

Samuel Papps
PO Box 4
Canterbury, NH 03224

Scott Doherty, Chairman
Board of Selectmen
PO Box 500
Canterbury, NH 03224

October 28, 2024

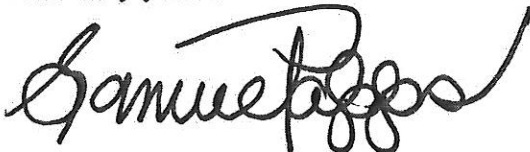
Dear Mr. Doherty,

I am enclosing with this letter an application for a Class VI Road Waiver for property that I own on Snowshoe Hill Road, for the Selectboard's review. I have been in possession of this property since 2020, having purchased it from Mr. Muriel of Cambridge, Massachusetts. The property has had limited potential strictly due to the conditions of the road, an 18th century byway that connected from Hill's Corner in Canterbury across the hill into southern Gilmanton. The intention of this road waiver would be building a single-family residence on Lot 203-4 as our building and zoning codes would allow in the Rural Zone.

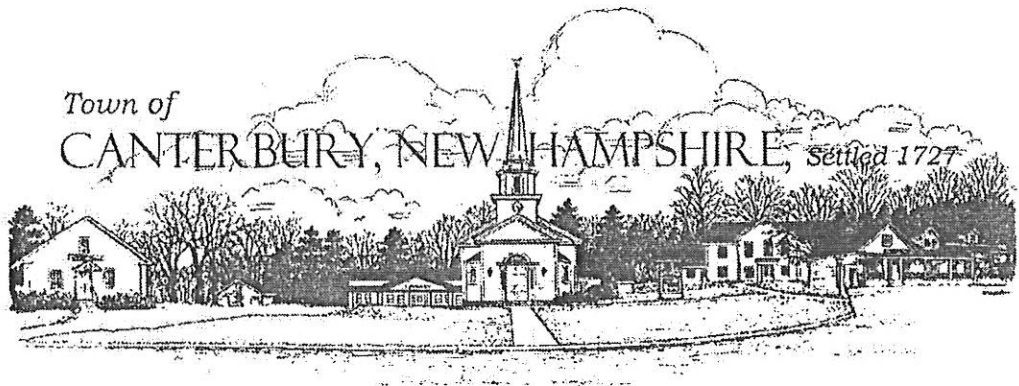
The shortest distance to access the lot, some 6/10ths of a mile, is directly from Old Gilmanton Road in Canterbury thru to Snowshoe Hill Road (as shown on the enclosed map). The deed for the property (also enclosed) references the abovenamed road, and it can be found in Lyford's *History of Canterbury, N.H. 1727-1912*, as well as in the 1858 *Map of Merrimack County, New Hampshire* by H. F. Walling. The cellar hole on the property dates back to when the property was owned by a farmer in Gilmanton, and is evidence that this was a traveled road, and could be again. Besides myself, there are some six property owners that have legal frontage on Snowshoe Hill Road, and it will become evident that residential development on said Snowshoe Hill Road will come in due course.

I would appreciate your attention in reviewing this application, and request a reply at your earliest convenience of the next steps necessary in this process, to secure the necessary waivers and permissions to maintain Snowshoe Hill Road as a passable access to my property.

Sincerely yours,

A handwritten signature in black ink that reads "Samuel Papps". The signature is fluid and cursive, with a large, sweeping initial 'S'.

Samuel Papps
(603 707-1525)

