

1 **LONDONDERRY, NH PLANNING BOARD**
2 **MINUTES OF THE MEETING OF DECEMBER 14, 2011 AT THE MOOSE HILL**
3 **COUNCIL CHAMBERS**
4

5 Members Present: Art Rugg; Mary Soares; Lynn Wiles; Laura El-Azem; Tom
6 Freda, Ex-Officio; Rick Brideau, CNHA, Ex-Officio; Dana Coons, Leitha Reilly,
7 alternate member; Maria Newman, alternate member;
8

9 Also Present: André Garron, AICP; Cynthia May, ASLA; John Trottier, P.E.; Libby
10 Canuel, Community Development Secretary
11

12 A. Rugg called the meeting to order at 7:14 PM. A. Rugg appointed L. Reilly to
13 vote for Chris Davies.
14

15 **Administrative Board Work**
16

17 A. Plans to Sign - Geulakos Subdivision, 32 Parmenter Road, Map 3, Lot 138-1
18

19 J. Trottier said all precedent conditions for approval have been met and the
20 staff recommends signing the plans.
21

22 **D. Coons made a motion to authorize the Chair and Secretary to**
23 **sign the plans. R. Brideau seconded the motion. No discussion. Vote**
24 **on the motion: 8-0-0.**
25

26 A. Rugg said the plans will be signed at the conclusion of the meeting.
27

28 B. Plans to Sign - Higgins Lot Line Adjustment, Pillsbury Road, Map 9, Lot 85 &
29 85-1
30

31 J. Trottier said all precedent conditions for approval have been met and the
32 staff recommends signing the plans.
33

34 **D. Coons made a motion to authorize the Chair and Secretary to**
35 **sign the plans. R. Brideau seconded the motion. No discussion. Vote**
36 **on the motion: 8-0-0.**
37

38 A. Rugg said the plans will be signed at the conclusion of the meeting.
39

40 C. Extension Request - Quantum Aviation Services - Request for Extension of
41 Site Plan Approval, Map 28, Lot 21-7, 12 Industrial Drive.
42

43 J. Trottier referenced a letter from the applicant's representative, Jeffrey
44 Merit of Keach-Nordstrom Associates, Inc., requesting a one year extension
45 of the site plans that expired on December 3, 2011. If granted, this would
46 be their second extension.
47

48 Due to poor economic conditions and a lack of viable financing options, they
49 are requesting a one year extension of the site plans. J. Trottier said that

1 staff is supportive of the request, as there have been no changes to
2 ordinances or regulations impacting the project.

3
4 **D. Coons made a motion to grant a one year extension to December**
5 **14, 2012. R. Brideau seconded the motion.**

6
7 R. Brideau noted that street name will need to be changed on all of the
8 plans.

9
10 **Vote on the motion: 8-0-0.** Extension for one year was granted.

11
12 D. Discussions with Town Staff

- 13
14 • Woodmont Commons Planned Unit Development (PUD) Master Plan-
15 Draft Request for Proposal (RFP) for 3rd Party Review Services

16
17 At the December 7 meeting, A. Garron presented a draft of the Request for
18 Proposals (RFP) for a third party review concerning the Woodmont
19 Commons Planned Unit Development (PUD) Master Plan. Input given after
20 December 7 by the Board, the applicant's attorney, and a member of the
21 public were incorporated into a composite produced by staff and presented
22 for the first time at this meeting (see Attachment #1).

23
24 Michael Kettenbach, of Woodmont Development, asked why the RFP was
25 still being reviewed when a formal application for a PUD had been submitted
26 and should have been acted on statutorily a month ago. Attorney for the
27 applicant, Ari Pollack of Gallagher, Callahan and Gartrell, stated that there
28 have been requests for progress updates throughout the past two months.
29 He argued that the submission included information responding to the
30 criteria listed under Section 2.8.9.2 of the zoning ordinance and should
31 suffice for application acceptance. T. Freda replied that staff and the Board
32 have a different concept in this instance of what completeness entails and
33 that it includes a preliminary review by a third party. A. Rugg added that
34 Section 2.8.8.1.1 notes that the Board shall take into consideration
35 provisions of all Town Land Use Regulations as well as other applicable
36 town, state, and federal law where appropriate. Plans on a much smaller
37 scale, he explained, receive engineering review prior to application
38 acceptance and that this situation would be no different.

39
40 A. Garron explained that although staff had suggested the applicant meet
41 with them to review the contents of their application prior to submitting it,
42 the applicant chose to submit their application without any meeting and did
43 so on October 14. Attorney John Michels was then informed that the
44 application was eligible for consideration at the November 2 meeting. J.
45 Michels replied that it would be acceptable to wait until the following
46 meeting, which A. Garron told him would be the December 7 meeting.
47 Since he would be out of town on that date, J. Michels requested to be
48 heard at the December 14 meeting instead. At the November 2 meeting,
49 the Board directed staff to draft an RFP for third party review and place the
50 topic on the November 9 agenda. Since staff would not have adequate time

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to prepare a draft for the November 9 meeting, it was presented at the next meeting on December 7. The Board’s decision, A. Garron reiterated, was that a third party consultant would be necessary, starting with the application acceptance phase of the project.

The following are the proposed amendments to the RFP discussed at this meeting that were made by the applicant and subsequently accepted or modified by staff (see also Attachments #2 and #3):

Page No.	Dec 7 RFP	Changes proposed by applicant	Revised Dec 12 RFP (Incorporated Planning Board input plus Staff recommendations on Applicant’s proposed changes)
Cover	“Planning and Engineering Review Services”	“Planning Consultation Services”	“Planning and Engineering Review Services”
Page 3, “Introduction”	“The Board anticipates work will begin...”	“The Board anticipates that review and consultation work will begin...”	“The Board anticipates that review work will begin...”
Page 4, “Scope of Service”	“...to assist with the planning and engineering review of the Planned Unit Development (PUD) application, called Woodmont Commons (Herein called...”	“...to assist with the planning review of the PUD application called Woodmont Commons (herein called...”	“...to assist with the reviews of the application for completeness, planning and engineering qualitative review of the PUD application, called Woodmont Commons (herein called...”
Page 4, “Scope of Service”	“...the material submitted by the owners...”	“...the material submitted by the Applicants...”	“...the material submitted by the owners...”
Page 4, “Scope of Service”	“If the PUD application is accepted by Londonderry’s Planning Board as complete, the consultant will then be retained to provide guidance and assistance to the Planning Board in the design and technical review all elements of the project and to insure the plan complies with all	“The consultant will review the material submitted by the Applicants to provide subject-matter expertise, guidance and assistance to the Board in reviewing the merits of all elements of the application materials and the project and to confirm the plan complies with all aspects of the PUD ordinance (See	“If the PUD application is accepted by Londonderry’s Planning Board as complete, the consultant will then be retained to provide assurance that the application is 1) complete and may be accepted by the Board; 2) subject-matter expertise guidance and assistance to the

	aspects of Londonderry's Planned Unit Development ordinance."	Appendix C)."	Board in reviewing the merits, design, and technical aspects of all elements of the application materials and the project and to confirm the plan complies with all aspects of Londonderry's PUD ordinance (See Appendix C)."
Page 4, "Scope of Service"	"Balanced with the design and technical review of the PUD application will be the input from the residents, property owners and stakeholders of Londonderry in regards to the PUD proposal."	"Balanced with review of the PUD application and the PUD ordinance, will be the input from the residents, property owners and stakeholders of Londonderry, including the Applicants, and other regional interests, in regards to the PUD proposal."	"Balanced with the design and technical review of the PUD application and PUD ordinance, will be the input from the residents, property owners and stakeholders of Londonderry, including the Applicants, and other regional interests, in regards to the PUD proposal."
Page 4, "Scope of Service"	"The timeframe for this contract will start from the review of the PUD application for <i>application acceptance</i> and end at the time the planning board makes its final decision on the PUD application"	"The timeframe for this contract will start from the Board's determination of completeness, or its selection of a consultant pursuant to this RFP, whichever is later, and end at the time the Board makes its final decision on the PUD application."	"The timeframe for this contract will start from the Board's hiring of a consultant pursuant to this RFP for review of the PUD application for <i>application acceptance</i> and end at the time the Board makes its final decision on the PUD application."
Page 4, "Scope of Service"	"Responses to this Request For Proposal (RFP) shall be made by a firm or a team of firms and specialists, in the field of planning and engineering, having an in-house or sub-contracted professional staff of multiple disciplines necessary to support the review	"Responses to this Request For Proposal (RFP) shall be made by a firm or a team of firms and specialists, in the field of land development planning, having an in-house or sub-contracted professional staff of multiple disciplines necessary to support	"Responses to this Request For Proposal (RFP) shall be made by a firm or a team of firms and specialists, in the field of land development planning and engineering, having an in-house or sub-contracted professional staff of multiple disciplines

	<p>of the Woodmont Commons 625 acre Mixed Use Planned Unit Development, including but not limited to, planning, architectural, urban design, including experience with new urbanism concepts, traditional neighborhood development, etc., civil engineering, traffic, pedestrian and parking, financial, and economic services and such other capabilities or services as may be necessary or useful to fulfill the requested services identified by the Planning Board."</p>	<p>the review of the Woodmont Commons PUD Application, including, but not limited to, planning, architecture, urban design, including experience with new urbanism concepts, traditional neighborhood development, etc., traffic, pedestrian and parking considerations, the provision of essential municipal services, and such other capabilities or services as may be necessary or useful to fulfill the requested services identified by the Board."</p>	<p>necessary to support the review of the Woodmont Commons PUD Application, including, but not limited to, planning, architecture, urban design, including experience with new urbanism concepts, traditional neighborhood development, etc., civil engineering, traffic, pedestrian and parking considerations, the provision of essential municipal services, , financial, and economic services and such other capabilities or services as may be necessary or useful to fulfill the requested services identified by the Board. A full set of the application material can be found at:"</p>
<p>Page 4, "Scope of Service"</p>	<p>"A. Review of Woodmont Common's PUD Application B. Review of Woodmont Common's two Design Charrette Information C. Review of all Planning Board minutes of all workshop meeting and discussion held in regards to the Woodmont Commons proposal. D. Review of all ordinances, regulations, policies, long range plans associated with the planned</p>	<p>"A. Review of Woodmont Common's PUD Application. B. C. D. Review of all ordinances, regulations, policies, long range plans associated with the planned unit development ordinance. E. Attendance and participation at all Board meetings at which Woodmont Commons will be heard or discussed, if required by the Board. F. Attendance and</p>	<p>"A. Review of Woodmont Common's PUD Application. B. Review of Woodmont Common's two Design Charrette Information* C. Review of all Planning Board minutes of all workshop meeting and discussion held in regards to the Woodmont Commons proposal. D. Review of all ordinances, regulations, policies, long range plans associated with the planned</p>

	<p>unit development ordinance E. Attendance and participation at all Planning Board meetings at which Woodmont Commons will be heard or discussed F. Attendance and participation at all staff meetings at which the Woodmont Commons PUD application will be reviewed and discussed G. Other topic areas as deemed appropriate by the consultant and/or the Planning Board."</p>	<p>participation at all meetings at which the Woodmont Commons PUD application will be reviewed and discussed, if required by the Board. G. Other topic areas as deemed appropriate by the consultant and the Board."</p>	<p>unit development ordinance. E. Attendance and participation at all Board meetings at which Woodmont Commons will be heard or discussed, if required by the Board. F. Attendance and participation at all meetings at which the Woodmont Commons PUD application will be reviewed and discussed, if required by the Board. G. Other topic areas as deemed appropriate by the consultant and the Board." *Note: The Board directed staff to remove item B. The Board also asked Staff to include a schedule of services for the RFP applicants as Exhibit D.</p>
<p>Page 5, "Proposal Submission"</p>	<p>"All responses to this RFP must be received in a sealed envelope and clearly marked "LONDONDERRY PLANNED UNIT DEVELOPMENT PLANNING AND ENGINEERING REVIEW SERVICES PROPOSAL" by 4:00PM, on xxxxx, xxxxxx xx, xxxx to be eligible for</p>	<p>"All responses to this RFP must be received in a sealed envelope and clearly marked "LONDONDERRY PLANNED UNIT DEVELOPMENT PLANNING CONSULTATION SERVICES PROPOSAL" by 4:00PM, on Friday, December 30, 2011 to be eligible for consideration."</p>	<p>"All responses to this RFP must be received in a sealed envelope and clearly marked "LONDONDERRY PLANNED UNIT DEVELOPMENT PLANNING AND ENGINEERING REVIEW SERVICES PROPOSAL" by 4:00PM, on Wednesday, January 4, 2011 to be eligible for</p>

	consideration.”		consideration.”
Page 5, “Proposal Submission”	<p>“Proposals shall be submitted to:</p> <p>Community Development Department ATTN: Andre L. Garron, AICP 268B Mammoth Road Londonderry, NH 03053”</p>	<p>“Proposals shall be submitted to:</p> <p>Community Development Department ATTN: Andre L. Garron, AICP 268B Mammoth Road Londonderry, NH 03053</p> <p>With a copy to the Applicants sent via first-class mail or electronic mail to the following:</p> <p>Ari B. Pollack, Esq. Gallagher, Callahan & Gartrell, P.C. 214 N. Main Street, P.O. Box 1415 Concord, NH 03302-1415 pollack@gcglaw.com”</p>	<p>“Proposals shall be submitted to:</p> <p>Community Development Department ATTN: Andre L. Garron, AICP 268B Mammoth Road Londonderry, NH 03053”</p>
Page 5, “Limitation of Liability”	<p>“The Town of Londonderry assumes no responsibility or liability for costs incurred by Proposers in responding to this RFP or in responding to any further request for interviews, additional data, etc.”</p>	<p>“Neither the Town of Londonderry, nor the Applicants, assume responsibility or liability for costs incurred by recipients of this RFP in responding to this RFP or in responding to any further request for interviews, additional data, etc.”</p>	<p>Staff agrees with the applicant’s changes.</p>
Page 7, “Format for Proposals”	<p>“J. Conflict of Interest – The proposer shall fully and completely identify any business or contractual arrangements or engagements the proposer current has or may have had with any of the development</p>	<p>“J. Conflict of Interest – The proposer shall fully and completely identify any business or contractual arrangements or engagements the proposer current has or may have had with any of the Applicants’ officers, directors,</p>	<p>Staff agrees with the applicant’s changes.</p>

	principals during the past five years, as measured from the date of this submittal, including work for other entities, partnerships, corporations or LLC's in which one or more of the development principals currently or previously had a business interest."	managers, members or other principals during the past five years, as measured from the date of this submittal, including work for other entities, partnerships, corporations or LLC's in which one or more of the development principals currently or previously had a business interest."	
Page 7, "Proposal Evaluation and Selection"	"Proposals will be reviewed using a quality-based evaluation process. The Planning Board and staff will evaluate each proposal based on the documentation requested herein, utilizing criteria, which includes, but is not necessarily limited to or in the order of, the following:"	"Proposals will be reviewed using a quality-based evaluation process. The Board, with recommendations from Staff, will evaluate each proposal based on the documentation requested herein, utilizing criteria, which includes, but is not necessarily limited to or in the order of, the following:"	Staff agrees with the applicant's changes.
Page 8, "Proposal Evaluation and Selection"	"Once the highest quality proposals have been identified, the staff will contact and schedule interviews with the selected firms with the Planning Board. The Planning Board will select the firm that best aligns with the scope of work, experience and evaluation and selection criteria contained in this RFP."	"Once the highest quality proposals have been identified, the staff will contact and schedule interviews with the selected firms with the Board. The Board will select the firm that best aligns with the scope of work, experience and evaluation and selection criteria contained in this RFP. Applicants, and their agents and representatives, may attend any interviews of perspective candidates."	Staff agrees with the applicant's changes.
Page 9, "Appendix A"	"Planning and	"Planning	"Planning and

	Engineering Review Services for the Woodmont Commons Planned Unit Development Proposal"	Consultation Services for the Woodmont Commons Planned Unit Development Proposal"	Engineering Review Services for the Woodmont Commons Planned Unit Development Proposal"
Page 9, "Appendix A"	"to furnish and deliver all material and perform all work in accordance with the contract with the Town of Londonderry <i>Planning and Engineering Review Services for the review of the Woodmont Planned Unit Development Proposal</i> on which proposals will be received until 4:00 PM, prevailing time, xxxxx xx, xxxx at:"	"to furnish and deliver all material and perform all work in accordance with the contract with the Town of Londonderry <i>Planning Consultation Services for the review of the Woodmont Planned Unit Development Proposal</i> on which proposals will be received until 4:00 PM, prevailing time, Friday, December 30, 2011 at:"	"to furnish and deliver all material and perform all work in accordance with the contract with the Town of Londonderry <i>Planning and Engineering Review Services for the review of the Woodmont Planned Unit Development Proposal</i> on which proposals will be received until 4:00 PM, prevailing time, Wednesday, January 4, 2012 at:"

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2 A. Garron also noted that inserted into Appendix B will be the overall
3 concept of the Woodmont Commons Master Plan with direction to view the
4 documentation submitted on October 14 on the Town website. Appendix C
5 will include the PUD ordinance itself. Appendix D will outline the schedule
6 of services as follows:

- 7
8
- December 14-15- Finalize RFP & Establish a Review committee
 - December 15-21- Advertise RFP
 - January 4, 2012- Deadline & Opening of Proposal(s) Received
 - January 11- Sub-Committee Review Proposals & Interview Selection
 - January 11-19- Interviews and Recommendation to Planning Board at special meeting
 - January 30- Special Planning Board Meeting for Consultant's Recommendation on Woodmont Commons PUD Application Acceptance
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18 A. Rugg asked for public input. Ann Chiampa, 28 Wedgewood Drive,
19 expressed concern that the two weeks given for firms to respond to the RFP
20 would be insufficient, given the holiday season. Ron Dumont, 47 Trolley
21 Car Lane, asked if there was a contingency plan regarding the
22 aforementioned dates, considering the tight schedule. A. Rugg replied that
23 these dates are a goal for the Board but that any need for flexibility can be

1 examined later on. A. Pollack noted that the RFP includes a right to reject
 2 all proposals, which, if done, would obviously affect the timeline.

