

FORMS FOR USE WITH WATERVILLE VALLEY SUBDIVISION REGULATIONS

INSTRUCTIONS FOR APPLICANTS

- Carefully read the most recent version of the Town of Waterville Valley (“Town”) Subdivision Regulations and Zoning Ordinance.
- Complete the appropriate application.
- Obtain the required plans to submit with your application. (None needed for Conceptual Consultation.)
- Compile abutters list containing the names and addresses of all abutters as indicated in Town records not more than five (5) days before the day you will file this application; names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions; and names and business addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any exhibit. (Not needed for Conceptual Consultation.)
- Application Fee: Include check or money order for application fee and cost of notices payable to the Town of Waterville Valley. (No fee for Conceptual Consultation.)
- Hand deliver your completed application with abutters list, fees and all required exhibits, to Rust Municipal Building or mail to Planning Board, Town of Waterville Valley, PO Box 500, Waterville Valley, NH 03215.

If you have any questions, please call 603-236-4730.

FORMS

- A. Request for Optional Pre-Application Review (*see Article IV*)
- B. Application for Lot Line Adjustment or Boundary Agreement (*see Section 8.02*)
- C. Application for Subdivision Approval
- D. Notice of Incomplete Application (*for Planning Board use*)
- E. Notice of Action (*for Planning Board use*)
- F. Subdivider Improvement Agreement template
- G. Notice of Merger (*See Section 8.01*) (*filled forms are recorded at the Grafton County Register of Deeds*)



REQUEST FOR OPTIONAL PRE-APPLICATION REVIEW

A meeting is hereby requested with the Town of Waterville Valley ("Town") Planning Board ("Board") for Pre-Application Review, pursuant to Town subdivision regulations. This discussion will not be binding upon either the applicant or the Board.

Request for: ☐ Conceptual Consultation ☐ Design Review
(submitted at least 10 days prior to meeting) (submitted at least 21 days prior to meeting)

TAX MAP & LOT number: _____

1. Applicant: _____

Mailing address: _____

Email: _____

Telephone: _____

2. Owner(s) of record if other than applicant: _____

Mailing address(s): _____

3. Property address: _____

Street that will provide access: _____

Lot size: _____ acres _____ square feet

4. Zoning district: _____

5. Description of proposal including proposed number of lots:



FOR DESIGN REVIEW ONLY, please also provide the following with the required fees:

6. **Abutters and others to receive public notice:** Attach a separate sheet listing the name, mailing address, and tax map number of all abutters, including those across a street or stream. Names should be those of current owners as recorded in the Town's tax records no more than five days prior to filing this application. Also include names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions; and names and business addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any exhibit.
7. Four paper copies of plans and a PDF shall be provided including the following information. Data may be tentative, but shall be sufficiently clear to show the land use plan. Maps shall be at a scale appropriate to the amount of detail required.
- Site survey map showing boundaries of subdivision area, topography, streams, existing features and tree lines; existing roads, structures and adjacent development; abutting septic systems and wells, and all wells subject to protective radius affecting the property.
 - A site location map locating the subdivision boundary and proposed streets in relation to at least two existing intersecting streets or other features shown on the base map.
 - Proposed lots or sites; landscaping; open space areas, large trees, attractive tree stands and natural areas proposed to be maintained.
 - Soils data showing results and location of any percolation tests and test pits undertaken if on-site wastewater disposal proposed.

_____	_____
<i>Applicant</i>	<i>Date</i>
_____	_____
<i>Applicant</i>	<i>Date</i>

BELOW THIS LINE FOR TOWN USE ONLY - FOR DESIGN REVIEW APPLICATIONS

Date application received: _____ Date abutters list received: _____

Processing fee received: \$ _____	By _____	Date _____
	<i>initial</i>	

Dates: <u>Abutters notices mailed</u> _____	<u>Notice posted in two places</u> _____
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Notice costs received: \$ _____	By _____	Date _____
	<i>initial</i>	

Notice costs received: \$ _____	By _____	Date _____
	<i>initial</i>	

Notice costs received: \$ _____	By _____	Date _____
	<i>initial</i>	

Date(s) of design review meeting(s): _____

APPLICATION FOR LOT LINE ADJUSTMENT OR BOUNDARY AGREEMENT

This form, all required information and fees must be filed at least 21 days before the meeting at which it is to be submitted to the Town of Waterville Valley ("Town") Planning Board ("Board"). File at Rust Municipal Building or by mail: Planning Board, PO Box 500, Waterville Valley, NH 03215.

