

**BOARD OF SELECTMEN MEETING
November 28, 2023
MINUTES**

Present: Shawn Talbot (Chair), Jason Somero, Lou Alvarez, Debbie Deaton (Town Administrator)

5:00 Open Meeting with the Pledge of Allegiance

5:01 Non-public RSA 91-A:3, II (c)- Jason made a motion to go into Non-Public under RSA 91-A:3, II (c). Shawn seconded the motion and it passed unanimously. At 5:17, Jason made a motion to return to public session. Shawn seconded the motion and it passed unanimously.

5:19 Non-public RSA 91-A:3, II (a)- Shawn made a motion to go into Non-Public under RSA 91-A:3, II (I). Lou seconded the motion and it passed unanimously. At 5:28, Jason made a motion to return to public session. Shawn seconded the motion and it passed unanimously.

5:30 Library Warrant Request:

Present: Gretchen Rae, Brenda Pellerito, Earl Somero, Mitchell Gluck, Jen Worth, Dee Daley, Alan Doyle. Gretchen Rae presented the attached. The request from the library for 2024 is \$45,000.

The library is trying to do more programs for the residents. They have their cookbook fundraiser going on right now also.

Please view the entire presentation and conversation at the following link:

<https://www.youtube.com/watch?list=PLzGryVtWOBk8maGIwV0C7-1OgfqwrDIjQ&v=OlzKU3S3Ack>

6:10 Pratt Pond Association:

Present: Joe Woodworth, Dwayne White, Dan Nason, Sandy Heim

Joe stated they had discussed the issue on Pratt Pond Road at a previous selectmen's meeting. He recapped the conversation by stating a resident was installing a second driveway without a permit and it is too close to the wetlands.

He added he and the Pratt Pond Association has been served for a court case by this resident.

Shawn said Jason & Gary Somero went to the site. Jason added they measured from an iron pin and came up with 30 feet. The owner invited them in to talk about the situation. There are some deed disputes regarding the property and dam. The owner claimed the driveway was existing and had asked the previous Building Inspector if he could put more gravel on the driveway and was told he could because it was existing and didn't require a permit.

He also said the resident informed him he had served the Pratt Pond Association and there was a court date of December 20th regarding this issue. Jason feels in light of this court date, the Town should stay out of it.

Joe said the problem with this second driveway is the plowing of the snow. When he plows the driveway, it's going into the dam and cause erosion problems.

Dee mentioned there is no such thing as "grandfathered" when it comes to driveways in the State regulations and in our Driveway Regulations. Jason would like to have this further explained.

Dwayne said the subdivision was done in 1986 and showed the plan from the subdivision. He added this second driveway was not there in 2022 so it was not an existing driveway. Ed Rogers (Engineer) did a survey of the property. He showed where the driveway is on the plan and where the dam is.

There was more discussion regarding the non-existence of the secondary driveway. Shawn made a motion to place a stop work order on the second driveway at 110 Lower Pratt Pond Road. Lou seconded the motion and it passed unanimously. Debbie will contact Gary to issue the stop work order.

Shawn stated this will stop any work on the second driveway and would restrict any access to it in addition, it would stop any plowing.

Jason added we will see what the outcome is of the litigation and decide if more enforcement is necessary.

7:00 Public Hearing: Weight Limits on River Road:

Present: See sign in sheet.

Shawn opened the public hearing. He added civility is paramount and asked everyone to respect others opinions.

He stated 2 years ago, weight restrictions were lifted on River Road and other roads in town. The residents of River Road have concerns and would like the weight limits re-instated. This Public Hearing is to hear all sides of the issue and make a decision.

Dave Coponen asked what the reasons are for reinstating the limits. Shawn replied the road is narrow in some spots, wear and tear on the road and safety issues. Louise DelPapa said there are so many people that walk, run, ride bikes, horses, etc.

Ann Baker stated she's lived in Bank Village for over 30 years. She doesn't feel safe walking on the road anymore because of all of the trucks. She also added there are a lot of trucks coming down Currier Road which is a scenic road.

Ben Hatcher said it would cost him at least 15 minutes in each direction to go around which equates to about \$76,000 per year that it would cost him. He said if the road is posted, he will go around. He added all of the trucks pay a higher rate to be registered and he feels they have a right to use the roads in town. The higher registration rate also goes toward paving and maintenance of the roads.

Dave Coponen agreed with Ben and added truck drivers with a CDL have a lot more to lose if they are speeding. He said the trucks are going to have to on someone else's road and disrupt their neighborhood. If this keeps happening, trucks won't be allowed on any road.

Karen Hackett has a farm on River Road. She added most of the truck are respectful but some of them aren't and it scares the horses which is a safety hazard. She also said the sides are crumbling in areas which could be due to the trucks. The speeding needs to be eliminated.

Phil Thayer said he has lived here all his life and the town has definitely changed. He added there is a big base of construction workers and others who use trucks to make their living. The laws of New Hampshire state how roads can be restricted (RSA's 190 and 191). The Road Agent would have to say the road isn't constructed to carry the weight of the vehicles. Any business that is restricted can write a letter to the Selectmen and they would have 15 days to respond or the restriction will be lifted.

Kevin McDonald said he could see having to change things if there were multiple truck accidents but there are no statistics that say this. He said if cars or trucks are speeding, residents should call the police. He went on to say there are a lot of large vehicle that will be able to use the road even if there are weight restrictions such as oil trucks, logging trucks, school buses, plows, etc.

He also said in the 2008 ice storm happened, all of the residents with large equipment came together to help out for 2 weeks and that shouldn't be forgotten.

Julie Coponen said she has the same problems on her road and raised 9 kids there. Every road has the same problems.

Louise DelPapa said the restrictions were there and then removed, they just want them back.

David Coponen stated policing is a good place to start because of the speeding.

Ken Lehtonen mentioned case law limits the town's authority on posting the road. He will find it for the Board. He would like to know how many more residents will be impacted if the trucks have to go around a different route. Are their homes and neighborhoods less important than the residents on River Road?

Carson Coponen said if the road was posted and it was removed, what was the reason? Jason responded they consulted with the DPW director before it was done. He said the subgrade was fortified when the road was repaved so it can handle the truck traffic. He went on to say the RSA's state there are 2 reasons weight can be placed on a road, 1 is for safety and the other is deterioration of the road.

Jen Worth said she has lived in town 4 years and she walks River Road with a stroller because Bank Village is beautiful. She has had good experiences with the truckers. They are respectful of her but she finds the cars are more disrespectful and speed around her.

Jim Hicks commented all of these local truckers support this town but the problem seems to be the Massachusetts truckers. They come down from Ashby and Ashburnham. He added he has also seen cracks in the road and there is the safety issue with the kids.

Wendy Leger works for the SVAS and knows there have been no accidents on River Road with trucks. She said the cars are the problem, mostly speeding.

Stan Zabierek added it seems to be the through truckers, not the local truckers.

Jared Knisley asked if we can post the road to only exclude Massachusetts trucks. All of the houses, no matter how old they are have had all of the building materials brought to build them with a truck. Trucks pay a heavy highway use tax which go toward maintenance on the roads. He went on to say it's expensive to get a CDL license, there are tests, physicals, etc. They have a lot to lose if they get stopped for speeding or overweight.

Colin Carroll said we can't restrict roads by state. This town does have clear statutory authority to impose weight limits on the roads. River Road contains numerous culverts and other public infrastructure. It also passes through the Village District which has a lot of stone foundations which can be damaged by the vibrations from the truck traffic. Public safety is another reason for imposing weight limits. He is not aware of any cases that would limit weight restrictions on town roads. He stated the Board can allow waivers for vehicles to traverse the road. Colin submitted a written statement (attached). The restrictions should be reinstated on River Road.

Kevin McDonald said we all pay taxes and some of that money goes to maintain the roads. If you prohibit trucks on one road, what's to stop every other road in town from requesting weight limits? What makes the residents on one road more important than another? We need the trucks to be able to do their jobs. He also doesn't feel there's a safety issue because there have been no truck accidents.

Mike Cain said speeding is the problem. Wear and tear will happen. He also asked how the weight restriction would be enforced. Shawn replied he hadn't been a part of the enforcement process.

Graham Heagy stated he has 5 kids and lives 10 feet off the road. If you divert traffic, everyone will be going down his road.

Craig Smeeth asked if his wife Sharin's letter (attached) had been read by the Board. Lou replied it had and will be entered into the minutes.

At this point, some attendees left and others from the hall and lobby entered the room.

Reuben Somero commented if a weight limit is put on River Road, all of the weight and safety concerns will be diverted to other roads.

Harley Coponen said every road in New Ipswich has culverts and require maintenance. Over time they break down and require maintenance, diverting the weight traffic will just increase the wear and tear on other roads. He doesn't think the weight restriction should be re-instated.

Tom Liubakka stated the Town did the right thing when it was repaved and had the experts fortify the road to handle the weight. He doesn't see any reason the weight limit should be re-instated on River Road. The other roads in Town will have to bear the increased weight & traffic.

