

CLASS VI ROAD POLICY

The Class VI roads are those public rights of way which, while remaining open to public use, are no longer maintained by the town as defined and classified by RSA chapter 229: 1,5&6 of Title XX, Transportation. Class VI highways shall consist of all other (Not already classified) existing public ways and shall include all highways discontinued as open highways and made subject to gates and bars, except as provided in paragraph III-a of RSA 229:25 (Class III Roads), and all highways which have not been maintained and repaired by the Town in suitable condition for travel thereon for 5 successive years or more except as restricted by RSA 231 :3, paragraph II.

Any Class V road can fall into Class VI designation either by Town Meeting action or by virtue of non-maintenance over a consecutive five year period, as warranted. Highways are defined in RSA 229:1 as: Highways are only such as laid out in the mode prescribed therefor by statute, or roads which have been constructed for public travel over land which has been conveyed to a city or town or to the state by deed of a fee or easement, or roads which have been dedicated to the public use and accepted by the

city or town in which such roads are located, or roads which have been used as such for public travel, other than travel to and from a toll bridge or ferry, for 20 years prior to January 1, 1968, and shall include the bridges thereon. All Class VI roads are open to public passage for all legitimate purposes with the express understanding that the town assumes no responsibility for any damages that may result from these roads' condition.

Purpose:

To protect the status and integrity of Marlow's Class VI roads. This road network represents an extremely strategic and valuable asset to the town, both logistically and from an historical perspective. These unmaintained roads provide access to the more outlying areas of the town for both recreational purposes and forest fire suppression. Additionally, they are necessary as access for the harvest of timber or other natural resources. Class VI roadways are not dumping grounds. It is unlawful to abandon vehicles, dispose of old appliances, dump debris or old tires, drop household or other refuse and garbage along Class VI or any roadways. Upon discovery, anyone responsible for such unlawful acts will be prosecuted. All vehicles, including off-road recreational vehicles and snow traveling vehicles operated on Class VI roads will comply with all relevant state licensing requirements and operational laws.

I. Anyone having a legitimate interest in utilizing a Class VI road (including as a driveway to a lot of record that is accessible by a Class VI road) and not being the owner in title and fee of the land the road rests on, may, upon notification and approval in writing by the selectmen and abutting landowners, repair, upgrade, improve, and maintain said road for such use at their own expense. Tree trimming and removal of ornamental or public shade trees shall only be done in accordance RSA Chapter 231:240 & 144. The performance of such work shall in no way alter the Class VI designation of the road, nor shall such work of itself qualify the road for Class V status. The town shall assume no financial or legal obligation or responsibility for such project.

Neither shall said road become a private way by virtue of such private endeavor. To this end they may do whatever work to the road they deem necessary to meet their needs at their own exclusive expense.

The town shall not be responsible for any subsequent maintenance or repair of such work, nor will such property owner be justified or permitted to limit, curtail or discourage the public's use of that portion of the road because of it. No landowner may in any way block, hinder or impede the free and lawful passage of the general public on any Class VI road or portion thereof for any reason regardless of the fact that they may have invested substantial sums into its improvement and maintenance for their own benefit.

II. Ownership of the land upon which the public rights of way rest exists in many forms but generally remains with the landowners that abut such rights of way. Any work undertaken privately on Class VI roads which will result in timber, firewood or other byproduct of the project being generated, shall remain the property of such landowners of record or the abutters if ownership is undetermined. The right of way is considered to exist between the two stone walls running parallel with and on either side of the road, regardless of the actual traveled portion of the road's proximity to one wall or the other. Under no circumstances may such walls be damaged, destroyed or removed beyond that necessary for a permitted driveway entrance.

III. No one may travel upon or utilize a Class VI road in such manner as to damage or destroy the road. Upon the advice and consent of the Road Agent and the Advisory Road Committee, the selectmen may set weight limits, seasonal or otherwise, per RSA 231 :91 of Title XX Transportation. Appropriate signage to that affect must be affixed in a prominent manner at the appropriate locations. Anyone disregarding such notice or causing damage to any Class VI road shall be financially liable for repairing such damage. In addition, criminal action maybe initiated against the responsible parties. The selectmen, at their discretion, may require the posting of a security bond by anyone whose use of a Class VI road will involve utilizing heavy vehicles and equipment.

IV. There is currently no full time, year-round residences in Marlow located on lots having frontage exclusively on Class VI roads. No recreational, seasonal residences so situated will be granted full time, year-round status.

V. The Marlow Planning Board will not approve any proposed subdivision, which contains any lot whose sole frontage is on a Class VI road. In cases where such lots already exist as lots of record, no building permits will be issued. In the instance where a lot has frontage on both a Class V road and a Class VI road, the owner will be granted a permit to build on any portion of the lot they choose. If their choice of location necessitates utilizing the Class VI road, such utilization will be part of the permitting process. Landowners who utilize portions of Class VI roads to reach their residences shall be responsible to upgrade and maintain, at their own expense, said portions of those roads to meet the increased use to which they are subjected. Those portions of said roads must be passable at all times for fire, police, ambulance or the provision of other emergency services. As provided for in section V, the selectmen may set weight limits on these roads to vehicular traffic for cause, at their discretion, to preserve them,

either seasonally or otherwise. In all such instances, those affected will be obliged to find or create alternate routes at their own expense.

VI. There are only two ways in which a Class VI road may revert to Class V status. 1. Through affirmative Town Meeting action or: 2. If the road corresponds with a street or road on a Planning Board approved residential development plat. In either case the party seeking such approval, whether an individual or a developer, must first upgrade the road in question to meet Class V NHDOT specifications at his or her own expense, under the supervision and to the satisfaction of the town road agent, the Marlow Road Committee, and the board of selectmen before approval and/or consideration will be given. In a situation where the proposed reversion will result in a Class V dead end, the requesting party will be obliged to provide a cul-de-sac or turn-around of ample capacity to accommodate all town maintenance equipment. The acceptance of additional roads into the town's Class V road network represents substantial expense and responsibility for the town and such course of action will not be embarked upon lightly.

VII. The following roads in Marlow are designated as Class VI roads, either in part or in their entirety generally known as:

Baine Road

Bakers Corner Road

Beebee Road

Ducky Brown Road

Flagg Road

Gage Road

Honey Brook Forest Road or CCC Road

Jay Allen Road

Kemp Road

Mack Hill Road

Mansfield Road

Marlow Hill Road

Miller Road

Old County Road or Old Hillsborough Rd

Old Profile Road

Old Stagecoach Road

Stone Pond Road

Whittemore Road

And those unnamed roads existing on the tax maps.

The following chapters on NH RSA's were used and or quoted to draft this policy, 229:1,5,6, 21-a, 22, 27, 44, 45, 51,140,144; 231:191; 266218-a&c, 215-A-6, -7,15.

Jim Strickland 9/7/05

Adopted at Selectmen's meeting November 7, 2005