

Appendix C

Legal Requirements

Section 1. Legal Data Required

Where applicable to a specific subdivision, the following are required of the subdivider in a form acceptable to the Town Attorney and the Board, prior to approval of the final plat:

- A. Agreement to convey to the Town land to be used for streets, open space and other public purposes, with transfer of title of such interests to be effective on such date as the Town accepts such land;
- B. Easements and right-of-way over property to remain in private ownership;
- C. Rights for drainage onto or across other property, whether public or private, including a street;
- D. Performance bond, described in Section 3 hereafter;
- E. Public liability insurance for public improvements as required by the Board, with the Town as the named insured shall be provided to cover any period prior to completion of construction or prior to official layout or approval by the Town.

Section 2. Performance and Maintenance Bonds

- A. No subdivision plat filed with the Board shall be approved until the subdivider shall have filed with the Board an engineer's estimate of costs for streets, public improvements, drainage structures and other utilities or improvements together with maps, plans, and supporting data, accompanied by either:
 - 1. A surety bond issued by a surety company authorized to do business in New Hampshire, to be filed with the Board in form and amount satisfactory to the Board.
 - 2. Cash, certified or bank check or savings bank book properly endorsed to the Town, in an amount to be determined by the governing body, and to be deposited with it;
 - 3. The amount of such performance guarantees shall include fees for inspection of improvements by the appropriate Town agents;
- B. Approval of a completed application shall contain a time limit within which streets and public improvements shall be completed. Such time limit shall not exceed two (2) years.
- C. In case of electric lines or other utilities to be installed by a public utility corporation or municipal department, a statement shall be received in writing from such public utility, corporation or municipal department that the work will be done within a reasonable time and without expense to the Town, and that the utilities will be placed underground if this has been agreed.
- D. The performance guarantee shall not be released until the Board has certified completion of the public utilities and improvements in accordance with the approved plat. The subdivider shall give offer of session (deeds, easements, etc.) in a form certified as satisfactory by the town attorney for land to be used for; public purposes, easements, rights-of-way over property to remain in private ownership, and rights-to-drain onto or across private property. These deeds, easements, etc., are to be submitted in a form satisfactory to the Town Attorney.

- E. Upon completion of improvements and approval by the Board, surety covering maintenance of roads and improvements may be required for a period of two (2) years from completion or until such roads are laid out by the Town as a public street as provided by RSA 234, which ever comes sooner. The amount of surety shall be based on the cost of such improvements as approved by the Board.