

# **TOWN OF FARMINGTON ROAD REVIEW POLICY**

## **PURPOSE**

This policy is to provide a consistent and equitable transfer of private roads to public roads for the Town of Farmington, Strafford County, New Hampshire. Specifically, the proposal seeks to prevent acceptance of roads that will have a negative financial impact to the Town. This policy is applicable to all roads within the borders of the Town of Farmington. For these purposes, a private road of a developed roadway that provides access and egress for an approved subdivision or development that is constructed or upgraded to standards as established by the Road and Driveways Regulations, Design and Construction Standards as approved, effective January 10, 2006.

## **POLICY**

The Board of Selectmen shall begin the road acceptance process after receiving an application from the Owner or Developer of a private road. This petition must include the following:

- a. The Owner or Developer must secure a cash deposit of \$500 dollars for each Private road included in the petition; these funds are to be deposited in an Escrow account, and will be used to reimburse the Town for any legal costs associated with the acceptance of the road layout and acceptance.
- b. All Supporting documents such as road construction specifications, construction inspection reports, approved subdivision plan, road association documents and documentation of easement and rights of way that are not on file with the Town.
- c. A certified signature list (by tax assessor) of all the land owners that have frontage on the roads in review consenting to this process and all of its associated costs and assigning one (1) person as a representative for the Owner or Developer.
- d. An inspection certificate by the Highway Department Road Agent (and when applicable, the Water/Sewer Director) shall be completed in order to certify that all roads and infrastructure are installed per the Road and Driveways Regulations, Design and Construction Standards, and all other design requirements approved as part of an approved Site Plan or Subdivision.

## **STANDARDS**

All private roads shall be constructed or upgraded according to the minimum design and construction standards as established by the Road and Driveways Regulations, Design and Construction Standards as follows:

- a. Minimum standards shall be that of a minor local street. The stricter road standards may be required for higher density subdivisions or for commercial / industrial development as provided in the Road and Driveway Regulations, Design and Construction Standards. In all situations where questions arise, the stricter standards shall apply.
- b. Dead end streets shall be equipped with a turn around at the closed end unless an alternative provision as approved by the Farmington Highway Department and Farmington Fire Department is provided for snow plowing and emergency access and egress.
- c. Consideration shall be given first to older roads based on their subdivision approval date.

## **EXISTING PRIVATE ROADS**

1. Existing private roads will be reviewed by an outside professional (approved by the Highway Road Agent and the Board of Selectmen) to evaluate the road and infrastructure construction as far as its compliance with any existing approvals, required road design and construction standards and any other applicable standards and requirements deemed necessary as determined by the Highway Road Agent and Board of Selectmen.

This review will include but is not limited to the following:

- Basic road construction
  - Pavement material and condition
  - Existing and Potential drainage issues
  - Right of way and or maintenance easement
  - Sidewalks and pedestrian easements
2. Based on the findings of the review, the following will be developed and provided to the owner and developer:
    - a. A list of items with costs associated to bring the roads into compliance with the required standards. A list of items cannot be repaired or changed to bring these roads into compliance with the accepted standards. This report should also contain recommendations and the costs necessary to mitigate or correct these issues, such as but not limited to, shoulder area, ditch and slope stabilization.
    - b. Stabilization: The estimated costs of mitigation and/or Corrective measures will be totaled to the sum that the Owner or developer can consider. A Betterment Assessment for a 5 to 10 year period based on per unit proportionate share may be assessed, to the individual property owners of a subdivision or solely to the Owner or Developer, to implement the mitigation and/or corrective measures in lieu of mitigation and/or corrective

measures being completed by the Owner or Developer. Betterment Assessment may only be assessed upon acceptance of a road if the acceptance of the road is made conditioned upon the road being brought up to Town standards at the cost of the abutters by vote of Town Meeting – if the vote is merely to accept the road, betterment assessments may not be assessed. A BETTERMENT ASSESSMENT MUST NOT HAVE NEGATIVE FINNANCIAL IMPACT ON THE TONW OF FARMINGTON.

3. If the Applicant/Developer wishes to continue with the road acceptance process, the Board of Selectmen will make a formal determination whether or not acceptance of the road in the repaired/reconstructed state will have a negative impact to the Town. This determination along with the Planning Boards recommendation can go forward for discussion verbally during the legislative body vote at Town Meeting but cannot go on the Town Ballot.
4. These roads will also require a recorded as-built survey based upon the final layout of the repaired/rebuilt road to be accompanied with a recorded document of agreement with all the land owners providing the required legal documentation, such as easements, right of ways and purchase of land.
5. If adopted at Town Meeting those Betterment Assessments will be placed in those lots of record as previously agreed upon. If acceptance of the road by Town Meeting is conditioned upon the imposition of betterment assessments, those assessments will be calculated and assessed by the Town.

## **NEW PRIVATE ROADS**

1. New roads will be built to the Town of Farmington Road and Driveway Regulations, Design and Construction Standards and all additional Requirements as set forth as par of their site/subdivision approval.
2. New roads must remain bonded for 5 years (by the developer) for Maintenance and repair after completion of Subdivision approval.
3. After completion of the bonding period, a pre-acceptance inspection will be conducted by the Highway Road Agent or the Town's consultant to ensure that all road standards, all requirements, all installation/conditions are sound and poses no long term liability to the Town of Farmington if adoption of the road at Town Meeting.
4. If any areas of concern arise based on this inspection and review, the Applicant/Developer will repair or reconstruct the road to the satisfaction of the Highway Road Agent. If these required repairs or reconstruction are viewed as significant in scope or cost, the Highway Road Agent may recommend to the Board of Selectmen a requirement of an additional period of bonding.

5. Once concerns of the Road Agent or the Towns consultant are Resolved, the Board of Selectmen will make a determination on whether acceptance of the road will have a negative impact to the Town of Farmington. This determination along with Planning Board recommendation can go forward verbally for discussion during the legislative Body vote a Town Meeting but cannot go on the Town Ballot.

Adopted by the Board of Selectmen on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Chairman Gerald McCarthy

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Vice Chairman Martin Gilman

\_\_\_\_\_  
Paula Proulx

\_\_\_\_\_  
Joan A. Funk

\_\_\_\_\_  
Gail Ellis