

BOARD OF SELECTMEN MEETING

January 28, 2025

MINUTES

Present: Shawn Talbot(Chair), Jason Somero, Debbie Deaton (Town Administrator),
Dee Daley (Planning Board Chair), Fred Joyce, Peter Somero (DPW Director)

5:00 Open Meeting with the Pledge of Allegiance

This meeting was not recorded.

5:05 Timbertop/Hubbard Pond Intersection:

Fred Joyce stated he owns the piece of property at the intersection of Timbertop and Hubbard Pond Roads. He had sent an email stating he would like to see if the Board would like to make a cut through on this piece of property to make it safer for buses and trucks to make the turn from Timbertop to Hubbard Pond. He said this intersection can be very dangerous because the sight distance isn't good and it would be very easy for someone to T-bone a bus.

Mr. Joyce would be happy to donate this part of the property to the Town for this purpose. He submitted photos to show where he thinks the best location for the cut-through.

Shawn asked how many acres his property was so if the land was given to the Town, it wouldn't bring him under the required 2 acres. Fred replied it was approximately 3.4 acres so he would still have more than 2 acres.

Jason asked Mr. Joyce if he is requesting some sort of compensation from the Town. Mr. Joyce replied he wasn't and would just like to make it safer for vehicles to make that turn, particularly school buses.

Mr. Joyce added the whole triangle could be cleared for visibility. He would be happy to meet with anyone at the site to discuss this.

Shawn told Mr. Joyce this is a great proposal and would like to look into it further.

Peter Somero stated the visibility at that intersection is bad and it's also hard for the plow trucks as well. He added it would be great if there is good line of sight for all directions. Peter added the DPW could probably create the cut-through.

The Board will need to figure out if this would require an easement or a deed. This area will be measured by Peter. Lou suggested having a planner or engineer look at this as well. Peter will also get in touch with Kirk Stenerson (NH DOT) to see if the State can assist in this.

The Board expressed their appreciation to Mr. Joyce for this offer.

Dee suggested the State may help pay for this because it's a dangerous intersection. Peter will ask Kirk about this as well.

5:30 Class VI Road Discussion

Debbie had given the Board samples of other towns' Class VI Road policies, a list of Class VI roads in Town as well as a draft Class VI Road policy. Dee said we need to find our "truth" for all roads in town for the Master Plan as well. The maps don't match the lists we have. She suggested we should have a road plat. She added the homeowners on a Class VI Road are responsible for the maintenance of the road.

Debbie explained this policy, at this time, is for the maintenance and use of Class VI roads. By statute, any maintenance or upgrades to a Class VI Road, need to be approved by the Selectmen before this has been done. Jason added that Shawn had suggested accepting Old Rindge Road as a Class V Road because there are so many houses on it now.

Dee stated the Town needs more roads and we should look into where we could have more roads. These roads should be platted.

Jason added a lot of policies are created because something happened that brought it to the Board's attention, which is the case for this situation.

Dee said, in the long term, we need to start thinking about allowing building on Class VI Roads. This is considered "scattered and premature" and should be frowned upon. We are trying to avoid dead-end roads and the scattered and premature aspect.

The Board reviewed and discussed the "draft" Class VI road and made changes (attached). The following changes were made:

Purpose: "and are generally considered discontinued or subject to limited public use" was stricken.

Scope: "This is not intended to be an exhaustive policy and each case will be decided on its own merits" was added.

Policy Guidelines: "and cannot be obstructed by property/homeowner without permission from the Board of Selectmen" was added to the first bullet point.

Permitted Uses: "and non-motorized activities" was removed.

Maintenance: was changed to "It shall be the responsibility of homeowners to maintain, at their own expense, the portion of the road needed to access their property. It shall not be the responsibility of the Town to allocate, mediate or arbitrate differences among property owners on Class VI Roads regarding maintenance and maintenance responsibilities".

"Upgrades to Class VI roads must be approved by the Board of Selectmen. No work shall be started until a written approval for such maintenance is approved in writing. Costs for upgrades are the responsibility of the homeowners".

Development and Building on Class VI Roads: was deleted.

Closure or Discontinuance: RSA 231:43 was added.

Emergency Services: "A Waiver of Liability (RSA 674:41) must be signed" was added. The Board reviewed the Waiver of Liability. This document will be added to the policy as part of the official document. Shawn would like people to understand the gravity of the "emergency services" waiver to make sure people understand how important this is and so people understand it could be a life or death decision if they don't maintain their road.

Debbie will revise the draft and submit it to the Board for review.