Brian Somero said even houses with stone foundations that aren't on heavily trafficked roads have cracks.

Jim Perigny commented it's not the people following the law, it's the excessive speed that is the problem. There needs some kind of control on the road. Some kind of check going on.

Dan Krapf said he feels we should let the experts make the decisions. The Road Agent has stated the road can handle the weight and traffic. He said the problem doesn't seem to be the local businesses. They appear to be respectful of the foot traffic on the road as well. Everyone keeps saying it's the Massachusetts drivers so we need to go after them, get some radar, extra police, etc.

Stan Zabierek said River Road is the exception to all other roads because the causeway is the headwaters of the Souhegan River. The onus is on the town to maintain the causeway. He doesn't want his tax dollars repairing the causeway when it could have been diverted.

Dave Keurulainen said he goes up and down the roads every day for his business and is very respectful and courteous. There are many vehicles that go up and down the roads in New Ipswich every day, a lot of them

are not residents. There are Subaru's from Connecticut that speed down the roads all summer long to get to their camps on Pratt Pond, we can't just ban them from the roads.

Scott Hackett said the two things he is hearing are safety and road damage. His question is if we have the resources to enforce speed or weight limits.

Jason Somero said he lives on Page Hill Road and it's scary there also. It is a challenge as far as trying to enforce these things.

Kaitlyn Somero commented she passes officers all the time on River Road. She walks a lot of roads around town and they're all busy with speeders and trucks.

Karen Hackett said they have called the police on several occasions but the vehicles fly by so fast, are they going to take their word for it? We should have some kind of speed trap or something.

Jared Knisley asked for clarification about the stone foundation concerns. How would you determine which truck affected the stone foundations? Even if you post the road, there are still large trucks that are allowed to go down the road...trash trucks, Amazon, oil deliveries, trucks with horse trailers, etc.

Colin Carroll said you are not going to be able to tell which truck damaged the foundation. What we are talking about here is the volume. We need to talk about what the weight limit is that we want to restrict. There are other solutions to the problem.

Shawn asked again if there were other people in the hall or lobby that would like to speak.

Ken Lehtonen said his office building, which was built in 1808 with a stone foundation and is 40 feet off Turnpike Road which receives probably 100 times the traffic as River Road and hasn't seen any damage other than normal.

Matt Moran said it's almost impossible to go too fast in a large truck down River Road.

Julie Coponen said she has the same concerns on her road.

Dave Brower said he has a 3500 pickup and isn't sure if he would be able to get out of his driveway if the weight limits are reinstated on River Road. He added the signage isn't consistent on the road and the signage should be addressed.

Craig Smeeth said he's heard a lot of valid points. There is technology out there that we could use...grooved roads, speed signs, speed cameras, patrols, radar, rotaries, speed bumps, etc. He realizes we don't have the officers to be able to do this but something needs to be done.

Josh Muhonen said he feels we are shifting from the topic of weight limits. If you shift everyone from River Road, trucks will be shifted to Main Street where there are a lot of old and historic buildings built close to the street so if you're using that logic for River Road, you'd have to use it for Main Street which would mean everyone would either have to use Davis Village Road or go through Massachusetts.

Stan Zabierek said Main Street is maintained by the state. He said maybe we could add some speed bumps. His main concern is the weight on the causeway. It is the onus of the Town to repair and maintain the causeway.

Al Pineo said diverting traffic to Main Street would be bad.

Peter Somero said plowing speed bumps would make things worse causing damage to plows.

Jared Knisley commented you can allow overweight trucks to go down River Road with a waiver. He doesn't understand how you can have trucks that exceed the weight limit by waiver and not give a waiver for other trucks.

Harley Coponen asked why we have to ban trucks on one road. It doesn't make any sense at all.

Dave Keurulainen said it isn't every day that all of the trucks go down River Road. It's only when a job is going on and if the company had a waiver, those trucks would still be able to go down River Road.

Shawn asked again if everyone has had a chance to speak. Lou and Peter went to ask those in the lobby and hall to come into the meeting room if they would like to be heard.

Eli Coponen described a recent situation where he witnessed a very considerate truck driver stop for walkers and allowed him to pass on his side of the road. He also said all stone foundations have issues. It's time for a reality check, people need to

Matt Moran said if the main concern is the causeway, maybe we should end the road at the beginning and end of the causeway so there will be no through vehicles at all.

Ray Aho agreed with Eli Coponen. It's absolutely ridiculous to close a road to trucking.

Jeff Muhonen agrees with the comment

Shawn asked if anyone else wanted to speak before he closed the Public Comment (including the lobby & hallway). He did a second call for public comment. No one responded and Shawn made a motion to close the public comment portion of the hearing. Jason seconded the motion and it passed unanimously.

Shawn said there were definitely a lot of great points heard this evening. It seems speeding is definitely an issue. We will look into heightened enforcement and see how we can incorporate technology. Signage will also be looked into.

Peter said there are 2 speed limits on River Road. It changes to 35 at the causeway once you get out of Bank Village.

Shawn said at this time, he sees no reason to reinstate weight limits. Jason said it was surprising to see how many people came out in opposition to the weight limits. The points made were hard to ignore and sees no reason to reinstate them. Lou abstained from commenting.

Round Table Discussion:

- Jason said he will be attending the next Road Committee Meeting. Shawn said previous Road Committees didn't want much authority other than choosing the roads up for paving and repair.
- Debbie said she received 2 different amounts from the Keene Hazardous Waste program. She will be calling Duncan to clarify which amount is correct.
- The email for the Christmas party has been sent out (December 20th from 11:30-1:30. Debbie asked the Board to extend the invitation to any of their contacts.
- The new accounting and payroll software training will be Monday – Thursday, 9-4 next week. Going live.
- Jason mentioned he was told there is no legal reason for the Green Center to be there. A warrant article passed in 2014 establishing a revolving fund. Debbie will look into the legality.
- Jason said Peter Somero was wondering if there is a policy on getting quotes. He was told a minimum of 3 quotes should be fine on purchases of over \$5,000.
- Jason met with Peter and Prime Roofing regarding the pool house roof. The price increased to \$7,224 because of replacing the drip edge. Shawn made a motion to approve the new quote. Lou seconded the motion and it passed unanimously. Jason will get a new quote that specifically lists everything.
- Shawn stated the School Board Advisory Budget Committee meeting is tomorrow evening in the meeting room.
- Shawn asked Debbie to follow up with Peter and Mark to verify the amount of space being used in Building 2 by Warwick Mills.
- Jason said he was at the CIP meeting last night and it was suggested the Board finds out what all of the Capital Reserves can be used for. Debbie said she has started doing this as well as asked the Trustees of the Trust Funds.
- Jason asked to have the list of vehicles that we are insuring updated. Debbie will send the list to Peter so he can verify them. She added when the renewal list comes up yearly, she sends each department a list of the insured vehicles for the department heads to verify.
- Jason said he was convinced that Poor Farm, North Road and Wheeler Road stop signs should stay as they are. He would like to see if the stop sign on Goen Road makes sense.

At 9:42, Shawn made a motion to adjourn. Jason seconded the motion and it passed unanimously.

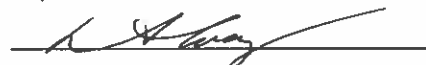
Respectfully submitted,

Debbie Deaton
Town Administrator

Minutes approved by BOARD OF SELECTMEN

Shawn Talbot, Chairman: 

Jason Somero: 

Lou Alvarez: 

New Ipswich Library Board of Trustees

November 17, 2023
Board of Selectmen
Town of New Ipswich
New Ipswich, NH 03071

Dear Gentlemen,

The Trustees of the New Ipswich Library, with great consideration, ask that the Select Board approve the placement of a Warrant Article on our Town's ballot in March 2024 in support of the library. The Trustees have worked a great deal of all-volunteer time with incredible effort to understand the needs of our community and how the library can best serve us all. We have recognized the economic challenges felt by every person and family in our town and want to be as respectful in our requested amount of money asked from the voters. Budgeting for our current fiscal year took hours of careful consideration of forecasted expenses while also rewarding our employees for their hard work and dedication to keeping the library open, especially during the pandemic.

The library, similar to the Town, provided our employees with COLA increases to their salaries for the start of FY23/24. This increased our salary expenses by more than \$3,300. The employees start at \$10 per/hr with no paid time off or benefits like health care coverage, so this work is a labor of love and certainly not wealth. As stated previously, our board of eight trustees provides hours and hours of volunteer time to keep the library vibrant and an asset to our town. The trustees have made every effort to educate ourselves on current NH State library laws and to understand library need in a digital age. We have also collaborated with the Mascenic school district, the Historical Society, and the Children's Fair organizers this past year to create stronger partnerships for greater educational opportunities.

With the increase in salaries, to reach towards a livable wage for our staff, and the library's investment into comprehensive insurance coverage to mitigate risks, and with the addition of Upton & Hatfield Attorneys at Law for consulting attorney representation, we are asking the selectmen to support our ask of **\$45,000** from the residents of New Ipswich.