PARCEL A

PARCEL B

TAX MAP & LOT number: _____

1. Owner(s): _____

Mailing address: _____

Email(s): _____

Telephone(s): _____

2. Agent (if applicable): _____

Mailing address: _____

Email: _____

Telephone: _____

3. Property address: _____

Street providing access: _____

Lot size now: _____ acres _____ acres

_____ square feet _____ square feet

Lot size after adjustment: _____ acres _____ acres

_____ square feet _____ square feet

Zoning district: _____



4. **Abutters and others to receive public notice:** Attach a separate sheet listing the name, mailing address, and tax map number of all abutters, including those across a street or stream. Names should be those of current owners as recorded in the Town's tax records no more than five days prior to filing this application. Also include names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions; and names and business addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any exhibit.

5. **Plat:** The plat shall be submitted in a format, material and size in accordance with the requirements of the Grafton County Registry of Deeds (GCRD), sufficient to clearly depict the details of the project. Space shall be reserved on the plat for endorsement by the Board. The following shall accompany the application:

- ☐ Two mylar originals (one for recording and one to be returned to applicant after approval)
- ☐ Four 22"x34" paper print copies
- ☐ Electronic PDF file
- ☐ One 11"x17" paper copy

A detailed survey plan shall include the following:

Applicant **Planning**
(✓) **Board** (✓)

- ☐ ☐ a. Name of municipality, names and addresses of owners and tax map numbers.
- ☐ ☐ b. Names and addresses of abutting property owners and tax map numbers.
- ☐ ☐ c. A site location (locus map) at the scale of the official map (1,000 feet to the inch) identifying exactly the location of the lots in relation to at least two existing streets and intersections and other major features shown on the Town tax maps.
- ☐ ☐ d. Existing and proposed lot lines, with new property lines labelled and lines to be removed dotted, with bearings and distances, prepared and stamped by a land surveyor licensed in the state of New Hampshire, prepared in accordance with the requirements for a Standard Property Survey (Urban) and Administrative Rules of the NH Board of Licensure for Land Surveyors, including lot dimensions, areas in square feet and acres. Distances shall be shown to the nearest 100th of a foot and bearing to the nearest 10 seconds. In the case of a large parcel owned by a single entity, the Board may waive survey requirements for a portion of the parcel if judged unnecessary to review the application.
- ☐ ☐ e. North point, bar scale, date, and dates of any revisions.
- ☐ ☐ f. Existing and proposed monuments.
- ☐ ☐ g. Location of all on-site wastewater disposal systems if any.
- ☐ ☐ h. Location of all wells, if any, including 75-ft protective radius.
- ☐ ☐ i. The plat shall contain the following statement:
"The property conveyed herein shall not be deemed or considered a separate lot of record, but upon the recording of this plat and the accompanying deed, shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record."

Applicant Planning

(✓) Board (✓)

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☐

j. Signature block stating:

"This plan shows a conveyance of land for the purpose of lot line adjustment and was approved by the Town of Waterville Valley Planning Board at an official meeting held on

_____.

Chair, Town of Waterville Valley Planning Board

Date"

In addition, the following may be required in order to demonstrate nonconformance with the Town Zoning Ordinance, Subdivision Regulations and any prior approvals:

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k. Boundaries of Zoning Districts; regulated shoreland; flood hazard areas; municipal boundary if any.

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l. Locations of all existing buildings.

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m. Building setback lines.

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n. Locations of existing driveways, easements and rights-of-way.

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o. Description of any deed restrictions pertinent to the application.

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☐

p. Locations of watercourses and wetlands. The existing and proposed percentage of open space relative to the lot size.

6. The Board may require such other information as deemed necessary to assure compliance with the Town Zoning Ordinance and Subdivision regulations and any prior approvals.