3
 4 A. Rugg asked for four volunteers from the Board to act as sub-committee
 5 members to review the RFP applications. M. Soares and L. Reilly
 6 volunteered. Other interested Board members could email A. Garron after
 7 the meeting.

8
 9 **Continued Plans**

10
 11 A. Tammy M. Verani 2004 Revocable Trust, Map 17, Lot 34 – Continued Public
 12 Hearing for a 5 lot subdivision and Conditional Use Permit.

13
 14 **A. Rugg stated the application has been withdrawn without**
 15 **prejudice.**

16
 17 **New Plans**

18
 19 A. Pillsbury Realty Development, LLC, Map 10, Lots 15, 23, 29C-2A, 29C-2B,
 20 41, 41-1, 41-2, 42, 45, 46, 47, 48, 50, 52, 54-1, 58, 59, and 62 –
 21 Application Acceptance and Public Hearing for formal review of the
 22 Woodmont Commons Planned Unit Development (PUD) Master Plan.

23
 24 A. Garron stated that due to the Board’s request to have a third party
 25 review, beginning with application acceptance, staff recommends this issue
 26 be postponed until that is complete. A. Pollack expressed the applicant’s
 27 view that RSA 676:4(c)(1) obligates the Board to review the application for
 28 completeness within thirty days of its submission and argued that what has
 29 been submitted to the Board meets the submission requirements of the PUD
 30 ordinance in Section 2.8.9. A. Rugg replied that the per the Town
 31 Attorney’s advisement, the Board agrees that the third party review is
 32 required to determine completeness. A. Pollack remarked that the review
 33 for acceptance of a PUD Master Plan is less detailed than subsequent plans
 34 for this project will be. He added that the applicant is amenable to
 35 postponing the start of 65-day review until the third party is hired. T. Freda
 36 stated his preference to have an agreement in writing between the
 37 applicant and the Town Attorney regarding the time table. Following some
 38 discussion, the consensus of the Board was to wait until the third party
 39 consultant is hired before entertaining application acceptance.

40
 41 Sean O’Keefe, 163 Mammoth Road, encouraged having a Town Attorney
 42 present for all of the Woodmont Commons meetings. Jack Falvey, 22
 43 Cortland Street, asked that citizen input on the application be
 44 considered in addition to that of Town staff and the third party consultant.
 45 A. Rugg said they would be considered and should be emailed to A. Garron
 46 with a specific comment or question, as well as the citizen’s name and
 47 address. Mike Speltz, 18 Sugarplum Lane, urged the Board not to accept
 48 the application until the third party consultant is hired due to the scale and
 49 scope of the project.
 50

1 T. Freda asked for direction from the Board as to whether A. Pollack should
 2 continue discussions with the Town Attorney regarding the timeline. The
 3 consensus was to adhere to the timeline as presented previously and wait
 4 for the third party consultant to be hired before entertaining acceptance of
 5 the application.
 6

7 **M. Soares made a motion to table the Application Acceptance and**
 8 **Public Hearing for formal review of the Woodmont Commons**
 9 **Planned Unit Development (PUD) Master Plan to January 30, 2012.**
 10 **L. El-Azem seconded the motion. No discussion. Vote on the motion,**
 11 **8-0-0.**
 12

13 **Other Business**

14
 15 A. Patricia Panciocco (Trustee), Map 7, Lots 7 through 10 – Appeal by PMP
 16 Revocable Trust of an Impact Fee Assessment per section 1.2.8.1 of the
 17 Zoning Ordinance. [Continued from the November 9, 2011 Planning
 18 Board Meeting]
 19

20 A. RUGG: We are here tonight to continue the public hearing and to discuss
 21 the details with the lots that are mentioned. And the conversation will focus
 22 just on those lots alone. We've had discussion that was probably quite wide
 23 ranging, that is things that have been brought up are being discussed with
 24 staff. That's ongoing. Any changes or anything that come before the
 25 Board, we'll make those changes as appropriate. But tonight is just those
 26 lots in particular and the details of your problems with the impact fees.
 27

28 PAT PANCIOCCO: Okay. For the record, my name is Patricia Panciocco.
 29 I'm the applicant in this particular matter and this hearing is a continuation
 30 of the November 9 public hearing on this matter. At that meeting, I spent
 31 most of the time before the Board, without belaboring it, going through the
 32 impact fee statute with the Board, talking about the specific requirements
 33 to be satisfied by a valid impact fee ordinance and also discussing the
 34 distinctions between an impact fee and an off-site improvement cost that's
 35 assessed on a particular development in relation to its impacts on the
 36 environment. As I explained to the Board during that meeting, the reason
 37 why a Master Plan and a Capital Improvement Plan is a requirement before
 38 an impact fee ordinance is adopted is because the Master Plan is the wish
 39 list. It's the Town's vision. The Capital Improvements Plan is the price tag
 40 on the items that the citizens would like to see within the municipality.
 41 Adding to that is the six year time frame within which the Town has to act
 42 on a capital improvement proposal for which fees may have been collected.
 43 To summarize briefly, an impact fee must relate to a capital facility owned
 44 or operated by the Town be a proportional share of the municipal
 45 improvement cost reasonably related to the needs created by that particular
 46 development and the benefits enjoyed by that development. It may be
 47 collected in anticipation of growth, as I believe is the case with your school
 48 impact fees. It can also be collected after the fact, once, for instance, a
 49 school is another example here also. It's been built, the money has been
 50 funded by a bond, but the new development component has not yet been

1 paid for. A valid impact fee cannot be applied when there is growth
2 management also in place. That's in the statute also.

3
4 ART RUGG: I think what we're talking about is your specific parcels.

5
6 PAT PANCIOCCO: That's right.

7
8 ART RUGG: The concerns that you have with them, so address everything
9 to, you know, the specifics of it.

10
11 PAT PANCIOCCO: Mm-hmm.

12
13 ART RUGG: I think we've been through everything else the last time...

14
15 PAT PANCIOCCO: Mm-hmm.

16
17 ART RUGG: ...and I probably allowed probably a wider ranging discussion
18 than I probably should have. We just wanna focus on those four parcels
19 that you have a problem with the Town's impact fee assessment.

20
21 PAT PANCIOCCO: I have a problem with every one of the impact fee
22 assessments. And I think...

23
24 ART RUGG: With your parcels.

25
26 PAT PANCIOCCO: Pardon me?

27
28 ART RUGG: With your parcels.

29
30 PAT PANCIOCCO: Yes, I do.

31
32 ART RUGG: This concerns just those four parcels that you have.

33
34 PAT PANCIOCCO: Well, they're soon to be two parcels.

35
36 ART RUGG: Okay, I don't know about that.

37
38 PAT PANCIOCCO: Well, they're supposed to be merged, lot seven and lot
39 eight are to be merged and lot nine and lot ten will be merged and there
40 will only be two lots in that location. That was what we proposed with the
41 Zoning Board and that is what we intend to do.

42
43 ART RUGG: Okay. Because right now, we're [indistinct] four parcels.

44
45 PAT PANCIOCCO: Right. Well, the merger has not been done yet. I'm
46 working on a plan that incorporates all the details into one plan so that
47 when the notice of voluntary merger comes before the Board, there's a
48 clear illustration which will be recorded to show exactly what we have there
49 because there's been a great deal of confusion with this particular property
50 because of the discontinuance of Meadow Drive as it goes through that

1 area, which was discontinued in 1928. That Meadow Drive right of way will
2 be merged into the lot that's combined seven and eight together, into that
3 lot, and become part of that lot.

4
5 ART RUGG: Okay, André?

6
7 ANDRE GARRON: And to Attorney Panciocco's point, they had submitted a
8 lot merger for those four lots to create two lots. I believe it was the
9 Assessing Department that found some flaws within the Book and Page
10 number, that it didn't relate to the parcels that they are supposed to
11 represent, so I brought that to the attention of Pat and I believe you're
12 examining to make sure that those sites were correct.

13
14 PAT PANCIOCCO: Mm-hmm.

15
16 ART RUGG: Okay...

17
18 PAT PANCIOCCO: And it was basically a plan that doesn't show up on the
19 Registry website that's on file at the Registry, a plan reference. So that's all
20 been cleared up.

21
22 LEITHA REILLY: So is there, I'm sorry, is there a revised impact fee then or
23 are the ones that we're looking at the ones that we're considering tonight?

24
25 PAT PANCIOCCO: The impact fees are an assessment on these particular
26 two lots and the building permits that relate to them.

27
28 LEITHA REILLY: No, but we're looking at impact fees that go across four
29 lots. I understand what you just said and...I heard what you just said but
30 we're looking at ones that are affecting that entire parcel by divided up into
31 the four lots. So I thought the discussion was, as Art just said, that we
32 were going to go through each of the impact fees.

33
34 ART RUGG: This is what we're talking about right here. Those four parcels
35 or potential two parcels. And it would be the specific impact fees that have
36 been assessed on that. And do you have those numbers? What you've
37 been assessed for impact fees, I guess currently?

38
39 LEITHA REILLY: They're in the letter. They're in the letter.

40
41 LYNN WILES: They're in the letter. Don't they be cut in half?

42
43 LEITHA REILLY: Yeah.

44
45 PAT PANCIOCCO: Yes, I do. There's \$18,354 assessed to each lot.

46
47 LEITHA REILLY: Mm-hmm.

48
49 ART RUGG: Each lot.
50

1 MARIA NEWMAN: To each lot?
2
3 PAT PANCIOCCO: They're duplex lots.
4
5 ART RUGG: Mm-hmm.
6
7 PAT PANCIOCCO: So there's two dwelling units to be built in one building
8 on each lot.
9
10 CYNTHIA MAY: And you're talking about two lots, at the point where you're
11 gonna actually build the houses, though, right?
12
13 PAT PANCIOCCO: There'll be a duplex on each merged lot.
14
15 CYNTHIA MAY: Right. So \$18,000 times two.
16
17 LEITHA REILLY: Right.
18
19 ART RUGG: Okay and what is the...I guess the complaint that you have?
20
21 PAT PANCIOCCO: My complaint is as a citizen who's being asked to pay a
22 fee to this Town, I should be able to know the basis of that fee, how it's
23 applied and how that fee number was reached. And I have yet to know
24 that. I've asked on September 13 for the annual reports on each impact
25 fee account listed in the Finance Department, many of which appear in the
26 assessment that has been imposed on us September 13 and I still don't
27 have those. It's been now three months since I've asked for those annual
28 audit reports to be submitted to the Town Council which talks about what's
29 been collected, how much that is, and to what it's been applied and I still
30 haven't been given that information.
31
32 MARY SOARES: So is that information in the Town meeting book?
33
34 PAT PANCIOCCO: No.
35
36 LEITHA REILLY: So you're looking for the calculation, right? Of how the
37 \$18,000...
38
39 ART RUGG: Yes. Right. What we're dealing...
40
41 MARY SOARES: Well, it's broken down, you got an email on September 12.
42
43 LEITHA REILLY: Yeah, it's right here. Right in front of me.
44
45 MARY SOARES: And you got the breakdown of how that \$18,000 is
46 calculated?
47
48 PAT PANCIOCCO: I got the amount due. I do not have the calculations. I
49 have all the reports done by Mr. Mayberry.
50

1 ART RUGG: I think what you need to show us, if these fees are excessive,
2 you need to show why you think they are excessive.
3
4 PAT PANCIOCCO: I was about to go through that. I don't necessarily think
5 they're excessive per se. I cannot make a determination like that at this
6 point because I do not have a clear analysis of those impact fees from the
7 Town. I've asked...
8
9 ART RUGG: So you don't have the details...
10
11 PAT PANCIOCCO: No.
12
13 ART RUGG: ...for us to really arrive at an assessment of what the problem
14 is.
15
16 PAT PANCIOCCO: That's correct and I think some of them are void on their
17 face, they're unauthorized, others, the analysis was flawed and in other
18 cases, funds have been misapplied in places where they shouldn't have
19 been, but that's...
20
21 ART RUGG: How does that apply to your particular situation here?
22
23 PAT PANCIOCCO: As to my situation, I don't feel that I should be asked to
24 add to a fund that's being mismanaged by the Town. I think that's illegal.
25
26 MARY SOARES: Okay. Did you get this email that was sent by Libby?
27
28 PAT PANCIOCCO: Yes. I asked...
29
30 MARY SOARES: That told you that \$12,000 is going to the school...
31
32 PAT PANCIOCCO: Yes.
33
34 MARY SOARES: ...\$240 is going to the Library, \$2,414 is going to the
35 recreation department?
36
37 PAT PANCIOCCO: Yes. Yes.
38
39 MARY SOARES: And is it your...are you saying that you don't understand
40 how that \$12,000 is applied in the school or how that \$2,000 is applied in
41 recreation or how that \$760 is used in the police...?
42
43 PAT PANCIOCCO: In part. In part, I think some of these fees don't have a
44 basis and that there's been enough paid into these account that the amount
45 due from new growth has been satisfied some time ago. And they're still
46 being collected and in some cases, increased. The school impact fees were
47 increased after the school construction was complete. How do you raise
48 impact fees for anticipated costs that are done?
49
50 ART RUGG: Yeah, it still doesn't get to the specifics of the situation.

