



**CITY OF DOVER**

## CITY COUNCIL - AGENDA

Meeting Type: Workshop Session  
Meeting Location: Council Chambers, City Hall  
Meeting Date: **Wednesday, July 25, 2012**  
Meeting Time: **To immediately follow Regular Meeting**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **SCENIC BYWAY PRESENTATION**
6. **CITIZEN'S FORUM**

*Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.*

7. **ADJOURNMENT**



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#:

Resolution Number: **R – 2012.05.09 – 64**  
Resolution Re: **Approval of Scenic Byway Application**

WHEREAS: The Strafford Regional Planning Commission seeks to designate a portion of the Route 108 corridor from Newmarket to Rollinsford as a scenic byway; and

WHEREAS: The portion of the scenic byway through the City of Dover will be a part of a state and federal program to promote cultural, recreational and historic attributes of the State of New Hampshire; and

WHEREAS: The designation of the byway through Dover will provide eligibility for Federal Highway Administration Scenic Byway funds. These funds may fund signage, transportation improvements, such as scenic overlooks, interpretive markers, and marketing material.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL:

The Mayor is authorized to sign a letter on behalf of the City of Dover from the Dover City Council supporting the designation of a scenic highway through the City of Dover as part of the application of the Strafford Regional Planning Commission for the establishment of a scenic highway in Strafford County.

### REQUIRES A PUBLIC HEARING

#### AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Dean Trefthen By request
Approved for Legal Compliance:	Allan B. Krans, Sr. General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		

#### DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#:

Resolution Number: **R – 2012.05.09 – 64**  
Resolution Re: **Approval of Scenic Byway Application**

### DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor, Robert Carrier, At Large		
Councilor Ed Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor, Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		

### BACKGROUND:

In early 2009 the Strafford Regional Planning Commission began the process of designating a portion of the Route 108 corridor from Newmarket to Dover, and then follow the Route 4 corridor into Rollinsford as a scenic byway. The Commission has drafted a scenic byway plan (see attached handouts), that will promote the mills that are featured along the route.

Strafford Regional has developed this byway plan as part of a Corridor Management Plan (CMP) that it is submitting to the NH Department of Transportation for designation into the Scenic Byways Program.

The byway follows Route 108 starting in Newmarket at the Newfields town line and running north through Durham, turning right at the Courthouse and heading north again through Madbury and Dover. In downtown Dover, the proposed byway would turn right and head northeast on Route 4 to the Maine line in Rollinsford. The approximate length is 15 miles.

The New Hampshire Scenic and Cultural Byways Program was established in 1992 under RSA 238:19, "... to provide the opportunity for residents and visitors to travel a system of byways which feature the scenic and cultural qualities of the state within the existing highway system, promote retention of rural and urban scenic byways, support the cultural, recreational and historic attributes along these byways, and expose the unique elements of the state's beauty, culture and history."

New Hampshire's program is coordinated with the National Scenic Byways Program. The national program has three categories of byways (two are nationally designated categories, the third is a state designation). If the Byway is designated, it will become eligible for Federal Highway Administration Scenic Byway funds. This funding could be used to fund signage, transportation improvements, such as scenic overlooks, interpretive markers, and marketing material.



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

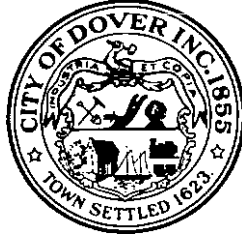
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Resolution Re: **Approval of Scenic Byway Application**

This is a project that the Planning and Community Development staff has worked on with the Commission coordinating the inventory of sites and views along the byway. In addition to staff, the process involved volunteers with Dover Main Street, The Dover Chamber of Commerce and the Community Trail Committee.

As part of the application, the Commission is requesting that the communities along the Byway submit a letter of support for the project. This letter will be forwarded, with the application, to the Department of Transportation. The application process requires a public hearing to be held prior to the Council adopting the letter of support.



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MAYOR  
and  
CITY COUNCIL  
[citycouncil@dover.nh.gov](mailto:citycouncil@dover.nh.gov)

## *City of Dover, New Hampshire*

May 9, 2012

Cynthia Copeland, Executive Director  
Strafford Regional Planning Commission  
150 Wakefield Street, Suite 12  
Rochester, NH 03867

Dear Ms. Copeland:

I am writing you on behalf of the Dover City Council, to express strong support from the City of Dover and citizen volunteers for the Strafford Regional Planning Commission's application for State Scenic Byway designation of the proposed "Mills" Scenic Byway Corridor. In addition, the City supports the preparation and submittal of associated application materials to initiate the corridor management planning process.

We believe that this designation will provide the municipalities along the corridor (Newmarket through Rollinsford) with opportunities to seek federal funding through the Federal Highway Administration Discretionary Grants program for byway-related projects each year. Not only will this project provide funding opportunities to Dover, it will work to showcase the many intrinsic values existing in our City, draw visitors to the area, preserve and protect the local quality of life, and add to the byway programs existing collection of unique American roads.

