

TOWN OF NEW DURHAM
NEW HAMPSHIRE
03855

POLICY OF THE BOARD OF SELECTMEN
REGARDING INTENT TO CUT OR EXCAVATE

Under RSA 236:10 the Board of Selectmen have the discretion to make rules and regulations to govern the excavation and restoration of Town roads and may require that a bond be furnished to the Town for the satisfactory restoration of the road.

The Board of Selectmen has adopted this policy to help guide the decision-making process when it is presented with such an application.

1. Statement of Purpose. The Board is concerned that proper restoration of any Town road will be performed once the trucking, involved with an "Intent to Cut" or "Intent to Excavate", has ceased. Pursuant to RSA 236:11 Restoration. Any person or corporation who excavates or disturbs the shoulders, ditches, embankments, or the surface improved for travel of any such highway shall restore such highway to the satisfaction of the official empowered to give such written permission. Therefore, the Board has imposed this policy to ensure proper restoration of Town roads.
2. Application. Every application for "Intent to Cut" or "Intent to Excavate" will be reviewed by the Road Agent. Should the Road Agent determine access to the operation would necessitate a Road Bond, the Road Agent will sign the application and recommend to the Board of Selectmen the amount of the Road Bond based on acres and potential impact to the road. In turn, the Board will review the recommendations and make their final decision based on all factors.
3. Road Classes. It is the policy of the Board of Selectmen that all Class V and VI roads within the Town will be subject to bonding for their restoration.
4. Improvements to Class V and VI Roads. The standards to which the Class V and VI roads must be brought are those set out in the Roadway Related Subdivision Regulations adopted by the New Durham Planning Board on November 15, 1988 and any amendments thereto. However, in a proper case, the Board of Selectmen may apply the applicable road construction standards in the New Hampshire Department of Transportation suggested Minimum Design Standards for Rural Subdivision Streets.
5. Amount of Bond. Upon receipt of the signed application, by the applicant, the Bond in the amount proclaimed by the Board, pursuant to RSA: 236:9 will be furnished to the Town before any trucking commences.

6. Repeal. The adoption of this Policy shall operate as a repeal of any other statement of policy to the extent the latter is inconsistent herewith.

IN WITNESS WHEREOF, the undersigned members of the New Durham Board of Selectmen have set their hands this *24th* day of *JUNE*, 1998.

Frederic W March

Frederic W. March, Chairman

Brenda L Fontaine

Brenda L. Fontaine

Paul Gelinas, Jr.

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