

Town of Warner

Board of Selectmen's Policy for Class VI Roads

Purpose:

This policy establishes the intent of the Board of Selectmen (BOS), being the governing body of the Town of Warner, to comply with the NH Statutes that apply to Class VI Roads. The policy strives to clarify the Board's position on specific uses of Class VI roads and the means by which residents can obtain permission to use Class VI roads in the Town of Warner where required and appropriate.

Construction on properties abutting or having ROW access to a Class VI Road:

Pursuant to RSA 674:41, I (c), no structure shall be constructed or placed on a Class VI road without being brought up to Class V standards. The road must be approved by the Public Works Director (PWD), then accepted by the Board of Selectmen after holding a public hearing and conferring with the Planning Board. The cost incurred making any and all improvements will be solely at the expense of the proposed landowner seeking consideration and subject to a plan approved by the Public Works Director. Only when said road is completed, reviewed and signed off as being acceptable by the Public Works Director, will the Town of Warner process a Building Permit Application. No segmented portion within a Class VI road will be upgraded to meet these criteria.

Alteration of Terrain along Class VI ROW:

In accordance with RSA 236:9 - 11, no person may snowplow, excavate, construct or physically alter the ROW of any Class VI road, which includes the existing roadbed, culverts, stone walls, vegetation or structures and foundations without first seeking permission from the Board of Selectmen. The proposed landowner or its agent must submit a plan specifying the work intended to the Public Works Director for review. Said plans and recommendations from the PWD to the BOS must then be reviewed and approved by the Board of Selectmen prior to implementation.

Load Weight Limits:

In accordance with RSA 231:190 – 191, the Board of Selectmen is authorized to enact maximum weight limits on Class V and Class VI roads either seasonally or otherwise in order to prevent unreasonable damage or extraordinary maintenance or repair expense. The weight limits established should be supported in public testimony from the road agent or highway engineer. The weight limits shall be posted at all entrances from other highways. The Board of Selectmen in consultation with the Public Works Director may grant exemptions to the weight limit and may condition an exemption upon bonding and restoration of the condition of the road to its former condition prior to exempted use.

Heavy Haul Permit:

Landowners wishing to extract harvested timber or other materials over a class VI road shall submit a Heavy Haul Permit application the Assessor's Office. An on-site review of the section of the class VI road to be used to transport the timber will be conducted by the Public Works Director and the logging operator to determine the road preparation required in accordance with best management practices as established by the NH Timberland Owners Association and the NH Division of Forests and Lands. Pursuant to RSA 236:10 the Town may require a bond from the individual or party accessing the Class VI Right of Way to insure satisfactory restoration of the road as determined by the Public Works Director. If the Heavy Haul Permit is not signed by the landowner harvesting the lumber or other materials, then a bond is required.

Emergency Lanes:

Pursuant to RSA 231:59-a, upon following the stated procedure to notice and hold a public hearing, the Board of Selectmen shall present written findings demonstrating the public need to keep a class VI or private road passable by emergency vehicles is supported by an identified public safety or welfare need, which surpasses or differs from the landowners abutting such a road and may designate a class VI or a private road an Emergency Lane. When a road is declared an Emergency Lane the town may spend funds appropriated for highway maintenance to repair and do other work "deemed necessary to render such way passable by firefighting equipment and rescue or other emergency vehicles.

Off Highway Recreational Vehicles (OHRVs):

Per RSA 231:21-a, the Board of Selectmen, upon the recommendation of the PWD or town engineer, may restrict access by OHRVs seasonally (such as during mud season) or otherwise as the Board determines necessary in order to prevent unreasonable damage or extraordinary maintenance or repair expense. These roads shall be posted accordingly with signs indicating the effective date(s), citing the RSAs authorizing this action and the official(s) authorizing this action.

The Board of Selectmen may enter into specific agreements with recreational vehicle organizations or clubs giving permission to use designated Class VI roads. The OHRV club members shall comply with any and all posted restrictions and limits to the designated roads identified in the agreement as appropriate.