



WATERVILLE ESTATES ASSOCIATION BUILDING APPLICATION

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If you have any questions, please feel free to contact Corey Smith at 603-726-3082 or
corey@waterville-estates.com

WATERVILLE ESTATES ASSOCIATION BUILDING COMMITTEE OVERVIEW

Waterville Estates Association Building Committee would like to remind all home and lot owners that their compliance with the Waterville Estates By-Laws and Revised Property Restrictions, Easements and Covenants (RECs) are required. When you purchased your property, you should have received copies of these documents (also available to property owners at the front desk of the Community Center or on our web page at www.waterville-estates.com/owner-info/recs-bylaws). As a property owner, it is your responsibility to be familiar with these documents.

The Building Committee is primarily concerned with preserving property values through upholding uniform standards of construction and aesthetics. Article VI Section D of the RECs essentially states that any building, structure or changes to the exterior of a building should not be started until an application for a permit for such work is submitted to, and approved by, the Building Committee (Building Application is on page 10). It is important to note, that by following the Building Committee application process, homeowners are also reminded of the need for abiding by all Federal, State and local codes. The process of meeting proper code requirements puts homeowners, and contractors working for homeowners, directly in contact with the experts who have the knowledge to ensure that projects are carried out in a manner that results in a safe and ecologically sound completion. The RECs, By-Laws and the Building Permit Application Form are the tools by which Waterville Estates community members can uphold standards for the community.

The Building Committee requires adherence to the standards stated in the REGs above but renders no professional opinion in regard to the engineering or design of a project beyond aesthetics. The owner is responsible for ensuring that proper design and engineering techniques are implemented in all scopes of the work undertaken. The owner is responsible for any incidental damage or depreciation to other properties or roads resulting from changes to the hydrology or aesthetics of their property or to damage to roads or common property resulting from the construction process itself (i.e. damage to roads from construction and delivery trucks). Furthermore, the property owner is responsible for obtaining and abiding by any and all approvals of the Towns of Campton and Thornton, as well as any department or agency of the State of New Hampshire and Federal Government.

Section VII of the REGs is of particular concern to the Building Committee regarding installation of new heating systems by the homeowners throughout the Estates. Installations should be done by competent licensed installers, who obtain the necessary permits, and then should be inspected by the Campton/Thornton Fire Chief. Uninspected installations can result in a host of catastrophes:

- Improperly ventilated heating utilities can cause carbon monoxide poisoning
- Improper ventilation can result in heating units shutting down, causing homes to freeze, resulting in severe water damage
- Improperly installed wood stoves are serious fire hazards
- Improperly installed fuel storage tanks can result in fuel spills and subsequent ecological damage
- Wooden chimney enclosures can, over the years, become charred internally and are thus subject to a fire, which can spread to the home

POLICY POSITION FOR UNDEVELOPED AREA AND UNESTABLISHED LOTS

In the event that a building lot (living site) exists in an undeveloped region of Waterville Estates Village District and said lot does not have established road access and/or water access, the owner(s) of the lot are required to upgrade the road and water infrastructure in accordance with WEVD standards.

STATEMENT OF GENERALLY ACCEPTED DESIGN STANDARDS FOR NEW CONSTRUCTION

The Waterville Estates Association Board of Directors would like to offer the following statement as a general scope guideline for the Building Committee's oversight of the new home construction process. The intent of this statement is to preserve home values in the Waterville Estates Community.

A home in Waterville Estates is not just a home in the woods but rather is a part of a larger village community.

The Waterville Estates Association Board of Directors supports the approval of new home applications that demonstrate home design elements generally in keeping with the designs of existing homes within the community such that a uniform theme reflecting the mountain landscape resounds throughout the community. It is our belief that this uniformity of home designs contributes to the homogeneity and harmony of the community as a whole. All new home applications are subject to all WEA Restrictions, Easements & Covenants. The following are guidelines rather than steadfast rules. Applications may meet the general design appearance of the community without conforming to all guidelines. Exceptions to the guidelines may be permitted on a case by case basis.

- Homes with the appearance of a ranch from any one viewpoint are thought to be incongruous with the surrounding community of homes
- A-Frames are considered undesirable
- Single level homes are not in keeping with the surrounding homes
- Homes should have a minimum of 1250 square feet of living space
- Homes should have a minimum of 2 bedrooms and a loft as well as 1-3/4 bathrooms
- Homes with multiple roof lines and architectural details are preferable to those without
- Roofs with a 12/12 pitch or steeper are preferred
- New home length should not exceed 150% of its width including attached garages
- Casement windows are preferable to double hung windows
- Roofing and siding colors should be earth tone

APPLICATION FOR PRE-CONSTRUCTION (LOT PREPARATION)

A \$5,000.00 bond or letter of credit is required

There are certain criteria that must be met and certain limitations abided by for pre-construction lot preparation prior to building. The criteria and limitations are listed below.