1 Laura?
2
3 MARY SOARES: Right, well...I'm sorry.
4
5 LAURA EL-AZEM: I apologize because I wasn't here on the 9th, I didn't hear
6 your first meeting's worth, but are these calculations available? I mean, if
7 somebody comes to you and says what can I expect to pay for something
8 like this, who does this math?
9
10 ANDRE GARRON: No, we have an impact fee schedule as approved by
11 Town Council that we give to...we apply to every development in town that
12 the Board...I mean, that the Town has authorized impact fees for.
13
14 LAURA EL-AZEM: Is it based on square footage and type of dwelling and
15 that kind of thing?
16
17 ANDRE GARRON: What we did is, I guess starting in 1994 and throughout
18 to the present, is that we hired a consultant that helped us put together our
19 impact fee calculation using this methodology and those methodologies are
20 updated for the particular the Board sees fit to update. The last update, I
21 believe, was done in 2006 for the school, 2007 for, I believe, fire, and for
22 police and therefore...and it was based on the best information that our
23 consultant had at the time and the methodology, I believe, that Bruce
24 Mayberry employed was sound and it was found to be sound.
25
26 LAURA EL-AZEM: Is that something that's available for review?
27
28 ANDRE GARRON: Yeah, and I believe Attorney Panciocco has all of them.
29
30 LAURA EL-AZEM: So...
31
32 PAT PANCIOCCO: I do.
33
34 LAURA EL-AZEM: ...if you could reproduce numbers like this on a similar
35 dwelling because you have the numbers that he figured out...that he used to
36 figure out your numbers.
37
38 PAT PANCIOCCO: I'm sorry?
39
40 LAURA EL-AZEM: It sounded like André just said that you were provided
41 with...
42
43 PAT PANCIOCCO: Yes.
44
45 LAURA EL-AZEM: ...the methodology that they used to reach these
46 numbers.
47
48 PAT PANCIOCCO: Yes.
49
50 LAURA EL-AZEM: But isn't that what you said you didn't receive since

1 September?

2
3 PAT PANCIOCCO: No. Your ordinance calls for annual audit reports to be
4 submitted to the Town Council. It states clearly how much was collected,
5 where it was spent...

6
7 LAURA EL-AZEM: But wait a minute, just back up one second, okay? I
8 understand you have a problem with how the money's being spent but do
9 you understand how they came to what you're being assessed?

10
11 PAT PANCIOCCO: In some cases, yes. And I disagree with...

12
13 LAURA EL-AZEM: Okay, so they did provide...I maybe misunderstood when
14 you were speaking earlier, I thought you said that you hadn't been provided
15 with that, so...

16
17 PAT PANCIOCCO: Not that.

18
19 LAURA EL-AZEM: So these are the numbers that you've been assessed and
20 you know how they got to them and they're based on a schedule and a
21 consultant that we used. I'm just trying to understand, is there
22 something...I understand the part about you don't like the way the money's
23 being spent and you think perhaps it's being spent...or mismanaged. But as
24 far as what you've been assessed, I think all we can look at right now is
25 have you been assessed wrongly because you're here to appeal your
26 assessment.

27
28 PAT PANCIOCCO: Mm-hmm.

29
30 LAURA EL-AZEM: And I don't know that we have the...it's not our purview
31 necessarily to decide whether the Town is spending the money that it
32 collects properly. I'm not sure. Correct me if I'm wrong. But I think that
33 our purpose tonight is to decide on your appeal, which is this is what you've
34 been assessed and you're claiming that you were assessed wrongly because
35 some calculation was wrong.

36
37 PAT PANCIOCCO: It's not that simple. Now, let me ask the Board. Do you
38 have the letter I sent out on the 18th of November to Mr. Garron and Mr.
39 Caron?

40
41 TOM FREDA: No...

42
43 PAT PANCIOCCO: There was a separate....

44
45 [overlapping comments]

46
47 ART RUGG: November 7th.

48
49 MARY SOARES: October 7th.

50

1 PAT PANCIOCCO: If I could approach?
2
3 ANDRE GARRON: It was the letter on the 18th.
4
5 PAT PANCIOCCO: [indistinct] ...on the 18th. He told me I would hear from
6 Town Counsel. It says it right in the email. I submitted my letter with
7 specifics and he reminded me that I owed you an analysis and without
8 complete information from the Town, I'm unable to provide you a complete
9 analysis.
10
11 ANDRE GARRON: Now, Pat, you said the 18th. I have one on the 22nd.
12
13 PAT PANCIOCCO: The 22nd is my letter and [indistinct].
14
15 ART RUGG: Email's November 18.
16
17 PAT PANCIOCCO: I got that from Mr. Caron on the 18th and I responded on
18 the 22nd with a seven page letter about how I feel your ordinances are
19 flawed. And if you'd like, I can summarize them.
20
21 ART RUGG: Okay, yeah, we aren't discussing that. We're discussing the
22 specific fees you've been charged on your property.
23
24 PAT PANCIOCCO: And I'm saying that without a clear basis in fact for you
25 to assess those fees on me, I can't respond to you as to why they're wrong
26 because I do believe, and I have some additional information here to share
27 with you, that enough fees have been collected, particularly in the school's
28 case where...
29
30 DANA COONS: We're not here to discuss what fees have been collected.
31 We're here to discuss the fees that you've been assessed on your property
32 and why you feel they are wrong. The schedule is there for every property
33 in town.
34
35 PAT PANCIOCCO: Mm-hmm.
36
37 DANA COONS: We do update that periodically based on new information
38 that whether...it doesn't matter whether the construction's been done or
39 anything else. Those fees are assessed to every new property in town
40 regardless.
41
42 PAT PANCIOCCO: I understand that.
43
44 DANA COONS: So please stick to the facts. We're not interested in what
45 monies have been spent, we're not interested in anything else other than
46 why you feel the fees assessed to you are wrong on these particular
47 properties. We've already gone over of how they're assessed and how
48 they're calculated.
49
50 PAT PANCIOCCO: I will tell you and go through each one and tell you

1 specifically why I don't think they're correct and why they should not be
2 assessed.
3
4 TOM FREDA: But understand that...but that frankly is your version of what
5 you think is right and wrong. There's been no determination by any
6 authority...
7
8 PAT PANCIOCCO: No, there has not.
9
10 TOM FREDA: Well, isn't that your obligation, to have...to go to court and
11 say 'these impact fees are wrongly charged,' have the impact fees struck
12 down and then you can seek, you know, not to have it imposed on you?
13
14 PAT PANCIOCCO: Is that the Board would prefer? Rather than trying to
15 resolve through the administrative process if...?
16
17 TOM FREDA: But you're asking for an appellate process and the appellate
18 process requires you to say that this fee is being illegally assessed against
19 you. You haven't made the prerequisite determination that the impact fee
20 is illegal as assessed.
21
22 PAT PANCIOCCO: I can allege, but I can't give you all the facts because the
23 Town has not given them to me. So I will tell you what I think, but I cannot
24 provide you the evidence because the Town has not satisfied my request.
25
26 TOM FREDA: Did you make a 91-A request?
27
28 PAT PANCIOCCO: You bet your life I did.
29
30 TOM FREDA: Okay and who...did you make it to...which office in the Town?
31
32 PAT PANCIOCCO: The Planner and the Town Manager.
33
34 TOM FREDA: Okay.
35
36 PAT PANCIOCCO: And I followed up on a number of occasions in addition to
37 coming to this Board.
38
39 TOM FREDA: But you'd agree with me, there's been no determination yet...
40
41 PAT PANCIOCCO: No.
42
43 TOM FREDA: ...that the impact fee, as you say, is incorrect.
44
45 PAT PANCIOCCO: How can you make a determination without the facts?
46
47 TOM FREDA: I'm not. You're the one that's saying it's wrong, so no
48 authority has said that it's illegal.
49
50 PAT PANCIOCCO: No, I have no authority. I would rather resolve it with

1 the Board and hope that the Board would say 'provide the information so
2 that we can talk about specific facts.'

3
4 TOM FREDA: But we have no authority to award you, essentially, an
5 abatement of an impact fee based on a conversation between us when, you
6 know, there's nothing that's been determined that says that the impact fee
7 as assessed or as should be assessed is illegal or is incorrect.

8
9 PAT PANCIOCCO: This Board is responsible for that impact fee ordinance
10 and for its valid application against new development.

11
12 TOM FREDA: And there's nothing before us that says it's incorrect except
13 you.

14
15 LEITHA REILLY: And we're applying that currently and we are hearing and
16 listening to your appeal...

17
18 PAT PANCIOCCO: Right.

19
20 LEITHA REILLY: ...on those numbers that are specifically related to this
21 property, these properties...tax maps. So...

22
23 MARY SOARES: So we know that when a duplex is built...

24
25 LEITHA REILLY: Mm-hmm.

26
27 PAT PANCIOCCO: Mm-hmm.

28
29 MARY SOARES: ...the assessment is \$12,000 because it will have an
30 impact on the school because it will bring children into the school.

31
32 LEITHA REILLY: Right.

33
34 MARY SOARES: And there are bonds that are being paid on the buildings,
35 whether they've been built, completely built or not, they're still bonded,
36 we're still paying for them. So that's where that goes. The Library is...how
37 many times have we fixed that roof? I mean, the Library has ongoing
38 things. I think they are all legitimate impact fees and at this point, Mr.
39 Chair, if you'll entertain a motion, I would like to make a motion that
40 we...you know, the only one I guess I would like to have a conversation
41 about is Route 102 Central Corridor.

42
43 LEITHA REILLY: Sure. Mm-hmm.

44
45 MARY SOARES: That's the only one that I could see any argument...

46
47 LEITHA REILLY: To offer...

48
49 MARY SOARES: ...to offer an abatement on. The other ones I think are
50 extremely valid and I would not, as one Board member, be willing to offer

1 an abatement on any of those. But the Route 102 Central Corridor, I would
2 have a...like to have a conversation about it.

3
4 ART RUGG: Yup. André?

5
6 ANDRE GARRON: With regard to the impact fees, I think that Attorney
7 Panciocco has made some very good points with her letters to the Board
8 and to Dave Caron and myself and which staff has had a number of
9 conversations based on those and we realize too that there is some
10 elements of the ordinance that we're gonna be revisiting and there's
11 elements of the ordinance that the Board...the Town just needs to do a
12 better job of following through with, identified very clearly in the letters that
13 we received. As far as the methodology that we use in order to create this,
14 you know, based on Section 1.2.6, again, we've hired competent
15 consultants to help us with this. We've had competent legal counsel guide
16 us through to make sure that what we move forward with is sound and it
17 meets the intent RSA 674:21, the impact fee ordinance. We've had
18 conversations with our legal counsel with regard to the way we assess
19 impact fees on our corridors, our Route 28 Corridor and Route 102 Corridor
20 and I believe the Board has already taken steps on a section of the Route
21 28 Corridor to identify sections that would probably be best not to include in
22 our regulations and we're gonna look at every other corridor that we have
23 studied in the community to make sure that what we have from this point
24 going forward is consistent with what our legal counsel is recommending to
25 us that we look at. But as far as the school impact fee, the fire impact fee,
26 the recreation impact fee, and the Library impact fee, again, we've hired
27 our experts, we have a computation that we've been using and have
28 updated over time and we find right now that that system and the
29 methodology is sound.

30
31 MARY SOARES: So, Mr. Chair, if you'll entertain a motion, I'd like to make
32 a motion that we make an abatement to the Route 102 Central Corridor
33 Traffic impact fee for this application.

34
35 ART RUGG: Probably the best way would...I think would be to continue for
36 staff to make the adjustment and everything and we come back on the 11th
37 of January.

38
39 LYNN WILES: Yeah, but before we do that, too, didn't we have legal
40 counsel, didn't Bart Mayer say that, you know, the way the corridor impact
41 fees are assessed today is legal? I thought that's what he said in his letter
42 that we got.

43
44 MARY SOARES: It did say that they are.

45
46 ART RUGG: Yeah.

47
48 PAT PANCIOCCO: Mr. Chairman, I've come here with a lot of information
49 for this Board and I would respectfully request that I be allowed to submit
50 this. There's...

1
2 ART RUGG: It has to be specific to the numbers that you have on your
3 parcels. I'm not, you know, we've gone through everything else before.
4 We don't need to go through it again.
5
6 PAT PANCIOCCO: I will give you the two bills killed by the legislature right
7 here...
8
9 MARY SOARES: It has nothing to do with your...
10
11 PAT PANCIOCCO: ...to show...
12
13 [overlapping comments].
14
15 DANA COONS: ...specific to your property.
16
17 ART RUGG: Specific to your property.
18
19 PAT PANCIOCCO: To 102. You can't assess it against me. You don't have
20 the authority to assess impact fees on a State road. Period.
21
22 ART RUGG: That's what we're...
23
24 MARY SOARES: We're not gonna have a...
25
26 ART RUGG: ...we're talking about right there; to making adjustments.
27 We've made adjustments in the past...
28
29 PAT PANCIOCCO: There were two bills killed by the legislature that said
30 that municipalities couldn't do it and here's a report.
31
32 TOM FREDA: Did you say "killed by the legislature"?
33
34 PAT PANCIOCCO: They were inexpedient to legislate.
35
36 TOM FREDA: So they weren't passed?
37
38 PAT PANCIOCCO: Exactly.
39
40 TOM FREDA: So what you're saying is you're gonna submit two bills that
41 were proposed...
42
43 PAT PANCIOCCO: They're right here. A copy for anybody that would...
44
45 TOM FREDA: Right, but they weren't enacted.
46
47 PAT PANCIOCCO: They were not enacted because they did not feel it was
48 appropriate to give municipalities the authority to assess impact fees on
49 State roads.
50

1 TOM FREDA: But are you saying they didn't enact something that would
2 have prevented the Town from doing it or...?

3
4 PAT PANCIOCCO: The very fact that somebody proposed that the impact
5 fee statute be amended to grant that type of authority and the legislature in
6 the State of New Hampshire said 'no' means that you cannot do it.

7
8 TOM FREDA: I'm not sure...

9
10 PAT PANCIOCCO: Well, I have people here that'll testify and were present
11 at all those hearings.

12
13 TOM FREDA: Okay.

14
15 MARY SOARES: Okay, so Mr...

16
17 PAT PANCIOCCO: And I think that's a valid point and it definitely has a
18 direct bearing on the fees being assessed against us. I also would like the
19 fees that have been assessed against our company in the past for road
20 impact fees to be returned because they're illegal.

21
22 LEITHA REILLY: Mr. Chairman, what are our options? Deny, approve,
23 deny with a cond...or approve with a condition?

24
25 ART RUGG: I would continue it...one is to go through...have staff go through
26 these fees, make adjustments, you know, and then I think review by our,
27 you know, Town Attorney.

28
29 ANDRE GARRON: We'll come back to...

30
31 PAT PANCIOCCO: I'd like to submit the information that I've received from
32 the school district that pretty much shows that \$3.5 million have been
33 collected and based on the building aid, which is not reflected in the
34 analysis of these fee assessments, they've collected more than enough to
35 fund the new development cost of school impact fees. This information's
36 here. I have all the data here also that shows you have a declining school
37 population. You've had that for seven or eight years right now but yet, in
38 2007, your school impact fees went up, and there are no school projects
39 planned. I would like that also admitted and have that assessed by staff
40 and we can continue if that's the Board's pleasure.

41
42 ART RUGG: We will review that.

43
44 MARY SOARES: Okay, I'd like to amend my motion then. I'll make the
45 motion that we continue this to the...what did you say, January 11th
46 meeting?

47
48 ART RUGG: January 11th, 7:00 PM.

49
50 PAT PANCIOCCO: And I'll send my remaining questions to staff in a letter

1 form if the Board doesn't want to hear them.

2
3 LAURA EL-AZEM: Is that January 11th date for a decision on this appeal?
4 That we'll be coming back with a decision on the appeal? Or is that for
5 further discussion on this?
6

7 ART RUGG: It'll be, I think from what has been presented here, then staff
8 will make the assessment and then be reviewed by counsel and I think...

