

TOWN OF GREENFIELD

PRIVATE ROADS POLICY RSA 674:41:I (d)

The Town recognizes the fact that a roadway's status as a Private Road has come about through the intentions of the Town's residents. For that reason, it is only after careful consideration of each application's specific merits and relationship to the rest of the town that the Board of Selectmen may reverse that intent by issuing a building permit on a Private Road. Through the authority of and in compliance with RSA 674:41, incorporated in the Town's Zoning Ordinance, the Board of Selectmen have adopted the following policy in order to ensure that land use is consistent with the land's ability to support human activity, and to ensure that development takes place in an orderly and harmonious way.

As noted in RSA 674:41 I, no building shall be erected on any lot within any part of the Town, nor can a building permit be issued for the erection of a building, unless the street or road providing access to the lot upon which such building is to be placed has the legal status of a Class V or better roadway or a Private Road, provided that in accordance with RSA 674:41 I (d):

1. The Board of Selectmen, after review and comment by the Planning Board, have voted to authorize the issuance of a building permit on said Private Road, or a specific portion of it; and
2. The Town neither assumes responsibility for maintenance of said Private Road nor liability for any damages resulting from the use of it; and
3. Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of the Town's responsibility and liability has been recorded in the Registry of Deeds.

Without these, all building on any Private Road is prohibited.

Whereas the State Supreme Court has said that the purpose of 674:41, I (d) is to prevent scattered and premature development, the decision to allow building on Private Roadways is a major policy decision. Unrestricted development of Private Roadways will necessitate the spending of public resources if the Town is forced to subsequently upgrade substandard or non-maintained roads. Therefore the Board of Selectmen, in consultation with the Planning Board, Fire Chief, Police Chief and Conservation Commission, will evaluate applications and authorize, issue or deny building permits on Private Roadways using the following non-exhaustive standards and criteria:

1. The lot is a lot of record that pre-dates the adoption of the zoning ordinances;
2. The condition, location, size and use (past, present and future) of the lot;
3. The construction, location and intended use of the proposed building;
4. The construction, location and intended use of the proposed driveway;
5. The condition of the Private Roadway, including, but not limited to, base, drainage, grade, width, maintenance, and use (past, present and future);
6. The proximity of the lot, driveway and building to the Private Roadway and nearest Class V or better highway;
7. The number of lots and buildings between and/or surrounding the buildings and nearest Class V or better highway;
8. The relationship between the Private Roadway and the Town Master Plan;
9. The degree to which the proposed driveway and the building may contribute to premature and/or scattered development;
10. The degree to which the proposed driveway and building may impact Town revenues and/or services;
11. The degree to which the Private Roadway is accessible by safety and rescue vehicles and pedestrian traffic;
12. The impact of the development on the environment;
13. How the road is integrated with the balance of the road network in the Town;
14. The need for highway signage;
15. The need to indemnify the Town against any claims, damages and/or demands;

16. Does NOT extend the use of the Private Roadway for residential purposes beyond (past) the existing residential use of the Private Roadway.
17. Any other relevant factors.

The Board of Selectmen may not issue a building permit to erect any building on a Private Roadway unless the Applicant and Board sign and record an *Agreement and Release Regarding Building Permit for a Private Roadway* (hereinafter "Agreement").

Prior to issuing a permit to erect any building on a Private Roadway, the Board of Selectmen may, in its discretion, attach reasonable conditions, limitations and/or restrictions on the granting of a permit.

Nothing in this section shall prohibit the Planning Board from denying an Applicant proposing a subdivision or site plan fronting along a Private Roadway.

Appeals of the decision of the Board of Selectmen may be filed in accordance with RSA 674:41, II.

Adopted: _____

Greenfield Board of Selectmen;

Aaron C. Kullgren, Chairman

Jarvis Adams, IV

Karen A. Day