Criteria:

- Approval of site plan
- Driveway must be approved and constructed appropriately (drainage and base material)
- All brush must be removed and disposed of
- Stumps must be removed and disposed of
- Rough grading after stumping & disposal of stumps

Items you may install but not required:

- Underground utilities
- Water lines
- Approved septic and leach field

Limitations:

- No excavation for foundation
- No foundation or footings installed
- No paving

The bond/letter of credit must automatically renew until such time as it is released by Waterville Estates Building Committee.

Bond/letter of credit will be released upon the conclusion of the construction as deemed complete by Waterville Estates Association Building Committee.

WATERVILLE ESTATES VILLAGE DISTRICT WATERVILLE ESTATES ASSOCIATION

562 Winterbrook Road

Campton, NH 03223

Approved 8/25/06

POLICY POSITION FOR UNDEVELOPED AREAS AND UNESTABLISHED LOTS

In the event that a building lot (Living Site) exists in an undeveloped region of Waterville Estates Village District and said lot does not have established road access and/or water access, the owner(s) of the lot are required to upgrade the road and water infrastructure in accordance with WEVD standards.

DEVELOPMENT POLICY FOR CONTRACTORS AND PRIVATE LAND OWNERS

This policy is established to promote safe, efficient and properly engineered and constructed infrastructure upgrades to the Waterville Estates Village District roads.

In the event that a living unit is to be constructed on a living site which lies on an unfinished road, approval of construction for said living unit will be contingent on the satisfactory completion of upgrades to the road servicing the site as follows:

- All topsoil and other yielding material shall be removed from the proposed roadway located and be replaced with suitable fill material to establish the proper grade for the Road Sub Base. All brush, stumps, boulders and ledge shall be removed to a uniform cross sectional depth of not less than 12 inches below the sub grade and replaced with sand or 12 inch minus gravel. The road base should be compacted to a thickness of not less than 12 inches, per NH Standard Specifications, 1974, Section 304.
- The Finish Base course shall consist of crushed bank run gravel of ½ inch diameter as a maximum and to a minimum depth of 6 compacted inches covering the entire road width.
- Road width minimum will be 20 feet with additional 3 foot gravel shoulders on both sides of the road.
- Hot bituminous with a base course of 2 inches of 3/4 inch mix and a top coat of 1 inch of 3/8 mix may be required for road surfaces on roads with grades of 12% or greater or comers with curve radius of less than 500 feet.
- All propane tanks must have either tall bushes or a wooden three sided enclosure with a four inch gap at the bottom for ventilation.
- Construction is to be supervised by WEVD management. These standards are general guidelines and the WEVD Commission retains the right to modify these standards on a case by case basis.

The installation of a driveway for new construction requires prior approval by a qualified road agent, Corey Smith or another qualified individual referred by Corey Smith.

WATERVILLE ESTATES VILLAGE DISTRICT ROAD CONSTRUCTION STANDARDS AND REGULATIONS

1. Authority

These Road Construction Standards and Regulations are adopted by the Waterville Estates Village District Commissioners in accordance with RSA 41:11, RSA 41:11-a and RSA 52:3-a. These Standards and Regulations shall govern construction of roads within the Waterville Estates Village District (the "District"), including all work within District-owned rights-of-way. This work includes, but is not limited to, such activities as building roads, curb cuts, paving or trenching, installing driveways or drainage, providing water hookups and installing telephone, power or cable television.

2. Purpose and Intent

These standards and regulations are developed to promote safe, efficient and properly engineered and constructed roads in the District.

3. Penalties and Enforcement

Failure to obtain a permit prior to construction or failure to comply with the conditions and specifications of a permit shall constitute a violation, and shall be subject to fine, each day being a separate offense, and be subject injunction and the costs of remedial actions.

4. Application

An application for a road construction permit shall be made on a standard form available from the District Office. The Commissioners or their designee shall review the application and supporting documentation for compliance with these regulations. Approval of a permit application may be conditioned upon such factors as are deemed necessary or appropriate.

5. Permit Duration

Any activity authorized by a permit issued under this regulation shall be commenced within 90 days after issuance and shall be completed within one year after issuance of the permit. A permit may be renewed or extended upon application, but shall conform to any new standards or conditions as may be applicable.

6. Fee

An application fee of one hundred dollars (\$100) shall be included with the application submission, together with the estimated cost of any independent review and inspection by an engineer selected by the District.

7. Standards & Specifications

In the event that a building lot exists in an undeveloped area of the District and said lot does not have established road access and/or water access, the owner(s) of the lot is required to upgrade the road and water infrastructure in accordance with these standards.

- A.** All roads shall be designed to provide safe vehicular travel. Due consideration shall also be given to the attractiveness of the road layout in order to obtain an

optimum livability and amenity within the District. Provisions shall be made for the future extension of roads to adjoining property.