7. **Signatures:** I hereby declare that I have examined this application, including the accompanying exhibits, and to the best of my knowledge and belief, it is true and complete. By signing this application, I hereby authorize the Town of Waterville Valley Planning Board and its agents to access my land for the purpose of reviewing this application, including for the purposes of a publicly noticed site visit. I also hereby authorize the agent named above, if any, to represent me in matters before the Board pertaining to this application.

NOTE: If there are multiple owners, a valid application requires the signature of each owner.

Owner Signature(s)

Date

Parcel A

Parcel A



Owner Signature(s)DateParcel BParcel B**BELOW THIS LINE FOR TOWN USE ONLY**

Date application received: _____ Date abutters list received: _____

Processing fee received: \$ _____ By _____ Date _____
*initial*Dates: Abutters notices mailed _____ Notice posted in two places _____Notice costs received: \$ _____ By _____ Date _____
*initial*Notice costs received: \$ _____ By _____ Date _____
*initial*Notice costs received: \$ _____ By _____ Date _____
*initial*Planning Board dates: Submission of application _____Acceptance of submission as complete _____Decision by Planning Board _____

Approved: _____ Denied: _____ Approved with Conditions: _____

Conditions (or attach Notice of Action):

Precedent Subsequent(✓)
☐(✓)
☐☐☐☐☐☐☐Dates: Deeds received _____ Plat & deeds recorded _____

Grafton County Registry of Deeds (GCRD) plan #: _____ Book & page _____



APPLICATION FOR SUBDIVISION APPROVAL

This form and all required information and fees must be filed at least 21 days before the meeting at which it is to be submitted to the Town of Waterville Valley ("Town") Planning Board ("Board"). File at Rust Municipal Building or by mail: Planning Board, PO Box 500, Waterville Valley, NH 03215.

Application type: ☐ Minor subdivision ☐ Major subdivision ☐ PUD

TAX MAP & LOT number: _____

1. Owner(s): _____

Mailing address: _____

Email(s): _____

Telephone(s): _____

2. Agent (if applicable): _____

Mailing address: _____

Email: _____

Telephone: _____

3. Property address: _____

Street providing access: _____

Lot size: _____ acres _____ square feet

Zoning district: _____

4. Name of proposed subdivision: _____

Number proposed: _____ lots _____ units

Number proposed (if known): Single family Duplex Other



5. **Abutters and others to receive public notice:** Attach a separate sheet listing the name, mailing address, and tax map number of all abutters, including those across a street or stream. Names should be those of current owners as recorded in the Town's tax records no more than five days prior to filing this application. Also include names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions; and names and business addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any exhibit.
6. **Plat:** The subdivision plat shall be submitted in the following formats:
- ☐ Four 22"x34" paper print copies
 - ☐ Electronic PDF file
 - ☐ One 11"x17" paper copy

Maps shall be at a scale of not more than 100 feet to the inch (1:1200) and shall be of sufficient scale to clearly depict details of the project. The plat shall include or be accompanied by the following:

**Applicant Planning
(✓) Board (✓)**

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | a. Name of municipality and subdivision, project name and purpose, name and address of the subdivider; developers, designer, name and seal of engineer, if any. |
| <input type="checkbox"/> | <input type="checkbox"/> | b. Names and addresses of abutting property owners, tax map numbers. |
| <input type="checkbox"/> | <input type="checkbox"/> | c. A site location (locus map) at the scale of the official map (1,000 feet to the inch) identifying exactly the subdivision location and proposed street, if any, in relation to at least two existing streets and intersections and other major features shown on the Town tax maps. |
| <input type="checkbox"/> | <input type="checkbox"/> | d. Existing and proposed lot lines within the subdivision with bearings and distances, prepared and stamped by a land surveyor licensed in the state of New Hampshire, prepared in accordance with the requirements for a Standard Property Survey (Urban) and Administrative Rules of the NH Board of Licensure for Land Surveyors, including lot dimensions, areas in square feet and acres, consecutive numbering of lots. Distances shall be shown to the nearest 100th of a foot and bearing to the nearest 10 seconds. In the case of a large parcel owned by a single entity, the Board may waive survey requirements for a portion of the parcel if judged unnecessary to review the application. |
| <input type="checkbox"/> | <input type="checkbox"/> | e. North point, bar scale, date, and dates of any revisions. |
| <input type="checkbox"/> | <input type="checkbox"/> | f. Boundaries of zoning districts relative to the subdivision; regulated shoreland; flood hazard areas; municipal boundary if any. |
| <input type="checkbox"/> | <input type="checkbox"/> | g. Locations of all existing buildings in the subdivision and within 200' (two hundred feet) thereof. |
| <input type="checkbox"/> | <input type="checkbox"/> | h. Building setback lines. |