Again, the City of Dover is extremely excited and supportive of the Strafford Regional Planning Commission's application for State Scenic Byway designation of the proposed "Mills" Scenic Byway Corridor project.

Should you have any questions regarding our letter of support, please contact Christopher Parker, Director of Planning and Community Development at 603-516-6008.

Sincerely,

Dean Trefethen  
Mayor

# NATIONAL AND STATE SCENIC BYWAY PROGRAM OVERVIEW & PROPOSED MILLS SCENIC BYWAY

- National/State Scenic Byway Program Overview
- Types of Byway Designations
- Byway Nomination Process and Criteria
- Grant Funding Opportunities
- Proposed Route
- Corridor Management Plan
- Next Steps Moving Forward



Dover City Council: May 9, 2012

# NATIONAL & NEW HAMPSHIRE SCENIC BYWAY PROGRAM OVERVIEW

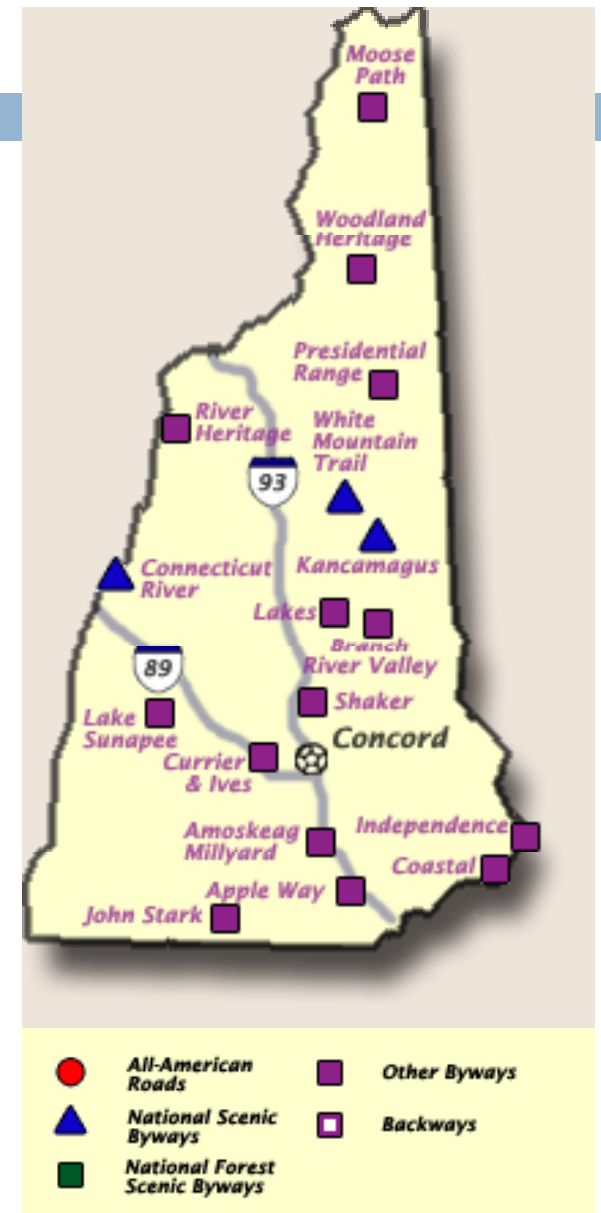
- The National Scenic Byways Program was established under the Federal Intermodal Surface Transportation Efficiency Act of 1991.
- The vision of the program is to create a distinctive collection of American roads.
- Provide resources to the byway community to create unique travel experiences and enhance local quality of life through efforts to preserve, protect, interpret, and promote the intrinsic qualities of designated byways.
- This designation is based on each byways archaeological, cultural, historic, natural, recreational, and scenic qualities.
- Managed in New Hampshire by NHDOT with input from NH Scenic & Cultural Byways Council.



