

**TOWN OF CANDIA**

**CLASS VI AND PRIVATE ROAD POLICY**

**ADOPTED BY CANDIA BOARD OF SELECTMEN  
JULY 23, 2007**

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## TOWN OF CANDIA

### NEW HAMPSHIRE

#### CLASS VI AND PRIVATE ROAD POLICY

Under RSA 674:41, the Board of Selectmen has the discretion to authorize the issuance of building permits on Class VI and Private town roads, after review and comment by the Planning Board.

The Board of Selectmen has adopted this Class VI and Private Roads Policy to help guide the decision-making process with such an application. It is emphasized that the Board of Selectmen will consider any factor relevant to the authorization of a building permit on an individual case basis. Therefore, this statement is not intended to describe an exhaustive list of considerations, but to be a policy for both the Board of Selectmen and applicants for such building permits.

1. Statement of Purpose. It is the purpose of this policy to minimize development along Class VI and Private town roads which might tend to drain existing town services and force increased costs on the Town to provide additional services. It is also the purpose of this policy to ensure that any structures built on Class VI and Private town roads are accessible to emergency vehicles so that the safety and property of people occupying or using those structures will not be unreasonably placed at risk, nor will the safety of emergency response personnel or their vehicles and equipment be unreasonably endangered.
2. Application. Application shall be received 20 days before scheduled hearing. Applications to the Board of Selectmen requesting that the Board authorize the issuance of a building permit on a Class VI or private town road shall be made in writing and be accompanied by a site plan drawn to scale showing:
  - a) 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;
  - b) The specific location of all proposed structures
  - c) The location and length of the driveway giving access to the structures from the Class VI or private road;
  - d) Wetlands on or adjacent to the property that could be impacted, and indicate if a State Wetlands Permit application has been submitted;

- e) Any other information which the Board of Selectmen may reasonably require;
- f) List of abutting property owners;
- g) Certified Mail costs for each abutter and public notice costs must accompany application.

3. Distance to Class V Road. It is the policy of the Board of Selectmen that in the usual case, no building permit will be authorized if the driveway access to the principal structure from the Class VI road or Private road begins more than six hundred (600) feet from the intersection of the Class VI road or Private road and the Class V or better road which gives access to the Class VI or Private road. Applications that meet the six hundred (600) foot distance will not be automatically approved, however. In addition to any other relevant factors, the Board of Selectmen will consider the following even where the six hundred (600) foot distance is met:

- a) The nature, condition and grade of the Class VI or Private road;
- b) The nature, condition and length of the driveway from the Class VI or Private road to the proposed structure(s).
- c) Road surface and condition: Condition of the roadbed with regard to the depth and quality of gravels; steepness of the grade on the portion of the road being considered; the existence of large rocks or ledge in the roadbed; the existence of areas which flood during seasonal rainy periods; the adequacy of drainage along the road; the presence of wetlands; the presence of bridges and culverts; the conditions of curves and switchbacks; vertical and horizontal alignment; proximity of trees to the traveled way; and any other conditions of the road which would affect its suitability for development.

4. Improvements to Class VI Road.

- a) Before beginning any work within the limits of the Class VI or Private road, the applicant must receive a written permit from the Board of Selectmen pursuant to RSA 236:9-11, and shall be subject to the penalties provided by RSA 236:14 for failure to secure or comply with the terms of said permit.
- b) Only a single dwelling unit without accessory units will be considered.
- c) Board of Selectmen shall review each application on an individual case by case basis with the specific conditions of the road in question and its ability to support the passage of emergency and safety vehicles being the primary consideration. In general terms the following minimum will apply:

1. Sixteen-feet (16') width with 2 foot shoulders
  2. Twelve-inches (12") minimum of crushed gravel
  3. No grades exceeding 10%
  4. Pull off areas every 500 feet to allow large vehicles to safely pass one another
  5. Hammerhead turnaround at the end of roadway
  6. Stop sign and street name at the intersection with Class V road
  7. Address all drainage issues
  8. Pavement may be required depending on conditions
- d) Beyond the physical standards of the Class VI or Private road, the Board of Selectmen may:
1. Seek a written road maintenance agreement if there is more than one party who will be residing on the road in question, or the applicant agrees in writing to assume 100% of the road maintenance costs for the portion of Class VI or Private road affected.
- e) The Board of Selectmen will require that the proper completion of the improvements to the Class VI or Private road be secured to Candia by providing financial security in the form and amount to be determined by the Board of Selectmen.
5. Public Hearing. Prior to the issuance of its decision on the application, the Board of Selectmen shall hold a public hearing with at least 10 days prior notice sent certified mail, return receipt requested, to the applicant and to each owner of property abutting the Class VI or Private road in question. The notice shall also be posted in at least two (2) public places within the Town. The applicant shall pay the costs of such notice, in advance. The Board of Selectmen will also ensure that notice of the public hearing is given to the Chairmen of the Planning Board, Zoning Board of Adjustment, and Conservation Commissions, the Road Agent, Chief of Police, Fire Chief and Building Inspector. All applications under this policy will be forwarded to the Planning Board for its review and recommendation to the Board of Selectmen before any final decision is reached.
6. Agreement to be Recorded. Prior to the actual issuance of any building permit authorized by the Board of Selectmen, the applicant shall sign and provide the Town with an executed release and agreement to be recorded at the Rockingham County Registry of Deeds that the Town of Candia neither assumes responsibility for maintenance of the Class VI or private road nor liability for damages resulting from the use thereof, pursuant to RSA 674:41, I (c) (3). Such notice shall be recorded at the expense of the applicant.

7. Time Limitations.

- a) Required road improvements associated with the Board of Selectmen's approval of applications under these guidelines must commence within six (6) months and
- b) Applicants receiving approval from the Board of Selectmen under these guidelines must apply for and be issued a building permit within the first six (6) months of the Board of Selectmen's Condition of Approval and construction must begin within six (6) months from the date of issuance of the building permit or the approved Application to build on a Class VI or Private road will be void.

8. Occupancy Certificate. No Certificate of Occupancy will be issued by the Town of Candia Building Inspector/ Code Enforcement Officer until the road improvements have been met and approved by the Board of Selectmen or their designee. If the building is occupied without a Certificate of Occupancy, the occupants will be found in violation of local ordinance and state statute, and will be subject to penalty as set forth in RSA 676:17.

9. Other Permits. Should the Board of Selectmen grant approval for applications under these guidelines, applicants are still required to secure any other permits required under local, state or federal law regulations. The Board of Selectmen's approval does not supersede any other requirements by other entities.

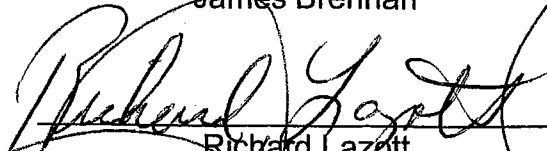
10. Repeal. The adoption this policy shall operate as a repeal of any other statement of policy adopted by previous Boards of Selectmen.

IN WITNESS WHEREOF, the undersigned members of the Candia Board of Selectmen have set their hands this 23rd day of July, 2007

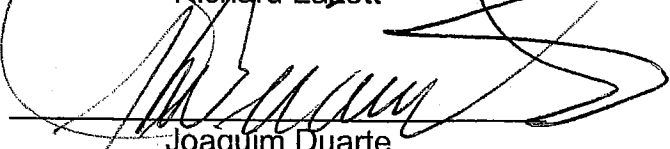
  
Fredrick Kelley, Chairman

  
Thomas Giffen

James Brennan

A large, stylized handwritten signature in cursive script, appearing to read "Richard Lazott".

Richard Lazott

A large, stylized handwritten signature in cursive script, appearing to read "Joaquim Duarte".