Applicant (✓) Planning Board (✓)

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | i. Locations of existing and proposed easements and rights-of-way. |
| <input type="checkbox"/> | <input type="checkbox"/> | j. Existing and future subdivision if any, in and adjacent to the subject subdivision, and identification of separate phases of development within the subdivision. |
| <input type="checkbox"/> | <input type="checkbox"/> | k. Description of all existing and proposed deed restrictions. |
| <input type="checkbox"/> | <input type="checkbox"/> | l. Locations of existing and proposed bicycle/pedestrian/recreation paths or of easements for the same. |
| <input type="checkbox"/> | <input type="checkbox"/> | m. Locations of existing and proposed open space, watercourses and wetlands, large trees, tree lines and tree stands, scenic points, rock outcroppings, other natural resources/areas, and manmade features. The percentage of open space relative to the lot size shall be designated on the plat. |
| <input type="checkbox"/> | <input type="checkbox"/> | n. Areas affected by 75 ft. protective radius for existing wells. |
| <input type="checkbox"/> | <input type="checkbox"/> | o. Soil types. |
| <input type="checkbox"/> | <input type="checkbox"/> | p. Location of Town sewer main to be utilized for wastewater disposal, or, where private on-site wastewater disposal systems are proposed, location and results of at least one test pit and percolation test per proposed lot with location suitable for on-site system. |
| <input type="checkbox"/> | <input type="checkbox"/> | q. Location of Town water main to be utilized for water supply, or where private well is proposed, location of potential well site with protective radius. |
| <input type="checkbox"/> | <input type="checkbox"/> | r. Existing and proposed contours at 5' (five-foot) intervals, extending 100 feet beyond subdivision boundary. |
| <input type="checkbox"/> | <input type="checkbox"/> | s. Existing and proposed driveways. |
| <input type="checkbox"/> | <input type="checkbox"/> | t. Existing and proposed monuments. |
| <input type="checkbox"/> | <input type="checkbox"/> | u. The subdivision plat shall contain the following statement:
"The subdivision regulations of the Town of Waterville Valley are a part of this plat, and approval of this plat is contingent upon completion of all the requirements of said subdivision regulations, excepting only any waivers or modifications made in writing by the Town of Waterville Valley Planning Board and attached hereto." |

Additional Requirements for Major Subdivisions

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | v. <u>Buildings</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | i. Location of all proposed buildings and other structures, including accessory buildings, e.g., bicycle sheds, garages, or maintenance enclosures, etc., in relation to topography. |
| <input type="checkbox"/> | <input type="checkbox"/> | ii. Number of proposed dwelling units, their shape, size, height, and capacity. |

Applicant (✓) Planning Board (✓)

☐☐

iii. Number of proposed dwelling units, their shape, size, height, and capacity.

☐☐

w. Streets and Parking Plan

i. Existing and proposed street right-of-way lines, widths of streets.

☐☐

ii. Proposed names of new streets.

☐☐

iii. Street profiles and cross sections.

☐☐

iv. Stations, radii, curve data, paving and shoulder widths, and grades for proposed streets.

☐☐

v. Accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots.

☐☐

vi. A statement of the work required on existing public streets to meet the minimum standards set forth in the Town Subdivision Regulations, including cost estimates and the method of meeting such costs.

☐☐

vii. Parking areas, with provision for snow removal or storage.

☐☐

x. Grading and Drainage Plan

i. Watershed areas and immediate and long-term drainage computations.

