

Highways to Summer Cottages

SUMMER MAINTENANCE ONLY

The name may sound confusing, but “highways to summer cottages” merely means a special type of Class V highway that is required to be kept open and maintained only between April 10 and December 10 and is exempt from being maintained at other times. [RSA 231:79](#). It is legally irrelevant whether any “cottages” exist, or what part of the year those cottages might be used. [RSA 231:80](#) requires “highways to summer cottages” to be marked with signs posted at their entrances, stating the times of the year when they are open and closed.

To avoid confusion on the part of the traveling public it may be better not to use the term “summer cottages” on the posted signs. A notation such as “summer highway only,” with the relevant dates, might be less confusing.

HOW ‘SUMMER’ STATUS IS CONFERRED OR REMOVED

The summer cottages law was so vague in the past that it was possible to argue (and one superior court did once decide) that “highway to summer cottages” status hinged on whether there existed any year-round buildings served by that highway. But not any more. The statute was rewritten in 1989, and now provides that the “summer” designation is not affected at all by changes in use of the land served by the highway. [RSA 231:81, III](#). Thus, if there are vacation homes served by a “highway to summer cottages,” the fact that owners decide to move in year-round does not automatically mean the municipality must do year-round maintenance.

Designation. A highway can attain “summer” status in two ways, according to [RSA 231:81, I](#):

- If the highway is already Class V, by a vote of the legislative body (town meeting in towns) to designate it as a “highway to summer cottages”
- By the selectmen, upon petition, using the same procedure as for a layout. See Chapter 2.

[RSA 231:81,II](#) provides that these same two options can also be used for deciding to reopen a summer highway to year-round use and maintenance. Although the law doesn’t indicate, it is likely that a discontinuance of a “highway to summer cottages” (or a discontinuance subject to gates and bars) would take the same procedure as for discontinuing any other Class V highway.