9
10 ANDRE GARRON: We will review the Route 102 Corridor impact fee
11 assessment.
12

13 ART RUGG: The Board will be probably at that point of making a decision
14 then.
15

16 LAURA EL-AZEM: Okay.
17

18 PAT PANCIOCCO: And I would, again, like to renew my request for an
19 accounting of each impact fee account as your ordinance says is required to
20 be submitted to Town Council. And I can take that up with Town Council
21 also.
22

23 ART RUGG: Yes.
24

25 PAT PANCIOCCO: Because I'm not sure who's responsible for that.
26

27 MARY SOARES: Well, we do have a Town Council liaison, so you could take
28 that back to your town...to the Town Council.
29

30 PAT PANCIOCCO: And I've spoke with the Finance Department and she
31 does not have them. Big chunks of money are transferred to the general
32 fund, which the statute says is not allowed because the money isn't yours
33 until the legislative body appropriates their share of the improvement, but
34 yet those funds have been dipped into and used for various costs with no
35 corresponding contribution by the Town. These are the types of things I'm
36 talking about that make the handling of these funds downright illegal.
37

38 ART RUGG: Okay, anyone from the public have any questions, comments,
39 concerns on this appeal?
40

41 TOM FREDA: Can I ask for a clarification from the applicant?
42

43 ART RUGG: Yes.
44

45 TOM FREDA: What specific parcels are you appealing and what amounts of
46 the tax are you appealing?
47

48 PAT PANCIOCCO: An administrative appeal isn't necessarily related to the
49 land, which is more...it's a little bit of a novelty when it's before a Planning
50 Board.

1
2 TOM FREDA: Okay.
3
4 PAT PANCIOCCO: I am appealing the ordinance itself in its application to
5 our proposed building permits.
6
7 TOM FREDA: Oh, okay. So you're not appealing a specific property's
8 tax...impact fee.
9
10 MARY SOARES: Yes, she is.
11
12 PAT PANCIOCCO: Only the assessed...
13
14 ART RUGG: Yes, she is.
15
16 PAT PANCIOCCO: It's a...
17
18 TOM FREDA: No, but...
19
20 [overlapping comments]
21
22 TOM FREDA: No, but as a preliminary matter, you're saying the entire
23 impact fee shouldn't be assessed because it's illegal. You're challenging the
24 ordinance.
25
26 PAT PANCIOCCO: The Town has the burden to show that the fees being
27 assessed are legal and they're valid and I'm open to hearing that
28 conversation. But today, I have still not gotten the reports that are
29 supposed to be made available to me.
30
31 TOM FREDA: No, I heard what you said, but my question is are you telling
32 us that you're appealing the...you said it's an administrative appeal...
33
34 PAT PANCIOCCO: Yes.
35
36 TOM FREDA: ...of a certain section of the zoning ordinance or the impact
37 fee calculation? You're not appealing a specific assessment against you.
38
39 ART RUGG: Yeah, impact fee assessment per Section 1.2.8.1 of the zoning
40 ordinance.
41
42 TOM FREDA: Where is that? No, I'm asking her what she's appealing, not
43 what the statute says.
44
45 ART RUGG: Okay.
46
47 PAT PANCIOCCO: I'm appealing the imposition of an impact fee generally
48 until I have clarification from the Town what I'm paying for and that the
49 amount is validly assessed.
50

1 TOM FREDA: So, you're challenging the regulation or the statute...or,
2 excuse me, the ordinance, I guess it is.

3
4 PAT PANCIOCCO: No, it's basically the application but I wanna know what
5 I'm paying for and where it's being applied and that it's valid and I think
6 that anybody who pays a tax, which is what this is, is entitled to know that.
7 Especially when your ordinance publishes right in the ordinance that an
8 annual audit is done. Had those audits been done, we may not be having
9 this conversation.

10
11 TOM FREDA: But if you're challenging an enacted ordinance, don't you
12 have an obligation to go to the Superior Court that has equity power to do
13 that since we don't have that?

14
15 PAT PANCIOCCO: Your ordinance requires that I exhaust my
16 administrative remedies and if you would like me to go to the Superior
17 Court. I can do that and the Court will order the Town to produce that. I'm
18 trying to make this less painful for the Town and I've got little...little
19 cooperation for the specific information that I've asked for, other than
20 reports published by others. Financial reports that are supposed to be open
21 and available to me as a taxpayer aren't available, and that's a violation of
22 91-A. That's a serious thing for a Town.

23
24 TOM FREDA: Then, with all due respect, I think you need to specify that
25 you're challenging what you're challenging. Which section that you're
26 challenging and put it in writing so you've got a record to take to the
27 Superior Court.

28
29 PAT PANCIOCCO: I can do that. You can't challenge specificity when the
30 specificity is not provided by the Town. I can challenge them as applied
31 and put the Town's feet to the fire in the courtroom if that's easier.

32
33 TOM FREDA: I beg to differ with you. I just don't think that it's the Town's
34 obligation that when anybody says 'I think the law is wrong, that it's the
35 Town's obligation to say that...' I mean, it's been enacted, it's been passed.
36 I think you'd find that the record says that. You wanna say it's wrong,
37 you're welcome to that, but that's our purview to say that.

38
39 PAT PANCIOCCO: The statute is valid, the ordinance is actually very well
40 written. I will say that. And with the exception of one provision that allows
41 impact fees to be applied to pay bond interest, I think it's consistent,
42 generally, with the statute. The problem is it hasn't been applied the way
43 it's written.

44
45 TOM FREDA: With all due respect, that's what you say. Okay? And you
46 come back with 'you have to believe me because the Town hasn't given me
47 the financial records to prove me wrong.'

48
49 PAT PANCIOCCO: I mean, that speaks for itself. If...
50

1 TOM FREDA: No, it speaks that, like lots of things in the government, you
2 don't get anything sometimes until you make a lot of noise and you should
3 get the documents. But that doesn't mean anything other than you didn't
4 get the documents. With all due respect, you're taking three leaps here
5 because somebody didn't provide you with something.

6
7 PAT PANCIOCCO: It's ninety days since I asked for it.

8
9 TOM FREDA: It may be, and that's wrong and you should get the
10 documents but that doesn't mean they've been illegally collected, illegally
11 applied, or that anything you say has any relevance or validity to it.

12
13 PAT PANCIOCCO: Based upon the reports from outsiders and the limited
14 information I've been given, that's the way it looks. It really would be very
15 helpful if this Board would be supportive in producing what your ordinance
16 says you have available. But I've yet to hear that.

17
18 ART RUGG: Certainly, we've made that request of staff and that's where,
19 you know, staff does the administration of our ordinance.

20
21 PAT PANCIOCCO: I would like to have both.

22
23 ANDRÉ GARRON: And I can't speak to the financial information but I just
24 know that every document that Miss Panciocco has asked from my office,
25 we've produced.

26
27 PAT PANCIOCCO: Published by other people. I...

28
29 ANDRE GARRON: I'm just saying the documents that we have identified in
30 our ordinance and the methodology used in order to derive at the impact
31 fees that we have for fire, police, highway, or, excuse me, fire, police,
32 highway, and recreation all have been produced...

33
34 PAT PANCIOCCO: Yup.

35
36 ANDRE GARRON: ...and given to Miss Panciocco as requested.

37
38 PAT PANCIOCCO: That's right and I've been given one sided reports by the
39 Finance Department and I was told to go to Planning or Public Works to find
40 out where the money went when there was a lump sum transferred to the
41 general fund. When I asked 'Where did that money go? Where was that
42 applied?' 'I don't know. I don't have the information.'

43
44 MARY SOARES: Well, you know, I attend the School budget meetings and
45 I attend, well, I listen to, I don't attend, the Town Council meetings during
46 the budget season and I also listen to the Town Council and I attend the
47 School Board when the outside auditors come in and audit our books, so
48 those documents are there. The books are audited every single year. By
49 law, they have to be.
50

1 PAT PANCIOCCO: Generally, yes, they are.
2
3 MARY SOARES: Well...
4
5 PAT PANCIOCCO: I agree. But not the impact fees.
6
7 MARY SOARES: But the impact fee is a revenue and the revenue is
8 accounted for in the audit. These people specifically speak about the
9 revenues versus the expenditures and both budgets are bottom line
10 budgets, so the impact fees, unless they go into...you know, actually,
11 though, I don't really want to get into this conversation with you, but I'm
12 just saying I know that we are audited every single year and I know that
13 those...that you should be able to get that information from Sue Hickey and
14 the Town...
15
16 PAT PANCIOCCO: I would think so.
17
18 MARY SOARES: ...and from the School.
19
20 PAT PANCIOCCO: I would think so.
21
22 MARY SOARES: And you said the School has provided information for you.
23
24 PAT PANCIOCCO: Yeah, he's given me two summary letters and I sent him
25 a couple of other questions and he also told me that \$200,000 from the
26 School impact fees was used to keep the Town's tax rate in check. Is that
27 what impact fees are for? The letter is right here.
28
29 MARY SOARES: Well, it's a bottom line budget. So...
30
31 PAT PANCIOCCO: That's not what impact fees are collected for and it's not
32 recognized revenue until the Town appropriates their share.
33
34 MARY SOARES: The...well, again, this is not the conversation...
35
36 PAT PANCIOCCO: And they make it circular.
37
38 MARY SOARES: ...we need to have this evening.
39
40 LEITHA REILLY: Mr. Chairman? What are our options?
41
42 ART RUGG: We're not here to argue. We just collect as much information
43 as we can. I think our option is to take it under advisement, have staff....
44
45 MARY SOARES: Well, there's a motion on the floor to table it to the 11th.
46
47 PAT PANCIOCCO: That's fine.
48
49 ART RUGG: To...yeah, not...
50

1 MARY SOARES: To continue it to the 11th.
2
3 ART RUGG: To continue to the 11th, yeah.
4
5 MARY SOARES: Did anybody second that?
6
7 LEITHA REILLY: I have some discussion on that.
8
9 LAURA EL-AZEM: I did.
10
11 ART RUGG: Okay.
12
13 LAURA EL-AZEM: Yeah, I can withdraw my second if there's something we
14 need to discuss, but...
15
16 LEITHA REILLY: I don't understand the point. Why we would delay to it to
17 January. We've asked the questions of Miss Panciocco two times now and
18 frankly, she has yet to give us an answer specifically...she's given us lots of
19 other answers which I can sincerely appreciate, that she has issues with,
20 but we've asked her twice now, specifically about her appeal with regard to
21 these numbers and I have yet to hear an answer from you on these
22 numbers as they're outlined on the fees.
23
24 PAT PANCIOCCO: Yes, I have information...
25
26 LEITHA REILLY: Excuse me, just let me finish. And I don't see the point,
27 frankly, in delaying this for either party involved. I mean, she came to us
28 in good faith to talk about those impact fees and we wanna talk about it but
29 I don't hear her talking about it with us, so I don't see why pushing it
30 another month is gonna help us or her, for that matter.
31
32 ART RUGG: I just want staff to review, and I think we're dealing with the
33 102 piece.
34
35 MARIA NEWMAN: Mr. Chairman? My question, André, is when will you
36 come to an opinion on those fees, the structure of that changing? When do
37 you think the timeframe will be that you might come to conclusion of
38 restructuring the fees that have to do with the State roads or 102 or...?
39
40 ANDRE GARRON: That we want to get on right away. Within the next
41 month, I wanna have at least an outline of what I wanna present to the
42 Board because there's a lot of information that's been shared and a lot of
43 information that we garnered from our legal counsel, and therefore, again,
44 we wanna take a look at all of our...especially the traffic impact, starting
45 with that.
46
47 MARIA NEWMAN: So you might have an answer for us in a month on it
48 or...?
49
50 ANDRE GARRON: Well, with regard to this particular one, again, if it's the

1 direction of the Board to come back with looking at how the Route 102
2 Corridor impact fee could be modified based on the input that we received
3 from legal counsel, I'll have that by January 11th.

4
5 MARIA NEWMAN: You will have that. Okay.

6
7 ANDRE GARRON: Yes, I will.

8
9 MARIA NEWMAN: Because then we'll have something to discuss that has to
10 do with possibly that aspect of that one particular impact fee.

11
12 ANDRE GARRON: Correct.

13
14 MARIA NEWMAN: Okay.

15
16 LYNN WILES: And if you could look at one other thing, too. If we do make
17 changes to that, if those changes can be applied retroactively or not
18 because I know Miss Panciocco had talked about looking for rebates on all
19 of her prior impact fees. So I think we need to understand that as well.

20
21 PAT PANCIOCCO: Absolutely.

22
23 DANA COONS: That's something that...

24
25 ANDRE GARRON: Yeah, I mean...

26
27 PAT PANCIOCCO: I would like these other questions...

28
29 DANA COONS: Have we ever done stuff retroactively? Then why would we
30 start now?

31
32 LEITHA REILLY: ...would we start now? Yeah.

33
34 LYNN WILES: That'll be the next question.

35
36 DANA COONS: You know, I mean, this property was appraised, the impact
37 fees were assessed on our current methodology.

38
39 ANDRE GARRON: Mm-hmm.

40
41 MARIA NEWMAN: Right.

42
43 DANA COONS: Alright, yes, I understand we're gonna look at changing our
44 calculations. That's something we should do on a routine basis and change
45 the calculations based on that new information going forward. But I don't
46 think it should be applied retroactively.

47
48 MARIA NEWMAN: Right.

49
50 DANA COONS: So I don't know why we're even...I agree with Leitha. Why

1 are we even considering continuing this?
2
3 PAT PANCIOCCO: Because we don't have complete information.
4
5 LEITHA REILLY: I do.
6
7 LYNN WILES: I do.
8
9 LAURA EL-AZEM: Yeah, I think we do.
10
11 PAT PANCIOCCO: Well...
12
13 [overlapping comments]
14
15 MARY SOARES: We have a motion on the floor and you kind of asked me
16 to take that one back because you wanted more information. So do we
17 wanna poll the Board as opposed to...?
18
19 ART RUGG: Someone can make a motion and we'll poll the Board that way.
20
21 MARY SOARES: Okay. We have two options. I can withdraw the...we can
22 vote down continuing it and then we can...I'll make the other motion...
23
24 ART RUGG: There's a motion on the floor and a second for a continuance
25 and that can be withdrawn or we could go ahead and vote whatever way
26 the Board wants. And another motion would be heard.
27
28 MARY SOARES: I'd rather have a vote, personally.
29
30 LEITHA REILLY: Yeah, let's do a vote.
31
32 ART RUGG: Oh, okay.
33
34 MARY SOARES: So...
35
36 LYNN WILES: [indistinct] ...a motion on the floor.
37
38 ART RUGG: So Mary's motion that's on the floor is to continue to the 11th of
39 January, 2012, 7:00 PM, 'cause we'll have the...what little information we
40 have here, we can make adjustments and staff will make that adjustment
41 and it'll be reviewed by...
42
43 MARY SOARES: No, the motion on the Board is continue it to the 11th,
44 yeah.
45
46 ART RUGG: Yeah. Okay. And a second by Laura.
47
48 TOM FREDA: Is he gonna have discussion on that?
49
50 ART RUGG: Yes, we'll have discussion on that.

1
2 MARIA NEWMAN: I have one more question.
3
4 ART RUGG: It'll be part of the discussion.
5
6 MARIA NEWMAN: Yeah, one more question about...when these, naturally
7 these development...this development...the merger hasn't happened yet.
8 It's going to happen in the near future. When do impact fees get collected?
9 A t what point do impact fees get collected?
10
11 ANDRE GARRON: At the time...prior to C.O. Certificate of Occupancy.
12
13 PAT PANCIOCCO: Right.
14
15 MARIA NEWMAN: Okay, so at that point, the new methodology with...that
16 has to do with Route 102 and...that you're talking about that you're gonna
17 be putting in place, will be in place at that point, right?
18
19 ANDRE GARRON: Correct.
20
21 MARIA NEWMAN: Which means the impact fee numbers are gonna change
22 in that regard, on that line, right?
23
24 ANDRE GARRON: Well, the impact fee, in this regard, has been assessed.
25 I mean, the...
26
27 MARIA NEWMAN: Oh, it's already...
28
29 PAT PANCIOCCO: Mm-hmm.
30
31 ANDRE GARRON: The assessed...yeah.
32
33 MARIA NEWMAN: ...this is the assessed number for...okay. That's what I
34 wanted to know. Okay.
35
36 PAT PANCIOCCO: Right.
37
38 ANDRE GARRON: Yeah, you need to apply for a permit.
39
40 MARIA NEWMAN: Okay. Thank you.
41
42 ART RUGG: Tom?
43
44 ANDRE GARRON: Alright, so...
45
46 TOM FREDA: I guess...I don't even know what we're doing.
47
48 ANDRE GARRON: When they apply for it, they get [indistinct]...they're
49 assessed and then the impact [indistinct]...
50

1 TOM FREDA: We're talking about...there's been an assessment against
2 you, apparently, that you haven't paid. You don't seem to be asking about
3 that. You're saying 'I don't like how it's calculated.' Okay...

