



*Town of  
Wolfeboro*

BOARD OF SELECTMEN

Brad Harriman, Chair  
Luke Freudenberg, Vice  
Brian Deshaies  
Linda Murray  
Dave Senecal

**James S. Pineo, Town Manager**

**PETITION TO LAY OUT NEW TOWN ROAD**

The purpose of this document is to provide guidance to anyone wishing to petition the Town of Wolfeboro to take over a new town roadway. Upon receipt of such a petition the Town Manager shall conduct a preliminary review of the petition to lay out. From this preliminary review the Town Manager shall advise the Board of Selectmen, Department Heads, and legal counsel as required.

**1. BOARD OF SELECTMEN STEPS PRIOR TO PUBLIC HEARING**

1.1 Under RSA [231:8](#) the Board of Selectmen upon receipt of a petition to lay out any new Class IV, V, or VI highway, or under RSA 231:28 if the Board of Selectmen be asked to consider a “Conditional Layout for Existing Private Rights-of-Way or Class VI Highway” the following steps shall be taken.

1.1.1. The Town shall seek written permission from the Property Owner for town officials to access the roadway in question to perform an evaluation(s) of the current conditions of the roadway.

1.1.2. Representatives from the Town accessing the roadway for evaluation(s) shall have a town issued identification.

1.2. The Wolfeboro Board of Selectmen shall direct the Town Manager to initiate a title search on the properties which would be impacted by the notice of any public hearing regarding said petition. Expenses associated with the title search and notices shall be borne by the petitioner to be paid to the town in cash or added to the cost of reconstructing the road as part of a betterment assessment.

1.3. After obtaining evaluations regarding the current conditions of the roadway, the Board of Selectmen will make a preliminary determination regarding the petition. Consistent with RSA [231:9](#), unless the Board of Selectmen are clearly of the opinion that such petition ought not be granted, the BOS shall notice in writing of the time and place of hearing appointed by them to be given at least 30 days previous to hearing to the first petitioner and to each owner of land over which such highway may pass. Notices must be in compliance with [RSA 231:10 Owner of Property; Notice I-IV](#)

- 1.4. Prior to the public hearing anticipated in section (c) above, each member of the Board of Selectmen shall make a personal examination of the petitioned lay out.
- 1.5. The Town Manger shall assign department head(s) or designee(s) to evaluate the petitioned roadway condition to provide input at the Public Hearing. Department Head(s) shall develop an existing conditions report and cost estimate of reconstruction.

## **2. PETITIONERS STEPS**

- 2.1. The petitioner should provide the Wolfeboro Board of Selectmen with the following items outlined below.
- 2.2. Name and address of petitioner(s)
- 2.3. Letter from Homeowner's Association/Petitioners to the Town of Wolfeboro declaring the public interest/convenience/necessity of the town to accept the roadway(s)
- 2.4. List of property owners within the private development.
  - 2.4.1. Numerical list of all impacted owners and whether they support the petition for the Town of Wolfeboro to accept the private roadway.
  - 2.4.2. Percentage of residents that support the petition.
  - 2.4.3. List of Owners whose land would have to be taken.
  - 2.4.4. List of all abutters
- 2.5. As-Built Surveyed plan stamped by New Hampshire Licensed Land Surveyor
  - 2.5.1. Roadways
  - 2.5.2. Right of Ways/Easements
  - 2.5.3. Municipal Water if any
  - 2.5.4. Municipal Sewer if any
  - 2.5.5. Municipal Power
  - 2.5.6. Drainage pipes,ponds,structures, etc.
  - 2.5.7. Bridges/Structures
  - 2.5.8. Overhead Utilities
  - 2.5.9. Wetlands, Environmentally Sensitive Areas, Flood Plain Limits/Elevations
  - 2.5.10. Guardrails
  - 2.5.11. The Town of Wolfeboro shall ensure As-Built plans are provided for comparison to original Subdivision plan.
  - 2.5.12. The Town of Wolfeboro must be able to secure a clear deed to the roadway and appropriate easements.
- 2.6. Original Subdivision/Site plan. Including the existing designation/classification of the Roadway(s).
  - 2.6.1. Include a summary of approvals and history of the development.
  - 2.6.2. Include copies of all permits
  - 2.6.3. Dates of original construction, and improvements.
  - 2.6.4. Copies of all stormwater management agreements

2.7. Acknowledgment of the Town's Waiver process.

2.8. Acknowledgment of governing body's expenses and petitioner's agreement to bear these costs. ([RSA 231:10-a](#))

2.9. Acknowledgement of Town of Wolfeboro Road Construction Regulations.

2.10. Acknowledgement of local, state, federal roadway regulations such as:

2.10.1. [AASHTO Roadside Design Guide](#)