☐☐

ii. Identification, location, elevation, grades and contours at intervals of not more than 2' (two feet) (smaller interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.

☐☐

iii. The identification and relative location of proposed temporary and permanent stormwater, soil erosion and sediment control measures and structures.

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iv. Drawings and specifications for each proposed stormwater, soil erosion and sediment control measure and structure in accordance with guidelines acceptable to the Town.

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v. Drawings, details, and specifications for proposed flood hazard prevention measures and structures.

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vi. Slope stabilization details and specifications.

☐☐

vii. A timing schedule indicating the anticipated start and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.

**Applicant Planning
(✓) Board (✓)**

y. Utilities Plan

☐☐

Existing and proposed plans for telephone, electric, water supply facilities, sewage disposal, and if applicable, cable and internet. It is specifically requested that developers determine in consultation with both Town and utility officials the most appropriate location for lines, equipment and pedestals.

z. Landscaping Plan

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i. A landscape plan showing location and species of new plantings, lawn areas and pedestrian walkways, in addition to existing features to be retained.

☐☐

ii. A plan for lighting and signage within the subdivision if applicable.

☐☐

iii. Location and proposed screening method for all exterior mechanical/electrical equipment, waste receptacles and other outdoor storage areas.

7. **Waivers:** List of any waivers requested with explanation of how the request is consistent with the requirements of Section 6.02 of the Town Subdivision Regulations.

ADDITIONAL MATERIAL

8. The Board may require such additional information which the Board deems necessary in order to apply the Town Subdivision Regulations, including but not limited to:

☐

Town planner review

☐

Traffic impact analysis

☐

Engineering review

☐

Review of legal documents

☐

Environmental impact review

9. Final approval if granted will be contingent on the receipt of all required local and state permits and approvals including but not limited to:

☐

NHDOT driveway

☐

NHDES dredge and fill

☐

Town driveway

☐

NHDES shoreland

☐

NHDES alteration of terrain

☐

Municipal services department

10. Additional material required prior to final approval may include but not be limited to:

☐

Will serve letters from utilities

☐

Performance guaranty

☐

Subdivider's improvement agreement

☐

Inspection fees

11. **Signatures:** I hereby declare that I have examined this application, including the accompanying exhibits and to the best of my knowledge and belief, it is true and complete. In consideration of approval and the privileges accruing thereto, I hereby agree/certify:



1. That this application is correctly completed with all required attachments and requirements and that any additional costs for engineering or professional services incurred by the Town of Waterville Valley ("Town") Planning Board ("Board") in the review of this application shall be borne by the applicant.
2. The Agent named above, if any, is authorized to act on my behalf for the purposes of this application.
3. To carry out the improvements agreed upon and as shown and intended by the plat, including any work made necessary by unforeseen conditions, which become apparent during construction.
4. That all streets are private until accepted by the Town.
5. To give the Town proper deeds for land or easements reserved on the plat for streets, drainage, etc., as agreed upon.
6. To make no changes whatsoever in the plat as approved by the Board unless the Board approves a revised plat or a plat of re-subdivision.
7. To hold the Town harmless from any obligation it may incur or repairs it may make, because of the applicant's failure to carry out any of the foregoing provisions.
8. To grant access to the Board and its agents to access my land for the purpose of reviewing this subdivision application, including for the purposes of a publicly noticed site visit, for performing any inspections deemed necessary by the Board or its agents, to ensure conformance of the on-site improvements with the approved plan and all other applicable ordinances and regulations.

Owner

Date

Owner

Date

BELOW THIS LINE FOR TOWN USE ONLY

SUBMISSION OF APPLICATION

Date application received: _____ Date abutters list received: _____

Processing fee received: \$ _____ By _____ Date _____
initial

Dates: Abutters notices mailed _____ Notice posted in two places _____

Notice costs received: \$ _____ By _____ Date _____
initial

Notice costs received: \$ _____ By _____ Date _____
initial

Notice costs received: \$ _____ By _____ Date _____
initial

Planning Board dates: Submission of application _____

Acceptance of submission as complete _____



If Board requests additional material, attach notice to applicant to this form.