4
5 PAT PANCIOCCO: No, I'm asking for more information so I can tell you
6 that.

7
8 TOM FREDA: But frankly, you filed an appeal, so, you know, either you
9 have the information...

10
11 PAT PANCIOCCO: I had to.

12
13 TOM FREDA: ...or you don't. But...

14
15 PAT PANCIOCCO: True.

16
17 TOM FREDA: Well, you're telling us you don't have the information. Then
18 how can you sit there and say it's wrong? You don't have the information.

19
20 PAT PANCIOCCO: Because what I do have and what I have gotten from
21 André points in that direction, but I'm asking the Town because there
22 maybe things that I don't know about and that's why I've asked for those
23 reports.

24
25 TOM FREDA: But this is where I have a fundamental problem. You're
26 saying it's wrong and you're telling me I have to prove that I'm right. I
27 don't agree with that. I think you say it's wrong, you're saying
28 it's...unconstitutional, illegal, whatever. You prove it's wrong. Get your
29 evidence, come before us...

30
31 PAT PANCIOCCO: I did.

32
33 TOM FREDA: Well, you don't have it. You know, frankly...because you just
34 came here and said 'I don't have it.'

35
36 PAT PANCIOCCO: I've pointed all that out in the letter that I gave you
37 tonight that none of you were given before this hearing. I've pointed out
38 specifics in your Town Reports and in the reports and the methodologies.
39 I've explained all that and I've also testified to a number of those facts.
40 That letter is seven pages long. It's been at this Town Hall now for almost a
41 month and you haven't seen it, unfortunately, and that's a disrespect to you
42 as a Board, to come and listen to this hearing and not having had a chance
43 to review that letter in detail and what it says. Because you did ask me for
44 specificity and I've pointed out to you in that letter exactly where I see
45 these inconsistencies and why I am alleging what I'm alleging. And why
46 that additional complete information will help me to clarify...I could be
47 completely wrong and...

48
49 TOM FREDA: So you agree you could be completely wrong.
50

1 PAT PANCIOCCO: I could be completely wrong, absolutely.
2
3 TOM FREDA: Okay.
4
5 PAT PANCIOCCO: But without complete information from the Town, how
6 would I know that?
7
8 TOM FREDA: But my point is, you're here on your appeal and with all due
9 respect, you know...
10
11 PAT PANCIOCCO: I have thirty days.
12
13 TOM FREDA: ...if you're gonna have a trial, you can't say, you know, 'If you
14 just give me, you know, I got witnesses out there that's gonna...I got an
15 alibi defense, they're just not here today.' You know?
16
17 PAT PANCIOCCO: When I go to trial, I ask for a stay 'til I get complete
18 information.
19
20 TOM FREDA: Well, then, you know what? Then...
21
22 PAT PANCIOCCO: Which I've done.
23
24 TOM FREDA: Then, frankly, do that. Okay?
25
26 PAT PANCIOCCO: I did here. And I still haven't got the complete
27 information. Now you're in contempt of court. If you wanna...
28
29 TOM FREDA: Well, no, I mean, with all due respect, you're...I don't even
30 know from reading your two letters what you're complaining about. You've
31 given me a little closer thing here and then you tell me 'I don't have the
32 information.' So, you know, if you want to ask us, 'I need a continuance for
33 thirty days so that I can get the Town Hall to give me the financial
34 information, then I'm gonna come here and I'm gonna prove to the Board
35 that the impact fees have been illegally collected...
36
37 PAT PANCIOCCO: I can do that.
38
39 TOM FREDA: Fine. But if you're gonna come here and say 'I need thirty
40 days so I can get information and then you'll have to prove it to me that I'm
41 correct,' I'm ready to deny you now.
42
43 PAT PANCIOCCO: I'm happy to do that and I did that last month, asking for
44 that addition to show information.
45
46 TOM FREDA: No, are you gonna take the burden...
47
48 PAT PANCIOCCO: I'll do it again.
49
50 TOM FREDA: Are you gonna take the burden and say you're gonna

1 undertake and calculate how it's illegal?
2
3 PAT PANCIOCCO: Yup. I have.
4
5 TOM FREDA: And I don't to...we don't have to prove a thing here.
6
7 PAT PANCIOCCO: I have.
8
9 TOM FREDA: No, no, no.
10
11 PAT PANCIOCCO: I have assumed that burden.
12
13 TOM FREDA: Okay, so we're all clear on that. You're gonna prove it's
14 illegal.
15
16 PAT PANCIOCCO: I have no problem. With my own analysis. I will not hire
17 a consultant.
18
19 TOM FREDA: Okay.
20
21 PAT PANCIOCCO: But I will point out the inconsistencies that I've already
22 pointed out and I've got more to add to that.
23
24 TOM FREDA: Well, I just wanna be clear...
25
26 PAT PANCIOCCO: I want complete information.
27
28 TOM FREDA: ...because I'm happy to give you the chance to do that, if
29 you're gonna take the burden.
30
31 PAT PANCIOCCO: I have no problem with that.
32
33 TOM FREDA: If you want a continuance just for me to come back in a
34 month and prove that...
35
36 PAT PANCIOCCO: No.
37
38 TOM FREDA: ...you know, we're right, I'll deny it now. I'd vote to deny it
39 now.
40
41 PAT PANCIOCCO: No. I want the reports that your ordinance says are
42 available annually. What's collected, what it's applied to. And there are
43 things...there are reports that your ordinance says are available and
44 submitted to Town Council. If I had those reports...
45
46 TOM FREDA: Well, that's why...so it's your burden...just so we're clear...
47
48 PAT PANCIOCCO: It's my burden. I'm fine with that.
49
50 TOM FREDA: Then I'd vote to give her a continuance.

1
2 PAT PANCIOCCO: To point out where I...
3
4 LEITHA REILLY: But she's telling us she already gave it to us. So what are
5 you...are you gonna bring something new?
6
7 TOM FREDA: She's saying she's gonna get something.
8
9 LEITHA REILLY: Okay.
10
11 TOM FREDA: What she gets is up to her.
12
13 LEITHA REILLY: Alright.
14
15 TOM FREDA: It's not my job.
16
17 PAT PANCIOCCO: I have to have the cooperation of the Town to have that
18 information. I can't produce it. Once I have it, I will be happy to come
19 back to you and meet that burden and point out to you where I think things
20 have gone awry.
21
22 TOM FREDA: You've got...you're an attorney, right?
23
24 PAT PANCIOCCO: I absolutely am.
25
26 TOM FREDA: You've got case here. You can go get a subpoena. Drag 'em
27 down here next time.
28
29 PAT PANCIOCCO: I can't issue a subpoena without being in court and I
30 thought a more simple way also for the Town to manage this was at an
31 administrative level without the court costs involved. Now if the Town
32 would prefer otherwise, so be it, but why would I want to do that to the
33 Town? I can go to court myself. It's not gonna cost me any money. But it
34 makes no sense if it can be resolved with the Board who's charged with
35 administering this ordinance.
36
37 ART RUGG: Well, we're looking for the information and evidently, it's not
38 all here.
39
40 PAT PANCIOCCO: I need the information to complete my package and I will
41 be happy to get back to you with specificity. Complete specificity, other
42 than the seven pages I've already provided. Happy to do that.
43
44 ANDRE GARRON: And also, I guess I must say that the seven pages that
45 Miss Panciocco is referring to, and that's dated November 22nd, and that's
46 what was handed out. There was obviously sent to Dave Caron and
47 myself...
48
49 PAT PANCIOCCO: Mm-hmm.
50

1 ANDRE GARRON: ...and with regard to the appeal, in accordance with our
2 regulations, there's nothing in there regarding her appeal. It's the
3 information with regard to the...her proposal on what is wrong with our
4 impact fee ordinance. But with regard what the Board has to react to, and
5 that's clearly in our regulations, there's nothing in there to that effect.
6 Dave and I, we had conversations where we spoke with our legal counsel,
7 and I believe legal counsel has spoken with the Board, and therefore we're
8 taking action on those items in here that we think are relevant towards
9 improving our impact fee ordinance. But with regard to what's at stake, we
10 have four lots here with an impact fee...or two lots once it's merged, that
11 impact fee was assessed, and therefore the Board has to react to, is that
12 impact fee calculated incorrectly and 'here is my proposal and what I think
13 is the correct proposal,' and then the Board can react to that.

14
15 PAT PANCIOCCO: No, I...

16
17 ANDRE GARRON: That's what in our regulations right now.

18
19 PAT PANCIOCCO: But as I've just said, I can't provide that, Mr. Garron,
20 without complete information to reach that conclusion and propose it to the
21 Town. Once I have that, I'm happy to come in with what I think is
22 reasonable or fair so that Board can consider that to meet the letter of what
23 your language says.

24
25 LAURA EL-AZEM: But, you...

26
27 MARY SOARES: Mr. Chair...

28
29 LAURA EL-AZEM: Wait, I'm sorry, you told me earlier, 'this is my main
30 point of confusion,' at the very beginning of this discussion, you said you
31 didn't receive the information about how these fees were calculated, and
32 then André said that he did provide you with the information about these
33 fees are calculated by the outside consultant with their methodology, and
34 you said 'Yes, I received that,' and I said...I must have misunderstood you
35 when you said you didn't.

36
37 PAT PANCIOCCO: No. I want the accounting of it. [Indistinct]...that makes
38 a difference.

39
40 LAURA EL-AZEM: But you said you got the information about how to
41 calculate these fees.

42
43 PAT PANCIOCCO: No. That's not...I have the reports. I do not have the
44 audit that is supposed to be available to reconcile it.

45
46 LAURA EL-AZEM: I'm sorry, maybe it's just because I'm late and I'm not an
47 attorney...

48
49 PAT PANCIOCCO: No, and I'm not gonna keep you late.
50

1 LAURA EL-AZEM: Do you have...do you know how the people arrived at
2 \$12,060 for a condex/duplex three bedroom unit School impact fee? Did
3 they provide you with something that showed, based on your lots, 'this is
4 how we arrived at \$12,060'?

5
6 PAT PANCIOCCO: Yes.

7
8 LAURA EL-AZEM: And did you see any mistakes in the math or any
9 mistakes in how they got to that number?

10
11 PAT PANCIOCCO: How they got to the \$12,000? I didn't see any addition
12 errors, if that's the question.

13
14 LAURA EL-AZEM: Okay. Thank you.

15
16 PAT PANCIOCCO: The foundational piece, I do have an issue with.

17
18 LAURA EL-AZEM: I feel like I'm being asked to decide a bunch of stuff that
19 I'm not qualified to decide and that isn't our purview. And I sympathize
20 with you if you're running into problems getting information from the Town.
21 You certainly should get the information that you request.

22
23 PAT PANCIOCCO: That's all I'm asking.

24
25 LAURA EL-AZEM: But as far as our job here tonight, I'm unwilling to second
26 a motion to forward...to continue this 'til next week because I've not been
27 given a speck of information that says that the impact fees that were
28 calculated on these properties were in any way erroneously arrived at and
29 that's what I've been asked to decide on tonight. If they were erroneously
30 arrived at, let's uphold her appeal. But I've gotten no information, so I'm
31 not willing to continue this. I'm not gonna second it.

32
33 MARY SOARES: Okay, then, I'll withdraw that and I will make a motion that
34 we deny the...

35
36 ART RUGG: The appeal.

37
38 MARY SOARES: ...the appeal. Thank you.

39
40 DANA COONS: Second.

41
42 LYNN WILES: I second.

43
44 ART RUGG: Motion by Mary, second by Dana to deny the appeal. Any
45 further discussion by the Board? All those in favor, signify by saying 'aye.'

46
47 MARY SOARES: Aye.

48
49 LYNN WILES: Aye

50

1 LAURA EL-AZEM: Aye.

2
3 DANA COONS: Aye.

4
5 LEITHA REILLY: Aye.

6
7 MARIA NEWMAN: Aye.

8
9 ART RUGG: Opposed, say 'nay.'

10
11 TOM FREDA: Nay.

12
13 RICK BRIDEAU: Nay.

14
15 ART RUGG:: Abstentions? Chair votes affirmative and the appeal is
16 denied.

17
18 PAT PANCIOCCO: Okay.

- 19
20 B. Orchard Christian Fellowship, Map 6, Lot 18-2 – Conceptual Discussion of a
21 site plan for a proposed church with associated site improvements, 136
22 Pillsbury Road, Zoned AR-1.

23
24 M. Newman recused herself from the discussion.

25
26 [A. Rugg left the room at 10:04 PM and returned at 10:05].

27
28 Representative for the applicant, Jeff Lewis of Northpoint Engineering,
29 explained that staff has seen the conceptual design, as has the Heritage
30 Commission. The 15-acre parcel has been surveyed. An agreement
31 currently exists between the owners and Moose Hill Orchards who maintain
32 the apple trees that line the front of the lot. The property is surrounded by
33 the Historical Society and Moose Hill Kindergarten to the west, the
34 Londonderry Presbyterian Church to the east, and various school buildings
35 to the northeast.

36
37 The goal is to construct a 7,000 square foot building to use as a sanctuary
38 with 400 seat capacity, while at the same time trying to assess expansion
39 potential to meet anticipated growth. A number of restrictions have
40 resulted in the proposed layout (see Attachment #4), including a 40 to 50
41 foot drop across the lot from east to west, the need to remove a significant
42 amount of ledge, sight distance issues with the current driveway, and the
43 lack of municipal sewer on Pillsbury Road (although the possibility exists to
44 tap into the sewer used by Moose Hill Kindergarten).

45
46 A two tiered parking lot with approximately 15 to 20 feet of drop between
47 the them is planned and would lead to even higher ground if and when the
48 future buildings and parking areas are constructed. A 50-foot buffer would
49 be required to all the surrounding parcels under current zoning
50 requirements. A large portion of the existing orchard would need to be

1 removed, but one row is expected to remain, along with small clusters
2 closer to the building area. The amount of trees to remain resulted from
3 what the applicant felt they could maintain, since Moose Hill Orchards would
4 not be interested in keeping so few for themselves. The Heritage
5 Commission was supportive of the proposal, including the building
6 renderings, but had some minor concerns about impacting stone walls and
7 a foundation that exists on the Historical Society's site. J. Lewis said those
8 concerns will be addressed when they arrive at the final design.

9
10 A. Rugg asked for input from staff. J. Trottier stated that existing sewer
11 capacity would be sufficient for the applicant to tie into the sewer at Moose
12 Hill Kindergarten. The applicant would need to speak with the School
13 District, however, regarding easements. Sight distance issues will be
14 addressed with the applicant and the drainage will be reviewed further. C.
15 May said she attended the aforementioned Heritage Commission meeting
16 and that the positioning of the church was a concern since the lot is part of
17 the Town's scenic and cultural byway. She suggested either bringing the
18 building towards the street like the other churches in the area (with the
19 parking on the side and the rear) or pushing the entire development back
20 such as Moose Hill Kindergarten is. This might result in a cost savings for
21 the applicant since it might preclude the need for the closed drainage
22 system. A. Garron echoed the same concern and emphasized the
23 importance of retaining the scenic byway, the designation of which was
24 made possible in part by a State grant.