The increased amount represents only one half needed to ensure a balanced budget for FY 24/25 with the other half coming either from necessary fundraising efforts, grant pursuits or investment dividend withdrawals. Our investment advisors have warned the trustees at our annual review that as the fiduciarily responsible leaders of the library, we must stay mindful that our portfolio continues to be affected by decisions of the Federal Treasury. We must continue the close examination of our operating expenses and ensure that the library services we oversee stay valuable and essential to a thriving town on a frugal budget.

Thank You for your support,

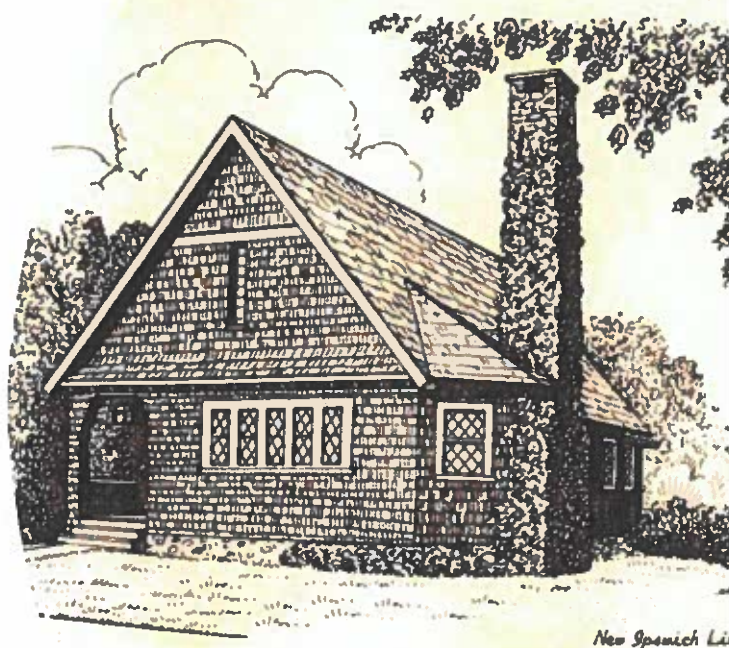
Brenda Pellerito, President
Gretchen Rae, Treasurer
Shelly Zinsmeister, Secretary
Kim Black
Mitchell Gluck
Susan Hadley-Bulger
Meghan Savage
Earl Somero

New Ipswich Library: Warrant Article Request

11/28/2023

Library Trustees

www.newipswichlibrary.org



1

Library Management Activity

- **Won Technology Grant:** Secured a \$9,125 grant from the NH Charitable Foundation, enhancing our technological resources and capabilities.
- **Staff Wage Increase:** Addressed overdue wage adjustments for staff to ensure fair compensation.
- **Legal Support:** Retained legal counsel to navigate and advise on various library matters, including a review of our non-profit status.
- **Trustee Trainings:** Invested in trustee training programs offered by national library associations, focusing on financial management and policy development.
- **Liability Insurance Enhancement:** Improved our liability insurance coverage to include protection for the director and board officers.
- **Collaboration with Mascenic Schools:** Initiated a meeting with the Mascenic Schools superintendent to foster community partnerships and strengthen educational ties.
- **ADA Compliance Review:** Undertook a comprehensive review of our facilities to ensure compliance with the Americans with Disabilities Act (ADA).

2



Warrant Article Request

FY 23/24
Warrant Article
Request

\$40,000

FY 23/24
Operating
Budget

\$87,530

Library Services, Books	\$6,300	7%
Operations, Technology	\$26,214	30%
Personnel, Accounting	\$55,016	63%

FY 24/25
Warrant Article
Request

\$45,000

- **Sustaining Services:** \$45,000 ensures the library can maintain and enhance essential services for the community.
- **Cost of Living Adjustments:** Operating costs are on the rise. Request accounts for necessary adjustments to meet increasing demands in wages.
- **Community Hub:** Reinforcing town support is crucial to sustaining the library as a vital community hub, providing valuable resources and programs for all residents.
- **Infrastructure Maintenance:** Funding will contribute to maintaining a safe and welcoming library environment, including necessary updates and compliance with regulations.

3

Program & Service Highlights

- **For Children:** Summer Reading, Storytime, Music Man
- **For Teens:** Teen nights
- **For Adults:** Scrabble nights, crafting, garden guru workshops
- **For All Ages:** museum and park passes, animal presentations, caterpillar releases, Author Talks: Wild Edible Plants, Matt Peterson's turtle research, New Ipswich Historical Society Programming
- **Friends of the Library:** fundraising events, ice cream socials, plant & book sales, Harvest Fest, Children's Fair
- **Free Public Space:** meeting room, tax assistance, computer / copier usage, Wi-Fi access

Continued needs to be addressed for increased programming and services:

- More public parking, especially with shared business parking
- Larger community gathering space
- More collaborative efforts to share community resources including high speed internet services

4

Trustees

- Brenda Pellerito, President
- Gretchen Rae, Treasurer
- Shelly Zinsmeister, Secretary
- Kim Black
- Mitchel Gluck
- Susan Hadley-Bulger
- Meghan Savage
- Earl Somero

Selectboard

ATTENDANCE SHEET

November 28, 2023

River Road Weight Limit

Jim Hays BRENDAN	238 River Rd	
Dwayne White	120 Upper Pratt Pond Rd.	NI NH
Sandra Kern	216 Upper Pratt Rd	NI, NH
Joshua Mahan	56 Gibbs Ave.	NI, NH
JOE Woodworth	227 PACE Hill Rd.	
DANIEL WASON	151 LOWER PRATT POND RD	NI
Oluf Pennine	4 Smith Drive, VI.	NH. 18:23
STAN ZABICKK	81 RIVER RD	
LOUIS DELPAPA	81 RIVER RD	
Josh Darr	our main rd	
Dennis Smad	454 Ashby Rd	
Michael Cain	306 Turnpike	
Daniel Kept	313 Tangle rd	NI NH
Shane Quinn	852 Turnpike Rd	NI
MARTIN KELLEY	932 Turnpike Rd	
Rhonda Liubakku	852 Turnpike Rd	NI NH
NATHAN SIKKILA	286 ASABURYHAM RD	
Paul	293 Main St.	NH,
Paul Somero	10 VISTA DR	NI NH
JAYNE Somero	10 VISTA PR	NI NH
Diane Knisley	156 Ashby Rd	NH
Jared Knisley	133 Appleton	NH
Keira McDonald	37 Westbrook DR	NH
Wayne Moran	73 Philmart Drive	NI
1000 Main Street	35 Main Rd	NH

Josh Kook Lockard NI
Eric Anderson Storeridge Rd NI

Ryan Costeman Emerson Hill NI

Graham Heagy Davis Village NI

David Keenulainen Poor Farm Rd NI



Timbertop Rd
Binner Hill Rd

Chris Bonn

ITSh by Rd

Kenny Lehtonen

Westbrook Dr.

Katelyn Somers
Darrel Somers
Shirley Henault

Westbrook Dr
westbrook Drive
Beechwood Road

Marcy Stacy

Goen Road

Colin Carroll

Joy Lane

Jim Perigny

Annmarie Fournier

111 River Rd

Robert Fournier

111 River Rd

Anne Baker

104 Old Country

Scott Hackett
Karen Hackett

} 29 River Road

Ben Hitch

159 Greenville RD

Peter Somers

83 Collins Rd

BOARD OF SELECTMEN

ATTENDANCE SHEET

NOVEMBER 28, 2023

REGARDING RIVER ROAD WEIGHT LIMIT

NAME	ADDRESS
Palmer Ajala	23 green Farm RD
William Leger	52 Binner Hill RD
Sierra moran	25 matson rd
matthew moran	25 matson rd
William Leger	184 Mason Rd.
Nick Somero	31 Maplewood dr
Trevor Somero	361 Turnpike Rd.
Kathy Muhonen	264 Ashby Rd
Ryan Cappinger	120 Ashburnham Road
Reuben Somero	218 Poor Farm Rd
Cathy Somero	21 Poor Farm Rd
L. Somero	✓
Krista Munkkiniemi	264 Ashby Rd
Jason Lehtinen	258 Ashby RD
Abram Aho	87 Mountain View Drive
BRIAN SOMERO	436 ASHBY RD.
Benjamin Somero	184 Mason Rd
Cody Vaillancourt	948 Turnpike Rd
Reuben Aho	1149 Turnpike Rd
Naamen Truffie	16 settlement hill rd
Carson Caporen	39 North Rd New Ipswich

