

Chapter 106

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town of Henniker as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Street Regulations
[Adopted 9-5-1989]

~ 106-1. Construction standards.

- A. All streets will have a fifty-foot right-of-way width, a travel surface of 20 feet and three-foot shoulders. Maximum grade shall be 10% and two-hundred-foot radius curvature.
- B. All topsoil, stumps, roots, brush, boulders and like material will be removed from under the roadway and shoulders. All ledge and boulders will be removed to a depth of 18 inches from under the roadway and shoulders. All organic or clay-type soft or spongy materials will be excavated to such depth as necessary to stabilize the sub-grade. The sub-grade will be inspected by the Highway Superintendent/Road Agent or his or her representative before the sub-base is placed. Compaction will be obtained by use of approved rollers and equipment to at least 95% of the Standard Proctor Density (ASTM-698). Density shall be checked by an approved testing service, and the results of all tests are to be provided to the town. All costs incurred for the conduction of such tests shall be the responsibility of the developer/contractor. A sub-base of bank run gravel will be placed in two six-inch layers. The sub-base material will be free of clay and silt and will have a maximum rock size of four inches. A base of inch-and-one-half crushed bank run gravel will be placed in a six-inch layer. All sub-base and base layers will be compacted an acceptable method.

~ 106-2. Embankments.

Embankments shall be formed of suitable material placed in successive layers of not more than 12 inches in depth for the full width of the roadway cross section and shall be compacted uniformly and sufficiently to prevent settlement. Stumps, trees, rubbish and other unsuitable material shall not be placed in the fill. The fill shall be compacted to the same requirements as the base and subbase listed above.

~ 106-3. Trees.

Trees in the right-of-way will be cut if the trunks are within the side slope area required for the road. Other trees may be cut at the direction of the Highway Superintendent/Road Agent.

~ 106-4. Winter repairs.

After a minimum of one winter season, all settlements will be re-graded and all heaves noted will be excavated to remove the unsuitable materials and re-graded. A pavement of two inches base of

three-fourths-inch binder (State Type B) and one inch of wearing course (State Type E) will be machine placed and rolled. The wearing course will not be placed until all heavy construction equipment and large trucks are off the project and any damage repaired and utility cuts repaired. All repairs will be made with hot asphalt.

~ 106-5. Drainage.

- A. Under-drains shall be installed where the character and composition of the soil in the roadbed render such installation necessary. These under-drains shall consist of perforated metal pipe of a minimum six-inch diameter and laid in the bottom of a trench at such depth and width as may be necessary. The trench shall be filled with clean bank run gravel or equivalent material as approved by the Highway Superintendent/Road Agent.
- B. Storm drains, culverts and related installations, including catch basins and drop inlets, shall be installed as necessary to permit unimpeded flow of all natural watercourses to ensure adequate drainage of all low points along streets at intervals reasonable to the extent and grade of the area drained.
- C. Class C stone shall be used in all ditches where soil conditions or velocity conditions warrant protection from erosion. The road shall not be accepted until all drainage areas have established vegetation.

~ 106-6. Signs.

All signs to regulate traffic (i.e., stop signs, speed limits signs, curve and intersection signs, etc.) as required will be installed by the contractor/developer at his or her expense. Street name signs built to town standards will be installed at each intersection by the contractor/developer at his or her expense.

~ 106-7. Sidewalks.

Sidewalks, when required by the Planning Board, will be constructed as shown on the typical cross section.

**ARTICLE II
Notification of Defects**

[Adopted 3-31-1992]

~ 106-8. Purpose.

- A. It is the policy of the Town of Henniker to protect the public to the greatest extent possible from defects or insufficiencies that may develop with the sidewalks, bridges and highways within the Town of Henniker.
- B. Because municipal highways and sidewalks, unlike other property interests, are open to constant unsupervised public use, and their condition for public use is subject to the ever-changing, unpredictable effects of sun, rain, wind, ice, snow and frost; and the number, length and degree of use of highways and sidewalks in a community is not necessarily related to that community's population or financial resources; and the existing construction standard or state of repair of any highway or

sidewalk is a product of its unique history of capital investments, in response to differing and evolving needs of the traveling public; it is, therefore, unreasonable to expect that all highways and sidewalks will be routinely patrolled or subject to regular preventive maintenance, or that all such highways and sidewalks should be constructed or maintained to any uniform standard.

- C. However, in the event the town is notified of a defect or insufficiency to a highway, sidewalk or bridge, it is the responsibility of the Selectmen, Public Works Director or his or her designee to investigate, develop and implement a plan for repairing the defect or insufficiency.
- D. Therefore, the Board of Selectmen have established this policy, as required by RSA 231:90-93, to assist town officials, employees and volunteers as to their responsibilities to respond and implement corrective actions when notified of any defect or insufficiency to any highway, sidewalk or bridge.

