at the applicant's expense. The notice shall include all of the following information:

- a. The property owner's name and contact information
- b. Description of the property (address and/or map and lot number)
- c. Book and Page number of the property owner's deed as it is recorded in the Registry
- d. Name of the Class VI or Private road and the fact that it is a Class VI or Private road
- e. Statement that the Board of Selectmen, after review and comment by the Planning Board, adopted a policy under RSA 674:41 that allows building on Class VI or private roads under certain circumstances
- f. Details regarding the building permit issued in this case (date it was issued and its location on file with the Town)
- g. Statement referring to RSA 674:41, I(c) and RSA 231:93, that the Town of Campton has no legal duty to maintain the road (including plowing, grading, drainage, paving, etc.), nor does it assume or have any liability for damages resulting from the use of the road. Further, the statement should provide that municipal services such as police, fire, ambulance, school bus transportation, and others, may be unavailable at times.
- h. The owner agrees to these limitations of Town responsibility and liability, and the owner is responsible for any road maintenance and repair work.
- i. Prior to performing any road repair or maintenance work on the Class VI road, the owner will obtain approval of the Board of Selectmen or road agent under RSA 236:9. Describe, if any, the types of work the owner has standing written permission from the Town to perform, together with any conditions.
- j. The Class VI road is a public highway and the owner shall not prohibit unauthorized use
- k. Pursuant to RSA 41:11, the Board of Selectmen retains full authority to regulate the public use of the Class VI road, including the owner/applicant's use, and the installation of unlocked gates or bars.
- l. Witnessed signatures of the owner(s) and the Board of Selectmen.

VII. Time Limitations:

- a. Applicants receiving approval from the Board of Selectmen under these guidelines must apply for and be issued a building permit within the first six (6) months following such approval, and the structure construction must begin within twelve (12) months from the date of issuance of the building permit or the approval of the Application to Build on Class VI or private road will be void.
- b. Required road improvements associated with the Board of Selectmen's approval under these guidelines must commence within six (6) months of the issuance of the building permit and shall be made according to an approved, signed plan from the Board of Selectmen, with regular inspections made by the Board of Selectmen or its designee.

VIII. Authority

This policy is adopted by the Board of Selectmen under the authority granted to it in RSA 674:41 and RSA 41:11