The Selectmen Should Reinstate the Weight Limit Restrictions on River Road

I. The Town Has the Clear Statutory Authority to Establish Weight Limits on Class IV, V, and VI Municipal Roads

- *Pursuant to RSA 231:191:* The governing body of a municipality (*i.e.*, the New Ipswich Board of Selectman) may establish maximum weight limits, seasonal or otherwise for any class IV, V, or VI highway or portion of such highway, when the highway agent determines that such highway requires postings to prevent unreasonable damage or extraordinary municipal maintenance expense.
 - River Road contains numerous culverts and causeways that traverse the Souhegan River and Waterloom Pond. The Board has been presented with expert testimony in prior meetings indicating that continuous heavy truck traffic is detrimental to these pieces of public infrastructure, the maintenance of which would likely be substantial if damaged from heightened heavy truck traffic.
 - River Road also passes through Bank Village (Village District 1) where a large majority of historic homes sit on rubble stone foundations, some of which are within 10 yards or less of the roadway. Studies have shown that damage to historic stone foundations is observed where walls have been affected by the close proximity of road traffic, particularly that of heavy freight vehicles. Ground-borne vibration from these heavy vehicles is transmitted to the rubble infill material with the potential to cause unreasonable damage to these historic properties. [See, *The Wessex Institute of Technology, Structural Studies, Repairs and Maintenance of Historical Buildings*, 1997, ISSN 1743-3509]
- Such weight restrictions can be applied pursuant to the Statement of Purpose for RSA 231:191 found in RSA 231:190 for reasons beyond the prevention of damage or maintenance expenses such as for public safety reasons. (See

also Brentwood Distribution v. Town of Exeter, No. 2014-0729, 2016 N.H. LEXIS 191, at *17-18 (July 7, 2016))

- Since the lifting of the weight restrictions in June 2021, River Road residents have observed a marked increase in heavy truck traffic, creating a significant safety risk to those whose properties are close to the roadway or those who enjoy using River Road for various recreational purposes, such walking, running (*e.g.*, Mascenic sports teams), bike and horseback riding.
- Heavy trucks in excess of 6 tons (12,000 lbs)(the prior weight restriction in place) create a much larger safety hazard to these types of uses on River Road than the usual Class D vehicles that traverse on a daily basis. This is basic physics – a vehicle weighing several tons more than a Class D car and with wholly different sight lines will not be able to stop or maneuver as quickly to prevent a tragic accident from occurring.

II. Imposing Weight Restrictions on Town Roads is Not Violative of the Equal Protection or Commerce Clauses of the NH or US Constitutions

- The equal protection clauses of both constitutions require a State to govern impartially; general rules must apply evenhandedly to all persons within the jurisdiction. *Jones v. Helms*, 452 U.S. 412, 423, 69 L. Ed. 2d 118, 101 S. Ct. 2434 (1981); *State v. Pennoyer*, 65 N.H. 113, 115, 18 A. 878, 880 (1889). Thus, the clauses generally forbid the legislature from imposing upon an individual burdens and liabilities that are not cast upon others similarly situated. *Kerouac v. Town of Hollis*, 139 N.H. 554, 561, 660 A.2d 1080, 1085 (1995).
 - The weight restrictions that existed on River Road prior to June 2021 applied equally to any vehicle using the road. They did not apply just to heavy trucks from out-of-state or out-of-town which was the case in the Moore decision selectman Somero cited as justification for his prior vote to even have this hearing this evening. The restrictions applied to any truck with a GVW above 6 tons (12,000 lbs) -- in other words the restriction applies to all

“similarly situated” individuals driving on River Road and hence does not violate the Equal Protection clause of both Constitutions.

III. The Statute Provides a Remedy For Individual Hardships

- The weight restrictions that were lifted in June 2021 were the result of a complaint from a single town resident, who based on my research lives off Goen Rd (56 Oak Hill Road) who claimed “the weight limits made it impossible to travel legally in his truck to his home.” (Ledger Transcript, 11/13/2023, page 1)
- Aside from the fact that I can think of numerous different routes to get to Goen Road that do not involve traversing River Road, the proper remedy from the Selectboard, if warranted, should have been to grant the individual a waiver from the restrictions, which is allowable under the authorizing statute at RSA 231:191(III). Instead, this Board arbitrarily removed all weight restrictions from River Road, choosing a blunt instrument to address a single potential hardship when a more tailored, precise fix was appropriate and indeed available under your statutory authority.

For all these reasons, I respectfully request the Town faithfully and fully apply its authority to reinstate the weight restrictions on River Road to protect the safety and property interests of the direct abutters and also to preserve the integrity of the road surfaces and wetland causeways on River Road from any further degradation caused by heavy truck traffic on the roadway.

Thank you for your attention to this matter.

BOARD OF SELECTMEN MEETING
JUNE 22, 2021
MINUTES

PRESENT: Shawn Talbot, Chairman; John Veaser, Jason Somero
Town Administrator Scott Butcher, Accounting Clerk Roger Somero, Acting Police
Chief Mike Abel, Town Clerk-Tax Collector Debbie Deaton, Land Use Administrator
Susan Mallett

At 5:02 pm Selectmen Veaser MOTIONED to enter into the first of two non-public sessions under RSA 91-A:3 II(a), (b), and (c). Selectman Somero SECONDED the motion. The vote was unanimous in favor.

At 5:35 pm Selectman Veaser MOTIONED to exit the non-public session. Selectmen Somero SECONDED the motion. The vote was unanimous. Selectman Veaser MOTIONED to seal the minutes, Selectman Somero SECONDED the motion. The vote was unanimous in favor.

The Selectmen returned to the public session at 5:36 pm. Acting Police Chief Abel took a moment to thank retired Chief Carpenter for his leadership and years of service to the community. He also discussed some of the challenges in hiring police officers in the current environment and shared some of what other NH communities are experiencing similar to New Ipswich. The Selectmen asked why it is so difficult to hire someone and Acting Chief Abel said there were many reasons, many of which are beyond our control.

David Keurulainen addressed the Selectmen regarding the weight limit postings on certain roads in town that are making it impossible for him to travel legally with his truck to his home. He felt the postings were unnecessary anymore due to a reduction in gravel hauling in town. After some discussion, Selectmen Somero MOTIONED to remove the weight limits on River Road, Upper and Lower Ashby Road, North Road, Poor Farm Road, Davis Village Road, and Dark Lane. Selectman Veaser SECONDED the motion. The vote was unanimous in favor.

At 5:54 pm Chairman Talbot MOTIONED to enter into a non-public session under RSA 91-A:3 II(c). Selectman Somero SECONDED the motion. The vote was unanimous in favor.

At 6:11 pm Selectman Veaser MOTIONED to exit the non-public session. Selectmen Somero SECONDED the motion. The vote was unanimous. Selectman Veaser MOTIONED to seal the minutes, Selectman Somero SECONDED the motion. The vote was unanimous in favor.

The Selectmen returned to the public session at 6:12 pm. The next subject to be discussed was the renewal of the Comcast cable franchise agreement. Comcast made the changes requested by the Selectmen to increase the franchise fee from 2% to 3%, add a high-definition public access channel in addition to the current standard-definition channel, and to make the agreement 10 years long instead of 5 years to allow for the additional cost of the high-definition channel to be amortized over a longer period

of time. Selectman Veaser MOTIONED to approve the renewal contract as written. Chairman Talbot SECONDED the motion. The vote was unanimous.

The next discussion was regarding a Video Committee. Selectmen Veaser questioned whether the committee even existed and cautioned that it would have to be discussed further before trying to appoint someone to the committee. He would like to be sure the committee is set up properly first. Chairman Talbot asked the Town Administrator for his input on forming a committee. The Town Administrator stated that there is a need for the Selectmen to develop a charter for the committee that outlines the responsibilities and expectations of what the committee is responsible for. The current videographer, Ron Stanley, could certainly use help. With the proposed upgrades to the current video/audio systems, the future high-definition public access channel coming online, and the opportunity to provide more content to the public, additional people interested in this would be helpful.

Chairman Talbot discussed the next agenda item regarding the possibility of hiring a minute taker to cover most or all of the meetings for the various boards and committees. Selectmen Veaser and Somero had concerns about the level of detail required in the minutes and the amount of time it takes to produce them. Selectman Veaser asked whether we're looking for a minute taker or a stenographer depending on the level of detail required. Are you looking for a summary of the meeting, or a transcript? Selectman Somero wanted to understand why minutes have become such an issue lately. The Town Administrator stated that the level of detail in the minutes is important, especially for hearings where detail can be legally important when approving, denying, or adding conditions to approvals and permits. That detail becomes important in the future when town employees and officials need to research past decisions and/or defend the town if something results in litigation against the town. Chairman Talbot recommends a dedicated person for minutes across all boards and committees for consistency.

OLD/NEW BUSINESS

The Town Administrator provided an update on the status of budget reports and that the updated reports would be available by the end of the week.

The Town Administrator suggested that since the Selectmen have put the search for a new Police Chief on hold, that Municipal Resources, Inc. be contacted that their services are not required for the moment. He also suggested that Chief Muilenberg in Jaffrey be given the same message since he offered to assist in the recruiting process as well. The Selectmen agreed.

