Town of Springfield
2750 Main Street,
PO Box 22
Springfield, NH 03284-0122

NOTICE OF THE LIMITS OF MUNICIPAL RESPONSIBILITY AND LIABILITY FOR A PRIVATE ROAD IN CONNECTION WITH A ZONING PERMIT APPLICATION PURSUANT TO RSA 674:41, I(d)

NOW COMES ______________________ ("OWNER") of ______________________ and the TOWN OF SPRINGFIELD, New Hampshire ("TOWN"), a municipal corporation existing under the laws of the State of New Hampshire, and agree as follows:

WHEREAS, OWNER possesses certain real property fronting on ______________________, as stated in deed recorded at Book __________, Page __________ at the Sullivan County Registry of Deeds, and as identified on the TOWN Property Tax Map No. __________ as Lot No. __________ (the "PARCEL"); and

WHEREAS, the relevant portion of said ______________________ (the "PRIVATE ROAD") upon which the OWNER's real property fronts is a Private Road, which is not an approved "street" pursuant to RSA 674:41, I(b); and

WHEREAS, the Town of Springfield Board of Selectmen, after review and comment by the Springfield Planning Board, on August 28, 2017, adopted a policy pursuant to RSA 674:41, I(d) permitting buildings upon Private Roads; and

WHEREAS said OWNER's construction shall also comply with all other applicable Regulations and Ordinances; and

WHEREAS the TOWN and OWNER on behalf of themselves, their heirs, legal representatives, successors and assigns, covenant and agree as follows:

1. The TOWN shall allow OWNER to construct a ______________________ pursuant to a zoning permit issued by the TOWN on the OWNER's property on the PRIVATE ROAD, the said permit to be issued and on file at the Offices of the Town of Springfield, 2750 Main Street, Springfield, New Hampshire, and with compliance with the details of said permit being acknowledged as conditions of this approval; and

2. The TOWN neither assumes responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of the PRIVATE ROAD; and

3. The OWNER does hereby acknowledge that, pursuant to State statutes including but not limited to RSA 674:41, I(d)(2) and RSA 231:93, the TOWN, its officers, agents, and employees shall NOT assume any responsibility nor legal obligation for maintaining the PRIVATE ROAD and are not, as well as shall not be, liable under any claim of any nature, whether in tort or otherwise, which OWNER might have against the TOWN for any loss or damage, arising out of the condition of the private
roadway or the TOWN’s lack of responsibility for construction or maintenance of said roadway, including any claim grounded in the TOWN’s failure to provide municipal services, including police, fire, ambulance and/or other emergency response services, resulting from the condition or lack of maintenance of the said roadway; and

4. The OWNER agrees that all maintenance of the PRIVATE ROAD shall be at his/her/their expense or at the expense of themselves and other owners of property similarly located on or served by the PRIVATE ROAD; and

5. This approval shall remain valid until the Board of Selectmen shall REVOKE such APPROVAL and OWNER is provided with Notice of such revocation; and

6. The OWNER assumes all responsibility for transporting any children to the nearest regular school bus stop; and

7. The OWNER assumes all responsibility for transporting any rubbish to the appropriate transfer station or point of regular rubbish collection, noting that currently the TOWN does not provide rubbish collection to residents and, if, in the future the TOWN elects to provide rubbish collection services, such services will not be offered to any resident on a private roadway; and

8. This approval by the TOWN is made in connection with the issuance of the stated zoning permit shall expire one (1) year from the recorded date of this document unless prior to that date the stated zoning permit is obtained; and

9. That in addition to the above, the Board of Selectmen have approved the construction described above, subject to specific condition(s) as follows: _______________________________

10. This Acknowledgment is signed and executed by the OWNER prior to the issuance of a zoning permit by the TOWN and this document shall be recorded in the Sullivan County Registry of Deeds and within OWNER’s chain of title concerning the subject property from which said Acknowledgment shall be binding upon the OWNER as well as all future owners, heirs, executors, administrators, successor and/or assigns.

EXECUTED this ______ day of _______________________.

OWNER

STATE ON NEW HAMPSHIRE
COUNTY OF SULLIVAN, SS

On this ______ day of _______________________, before me, _______________________, the undersigned officer, personally appeared _______________________, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal

Notary Public/Justice of the Peace
My Commission Expires:

TOWN OF SPRINGFIELD BOARD OF SELECTMEN

By _______________________

Ver.09252017