



To whom it may concern,

I Ryan Carter of 76 Riverside Drive located in Allenstown, NH petition the board to readopt Riverside Drive as an emergency road declared under RSA 231:59. This law allows municipalities to spend highway funds to keep a road passable by firefighting equipment and other emergency vehicles. In the following I intend to present information on why this declaration is necessary, and furthermore an obligation by the town of Allenstown to adopt.

Riverside drive is a loop road right off of route 28 in Allenstown. Although I am new to the issues and concerns regarding the maintenance of this road, after reviewing all of the documents that are available regarding the road, I contest that this road qualifies to be serviced by plowing and road maintenance crews in the town of Allenstown. RSA 231:59 states that the selectmen must provide written findings that the "the public need for keeping such lane passable by emergency vehicles is **supported by an identified public welfare or safety interest** which surpasses or differs from any private benefits to landowners abutting such lane."

Now this statement has two clauses. One which is the private benefit of landowners, which, if accepted would absolutely be the case. Yes, the regular plowing and maintenance of the road would be beneficial to the landowners abutting the road because it would allow for easier vehicle travel and would solidify the values of the properties located on this road. The second portion of this clause is that the public welfare and safety interest must surpass any private benefits received by the abutting landowners. This is the *important part and differentiates between the two needs for the road to be maintained.*

The public welfare and safety interests to the residents in the town of Allenstown objectively should be considered in this decision. There are many residents living on the road who very well may need emergency help, such as a heart attack, fire, burglary, domestic disputes etc. All of these services are provided through the Town of Allenstown, funded by taxpayer money. To deny these public welfare and safety services to the residents of this town via an argument that there are only private benefits to the landowners would be *irresponsible*. These services were set up and provided to prevent potentially dangerous and deadly situations, and to ensure that the residents of the town, and this country can receive the help required if it is ever needed. I believe that these safety and welfare issues 100 percent surpasses any private benefit that the landowners will receive from the maintenance of the road.

Furthermore, as of 2008, the Town of Allenstown has purchased several properties on this road. The amount of properties that the town now owns is now a majority of the property located on Riverside Drive. To tell residents of this road that they must burden the cost of maintaining and plowing a road which is more than 50 percent owned by the town is not right. At what point does the town take responsibility for access to the property that they own, and why should the excess financial burden of maintaining roads to access these properties fall on the other residents of the road? I contest that the maintenance of this road not only benefits taxpayers on this road, but it benefits the publicly owned land of the Town of Allenstown.

According to nhmunicipal.org "With respect to private roads or driveways, a 1952 opinion of the New Hampshire Supreme Court clearly stated that municipalities may only maintain private roads or

driveways if: the maintenance is subordinate and incidental to public highway maintenance (in other words, the work does not significantly alter the municipality's manpower and equipment needs or its snow maintenance plan); and the landowner pays the municipality the cost of the service.

Both of these are in play here as well. If highway equipment plows route 28, and leaves a snowbank in front of the entrances and exits of Riverside Drive, it would cause a burden on the residents of this street. In order to effectively maintain access to the road, the highway crew would have to plow at least two portions of Riverside drive, one entrance of which is located beyond a public road Jilleric Road. If the equipment has to remove these banks anyways, it would not create any additional manpower or equipment to plow the entire road of approximately .7 miles. Also the financial cost of doing so would fall on the landowner, Romeo Plourde.

Lastly, in the board minutes of the meeting on October 5th 1994, the current board at the time ordered the road agent Jim Boisvert to "grade riverside drive and Jilleric Road as soon as possible before winter to make it easier to plow and sand during the winter." This road was already adopted as an emergency lane previously, and without just cause, revoked from that status. I am formally requesting that Riverside Drive be deemed an Emergency Road.

Sincerely,

Ryan Carter



10/24/2016