The Town Administrator discussed the project at 670 Turnpike Road and that an Intent to Cut had finally been applied for. He stated that the Town's ability to effectively enforce is limited by the availability of personnel. Chairman Talbot said this should be addressed during budget season. The Town Administrator has kept the Building Inspector, Board of Assessors and the ZBA in the loop and asked the Selectmen how much involvement the Selectmen wants him to take. Selectman Somero asked how much should be expected of the Town Administrator and should he be driving around town looking for violations. Chairman Talbot didn't think that was his role. The Town Administrator stated that typically issues are identified because a complaint was received. Selectman Somero thought that there was some merit in reviewing current ordinances to see if some could be eliminated.

The discussion turned to the education and training of public officials. Chairman Talbot emphasized the time commitment that elected and appointed officials make to the town and the huge responsibility that

comes with it. Selectman Somero stated that he wished there was more in place for new Selectmen to help them understand their role. The Town Administrator said that COVID-19 resulted in a hold in some of the training from the NH Municipal Association and the State of NH. That made this year more difficult for new officials.

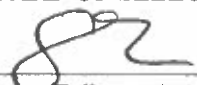
At 7:15 pm Selectman Veeseer MOTIONED to enter into the last of four non-public sessions under RSA 91-A:3 II(c). Selectman Somero SECONDED the motion. The vote was unanimous in favor.

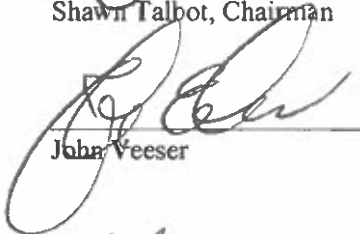
At 7:53 pm Selectman Veeseer MOTIONED to exit the non-public session. Selectmen Somero SECONDED the motion. The vote was unanimous. Selectman Veeseer MOTIONED to seal the minutes, Selectman Somero SECONDED the motion. The vote was unanimous in favor.

At 7:54 pm Selectman Veeseer MOTIONED to adjourn the meeting. Selectmen Somero SECONDED the motion. The vote was unanimous in favor.

Respectfully submitted,
Scott Butcher, Town Administrator

Minutes approved by:
BOARD OF SELECTMEN



Shawn Talbot, Chairman

John Veeseer

Jason Somero

TOWN OF NEW IPSWICH

MAXIMUM WEIGHT LIMIT ORDINANCE FOR THROUGH TRUCKS ON TOWN HIGHWAYS

Purpose

The Board of Selectmen (Board) seeks to reduce wear and tear on Town highways and to improve traffic safety. To help achieve these goals, the Board is establishing weight limits for through-truck traffic on certain Town highways.

Statutory Authority

RSA 31:39, I(g); RSA 41-11; RSA 47:17, VII-VIII; RSA 231:191

Restriction

No person shall operate a truck (RSA 259:115-b) as a through traffic on any Town highway posted for weight limits if the truck's gross weight exceeds the posted weight limit. A truck shall be deemed to be through truck unless it is making a delivery on the posted road or it is being driven by an operator whose residence is located on the posted road. Through trucks are subject to the weight limits specified in parentheses on the following Town highway(s):

River Road (Six-Ton Weight Limit / 12,000 lbs)

Exemptions

School buses, government-owned vehicles and emergency vehicles shall be exempt from this ordinance. Residents who only can access their residence or business from the posted road also are exempt from this ordinance.

Waivers

The Board shall have the authority to waive this ordinance for impacted persons. An impacted person seeking a waiver must submit a request in writing and indicate why a waiver should be granted. A waiver shall be valid only if the Board or its designee provides it in written form, and it may include such conditions and restrictions as the Board deems appropriate.

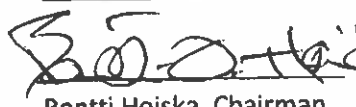
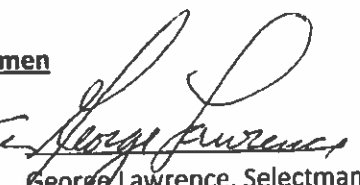
Penalty

A person failing to comply with this ordinance shall be guilty of a violation. Each violation shall be deemed to be a separate offense and subject to a separate fine. The maximum penalty for each violation is \$1,000 (RSA 31:39, III).

Effective Date

This ordinance will become effective seven calendar days after it is adopted by the Board of Selectmen, or if later, two days after weight limits have been posted on duly erected traffic signs.

Adopted by Board of Selectmen

 Bentti Hoiska, Chairman
 George Lawrence, Selectman
 Michael Conlin, Selectman

Date Adopted or Amended

December 13, 2011

Received by Town Clerk

Date Recorded

TOWN OF NEW IPSWICH

661 TURNPIKE RD NEW IPSWICH NH 03071 603-878-2772

www.townofnewipswich.org

SELECTMEN EXT 422
ADMINISTRATOR EXT 422
TAX COLLECTOR EXT 419
TOWN CLERK EXT 419
LAND USE EXT 414
INFORMATION EXT 417
WELFARE EXT 418



RECREATION EXT 513
CODE OFFICER EXT 514
HEALTH EXT 515
POLICE DEPT 878-2771
FIRE DEPT 878-1364
HIGHWAY DEPT 878-2447
TRANSFER STATION 878-3179

Road Weight Limit Ordinance

Date: November 15, 2011
Governing Laws: RSA 231:191
Approval Date:

Purpose: The Town of New Ipswich expends considerable public funds on maintenance of its road network. Studies have shown that excessive vehicle weights contribute to the early failure of traveled surfaces. The Town of New Ipswich also recognizes the economic benefit derived from commercial hauling operations. This ordinance is enacted to assure that the delicate balance between preserving our road network and commercial hauling can be maintained.

Effective Date: This ordinance will take effect 7 calendar days after Selectboard signature. Road Postings will take effect 24 hours after the signs have been duly erected unless otherwise mentioned.

Ordinance: It shall be unlawful for any person, partnership or corporation to operate any vehicle on any Class V highway within the Town of New Ipswich that violates any provision of this ordinance. Any Class V highway that has a reduced load limit, other than that allowed by RSA 266:17-26, shall be posted in accordance with currently acceptable practices and technology.

Exemptions: Emergency vehicles, Home Fuel Delivery trucks, Government owned vehicles, and School buses shall be exempt from this ordinance. Also exempt from this ordinance are residents whose only access to their residence or place of business is across a posted road. The ordinance will be considered waived provided the vehicle they are operating is used to get to and from their primary residence or business and is operated without a significant load.

Through Trucking Load limitations: The below named roads, have a permanent reduced load limit for through trucking. This is not meant to prevent any delivery to any dwelling or property that has its only access from one of the below named roads, streets or bridges.

- a. River Road – 6 ton load limit

Penalty: Whoever shall fail to comply with any provision of this ordinance shall be guilty of a violation and subject under RSA 31:39 III to a fine up to \$1,000 for each offense. For the purposes of this ordinance, each load hauled, transported, or moved over a posted road shall be a separate occurrence.

Bentti Hoiska, Chairman

George Lawrence, Selectman

Michael Conlin, Selectman

Search all cases and statutes...

JX

Statutes, codes, and regulations / New Hampshire Revi... /
/ MAXIMUM WEIGHT L... / Section 231:190 - St...



N.H. Rev. Stat. § 231:190

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Current through 2023 Legislative Session

Section 231:190 - Statement of Purpose

The general court finds that important sectors of commerce of this state depend, in part, on the efficient vehicle transport of unprocessed natural resources, manufactured goods and other commercial products across class IV, V, and VI municipal roads. The condition of such roads may at times necessitate that certain limits, seasonal or otherwise, as authorized in RSA 41:11, be placed upon the weight of vehicles that can safely pass across such roads, so as to avoid causing damage which may result in hazards to public safety or excessive municipal expense. The general court urges

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Forest Products Road Manual:

A Handbook for Municipal Officials and The Forest Products Industry



ACKNOWLEDGMENTS

This publication was prepared by:

Hunter Carbee, NH Timberland Owners Association Sarah Smith, UNH Cooperative Extension



UNIVERSITY of NEW HAMPSHIRE
COOPERATIVE EXTENSION

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Revised March 2007

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Introduction

Commissioner Carol A. Murray, NH Department of Transportation

New Hampshire's first European colonists arrived almost 400 years ago. In search of a new way of life, these new settlers cleared the forest, tilled the land and established communities which grew to become our present-day cities and towns.

Transportation in those early days was difficult and slow. Goods were moved by water or by horse-drawn (or oxen) wagons on dirt tracks cut through the thick forest. Today, with New Hampshire's population at 1.3 million people and growing, the network of public roadways is critical to the movement of people, the delivery of goods, and for access by emergency services. Each public agency—town, state or federal—has its own specifications for construction, use and maintenance of roads all with the goal of protecting the public's rights-of-way.

