

**Select Board Policy: Buildings on a Class VI Highway or on
Private Roads which have not been Approved by the Planning Board**

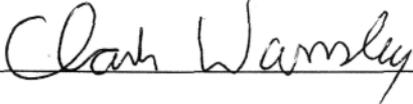
The intent of this policy is to assist the Select Board in administering RSA 674:41, paragraphs I(c) and I(d), in a way which is consistent with the Goshen Zoning and Building Ordinances. This policy shall not be deemed to be a substitute for full compliance with those ordinances.

1. An applicant for a building permit on a lot whose "access" (as defined in RSA 674:41, III) is upon a Class VI Highway or upon a private road which has not been approved by the Planning Board as part of a subdivision or street plat, must, if the permit is granted, sign a waiver form to acknowledge that the Town assumes no responsibility for any maintenance of a Class VI Highway or private road nor liability for any damages resulting from their use [RSA 674:41, I(c) and I(d)]. The waiver form must also acknowledge that the Town is not responsible for provision of emergency services and may at times be unable to provide police, fire, and ambulance service. The form will be recorded by the Town of Goshen in the Sullivan County Registry of Deeds, with the recording fee to be paid by the applicant. Building construction may not commence until the form has been duly recorded.
2. No such building permit shall be granted by the Board on a lot which does not have a minimum of one hundred seventy-five feet (175') frontage on a regularly maintained public road or on a road built and maintained to Town specifications (Zoning and Building Ordinances III.D.4 and V.B.2), except in circumstances where the applicant has first received a variance from the Zoning Board of Adjustment
3. The Class VI Highway or unapproved private road, or portion thereof used to access the building site, shall be maintained, if at all, by the applicant or his/her successor in interest. In the case of a Class VI Highway, the extent and manner of such maintenance must be approved in advance by the Board, in accordance with RSA 236:9-12 and RSA 231:21-a; however in either case such maintenance specifications may be approved at the time of the issuance of the permit, as a condition of the permit.
4. The minimum road standards for a Class VI Highway used to access a building site under this policy shall be: (a) those specified in the Town Subdivision Regulations Section 4.17 for a Local Road, or (b) with prior Select Board approval, the existing standards to which the closest intersecting Class V or better highway is maintained.
5. Following the construction of the roadway to Town standards, the Selectmen may, in circumstances where the public interest warrants it, submit a warrant article to the voters for a possible reclassification of the highway to Class V under RSA 231:22-a; provided however that such a reclassification is discretionary with the Town, and no owner shall have any right to such a reclassification as a result of performing roadway construction under this policy.
6. The Selectmen, in their discretion, may initiate a conditional layout subject to betterment assessments under RSA 231:28 to distribute the cost of upgrading a Class VI Highway (or culvert or bridge on such a highway) amongst owners of property abutting or served by the Class VI Highway.

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7. No building construction work on the lot may commence until required Class VI Highway or private road reconstruction, following the standards specified in this policy or those specified by the Select Board, has either been completed to the Town's satisfaction, or has been secured with a bond, letter of credit, or other security deemed adequate by the Board. The Town may employ a professional engineer, at the applicant's expense, to monitor compliance with the specified road standards.
8. Fines, penalties and remedies for violation of this policy shall be as provided in RSA 676:15, 676:17, 676:17-a and 676:17-b. Each day during which a parcel of land remains in violation of this policy, shall be considered a separate offense, and no such violation shall be deemed to be "legalized" merely by the payment of a fine.
9. Any person aggrieved by a decision made under this policy may appeal under RSA 674:41, II to the Zoning Board of Adjustment. Such an appeal may be combined, for hearing purposes, with a request for a zoning variance; however in such a case the applicant must meet both the standards contained in RSA 674:41, II, and the standards for a zoning variance.

Goshen Board of Selectmen



Clark Wamsley, Chairman

5 APRIL 2010

Date



James Carrick

5 APRIL 2010

Date



Ed Andersen, Sr.

5 APRIL 2010

Date