

ORDINANCE #4

TOWN OF HANOVER

ORDINANCE OF THE BOARD OF SELECTMEN

The Board of Selectmen of Hanover, New Hampshire, ordain as follows:

PRIVATE CONSTRUCTION ON CLASS VI HIGHWAYS

1. Declaration of Purpose:

The purpose of this Ordinance is to minimize potential development along a Class VI road which will require Town services and the increased cost to the Town for these services.

2. Title:

The Ordinance shall be known and may be cited as the "Private Construction on Class VI Highways of the Town of Hanover."

3. Authority:

RSA 674:41, RSA 41:11 and RSA 47:17.

4. Private Construction on Class VI Highways:

A. No person shall perform any work on a Class VI Highway in the Town of Hanover without first obtaining a permit from the Public Works Director. Application for the permit shall be made on the form as provided by the Town. Written notice shall be sent to the abutters, as defined by RSA 672:3, and to the Conservation Commission.

The notice shall be in writing and shall contain a brief description of the proposed work, the Class VI highway involved and where a copy of the application can be inspected.

B. The Public Works Director shall determine as a condition to the issuance of the permit that the following requirements and conditions shall be met.

(1) Cutting and Clearing: Cutting and clearing shall be limited to the existing traveled way. The Public Works Director may approve cutting and clearing outside the travel way, but still within the town right of way, if reasonably required in connection with grading and existing drainage.

4. Private Construction on Class VI Highways ...continued

- (2) Grading: Grading shall be confined to the existing traveled way as presently located within the Town right-of-way. It is intended that there will be no change in the horizontal and/or vertical alignment of the existing traveled way. The width of the traveled way shall not exceed twelve (12) feet.
- (3) Drainage: All drainage work shall direct water in the existing natural pattern and existing watercourses. Drainage shall not be directed into any new watercourses onto abutting properties.
- (4) Gates and Bars: There shall be no removal of any gates or bars which may be permitted by law when a highway is discontinued subject to gates and bars. No gate or bar shall be locked at any time.
- (5) Stone Walls: Any damage to stone walls located within the Town right-of-way during the course of construction shall be repaired and restored.

C. The Public Works Director may relax these requirements with the written consent of the Board of Selectmen when, in the Public Works Director's judgment, it is appropriate to carry out the purpose of this Ordinance. Any such relaxation shall be in writing together with the reasons therefore.

D. The Public Works Director may require that a bond be posted with said Director who will impose reasonable conditions and may establish reasonable requirements for the bond so that it can be used to restore the highway to a standard acceptable to the Public Works Director.

E. All work performed on a Class VI highway under a permit issued hereunder shall be in a manner acceptable to the Public Works Director.

F. In the event of any violation of the permit, the Public Works Director shall withdraw the permit and order the person who received the permit, or the agents of that person, to terminate all work until further notice. In the event of any violation of the permit or of beginning work without a permit, the person shall be guilty of a violation and fined \$100 for the first offense and \$250 for a subsequent offense within a calendar year, and shall be liable for any costs to repair, remedy, or otherwise return the road to an acceptable and stable condition as determined by the Director of Public Works.

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4. **Private Construction on Class VI Highways** ...continued
- G. No Liability of the Town: This regulation of private construction work on Class VI highways in the Town shall not create any obligation of repair and maintenance of such roads by the Town.
 - (1) Any person may appeal the denial or issuance of a permit hereunder RSA Chapter 43 which provides for a hearing before the Board of Selectmen.
- H. If there is an objection to the application from any abutter and/or the Conservation Commission within 10 days of the date of the notice, the Manager shall place the application matter on the agenda of the Selectmen. Notice of the Selectmen's meeting shall be mailed at least 7 days prior to the meeting, to the applicant, the abutter and the Conservation Commission. The Selectmen shall provide an opportunity for public comment as to the application. The Selectmen may advise the Public Works Director as to the issuance of permit. No work shall be performed until the permit has been issued and signed by the Public Works Director.

Effective: 4/26/84
Amended: 11/04/96, 12/20/04