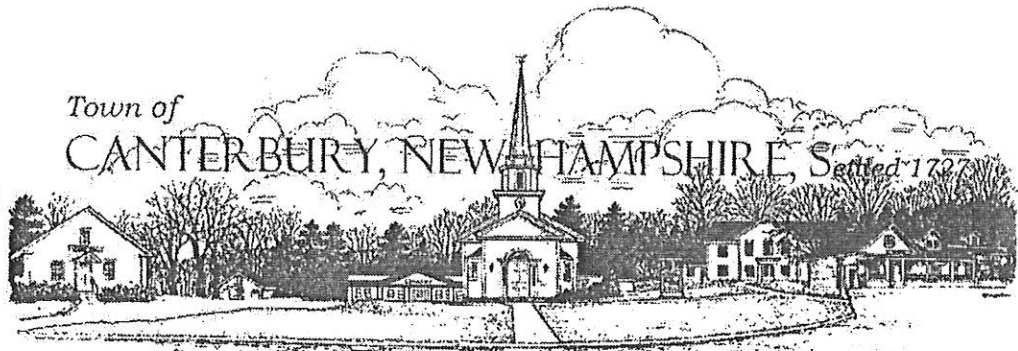


Procedure for Class VI or Private Road Waiver

1. Application packet will contain:
 - a. The Application to Build
 - b. The Agreement and Release
 - c. The Road Upgrade Agreement
 - d. Copy of the Class VI/Private Road Policy
2. The applicant will fill out the application and the agreement and turn in to the Town.
3. The Road Agent will coordinate with the Fire Department, Police Department, Building Inspector and applicant for a site visit.
4. Comments will be added to the appropriate areas of the application.
5. The Road Agent will coordinate with the applicant for any required upgrades which will be listed on the "Road Upgrade Agreement".
6. The completed packet will be forwarded to the Planning Board.
7. The Board of Selectmen will review the packet and make a decision to sign.

Revised; June 29, 2020

PO Box 500, 10 Hackleboro Road, Canterbury, NH 03224 Phone: 303-783-9955 Fax: 603-783-0501
Monday 9:00-3:00 Tuesday 3:00-7:00 Wednesday 9:00-1:00 Thursday 10:00-7:00



RSA 674:41 Application to Build on a Class VI Highway or Private Road

Property Owner: Samuel J. P. Papps

Date: 10-28-2024

Property Owner Signature(s): *Samuel Papps*

Mailing Address: P.O. Box 4, Canterbury, NH 03224

Phone #: (603) 707-1525

E-Mail: canterburyhistorian@gmail.com

Location: Tax Map #: 203

Lot #: 004

Road Name: Snowshoe Hill Road

*******All applications must include the following information*******

- 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 gives access to the Class VI or Private road; and
- The specific location of all propose structures as required by the building application; and
- The location and length of driveway giving access to the structures from the Class VI or Private Road; and

- If wetlands exist; wetlands delineation, by a certified wetlands scientist on the subject property or adjacent property that could be impacted, and indication whether a State Wetlands Permit has been submitted; and
- A written road maintenance agreement if there is one party residing on the road, 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.

**RSA 674:41 Application to Build on
a Class VI Highway or Private Road**

Is a Class VI Highway, provided that:

- (1) The Selectmen, after review and comment by the Planning Board, has voted to authorize the issuance of the building permit for the erection of building(s) on said Class VI Highway or a portion thereof per their adopted procedures; and
- (2) The Municipality neither assumes responsibility for maintenance of said Class VI Highway nor liability for any damages resulting from the use there; and
- (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of Municipal responsibility and liability has been recorded in the County Registry of Deeds.

Is a Private Road, provided that:

- (1) The Selectmen, after review and comment by the Planning Board, has voted to authorize the issuance of the building permit for the erection of building(s) on said Private Road or a portion thereof per their adopted procedures; and
- (2) The Municipality neither assumes responsibility for maintenance of said Private Road nor liability for any damages resulting from the use there; and
- (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of Municipal responsibility and liability has been recorded in the County Registry of Deeds.

Fire Dept.

Signature: _____

Date: _____

Comments:

Police Dept.

Signature: _____

Date: _____

Comments:

Planning Board:

Chairman Signature: _____

Date: _____

Comments:

Board of Selectmen

Signatures: _____

Date: _____

Date: _____

Date: _____

Comments:

Revised: June 29, 2020

**SA 674:41 Application to Build on
a Class VI Highway or Private Road**

Name: Samuel J. P. Papps

Map & Lot: 203-4

Road Agent:

Signature: _____

Date: _____

Comments:

Building Inspector:

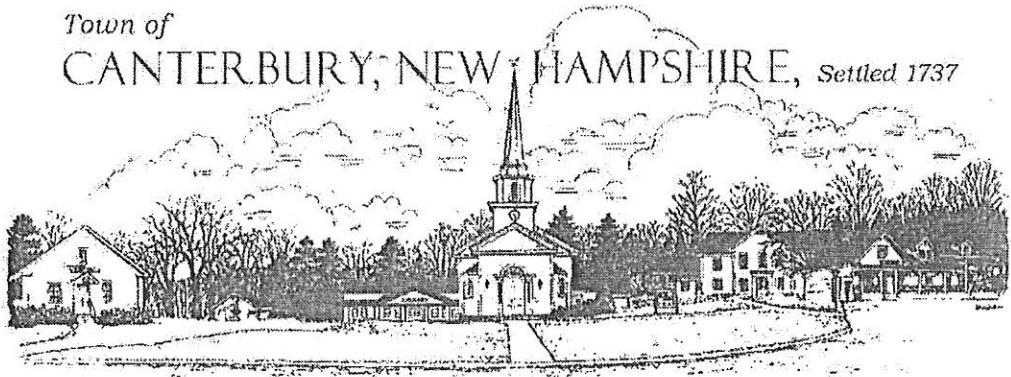
Signature: _____

Date: _____

Comments:

Town of

CANTERBURY, NEW HAMPSHIRE, Settled 1737



AGREEMENT AND RELEASE
BUILDING PERMIT for CLASS VI/PRIVATE HIGHWAY

NOW COMES Samuel J. P. Papps, (hereinafter referred to as "Owner") of County of Merrimack, State of New Hampshire, and the Town of Canterbury (hereinafter referred to as "TOWN"), a municipal corporation existing under the laws of the State of New Hampshire, and agree as follows:

WHEREAS OWNER is the owner of certain real property, Tax Map 203, Lot 4, situated at Snowshoe Hill Road Road (hereinafter referred to as "SAID ROAD", as stated in a Deed Recorded in Book _____ Page _____ at the Merrimack County Registry of Deeds.

WHEREAS the relevant portion of said Snowshoe Hill Road Road upon which OWNER'S real property fronts is a Class VI Highway or Private Road as classified by New Hampshire Revised Statutes Annotated 229:5/a private way not currently a municipal highway.

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'S to construct a residence pursuant to a building permit issued by the TOWN on the OWNER's property on Snowshoe Hill Road;
2. The TOWN neither assumes responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of Snowshoe Hill Road;
3. OWNER, individually or through a neighborhood association, shall be responsible for maintaining access to the subject property and does hereby forever release and discharge the TOWN, its officers, agents and employees from the obligation of maintaining Snowshoe Hill Road, and from any claim of any nature whether in or otherwise which OWNER might have against the TOWN for any loss or damage, including those incurred through failure to provide municipal services, including police, fire and ambulance services, arising out of the condition of the roadway from the point wherein the Snowshoe Hill Road is a Class VI Highway/private road;
4. OWNER assumes responsibility for transporting any children to the nearest regular school bus stop;

5. OWNER assumes responsibility for maintenance and repair of Snowshoe Hill Road, and agrees that at his expense or at the expense of themselves and other owners of property similarly located on Snowshoe Hill Road, to clear and maintain the Snowshoe Hill Road to a suitable width for travel, and to repair and maintain the traveled portion of Snowshoe Hill Road, in a good and passable condition.

Witness _____

Owner: _____

Date: _____

Witness _____

Owner: _____

Date: _____

TOWN OF CANTERBURY
By Its Selectmen, Duly Authorized

Witness _____

Selectmen: _____

Witness _____

Selectmen: _____

Witness _____

Selectmen: _____

Date: _____



Town of
CANTERBURY, NEW HAMPSHIRE, Settled 1737



**TOWN OF CANTERBURY
ROAD UPGRADE AGREEMENT**

LOCATION OF PROJECT (to be completed by person requesting improvement)

Old Gilmanton Road 531' (1/10th/mile)
ROAD Snowshoe Hill Road LENGTH OF IMPROVEMENT 2,814' (5/10th/mile)

TAX MAP(S) LOCATION 203/4 ESTIMATED START DATE _____

IMPROVEMENTS REQUIRED (to be completed by Road Agent)

The following improvements will be required to bring the section of road listed above to an acceptable condition to allow year-round "good and safe passage" of emergency vehicles. (Include types and depths of gravel and or surface coverings, any culverts required. Required width and grade should be listed. Include any other detail required so the work will be done in compliance with the Town of Canterbury Road Standards).

