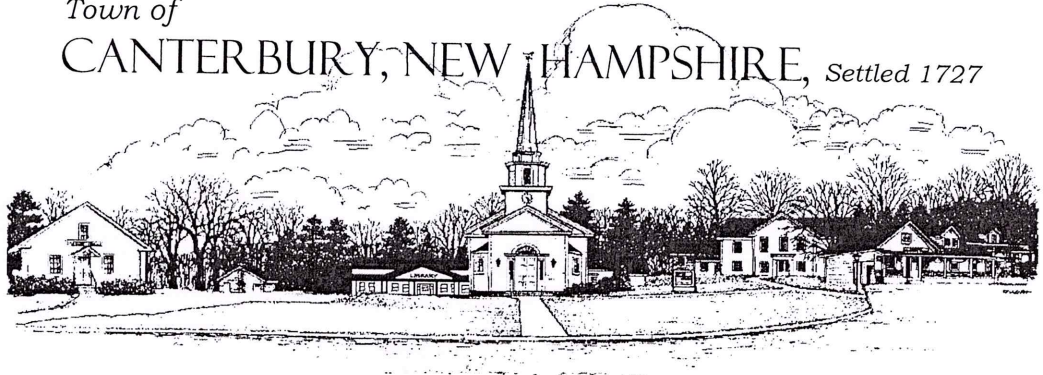


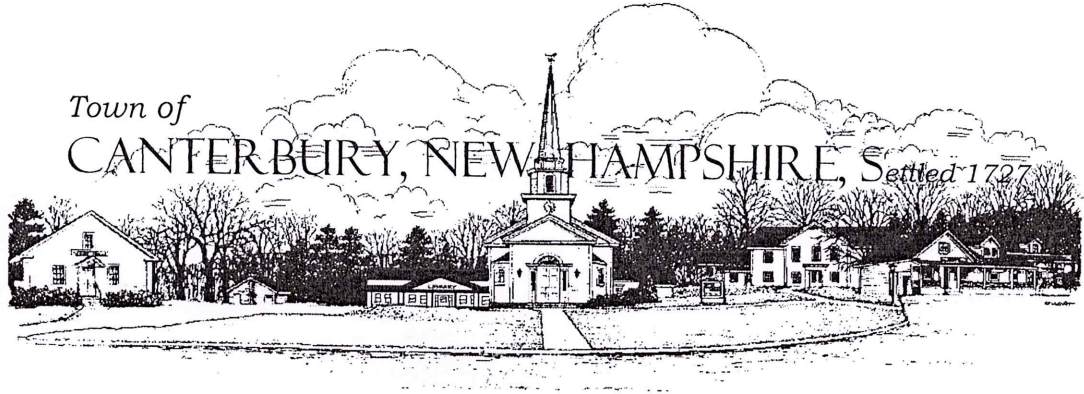
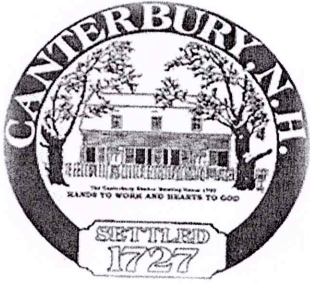


Town of
CANTERBURY, NEW HAMPSHIRE, Settled 1727



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 for comments.
7. The Board of Selectmen will review the packet and sign.



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

Property Owner: _____ Date: _____

Property Owner Signature(s): _____

Mailing Address: _____

Phone #: _____ E-Mail: _____

Location: Tax Map #: _____ Lot #: _____

Road Name: _____

*******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

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

Name: _____

Map & Lot: _____

Road Agent:

Signature: _____

Date: _____

Comments:

Building Inspector:

Signature: _____

Date: _____

Comments:

Board of Selectmen

Signatures: _____

Date: _____

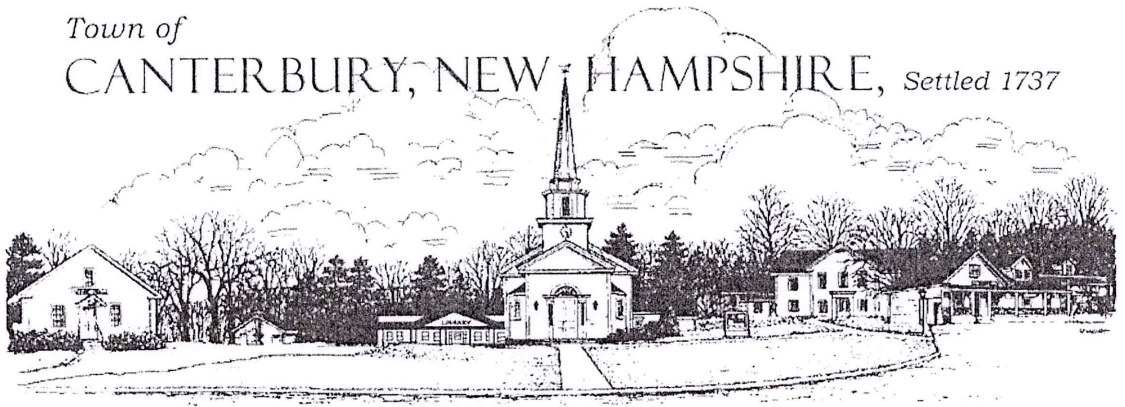
Date: _____

Date: _____

Comments:

Revised: June 29, 2020

Town of
CANTERBURY, NEW HAMPSHIRE, Settled 1737



AGREEMENT AND RELEASE
BUILDING PERMIT for CLASS VI/PRIVATE HIGHWAY

NOW COMES _____, (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 _____, Lot _____, situated at _____ 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 _____ 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 _____ Road;
2. The TOWN neither assumes responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of _____ 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 _____ 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 _____ 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 _____ Road, and agrees that at his expense or at the expense of themselves and other owners of property similarly located on _____ Road, to clear and maintain the _____ Road to a suitable width for travel, and to repair and maintain the traveled portion of _____ 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 & MAINTENANCE AGREEMENT**

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

ROAD _____ LENGTH OF IMPROVEMENT _____

TAX MAP(S) LOCATION _____ 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 and to perform in perpetuity all maintenance required to keep the road in “good and safe passage” condition year-round including winter maintenance. (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: _____
(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 Municipality neither assumes responsibility for maintenance of said Class VI Highway nor liability for any damages resulting from the use.
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 AND RELEASE FORM).

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:

<u>Arthur E. Hudson Jr</u>	<u>10/7/19</u>
	Date
<u>Cheryl A. Gordon</u>	<u>10/7/19</u>
	Date
<u>George R. Allen</u>	<u>10/7/19</u>
	Date