Round Table Discussion:

- Peter said he had spoken with the DOT regarding the mirror at the end of Old Rindge Road. Kirk said this is not an approved safety device. Peter will call him back to find out what can be done.
- Jason asked Peter if there was any word regarding the Taylor Road bridge. Peter will be meeting with someone from the State in the near future.

- Shawn mentioned he has had some complaints about the salt distribution recently. Peter replied there were gaps in the tailgates and they have repaired them.
- Jason also asked Peter about the Parking Ban Policies on the website. This will be posted on Facebook as a reminder when snow is anticipated. Peter added the police are called and people usually move their vehicles. Cars can be ticketed and towed at the owner's expense. Peter also uses the electronic sign with a reference to the ordinance on the website.
- Shawn also mentioned Craven's Way. This was an emergency lane as part of an approved subdivision. He added we need to find out who owns the property. He believes it's part of the common land. We think it should be part of the newest part of Kennybeck because that's when it was put in. There is question whether or not the common area has been transferred to the HOA. Debbie will do some research on the recent deeds to see if it is referenced. This should probably be a Town maintained road but we need to find out the owner(s) first. Whoever is currently the owner of it, is responsible for the maintenance. Peter asked about maintaining the dry hydrant. He said Gary Somero had asked the DPW to keep it clear so they have been.
- Peter mentioned he was asked about paving East Old Country Road and making it a Class V.
- Peter said he got a call regarding logging at Annett State Park and if we would require a bond for the road. There was some discussion regarding logging trucks and the fact that the road has been recently paved. Shawn suggested the bond be for 2 years after the logging is completed. We should have an engineer decide how much the bond should be.
- Shawn reminded the public of the following important dates:
 - Declaration of Candidacy ends this week, business hours of the Town Clerk through Thursday and Friday, January 31st from 3pm-5pm.
 - Deliberative Session, February 4, 7pm, Mascenic Auditorium
 - Voting, March 11, 7am-7pm, Mascenic Gymnasium
- The 275th Anniversary Committee is planning many events for 2025, such as a family picnic and tours at the Barrett House, photos in period costumes, a contra dance and many more events. The main event will be part of Autumnfest. Details to follow.

8:36 Non-public RSA 91-A:3, II (c)- Shawn made a motion to go into Non-Public under RSA 91-A:3, II (c). Lou seconded the motion and it passed unanimously. At 9:14, Shawn made a motion to return to public session. Lou seconded the motion and it passed unanimously. A decision was made.

At 9:17, Lou made a motion to adjourn the meeting. 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: 



In the state's highway classification system, which is defined in RSA 229:5, Class VI roads are "all other existing public ways," meaning public ways not otherwise classified as Class IV or Class V roads. Class VI roads include those that have been discontinued subject to gates and bars, as well as those that have "not been maintained and repaired by the town in suitable condition for travel" for five successive years or more. (See RSA 229:5, VII.) The two important keys to this statutory definition are that Class VI roads are public ways, and they are roads that the town has no duty to maintain.

From Hard Road to Travel

CLASS VI

Class VI consists of "all other existing public ways." RSA 229:5, VII. It includes all local highways discontinued subject to gates and bars and all highways that have not been maintained and repaired by the town in suitable condition for travel for five successive years or more. RSA 229:5, VII. Chapter 8 of this book provides a detailed look at Class VI roads. It is important to recognize at the outset that Class VI highways are full public highways in every respect except maintenance. *King v. Town of Lyme*, 126 N.H. 279 (1985). This concept has been codified by the legislature in RSA 231:21-a. That statute grants municipalities the same regulatory authority over Class VI roads that it has over Class V roads regardless of how the road reached Class VI status. RSA 231:21-a also provides that all Class VI highways "shall be deemed subject to gates and bars," and any gates and bars maintained by private land owners cannot be erected so as to prevent or interfere with public use of the highway. The gates and bars must be capable of being opened and closed by users of the highway.