Reviewed by: _____

Date: _____

Selectmen or Designee (i.e. Road Agent)

I agree to perform all of the work requested above to bring the above-mentioned section of road to a year-round "Good and Passable" condition for emergency vehicles.

Accepted by: Samuel J. P. Papps
(property owner *printed name*)

Date: _____

Accepted by: _____
(property owner *printed name*)

Date: _____

Signature: _____

Signature: _____

Final Review: _____

Date: _____

Selectmen or Designee



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

Return to:
Samuel J.P. Papps
86 Morrill Road
Canterbury, NH 03224
T.T. \$255.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Oscar R. Murriel, a widower, by and through his attorney-in-fact, Rogera Toussaint-Michael, of 38 Howard Street, Cambridge, MA 02139, for consideration paid, grants to Samuel J.P. Papps, single, of 86 Morrill Road, Canterbury, NH 03224, with WARRANTY COVENANTS:

A certain tract or parcel of land situated in the Town of Canterbury, County of Merrimack and State of New Hampshire bounded and described as follows:

BEGINNING at a point on the centerline of Snow Shoe Hill Road, a previously laid out and publicly accepted highway. This point also being southwest about two hundred fifty feet along said centerline from the boundary between the Towns of Canterbury and Gilmanton;

Thence traveling South forty degrees East twenty-four feet to an iron pin at a stone wall. Said stone wall being an easterly limit of Snow Shoe Hill Road;

Thence continuing South forty degrees East from said iron pin a distance of eight hundred three feet to an iron pin;

Thence traveling South fifty degrees West a distance of two hundred fifty feet to an iron pin;

Thence traveling North forty degrees West a distance of seven hundred seventy-two feet to an iron pin at a stone wall;

Thence continuing North forty degrees West a distance of twenty-four feet to the centerline of Snow Shoe Hill Road;

Thence traveling in a northeasterly direction along the centerline of said road, a distance of two hundred fifty feet to the point of beginning.

Bearings and distances are by compass and tape. This tract contains five (5) acres, more or Less.

COVENANTS:

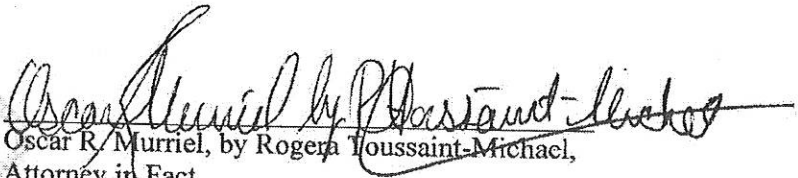
No building, trailer or structure intended for use as a dwelling shall be erected without conforming to the Town of Canterbury Building Ordinance.

Any sewage disposal systems must be approved by the State of New Hampshire Water Supply and Pollution Control Commission.

Meaning and intending to describe and convey the same premises conveyed to Oscar R. Murriel and Sallie B. Murriel by Warranty Deed dated June 25, 1971 with the Merrimack County Registry of Deeds at Book 1108, Page 295. Sallie B. Murriel died on June 11, 2003. A copy of her death certificate is recorded herewith.

The property is not subject to homestead rights.


Executed this 25 day of June, 2020.