# NATIONAL SCENIC BYWAY PROGRAM: THREE LEVELS OF DESIGNATION

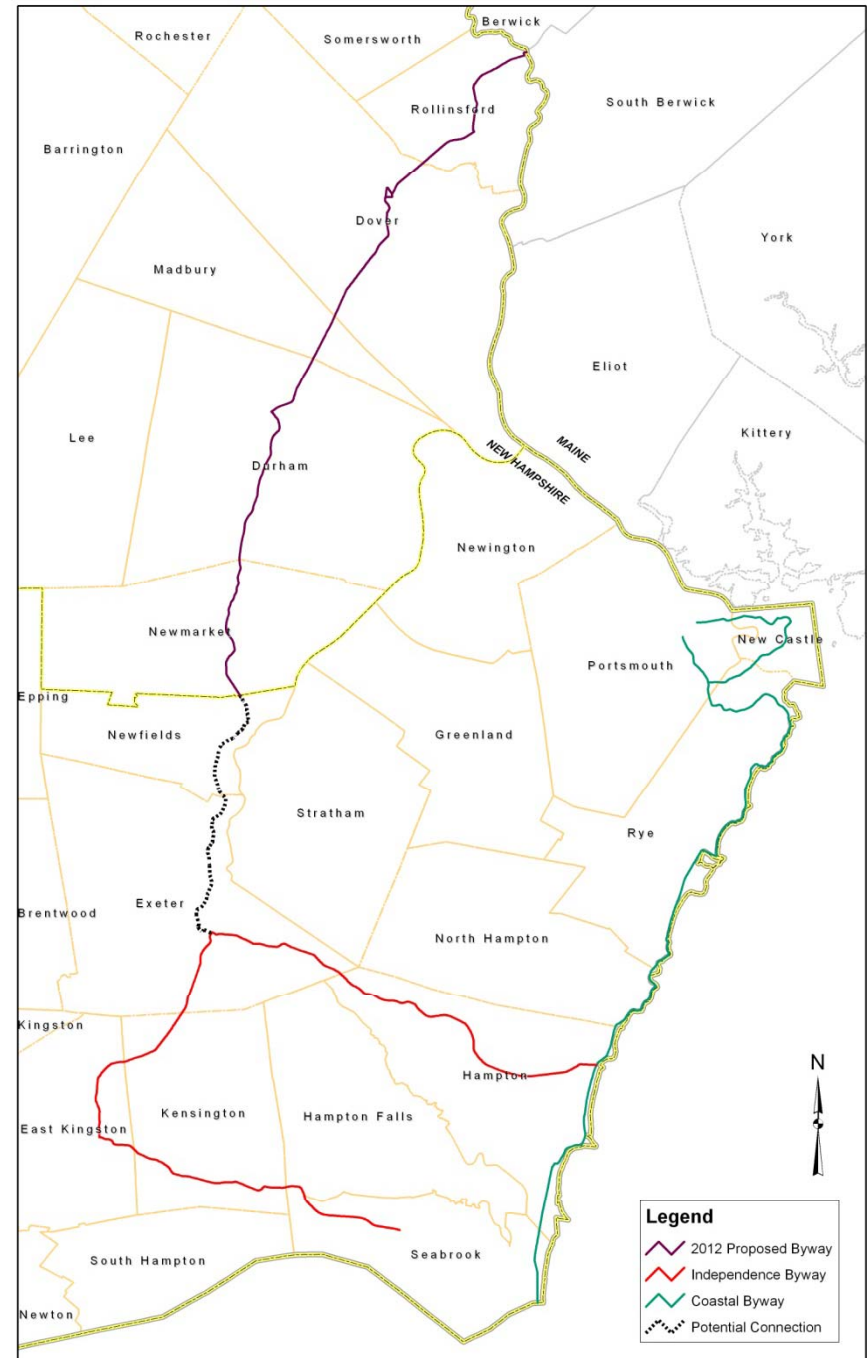
1. All- American Roads (31 nationally)
2. National Scenic Byways (120 nationally/3 in NH)
  - Connecticut River Byway
  - Kancamagus Scenic Byway
  - White Mountain Trail
3. State Scenic Byways (14 in NH/3 in the Lakes & Seacoast Regions)
  - Independence Byway
  - Coastal Byway
  - Branch River Valley

*“New Hampshire has over 1,000 miles of designated scenic and cultural byways!”*



# PROPOSED SCENIC BYWAY ROUTE AND CONNECTING LOOP

- Proposed Mills Scenic Byways – 16.3 miles
- Coastal Byway – 18.5 miles
  - [Tour Details](#)
- Independence Way – 21 miles
  - [Tour Details](#)
- Potential Connection – 5.6 miles
  - Through Newfields & Exeter
- Long-term goal to work with Southern Maine RPC to develop a route through South Berwick, York/Eliot, and Kittery





## Scenic Byway Program - Nomination Process

Nominations for Byway designation must demonstrate:

- State and/or regional significance of the intrinsic qualities of the byway:
- Scenic Resources
- Natural Resources
- Historic Resources
- Cultural Resources
- Archaeological Resources
- Recreational Resources

# SCENIC BYWAY PROGRAM -NOMINATION PROCESS

- Planning to support preservation, enhancement and promotion of those intrinsic qualities
- Planning a quality visitor experience
- Community and organizational support for the byway



**Mission:** To provide resources to the byway community in creating a unique travel experience and enhanced local quality of life through efforts to preserve, protect, interpret, and promote the intrinsic qualities of designated byways.

# SCENIC BYWAY PROGRAM – GRANT TYPES

- Nationally Competitive Process
- Since 1992 approximately \$560,000/year available in NH
- Categories of Eligible Activities
  1. State and Indian Tribe Scenic Byway Programs
  2. Corridor Management Plan
  3. Safety Improvements
  4. Byway Facilities
  5. Access to Recreation
  6. Resource Protection
  7. Interpretive Information
  8. Marketing