PUBLIC HEARING

Dates: Abutters notices mailed Notice posted in two places

Notice costs received: \$ _____ By _____ Date _____
initial

[illegible]

Date of public hearing: _____ Date hearing continued: _____

OUTSIDE REVIEWS

Reviewer 1: _____ **Estimated cost:** _____

Billed to applicant: Billed \$ _____ Received \$ _____ By _____ Date _____
initial

Paid to reviewer: \$ _____ Date _____ \$ _____ Date _____

\$ _____ Date _____ \$ _____ Date _____

Reimbursed to application: \$ _____ Date _____

Reviewer 2: _____ **Estimated cost:** _____

Billed to applicant: Billed \$ _____ Received \$ _____ By _____ Date _____
initial

Paid to reviewer: \$ _____ Date _____ \$ _____ Date _____

\$ _____ Date _____ \$ _____ Date _____

Reimbursed to application: \$ _____ Date _____

Reviewer 3: _____ **Estimated cost:** _____

Billed to applicant: Billed \$ _____ Received \$ _____ By _____ Date _____
initial

Paid to reviewer: \$ _____ Date _____ \$ _____ Date _____

\$ _____ Date _____ \$ _____ Date _____

Reimbursed to application: \$ _____ Date _____



INTERNAL REVIEWS

- ☐ Sewer design
☐ Water design

- ☐ Solid waste container placement
☐ Fire chief

DECISION

Planning Board dates: Decision by Planning Board

Approved: _____ Denied: _____ Approved with Conditions: _____

Conditions (or attach Notice of Action):

Precedent Subsequent

(✓)

(✓)

☐☐☐☐☐☐**PRIOR TO SIGNING AND RECORDING FINAL PLAT**

- ☐ All fees paid
☐ All local and state permits/approvals received
☐ All conditions precedent have been met in accord with notice of action
☐ Acknowledgement of subdivider's responsibility on land to be dedicated for public use
☐ Subdivider's agreement signed

Performance guaranty depository: _____

Performance bond rec'd: \$ _____ By _____ *initial* Date _____

Letter of credit received: \$ _____ By _____ *initial* Date _____

Maintenance bond depository: _____

Maintenance bond rec'd: \$ _____ By _____ *initial* Date _____

Easements and/or rights-of-way (or attach a separate document):

_____ Date _____

_____ Date _____

_____ Date _____



RECORDING

Grafton County Registry of Deeds (GCRD) plan #: _____

Date Plat & deed recorded: _____ Book & page for notice of action _____

DURING CONSTRUCTION

Extension of time for completion beyond 2 years:

Date of Board meeting: _____ Date extension expires: _____

Date of Board meeting: _____ Date extension expires: _____

Performance Guaranty

- ☐ Construction of public streets, public improvements, drainage and/or other utilities off-site completed in accord with approved Plat and Notice of Action
- ☐ Damage to existing streets, utilities and other public improvements restored
- ☐ Site cleaned up and adequately landscaped
- ☐ Erosion and stormwater management in place and working properly
- ☐ Project as-built plans received

Date of release: _____ Amount of release: _____

Date of release: _____ Amount of release: _____

Date of release: _____ Amount of release: _____

Inspection Fees

Date expended: _____ Amount expended: _____

Date expended: _____ Amount expended: _____

Date expended: _____ Amount expended: _____

Additional fees invoiced: _____ Amount reimbursed: _____ (to applicant if any)

Maintenance Bond

Date: _____ Amount: _____

Date expended: _____ Amount expended: _____

Date released: _____ Amount released: _____



NOTICE OF INCOMPLETE APPLICATION

You are hereby notified that the application by _____
Applicant(s)

to subdivide land located on the tax map at _____,
Tax map & lot number

at _____ in the Town of Waterville
Street address

Valley, NH has been found to be incomplete by majority vote of the members of the Town of Waterville
Valley Planning Board ("Board") on _____.
Date of meeting

The following additional information is required:

Once this information is submitted to the Board at a regular meeting of the Board for which proper notice has been given, and is found by the Board to be satisfactory, the Board will then begin review of your application and schedule a public hearing.