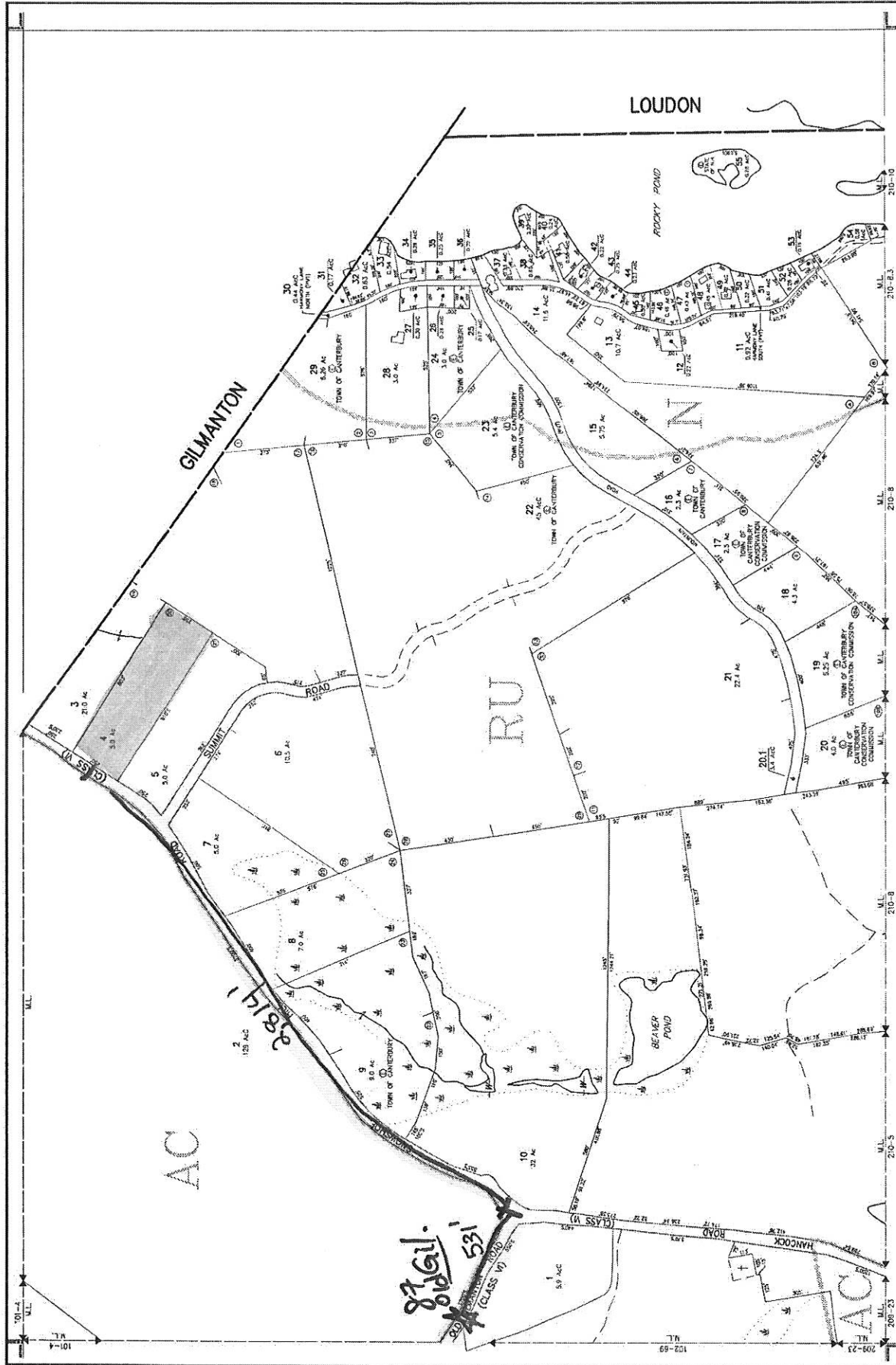

Oscar R. Murriel, by Roger Toussaint-Michael,
Attorney in Fact

State of NH
County of Buckingham

Then personally appeared before me on this 25 day of June, 2020, the said Roger Toussaint-Michael, Attorney-in-Fact for Oscar R. Murriel and acknowledged the foregoing to be the voluntary act and deed of Oscar R. Murriel.




Notary Public/Justice of the Peace
Commission expiration:



INDEX DIAGRAM MAP NO. 203
 PROPERTY MAPS CANTERBURY NEW HAMPSHIRE
 SCALE 1" = 200'
 REVISION TO: APRIL 1, 2009
 LEGEND
 EXISTING PROPERTY
 BOUNDARY BY DEED
 BOUNDARY BY ADJACENT
 COMMON EASEMENT
 UNCLASSED
 AREA SHOWN
 AREA CALCULATED
 MATCH LINES
 MATCH LINES
 MATCH LINES
 MATCH LINES
 PRODUCED IN 2007 BY
CARTOGRAPHIC ASSOC. INC.
 PROFESSIONAL GIS CONSULTANTS
 1000 W. ALBANY STREET, SUITE 100
 WASHINGTON, MA 01890
 (603) 891-1000 FAX: (603) 891-1001
 THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR ANY OTHER PURPOSE.
 THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE
 COORDINATE SYSTEM, NAD 83.
 PHOTOGRAPHY DATE: APRIL 25, 2007
 COMPLETION DATE: NOVEMBER 30, 2007