

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:40-a

674:40-a Delegation of Authority to Accept Dedicated Streets. –

I. Notwithstanding RSA 674:40, a municipality with the town meeting form of government, which has conferred upon a planning board platting jurisdiction in accordance with RSA 674:35, may, by majority vote at an annual or special meeting, under an article in the warrant inserted by the local governing body, or by petition, delegate to the local governing body the authority to accept dedicated streets. Such a delegation may be rescinded by the municipality in the same manner.

II. If such a delegation is made, the local governing body may vote to accept any dedicated street only if the street corresponds in its location and lines with a street shown on a subdivision plat or site plan approved by the planning board, or on the official map, or on a street plat made and adopted by the board. A street which has not received such prior planning board approval shall not be accepted without a vote of the local legislative body pursuant to RSA 674:40, III.

III. The local governing body shall hold a public hearing on the proposed acceptance prior to taking action.

IV. A street accepted under this section shall have the status of a public highway under RSA 229:1. Such street shall be deemed a class V highway, subject to the municipality's duty of regular maintenance as set forth in RSA 231, unless otherwise designated pursuant to statute.

V. In this section, "dedicated street" means a street which has been dedicated to public use under the New Hampshire common law of dedication.

Source. 1993, 80:1, eff. June 22, 1993.