- C. All roads shall have a 50 foot right-of-way width, a paved travel surface of 20 feet and three foot gravel shoulders on each side. Maximum grade shall be 8%, and a minimum grade shall be 1%.
- D. Dead-end roads shall be provided with an approved turnaround, as determined by the District.
- E. Trees in the right-of-way will be cut if the trunks are within the side slope area required for the road.
- F. Subgrades
 - 1. All topsoil, stumps, roots, brush, boulders and like material will be removed from under the roadway and shoulders. All ledge and boulders will be removed to a depth of 18 inches from under the roadway and shoulders subbase. All organic or clay-type soft or spongy materials will be excavated to such depth as necessary to stabilize the subgrade.
 - 2. The subgrade will be inspected by the District or its designated agent before the subbase is placed. Compaction will be obtained by use of approved rollers and equipment to at least 95% of the Standard Proctor Density (ASTM-698). Density shall be checked by an approved testing service, and the results of all tests are to be provided to the District. All costs incurred for inspections and performing such tests shall be the responsibility of the applicant and the District reserves the right to be present when testing is being performed and shall be provided with a minimum of 24 hours' notice or a mutually acceptable time. Documentation of testing shall be forwarded to the District for each layer.
- G. Embankments
 - 1. Embankments shall be formed of suitable material placed in successive layers of not more than 12 inches in depth for the full width of the roadway cross section and shall be compacted uniformly and sufficiently to prevent settlement. Stumps, trees, frozen material, rubbish, stones greater than 2/3 loose lift thickness, and other unsuitable materials or substance shall not be placed in the fill. Common fill shall not contain more than 35% by weight of silt and clay. The fill shall be thoroughly compacted and tested before applying gravel. Embankments and any fill construction shall be in accordance with NHDOT "Standard Specifications for Road and Bridge Construction," latest version.
 - 2. Compaction is to be obtained by use of approved rollers and equipment, to at least 95% of the Standard Proctor Density (ASTM-698), said density to be checked by an approved testing service, and the results of all tests are to be provided to the District for incorporation into the proper records. All costs incurred for the conduction of such tests shall be the responsibility of the applicant and the District reserves the right to be present when testing is

being performed at applicant's expense. The District shall be contacted at least 24 hours in advance or at a mutually acceptable time. Documentation of testing shall be forwarded to the District for each layer.

H. Base and Sub-Base Course

1. A sub-base of bank run gravel will be placed in one twelve-inch layer. The sub-base material will be free of clay, silt and frozen material and will have a maximum rock size of four inches. A base of one and one-half inch crushed bank run gravel will be placed in a six-inch layer. All sub-base and base layers will be compacted to a 95% Standard Proctor. Bank run gravel shall meet the materials and construction requirements as outlined in NHDOT "Standard Specifications for Road and Bridge Construction," latest version.
2. Crushed gravel shall not be laid until the gravel has been inspected by the District or its designated agent. The crushed gravel shall be laid in layers not to exceed six inches. Crushed gravel shall meet the materials and construction requirements as outlined in NHDOT "Standard Specifications for Road and Bridge Construction," latest version.
3. Compaction is to be obtained by use of approved rollers and equipment, to at least 95% of the Standard Proctor Density (ASTM-698), said density to be checked by an approved testing service, and the results of all tests are to be approved by the District for incorporation into the proper records. All costs incurred for the conduction of such tests shall be the responsibility of the applicant and the District reserves the right to be present when testing is being performed at applicant's expense, and shall be provided with a minimum of 24 hours' notice or another mutually agreeable time. The testing lab shall be approved by the District in consultation with the District or its designated agent. Documentation of testing shall be forwarded to the District for each layer.

I. Hot Bituminous Concrete Pavement

Hot bituminous concrete pavement shall be 3 inches in conformance with the material and construction requirement of the NHDOT "Standards and Specifications for Road and Bridge Construction," latest edition.

1. Base course = 2 inch (after compaction) 3/4 aggregate
2. Wearing course = 1 1/2 inch (after compaction) course of 1/2 inch aggregate

J. Shoulders

Shoulders shall be constructed in the same manner as described above in Section H without paving and as directed by the District or its designated agent.

K. Sidewalks

When required by the District, sidewalks shall be designed and constructed in accordance with the *AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities* in accordance with the Americans with Disabilities Act requirements and as approved by the District or its designated agent.

L. Loam and Seed

Loam, either from on site or from borrow, shall be placed in a minimum of 4 inch thick layer and shall be suitable to sustain growth of proposed grasses (Vermont Conservation Mix or an acceptable equal as appropriate by location). The loam must be free of stones, sticks and other debris so mowing is possible by residential style lawn mowers in areas adjacent to improved yards and in cul-de-sacs. Maintenance of the seeding must be continued until at least 85% vegetative growth is accomplished in all areas.