## Summary for 1992- 2011

**Total Amount Funded:**

\$468,669,373

**Total Projects Funded:**

3049

**Total for New Hampshire**

\$11,245,460

## Summary 2011

**Total Amount Funded:**

\$40,281,344

**Total Projects Funded:**

123

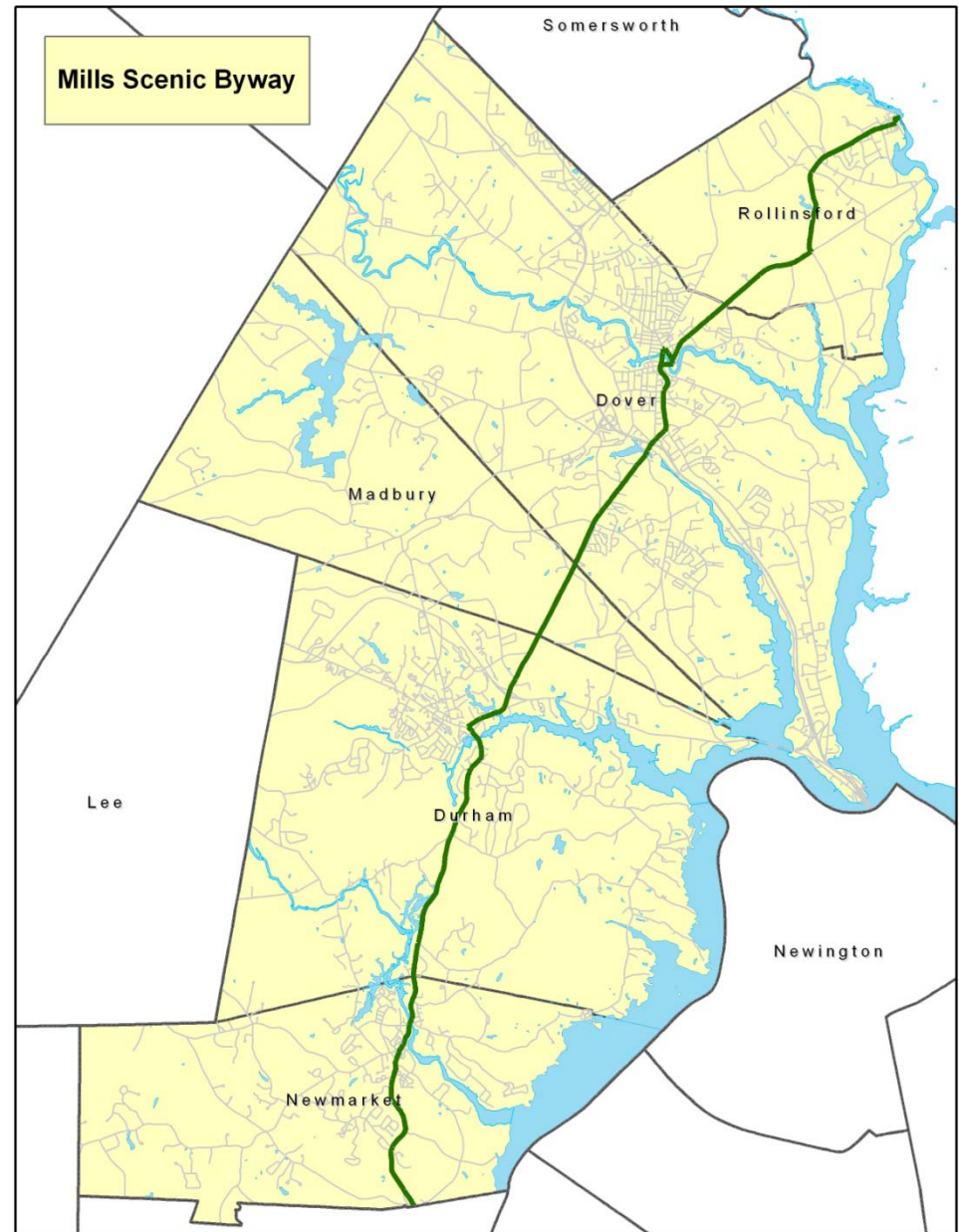
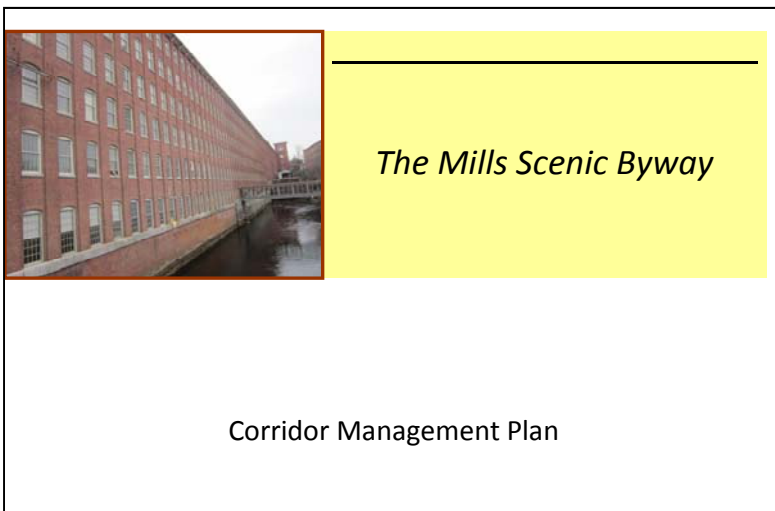
**Total for New Hampshire**

\$1,168,028 (2 projects)

Projects submitted for consideration should benefit the byway traveler's experience, whether it will help manage the intrinsic qualities that support the byway's designation, shape the byway's story, interpret the story for visitors, or improve visitor facilities along the byway.

