



TOWN OF DURHAM
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RESOLUTION #2001-05(A) OF DURHAM, NEW HAMPSHIRE

A RESOLUTION ESTABLISHING TOWN POLICY WITH RESPECT TO CLASS VI ROADS

WHEREAS, it is important that there be clear and consistent Town policy with respect to Class VI roads, and

WHEREAS, there have been a number of requests in the past and there will likely be in the future more requests for building permits along Class VI Roads, and

WHEREAS, the Town Council wishes to discourage the granting of Building Permits on Class VI roads,

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Durham, New Hampshire, hereby adopts the policy recited hereinafter as the Town's policy with respect to Class VI roads.

CLASS VI ROADS POLICY

Section I. PURPOSE

The Town Council recognizes and is concerned about the potential for development in areas that are not adequately accessible to emergency vehicles and which otherwise lack satisfactory public services and are not identified as appropriate for development in the Town Master Plan. The following is not to be considered an exhaustive statement on Class VI roads, and each case will be decided on a case by case basis.

Section II. POLICY

It shall be the policy of the Town Council, in accordance with the Master Plan, Zoning Ordinance and Subdivision Regulations to discourage home or building construction on

Class VI roads. The Council may take such actions as it deems necessary to insure against the development of land that could involve danger or injury to the public health, safety and welfare, due to the lack of water supply, drainage, access or other public services, or that would necessitate an excessive expenditure of public funds for the supply of such services. It is hereby stated that it is the intent of the Town Council in accordance with the Town Master Plan to discourage building or housing development on Class VI roads. Accordingly, the burden shall be on the petitioner for home or building construction on Class VI roads to show that the granting of such a permit will be entirely in keeping with all the criteria listed herein, is not being sought for the purposes of a land sale, and is not likely to lead to increased pressure for additional development along the Class VI road. Owners of property on Class VI roads should never rely on the fact that a building permit has been granted in the past as a justifiable grounds for why they should receive a building permit.

Except as otherwise provided below, each request for a building permit on a Class VI road shall first be referred to the Planning Board with the request that it be reviewed in accordance with the above policy and evaluated according to the following criteria and any other criteria which the Planning Board may deem appropriate. The Council shall also refer the request to the Conservation Commission and the Parks and Recreation Committee for any recommendations they may have:

A. Road Condition

1. Length of road
2. Width of traveled way
3. Width of right-of-way
4. Road surface and condition
5. Condition of the road bed with regard to the depth and quality of gravels
6. Steepness of the grade on the portion of the road being considered
7. The existence of large rocks or ledge in the road bed
8. The existence of areas which flood during seasonal rainy periods
9. Impeded access due to mud during rainy periods
10. The adequacy of drainage along the road
11. The condition of any existing culverts and the need for new culverts
12. The condition of curves and switch backs
13. The existence and condition of any bridges on the road
14. The proximity of trees to the traveled way
15. Any other condition of the road which would affect its suitability for development

B. Intensity of Use and Impact

1. The ability of two cars to safely pass each other
2. The ability of a plow truck to pass along the road
3. The ability of a fire truck or emergency vehicle to pass along the road
4. The distance to the closest Class V or higher quality road
5. The number of existing homes already located on the Class VI road
6. The distance to the closest residence
7. The distance to municipal services, such as police, fire, water, sewer, utilities and schools
8. The need of the proposal for road improvements
9. Increased trips resulting from proposed development
10. Any other factors which would affect the suitability of the road for use by the proposed development or the likelihood of further development in the area
11. The consistency of the proposed development with the Master Plan

Using these criteria and the above policy statement, the Town Council, after recommendation from the Planning Board, may determine whether building permits on Class VI roads if any, would be suitable for issuance and would not cause financial or access hardships to future purchasers of the subject property, or undue financial impact on the municipality and would not cause inappropriate development and would not distort the Master Plan.

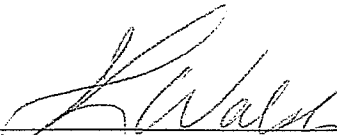
In a case where a year-round single family dwelling has already been established on a Class VI road by this permit process, an additional building permit for an accessory use to that dwelling may be issued without further Planning Board or Town Council consideration. A notice of the limits of municipal responsibility and liability, in a form satisfactory to the Town Council, shall be recorded in the Strafford County Registry of Deeds prior to the issuance of any building permit authorized hereunder in accordance with RSA 674:41.

Section III. MAINTENANCE

It shall be the responsibility of landowners who have been granted permission to build on Class VI roads to maintain, at their own expense, the portion of the road needed to access their property. It shall not be the responsibility of the Town to allocate, mediate or arbitrate differences among property owner on Class VI roads regarding maintenance and maintenance responsibilities. Any and all maintenance carried out by any property owner along a Class VI road must be preceded by a submission to the Town Public Works Department of a detailed plan of the proposed work prior to its

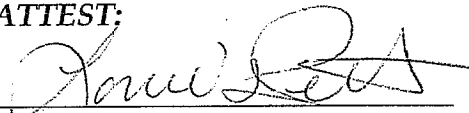
being carried out. No work shall be started until a written approval for such maintenance work is approved in writing by the Town Public Works Department.

DATE: February 19, 2001



James Walsh, Chairman
Durham Town Council

ATTEST:



Linda L. Ekdahl, Town Clerk