M. Paving Season

The normal paving season shall be May 1 to October 15 unless written approval is obtained from the Commissioners. Generally, paving operations shall not be performed when:

1. The subgrade is frozen;
2. The subgrade material is unstable;
3. The grades are not correct;
4. The air temperature is below 50 degrees Fahrenheit and/or;
5. The conditions of the subgrade make it necessary for the applicant to provide a pavement thickness design in order to complete the project.

N. Winter repairs

After a base course of pavement has been installed and a minimum of one winter season, all settlements will be regraded and all heaves noted will be excavated to remove the unsuitable materials and regraded. The wearing course will not be placed until all heavy construction equipment and large trucks are off the project and any damage repaired and utility cuts repaired. All repairs will be made with hot asphalt and the approval of the District.

O. Drainage

1. Underdrains shall be installed where the character and composition of the soil in the roadbed and other areas render such installation necessary in the opinion of the District. These underdrains shall consist of plastic pipe that conforms to NHDOT standards and be a minimum of six inches in diameter and laid in the bottom of a trench at such depth and width as may be necessary. The underdrain shall be a minimum 2 feet below the structural box, at a point 1 foot off the edge of the pavement to the top of the pipe and shall be a maximum of 600 feet long. The trench shall be filled with $\frac{3}{4}$ clean crushed stone wrapped in filter fabric or $\frac{3}{8}$ inch pea stone without filter fabric.
2. Storm drains, culverts and related installations, including catch basins and drop inlets, shall be installed as necessary to permit unimpeded flow of all natural watercourses, to ensure adequate drainage of all low points along roads and to intercept storm water runoff along roads at intervals reasonably related to the extent and grade of the area drained. (Where required, catch basins may be on both sides of the roadway on continuous grade at intervals

not to exceed 300 feet.)

3. Drainage improvements shall meet the specification of AASHTO HS20 in regard to material requirements. Catch basins and drop inlets shall be equal to New Hampshire Standard Type B or as acceptable to the District. Storm sewer pipes and culverts shall be reinforced concrete, HDPE, or equivalent and shall have a minimum four-foot cover over all pipes crossing beneath roadways and two feet of cover in ditch lines. Headwalls, where required, shall be either reinforced concrete or mortar rubble masonry.
4. Erosion protection ditches. Appropriate stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the District.

P. Easements

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 20 feet wide.
2. Where land is traversed by a watercourse, drainage-way, channel or stream, the District may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourses, drainage-way, channel or stream, and a ten foot buffer on one side and provide for construction and other necessary maintenance purposes.

Q. Additional Standards

The above standards and specifications shall include but not be limited to the following documents for the design and construction of all improvements:

1. Manual on Drainage Design for Highways - State of New Hampshire, Department of Transportation, current edition;
2. Manual on Uniform Traffic Control Devices (MUTCD) - U.S. Department of Transportation, Federal Highway Administration, current edition;
3. Standard Specifications for Road and Bridge Construction - State of New Hampshire, Department of Transportation, current edition;
4. Highway Design Manual - State of New Hampshire, Highway Design Division, Vol. 1 & 2, current edition;
5. High Intensity Soils Maps for New Hampshire Standards and Origins - Society of Soil Scientists of Northern New England, current edition;
6. A Policy on Geometric Design of Highways and Roads - AASHTO - current edition;
7. Highway Capacity Manual - Transportation Research District, current edition;
8. Roadside Design Guide – AASHTO - current edition; and
9. Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, current edition

8. Performance and Inspection of Work

- A. A pre-construction meeting that includes the Contractor, Developer and District must be held prior to the start of any work on site.
- B. The District shall at all times have access to the site when the work is in preparation and progress.
- C. The Applicant shall provide the District, in advance, with a schedule of work to be performed and give the timely notice of the completion of each major stage in the construction of any required improvement so that the District may inspect the work.
- D. In general, the Applicant shall give timely notice to the District of the completion of clearing, subgrades, drainage, each base course, and base and final pavement.
- E. The Applicant shall give the District notice (24 hours minimum) when any required improvement is completed and ready for final inspection. The District shall make such inspection and, when the District finds that the particular improvement has been fully completed in accordance with the requirements of these Regulations, the District shall approve the same in writing. Such approval shall not constitute the legal acceptance of the road by the District nor shall it modify in any way the requirements of law for the acceptance of roads by the District.
- F. The Applicant shall promptly remedy any defects in any required improvement due to faulty workmanship or materials, which appear within a period of one year after approval thereof by the District.
- G. Notwithstanding the on-site observations, inspections and any approvals, the Applicant shall be and remain fully responsible for the performance of the construction work in accordance with the requirements of these Regulations, and the District shall have no responsibility for the failure of the Applicant to carry out the work as required herein.
- H. The Applicant shall be fully responsible for all costs associated with maintaining the road until such time as all work has been satisfactorily performed to District standards and accepted as a Town highway.