# NEWMARKET, DURHAM, MADBURY, DOVER, AND ROLLINSFORD PROPOSED ROUTE

- Set up joint meeting with proposed corridor communities (Newmarket, Durham, Madbury, Dover, and Rollinsford).
- Form a regional corridor advisory committee.
- Submit nomination to develop byway corridor.
- Write a Corridor Management Plan.



# CORRIDOR MANAGEMENT PLAN



A Corridor Management Plan inventories, and sets strategies to manage the scenic, natural, historic, recreational, archaeological, and cultural qualities that support the byway's designation.

## General Requirements:

- Be a written plan developed through community involvement along a scenic byway
- Provide for conservation and enhancement of the byway's intrinsic qualities
- Address promotion of tourism and other economic development
- Identify management strategies to balance these concerns while providing for the user's enjoyment of the byway

*Are community-based and "living documents" that outline the goals, strategies, and responsibilities for preserving and promoting the byway.*



Built in 1768, The Dover Friend's Quaker meeting house is the oldest religious structure in Dover and is located on Central Avenue abutting the Pine Hill Cemetery. The building's entrance way has two doors, the left was once used by Women only and the right by Men. The sexes were separated during the religious services and the partitions were removed for business meetings.



The Woodman Museum building is approximately 200 years old and the institute was formed in 1916. Located on Central Avenue adjacent to the Garrison House, the museum offers visitors a unique opportunity to view extensive collections of minerals, animals, insects and Native American artifacts. Additionally, the museum houses a War Memorial and as many other items of historic significance. The museum is now listed on the National Register of Historic Places.

## Historic Resources – Examples in Dover

- The William Hale House
- Garrison House
- Sawyer Woolen Mills
- First Parish Church
- Dover Armory
- Michael Reade House



The Joe Park's Riverwalk and Public Gardens began as an effort between the Dover Rotary Club and Dover Main Street program and developed into a project completed largely by help from local volunteers in 2008. The park is located on Central Avenue in downtown Dover and offers a walking path along the Cochecho River, benches and landscape areas for the public.



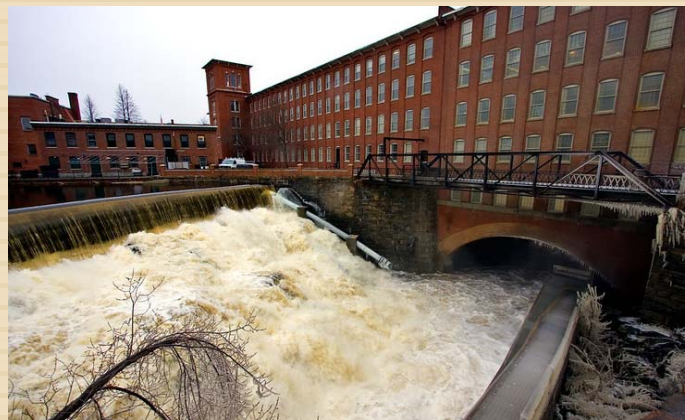
Located on Henry Law Avenue off Central Avenue in downtown Dover, the Cochecho River Walk is a central attraction in downtown Dover offers a canoe launch; picnic tables, outdoor grills, Skateboard Park, benches, outdoor theater, covered bridge and pathway following the Cochecho River bend around the historic mill buildings. The trail begins at the outdoor amphitheater in Henry Law Park and continues 1,200 feet before ending on River Street.

## Recreational Resources – Examples in Dover

- Cochecho River Walk
- Immigrants Park
- Joe Parks Riverwalk
- Guppy Park
- Henry Law Park
- Fish Ladder Park



The Bellamy River is another local tributary to the Piscataqua River which runs through Dover along Route 108. Running for approximately 15 miles, the river rises at Swains Lake in Barrington, flows east through the Bellamy Reservoir in Madbury before traveling through Dover and into the tidal river to Little Bay, the channel connecting Great Bay with the Atlantic Ocean. During the 19<sup>th</sup> and 20<sup>th</sup> century, a series of dams were installed to provide power for machinery at local mills.



The Cochecho River Dam is located adjacent to Fish Ladder Park on Central Avenue in downtown Dover. Located at the tidal limit of the Cochecho River, the Dam offers scenic views of the falls and New Hampshire Fish and Game fish ladder.

## Natural/Scenic Resources – Examples in Dover

- Bellamy River
- Cochecho River
- Cochecho River Dam



In 1883 the Mayor of Dover James E. Lothrop proposed a Public Library as part of his inaugural address. On January 14, 1884, the Dover Public Library opened its doors and recorded 2,300 borrowers in the first year. As the Library continued to grow, it changed locations three times before settling at the “Hale Lot” located on Locust Street in downtown Dover.



