



TOWN OF CANTERBURY Class VI/Private Road Policy

The purpose of this policy is the following:

1. Prevent the premature and scattered development in the community that may endanger the safety and well-being of residents.
2. Protect the Town from absorbing burdensome costs of upgrading substandard Class VI and private roadways to service premature and scattered development.
3. Preserve the character of Class VI or private roadways.
4. Protect the health and welfare of the community.

WHEREAS, per RSA 674:41 no building can be erected on any lot within any part of the Town, nor can a building permit be issued for the erection of a building unless the road giving access to the lot upon which such building is placed (i) has the legal status of a Class V or better roadway. (ii) has received certain approvals by the Planning Board, or (iii) is a Class VI highway or private road provided that, in the latter case:

1. The Selectmen, after review and comment from the Planning Board, has voted to authorize the issuance of building permits for the erection of buildings on said Class VI highway or private road, or a specific portion of it; and
2. The Town neither assumes responsibility for maintenance
3. Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of the Town's responsibility and liability has been recorded in the Registry of Deeds (SEE ATTACHED AGREEMENT & RELEASE).

WHEREAS, the State Supreme Court has said that the purpose of 674:41, is to prevent scattered and premature development; the decision whether to allow building on Class VI roadways or private roads is a major policy decision; unrestricted building can have a major impact on the Town's budget if the Town is forced to subsequently upgrade substandard/unmaintained roads.

THEREFORE, The Canterbury Board of Selectmen will evaluate applications for building permits upon Class VI roadways or private roads, in consultation with the Fire Chief, Police Chief, Road Agent and Canterbury Planning Board, following the criteria:

1. Conditions of the road – does that road have adequate width, drainage, and grade to handle increased development?
2. Conditions of connecting roads – are the roads leading to the Class VI or private road adequate to handle increased traffic?

3. Effects of municipal services – will the contemplated development result in a need for increased police, fire, etc.
4. Will the issuance of the permit to result in “occasion” to lay out the road as a Class VI road?
5. How will the proposed development affect neighboring properties and how will does the proposed development “fit” in to the general growth and development patterns in the Town, as well as the goals and objectives of the Master Plan?
6. Will the issuance of said building permit tend to distort the Town’s road map or Master Plan?

RESOLVED, that building permits will be issued for lots on any Class VI or private roads with the approval of the Board of Selectmen only when it is demonstrated by an applicant, and determined by the Board of Selectmen, using the above criteria, that issuance of said permit will not have a negative impact upon the Town, i.e. the planned development is not deemed “scattered and premature.”

Any decision by the Board of Selectmen not to issue a building permit to properties located along Class VI or private roadways may be appealed to the Zoning Board of Adjustment per RSA 674:14 & 15 and 674:41. When reviewing such petition, the Zoning Board shall employ the standards included in RSA 674:41, II, which are as follows:

1. That issuance of the building permit will not tend to distort the official map;
2. That issuance of the building permit will not increase the difficulty of carrying out the Master Plan;
3. That issuance of the building permit will not cause hardship to future purchaser of the property; or,
4. That issuance of the building permit will not cause undue financial impact on the community.

Should the Zoning Board find that all standards have been met, nothing shall prohibit the Zoning Board from requiring additional considerations as a condition of issuance of said permit.

Nothing in this section shall prohibit the Planning Board from requiring applicant(s) proposing a subdivision or site plans fronting along a Class VI or private road from upgrading said roadway to a Class V standard, provided that said road is improved at the cost of the applicant(s).

Canterbury Board of Selectmen:

Date

Date

Date