9. Surety

All work shall require either a continuing surety bond or a deposit on hand. In either case the amount of funding shall be equal to 110% of the cost of the work. The surety will be returned upon completion of the project provided that the work and materials conform to the standards and specifications as determined by the District. Any disputes over methods, materials or failure to perform work in the presence of an inspector will require a portion of the surety to be retained for one year from completion of the work as warranty. This warranty amount will be determined by the District. The applicant agrees to allow the District to use the surety/warranty to finish/repair the work should the applicant fail to do so. The applicant agrees to assume any additional costs that the District may incur to maintain finish or repair the work as necessary. The applicant also agrees to assume the cost of inspections.

10. Waiver

The Board of Commissioners may waive strict compliance with a standard or procedure set forth in this regulation if they find that the purpose or this regulation may be met without requiring strict compliance. Any such determination shall be made in writing with a statement of the reasons justifying the waiver.

EFFECTIVE DATE:

These rules and regulations shall become effective on the ____ day of _____, 2017.

IN WITNESS WHEREOF, the undersigned members of the Commissioners of the Waterville Estates Village District have hereunder set their hand this ____ day of _____ 2017.

A true copy, attest:

Waterville Estates Village District Clerk

**WATERVILLE ESTATES VILLAGE DISTRICT
APPLICATION FOR ROAD CONSTRUCTION PERMIT**

It shall be unlawful to construct a road in the Waterville Estates Village District without a permit. See WEVD Road Construction Standards and Regulations.

- 8. Name(s) of Property Owner: _____

- 9. Tax Map and Lot Number: _____

- 10. Phone Number: _____

- 11. Mailing Address: _____

- 12. Contractor (Name, address, phone): _____

Applicant agrees to all the conditions of the Road Construction Standards and Regulations

Signature of Applicant: _____

Date: _____

Notes:

- 1. Include diagrams as indicated on next page.
- 2. Include a certified plot plan.
- 3. Include a set of engineering drawings.
- 4. The proposed road must be staked out so that a site plan can be made prior to the issuance of a road construction permit.

Road Construction Permit Application (Map & Lot No. _____)

- 1. Describe the proposed road project.

2. Draw a diagram (plot plan) of the proposed road, showing width, the District road with which the road intersects, the distance to the nearest bounds and approximate location of any proposed houses:

**WATERVILLE ESTATES VILLAGE DISTRICT
PERMIT FOR ROAD CONSTRUCTION**

Permit #___ is issued on _____, 20___. Approved by _____.

This permit will expire on _____.

For the following project:

Property Location: _____ Tax Map Lot: _____

Is proposed road staked out? _____.

Conditions for Construction Permit:

- 1.** Adhere to all WEVD Road Construction Standards and Regulations.
- 2.** All work shall be in accordance with the schedule, plans, specifications or as approved by the District.
- 3.** No excavation shall be left unprotected.
- 4.** A proper surety shall be provided.
- 5.** A proper escrow account to provide for the costs of inspections shall be provided.
- 6.** Work Schedule must be strictly followed.
- 7.** District shall be notified of inspections, testing and completion pursuant to the Road Construction Standards and Regulations.
- 8.** Work for this project shall be performed in accordance with OSHA standards.
- 9.** Failure to adhere to items 1-7 may result in revocation of the permit.

I, _____ on behalf of _____ (Company name)
hereby agree to the above conditions and provisions set forth in this permit.

Date

Owner/Contractor's signature

FOR NEW MODULAR/FACTORY BUILT HOMES ONLY

Please complete Appendix (a) on page 7 in addition to the Building Application on page 10

Due to the fact that modular homes are erected in a very short time the owner will be required to post a bond or deposit in an escrow account the sum of \$50,000.00 to ensure that the dwelling conforms to the submitted plans. These funds will be released immediately upon completion of the described project.

- 1) If the project is an addition, plans must be submitted to show relationship of existing to new structure.
- 2) All new building or additions to existing building must have a finish coat of preservative or stain on exterior siding within the allotted 9-month construction period.
- 3) All information furnished must be complete and conform to information in drawings and test. Drawings must be submitted on new structures showing 3 elevations and a site plan, including septic design.
- 4) It is the responsibility of the owner and owner's contractor to make certain that the improvements are designed and built in compliance with all state and local building codes.
- 5) Review by the WEA Building Committee of the Building Application, documents submitted with the application and the actual construction shall be for the sole benefit of the WEA. It shall be the responsibility of the owner, owner's contractor or owner's lender to make such inspections for their own use and benefit.
- 6) Work is not to commence prior to approval of application by the Building Committee and MUST be completed within nine (9) months of approval.
- 7) In the event of a failure of owner to comply with the terms of the Building Permit within nine (9) months, WEA shall have the right to undertake completion and/or ensure the correction of the project deficiencies and bill the owner.
- 8) If the dwelling uses exterior fuel tank(s), they must either be buried or hidden from view of the public and/or neighbors.
- 9) Either party may exercise its right to enforce the RECs and the terms of this agreement in a court of competent jurisdiction as it relates to the building project in question. The party prevailing in such an action shall be entitled to costs, interest and attorney fees from the non-prevailing party.

