

**GUIDELINES, PROCEDURES, AND REQUIREMENTS
OF THE TOWN OF BELMONT
FOR DEDICATION AND ACCEPTANCE OF A PUBLIC HIGHWAY**

A. GENERAL

The Board of Selectmen and Land Use Department provide as a reference the following information for those contemplating the process of having the Town accept a road as a class V public highway owned and maintained by the Town.

B. ADVICE AND ASSISTANCE

Individuals considering asking the Town to accept a road as a public highway are encouraged to consult with the Land Use Dept. for advice and assistance. Sample deed and easement language is available from the Land Use staff. While the Town may move to accept a road as a public highway at any time after the road has been dedicated, typically the Town will accept a road only upon petition.

C. DEDICATION

The owner of property dedicates a strip of land for use as a road by a positive act; usually a subdivision plat or site plan is filed with the Planning Board and subsequently recorded at the Belknap County Registry of Deeds (BCRD). The planning board reviews in great detail new roads submitted as a part of an application. The plan, typically including an as-built plan, depicts the physical location of the road, necessary engineering review has been made, and appurtenant easements have been depicted on the approved plan. Typically the road has been constructed and has been in use for at least a year prior to the petition being filed.

It is of the utmost importance to note that mere *approval* of a road by the planning board does not make it a public highway.

D. ACCEPTANCE

The town accepts a road as a Class V public highway by a vote of the Board of Selectmen who were delegated that authority by a vote at Town Meeting on 12 March 1994 under RSA 674:40-a. The Selectmen typically require that a fully executed deed, including partial discharge of any liens or mortgages on the property, from the owner of the approved road to the Town describing the metes and bounds for the proposed public highway and for the appurtenant easements be submitted prior to the final vote for acceptance. It is well to reiterate that once the dedication has been made, the Town may move to accept the road as a public highway at any time.

E. TYPICAL SEQUENCE OF EVENTS

1. Road is dedicated by review and approval by the Planning Board as part of a subdivision or site plan application. A plan that depicts the road is subsequently recorded at BCRD.
2. The owner of the road builds it according to the specifications of the plan approved by the Planning Board.
3. The road is in use for at least one “freeze – thaw cycle”.
4. Owner of the road petitions the Board of Selectmen to accept the road as a public highway. Along with the petition, the petitioner provides a deed, approved by the Town’s legal counsel and suitable for recording at the BCRD, to the road and the appropriate recording fee.
5. The Selectmen hold a public hearing to vote whether or not to accept the road as a public highway.

**PETITION FOR ACCEPTANCE OF
A PUBLIC HIGHWAY**

To the Board of Selectmen of the Town of Belmont, New Hampshire:

I (We), the undersigned petitioner(s), ask the Board of Selectmen of the Town of Belmont to accept as a Class V public highway _____ , said road having been dedicated to the Town during (Subdivision)(Site Plan) review of land owned by _____ , located on _____ Road, which received approval by the Belmont Planning Board on _____. The (Subdivision)(Site Plan) is recorded at Belknap County Registry of Deeds in Plan Drawer _____, Plan _____. Said Road is further described in the deed to the Town of Belmont (attached) to be recorded at the Belknap County Registry of Deeds.

It is understood that no land damages are required by the Town's acceptance of this public highway.

PRINTED NAME

SIGNATURE

DATE

--	--	--

**TOWN OF BELMONT CHECKLIST
FOR DEDICATION AND ACCEPTANCE OF A PUBLIC HIGHWAY**

<u>Submission Item</u>	<u>Comments:</u>
<input type="checkbox"/> Road Design Plan(s) as Approved by the Belmont Planning Board	Reviewer: _____ Date: _____
<input type="checkbox"/> As-Built Road Plans as Approved by the Belmont Planning Board	Reviewer: _____ Date: _____
<input type="checkbox"/> PD Recommend/BOS set Regulatory Enforcement (Speed Limit signs, Stop/Yield/One-Way/Thru/Name, etc. Signs)	Reviewer: _____ Date: _____
<input type="checkbox"/> Certificate of Performance as Approved by the Belmont Planning Board	Reviewer: _____ Date: _____
<input type="checkbox"/> Fully Executed Warranty Deed Granting Town of Belmont: 1. Fee Ownership of Right of Way 2. Easements – Drainage Slope and Grading Utility Fire Protection Facility (Fire Pond, Cistern, Hydrant, etc.)	Reviewer: _____ Date: _____
<input type="checkbox"/> Title Certification	Reviewer: _____ Date: _____
<input type="checkbox"/> Review and acceptance of Legal Documents by Town Counsel	Reviewer: _____ Date: _____
<input type="checkbox"/> Certificate of Performance as Approved by the Belmont Public Works Director	Reviewer: _____ Date: _____
<input type="checkbox"/> Executed Security for any Required Improvements	Reviewer: _____ Date: _____