

POLICY OF THE SELECT BOARD REGARDING BUILDING PERMIT APPLICATIONS ON PRIVATE AND CLASS VI ROADS

I. Purpose:

The Select Board is required to approve permits for all buildings on private and Class VI roads, pursuant to NH RSA 674:41. The purpose of this policy is to help provide a clear decision-making process and to guide property owners through the process of approval for such buildings. It is intended that the Board will consider any factor it deems relevant to the authorization of a permit in each particular case. Therefore, this statement of policy is not intended to be an exhaustive list of factors which may be considered by either the Planning Board or Select Board when reviewing an application.

Development along private and Class VI roads may lead to requests for reclassification to, or layout of, new Class V roads. It may also conflict with the Master Plan. Therefore it is the intent of this policy to limit such development that may cause undue hardship to the Town.

II. Zoning:

At the time of this policy's adoption, the Nottingham Zoning Ordinance includes frontage requirements that also impact parcels on private and Class VI roads. This policy governs only the Select Board's responsibilities under RSA 674:41, and is intended to be used in parallel with the zoning ordinance. Zoning-related approvals are incorporated in the typical process for guidance purposes.

III. Exemptions and Prior Approvals

A. Only building permits that could result in an increased burden on roads require approval of the board. Examples include: new dwellings, accessory dwelling units, conversions from seasonal to year-round use, and increasing number of bedrooms. The Building Inspector is authorized to issue appropriate permits for other activities, such as renovations, porches, generators, etc.

B. Permits on roads constructed and approved through the subdivision process under the authority of the Planning Board are exempt from this policy.

C. RSA 674:41 (e) exempts certain roads from the requirement of Select Board permit approval. These are roads shown on a subdivision plan that was approved by the Select Board or Zoning Board of Adjustment before 1971, and constructed prior to 2004.

Other roads or segments of roads may be approved for permit issuance in advance, by the Select Board.

Roads with known prior approval are listed below, and zoning requirements still apply.

1. Pursuant to RSA 674:41 (e):

- Private portions of Swan Drive; Langley Lane; Sherwood Lane; Little John Lane; (Plan #498)
- Brustle Road; Meindl Road; Meindl Road East; South Road; Tuckaway Shore Road; (Plan #03375)

2. Approved in advance by Select Board:

- None

IV. Process:

Two different applications will be reviewed by three different local boards. The steps required for a typical application are attached to this policy as a guide. Applicants are encouraged to review the requirements, statutes, and criteria carefully in preparing for submission and hearings. Town boards and staff recognize the challenges faced by property owners and the importance of timely decisions.

V. Application:

In addition to the standard building permit application, all applications for new building permits on parcels to be accessed only via private and Class VI roads shall also include:

- A. A survey by a NH-certified surveyor, showing:
 - a. The location and size of the lot, and its relation to the private or Class VI road, and the Class V or better road which allows access to the private or Class VI road.
 - b. The location, width, and grade of the private or Class VI road(s) between the subject parcel and a Class V or better road. Any bridges or culverts should be shown.
 - c. The specific location and size of all proposed structures;
 - d. The location of the driveway giving access to the structures from the private or Class VI road
- B. Documentation showing ownership of a private road, if applicable, and the applicant's right to use said private road to access the parcel in question.
- C. Documentation of the road association or owner responsible for maintenance of a private road; or the party responsible for the maintenance of a Class VI road.
- D. Any other information which the Select Board may reasonably require.

VI. Partial List of Considerations:

In reviewing applications, the Select Board may consider any factors it deems relevant, including but not limited to the following:

- Existing condition of the road
- Potential improvements to the road
- Certainty of future road maintenance
- Width and grade of the road
- Drainage infrastructure and impact on wetlands
- Extent of demands on public services
- Recommendations from the Planning Board, Highway Department, or safety officials
- Likelihood of future connection to the existing road network

VII. Public Hearing:

Prior to issuance of a decision on permit applications, the Select Board will hold a public hearing at a duly posted public meeting.

VIII. Notice to Be Recorded:

Prior to the actual issuance of a building permit authorized by the Board, the applicant shall produce evidence that the required Waiver of Liability has been properly recorded at the Registry of Deeds, pursuant to RSA 674:41, I (c)(3).

Adopted 9/10, 2018

Nottingham Select Board

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PROCESS FOR CONSIDERATION OF BUILDING PERMIT APPLICATIONS ON PRIVATE/CLASS VI ROADS

Step 1 – Application	
Applicant submits: - Building Permit Application; - Written request to Select Board , including documentation Listed in (III.) above - Zoning Variance Application, related documents and fees	
Step 2 – Staff Review	
- Staff reviews application for completeness; - Road Agent provides written comments on current road conditions and any recommendations	
Step 3 – Scheduling of Planning and Zoning Hearings	
Planning Board	Zoning Board of Adjustment (ZBA)
- Hearing date set - Planning Board provided with application documentation and staff recommendations	- Hearing date set - ZBA provided with variance application - Abutters notified and notice published
Step 4 – Planning and Zoning Hearings	
- Planning Board conducts public hearing, makes recommendation to Select Board - Select Board Hearing date set for meeting following Planning Board hearing	- ZBA conducts public hearing and considers variance request (See RSA 674:33) - If approved, no further zoning action necessary - If denied, applicant may request reconsideration (See RSA 677:2 & 677:3). Without variance approval, permit denied and no further Planning Board or Select Board action necessary
Step 5 – Select Board Hearing	
- Board provided with application documentation, staff and Planning Board recommendations - It is preferred, but not required, that the ZBA variance process is complete prior to Select Board hearing - Select Board conducts hearing and accepts or denies permit application	
If approved, proceed to Step 6	If denied, applicant may appeal to the ZBA (See RSA 674:41 II).
Step 6 – Verification	
- Applicant provides recorded Waiver of Liability as noted in (VI.) above - Staff verifies that any conditions imposed by Select Board or ZBA are met	
Step 7 – Permit Issued	

For Reference:

Nottingham Zoning Ordinance (Article II, C, (a))
NH RSA 674:41- Erection of Buildings on Streets
NH RSA 674:33 – Powers of the Zoning Board of Adjustment