It is strongly recommended that the owners thoroughly familiarize themselves with the Waterville Estates Association's By-Laws and Restrictions, Easements and Covenants before undertaking any project.

ARTICLE III of the RECs: BUILDING COMMITTEE

C. In all respects, where approval authority was heretofore granted to the Building Committee relative to residential units on Living Sites and Cluster Living Sites, such approval authority shall be extended to include construction of residential units on condominium sites. This shall include, but not be limited to securing the approval of plans prior to commencement of construction. The Building Committee shall have the power to place conditions prior to and during construction to ensure and enforce compliance with these Property Restrictions, Easements and Covenants. The Building Committee may require a performance bond and/or letter of credit prior to granting approval.

APPENDIX (a) FOR NEW MODULAR HOMES ONLY

WATERVILLE ESTATES ASSOCIATION CONSTRUCTION PERFORMANCE AND ESCROW AGREEMENT

WHEREAS, the undersigned Owner of property in Waterville Estates, with an address of

(hereinafter "Property"), desires to erect or otherwise place a modular Dwelling on said property ("Dwelling");

WHEREAS, Article VI, D (approval of plans) establishes the permitting process and criteria for approval of construction plans by the Waterville Estates Association Building Committee ("Building Committee"), including the plans of the Owner, herein;

WHEREAS, the Building Committee has approved the Owner's plans and upon execution of the Agreement will issue a building permit for the construction of the Dwelling on the Property ("Building Permit");

WHEREAS, the Owner has agreed to deposit certain funds with the Escrow Agent (defined below) in order to ensure that the construction of the Dwelling complies with the following conditions (collectively "Conditions"):

The following is a Sample. Place your information below:

- a) The dwelling will be a 28' x 38' "Alpine" style house built by New England Homes of Greenland, NH and installed by X Int. Land, Inc. of Bristol, NH. The dwelling is a "chalet style" house with a 12/12 roof pitch.
- b) The front of the house will be situated on the property as shown on the plans with the 28' front section facing the street (the front section has 2 triangle windows, 1 picture window, 1 pentagon window and 3 patio doors facing the street).
- c) The color of the roof will be Driftwood IKO Chateau architectural shingles.
- d) The vinyl siding will be Georgia-Pacific 04 Vision Pro. The color will be Flint. The trim, fascia, rakes and corner boards will be white. Soffits and corner trim will be vinyl and the rakes and fascia will be painted white.

WHEREAS, the Building Committee and the Owner, for his heirs, successor and assigns, agree to the following:

- 1) Owner agrees to construct the Dwelling in compliance with the Building Permit and the Conditions:
- 2) Upon execution of this Agreement, Owner agrees to deliver to the Escrow Agent (defined below) a certified bank check or certified cashier's check drawn on a New England bank for the sum of Fifty Thousand (\$50,000.00) Dollars ("Escrow Funds"), said check to be made payable to Scott D. McGuffin, Esquire IOLTA, attorney for Waterville Estates Association ("Escrow Agent"). This sum shall be held in escrow by the Escrow Agent in the Escrow Agent's IOLTA Client Fund Account in accordance with the terms of this Agreement or by further order of the court. The Escrow Funds will not earn interest in said account. In the event that a dispute arises relative to the Escrow Funds, which said dispute shall not, in the discretion of the Escrow Agent, be resolved between the parties within a reasonable time, the Escrow Agent may, in his sole discretion, pay said Escrow Funds in to the Clerk of Court of proper jurisdiction in an action of inter pleader, providing each party with notice hereof, and thereupon the Escrow Agent shall be discharged from any and all obligations of the Escrow Agent to the parties and each party to this agreement shall thereafter hold the Escrow Agent harmless in such capacity.

- 3) Upon construction and completion of the Conditions, the Building Committee will inspect said Conditions (the deck design and structure is to be completed at a later date and is not part of this agreement). In the event the Dwelling has been constructed pursuant to the Conditions, the Building Committee shall direct the Escrow Agent in writing, to forthwith return the Escrow Funds to the Owner.

- 4) Escrow of the Escrow Funds shall be required until the Dwelling is constructed in accordance with the Conditions, the inspection is performed by the Building Committee and the Building Committee provides written notice to the Escrow Agent as provided above. Notwithstanding the foregoing, in the event the Building Committee does not inspect the Dwelling and/or provide said written notice to the Escrow Agent within five (5) business days following the receipt of a written request for inspection from the Owner, approval by the Building Committee of the Conditions will be automatically granted and the Escrow Agent shall forthwith release the Escrow Funds to the Owner.

