



AGENDA ITEM #: 18-116
COUNCIL MTG OF: October 2, 2018
FROM: M. Fowler, Public Works Director
OFFERED BY: M. Fowler, Public Works Director
PREPARED BY: M. Fowler, Public Works Director
SUBJECT: Fox Hollow Road – Acceptance of Class VI Public Way

STAFF REPORT
Public Hearing 10-23-18

PURPOSE

This report seeks Town Council acceptance of property dedicated to the Town of Derry at the end of Fox Hollow Road.

TOWN ADMINISTRATOR COMMENTS

The Town Council is encouraged to schedule a public hearing on October 23 and to consider the acceptance of this extension as a Class VI roadway.

BACKGROUND

In 1984, Derry Planning Board approved the subdivision road, Fox Hollow Road. A temporary cul-de-sac was installed with an intent for future access to Linda Rutter's property (Lot 6-58).

The recorded plan (D-12629) included a dedicated 50 foot wide right-of-way to serve Lot 6-58 in the future. The paved road ended at the temporary cul-de-sac and the Town accepted to this point in 1990.

The applicant's attorney has submitted a request to Town Council to have the Town accept the remaining dedication, which will provide access to the northern portion of Ms. Rutter's property

DISCUSSION

Per state statutes, the dedicated right-of-way remains in effect despite there is no road there currently. The applicant is aware that they will bear the expense of any improvements required to meet the applicable road standards. Given the Planning Board's approval of the plan in 1984, the Town Council is compelled to act on the acceptance of the public way.

Typically, DPW approaches Town Council to accept new subdivisions as Class V roads, which introduces local maintenance responsibilities in perpetuity. In this case, the recommended action would be to accept the public way as Class VI road, with no local maintenance responsibilities. The applicant would be required to build a road according to Fire Department standards, for emergency access.

FISCAL IMPACT

No additional fiscal impact from current DPW budget as Class VI public ways have no maintenance responsibilities.

RECOMMENDED ACTION BY COUNCIL

It is recommended that the Town Council vote to accept Fox Hollow Road from the end of the cul-de-sac to the property boundary with Lot 6-58 as depicted on recorded plan D-12629.

RECOMMENDED MOTION

See attached resolution #2018-057