25
26 A. Rugg asked for Board input. M. Soares, L. Wiles, L. El-Azem, and L.
27 Reilly all stated their preference to see just one row of parking in front of
28 the building with the rest behind it. J. Lewis replied that more buildings and
29 parking are anticipated in the future and that because of the topography as
30 well as wetlands to the rear of the lot, the best buildable area is as shown
31 on the preliminary site plan. He and Doug Campbell, Chair of the Church's
32 Building Committee, explained that all other alternatives have been
33 considered and the present layout is the only way to accomplish the campus
34 concept the Church is hoping to create. The amount of fill or blasting
35 involved with the Board's suggestion is cost prohibitive for the Church.
36 Several other suggestions were made by Board members and staff, with L.
37 El-Azem reiterating the importance of that area in cultural and scenic terms.
38 J. Lewis explained why each would not work, although he did say that
39 reducing the actual amount of parking has not yet been considered. C. May
40 suggested the Church examine what their actual needs are regarding
41 parking and then return with their proposal.

42
43 **Adjournment:**

44
45 **M. Soares made a motion to adjourn the meeting. R. Brideau**
46 **seconded the motion. Vote on the motion: 8-0-0.** Meeting adjourned
47 at 10:42 PM.
48
49

1 These minutes prepared by Jaye Trottier and Libby Canuel, Community
2 Development Department Secretaries.
3
4
5
6 Respectfully Submitted,
7
8
9
10 Lynn Wiles, Secretary



Request for Proposals:

*Planning and
Engineering Review*

Services for the

Woodmont

*Commons Planned
Unit Development*

Proposal

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I. **Introduction**

The Planning Board of the Town of Londonderry, New Hampshire (Board) is soliciting proposals for professional services (Consultant) to assist the Board in the review of a Planned Unit Development proposal called Woodmont Commons in accordance with NH RSA 676:4b. Woodmont Commons is a 625 acre mixed use development consisting of 1300 units of residential development, 1,782,500 SF of non-residential development and up to 550 Hotel guest rooms. The Woodmont Commons proposal is broken into two segments: Eastern segment, located on the east side of I-93 (See Appendix B) and the west side, located on the west side of I 93 (See Appendix B). Owners of Woodmont Commons are Pillsbury Realty Development Inc., Hyrax Derry Partners LLC, Demoulas Super Market Inc., and Robert D. and Stephen R. Lievens.

Woodmont Commons is located near Londonderry's commercial retail area long Rt. 102 to the south, residential development to the north and west and within one mile of Interstate 93 via Exit 4 to the east.

The Board anticipates work will begin as soon as a consultant is selected.

A written proposal with a fixed hourly rate with an estimated budget to perform the work as defined in section III (contained in a separate sealed envelope, see Sections VIII. I) for the review services of the Woodmont proposal must be received by Andre L. Garron, AICP, Community Development Director, at 268B Mammoth Road, Londonderry, New Hampshire 03053, no later than 4:00 pm on **XXX, XXXXX XX, XXXX**.

II. **Background**

The Town of Londonderry is among the top 10 fastest growing communities in the state of New Hampshire. As the fourth largest town, Londonderry, 2010 Census population of 24,129, is a combination of being a bedroom community to metro-areas of Boston and Manchester, NH, a co-host of Manchester-Boston Regional Airport, home of a school system recognized many times as superb, and a community replete with stone walls and white church steeples as much as modern eco-industrial/business parks.

Formerly recognized as an agricultural community hosting a large concentration of family-owned apple orchards and farms, Londonderry has been carefully developing a mix of a traditional New England community with the assets and benefits of a vibrant business/industrial sector in order to achieve a balanced lifestyle/workstyle.

On January 4, 2010, the Town of Londonderry adopted a new zoning code called Planned Unit Development. During the summer and fall of 2010, the owners of the former Woodmont Orchards hired Duany Plater-Zyberk & Company to design a master development plan for the 625 acre development area. Duany Plater-Zyberk & Company held two, five day design charrette soliciting public comment towards creating a master plan for the owners of Woodmont Orchards. From November 2010 to July 2011, the owners of Woodmont Commons and Planning Board held workshop meetings to discuss the various components of the owner's conceptual master plan. On October 14, 2011, the owners of Woodmont Commons

submitted a formal application to the Town of Londonderry to create a mixed use planned unit development of its 625 acre parcels.

III. *Scope of Service*

The Londonderry Planning Board seeks a consultant to assist with the planning and engineering review of the Planned Unit Development (PUD) application, called Woodmont Commons (Herein called "PUD application), as submitted to the Board on October 14, 2011. The consultant will review the material submitted by the owners of the PUD application to insure that the application contains all required information for acceptance by the Londonderry Planning Board in accordance with its Planned Unit Development Ordinance (See Appendix C). If the PUD application is accepted by Londonderry's Planning Board as complete, the consultant will then be retained to provide guidance and assistance to the Planning Board in the design and technical review all elements of the project and to insure the plan complies with all aspects of Londonderry's Planned Unit Development ordinance. Balanced with the design and technical review of the PUD application will be the input from the residents, property owners and stakeholders of Londonderry in regards to the PUD proposal. The timeframe for this contract will start from the review of the PUD application for *application acceptance* and end at the time the planning board makes its final decision on the PUD application

Responses to this Request For Proposal (RFP) shall be made by a firm or a team of firms and specialists, in the field of planning and engineering, having an in-house or sub-contracted professional staff of multiple disciplines necessary to support the review of the Woodmont Commons 625 acre Mixed Use Planned Unit Development, including but not limited to, planning, architectural, urban design, including experience with new urbanism concepts, traditional neighborhood development, etc., civil engineering, traffic, pedestrian and parking, financial, and economic services and such other capabilities or services as may be necessary or useful to fulfill the requested services identified by the Planning Board..

The Consultant's Review of the Woodmont PUD, will include, but not limited to:

- A. Review of Woodmont Common's PUD Application
- B. Review of Woodmont Common's two Design Charrette Information
- C. Review of all Planning Board minutes of all workshop meeting and discussion held in regards to the Woodmont Commons proposal.
- D. Review of all ordinances, regulations, policies, long range plans associated with the planned unit development ordinance
- E. Attendance and participation at all Planning Board meetings at which Woodmont Commons will be heard or discussed
- F. Attendance and participation at all staff meetings at which the Woodmont Commons PUD application will be reviewed and discussed
- G. Other topic areas as deemed appropriate by the consultant and/or the Planning Board.

IV. ***Proposal Submission***

All responses to this RFP must be received in a sealed envelope and clearly marked “LONDONDERRY PLANNED UNIT DEVELOPMENT PLANNING AND ENGINEERING REVIEW SERVICES PROPOSAL” by 4:00PM, on **xxxxx**, **xxxxxx xx, xxxx** to be eligible for consideration. Proposals shall be submitted to:

Community Development Department
ATTN: Andre L. Garron, AICP
268B Mammoth Road
Londonderry, NH 03053

The proposal and the bid price (including cost estimates and hourly rates, See Section VIII) should be submitted in separate sealed envelopes.

Please submit seven (7) paper copies of the RFP response, one (1) electronic copy in word searchable Adobe PDF format, including the bid price with your submission. The Town of Londonderry will be employing a **quality-based selection process**. The proposals will be publicly opened and recorded at the following scheduled RFP opening meeting on **XXXX, xxxx xx, xxxx** at PM in the Moose Hill Conference Room on the first floor of Town Hall.

V. ***Revisions to the Request for Proposals***

If it becomes necessary to revise any part of the RFP, an addendum will be sent to all those who received the original document.

VI. ***Limitation of Liability***

The Town of Londonderry assumes no responsibility or liability for costs incurred by Proposers in responding to this RFP or in responding to any further request for interviews, additional data, etc.

VII. ***Proposal Preparation***

In order to facilitate evaluation of the proposals, the respondent is instructed to be concise and to follow the outline below in responding. Proposals that do not follow the outline, or do not contain the required information, may be considered as unresponsive proposals. Additional detailed information may be annexed to the proposal.

VIII. ***Format for Proposals***

Respondents are requested to be concise and proposals should include, in order, the following:

- A. Letter of Transmittal
- B. Executive Summary
- C. Brief organizational profile, including background and experience of the firm.
- D. Previous project summaries, including reference contact information, for a minimum of three (3) projects that are similar in scope to the project described herein that demonstrate pertinent corporate and key personnel experience; listing of the pertinent projects may be included. (The Town reserves the right to contact any references provided herein or otherwise obtained).
- E. A detailed outline of the proposed services for executing the requirements of the Proposed Scope of Services. (Please note that the final report document as well as all maps and supporting information is expected to be delivered in both hard copy and electronic format).
- F. Project management including:
 - i. Project organizational chart including key staff to be assigned and their roles in the project.
 - ii. Location of office from which the management of the project will be performed.
- G. Summary/matrix of key personnel's shared project experience
- H. Appendices: Resumes of person(s) who will be performing the work.
- I. *Cost estimates and typical billing rates (In a separate sealed envelope):* Proposed cost of the service(s) or activities, **including the hourly rate with** an estimated budget to perform the work as defined in section III, of individuals who will perform the services or activities. The proposed cost should include:
 - i. Meetings.
 - ii. Site visits and expenses.
 - iii. Expenses for travel, postage and telephone excluded from the hourly rate.
 - iv. Additional services defined beyond the scope of regular services.
 - v. Proposers are urged to provide a Matrix for the Project, showing hours by classification (i.e., Principal, Project Manager, etc.) for the tasks identified in the proposal.
 - vi. A schedule of billing rates by classification, etc. is also desired.
 - vii. Cost will be broken out by review elements (i.e. Acceptance Review and Application Review)
- J. Conflict of Interest – The proposer shall fully and completely identify any business or contractual arrangements or engagements the proposer current has or may have had with any of the development principals during the past five years, as measured from the date of this submittal, including work for other entities, partnerships, corporations

or LLC's in which one or more of the development principals currently or previously had a business interest.

IX. *Signature*

The proposal shall be signed by an official authorized to bind the offer and shall contain a statement to the effect that the proposal is a firm offer for a ninety (90) day period from opening. The proposal shall also provide the following information: name, title, address and telephone number of the individual(s) with authority to contractually bind the company and also who may be contacted during the period of proposal evaluation for the purpose of clarifying submitted information.

X. *Nature of Proposal and Eligibility*

This RFP has been developed in accordance with the Purchasing Procedures and Purchasing Policies of the Town of Londonderry and shall be promulgated there under, and shall constitute a firm and binding offer. The determination of whether a proposal may be withdrawn is solely at the discretion of the Planning Board. However, in no event shall a proposal be withdrawn unless the request for withdrawal is filed within five (5) days of the date of the opening and the proposer establishes that the proposal contains a material mistake and the mistake occurred despite the exercise of reasonable care.

XI. *Right to Reject Proposals and Waive Informalities*

The Town reserves the right to reject any or all proposals, to waive any non-material irregularities or information in any RFP, and to accept or reject any item or combination of items.

XII. *Proposal Evaluation and Selection*

Proposals will be reviewed using a quality-based evaluation process. The Planning Board and staff will evaluate each proposal based on the documentation requested herein, utilizing criteria, which includes, but is not necessarily limited to or in the order of, the following:

- A. The proposal's responsiveness to the RFP (format, capabilities, work program, approach, clarity, ability to meet proposed schedule, etc.).
- B. Apparent specialized experience and technical competence of the firm and its personnel in the required disciplines, including a thorough knowledge of the legal, federal, state and local land use statutes and regulations.

- C. The qualifications and experience of personnel committed to the project.

Once the highest quality proposals have been identified, the staff will contact and schedule interviews with the selected firms with the Planning Board. The Planning Board will select the firm that best aligns with the scope of work, experience and evaluation and selection criteria contained in this RFP.

DRAFT

Appendix A

TOWN OF LONDONDERRY
REQUEST FOR PROPOSAL

Planning and Engineering Review Services for the Woodmont Commons
Planned Unit Development Proposal

PROPOSAL FORM

Proposal of _____

NAME

ADDRESS

to furnish and deliver all material and perform all work in accordance with the contract with the Town of Londonderry *Planning and Engineering Review Services for the review of the Woodmont Planned Unit Development Proposal* on which proposals will be received until 4:00 PM, prevailing time, xxxxx xx, xxxx at:

Community Development Department
268B Mammoth Road
Londonderry, NH 03053

In accordance with the invitation of the Town of Londonderry to submit proposals for the project herein before named, and in conformity with the Request for Proposals (RFP), the undersigned hereby certifies that the undersigned is the only person, firm, or corporation interested in this proposal as principals; that this proposal is made without collusion with any person, firm or corporation; that an examination has been made of the documents furnished with the RFP.

A cost summary and sample level of effort is provided for information along with a proposed fee for proposed services. A rate schedule by labor category is also included.

It is further proposed:

The undersigned declares under penalty of perjury under the laws of the United States and the State of New Hampshire that, in accordance with provisions of Title 23 U.S.C., Section 112(c), the undersigned has not either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract.

Certification Regarding Debarment, Suspension and Other Responsibility Matters – Primary Covered Transaction

- I. The prospective primary participant certifies to the best of its knowledge and belief, that it and all its principals: (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or committee; (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification and;

(d) Have not within a three-year period preceding this application/proposal had one or more public transaction (Federal, State or local) terminated for cause or default

II. Where the prospective primary participant is unable to certify to any the statements in this certifications, such prospective participant shall attach an explanation to this proposal.

Dated _____ -

(IF A FIRM OR AN INDIVIDUAL)

Signature of Bidder _____

Printed Name _____

Address of Bidder _____

Telephone Number _____

Names and Address of Relevant Members of the Firm:

(IF A CORPORATION OR OTHER ENTITY)

Signature of Bidder _____

Printed Name _____

Address of Bidder _____

Telephone Number _____

Incorporated under the laws of the State of _____

Names of Officers / Member / Principals:

1. _____
Name Title

2. _____
Name Title

3. _____
Name Title

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Request for Proposals:

Planning

Consultation

Services for the

Woodmont

Commons Planned

Unit Development

Proposal

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	<i>Appendix B: Planned Unit Development Ordinance</i>	11

I. **Introduction**

The Planning Board of the Town of Londonderry, New Hampshire (Board) is soliciting proposals for professional services (Consultant) to assist the Board in the review of a Planned Unit Development (PUD) proposal called Woodmont Commons in accordance with NH RSA 676:4-b. Woodmont Commons ~~includes approximately 625 acres and is being proposed for redevelopment as a~~ mixed use development consisting of ~~approximately~~ 1300 units of residential development, ~~an estimated~~ 1,782,500 SF of non-residential development and ~~roughly~~ 550 Hotel guest rooms. The Woodmont Commons proposal is broken into two segments: Eastern segment, located on the east side of I-93 (See Appendix B) and the west side, located on the west side of I-93 (See Appendix B). Owners of ~~real property within the~~ Woodmont Commons PUD are Pillsbury Realty Development, LLC, Hyrax Derry Partners LLC, Demoulas Super Markets Inc., and Robert D. and Stephen R. Lievens.

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Woodmont Commons is located near Londonderry’s commercial retail area long Rt. 102 to the south, residential development to the north and west and within one mile of Interstate 93 via Exit 4 to the east.

The Board anticipates ~~that review and consultation~~ work will begin as soon as a consultant is selected.

A written proposal with a fixed hourly rate ~~and~~ an estimated budget to perform the work as defined in section III (contained in a separate sealed envelope, see Sections VIII. I) for the review services of the Woodmont ~~Commons PUD~~, must be received by Andre L. Garron, AICP, Community Development Director, at 268B Mammoth Road, Londonderry, New Hampshire 03053, no later than 4:00 pm on ~~Friday, December 30, 2011~~.

Deleted: with

Deleted: proposal

Deleted: XXX, XXXXX XX, XXXX

II. **Background**

The Town of Londonderry is among the top 10 fastest growing communities in the state of New Hampshire. As the fourth largest town, Londonderry, 2010 Census population of 24,129, is a combination of being a bedroom community to metro-areas of Boston and Manchester, NH, a co-host of Manchester-Boston Regional Airport, home of a school system recognized many times as superb, and a community replete with stone walls and white church steeples as much as modern eco-industrial/business parks.