2.10.2. [Alteration of Terrain Permit](#)

2.10.3. NHDES Wetland Permit

2.10.4. NHDES Shoreland Permit

2.10.5. Americans with Disabilities Act (ADA)

2.10.6. Acknowledgement of Betterment Assessment Procedures

2.10.7. Acknowledgement of requirements of Town Departments Fire/Police/Public Works/Municipal Electric.

3. 2.11. If applicable, the petitioner/property owners' position on whether they will accept a Betterment Assessment as outlined by [RSA 231:28-37](#)

#### **4. PUBLIC HEARING**

##### **4.1. OPENING OF PUBLIC HEARING**

4.1.1. A quorum of the Wolfeboro Board of Selectmen ~~members~~ must be present or able to attend in a virtual format.

4.1.2. The Board of Selectmen shall hear testimony from Town Department Head(s) or designee(s) as to existing conditions and estimated cost of reconstruction as compared to their applicable standards-betterment assessment (Road Standards/Water Line Standards/Sewer Line Standards/Electric Service Standards)

4.1.3. The Board of Selectmen shall hear testimony from noticed abutters and property owners.

4.1.4. The Board of Selectmen shall hear testimony from other citizens of Wolfeboro.

4.1.5. The Board of Selectmen shall close the Public Hearing

#### **5. MOTION**

5.1. A member of the Board of Selectmen should make a motion to accept (Name of Roadway under consideration) subject to approval of a betterment assessment and the Board not receiving a counter petition not to conditionally lay out said road.

5.1.1. As part of its deliberations, the Board of Selectmen must consider the following three factors:

- 5.1.1.1. The public need for the road;
- 5.1.1.2. The burden on the town of making and keeping the road in repair;
- 5.1.1.3. The rights of individuals whose lands may be taken for the purpose.

5.1.2. Board of Selectmen should discuss the following:

- 5.1.2.1. Testimony and materials provided by Town Department Head(s) or Designee(s)
- 5.1.2.2. Testimony and Materials provided Petitioner and abutting property owner(s).
- 5.1.2.3. Testimony from Citizen(s).

5.1.3. Options for motions

- 5.1.3.1. Motion to accept and lay out the highway.
- 5.1.3.2. Motion to accept and conditionally lay out the highway(s) (per RSA 231:23 or 231:28) subject to the approval of a betterment assessment at the annual town meeting. (Paragraph 6 below)
- 5.1.3.3. Motion to not accept and lay out the highway.

5.1.4. Damages

- 5.1.4.1. The Board of Selectmen should consider damages sustained by each owner of land or other property taken for such highway (RSA 231:15)
- 5.1.4.2. Payment of damages, if assigned, shall be made per RSA 231:17-19.

## **6. CONDITIONAL LAY OUT FOR EXITING PRIVATE RIGHT-OF-WAY OR CLASS VI HIGHWAYS/BETTERMENT ASSESMENT**

6.1. The Board of Selectmen may impose a betterment assessment upon the affected taxpayers to bring non-conforming roadways up to the current roadway constructions standards and requirements.

6.2. The Board of Selectmen will likely hold a 2<sup>nd</sup> Public Hearing for the purpose of detailing the cost of constructing, reconstructing, and/or repairing the highway to current town standards.

6.3. The Board of Selectmen shall determine the method in which a betterment assessment shall be applied against abutters served by the conditional lay out. Pursuant to RSA 231:29, these solutions may include:

- 6.3.1. Betterment assessment by parcels of land (preferred method)
- 6.3.2. Betterment assessment by road frontage
- 6.3.3. Betterment assessment by tax valuation
- 6.3.4. Betterment assessment by number of housing unit(s)
- 6.3.5. Other

6.4. Regardless of methodology used to apply any betterment assessment the Conditional lay out proceedings may commence 10 days following the Public Hearing unless within that period a petition not to conditionally lay out said roadway is signed by a majority of the owners of property abutting or served by the existing roadway.

6.4.1. Property owners are authorized a singular vote-based tax map ID number(s).

6.4.2. Individuals owning multiple parcels with independent tax map ID number(s) may sign any petition for each parcel of land which they own and are directly impacted by the conditional lay out and betterment process.

6.5. The Board of Selectmen shall determine the length of time a Betterment assessment shall be applied, however, no betterment assessment shall exceed 10 years.

6.6. Betterment assessments create a lien upon the lands subject to the Betterment and appropriate liens will be registered with the Carroll Country Registry of Deeds.

6.7. Upon the road improvements being completed, the Town has charge of the roadway all future repairs and maintenance regardless of the length of time to pay back any betterment assessment.

**END OF DOCUMENT**