~ 106-9. Applicability.

- A. Notice of insufficiency shall be limited to Class IV and V highways, bridges and sidewalks to which the town is found to have a duty of care.
- B. The town shall not be responsible for maintenance or repair of Class I, III or VI highways or state-maintained portions of Class II highways. In the event that any municipal official, Department Head, on-duty police officer, fire fighters or Highway Department employee is informed of a defect or insufficiency to the above class highways, s/he should direct the individual making said notice to the nearest Department of Transportation District Office.
- C. In Henniker the nearest Department of Transportation District Office can be contacted by calling 1-485-9526 or 1-448-2654.
- D. In the event that the defect or insufficiency is of such an extent that immediate response is imperative, the person(s) initially notified should take whatever measures necessary to prevent any avoidable injury or danger to the public.

~ 106-10. "Insufficiency" defined.

- A. "Insufficiency" is defined as:
 - 1. Not passable in any safe manner by persons or vehicles permitted on sidewalks or highways by state laws or by any more stringent local ordinance or regulation; or
 - 2. There exists a safety hazard which is not reasonably discoverable or reasonably avoidable by a person who is traveling upon such highway at posted speeds or upon such sidewalk, in obedience to all posted regulations, and in a manner which is reasonable and prudent as determined by the condition and state of repair of the highway or sidewalk, including any warning signs, and prevailing visibility and weather conditions. RSA 231:90, IIa and b.
- B. A highway or sidewalk shall not, in the absence of impassability or hidden hazard as

set forth above, be considered insufficient merely by reason of the municipality's failure to construct, maintain or repair it to the same standard as some other highway or sidewalk or to a level of service commensurate with its current level of public use.

~ 106-11. Notification of defect/insufficiency.

- A. Whenever any selectman, Highway Department employee, on-duty police officer, fire fighter or rescue squad personnel, the Town Administrator or Town Clerk, is informed of any notice of an insufficiency on any highway, bridge or sidewalk, s/he shall contact the Highway Superintendent/Road Agent or his or her designee immediately.
- B. Individual(s) receiving said notice are required to file a Hazard Report¹ ensuring that all information is included and the hazard is descriptively noted. Said hazard record becomes a record from which the investigation is conducted and corrective action is recommended.
- C. It is the responsibility of the Highway Superintendent/Road Agent or his or her designee to immediately respond to any notice of hazard/deficiency and, upon arrival, ascertain the degree of response necessary to adequately secure the site to prevent further deterioration and/or danger to the general public.
- D. It is the responsibility of the Highway Superintendent/Road Agent or his or her designee to note upon the Hazard Report the results of the investigation and attach any additional information he or she deems necessary to adequately detail the existing hazard.
- E. If the situation warrants the closing of a highway to traffic, all emergency services and dispatching services are to be immediately made aware of the situation.
- F. Within 72 hours of notice a recommended corrective action plan shall be submitted to the Board of Selectmen and available for review by the general public. Upon development of said plan, reasonable dispatch must be taken to ensure the plan is being implemented.

~ 106-12. Location of filed hazard reports.

- A. Originals of all filed hazard reports shall be recorded with the Town Clerk upon the completion of investigation and corrective action plan.
- B. Only those documents necessary to provide an outline of the notice, investigation and corrective action plan shall be provided to the Town Clerk. All background documentation, work slips, work sheets and other material used to determine the extent of defect and plan of response shall remain in the files of the Highway

Superintendent/Road Agent. Said material may be disposed of after a seven-year period, unless litigation has been initiated.

¹ Editor's Note: The Hazard Report Form is on file in the office of the Selectmen .

~ 106-13. Public works maintenance projects.

To the greatest extent possible during all public works maintenance projects, town employees shall use any and all necessary signs, flag persons and identification to adequately warn pedestrians and motorists of work areas. Work sites shall be adequately secured at the end of each workday to ensure no dangerous situations exist.

ARTICLE III
Snow and Ice Removal
[Adopted 4-21-1992]

~ 106-14. Purpose.

During the course of the winter snow season, it has been said there are 200,000 different types of storms that could develop. If true, that could possibly require that many different solutions to maintain safe public highways. Therefore, this policy is to establish the general parameters of Henniker's highway snow and ice maintenance objectives.

~ 106-15. Preparation for forecasted storms.

- A. As feasible, appropriate equipment will be prepared for use prior to the storm.
- B. Snow removal equipment shall be assigned specific routes or roles for the winter season. As required, the Highway Superintendent/Road Agent may redirect equipment or personnel to assist in other areas.

~ 106-16. Notification.

- A. Media resources shall be monitored to plan for approaching storms.
- B. All full-time town employees shall be responsible for alerting the Highway Superintendent/Road Agent of hazardous conditions created by weather conditions.
- C. The Highway Superintendent/Road Agent and the Police Department shall establish and maintain a procedure by which the existence of hazardous road and sidewalk conditions are communicated to the Highway Department as the Police Department or Selectmen's Office become aware of them.
- D. The Highway Superintendent/Road Agent shall provide road condition information to school representatives as requested.

