

NEW DURHAM FIRE DEPARTMENT TOWN OF NEW DURHAM NH



To: The Board of Selectmen
Bennett Road upgrade

April 16, 2021

The Bennett road layout as presented does not include any public access not subject to gates and bars. NH Supreme Court has already ruled in several cases: that “a private right of access is an easement” and that those with access have responsibility for maintenance. Any use on Bennett road in the past and in the future has been and will be by abutters with private ownership and a private right of access with easement”. I have reviewed the application and with no change in the current use that would increase the threat to public safety. My findings are that I see no extenuating circumstances that would change the risk to the public that could be mitigated by an upgrade to the existing class VI road.

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