



TOWN OF RAYMOND

Community Development Department
Office of Planning & Zoning
4 Epping Street
Raymond, NH 03077

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MEMORANDUM

To: Board of Selectmen
From: Christina McCarthy, Assistant Planner
Date: January 27, 2020
Re: Miendl Road Request for a Building Permit

 COPY

There is a building permit request on Miendl Road, a private road.

1. Chris Evans, Tuckaway Shores Development, LLC for Map 41/Lot 48 on Miendl Road

Issuance of building permits on a private Road requires permission from the Board of Selectmen:

- The process laid out by RSA 674:41 is required. This is the same process that was used in 2018 for requests for building permits on Branch Road.
 - the Planning Board issues a recommendation to the Board of Selectmen and the Selectmen have the final say as to whether or not the Town issues a building permit.
- On December 19, 2019, the Planning Board issued a recommendation to the Board of Selectmen that the building permit be issued, with one condition:
 - If the Board of Selectmen vote to issue the permit, the applicant is required to sign and record an Agreement and Release Regarding Building Permit for Property Abutting a Class VI Road (a recorded document which removes liability from the Town in the case that it is not able to respond to an emergency at the property);

Please see the attached motions and the Agreement and Release Regarding Building Permit for Property Abutting a Private Road.

 COPY

Draft Motion to Approve Issuance of a Building Permit for Miendl Road (Private Road)

I make a motion to approve issuance of a building permit for Tax Map 41, Lot 48, located at Miendl Road, a Private Road. This approval is contingent upon the following condition being met:

1. Prior to issuance of a building permit, Owner shall sign the attached Agreement and Release Regarding Building Permit for Property Abutting a Class VI/Private Road. The Town of Raymond will record said document at the Rockingham Registry of Deeds;

Motion Seconded by: _____

Selectman	Yes	No	Abstained
George Plante, Chairman			
Scott Campbell, Vice Chair			
Jack Barnes			
Chris Long			
Kathy Hoelzel			

 CONF

TOWN OF RAYMOND, NEW HAMPSHIRE

Agreement and Release Regarding
Building Permit for Property Abutting a Class VI Road

NOW COME **Chris Evans of Tuckaway Shore Development, LLC.** (hereinafter referred to as “owner”) with a residential address of **13 Ferry Rd Bow, NH 03304** and the Town of Raymond, New Hampshire (hereinafter referred to as “Town”), a municipal corporation existing under the laws of the State of New Hampshire with an address of 4 Epping Street, Raymond, NH 03077, and agree as follows:

WHEREAS, owner owns certain real property (**Tax Map 41, Lot 48**) which abuts **Miendl Road**, conveyed to said owner by a Deed recorded at **Book 6041, Page 2079** at the Rockingham County Registry of Deeds; and

WHEREAS, the relevant portion of said **Miendl Road** upon which owner’s real property fronts is a Class VI/ Private Road, so that the owner’s property is therefore subject to the building restrictions imposed under RSA 674:41;

NOW THEREFORE, the Town and owner on behalf of themselves, their heirs, legal representatives, successors and assigns, as approved by the Raymond Board of Selectmen in accordance with RSA 674:41, I(c) on January 27, 2020, after receipt of a recommendation by the Raymond Planning Board, covenant and agree as follows:

1. The Town shall allow owner to construct a single-family residence on the property identified above subject to the terms and conditions of a building permit to be issued by the Town.

2. The parties understand and agree that Town assumes no responsibility for maintenance, including but not limited to snowplowing, of said **Miendl Road**, and no liability for any damages arising from the use of said road.

3. Owner agrees to be responsible for maintaining access to the subject property and does hereby forever release and discharge the Town, its officers, agents and employees: (1) from the obligation of maintaining said **Miendl Road**; and (2) from any loss, damage, claim or expense of any kind or nature whatsoever arising directly or indirectly from the condition of

said road, including but not limited to any loss, damage, claim or expense arising from failure to provide any municipal services such as police, fire and ambulance services.

4. Owner hereby assumes responsibility for transporting any children who may now or in the future reside on the property to the nearest regular school bus stop.

5. The parties understand and agree that this Agreement and Release shall be recorded at the Rockingham County Registry of Deeds before the building permit is issued, as required under RSA 674:41, I(c)(3).

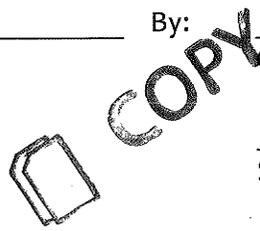
IN WITNESS WHEREOF the parties have hereunder set their hands this _____ day of _____, 2018.

Witness: (Owner)

Witness: (Owner)

TOWN OF RAYMOND

Witness: By: George Plante, Chairman, Board of Selectmen



Scott Campbell, Vice Chairman

Jack Barnes

Chris Long

Kathy Hoelzel