List of Class VI Roads:

Name	Suffix	Class	Warrant/Sel ectmen	Date	Pave d/ Unpa ved	Len ^g th	Maintai ned Summe r	Maintai ned Winter	NOTE S
Blue Gates	Road	VI?							
East Old Country	Road	VI	BOS	9/24/2 024		1443			BOS rename d a portion of Old Countr y Road for 911 purpos es
Emerson Hill	Road	VI			Unpa ved		Town & PRIVATE		
Hildreth	Place	VI			Unpa ved	449	PRIVATE		
Huse	Road	VI			Unpa ved	2559	Town		
Kenney	Road	VI & PRIVATE			Unpa ved		Town & PRIVATE		

Old Rindge	Road	VI			Paved		PRIVATE		Disco 1844 1984- Class VI
Peterson	Road	VI			Unpa ved		PRIVATE		1/19/2 023 he, will be respon sible for plowin g
Preston Hill	Road	VI			Paved & Unpa ved		25' T REST IS NM		Scenic 1990- Warran t Article# 28
Rumrill	Road	VI			Unpa ved	846	NM		
Skinny Cat	Road	VI			Unpa ved		NM		
Todd	Road	VI					IMPASS ABLE		

West Binney -
Class VI 7

Class VI Road Policy for New Ipswich, NH

Purpose

This policy establishes guidelines for the management, use, and maintenance of Class VI roads in New Ipswich, NH, in accordance with state law and town regulations. Class VI roads are defined as public highways that are not maintained by the town and are generally considered discontinued or subject to limited public use.

Scope

This policy applies to all Class VI roads within the town boundaries of New Ipswich, NH, including property owners, residents, and visitors who access or use these roads.

Policy Guidelines

1. Ownership and Responsibility

- Class VI roads remain public rights-of-way owned by the town.
- The town does not assume responsibility for maintenance, repairs, or plowing of Class VI roads.
- Property owners and users access these roads at their own risk.

2. Permitted Uses

- Class VI roads may be used for recreational activities such as hiking, biking, horseback riding, and non-motorized activities.
- Motorized vehicle use is allowed unless restricted by the town or state law. Restrictions will be posted where applicable.

3. Maintenance

- No maintenance, including plowing, grading, or repairs, will be conducted by the town unless approved at a town meeting or under special circumstances.
- Property owners abutting Class VI roads may perform maintenance at their own expense with prior written approval from the Board of Selectmen. Maintenance must not alter the road's public character or cause harm to adjacent properties or natural resources.

4. Development and Building on Class VI Roads

- Building permits for properties accessed by Class VI roads will be issued only if the applicant agrees to sign a **Release of Municipal Responsibility Form**, absolving the town from liability for access and emergency services.
- Upgrades to Class VI roads for development purposes must be approved by the Planning Board and the Board of Selectmen. Costs for upgrades are the responsibility of the applicant.

5. Closure or Discontinuance

- The town reserves the right to restrict or discontinue public access to Class VI roads for safety, environmental, or administrative reasons.
- A vote at town meeting is required for the formal discontinuance of any Class VI road.

6. Signage

- Class VI roads will be marked with appropriate signage indicating their status as unmaintained public ways.
- Additional signage, such as weight limits or seasonal restrictions, may be posted as necessary.

7. Emergency Services

- The town does not guarantee emergency services on Class VI roads. Residents are encouraged to take this into account when purchasing or developing property accessed via these roads.

Enforcement and Compliance

- Violations of this policy, including unauthorized maintenance or misuse of Class VI roads, may result in fines or other enforcement actions as permitted by law.
 - The Board of Selectmen reserves the right to modify or amend this policy as needed.
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Adoption and Effective Date

This policy was adopted by the Board of Selectmen on [Date] and is effective immediately.

Board of Selectmen
New Ipswich, NH

CLASS VI TOWN ROADS

NOTICE OF LIMITATIONS OF RESPONSIBILITY AND WAIVER OF LIABILITY OF THE TOWN OF NEW IPSWICH PURSUANT TO RSA 674:41

AGREEMENT AND RELEASE

Now comes, _____ (hereafter referred to as the "Applicant") with mailing address of _____, County of _____ and State of _____, who, pursuant to the provisions of New Hampshire Revised Statutes Annotated (NH RSA) Section 674:41, as amended, acknowledges the limits of the Town of New Ipswich's (hereafter referred to as "the Town") responsibility for maintenance and liability for a certain Class VI Road situated in said Town and acknowledges as follows:

WHEREAS, the Applicant is the owner of a certain real property located on _____, Town of New Ipswich, County of Hillsborough, New Hampshire, by virtue of a deed recorded at Book _____, Page _____, in the Hillsborough County Registry of Deeds (HCRD); and as identified on the Town's Tax Maps as Tax Map _____, Lot _____; and,

WHEREAS, the relevant portion of _____, upon which the Applicant's real property fronts, is a Class VI Road, as classified by NH RSA Section 229:5, as amended; and,

WHEREAS, the Applicant acknowledges that the Town has a continuing public highway easement over said road and that the Town has not abandoned or relinquished any rights it has to said road and that said road is open to typical and customary viatic use; and,

WHEREAS this executed "Notice of Limitations of Responsibility and Waiver of Liability of the Town of New Ipswich Pursuant to RSA 674:41", (hereinafter referred to as "Waiver") shall be filed with the HCRD pursuant to NH RSA Section 674:41, as amended, and is subject to the provisions below.