Planning Board Chair or Secretary *Date*



SUBDIVIDER IMPROVEMENT AGREEMENT

Agreement made this _____ day of _____, 20_____, by and between _____ (name) of _____ (town), county of _____, state of _____, ("Developer") and the Town of Waterville Valley, a New Hampshire municipal corporation situated at Rust Municipal Building, Waterville Valley, County of Grafton, State of New Hampshire, ("Town").

WHEREAS, the Developer has applied to the Town of Waterville Valley Planning Board ("Board") for approval of a subdivision plan of property located in Waterville Valley, as shown on a plan titled "_____" dated _____ ("the Subdivision Plan").

WHEREAS, the subdivision will require the installation of certain improvements to be installed by, and at the expense of, the Developer; and

WHEREAS, the Developer seeks to obtain approval of the subdivision under RSA 674:36 and Waterville Valley Subdivision Regulations while providing satisfactory surety for the performance of these obligations and proposes to complete these obligations under this Agreement as a Condition of Subdivision Approval.

NOW THEREFORE, in consideration of the mutual terms and conditions hereinafter set forth, Developer and Town agree as follows:

- a. **General Compliance.** Developer agrees to abide by all requirements of the Waterville Valley Subdivision Regulations as they pertain to subdivision of this property. Developer agrees to install all improvements and take all other actions required by the Waterville Valley Subdivision Regulations and as shown on the Subdivision Plan whether or not the installation of said improvements and performance of said obligations are secured under this Agreement.
- b. **Secured Improvements.** Developer's performance with regard to installation and construction of the improvements shown on the Subdivision Plan that are described in this section shall be secured in the manner provided by this Agreement. The improvement for which surety of performance is required is as follows:

- c. **Nature of Work.** All improvements, whether secured or not, shall be made in accordance with the specifications and requirements of the Town as specified in the Waterville Valley Subdivision Regulations, the plans, drawings and specifications approved by the Board in association with the developer's application for subdivision approval, the Waterville Valley Municipal Services Water/Sewer Regulations, and the Waterville Valley Highway Department Regulations.

- d. **Timing.** Developer shall commence installation and construction of improvements no later than _____ days after approval by the Board. Installation and construction shall proceed in a timely fashion, according to the schedule affixed hereto as Exhibit 1, and in accordance with the following requirements:
1. Installation and construction shall be performed in a proper, workmanlike manner and in full compliance with Town requirements, approval conditions, and approved plans, drawings and specifications. Developer shall be responsible for appropriate stabilization and restoration of the area during and after construction.
 2. Developer shall work with the Town Water and Sewer Superintendents and Code Compliance Officer to assure compliance with the requirements, conditions, and specifications. The Town may engage an independent engineer to inspect for compliance with costs thereof being borne by the Developer.
- e. **Surety.** Developer shall tender and Town will accept, prior to the commencement of construction and recording of conditional approval, as surety for the satisfactory completion of Developer's obligations under this agreement, a Performance Bond or a Letter of Credit properly endorsed to the Town, satisfactory in form and substance to the Town and subject to the following terms and conditions:
1. Upon receipt of a certificate of satisfactory completion of obligations under this Agreement to be submitted by the Board, Developer shall be released from further obligation under this agreement, except as otherwise provided, and the surety may be released. Obligations of the Developer under the subdivision approval and in accordance with the subdivision documents reviewed by the Board shall continue as stated in those documents.
 2. The surety shall be partially released as portions of the construction are satisfactorily performed in accordance with RSA 674:35, II (b). The schedule of values for partial release shall be as set forth in Exhibit 2.
 3. Upon failure of Developer to satisfactorily and timely perform its obligations under this Agreement, the Town, after notice to the Developer, may withdraw from the surety so deposited such amounts as it requires in accordance with the following procedures:
 - i. Town shall notify Developer of any asserted failure of performance. If Developer does not satisfactorily remedy the failure within 30 days after notice, the Town, by its Board or other designee, may utilize the surety for payment of costs associated with correcting the failure to perform. In matters determined by the Board to immediately concern public health or safety, the 30-day period for remedial action may be waived with such notice as may be appropriate under the circumstances.
 - ii. Failure to perform, as used in this paragraph, includes failure to comply with the requirements and conditions referred to in this Agreement, or to timely carry out the responsibilities for construction of improvements under this Agreement. Work interruptions caused by acts of God, labor disputes or other causes beyond the control of the Developer shall cause said period to be extended by the period of any such interruptions.