The Children’s Museum of New Hampshire is located on Franklin Pierce Highway (Route 108) at the Cochecho River Bridge adjacent to Henry Law Park and Rotary Arts Pavilion amphitheater. Occupying the site of the Dover Armory, the museum offers a variety of science, art and cultural experiences for children, educational institutions and families.

## Cultural Resources – Examples in Dover

- Children’s Museum of NH
- Woodman Institute Museum
- McConnell Center
- Dover Public Library

# PHYSICAL CONDITIONS

## Traffic Volume

During 2010 and 2011, on behalf of NHDOT and municipalities, SRPC collected traffic data at 17 points. It should also be noted that traffic tends to increase substantially in the fall due to student enrollment at the University of New Hampshire.

## Traffic Speed & Accident Data

In preparation for the corridor management plan for Route 108/Route 4 Byway, the Durham Police Department reviewed crash data and the citation history for the previous five (5) years. The data was sorted to its approximate location on the corridor and is depicted on the accompanying map and table.



	Speeding Citations & Warnings	Problematic Speeding Areas (highest frequency to lowest)	Collisions	Problematic Collision Areas (highest frequency to lowest)
2007	237	1) Durham Rd at Alumni Dr ( <b>524</b> ) 2) Portland Av at Atlantic Av ( <b>233</b> ) 3) Portland Av at Hancock St ( <b>126</b> ) 4) Durham Rd at Daley Dr ( <b>120</b> ) 5) Durham Rd at Dunns Bridge Ln ( <b>118</b> ) 6) Durham Rd at Adelle Dr ( <b>108</b> ) 7) Durham Rd at Bellamy Rd ( <b>105</b> )	164	1) Central Av (South) at Washington St/Henry Law Av ( <b>62</b> ) 2) Central Av at Locust St ( <b>62</b> ) 3) Central Av (South) at Orchard St ( <b>51</b> ) 4) Main St (North) at Washington St ( <b>50</b> ) 5) Central Av (South) at First St ( <b>39</b> ) 6) Central Av at Court/Church/Hanson St ( <b>38</b> ) 7) Portland Av at Rollinsford Town Line/Oak Street ( <b>36</b> )
2008	285		175	
2009	578		185	
2010	621		153	
2011	718		146	
<b>TOTAL</b>	<b>2439</b>		<b>823</b>	

# EXISTING ROAD SIGNS AND LEVELS OF SERVICE

- In December 2011, SRPC conducted a sign inventory for the entire Byway route. The inventory consists of geocoded points for all warning, regulatory, guide and directional signs along the corridor.



- Commercial enterprises within the proposed Mills Scenic Byway are clustered mainly in Downtown Dover and Newmarket.
- Additional signs along the corridor, aside from regulatory and warning signs, consist mostly of Guide Signs, Recreational & Cultural Interest signs and General Information Signs.

- SRPC conducted two inventories for the Byway to determine its level of service for both pedestrian and bicycle traffic.
- Utilizing the Sustainable Cities Institute LOS Calculator, assessments were generated that provide insight relative to pedestrian and bicyclist comfort and safety levels for all segments of the Byway.
- The calculator uses a series of variables such as shoulder width, road width, traffic volume and classification, pavement condition, speed limit and percentage of sidewalk to estimate a level of service for each roadway segment.







## For more information:

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Fax: (603) 994-3504  
Email: [kpimental@strafford.org](mailto:kpimental@strafford.org)

Strafford Regional Planning Commission  
150 Wakefield Street, Suite 12  
Rochester, NH 03867  
[www.strafford.org](http://www.strafford.org)



## Frequently Asked Questions

### **What is the difference between a scenic byway and a scenic road?**

#### Scenic Byway

*The New Hampshire Scenic and Cultural Byways Program was established in 1992 under RSA 238:19 - "... to provide the opportunity for residents and visitors to travel a system of byways which feature the scenic and cultural qualities of the state within the existing highway system..."*

*There are three categories of byways under the National Scenic Byways Program; two are nationally designated categories, the third is a state designation. All categories are eligible to apply for Federal Highway Administration Scenic Byway funds.*

#### Scenic Road

*Scenic Roads are local, town or city designations. These roadways are only recognized locally, cannot be on Class I or II roads, and are not specifically part of a statewide system.*

*Designation as a Scenic Road means that repair, maintenance, and reconstruction work to the roadway should not involve the cutting or removal of trees (defined as 15 inches in diameter or more) or the tearing down or destruction of stone walls without prior written consent of the planning board or board responsible for the local Scenic Roads program.*

### **Do municipalities have to sign any agreements with state and federal authorities as part of the byways application?**

*No; but the New Hampshire Scenic and Cultural Byways Program does look to municipalities to have a public process to involve citizens when considering the designation. Municipalities are asked to commit to having representatives on the local scenic byway committee who understand and represent the selectmen or town/city council members at local meetings. If going forward any municipality, non-profit, or other group applies for funding from the state program it is with the understanding that maintenance is the responsibility of the sponsor.*