Formerly recognized as an agricultural community hosting a large concentration of family-owned apple orchards and farms, Londonderry has been carefully developing a mix of a traditional New England community with the assets and benefits of a vibrant business/industrial sector in order to achieve a balanced lifestyle/workstyle.

On January 4, 2010, the Town of Londonderry adopted a new ~~section of its Zoning Ordinance~~ called Planned Unit Development (~~Section 2.8~~). During the summer and fall of 2010, ~~the Applicants~~ hired Duany Plater-Zyberk & Company to design a master development plan for the ~~project~~ development area. ~~As a part of its work~~, Duany Plater-Zyberk & Company held two, five day design charrette soliciting public comment towards creating a master plan for the ~~Woodmont Commons PUD~~. From November 2010 to July 2011, the owners of Woodmont

Deleted: zoning code

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Commons and Planning Board held workshop meetings to discuss the various components of the Applicants' conceptual master plan. On October 14, 2011, the Applicants, submitted a formal application to the Town of Londonderry to create a mixed use planned unit development for the project area.

- Deleted: owner's
- Deleted: owners of Woodmont Commons
- Deleted: of its 625 acre parcels

III. *Scope of Service*

The Board seeks a consultant to assist with the planning review of the PUD application, called Woodmont Commons (herein called "PUD application), as submitted to the Board on October 14, 2011. The consultant will review the material submitted by the Applicants to provide subject-matter expertise, guidance and assistance to the Board in reviewing the merits of all elements of the application materials and the project and to confirm the plan complies with all aspects of the PUD ordinance (See Appendix C). Balanced with review of the PUD application and the PUD ordinance, will be the input from the residents, property owners and stakeholders of Londonderry, including the Applicants, and other regional interests, in regards to the PUD proposal. The timeframe for this contract will start from the Board's determination of completeness, or its selection of a consultant pursuant to this RFP, whichever is later, and end at the time the Board makes its final decision on the PUD application.

- Deleted: Londonderry Planning
- Deleted: and engineering
- Deleted: Planned Unit Development (
- Deleted:)
- Deleted: H
- Deleted: owners of the PUD application to insure that the application contains all required information for acceptance by the Londonderry Planning Board in accordance with its Planned Unit Development Ordinance (See Appendix C). If the PUD application is accepted by Londonderry's Planning Board as complete, the consultant will then be retained

Responses to this Request For Proposal (RFP) shall be made by a firm or a team of firms and specialists, in the field of land development planning, having an in-house or sub-contracted professional staff of multiple disciplines necessary to support the review of the Woodmont Commons PUD Application, including, but not limited to, planning, architecture, urban design, etc, traffic, pedestrian and parking considerations, the provision of essential municipal services, and such other capabilities or services as may be necessary or useful to fulfill the requested services identified by the Board.

- Deleted: Planning
- Deleted: design and technical review
- Deleted: insure
- Deleted: Londonderry's Planned Unit Development
- Deleted: the design and technical
- Deleted: review of the PUD application for application acceptance
- Deleted: planning b

The Consultant's Review of the Woodmont PUD, will include, but not limited to:

- A. Review of Woodmont Common's PUD Application.
- B. _____
- C. _____
- D. Review of all ordinances, regulations, policies, long range plans associated with the planned unit development ordinance.
- E. Attendance and participation at all Board meetings at which Woodmont Commons will be heard or discussed, if required by the Board.
- F. Attendance and participation at all meetings at which the Woodmont Commons PUD application will be reviewed and discussed, if required by the Board.
- G. Other topic areas as deemed appropriate by the consultant and the Board.

- Deleted: and engineering
- Deleted: 625 acre Mixed Use Planned Unit Development
- Deleted: al
- Deleted: , civil engineering
- Deleted: , financial, and economic services
- Deleted: Planning
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- Deleted: Review of Woodmont Common's two Design Charrette Information
- Deleted: Review of all Planning Board minutes of all workshop meeting and discussion held in regards to the Woodmont Commons proposal.

IV. *Proposal Submission*

All responses to this RFP must be received in a sealed envelope and clearly marked

- Deleted:
- Deleted: Planning
- Deleted: staff
- Deleted: /or
- Deleted: Planning

“LONDONDERRY PLANNED UNIT DEVELOPMENT PLANNING CONSULTATION SERVICES PROPOSAL” by 4:00PM, on Friday, December 30, 2011, to be eligible for consideration. Proposals shall be submitted to:

Deleted: AND ENGINEERING REVIEW

Deleted: xxxxx, xxxxxx xx, xxxxx

Community Development Department
ATTN: Andre L. Garron, AICP
268B Mammoth Road
Londonderry, NH 03053

With a copy to the Applicants sent via first-class mail or electronic mail to the following:

Formatted: Indent: Left: 0.5"

Ari B. Pollack, Esq.
Gallagher, Callhan & Gartrell, P.C.
214 N. Main Street, P.O. Box 1415
Concord, NH 03302-1415
pollack@gcglaw.com

The proposal and the bid price (including cost estimates and hourly rates. See Section VIII) should be submitted in separate sealed envelopes.

Please submit seven (7) paper copies of the RFP response, one (1) electronic copy in word searchable Adobe PDF format, including the bid price with your submission. The Town of Londonderry will be employing a **quality-based selection process**. The proposals will be publicly opened and recorded at the following scheduled RFP opening meeting on Tuesday, January 3, 2012 at 10AM, in the Moose Hill Conference Room on the first floor of Town Hall. Respondents shall be available to confer with the Board during January 2012 to help facilitate an efficient selection process.

Deleted: XXXX, xxxx xx, xxxx at PM

V. **Revisions to the Request for Proposals**

If it becomes necessary to revise any part of the RFP, an addendum will be sent to all those who received the original document.

VI. **Limitation of Liability**

Neither the Town of Londonderry, nor the Applicants, assume responsibility or liability for costs incurred by recipients of this RFP in responding to this RFP or in responding to any further request for interviews, additional data, etc.

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VII. **Proposal Preparation**

In order to facilitate evaluation of the proposals, the respondent is instructed to be concise and to follow the outline below in responding. Proposals that do not follow the outline, or do not contain the required information, may be considered as unresponsive proposals. Additional detailed information may be annexed to the

proposal.

VIII. **Format for Proposals**

Respondents are requested to be concise and proposals should include, in order, the following:

- A. Letter of Transmittal
- B. Executive Summary
- C. Brief organizational profile, including background and experience of the firm.
- D. Previous project summaries, including reference contact information, for a minimum of three (3) projects that are similar in scope to the project described herein that demonstrate pertinent corporate and key personnel experience; listing of the pertinent projects may be included. (The Town reserves the right to contact any references provided herein or otherwise obtained).
- E. A detailed outline of the proposed services for executing the requirements of the Proposed Scope of Services. (Please note that the final report document as well as all maps and supporting information is expected to be delivered in both hard copy and electronic format).
- F. Project management including:
 - i. Project organizational chart including key staff to be assigned and their roles in the project.
 - ii. Location of office from which the management of the project will be performed.
- G. Summary/matrix of key personnel's shared project experience
- H. Appendices: Resumes of person(s) who will be performing the work.
- I. *Cost estimates and typical billing rates (In a separate sealed envelope):* Proposed cost of the service(s) or activities, **including the hourly rate with** an estimated budget to perform the work as defined in section III, of individuals who will perform the services or activities. The proposed cost should include:
 - i. Meetings.
 - ii. Site visits and expenses.
 - iii. Expenses for travel, postage and telephone excluded from the hourly rate.
 - iv. Additional services defined beyond the scope of regular services.
 - v. Proposers are urged to provide a Matrix for the Project, showing hours by classification (i.e., Principal, Project Manager, etc.) for the tasks identified in the proposal.

- vi. A schedule of billing rates by classification, etc. is also desired.
- vii. Cost will be broken out by review elements (i.e. Acceptance Review and Application Review)

J. Conflict of Interest – The proposer shall fully and completely identify any business or contractual arrangements or engagements the proposer current has or may have had with any of the Applicants' officers, directors, managers, members or other principals during the past five years, as measured from the date of this submittal, including work for other entities, partnerships, corporations or LLC's in which one or more of the development principals currently or previously had a business interest.

Deleted: development

IX. **Signature**

The proposal shall be signed by an official authorized to bind the offer and shall contain a statement to the effect that the proposal is a firm offer for a ninety (90) day period from opening. The proposal shall also provide the following information: name, title, address and telephone number of the individual(s) with authority to contractually bind the company and also who may be contacted during the period of proposal evaluation for the purpose of clarifying submitted information.

X. **Nature of Proposal and Eligibility**

This RFP has been developed in accordance with the Purchasing Procedures and Purchasing Policies of the Town of Londonderry and shall be promulgated there under, and shall constitute a firm and binding offer. The determination of whether a proposal may be withdrawn is solely at the discretion of the Planning Board. However, in no event shall a proposal be withdrawn unless the request for withdrawal is filed within five (5) days of the date of the opening and the proposer establishes that the proposal contains a material mistake and the mistake occurred despite the exercise of reasonable care.

XI. **Right to Reject Proposals and Waive Informalities**

The Town reserves the right to reject any or all proposals, to waive any non-material irregularities or information in any RFP, and to accept or reject any item or combination of items.

XII. **Proposal Evaluation and Selection**

Proposals will be reviewed using a quality-based evaluation process. The Board with recommendations from Staff will evaluate each proposal based on the documentation requested herein, utilizing criteria, which includes, but is not necessarily limited to or in the order of, the following:

Deleted: Planning

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- A. The proposal's responsiveness to the RFP (format, capabilities, work program, approach, clarity, ability to meet proposed schedule, etc.).
- B. Apparent specialized experience and technical competence of the firm and its personnel in the required disciplines, including a thorough knowledge of the legal, federal, state and local land use statutes and regulations.
- C. The qualifications and experience of personnel committed to the project.

Once the highest quality proposals have been identified, the staff will contact and schedule interviews with the selected firms with the Board. The Board will select the firm that best aligns with the scope of work, experience and evaluation and selection criteria contained in this RFP. Applicants, and their agents and representatives, may attend any interviews of perspective candidates.

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Appendix A

TOWN OF LONDONDERRY
REQUEST FOR PROPOSAL

Planning ~~Consultation~~ Services for the Woodmont Commons Planned Unit
Development Proposal

Deleted: and Engineering Review

PROPOSAL FORM

Proposal of _____
NAME

ADDRESS

to furnish and deliver all material and perform all work in accordance with the contract with the Town of Londonderry Planning ~~Consultation~~ Services for the review of the Woodmont Planned Unit Development Proposal on which proposals will be received until 4:00 PM, prevailing time, ~~Friday, December 30, 2011~~ at:

Deleted: and Engineering Review

Deleted: xxxxx xx, xxxxx

Community Development Department
268B Mammoth Road
Londonderry, NH 03053

In accordance with the invitation of the Town of Londonderry to submit proposals for the project herein before named, and in conformity with the Request for Proposals (RFP), the undersigned hereby certifies that the undersigned is the only person, firm, or corporation interested in this proposal as principals; that this proposal is made without collusion with any person, firm or corporation; that an examination has been made of the documents furnished with the RFP.

A cost summary and sample level of effort is provided for information along with a proposed fee for proposed services. A rate schedule by labor category is also included.

It is further proposed:

The undersigned declares under penalty of perjury under the laws of the United States and the State of New Hampshire that, in accordance with provisions of Title 23 U.S.C., Section 112(c), the undersigned has not either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract.

Certification Regarding Debarment, Suspension and Other Responsibility Matters – Primary Covered Transaction

- I. The prospective primary participant certifies to the best of its knowledge and belief, that it and all its principals: (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or committee; (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification and;

(d) Have not within a three-year period preceding this application/proposal had one or more public transaction (Federal, State or local) terminated for cause or default

II. Where the prospective primary participant is unable to certify to any the statements in this certifications, such prospective participant shall attach an explanation to this proposal.

Dated _____ -

(IF A FIRM OR AN INDIVIDUAL)

Signature of Bidder _____

Printed Name _____

Address of Bidder _____

Telephone Number _____

Names and Address of Relevant Members of the Firm:

(IF A CORPORATION OR OTHER ENTITY)

Signature of Bidder _____

Printed Name _____

Address of Bidder _____

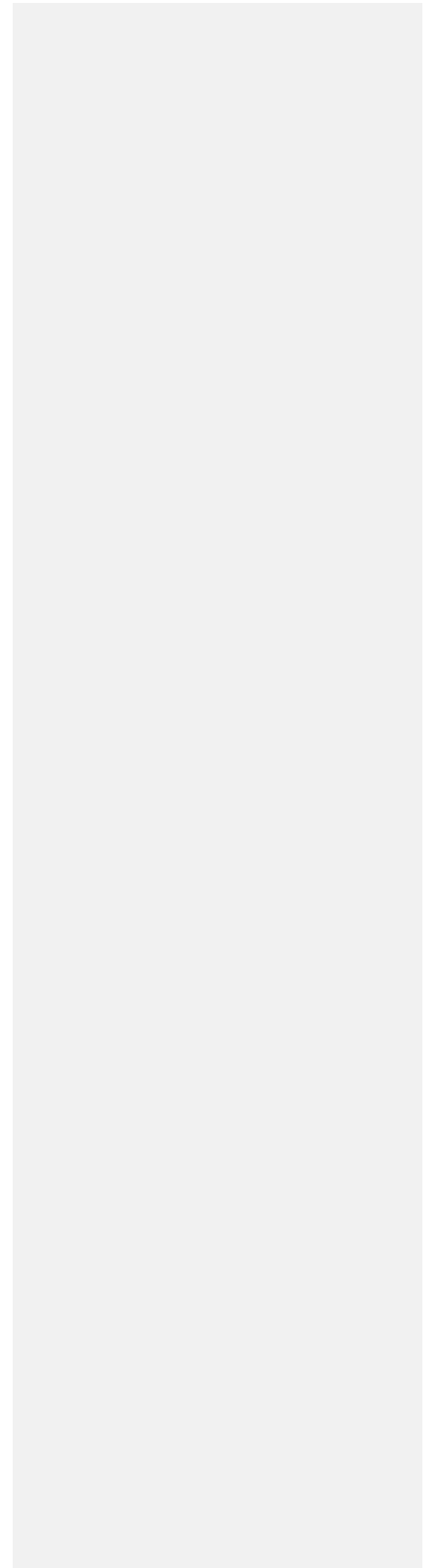
Telephone Number _____

Incorporated under the laws of the State of _____

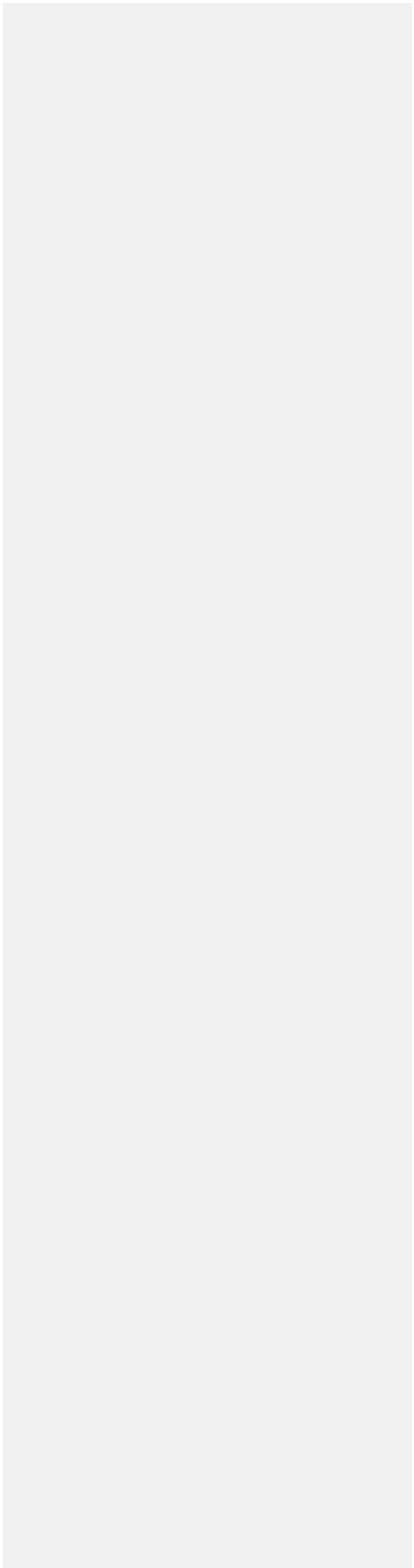
Names of Officers / Member / Principals:

- | | | |
|----|-------|-------|
| 1. | _____ | _____ |
| | Name | Title |
| 2. | _____ | _____ |
| | Name | Title |
| 3. | _____ | _____ |
| | Name | Title |

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Request for Proposals:

*Planning and
Engineering Review
Services for the
Woodmont
Commons Planned
Unit Development
Proposal*

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I. **Introduction**

The Planning Board of the Town of Londonderry, New Hampshire (Board) is soliciting proposals for professional services (Consultant) to assist the Board in the review of a Planned Unit Development (PUD) proposal called Woodmont Commons in accordance with NH RSA 676:4-b. Woodmont Commons ~~includes approximately 625 acres and is being proposed for redevelopment as a~~ mixed use development consisting of not more than 1300 units of residential development, ~~an estimated~~ 1,782,500 SF of non-residential development and up to 550 Hotel guest rooms. The Woodmont Commons proposal is broken into two segments: Eastern segment, located on the east side of I-93 (See Appendix B) and the west side, located on the west side of I-93 (See Appendix B). Owners of ~~real property within the~~ Woodmont Commons PUD are Pillsbury Realty Development, LLC, Hyrax Derry Partners LLC, Demoulas Super Markets Inc., and Robert D. and Stephen R. Lievens.