~ 106-17. Winter storm maintenance.

The following winter storm procedures will be implemented as directed by the Highway Superintendent or his assignee. Upon arrival of winter storm warning appropriate highway personnel will be called to treat public roadways according to the procedures listed.

- A. As snowfall begins to cover the roads salt trucks will be dispatched to "pre-salt" paved surfaces in order to prevent packing of snow and ice. Certain weather conditions, such as extreme cold or unseasonably warm temperatures may cause variation from this practice and is up to the discretion of the Highway Superintendent or his assignee.

- B. After “pre-salting” is completed an snow accumulations reach 2” to 3” personnel and equipment will be dispatched to the appropriate routes assigned to them. Snow plowing will continue as necessary throughout the duration of the storm. Certain weather conditions, such as a change over to rain or freezing rain, may result in temporary suspension of plowing operations and is up to the discretion of the Highway Superintendent or his assignee. Normal snowplowing operations will resume when rain is stopped or the Highway Superintendent or assignee deems necessary.
- C. The Highway Department will plow and/or treat all town-owned sidewalks at the end of the storm or when personnel becomes available to do so.
- D. When a storm has ended all plowed road surfaces, sidewalks, and applicable parking lots will be treated with sand and/or salt as deemed necessary by the Highway Superintendent or assignee.
- E. The Highway Department will be responsible for snow removal on other town properties such as, but not necessarily limited to, the Town Hall, Fire Stations, Police Station, Library, Grange, Historical Society, Congregational Church, and portions of the Henniker Community School. The parking lot behind Daniel’s Restaurant and the stairway leading down from Main Street will be appropriately treated by the Highway Department. Timing of the treatment of these areas will be determined by the Highway Superintendent or assignee, with particular attention to school hours and to emergency services.
- F. Roadways will be “pushed back” after large accumulations allowing for future storms and to widen the driving lanes. Snow will be removed from the “downtown” area when accumulations restrict access to stores, businesses, and parking areas. This work is to be completed after highways and sidewalks are treated and personnel is available, and at the discretion of the Highway Superintendent or assignee.
- G. Complaints received during the storm regarding snowplowing operations will be investigated and responded to as timely as possible. An appropriate response will be determined by the Highway Superintendent or assignee and followed up within 48 hours after the storm has ended.
- H. The Highway Department will monitor and respond to hazards and public safety issues that are reported by the Police or other emergency service providers in Henniker. Response to these reports will be as soon as deemed possible or by the Highway Superintendent or assignee. Revised 11-22-1999

This document is to be used as a basic guide for winter roadway maintenance. As New England storms are notoriously unpredictable, it should be expected that certain procedures will be changed, sometimes abruptly, in order to provide the best overall results at the time. Changes to these procedures are to be at the discretion of the Highway Superintendent or assignee.

~ 106-18. Priority plowing.

- A. School bus routes shall receive priority maintenance. These routes shall be depicted on maps as part of the annual planning.
- B. Emergency service buildings shall receive necessary maintenance to provide for

emergency personnel to arrive and for vehicles to depart and return safely.

- C. Emergency vehicles. As necessary snow and ice control equipment shall be redirected by the Highway Superintendent/Road Agent from assigned routes to assist emergency response vehicles in reaching their destination.
- D. Sidewalk maintenance shall be done after the highway plowing has started, as the Highway Superintendent/Road Agent determines. Every effort shall be made to provide for the clearance of high-use areas first.
- E. Center of town parking areas. Snow from parking areas shall be removed as much as possible during normal business hours. After midnight, all cars are required to depart from these areas. At that time or as equipment and personnel are available, the in-town parking areas shall be cleared. Every effort shall be made to have these areas clear prior to the start of the following business day.

~ 106-19. Notification of Police Department.

The Police Department is to be notified of vehicles obstructing snow removal equipment and is responsible to have the roads cleared of these vehicles.

~ 106-20. Snow removal equipment.

Snow removal equipment is not to attempt to squeeze through or between obstructing vehicles. Snow removal equipment is not to be used to tow, push or otherwise move any vehicles.

~ 106-21. Liability for damages.

Notwithstanding RSA 231:90-92, a municipality or school district shall not be held liable for damages arising from insufficiencies or hazards on public highways, bridges or sidewalks, even if it has actual knowledge of them, when such hazards are caused solely by snow, ice or other inclement weather, and the municipality's or school district's failure or delay in removing or mitigating such hazards is the result of implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities adopted in good faith by the officials responsible for such policy; and all municipal or school district employees and officials shall be presumed to be acting pursuant to such a policy or set of priorities, in the absence of proof to the contrary.