### **Can this program lead to infringement on property owners?**

*No; the Scenic Byways is a grass roots program and is not a regulatory tool. Back in 1991 the NH legislature, to ensure that the program would not ever be changed in NH, wrote into law that the program would not infringe on property owners rights.*

*As defined in RSA 238:19 Scenic and Cultural Byways System - "...It is the intent of the general court that the scenic and cultural assets of the byways will be respected, that the rights of individual property owners shall be preserved, and that nothing in this subdivision shall be interpreted to preempt any land and zoning authority granted to municipalities under title LXIV."*

### **Are there any regulations that accompany this program?**

*Yes; as stated in RSA 238:24 Advertising Devices on Scenic and Cultural Byways - "Notwithstanding any provisions of law to the contrary, advertising devices as defined in RSA 236:70, I, shall not be erected on any primary system highway that has been designated as a scenic and cultural byway. Advertising devices erected before the effective date of this section may be maintained. On-premise signs, as defined in RSA 236:73, III, and directional, informational, or official signs, as defined under RSA 236:73, IV, may be erected and/or maintained."*

### **How do these regulations affect the City of Dover?**

*Simply put, they don't. The City of Dover already has a sign ordinance that is more stringent than what is required by the byways designation. Article IX Signs and Fences – Dover Zoning Ordinance states:*

- *"All SIGNS shall be located on the same LOT as the uses which they identify..."*
- *"All SIGNS shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way"*
- *"All SIGNS are prohibited within the right-of-way, except as otherwise provided..."*

### **What is a Corridor Management Plan?**

*A Corridor Management Plan is a written plan developed by the communities along a scenic byway that outlines how to protect and enhance the byway's intrinsic qualities and character that define their byway corridor. Corridor management plans address a wide variety of issues.*

*The level of detail in a corridor management plan is dependent upon its role in the community and the byway planning process. At the very least, a corridor management plan should identify and discuss the byway's intrinsic qualities, review the roadway's current condition and maintenance plans, explore visitor needs and expectations, and discuss how to promote the byway while protecting its outstanding features in the future.*

### **What is the purpose of the Corridor Management Plan?**

*The purpose of creating such a plan is to identify ways that the five communities can collaborate to strike a balance between promotion and protection of the Byway's resources. Although the plan will address the Byway corridor as a whole, it will not treat the route as a homogenous stretch of roadway. The plan's goal is just the opposite: to recognize that each community has its own character, history, development patterns, and goals for the future. At the same time, opportunities for cooperation and collective engagement are presented such that Byway travelers may have a connective experience along the route.*

### **Why is the study area for the corridor management plan a quarter-mile on either side?**

*Various planning departments and personnel, land use agencies, and contractors have generally used the ¼ mile study area in order to include the most immediate and influential businesses, residential areas, land cover and other attributes that are essential in completing a corridor study. The generally accepted best practice is that a quarter mile is a common threshold for corridor studies.*

# New Hampshire Scenic Byways Planning Program

## Section 238:13-18

**238:13 to 238:18 Repealed.** – [Repealed 1992, 160:4, eff. July 5, 1992.]

## Scenic and Cultural Byways System

### Section 238:19

#### **238:19 Purpose.** –

I. The scenic and cultural byways system is established to provide the opportunity for residents and visitors to travel a system of byways which feature the scenic and cultural qualities of the state within the existing highway system, promote retention of rural and urban scenic byways, support the cultural, recreational and historic attributes along these byways and expose the unique elements of the state's beauty, culture and history.

II. **It is the intent of the general court that the scenic and cultural assets of the byways will be respected, that the rights of individual property owners shall be preserved, and that nothing in this subdivision shall be interpreted to preempt any land and zoning authority granted to municipalities under title LXIV.**

III. It shall be a process of state and local identification of scenic and cultural byways that shall build a statewide system. However, nothing in this subdivision shall restrict a municipality from designating scenic byways within its jurisdiction, require that such designated scenic byways be nominated for inclusion in the New Hampshire scenic and cultural byways system, or require that the scenic and cultural byways council accept such locally designated scenic byway into the system.

**Source.** 1992, 160:1. 1995, 105:1, eff. July 15, 1995.

### Section 238:20

#### **238:20 Establishment of Scenic and Cultural Byways Council.** –

I. The scenic and cultural byways council shall consist of the following 15 members:

(a) Nine members appointed by the governor including one person representing regional planning, 3 persons representing municipalities, one person representing tourist and recreation interests, one person representing forests and lands, one person representing the utilities, one person representing the Outdoor Advertising Association of New Hampshire and one person representing the highway construction industry.

(b) The commissioner of the department of transportation, or designee.

(c) The commissioner of the department of resources and economic development, or designee.

(d) The director of the office of energy and planning, or designee.

(e) The director of the division of historic resources, or designee.

(f) One member of the house, appointed by the speaker of the house.

(g) One member of the senate, appointed by the senate president.

II. The terms of the members appointed by the governor shall be for 3 years, except that he shall appoint the initial members for terms of one, 2 and 3 years.

III. The council shall choose its chairman annually from among its members. The chair shall serve for no more than 2 consecutive one-year terms.

