

As we continue discussing potential development along Class VI roads, I wanted to identify several areas of our Subdivision Regulations that are potentially impacted by the upcoming RSA 674:41(1)(c).

I want to explain the goal is not to create new barriers, but to clarify how subdivision review interacts with the statutory waiver and insurability requirements that now apply at the building permit stage.

Section IV:A, 2; Preservation of Natural and Cultural Features

No immediate changes may be necessary here. However, subdivisions along Class VI roads often occur in more environmentally sensitive areas than typical Class V corridors. It may be worth considering whether our existing authority under RSA 674:36 is sufficient to ensure preservation of wildlife corridors, scenic resources, and ecological features in these areas when subdivision is proposed.

Section IV:A, 6; Off-Site Improvements

This section presents the most significant intersection with Class VI road frontage.

We cannot require improvement of a Class VI road as a condition of building on an existing lot, as RSA 674:41(1)(c) allocates that risk to the applicant through a recorded liability waiver and proof of insurability.

However, where a major subdivision might increase demand on infrastructure, including a Class VI highway, RSA 674:36 allows us to require improvements that are proportionate and rationally connected to impacts created by the subdivision. It might also be worth inserting language to enforce that any NEW roads must meet the standards set forth by the town.

It may be helpful to clarify that:

- Off-site improvements must be tied to measurable subdivision impacts, and
- Nothing in this section shall be interpreted to require upgrading a Class VI road solely due to its classification, where access is otherwise permitted under RSA 674:41.

We may also consider referencing the statutory waiver requirement so subdivision applicants understand that each future building permit will require compliance with RSA 674:41(1)(c).

Section IV:A, 7; Fire Protection Requirement

Given that RSA 674:41 now requires a recorded liability waiver and proof of insurability prior to building permit issuance, it may be appropriate for our subdivision regulations to reference that requirement when reviewing subdivisions fronting on Class VI roads.

This would not create a new waiver requirement, but would clarify that subdivision approval does not eliminate the statutory conditions that must be met prior to construction.

Emergency access standards should remain grounded in measurable safety criteria consistent with RSA 674:36. We can define low impact requirements for subdivision on class VI roads that the Fire Department would need to approve. In that same instance, we also need to allow a mechanism for appealing decisions. Add a section “Emergency access standards for subdivisions on existing unmaintained rural roads” maybe.

Section IV:A, 9; Substandard Streets

This provision requires dedication of right-of-way where a subdivision borders a street below current standards.

We should consider clarifying that right-of-way dedication or improvement requirements for Class VI roads must remain proportionate to impacts created by the subdivision and not function as an automatic upgrade requirement that conflicts with RSA 674:41(1)(c).

The intent here is to:

- Ensure internal consistency between our regulations and state statute
- Preserve our authority to address legitimate subdivision impacts
- Avoid unintended conflicts between subdivision review and the statutory Class VI waiver framework
- Avoid the appearance that we are building workaround for 674:41(1)(c).