

TOWN OF BELMONT
WAIVER OF MUNICIPAL LIABILITY FOR CLASS VI or PRIVATE HIGHWAY
(CLASS VI BUILDING PERMIT APPLICATION
PURSUANT TO RSA 674:41,I(c)(2)&(3))

Permission of the Board of Selectmen and recording of the required Waiver are necessary for proposed construction on Class VI and private highways. Please refer to the Belmont Zoning Ordinance, definition of Frontage, which requires that vehicular access be by frontage located on a State Highway, Class V Town street, or an approved private street.

These instructions are intended as a brief synopsis of the application requirements. For additional information refer to the applicable Statute and contact the Town Administrator's or Land Use Offices. The Applicant is responsible to provide all information necessary for the review and action on this application. The application will be reviewed by the Town Administrator and Land Use and Public Works staff for comment to the Selectmen. Each application will be weighed on its individual merits. There is no application fee for the Waiver process.

As part of said review, at a minimum consideration shall be given to the following issues:

Environmental Impact

Current issues impacting the road/area including road access, dumping, etc.

Existing condition of road – any improvements necessary or proposed

Status of any permits necessary for proposed work (Town permit to Work in ROW, NH DES, etc.)

Existing area development

Future development impacts

Utilities

Are all other applicable Land Use permits for the proposed use in place

Does the proposal impact other communities

Is the permit being requested as part of a current or future building proposal

Applications shall include:

1. Three copies of the application form and all additional documents/photos/information.
2. Photos documenting the existing road condition.
3. Full description of any proposed road work.
4. Copies of all applicable permits.
5. Copy of current recorded property ownership deed(s) and existing easement deed(s).
6. Survey plan or tax map sketch showing road, property, proposed access & structure locations.

Once a completed application has been submitted and the Town Administrator and Land Use and Public Works staffs have commented, the Board of Selectmen shall review and act on the application. Denials shall be issued in writing and include the basis of the denial. If approved, the Town shall produce the necessary Waiver document. The document shall be signed by the property owner and returned to the Town for signature of the Board of Selectmen. The document shall be recorded by the Town at the expense of the property owner.

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APPLICATION MUST BE TYPED OR PRINTED LEGIBLY IN PEN

Owner: _____ Tele: _____ Fax: _____ e-mail: _____

Contact Name: _____ Mailing Address: _____

Agent: _____ Tele: _____ Fax: _____ e-mail: _____

Contact Name: _____ Mailing Address: _____

Agent/Other: _____ Tele: _____ Fax: _____ e-mail: _____

Contact Name: _____ Mailing Address: _____

Address of Property: _____ Zoning District(s): _____ Tax Map/Lot #(s): _____

Total area: _____ (acres) Acres in Current Use: _____ (Indicate area on plan)

Describe in detail all **existing** uses & structures on the subject property: _____

Describe in detail all **proposed** uses, structures, construction or modifications: _____

Describe existing condition of Class VI/Private Highway (attach photos of road surface, intersections and drainage): _____

Describe any repairs/modifications/upgrades proposed for Highway: _____

Identify other properties accessing onto Highway and whether they are developed: _____

Describe existing/proposed utilities to your property (electric, sewer, etc.): _____

Who will maintain passable and safe access to subject property: _____

Describe any Variances that have been granted on this property: _____

List all Mortgage/Lienholders (name & mailing address): _____

STATEMENT OF ASSURANCE

As owner of the property, I hereby certify that to the best of my knowledge this information is valid and that there is no existing or proposed violation of the approved ordinances, codes, and/or regulations of the Town of Belmont. I authorize the Members of the Board or their staff to enter onto my property for the purposes of this review. By application for this permit, I understand that:

1. Upon approval by the Town a Waiver signed by the Owner on behalf of themselves, their heirs, legal representatives, successors and assigns is required.
2. The Town will neither assume responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of the Road; and
3. The Owner must agree that at their expense or at the expense of themselves and other owners of property similarly located on the road shall be responsible for maintaining access to the subject property in a good and passable condition; and
4. The Owner must forever release and discharge the TOWN, its officers, agents and employees from the obligation of maintaining the road and from any claim of any nature, whether in tort or otherwise, which the owner might have against the TOWN for any loss or damage, including those incurred through failure to provide municipal services, including police, fire and ambulance services, arising out of the condition of the roadway from the point wherein the road is a Class VI/Private Highway; and
5. That the owner will be required to obtain a permit from the Board of Selectmen for certain work within the highway ROW; and
6. That the legal status of the road shall not be impacted by the approval of this application and that the owner shall not act to prohibit or obstruct any authorized use of the road; and
7. That for Class VI highways, the Board of Selectmen retains full authority to regulate the public use of the highway, including use by the Owner and the erection of unlocked gates or bars; and
8. That the owner assumes responsibility for transporting any children to the nearest regular school bus stop; and
9. That the owner assumes responsibility for transporting any rubbish to the nearest point of the regular rubbish collection route; and
10. That any approval by the Town may include an expiration date under certain circumstances; and
11. That other conditions may be applied by the Board of Selectmen to an approval of this application.

Date

Signature of Owner