IV. Except as provided in this section, no state employee or member of any state commission, federal employee, or member of any federal commission shall be eligible for membership on the council.

**Source.** 1992, 160:1. 1995, 106:1, 2, eff. June 15, 1995. 2003, 319:9, eff. July 1, 2003. 2004, 257:44, eff. July 1, 2004.

## Section 238:21

### **238:21 Duties.** – The council shall:

I. Encourage towns and municipalities to designate scenic and cultural byways within their jurisdictions and to petition the council for the inclusion of these byways into the New Hampshire scenic and cultural byways system. Such inclusion shall enable the municipality to participate in federal funding that may be available under section 1047, Scenic Byways Program, of the Intermodal Surface Transportation Efficiency Act of 1991. The council may also propose a statewide network of connecting highways. Proposed connecting highways shall not be designated as scenic and cultural byways as defined and controlled under section 1047, Scenic Byways Program, of the Intermodal Surface Transportation Efficiency Act of 1991.

II. Develop the process for byways nomination and nomination criteria. Advise and consult with municipalities regarding the process of recommending municipal roads for inclusion in the scenic and cultural byways system.

III. Encourage and assist in fostering public awareness, understanding, and participation in the objectives and functions of the scenic and cultural byways system.

IV. Provide municipalities with tools and ideas for enhancement and protection of the scenic and cultural byways.

V. Review the byway system and report biennially to the governor and the general court upon the effectiveness of this subdivision and make recommendations. The reports shall indicate the status of all state and town designations and include a fiscal accounting of all moneys received and expended.

VI. De-designate a scenic and cultural byway at the request of the municipality or if its character changes in such a way that it no longer meets the criteria under which it was designated.

**Source.** 1992, 160:1. 1995, 105:2, eff. July 15, 1995.

## Section 238:22

### **238:22 Designation.** –

I. The council shall designate and de-designate scenic and cultural byways of the New Hampshire scenic and cultural byways system based on criteria which include, but shall not be limited to, the following:

(a) Possesses significant visible natural or cultural features along its border such as agricultural lands, farms, significant architectural attributes, historic sites, town and city centers, museums, cottage industries, panoramic views, vistas of marshes, shorelines or forests, or notable geological or other natural features.

(b) Accessible to natural and cultural features such as cultural facilities, historic sites, town and city centers, trails, lakes, rivers, streams, mountains, the seacoast, bike paths, agricultural land, parks, or protected lands that are open to the public, etc.

(c) Conforms to and does not detract from the landscape.

(d) Meets safety standards for the particular traffic encouraged.

(e) Is free from intensive commercial development and obstructive signage that would detract from the principal reason for its designation.

II. Designation of a state or local road or highway as a scenic and cultural byway under the provisions of this subdivision, and any general or special management criteria applicable thereto, shall not affect the operation, maintenance and expansion of existing public utility lines and facilities, or be construed to require any public utility to install any of its lines or facilities underground.

III. Under no circumstances shall a local scenic and cultural byway be designated without a public hearing conducted by the municipalities in the area.

IV. Nominations shall demonstrate local, private, and public support, and be reviewed to assess any traffic or other problems that may accrue to the designation as a scenic and cultural byway and propose a method to ensure the preservation and maintenance of the qualities of the scenic and cultural byway on which the nomination is based.

**Source.** 1992, 160:1. 1995, 105:3, eff. July 15, 1995.

### **Section 238:23**

#### **238:23 Funds. –**

I. The director of the office of energy and planning, with the advice of the commissioner of the department of transportation and the commissioner of the department of resources and economic development, is authorized to apply for and accept gifts, grants, donations and contributions from any source, public or private, in the name of the state and to provide for technical and administrative support consistent with the resources provided to the program under this section. Any moneys accepted shall be continually and solely appropriated for the purpose of this subdivision.

II. Any funds obtained under former RSA 238:18 and not expended shall be transferred for use under this section.

**Source.** 1992, 160:1, eff. July 5, 1992. 2003, 319:9, eff. July 1, 2003. 2004, 257:44, eff. July 1, 2004.

### **Section 238:24**

**238:24 Advertising Devices on Scenic and Cultural Byways. –** Notwithstanding any provisions of law to the contrary, advertising devices as defined in RSA 236:70, I, shall not be erected on any primary system highway that has been designated as a scenic and cultural byway, provided that:

I. The council shall remove any scenic and cultural byway designation, highway sections that:

(a) Have no scenic or cultural value; and

(b) Have been designated or would be designated solely to preserve system continuity.

II. Nothing in this section shall preclude the council from removing from any scenic and cultural byway designation, highway sections that are adjacent to property that is used for intensive commercial or industrial purposes. In this section, "intensive" means an area containing more than 5 zoned commercial or industrial activities located within one continuous mile.

III. Advertising devices erected before the effective date of this section may be maintained.

IV. On-premise signs, as defined in RSA 236:73, III, and directional, informational, or official signs, as defined under RSA 236:73, IV, may be erected and/or maintained.

**Source.** 1995, 106:3, eff. June 15, 1995.