NOW THEREFORE, the Applicant and the Town, and on behalf of themselves, their heirs, legal representatives, successors and assigns, covenants, agrees, acknowledges and gives notice as follows:

1. This Waiver supersedes, voids, and replaces any prior waiver or agreement for this property, and replaces it with this Waiver;
2. The Applicant proposes to construct a _____ pursuant to building permit request dated _____ on Applicant's property on said road;
3. The Applicant agrees to secure a building permit within four (4) years of the recording date of this Waiver, or otherwise this Waiver shall be rendered null and void;

4. Any improvements made by the Applicant to said road beyond those listed in this Waiver, shall be preceded by a written submission of proposed work to the Town prior to being carried out. With the exception of snow removal, sanding, filling, and grading, any maintenance work the Applicant undertakes must have prior approval of the governing body or the Department of Public Works. Prior to any such approval being granted, the Applicant must demonstrate that all permits required by State or Federal agencies for such work have been issued. The responsibility for preparing all submissions and information required for the issuance of all such permits shall lie with the Applicant. All maintenance work to be completed, as well as purchase and installation of culverts and bridges and other material, will be undertaken by the Applicant at the Applicant's expense;
5. Regardless of any use of, or improvements that the Applicant makes to said road, the Town shall continue to retain a public highway easement over said road, and the Town shall not be constrained in any way from discontinuing, reclassifying, improving, or altering said road now or in the future. The Class VI Road listed above remains a full public highway, and the Applicant shall not prohibit members of the public from utilizing the highway for any purpose for which public highways may be used;
6. The Town shall not be required to provide compensation to the Applicant for any improvements made by the Applicant to said road;
7. The Town neither assumes responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of the Class VI portion of said road as access to the property shown as the Applicant's property on Tax Map _____, Lot _____;
8. The Applicant shall be responsible for maintenance and repair of said road to the subject property and shall hereby forever release and discharge the Town, its officers, agents and employees, from the obligation of maintaining the Class VI portion of said road and from any claim of any nature, whether in tort or otherwise, which the Applicant might have against the Town for any loss or damage, including those incurred through failure to provide any municipal service, including police, fire, and ambulance services, arising out of the condition of the roadway from the point wherein _____ is a Class VI Road;
9. The Applicant agrees to indemnify and hold harmless the Town, its officers, agents, and employees, from any liability, including but not limited to attorney's fees and costs, and for any loss or damages which may result from any third party claim arising out of the use of the Class VI portion of _____ to access the parcel known as Tax Map _____, Lot _____. And that the Applicant agrees to maintain an insurance policy with adequate limits to cover the cost of these claims and to provide the Town with adequate proof of such insurance from time to time as the Town deems necessary;
10. The Applicant assumes responsibility for maintenance and repair of the Class VI portion of _____ from the Town maintained portion of _____ to _____;

11. The Town agrees that the Applicant shall, at their sole expense, and within the limits of the right-of-way, clear and maintain a minimum of twenty (20') feet and a maximum of twenty-four (24') feet in width of _____, and will maintain a minimum of twelve (12') feet and a maximum of fourteen (14') feet in travel width in a good and passable condition, and will maintain a minimum height clearance of thirteen (13') feet, six (6") inches. The Applicant shall have continuing permission to perform the work described above and shall not require prior approval from the Board of Selectmen for such work. If Applicant desires or is required to perform any construction, improvement, or maintenance beyond what is described above, then prior approval is required from the Board of Selectmen pursuant to RSA 236:9-11 & :14, as amended. Any work done within said Class VI Road shall be completed to the satisfaction of the Town's Department of Public Works; and,
12. All provisions of this permit and the conditions contained therein shall run with the land and shall be binding upon their heirs, legal representatives, successors and assigns, of the Waiver Holder. This Waiver shall be recorded by the Applicant at the HCRD at the Applicant's expense, and returned to the Building Department with a copy provided to the Board of Selectmen.

Applicant Signature

Date

STATE OF NEW HAMPSHIRE
Hillsborough, S.S.

Personally appeared the above-named _____ before me and
acknowledged the forgoing instrument to be his voluntary act and deed, this _____ day of
_____ 20____.

Notary Public

My Commission Expires: _____

Return recorded document to:

Town Of New Ipswich
Building Department
661 Turnpike Road
New Ipswich, NH 03071