- 5) In the event of a failure of the Owner to construct the Dwelling in compliance with the Conditions, the Building Committee shall:
 - a. Notify the Owner in writing of the non-compliance of the Conditions. The Owner shall have seven (7) business days to correct the deficiency or to otherwise enter into a mutually acceptable agreement with the Building Committee as to the details and time frame for achieving compliance of the Conditions.
 - b. If the Building Committee and Owner are unable to agree whether the Dwelling has been constructed in accordance with the Conditions, either party may exercise its right to enforce its respective rights pursuant to the terms of this Agreement in a court of competent jurisdiction.
 - c. The party prevailing in such an action shall be entitled to costs, interest and attorney's fees from the non-prevailing party. The Escrow Agent shall disburse the Escrow Funds pursuant to the order of the court.
 - d. During the pendency of such court action and/or until all issues are resolved by the court or to the mutual satisfaction of the parties, the Escrow Funds shall continue to be held in escrow by the Escrow Agent.
 - e. If authorized by the court, the Building Committee shall be entitled to utilize all or a portion of the Escrow Funds to construct the Dwelling in accordance with the Conditions. The balance of the Escrow Funds, if any, shall be returned to the Owner.

6) Any notice, demand or other communication under this Agreement shall be in writing and be duly delivered when mailed, certified mail, return receipt requested or delivered by a national overnight carrier, addressed as follows:

- If to the Building Committee:
 Waterville Estates Association
 Attention: Building Committee Chairman,
 562 Winterbrook Road, Campton, NH 03223

With a copy to:
 Scott D. McGuffin, Esq.
 67 Water Street, Ste. 107 Laconia, NH 03246-3300

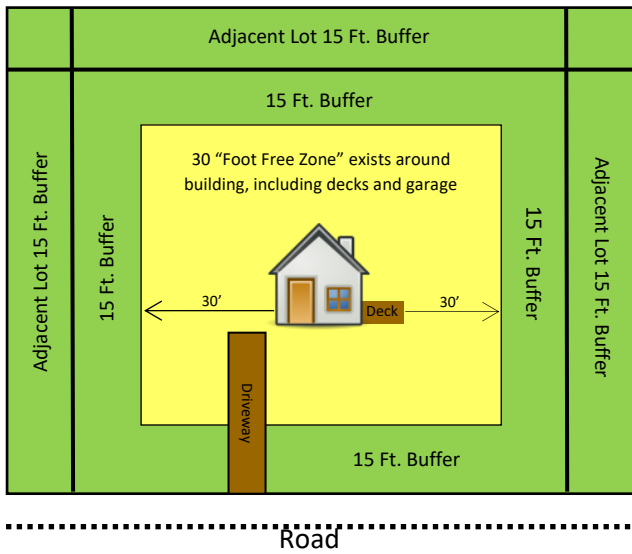
- If to Owner:
 Owner's name and address

With a copy to:
 Owner's Attorney Information

For purposes of the calculation of time periods after notice, notice shall be deemed to have been given effective upon the delivery as reflected by the date endorsed on the certified or registered mail receipt or by the national overnight carrier delivery receipt.

WATERVILLE ESTATES ASSOCIATION TREE CUTTING POLICY

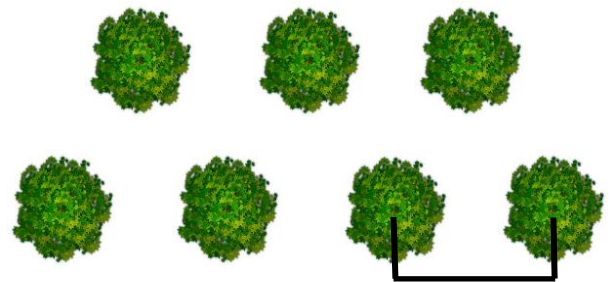
- 1) No clear cutting shall be allowed. **Clear Cutting** is defined as the felling and removal of all trees from any Homesite, Cluster Homesite or Condominium site.
- 2) It is required that approximately 25-30% of the Homesite, Cluster Homesite or Condominium site remain in a natural setting, i.e. undisturbed.
- 3) No cutting of trees shall be allowed in a 15' zone around the perimeter of any Homesite, Cluster Homesite or Condominium site unless otherwise specified and approved through the permit process.
- 4) A proper permit application and approval is required for removal of trees on any Homesite, Cluster Homesite or Condominium site, unless it is a listed exception (see item 8 below)
- 5) The permit process shall require notification and approval of owners of abutting properties.
- 6) The permit application shall require details to indicate proper detail of lot lines and number, location and approximate size of trees to be cut.
- 7) The permit application for development of the new Homesite, Cluster Homesite or Condominium site shall require a comprehensive tree cutting and clearing plan.
- 8) Trees within 30' of the main structure (including deck structures) of any home structure can be cut without permit unless the trees are within the 15' buffer zone as described in item 3 above, in which case proper permit application and approval shall be required.
- 9) Dead trees may be cut down at any time as long as they are on the owner's property. Trees must be completely dead with no living leaves from the past season.
- 10) In the event of removal of trees in violation of as described in items 1-8 above, the Association may, upon its own initiative or upon request of the Building Committee, assess a penalty against the Owner of up to \$2,500.00 per tree. Such assessment shall constitute a lien on the property and may be made a matter of record at the Grafton County Registry of deeds in accordance with the Declaration.
- 11) All appeals regarding the Building Committee decisions must be directed to the Board of Directors.



