TOWN OF BARRINGTON, NEW HAMSPHRIE 03825

Policy as amended 7-20-2015

POLICY OF THE BOARD OF SELECTMEN REGARDING CONSTRUCTON ON CLASS VI AND PRIVATE ROADS

Under RSA 674:41 the Board of Selectmen has the discretion to authorize the issuance of building permits for the erection of buildings on Class VI town roads and Private Roads, after review and comment by the Planning Board. In either of the situations of Section I or II the recording of a liability waiver in Section 6 is required.

The Board of Selectmen authorizes the Building Inspector to issue building permits on Class VI and Private Roads in the following circumstances:

SECTION I:

1. General maintenance or repair of an existing structure
2. Replacement of materials with similar material.
3. Accessory improvements such as decks or porches that meet all other zoning regulations.
4. Improvements or replacement of an existing building, where the use, volume and footprint remain the same.

The following building permit applications will be directed to the Board of Selectmen for action, prior to any issuance of a building permit by the Building Inspector:

SECTION II:

1. Erection of any new habitable building.
2. Conversion of a seasonal dwelling into a year-round dwelling.
3. Change of use of the property (for example from single family into a multi-family).
4. Additions that add to the volume of an existing building.
5. Any other situations not included in Section I.
6. New accessory buildings: barns, sheds, garages and other non-human habitable buildings.

The Board of Selectmen has adopted this policy to help provide a uniform decision-making process when it is presented with such an application. It is intended that the Board of Selectmen will consider any factor it deems relevant to the authorization of a building permit 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 of either the Planning Board or Board of Selectmen when reviewing an application for a building permit 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 development along a Class VI or Private Road may well lead to the receipt of a petition to lay out the road as 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 cause hardship to the town because of undue financial impact.

2. **Application**. Every application to the Board of Selectmen requesting that the Board authorize the issuance of a building permit 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 of Selectmen 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 a building permit on.

3. **Partial List of Factors.** In reviewing an application for a building permit on a Class VI or Private Road the Planning Board and Board of Selectmen may consider any factors it deems relevant, including but not limited to the following:
   a) Whether the issuance of the building permit 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 VCI or Private Road 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 as a result of the Planning Board review;
   e) Any recommendations provided by the Road Agent, Police Chief and Fire Chief

4. **Improvements to Class VI and Private Roads.**
   a) Before beginning any work within the limits of a Class VI road, the applicant must receive a written permit from the Board of Selectmen 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 to which the Class VI and Private Roads must be brought in the usual case are those set out in the Subdivision Regulations, Appendix I, adopted by the Barrington Planning Board on July 1974 and any amendments thereto. However, the Board of Selectmen 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 of Selectman 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 of Selectman.

5. **Public Hearing**. Prior to the issuance of its decision on the application, the Board of Selectmen shall hold a public hearing with at least seven (7) days prior notice to the applicant and to each owner of property abutting the lot in question and the road association if known. 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 a building permit authorized by the Board of Selectmen, the applicant shall produce evidence that a notice has been properly recorded at the Strafford County Registry of Deeds to the effect that the Town of Barrington 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 to the actual issuance of a certificate of occupancy authorized by the Building Inspector, the applicant shall complete all roadwork to the satisfaction of the town's Road Agent.

7. **Guarantee of Future Maintenance**. Prior to the actual issuance of a building permit, 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 the issuance of a building permit 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 BUILDING PERMIT DOCUMENT CHECKLIST

Town of Barrington
PO Box 660
333 Calef Highway
Barrington, NH 03825
603-664-9007
603-664-5179 (fax)

___ Original fully executed Class VI or Private Road Notice of Limits of Municipal Responsibility and Liability.

___ Copy of Building Permit Application.

___ Copy of Plot Plan (showing location & size of lot, location of all proposed structures with setbacks, lo9cation and length of driveway and relationship of lot to the Class VI/Private Road and the Class V Road that provides access).

___ Copy of Tax Map (showing lot on which you wish to build).

___ 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 a Building Permit on a Class VI or Private Road.

*ALL INFORMAITON MUST BE SUBMITTED TO THE SELECTMEN'S OFFICE BEFORE A PUBLIC HEARING WILL BE SCHEDULED. INFORMATION SHOULD BE RETURNED TO THE SELECTMEN'S CLERK, SUZANNE MCNEIL AT BARRINGTON TOWN OFFICES, 333 CALEF HIGHWAY, BARRINGTON, NH 03825.

TOWN OF BARRINGTON, NEW HAMPSHIRE
Agreement and Release Regarding
Building Permit for Property Abutting a Private/Class VI Road

NOW COME _____
(Hereinafter referred to jointly or severally as "owner") with a residential address of
_____, and
The Town of Barrington, New Hampshire (hereinafter referred to as "town"), a municipal corporation existing under the laws of the State of New Hampshire with an address of 333Calef Highway, and agree as follow:

WHEREAS, owner owns certain real property (Tax Map_____, Lot ____ Plot____) which abuts _____Road, conveyed to said owner by a Deed recorded at Book _____, Page_____ at the Strafford County Registry of Deeds: and

WHEREAS, the relevant portion of said_____ Road upon which owner's real property fronts is a private/Class VI road that has not been approved by the Barrington Planning Board, so that the owner's property is therefore subject to the building restrictions imposed under RSA 674:41;

NOW THEREFORE, the town and owner on behalf of themselves, their heirs, legal representatives, successors and assigns, covenant and agree as follows:

1. The town shall allow owner a building permit to construct a single family residence on the property identified above subject to the terms and conditions of a building permit to be issued by the town and the Policy of the Board of Selectmen Regarding Construction on Class VI and Private Roads as amended on July 20, 2015.
2. The parties understand and agree that town assumes no responsibility for maintenance, including but not limited to snowplowing, of said_____ Road, and no liability for any damages arising from the use of said road.
3. Owner agrees to be responsible for maintaining access to the subject property and does hereby forever release and discharge the town, its officers, agents and employees: (1) from the obligation of maintaining said _____ Road; and (2) from any loss, damage, claim or expense of any kind or nature whatsoever arising directly or indirectly from the condition of said road, including but not limited to any loss damage, claim or expense arising from failure to provide any municipal services such as police, fire and ambulance services.
4. Owner hereby assumes responsibility for transporting any children who may now or in the future reside on the property to the nearest regular school bus stop.
5. The parties understand and agree that this Agreement and Release shall be recorded at the Strafford County Registry of Deeds before the building permit is issued, as required under RSA 674:41, I (c)(3).
6. The owner(s) agree to stipulate and pass this Agreement at any transfer of this property.

IN WITNESS WHEREOF the parties have hereunder set their hands this _____day of _____, 20__.

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Witness:	(Owner)
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Witness:	(Owner)
	TOWN OF _____
---	By:---
Witness:	Selectman, Chairman or Vice Chairman

Revised 7/20/2015

EXAMPLES OF HOW THE UPGRADE SHOULD LOOK AFTER COMPLETION OF ALL ROAD WORK