The forest products industry is a vital component of the New Hampshire economy. Forest-based manufacturing is the third largest manufacturing industry in the state. The contribution of the forest industry and forest-related tourism to the New Hampshire economy is more than \$2 billion each year. Direct payment of the timber tax to municipalities averages \$4 million each year. In addition, the registration of logging trucks, trailers and other equipment contributes hundreds of thousands of dollars each year to the State of New Hampshire and its municipalities.

This manual is a guide for both municipal officials and the forest products industry to improve understanding of the laws which govern public roadways.



Communication

As with any business transaction communicating intent and clarifying expectations is important to a successful outcome. For a timber harvest the communication process begins when a landowner, forester, logger or trucker files a NH Department of Revenue Administration (DRA) Intent to Cut form at the town office. The town acknowledges the intent by signing it within thirty days if the following criteria have been met:

1. All owners of record have signed the Intent to Cut form
2. The land is not under the Current Use, “unproductive category”
3. The Intent to Cut form is complete and accurate
4. Any required timber tax bond has been received

Many New Hampshire municipalities have further requirements that impact logging operations unrelated to the DRA Intent to Cut. For example, a road bond may be required. The DRA Intent to Cut cannot be held up by town officials for more than thirty days for a road bond if the four criteria, mentioned above have been satisfied.

It is important to contact the town office in which the timber harvest is planned to find out what permits and restrictions may apply. A directory of municipal offices is located in Appendix I of this manual.

Successful timber harvests require frequent communication between landowner, forester, logger, trucker and sawmill. Communication with town officials, particularly road agents, is also critical to ensure safe and efficient transportation. Road agents have intimate knowledge of local road conditions, traffic patterns and hazards which could be of concern to those trucking wood products. It may be important for the road agent to know the intended hours of operation and/or trucking on a logging operation to coordinate with other town activity. For example, the town may be planning to mow or pave along a roadway which will be used during a timber harvest. The activity may be delayed or rescheduled. In any event, communication between the timber harvester and the municipality could prevent misunderstanding and inconvenience.

For a complete description of New Hampshire timber harvesting laws, contact UNH Cooperative Extension, Forestry Information Center (800)444-8978 or the NH Timberland Owners Association (603)224-9699 for a copy of “Guide to New Hampshire Timber Harvesting Laws.” This document can also be downloaded from the UNH Cooperative Extension, Forestry and Wildlife website at:
<http://www.ceinfo.unh.edu/Pubs/ForPubs/gtnhthl.pdf>.

Road Access

The NH Highway Classification System

The New Hampshire public highway classification system is outlined in RSA 229:5. The following is a summary of each level of classification. Each classification description outlines what authority (federal, state, local, or private) is responsible for construction, reconstruction, and maintenance of the road. It is important for the reader to understand the differences among the road designations and to identify where there may be confusion and where a quick phone call to the town office or the state district engineer could avoid a misunderstanding. For more information on the state highway system copy of "A Hard Road to Travel", can be obtained from the New Hampshire Local Government Center at (603) 224-7447.

Class I - Primary State System

Class I roads include existing or proposed highways of the primary state highway system except those portions inside New Hampshire Department of Transportation (NH DOT) designated urban compact sections of cities and towns, as listed in RSA 229:5, V. However, within the urban compact areas, turnpikes and interstate highways are Class I highways. The State has full control of these Class I highways and pays the costs of construction, reconstruction and maintenance, including bridges.

Class II - Secondary State System

Class II roads are the secondary state highways except for those portions located inside designated urban compact sections of cities and towns (RSA 229:5, II). The State assumes the costs of reconstruction and maintenance of all Class II highways that have been improved to the satisfaction of the New Hampshire Department of Transportation. Other Class II highways, those not improved to the NH DOT standards, are maintained by the city or town in which they are located. Towns and cities are eligible to use state aid funds, when available, to improve Class II roads.

Class III - State Recreational Roads

Roads leading to and roads within state-owned reservations (such as campgrounds and parks) are designated by the legislature as Class III State Recreational Roads (RSA 229: III). The NH DOT is responsible for reconstructing and maintaining these roads once they are designated by the Commissioners of the NH Department of Resources and Economic Development as well as the NH DOT (RSA 233:8.) In addition, when authorized by the legislature and approved by governor and council, the Commissioner of Transportation may lay out and construct a public road to a private recreational area. Any class III public road that leads primarily to a private recreational area is maintained by the owner or operator unless other arrangements are made. Class III highways can be regulated by the Commissioner of the Department of Resources and Economic Development.

Class IV - Urban Compact Section Highways

Class IV roads are all highways within the urban compact section of the cities and towns listed in the statute as designated by the NH DOT. The compact section is described as the area of the city or town where the frontage on any highway is primarily occupied by dwellings or buildings in which people live or business is conducted, throughout the year. Occasionally, these boundaries are marked with “Urban Compact” signs along the highway.

Class V - Town or City Roads and Streets

Class V roads consist of all traveled highways other than Class IV that the town or city has a duty to maintain regularly. If a town or city spends money on a highway, it generally is a Class V highway. The only exception is an emergency lane. A Class V highway can be anything from a one-lane dirt track to a 6-lane boulevard. Occasionally the term “Class V road standards” is used. A town or city may create road standards for Class V roads. There is no set statewide standard for Class V roads.

Class VI

Class VI roads are defined as all other existing public ways which are either discontinued subject to gates and bars or are roads not maintained by the town in suitable condition for travel for a period of at least five successive years. Class VI highways are full public highways in every sense except maintenance. Towns have no duty to maintain Class VI roads. (RSA 229:5, VI.) In fact, RSA 231:59 limits town highway expenditures to Class IV and V roads with an exception for an emergency lane (RSA 231:59-a). Even though they may be “subject to gates and bars,” Class VI roads remain a public way and any gates or bars installed may not interfere with public travel.

There are two ways for a Class V road to become a Class VI road:

1. The road is discontinued subject to gates and bars (RSA 231:45 & 229:5, VII):
 - Requires a vote by the legislative body (town meeting or city council)
 - The warrant article should describe location and that road will be “subject to gates and bars”.
2. Not maintained for a period of at least five successive years (RSA 229:5 & 231:45-a):
 - Most Class VI roads are a result of this provision.
 - Roads that were discontinued due to this provision can revert to Class V roads if they are maintained for at least 5 consecutive years (RSA 229:5, VI).

Can a private party maintain or repair a Class VI road?

Yes, with permission of the municipality (RSA 236:9). This provision prohibits excavating or disturbing ditches, embankments or the traveled surface without prior written permission of the municipality’s governing body or the road agent. The municipality may also regulate the work and require a bond assuring the road is returned to a condition acceptable to the local authority (RSA 236:10 & RSA 236:11).

It is important to be aware of all New Hampshire timber harvesting laws that apply to roadside zones. For a copy of "NH Timber Harvesting Laws" contact NH Timberland Owners Association (603)224-9699 or UNH Cooperative Extension Forestry Information Center (800) 444-8978. The document may also be viewed on-line at <http://ceinfo.unh.edu/Pubs/ForPubs/gtnhthl.pdf>

Discontinued Roads

A Class VI road which is discontinued subject to gates and bars is not the same as a road completely discontinued. A completely discontinued road results in the dissolution of the public right of way. The land is then returned to the control of the abutting land owners. Private easements, such as utility lines, that follow a public way remain intact.

The complete discontinuance of a local highway (Class IV, V or VI) requires a vote of the legislative body (RSA 231:43).

There are two important points to remember concerning discontinued roads:

- 1) Public highways cannot be lost by adverse possession unlike an owner of private property, who can lose ownership after 20 years of adverse possession by others (sometimes called "squatters' rights"). This provision does not apply to public property, including highways. So if a house is 100 years old and sits where a highway once ran, and that highway was never discontinued, the road cannot be barricaded. It is still a legal public highway.
- 2) Non-use of a road does not necessarily mean discontinuance and even though a highway has been physically abandoned it may continue to be a public right of way. The complete discontinuance of a local highway takes a vote of the legislative body (RSA 231:43). Action by the selectmen is not enough. The best evidence of a past discontinuance is a vote recorded by the clerk in the town report.

Scenic Roads

New Hampshire's RSA 231:157 and 158 allow the establishment of scenic roads by a municipality. Scenic roads are local, town designations and are not specifically part of the statewide system. Class I or II roads cannot be designated scenic roads.

The statute states that any road in a town, other than a class I or class II highway, may be designated as a scenic road upon petition of 10 persons who are either voters of the town or who own land that abuts a road mentioned in the petition. All abutters of the road must be notified within 10 days of the filing of a scenic road petition. The voters of the town may designate the road as a scenic road at any annual or special town meeting. Similarly, scenic road designation may also be rescinded at any annual or special town meeting.

The Scenic road designation means that town repair, maintenance, and reconstruction of the road and utility company maintenance of equipment in the right of way may not

involve cutting or removal of trees (defined as 15 inches in circumference or more measured at 4 ½ feet above the ground) or destruction of stone walls without a prior public hearing and written consent of the planning board or board responsible for the local scenic roads program. There are exemptions for the prompt restoration of utility service and for trees that pose an “imminent threat” to the traveling public. Scenic road designation does not affect the rights of any abutting landowners to cut trees or remove stone walls on their own property. Scenic road designation does not affect the eligibility of the town to receive construction, maintenance or reconstruction aid.

