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TOWN OF SUTTON  
NEW HAMPSHIRE

POLICY OF THE BOARD OF SELECTMEN  
REGARDING CONSTRUCTION ON CLASS VI ROADS

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

The Board of Selectmen has adopted this policy 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 policy 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.

1. Statement of Purpose. The Board is mindful that development along a Class VI 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 road as Class V. It is therefore the purpose of this policy to minimize that development along Class VI town roads which might tend to drain existing town services and force increased costs on the town by necessitating additional services. Further, it is also the purpose of this policy to ensure that any structures built on 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.

2. Application. Every application to the Board of Selectmen requesting that the Board authorize the issuance of a building permit on a Class VI town 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 road and the Class V or better road which gives access to the Class VI 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 road;

d) any other information which the Board of Selectmen

*may reasonably require*

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3. Distance to Class V Road. It is the policy of the Board of Selectmen that, in the usual case, no building permit will be authorized if driveway access to the principal structure from the Class VI road begins more than six hundred (600) feet from the intersection of the Class VI road and the Class V or better road which gives access to said Class VI road. Applications which meet the six hundred (600) foot distance will not be automatically approved, however. In addition to any other relevant factors, the Board of Selectmen will consider the following, even in those instances where the six hundred (600) foot distance requirement is met:

- a) the nature and condition of the Class VI road;
- b) the nature, condition and length of the driveway from the Class VI road to the proposed structure(s).

4. Waiver of Distance Limitation. The Board of Selectmen may consider waiving the six hundred (600) foot limitation set out in paragraph 3:

- a) where the deviation from the six hundred (600) foot requirement is insignificant and the Board finds that the issuance of the building permit is not contrary to the spirit and intent of this policy; or

- b) where the applicant proposes to physically bring the relevant portion of the Class VI road to Class V standards; and

- i) the Board finds that there is a strong likelihood that the applicant will properly maintain the improved portion of the Class VI road; and

- ii) the Board finds that the issuance of the building permit is not contrary to the spirit and intent of this policy.

5. Improvements to Class VI Roads.

- a) Before beginning any work within the limits of the 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.



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b) The standards up to which the Class VI road must be brought are those set out in the Subdivision and Site Plan Review Regulations as adopted by the Sutton Planning Board on August 7, 1970 and any amendments thereto. However, in a proper case, the Board of Selectmen may apply the applicable road construction standards as cited in the New Hampshire Department of Transportation Suggested Minimum Design Standards for Rural Subdivision Streets.

c) The Board of Selectmen will require that the proper completion of the improvements to the Class VI road be secured to the Town by the giving of security in a form and amount to be determined by the Board.

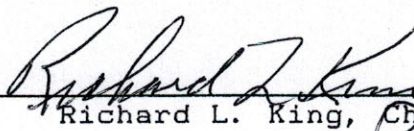
6. Public Hearing. Prior to the issuance of its decision on the application, the Board of Selectmen shall hold a public hearing with at least five (5) days prior notice sent certified mail, return receipt requested, to the applicant and to each owner of property abutting the Class VI road in question. The notice shall also be posted in at least two (2) public places within the Town. The applicant shall pay the costs of such notice, in advance. The Board of Selectmen will also endeavor to ensure that timely notice of the public hearing is given to the Chair of the Planning Board, Zoning Board of Adjustment, Chief of Police, Fire Chief and Code Enforcement Officer.

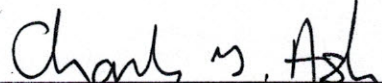
7. Notice to be Recorded. Prior to the actual issuance of any building permit authorized by the Board of Selectmen, the applicant shall produce evidence that a notice has been properly recorded at the Merrimack County Registry of Deeds to the effect that the Town of Sutton neither assumes responsibility for maintenance of the Class VI highway 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.


8. 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.

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IN WITNESS WHEREOF, the undersigned members of the Sutton Board of  
Selectmen have set their hands this *12th* day of February, 1996.

  
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Richard L. King, Chair

  
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Charles G. Ash

  
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Stanley, L. LeBrun

*Last amended and revised 2/12/96*