

Development Agreement

This Development Agreement is entered into this _____ day of _____, 2013, between **Trinity Conservation, LLC**, 119 Flagg Road, Rochester, New Hampshire (hereinafter the "Applicant") and the **Barrington Planning Board**, PO Box 660, Barrington, New Hampshire (hereinafter the "Town"). This Agreement is addressed to a plan captioned "Trinity Conservation, LLC Excavation Site" dated September 20, 2012, as revised, prepared for Trinity Conservation, LLC, prepared by TF Moran (hereinafter collectively the "Site Plan").

It is agreed that the Applicant, its successors and assigns shall implement said development in accordance with the signed Site Plan that received conditional approval by the Planning Board on May 7, 2013. All revisions to the approved Site Plan must be approved by the Planning Board. It is further agreed that these conditions shall be obligated and bound by the following terms and standards:

1. The Applicant shall implement the Site Plan as approved by the Planning Board and shall comply with all requirements of the Building Code, and Life Safety Codes of the Town. Any modifications to the Site Plan must be approved by the Planning Board.
2. The Applicant shall obtain all necessary local, state and federal permits and shall comply with its terms.
3. This Development Agreement shall be recorded in the Strafford County Registry of Deeds.
4. Prior to the commencement of excavation activities, the Applicant shall reconstruct a portion of Green Hill Road from the point of access to the project, as depicted on the Site Plan in an easterly direction to NH Route 125 (hereinafter referred to as "Required Improvements"), with those Required Improvements being in conformance with TF Moran notes dated March 11, 2013 and referenced in the Cost Estimate by DuBois & King dated March 19, 2013, copies of which have been attached hereto as Exhibits A and B, respectively. The road shall be completed prior to the commencement of excavation activity, except for excavation of materials that may be utilized for the actual Required Improvements. The Applicant shall notify the Planning Board as to the amount of materials expected to be excavated for the Required Improvements. The Applicant shall provide the Town with "as built" plans of the completed Required Improvements prior to commencement of excavation activities.

5. The Applicant shall finalize off-street transportation improvement plans for review and approval by the Town Engineer and Planning Department, prior to commencement of construction of the Required Improvements.

6. The Applicant shall obtain authorization from the Board of Selectmen to conduct the Required Improvements ~~and improvements to the westerly portion of Green Hill Road and~~ will meet with the Board of Selectmen to finalize the schedule for improvements to Green Hill Road, including any bonding which may be necessary, prior to commencing the Required Improvements.

Commented [JW1]: I think this can be deleted, if all improvement are now at the driveway entrance on Green Hill and easterly.

7. The Applicant shall provide a maintenance bond covering all improvements to Green Hill Road and other public improvements for a period of five (5) years from the date of completion, in the amount of 10% of the cost of improvements. If repair or unusual maintenance, then such costs as are necessary shall be drawn against such bond. The form of the maintenance bond shall be approved by the Planning Board.

8. The Applicant shall not begin excavation until they receive a permit to operate from the Planning Board, except as provided herein for the purpose of construction of the Required Improvements.

9. After an operator has been identified and prior to the issuance of a permit to excavate, the operator shall appear before the Planning Board and provide the following information:

a. A copy of the intent to excavate filed with the Assessor's Office and a copy provided to the Land Use Office;

b. A completed Excavation Permit Application;

c. The initial permit period shall be for one year. Prior to renewing the permit, the operator shall appear before the Planning Board for a compliance hearing.

d. The Applicant shall post a reclamation bond with the Town Treasurer acceptable to the Planning Board reasonably sufficient to guarantee compliance with the permit; and

e. An escrow account is to be established in the operator's name to cover the cost of inspections and monitoring by the Town. A scope of work is to be drafted by the Town's engineer at the Applicant's expense and provided to the Applicant and the Planning Board for approval.

10. There shall be no use of the westerly portion of Green Hill Road by any truck exiting from the point of the site toward NH Route 202 (unless improvements to said portion of Green Hill Road have been improved in the future to a point where the road is deemed suitable by the Town for such use). "Truck" is defined in this Agreement as any truck or truck and trailer with a combined Gross Vehicle Weight of 26,001 pounds or over. To the extent that a truck exits

the site, and turns westerly, toward NH Route 202, the holder of the excavation permit shall be fined \$250.00 for the first two (2) offenses. Thereafter, any additional such offense shall result in a fine of \$500.00. After four (4) violations the Operator shall meet with the Planning Board to review compliance. Fines shall be submitted to the Barrington Land Use Department within five (5) days of the violation occurring.

Prior to excavation activities, the closed circuit television system specified in the proposal from D.M. Burns Security, Inc., dated April 15, 2013, shall be installed in order to monitor the entrance to the site and Green Hill Road, a copy of which is attached hereto as Exhibit C. The purpose of the closed circuit television system is to monitor and analyze the trucks as they leave the site. The Town of Barrington will have full access to the closed circuit television system specified herein, with an alarm to be sent via e-mail to the Town's Code Enforcement Officer and Excavation Manager/Owner, in order to alert the Town and the Operator as to any offense. The data that is collected via the close circuit television system shall be maintained for a period of fourteen (14) days by the holder of the excavation permit.

11. The obligations of Applicant hereunder shall be binding upon Applicant's successors and assigns.

IN WITNESS WHEREOF, the parties hereto have set their hands this _____ day of _____, 2013.

Trinity Conservation, LLC

Witness

By: _____
Daniel Hussey,
Its duly authorized

Barrington Planning Board

Witness

By: _____
John Huckins, Chairman