TOWN OF AUBURN
POLICY FOR ACCEPTANCE OF ROADS

All roads and streets proposed for acceptance by the Town of Auburn will have to be proposed in one of three potential processes:

1) Dedication as a public right-of-way through a formal Planning Board subdivision process pursuant to the Town of Auburn Subdivision Regulations, and with a vote of acceptance by the Board of Selectmen pursuant to the authority granted by vote of the 1993 Town Meeting (Article 13).

2) The layout of an existing Class VI or private road by the Board of Selectmen in a manner prescribed under state statute (RSA 231), or

3) An affirmative Town Meeting vote pursuant to RSA 674:40, III to accept a road or portion of road as a Town road.

Acceptance of a road as a "Town road" is intended to establish legal highway status of the road or right-of-way before any ongoing acts of maintenance or repair by the municipality may occur.

The intent of this policy and the governing statutes is to have a clear procedure to follow for individual(s), business(es) or other entities who seek to have the Town accept a road as a Town road.

In order for the Town of Auburn to accept a road as a Town road, all required construction improvements must be completed by November 1st, and all seven (7) items of completion listed below must be documented and reviewed by the Planning Board by its second regularly scheduled meeting (the third Wednesday of the month) in November, and then approved by the Board of Selectmen at their next scheduled meeting after the Planning Board's second November meeting.

Prior to the Board of Selectmen's acceptance of any roadway, the following must be completed:

1. The deed for the right-of-way must be provided to the Town, reviewed, and approved by Legal Counsel.
2. All associated and required easements, and all other documents required, as determined by the Town must be provided to the Town, reviewed, and approved by Legal Counsel.
3. The construction of the road and all associated infrastructure must be complete. Minor work items may be outstanding with the condition that the appropriate surety is in place and deemed appropriate by both Boards.
4. A site walk must be completed with the Town Department Heads, the Town Consulting Engineer, and a representative of the Developer, with no snow cover, so that all the roadway improvements can be verified complete.
5. Prior to final acceptance, the Developer must provide the required 2-year maintenance surety. The amount of this surety shall be 5% of the total

construction cost estimate, and in no case be less than $10,000. The Town Consulting Engineer shall recommend the total construction cost estimate.

6. The Town Consulting Engineer shall provide a written recommendation to the Planning Board, that the Board recommend that the Board of Selectmen accept the roadway.
7. The Planning Board must provide the written recommendation to the Selectmen prior to the Selectmen discussing the acceptance of the subject roadway.

Dedication of Right-of-Way by Planning Board:

When a road or right-of-way for use by the public has been dedicated through a formal action of subdivision or Site Plan Review by the Auburn Planning Board, the developer is provided with a specific set of criteria to meet in order for the road or right-of-way to be determined to be a Town road. During construction, the developer will be monitored by the Town Engineer to ensure compliance with the requirements imposed by the Auburn Planning Board.

Once the road is complete, the developer shall request a final review by the Town Engineer. Based on their review, the Town Engineer shall submit a letter of completion or a punch list of work that remains to be done to the Planning Board. The Road Agent shall also review the road, potentially in concert with the Town Engineer, and indicate his or her recommendation concerning the acceptance of the road.

The developer shall also provide the Town with the appropriate deed of ownership of the road and/or the appropriate right-of-way and/or maintenance easement documents for recording. These documents will need to be reviewed by Town Counsel for acceptance.

The Planning Board may make a conditional recommendation of acceptance to the Board of Selectmen, conditions based on specific items for completion before acceptance should occur.

The Town Engineer's punch list must be completed and the appropriate deed and/or easement documents must be approved by Town Counsel prior to the final acceptance and formal approval of the road by the Board of Selectmen.

Once the road has obtained the recommendation for adoption from the Town Engineer, Road Agent and the Planning Board, the final vote of acceptance shall be by the Board of Selectmen in accordance with RSA 674:40-a.

Upon the approval of the Board of Selectmen, a "Town of Auburn Acceptance of Road" document (attached as Appendix A) will be submitted to the Town Clerk for formal recording and the inclusion of the road on the list of accepted roads by the Town.

Layout of a Class V Highway:

When the Board of Selectmen are presented with a petition to layout an existing Class VI road as a Class V highway, the Board shall follow the process prescribed by RSA 231:8 and 231:22-a (V) inclusive of the formal public hearing process and ultimate determinations to be reached that there is public benefit to the proposed layout of a Class V highway.

Similar to the construction of a new road through a subdivision or Site Plan Review process, the party petitioning the Town for the layout of the Class V highway will be provided with conditions of improvement to the existing roadway or right-of-way that would have to be accomplished before the Town would change the status of the road and accept it as a Town maintained road.

During construction, the work will be monitored by the Town Engineer to ensure compliance with the requirements imposed by the Auburn Board of Selectmen.

Once the road is complete, the applicant shall request a final review by the Town Engineer. Based on their review, the Town Engineer shall submit a letter of completion or a punch list of work that remains to be done to the Board of Selectmen. The Road Agent shall also review the road, potentially in concert with the Town Engineer, and indicate his or her recommendation concerning the acceptance of the road.

The developer shall also provide the Town with the appropriate deed and/or the appropriate right-of-way and/or maintenance easement documents for recording. These documents will need to be reviewed by Town Counsel for acceptance.

The Town Engineer's punch list must be completed and the appropriate deed and/or easement documents must be approved by Town Counsel prior to the final acceptance and formal approval of the road by the Board of Selectmen.

Once the road has obtained the recommendation for adoption from the Town Engineer and Road Agent, the final vote of acceptance shall be by the Board of Selectmen in accordance with RSA 674:40-a.

Upon the approval of the Board of Selectmen, a "Town of Auburn Acceptance of Road" document (attached as Appendix A) will be submitted to the Town Clerk for formal recording and the inclusion of the road on the list of accepted roads by the Town.

Affirmative Vote of Town Meeting:

Any road or street which has not received prior Planning Board approval or has not been laid out as a Class V road by the Board of Selectmen shall require an affirmative Town Meeting vote to accept the road as a Town road pursuant to the provisions of RSA 674:40, III.

In the event an individual(s) seek to have a road accepted by the Town through the Town Meeting form of acceptance, it is the intention of the Board of Selectmen to recommend that the same sort standard of conditions and requirements for acceptance be approved by the Town Meeting as would be implemented through the other two process outlined above.

Effective Date:

This policy shall take effect on January 1, 2017.

Adopted by the Board of Selectmen the 5th day of December, 2016.

James F. Headd

Richard W. Eaton

Dale W. Phillips
AUBURN BOARD OF SELECTMEN

Received and recorded this 22nd day of December, 2016

Kathleen A. Sylvia, Town Clerk