Municipal Trails

Class A and Class B Trails (RSA 231-A:1)

A Class A Trail is a public right-of-way subject to public trail use restrictions. The Class A Trail is not a publicly approved street and cannot not be used for vehicular access to any new building or structure or for increased use of any existing building or structure. Class A Trails may be used by abutters for non-development uses such as forestry, agriculture or to access an existing structure. These owners are not subject to the public trail use restrictions except for time limits or seasonal restrictions imposed by the local governing body. The municipality has no responsibility to maintain a Class A trail for use by abutters. The abutting owners must obtain permission from the municipality prior to excavation, construction or disturbance to a Class A Trail.

A Class B Trail is more restrictive than a Class A Trail. A Class B trail cannot be used for vehicular access to any new or existing building or structure. In addition, a Class B Trail cannot be used by the owners of land served by or abutting the trail in any manner inconsistent with the public trail use restrictions.

Municipalities have the authority under RSA Chapter 231-A to reclassify local highways as Class A or Class B municipal trails. Once reclassified these trails retain public rights of way subject to trail use restrictions. A town meeting vote is required to reclassify Class V and Class VI roads as municipal trails. However, a road that is the sole access to a property cannot be reclassified as a Class B trail without written consent of the landowner.

Trail use restrictions can be imposed by a landowner as a condition of granting a trail easement to the municipality, or can be imposed by the municipality either by a vote of town meeting or adoption by the board of selectmen. Trail use restrictions can include a prohibition of motor vehicles

Temporary Driveway Permits

State Highways

(Office of the Commissioner, Declaratory Ruling No. 2000-01)

All access from a State highway for timber harvesting requires a temporary driveway permit and a bond unless access is granted through an existing permitted driveway that can safely handle the trucking. Bonding may be waived if the applicant has consistently conformed to previous permitting requirements. The Temporary Driveway Permit must also stipulate a time limit therefore a previously used entrance is not valid unless a new permit has been obtained from the NH DOT district engineer. Permission for a temporary driveway permit will not be granted on limited or controlled access highways unless under unusual circumstance or hardship.

A sign 36" by 36" with black letters on an orange background warning "Trucks Entering" must be placed if the drive sight distance is less than 500 feet or under special circumstances like a sharp curve. Specifications for signs are provided with the driveway application.

A Temporary Driveway Permit is required from the State of New Hampshire to assure:

- Sight distance (for safety)
- Drainage both along the edge of the highway and from the access,
- Protection of the edge of pavement – both for potential breakup of the pavement and tracking of mud and snow or other debris onto the pavement surface.
- Restoration of the ditch line, pavement, and drainage from the site at the end of timber cutting.

When planning a timber harvest it is important to remember that:

- The entire logging operation must be conducted outside of the highway right-of-way.
- The log landing and all loading or chipping operations must not occur on the pavement or shoulder of the highway, or adjacent to the pavement within the right-of-way.
- The minimum requirement for an all-season sight distance is 400'. Or, if 400' is not possible, the location that provides the best sight distance.
- The best driveway location for safe sight distances may not be the easiest or most economical location to construct an entrance.
- The NH DOT, district engineer can provide assist with the permitting process as well as make suggestions about the most appropriate access location and construction techniques to use.

Application forms may be obtained by visiting or calling the NH Department of Transportation, Highway District Office. A listing of the district offices is located in Appendix II.

Town Temporary Driveway Permits

Most municipalities require driveway permits to access public highways from private property. The purpose, similar to the state's, is to prevent erosion, preserve highway drainage and to ensure adequate lines of sight. Some towns may require a temporary driveway permit to access timberlands for a logging operation. The process and standards vary depending on the municipality. Therefore, when preparing a timber sale, forestry professionals should call the town office to determine if a temporary driveway permit is needed (see town listing in Appendix I).

Even if a temporary driveway permit is not needed, forestry professionals should:

- Make sure there is adequate sight distance for oncoming traffic and trucks to safely see the approach.
- Place "Trucks Entering" signs that are easily seen from each side of the approach, if needed.
- Place an apron of crushed stone or wood chips to protect the pavement or road surface of the town highway.
- Install culverts where needed. Remember that these need to be included on a wetlands application if jurisdictional wetlands are being crossed, and that permission is required from the town before culverts are placed in the town right of way or road surface.
- When the timber operation is complete, pull culverts (if not permanent), clean out ditch lines, seed and return the access to its original condition.

Road Bonds

Municipalities spend a hefty portion of the town's budget on road construction and maintenance. Therefore, it is in the town's best interest to protect roads from unnecessary wear and tear. Careless hauling with heavy trucks, particularly during certain times of year, can cause significant damage. As a result, towns may require that a bond be posted before logging can begin. These bonds are authorized under RSA 236:9 - 236:12 when permission is sought to disturb the ditches, shoulders, embankments or improved surface of a town road and under RSA 236:190 and 236:191 when permission is requested to exceed weight limits placed on the road.

A bond is a form of insurance that protects the town from unnecessary damage which may occur to the public highway. While the law authorizes the town official to require road bonds, these statutes do not include criteria or standards for determining reasonable bond amounts. This may create inconsistency from town to town regarding both the bond amount and how the bond is applied, however bond amounts depend largely upon the particular circumstances of each road. One size does not fit all. The UNH Technology Transfer Center is available to assist municipalities with road maintenance and repair. The center can be reached at 1-800-423-0060 or by email t2.center@unh.edu. You can also visit their web site at <http://www.t2.unh.edu>.

New Hampshire House Bill 1536, effective July 24, 2006 clarified two provisions of RSA 236:10 and RSA 236:11.

RSA 236:10 now reads, "The person or entity providing the bond shall determine the type of bond furnished and it may be in the form of cash, letter of credit from a bank or lending institution licensed in New Hampshire and acceptable to the person giving written permission, or a bond furnished by an insurance company. The person or entity granting permission shall not arbitrarily withhold funds from any cash bond or letter of credit, but shall first make a good faith effort to resolve any differences with the contractor doing the excavation or restoration."

In addition, RSA 236:11 requires that the road (shoulders, ditches, embankments, or surface) be restored to a condition at least equal to the condition that was present before the excavation or disturbance occurred.

Municipal officials should establish clear conditions under which the town will hold and release a road bond. For example, the road bond might be held in escrow and an inspection of the road condition required before the bond is released. Photographs, videotape or other documentation of road conditions before and after a logging operation may be helpful. This will also sort out damage caused by other vehicles.

Weight Limits

Mud season is familiar to any trucker in the northeast. From the middle of March until the end of April, while the frost moves out of the ground, trucking is curtailed to protect road surfaces. An unreasonable barrier to commerce may occur if road bans are posted on a set schedule regardless of actual road conditions.

During a road ban heavy trucks cannot travel on roads within the town unless the driver receives permission from the selectmen or road agent to exceed the posted weight limit (RSA 231:190 and 231:191). Towns may establish maximum weight limits, seasonal or otherwise, that are more restrictive than the weight limits established in RSA 226:17-26. The state statute requires that weight limit posting must be done “in accordance with currently acceptable practices and technology.” Signs must be posted at all entrances to the restricted road.

It is against the law for any person to drive a vehicle in violation of maximum weight limits without permission from the board of selectmen or the road agent. Reasonable accommodation may be reached for those seeking permission to exceed the maximum weight limit. Municipal officials may establish “reasonable regulations for bonding and restoring the highway.” The bonding requirement guarantees that damage done to the road will be repaired. A municipality has authority to require restoration of the road if town officials believe the damage or disturbance is attributable to vehicles or activities under such person’s control or responsibility. Upon request, the municipality must provide the reasons, including any inspection reports.

No vehicle or business is exempt from the maximum weight limits simply because of prior use of the road. However, property owners or commercial enterprises who can demonstrate that the weight limits would entail practical difficulty or unnecessary hardship, and who comply with all conditions and regulations concerning bonding and restoration, can be granted an exemption unless the exemption would be detrimental to public safety. Unnecessary hardship includes weight limits that significantly interfere with a commercial enterprise or land use which existed prior to the weight limit posting. A business impacted by road weight restrictions may request a public hearing.

Often municipal road bonding decisions are made in consultation with the road agent. The road agent’s experience and knowledge is important in determining when roads are in need of posting to prevent unreasonable damage or extraordinary expense. The road agent may recommend that trucks haul until mid-morning during the coldest part of the day (until the sun warms the pavement) and then wait until early the next day. This accommodation allows commerce to continue while protecting the local road from damage.

The University of New Hampshire, Technology Transfer Center developed a scientific method for assessing road conditions. To summarize, municipalities should consider the following factors when considering road restrictions:

- Surface thickness, if pavement is thinner than 2”
- Type of subgrade – fine-grained substrates (like silt and clay found in New Hampshire) are candidates for load restrictions.
- Local experience – site drainage, road behavior, age, location are all factors which local road agents have observed over many years.
- Surface deflections – if surface of road section deflects more than 40% from summer conditions.