Specifications

- A 30 foot zone surrounds the building where the owner can remove trees
- A peripheral 15 foot buffer exists around lots where restrictions apply. This provides 30 feet of protected area between lots
- Trees may be removed to enable construction. The builder must leave 25-30% of the lot

BUFFER ZONE RE-PLANTING SCHEMATIC



**RE-PLANT ALL DISTURBED AREAS IN
BUFFER ZONE WITH A MINIMUM OF 5-6'
HEIGHT CONNIFERS SPACED 8' ON
CENTER IN OFF-SET ROWS**

BUILDING PERMIT APPLICATION (please print or type) Incomplete fields will delay approval

Map Lot # from W.E.A. Map: _____

Waterville Estates Address: _____

Owner Name: _____

Email: _____

Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Contractor (if any):

Name: _____

Phone: _____

Mailing address: _____

City: _____ State: _____ Zip: _____

Owner's Agent (if any):

Name: _____

Phone: _____

Mailing address: _____

City: _____ State: _____ Zip: _____

I agree to allow the above-named agent to represent me to Waterville Estates Association:

Owner's Signature: _____

Type of Project Submitted and Fee Structure:

- New Living Unit.....\$1350**
- Addition to Existing Building.....\$50
- Exterior Changes to Existing Building (ex. Roof shingle, siding, color changes)\$25
- Changes to Lot (ex. Tree cutting, shed, garage, driveway)\$25

****\$350 toward inspection fees and \$1,000 performance deposit to be credited to the Capital Improvement Fund (CIF) mandatory bill upon completion of the seven (7) step process as long as performance guidelines are met. Community Center passes may be purchased for new construction by paying prorated dues after application approval. Owners are responsible to call after they have completed each step before the next step is performed. A Building Committee member will sign off on each step as it is completed. In the case of speculative homes not occupied, the CIF deposit will be refunded when the home is sold, and the CIF is collected from the owner.**

****Please submit color samples with New Building application and any requests to paint or re-side the dwelling****

Items on this page must be completed in detail for all NEW dwellings or additions. Missing or incomplete information will delay your permit.

Description of project:

Copies of the following MUST be submitted with this application:

- Septic approval permit
- Town building permit approval
- Sample of siding/color
- Site plan
- Four elevation view with the view from the road clearly marked
- Roof pitch (must be at least 9/12 or 33 degrees)
- Roof material sample
- Floor plans
- New dwellings must have at least 1 ¾ baths and two bedrooms
- Road agent sign-off on new driveways

Road Agent Signature: _____

Owner agrees, prior to taking occupancy of the new structure or addition that is the subject of this application, to certify in writing that all work on the project has been performed in accordance with the plans and specifications submitted as part of this application. Furthermore, if any substantive changes or deviations from the plans and specifications submitted as part of this application are contemplated, Owners need to seek the approval of the Building Committee prior to constructing any such changes or deviations.

I further understand that this building application will automatically expire nine (9) months after approval and will be withdrawn. If the project is not complete by the nine month period, the owner may request an extension.

Owner's Signature _____

For Building Committee Use Only (inspector must sign off on each step)

1. Application Complete (date stamp and page numbers on plans) _____
2. Trees marked for cutting _____
3. Foundation location marked prior to pouring (conforms to site plan) _____
4. Completion of framing conforms to plans _____
5. Installation of approved siding _____
6. Proof of proper septic completion according to NH subsurface bureau _____

7. Earth work and landscaping complete_____

Notes:

- o Project not approved
- o Project approved
- o Project approved for completion in seven (7) step procedure in application
- o Project approved with the following conditions:

Building Committee Representative

Name_____ Date_____

The approval of this application has been issued based on the plans and specifications submitted by the property owner or his designee. The Waterville Estates Association Building Committee does not render any professional opinion in regard to the engineering design of this project and therefore approves the application based upon specifications in your building application and specifications of the Waterville Estates Restrictions, Easements and Covenants.

The property owner is responsible for any and all changes to the hydrology of the property and any incidental damage or effect it may have on the property of others. The property owner is responsible for obtaining any and all required approvals from the Towns of Campton or Thornton or Waterville Estates Village District or any required department or agency of the State of New Hampshire and Federal Government. Not meeting the approvals of the said agencies may be cause for non-approval of an application.

Office Use Only:

Date Received:

Check Number:

By Whom:

Amount:

Completed application should be forwarded to Building Committee Waterville Estates Association, 562 Winterbrook Road, Campton, NH 03223

Revised 11/19/18