

CHART OF PROTOCOLS FOR RSA 674:41 STREET DESIGNATION ISSUES

Adopted at the December 19, 2022 Zoning Board of Adjustment meeting.

Determine what type of "street" gives frontage to the property:

"The word 'street' as broadly defined in RSA 672:13 includes all ways. So, any roadway that passes muster under RSA 674:41 will count as a 'street,' no matter what it actually looks like or whether or not it was intended to become public." A Hard Road to Travel, p. 108 (2022 Ed.).

Additionally, per RSA 641 :41, III, the "street" can be a "right of way" or an "easement" if **one set of the criteria below are met:**

- A. If the "street" is a **Class V Highway** (Town maintained) or a **State maintained Highway**, including one that has been laid out by the Town or appears on the Town's official map or has been accepted by the Town,

then the owner can obtain a Zoning Compliance Approval ("ZCA") as to road frontage assuming all other zoning provisions are addressed. See RSA 674:41 1(a), I(b)(l) and I(b)(4);

Road:

Map, Lot:

- B. If the "street" is **shown on a plan approved by the Planning Board** — either a subdivision plan or street plat,

then the owner can obtain a ZCA as to road frontage assuming all other zoning provisions are addressed. See RSA 674:41 1(b)(2) and (3);

Plan Name:

Date Recorded:

Plan/Plat Number:

¹ Note: This Chart only addresses RSA 674:41 Street Designation issues. Other zoning issues may apply that would prevent a ZCA from being issued

C. If the "street" is a Class **VI Highway**,

then the ZCA can issue **only** with

- i. Select Board approval,
- ii. after comment of the Planning Board,
- iii. via a vote of the Selectmen to allow building permits on this section of the Class VI Highway, and
- iv. the owner issues a "Waiver of Liability" to the Town that is recorded at the Registry of Deeds. See, RSA 674:41 1(c).

D. If the "street" is a **Private Road** not otherwise shown on a Plan approved by the Planning Board,

- i. Select Board approval,
- ii. after comment of the Planning Board,
- iii. via a vote of the Selectmen to allow building permits on this section of the Class VI Highway, and
- iv. the owner issues a "Waiver of Liability" to the Town that is recorded at the Registry of Deeds. See, RSA 674:41 1(c).

E. If the "street" is:

- a. **constructed prior to June 23, 2004** [the date RSA 674:41(I)(e) was added to the Statute] AND
- b. is shown on a plan approved by the Select Board or ZBA before the Town authorized the Planning Board to approve subdivision plats [for Thornton, March 13, 1979] AND
- c. has one or more buildings erected on other lots on the same street, then the owner can obtain a ZCA as to road frontage assuming all other zoning provisions are addressed. See RSA 674:41 1(e).

¹ Note: This Chart only addresses RSA 674:41 Street Designation issues. Other zoning issues may apply that would prevent a ZCA from being issued