

AGREEMENT RE:
LIMITS OF MUNICIPAL
RESPONSIBILITY AND LIABILITY

AGREEMENT made this _____ day of _____, _____ by and between _____, of _____, in the County of _____ and State of _____, hereinafter referred to as PROPERTY OWNER, and the Town of Antrim, a New Hampshire municipal corporation with a principal place of business at Town Hall, Main Street, Antrim, New Hampshire 03440, hereinafter referred to as MUNICIPALITY.

WITNESSETH:

WHEREAS PROPERTY OWNER is the owner of a certain tract or parcel of land situate on _____, Antrim, in the County of Hillsborough and State of New Hampshire, which real estate was conveyed to OWNER by deed of _____ dated _____ and recorded in the Hillsborough County Registry of Deeds in Volume _____, Page _____; and

WHEREAS R.S.A. 674:41 (1983 Supp.) provides as follows:

674: 41 Erection of Buildings on Streets; Appeals.

I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674: 36, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:

(a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time; or

(b) Corresponds in its location and lines with:

(1) A street shown on the official map; or

(2) A street on a subdivision plat approved by the planning board;

or

(3) A street on a street plat made by and adopted by the planning board; or

(4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and in case of the planning board's disapproval, by the favorable vote required in RSA 674: 40; or

(c) Is a class VI highway, provided that:

(1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and

(2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds.

II. Whenever the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and when the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed streets, the applicant for such permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any municipality which has adopted zoning regulations, in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local legislative body, or to a board of appeals, whichever is appropriate in accordance with RSA 677, including the requirement for a public hearing. In a municipality which does not require building permits, direct application may be made to the zoning board of adjustment, or the local legislative body, or the board of appeals for permission to erect the building. In passing on such appeal or application, the board of adjustment, local legislative body, or board of appeals may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if the issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based, and if erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality. Any such decision made in this connection by a board of adjustment, local legislative body, or by a board of appeals pursuant to this section and RSA 677 shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

Source: 1983, 447:1, eff. Jan. 1, 1984.

AND WHEREAS the street giving access to PROPERTY OWNER'S lot, is a Class VI highway (or private right-of-way or driveway); and

WHEREAS the local governing body (Board of Selectmen) after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof;

NOW THEREFORE, the parties hereto agree as follows:

1. MUNICIPALITY neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and
2. Prior to the issuance of a building permit, OWNER shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded at the Hillsborough County Registry of Deeds.

IN WITNESS WHEREOF, We have hereunto set our hands this _____ day of _____, 19__.

Witness:

OWNER:

TOWN OF ANTRIM
By Its Selectmen

John J. Jones, Chairman

Katherine M. Ring

Rachel C. Reinstein