Joaquim Duarte

## AGREEMENT AND RELEASE

NOW COME \_\_\_\_\_ (hereinafter referred as "Landowner), of \_\_\_\_\_ Road, Candia, New Hampshire, and the Town of Candia (hereinafter referred to as "Town"), a New Hampshire municipal corporation, having a mailing address of 74 High Street, Candia, New Hampshire, 03034, and agree as follows:

WHEREAS Landowner is authorized to act on the owners behalf for the real property located in Candia, New Hampshire, as described in a deed recorded in Book \_\_\_, Page \_\_\_ at the Rockingham County Registry of Deeds (hereinafter the "Property"), identified as Tax Map \_\_\_, Lot \_\_\_, located on \_\_\_\_\_ Road (the "Road");

WHEREAS the portion of Road upon which the Property fronts is a Class VI or Private Highway, as classified by New Hampshire revised Statues Annotated 229:5,

WHEREAS the Town, has agreed to issue a building permit for the construction of one single family residence on the Property upon the execution and recording of this agreement, pursuant to New Hampshire Revised Statutes Annotated 674:41;

NOW, THEREFORE, the Town and the Landowner, on behalf of himself, his heirs, legal representatives, successor and assigns, covenant and agree as follows:

1. The Town shall issue a building permit to the Landowner to construct a residence on the Property; provided that all conditions and requirements set forth in Town ordinances and regulations are met.
2. The Town assumes neither responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of the Road.
3. Landowner shall be responsible for maintaining access to the property and does hereby forever release and discharge the Town, its officers, agents, and employees, from any obligation for maintaining the Road and from any claim of any nature, whether it tort or otherwise, which Landowner has, or may in the future have, against the Town for any loss or damage, including those incurred through failure to provide municipal services, including without limitation police, fire, and ambulance services, arising out of the condition of the Road from the point where the Road becomes a Class VI or Private Highway. Landowner shall hold harmless and indemnify the Town from any and all claims, suits, costs, and other expenses, including reasonable attorneys' fees, whether brought by the Landowner or third parties, arising out of the use and occupation of the Property and the maintenance or repair of the Road.
4. Landowner assumes responsibility for transporting any children to the nearest regular school bus stop.

5. Landowner assumes responsibility for maintenance and repair of the Road, to be used solely as access to a single-family residence. In addition, the Landowner agrees to clear and solely maintain the Road to a width of not less than 20 feet, and to repair and maintain the traveled portion of the Road in a good and passable condition at all times. Town shall have no responsibility for obtaining contribution from other users of the Road for such costs of maintenance and repair.
6. The obligation to the Town of the Landowner, if more than one, shall be joint and several.
7. An original or certified copy of the Agreement shall be recorded in the Rockingham County Registry of Deeds. This Agreement shall be deemed to touch and run with the Property and shall be binding on all successors to Landowners' interest in the Property.

WHEREFORE, the parties have executed this Agreement and Release as of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Landowner

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Witness

\_\_\_\_\_  
Landowner

TOWN OF CANDIA

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Witness

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Fred Kelley, Chairman

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Witness

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Tom Giffen

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Witness

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James Brennan

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Witness

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Richard Lazott

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Witness

\_\_\_\_\_  
Joe Duarte



**2004 Class VI Road List**  
**Prepared by Road Agent Dennis Lewis on 3/31/04**

**North Road**- Approximately 900 feet West from Merrill Road Intersection

**Baker Road**- from High Street to Peter O'Neil's property known as Map 410, Lot 098 and from South Road to Tamara and Scott Cambell's property known as Map 410-103.

**Donovan Road**- from Chester Turnpike to the driveway entrance adjacent to the residence located on the property owned by Richard and Priscilla Blevens known as Map 404, Map 027.

**Knowlton Road**- approximately 200 feet from the intersection of High Street.

**Libbee Road**- from South Road to Flint Road

**Flint Road**- south from Libbee Road for approx. 900 feet.