- iii. If Town received notice or has reason to believe that the surety may be revoked, rescinded, or otherwise placed in jeopardy, after reasonable notice to Developer, and if Developer does not provide adequate replacement surety approved by the Board, the Town may draw on the then existing surety for such amounts as it deems necessary to protect the Town's interest.
- iv. The surety shall be in an amount not less than \$ _____ and shall be released upon certification of completion of the improvements as satisfactory by the Board or its designee and upon final approval of the Subdivision Plan, following a public hearing. The full amount of the surety may be so released subject to replacement by a maintenance bond in the amount of \$ _____ to be kept in force for two years following final approval. Drawing upon the maintenance bond shall be in the same manner as is provided for drawing on construction surety. Any unused balance shall be released at the expiration of the 2-year period.
- f. **Acceptance of Road.** In accordance with RSA 674:38, approval of the subdivision and construction of the road does not constitute or result in acceptance of the road by the Town. If Developer seeks to have the road become a Town road, it may become a Town road only by acceptance or layout in accord with applicable law.
- g. **Inspection.** The Town may at any time inspect the work to ensure that it is being performed in compliance with this Agreement. The Town shall, upon receipt of notice from the Developer that it believes the work has been completed in compliance with this Agreement, inspect the work.

Drawing upon the performance surety shall not be deemed the exclusive remedy that the Town may exercise and the Town is not limited by the dollar limit of such surety in seeking other relief.

This Agreement constitutes the entire agreement of the parties relative to its subject matter and may not be modified except by a written notice duly executed by the authorized agent of each party.

This Agreement is binding upon the heirs, successors and assigns of the parties.

This Agreement shall be construed under New Hampshire law. The parties, including any surety providing bond or letter of credit for the Developer, agree that any action under this Agreement shall be brought and pursued in a Court of Law located in New Hampshire.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date indicated.

_____ <i>Developer</i>	_____ <i>Witness</i>	_____ <i>Date</i>
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IN WITNESS WHEREOF, the Town of Waterville Valley has executed this document by its Planning Board on the date indicated.

_____ <i>Town Manager</i>	_____ <i>Witness</i>	_____ <i>Date</i>
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NOTICE OF MERGER

Pursuant to RSA 674:39-a, the owner(s) of the following described lots located in the Town of Waterville Valley, Grafton County, New Hampshire, have merged for municipal planning and assessment purposes.

PARCEL A Parcel Number _____ - _____ - _____ *Book* *Page* *Plan # if any*

Street address

PARCEL B Parcel Number _____ - _____ - _____ *Book* *Page* *Plan # if any*

Street address

The undersigned agree(s) that:

1. This request is subject to approval of the Town of Waterville Valley Planning Board ("Board") to assure such merger does not violate the Waterville Valley Ordinances and Regulations.
2. Upon approval, a copy of this agreement shall be recorded with the Grafton County Registry of Deeds.
3. The owner shall not separately convey or encumber any of the previously existing parcels. Any attempt to separately convey any parcel, or part of a parcel, submitted hereunder shall require subdivision approval from the Board.
4. Consent has been obtained from any person(s) holding mortgages, liens, encumbrances, or other interests in said lots and is attached hereto.
5. I/we are the sole owners of the above listed properties.

Owner signature

Owner signature

Owner name, printed

Owner name, printed

Mailing Address: _____

Approved by the Board pursuant to RSA 674:39a on _____.

In approving this Voluntary Lot Merger, the Board has not reviewed or considered compliance with private covenants, encumbrances, or other requirements/restrictions applicable to the property. The property owner is solely responsible to assure that this merger does not violate any applicable restrictions or requirements.

WV Planning Board Chair signature

Name, printed

Date

cc: Planning Board Files, Registry of Deeds, Assessor, Tax Collector, Property Owner(s)

