

RESOLUTION
Wolfeboro Board of Selectmen
Class VI Road Policy

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 street giving access to the lot upon which such building is to be 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, provided that, in the latter case:

1. The Board of Selectmen after review and comment by the Planning Board and after a public hearing on the application has voted to authorize the issuance of building permits for the erection of buildings on said Class VI highway; and
2. The Town neither assumes responsibility for maintenance of said Class VI highway, nor liability for any damages resulting from the use of it; and
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.

WHEREAS, The State Supreme Court has said that the purpose of 674:41, 1(c) is to prevent scattered and premature development; the decision whether to allow building on Class VI roadways 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 Board of Selectmen will evaluate applications for building permits upon Class VI roadways, in consultation with the Planning Board, using the following criteria;

- A. Conditions of the road – does the road have adequate width, drainage, and grade to handle increased development?
- B. Conditions of connecting roads – are the roads leading to the Class VI or private road adequate to handle increase traffic?
- C. Effects on municipal services – will the contemplated development result in a need for increased police, fire/rescue, water, sewer and electric services?
- D. Is issuance of the permit likely to result in an “occasion” to lay out the road as a Class V road?
- E. How will the proposed development affect neighboring properties and how well does the proposed development “fit” in to the general growth/development patterns in the Town?
- F. Will the issuance of said building permit tend to distort the Town's street map or Master Plan?
- G. Will the issuance of said building permit place a new financial burden on the Town with regards to the maintenance and repair of required infrastructure (i.e. electric, drainage, roads, etc.)?

AND THEREFORE, the Board of Selectmen shall consider the following construction standards as a condition of any building permit:

- A. Cutting and Clearing: Cutting and clearing shall be limited to the existing travel way. The Board of Selectmen may approve cutting and clearing outside the travel way, but still within the Town right-of-way, if reasonably required in connection with grading and existing drainage.
- B. Grading: Grading shall be confined to the existing travel way as presently located within the Town right-of-way. It is intended that there will be no change in the horizontal and/or vertical alignment of the existing traveled way. The width of the traveled way shall not exceed twelve (12) feet.
- C. Drainage: All drainage work shall direct water in the existing natural pattern and existing watercourses. Drainage shall not be directed into any new watercourses onto abutting properties.
- D. Gates and Bars: There shall be no removal of any gates or bars which may be permitted by law when a highway is discontinued subject to gates and bars. No gate or bar shall be locked at any time.
- E. Stone Walls: Any damage to stone walls located within the Town right-of-way during the course of construction shall be repaired and restored.
- F. The Board of Selectmen may waive any or all of these requirements when it is the Board's judgement that the requirements are unnecessary based on the following criteria:
 - a. The existing conditions exceed the expressed maximum standards listed in A-E above,
 - b. The improvements would not serve the needs of the owner; and/or
 - c. The improvements would be detrimental to the maintenance of the character of the area.
- G. The Board of Selectmen may require that a bond be posted with Town and may establish reasonable requirements for the bond so that it can be used to restore the highway to a standard acceptable to the Board of Selectmen

RESOLVED, that building permits will be issued upon Class VI with the approval of the Board of Selectmen only after a public hearing on the application 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.

Originally adopted by the Board of Selectmen on September 5, 2007

Amended by the Board of Selectmen to require a public hearing on applications on September 6, 2017