To obtain a copy of “Guidelines for Spring Road Use Restrictions” contact the University of New Hampshire, Technology Transfer Center at (603)862-2826 or on line at www.t2unh.edu.

Conclusion

New Hampshire’s road system is critical to the viability of the state’s forest products industry. Logs, pulpwood, lumber, chips and bark mulch travel the network of roads from the woods to manufacturing facilities and ultimately, to customers. Safe and efficient highways are in the best interest of all users. Therefore, the laws, restrictions and permitting procedures summarized in this document are important to understand in order to protect and extend the life of our roads. Communication between all parties is important to a successful logging operation that contributes to the local and state economy.

For municipal officials

1. Use care and reason when assessing road impacts from forestry operations.
2. Consult the road agent or a professional engineer about potential road impacts.
3. Consider all road impact equitably.

For landowners, foresters, loggers and truckers

1. Call the town offices and set up a meeting with the road agent if possible.
2. Find out the road classification.
3. Find out what other permits may be required before beginning your timber harvest.
4. Continue communications with the road agent as your operation takes place.
5. Document before and after road conditions.
6. Complete your operation by leaving the access and road conditions in the original condition or better if possible.

The forest products industry is important to the state’s economy. We hope the information and suggestions provided in this publication are useful for both truckers and municipal officials. Our goal is to improve the communication between both groups and to assure the investment in and safety of New Hampshire’s roadways.

Appendix I

New Hampshire Town Offices

All numbers are area code 603

Acworth	835-6879	Cornish	675-5207
Albany	447-2877	Croydon	863-7830
Alexandria	744-3288	Dalton	837-2092
Allenstown	485-4276	Danbury	768-5448
Alstead	835-2242	Danville	382-8253
Alton	875-2101	Deerfield	463-8811
Amherst	673-0474	Deering	464-3224
Andover	735-5332	Derry	432-6105
Antrim	588-6785	Dixville Notch	255-3791
Ashland	968-4432	Dorchester	786-9476
Atkinson	362-4920	Dover	786-9431
Auburn	483-2281	Dublin	563-8859
Barnstead	269-4631	Dummer	449-3048
Barrington	664-5476	Dunbarton	774-3547
Bartlett	356-2300	Durham	868-5577
Bath	747-2454	East Kingston	642-8794
Bedford	472-3550	Easton	823-8017
Belmont	267-8302	Eaton	447-2840
Bennington	588-2189	Effingham	539-7551
Benton	787-6541	Ellsworth	726-3551
Berlin	752-2340	Enfield	632-5001
Bethlehem	869-2293	Epping	679-8288
Boscawen	753-9288	Epsom	736-4825
Bow	225-2683	Errol	482-3351
Bradford	938-2288	Exeter	778-0591
Brentwood	642-6400	Farmington	755-3657
Bridgewater	968-7911	Fitzwilliam	585-7791
Bristol	744-8478	Francetown	547-6251
Brookfield	522-3688	Franconia	823-5237
Brookline	673-8855	Franklin	934-3109
Campton	726-3223	Freedom	539-8269
Canaan	523-7106	Fremont	895-8693
Candia	483-5573	Gilford	527-4713
Canterbury	783-0153	Gilmanton	267-6726
Carroll	846-5494	Gilsum	357-0320
Center Harbor	253-4561	Goffstown	497-8990
Charlestown	826-5821	Gorham	466-2744
Chatham	694-2043	Goshen	863-5655
Chester	887-3636	Grafton	523-7270
Chesterfield	363-8071	Grantham	863-5608
Chichester	798-5808	Greenfield	547-2782
Claremont	542-7003	Greenland	431-7111
Clarksville	246-7751	Greenville	878-4155
Colebrook	237-5200	Groton	744-8849
Columbia	237-5255	Hamstead	329-4100
Concord	225-8500	Hampton	926-0406
Conway	447-3822	Hampton Falls	926-4618
		Hancock	525-4441
		Hanover	643-0701

Harrisville	827-5546
Harts Location	374-2436
No. Haverhill	787-6200
Hebron	744-7999
Henniker	428-3240
Hill	934-3951
Hillsborough	464-5571
Hinsdale	336-5719
Holderness	968-7536
Hollis	465-2064
Hooksett	485-9534
Hopkinton	746-3180
Hudson	886-6003
Jackson	383-6248
Jaffrey	532-7861
Jefferson	586-4553
Keene	352-0133
Kensington	772-5423
Kingston	642-3112
Laconia	527-1265
Lancaster	788-2306
Landaff	838-6220
Langdon	835-2389
Lebanon	448-3054
Lee	659-2964
Lempster	863-3213
Lincoln	745-8971
Lisbon	838-2862
Litchfield	424-4045
Littleton	444-3995
Londonderry	432-1100
Loudon	798-4542
Lyman	838-6113
Lyme	795-2535
Lyndeborough	654-9653
Madbury	742-5131
Madison	367-9931
Manchester	624-6455
Marlborough	876-4529
Marlow	446-2245
Mason	878-2070
Meredith	279-4538
Merrimack	424-3651
Middleton	473-2134
Milan	449-3461
Milford	673-3403
Millsfield	482-7777
Milton	652-9414
Monroe	638-2644
Mont Vernon	673-9126
Moultonborough	476-2347
Nashua	589-3010

Nelson	847-9043
New Boston	487-5571
New Castle	431-6710
New Durham	859-0205
New Hampton	744-8454
New Ipswich	878-3567
New London	526-4821
Newbury	763-5326
Newfields	772-5070
Newington	436-7640
Newmarket	659-3073
Newport	863-2224
Newton	382-4096
North Hampton	964-6029
Northfield	286-4482
Northumberland	636-1450
Northwood	942-5586
Nottingham	679-9598
Orange	523-7054
Orford	353-4404
Ossipee	539-2008
Pelham	635-2040
Pembroke	485-4747
Peterborough	924-8000
Piermont	272-4840
Pittsburg	538-6699
Pittsfield	435-6773
Meriden	469-3201
Plaistow	382-8129
Plymouth	536-1732
Portsmouth	431-2000
Randolph	466-5771
Raymond	895-4735
Richmond	239-6202
Rindge	899-5181
Rochester	332-7509
Rollinsford	742-2510
Roxbury	352-4903
Rumney	786-2237
Rye	964-8562
Salem	890-2116
Salisbury	648-2473
Sanbornton	286-4034
Sandown	887-4870
Sandwich	284-7113
Seabrook	474-3152
Sharon	924-9250
Shelburne	466-3831
Somersworth	692-9511
South Hampton	394-7696
Springfield	763-4805
Stark	636-2118

Stewartstown	246-3329
Stoddard	446-2203
Strafford	664-2192
Stratford	922-5598
Stratham	772-4741
Sugar Hill	823-8516
Sullivan	352-1495
Sunapee	763-2449
Surry	352-3075
Sutton	927-4575
Swanzy	352-7411
Tamworth	323-7971
Temple	878-3873
Thornton	726-4232
Tilton	286-4425
Troy	242-3845
Tuftsboro	569-4539
Unity	542-9665
Wakefield	522-6205

Walpole	756-3514
Warner	456-2298
Warren	764-5780
Washington	495-3667
Waterville Valley	236-4730
Weare	529-7575
Webster	648-2538
Wentworth	764-5244
Westmorland	399-7211
Whitefield	837-9871
Wilmot	526-9639
Wilton	654-9451
Winchester	239-6233
Windham	434-5075
Windsor	478-3292
Wolfboro	569-5328
Woodstock	745-8752

Appendix II

NH HIGHWAY DISTRICTS

District 1:

District Engineer
641 Main Street
Lancaster, NH 03584
Tel: (603) 788-4641
Loc: Rte 3, Lancaster, NH

District 2:

District Engineer
P.O. Box 232
Lebanon, NH 03766
Tel: (603) 448-2654
Loc: I-89, Exit 16, Enfield, NH

District 3:

District Engineer
2 Sawmill Road
Gilford, NH 03246
Tel: (603) 524-6667
Loc: 2 Sawmill Rd., Gilford, NH

District 4:

District Engineer
19 Base Hill Rd.
Swanzey, NH 03446-9998
Tel: (603) 352-2302
Loc: 19 Base Hill Rd. Swanzey, NH

District 5:

District Engineer.
PO. Box 16476
Hooksett, NH 03106-6476
Tel: (603) 485-9526
Loc: I-93, Exit 11, Hooksett, NH

District 6:

District Engineer
P.O. Box 740
Durham, NH 03824
Tel: (603) 868-1133
Loc: 271 Main Street, Durham, NH

Turnpikes:

Turnpike Administrator
P.O. Box 16418
Hooksett, NH 03016-6418
Tel: (603) 485-3806
Loc: I-93, Exit 11, Hooksett, NH