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Woodmont Commons is located near Londonderry's commercial retail area long Rt. 102 to the south, residential development to the north and west and within one mile of Interstate 93 via Exit 4 to the east.

The Board anticipates ~~that review work~~ will begin as soon as a consultant is selected.

A written proposal with a fixed hourly rate ~~and~~ an estimated budget to perform the work as defined in section III (contained in a separate sealed envelope, see Sections VIII. I) for the review services of the Woodmont ~~Commons PUD~~ must be received by Andre L. Garron, AICP, Community Development Director, at 268B Mammoth Road, Londonderry, New Hampshire 03053, no later than 4:00 pm on Wednesday, ~~January 4, 2012.~~

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II. **Background**

The Town of Londonderry is among the top 10 fastest growing communities in the ~~State of~~ New Hampshire. As the fourth largest town, Londonderry, 2010 Census population of 24,129, is a combination of ~~a bedroom community to metro-areas of Boston and Manchester, NH, a co-host of Manchester-Boston Regional Airport, home of a school system recognized many times as superb, and a community replete with stone walls and white church steeples as much as modern eco-industrial/business parks.~~

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Formerly recognized as an agricultural community hosting a large concentration of family-owned apple orchards and farms, Londonderry has been carefully developing a mix of a traditional New England community with the assets and benefits of a vibrant business/industrial sector in order to achieve a balanced lifestyle/workstyle.

On January 4, 2010, the Town of Londonderry adopted a new ~~section of its Zoning Ordinance~~ called Planned Unit Development ~~(Section 2.8)~~. During the summer and fall of 2010, ~~the Applicants~~ hired Duany Plater-Zyberk & Company to design a master development plan for the ~~project~~ development area. ~~As a part of its work~~, Duany Plater-Zyberk & Company held two, five day design charrette soliciting public comment towards creating a master plan for the ~~Woodmont Commons PUD~~. From November 2010 to July 2011, the owners of Woodmont Commons and Planning Board held workshop meetings to discuss the various components of

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the Applicants' conceptual master plan. On October 14, 2011, the Applicants submitted a formal application to the Town of Londonderry to create a mixed use planned unit development for the project area.

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Deleted: owners of Woodmont Commons
Deleted: of its 625 acre parcels

III. *Scope of Service*

The Board seeks a consultant to assist with the review of the application for completeness, planning and engineering qualitative review of the PUD application, called Woodmont Commons (herein called "PUD application), as submitted to the Board on October 14, 2011. The consultant will review the material submitted by the Applicants owners of the PUD application to insure that the application contains all required information for acceptance by the Londonderry Planning Board in accordance with its Planned Unit Development Ordinance (See Appendix C). If the PUD application is accepted by Londonderry's Planning Board as complete, the consultant will then be retained to provide assurance that the application is 1) complete and may be accepted by the Board; 2) subject-matter expertise, guidance and assistance to the Board in reviewing the merits, design, and technical aspects of all elements of the application materials and the project and to confirm the plan complies with all aspects of Londonderry's PUD ordinance (See Appendix C). Balanced with the design and technical review of the PUD application and PUD ordinance, will be the input from the residents, property owners and stakeholders of Londonderry, including the Applicants, and other regional interests, in regards to the PUD proposal. The timeframe for this contract will start from the Board's hiring of a consultant pursuant to this RFP for review of the PUD application for application acceptance and end at the time the Board makes its final decision on the PUD application.

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Responses to this Request For Proposal (RFP) shall be made by a firm or a team of firms and specialists, in the field of land development planning and engineering, having an in-house or sub-contracted professional staff of multiple disciplines necessary to support the review of the Woodmont Commons PUD Application, including, but not limited to, planning, architecture, urban design, including experience with new urbanism concepts, traditional neighborhood development, etc., civil engineering, traffic, pedestrian and parking considerations, the provision of essential municipal services, financial, and economic services and such other capabilities or services as may be necessary or useful to fulfill the requested services identified by the Board. A full set of the application material can be found at:

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The Consultant's Review of the Woodmont PUD, will include, but not limited to:

- A. Review of Woodmont Common's PUD Application.
- B. Review of Woodmont Common's two Design Charrette Information
- C. Review of all Planning Board minutes of all workshop meeting and discussion held in regards to the Woodmont Commons proposal.
- D. Review of all ordinances, regulations, policies, long range plans associated with the planned unit development ordinance.
- E. Attendance and participation at all Board meetings at which Woodmont Commons will be heard or discussed, if required by the Board.
- F. Attendance and participation at all meetings at which the Woodmont Commons PUD application will be reviewed and discussed, if required by

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- G. the Board.
Other topic areas as deemed appropriate by the consultant and the Board.

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IV. **Proposal Submission**

All responses to this RFP must be received in a sealed envelope and clearly marked "LONDONDERRY PLANNED UNIT DEVELOPMENT PLANNING AND ENGINEERING REVIEW SERVICES PROPOSAL" by 4:00PM, on Wednesday, January 4, 2011 to be eligible for consideration. Proposals shall be submitted to:

Community Development Department
ATTN: Andre L. Garron, AICP
268B Mammoth Road
Londonderry, NH 03053

The proposal and the bid price (including cost estimates and hourly rates. See Section VIII) should be submitted in separate sealed envelopes.

Please submit seven (7) paper copies of the RFP response, one (1) electronic copy in word searchable Adobe PDF format, including the bid price with your submission. The Town of Londonderry will be employing a **quality-based selection process**. The proposals will be publicly opened and recorded at the following scheduled RFP opening meeting on Wednesday, January 4, 2012 at 7PM in the Moose Hill Conference Room on the first floor of Town Hall. Respondents shall be available to confer with the Board during January 2012 to help facilitate an efficient selection process.

V. **Revisions to the Request for Proposals**

If it becomes necessary to revise any part of the RFP, an addendum will be sent to all those who received the original document.

VI. **Limitation of Liability**

Neither the Town of Londonderry, nor the Applicants, assume responsibility or liability for costs incurred by recipients of this RFP in responding to this RFP or in responding to any further request for interviews, additional data, etc.

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VII. **Proposal Preparation**

In order to facilitate evaluation of the proposals, the respondent is instructed to be concise and to follow the outline below in responding. Proposals that do not follow the outline, or do not contain the required information, may be considered as

unresponsive proposals. Additional detailed information may be annexed to the proposal.

VIII. **Format for Proposals**

Respondents are requested to be concise and proposals should include, in order, the following:

- A. Letter of Transmittal
- B. Executive Summary
- C. Brief organizational profile, including background and experience of the firm.
- D. Previous project summaries, including reference contact information, for a minimum of three (3) projects that are similar in scope to the project described herein that demonstrate pertinent corporate and key personnel experience; listing of the pertinent projects may be included. (The Town reserves the right to contact any references provided herein or otherwise obtained).
- E. A detailed outline of the proposed services for executing the requirements of the Proposed Scope of Services. (Please note that the final report document as well as all maps and supporting information is expected to be delivered in both hard copy and electronic format).
- F. Project management including:
 - i. Project organizational chart including key staff to be assigned and their roles in the project.
 - ii. Location of office from which the management of the project will be performed.
- G. Summary/matrix of key personnel's shared project experience
- H. Appendices: Resumes of person(s) who will be performing the work.
- I. *Cost estimates and typical billing rates (In a separate sealed envelope):* Proposed cost of the service(s) or activities, **including the hourly rate with** an estimated budget to perform the work as defined in section III, of individuals who will perform the services or activities. The proposed cost should include:
 - i. Meetings.
 - ii. Site visits and expenses.
 - iii. Expenses for travel, postage and telephone excluded from the hourly rate.
 - iv. Additional services defined beyond the scope of regular services.

- v. Proposers are urged to provide a Matrix for the Project, showing hours by classification (i.e., Principal, Project Manager, etc.) for the tasks identified in the proposal.
- vi. A schedule of billing rates by classification, etc. is also desired.
- vii. Cost will be broken out by review elements (i.e. Acceptance Review and Application Review)

J. Conflict of Interest – The proposer shall fully and completely identify any business or contractual arrangements or engagements the proposer current has or may have had with any of the Applicants' officers, directors, managers, members or other principals during the past five years, as measured from the date of this submittal, including work for other entities, partnerships, corporations or LLC's in which one or more of the development principals currently or previously had a business interest.

Deleted: development

IX. **Signature**

The proposal shall be signed by an official authorized to bind the offer and shall contain a statement to the effect that the proposal is a firm offer for a ninety (90) day period from opening. The proposal shall also provide the following information: name, title, address and telephone number of the individual(s) with authority to contractually bind the company and also who may be contacted during the period of proposal evaluation for the purpose of clarifying submitted information.

X. **Nature of Proposal and Eligibility**

This RFP has been developed in accordance with the Purchasing Procedures and Purchasing Policies of the Town of Londonderry and shall be promulgated there under, and shall constitute a firm and binding offer. The determination of whether a proposal may be withdrawn is solely at the discretion of the Planning Board. However, in no event shall a proposal be withdrawn unless the request for withdrawal is filed within five (5) days of the date of the opening and the proposer establishes that the proposal contains a material mistake and the mistake occurred despite the exercise of reasonable care.

XI. **Right to Reject Proposals and Waive Informalities**

The Town reserves the right to reject any or all proposals, to waive any non-material irregularities or information in any RFP, and to accept or reject any item or combination of items.

XII. **Proposal Evaluation and Selection**

Proposals will be reviewed using a quality-based evaluation process. The Board, with recommendations from Staff, will evaluate each proposal based on the

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documentation requested herein, utilizing criteria, which includes, but is not necessarily limited to or in the order of, the following:

- A. The proposal's responsiveness to the RFP (format, capabilities, work program, approach, clarity, ability to meet proposed schedule, etc.).
- B. Apparent specialized experience and technical competence of the firm and its personnel in the required disciplines, including a thorough knowledge of the legal, federal, state and local land use statutes and regulations.
- C. The qualifications and experience of personnel committed to the project.

Once the highest quality proposals have been identified, the staff will contact and schedule interviews with the selected firms with the Board. The Board will select the firm that best aligns with the scope of work, experience and evaluation and selection criteria contained in this RFP. Applicants, and their agents and representatives, may attend any interviews of perspective candidates.

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Appendix A

TOWN OF LONDONDERRY
REQUEST FOR PROPOSAL

Planning and Engineering Review Services for the Woodmont Commons
Planned Unit Development Proposal

PROPOSAL FORM

Deleted: Consultation

Proposal of _____
NAME

ADDRESS

to furnish and deliver all material and perform all work in accordance with the contract with the Town of Londonderry Planning and Engineering Review Services for the review of the Woodmont Planned Unit Development Proposal on which proposals will be received until 4:00 PM, prevailing time, Wednesday, January 4, 2012 at:

Community Development Department
268B Mammoth Road
Londonderry, NH 03053

In accordance with the invitation of the Town of Londonderry to submit proposals for the project herein before named, and in conformity with the Request for Proposals (RFP), the undersigned hereby certifies that the undersigned is the only person, firm, or corporation interested in this proposal as principals; that this proposal is made without collusion with any person, firm or corporation; that an examination has been made of the documents furnished with the RFP.

A cost summary and sample level of effort is provided for information along with a proposed fee for proposed services. A rate schedule by labor category is also included.

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The undersigned declares under penalty of perjury under the laws of the United States and the State of New Hampshire that, in accordance with provisions of Title 23 U.S.C., Section 112(c), the undersigned has not either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract.

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Dated _____ -

(IF A FIRM OR AN INDIVIDUAL)

Signature of Bidder _____

Printed Name _____

Address of Bidder _____

Telephone Number _____

Names and Address of Relevant Members of the Firm:

(IF A CORPORATION OR OTHER ENTITY)

Signature of Bidder _____

Printed Name _____

Address of Bidder _____

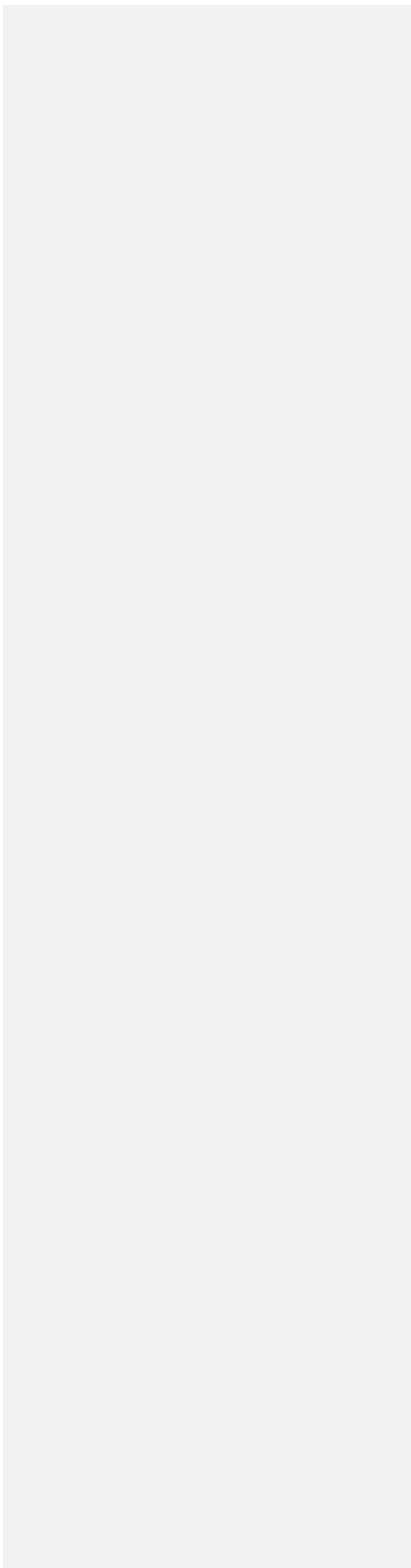
Telephone Number _____

Incorporated under the laws of the State of _____

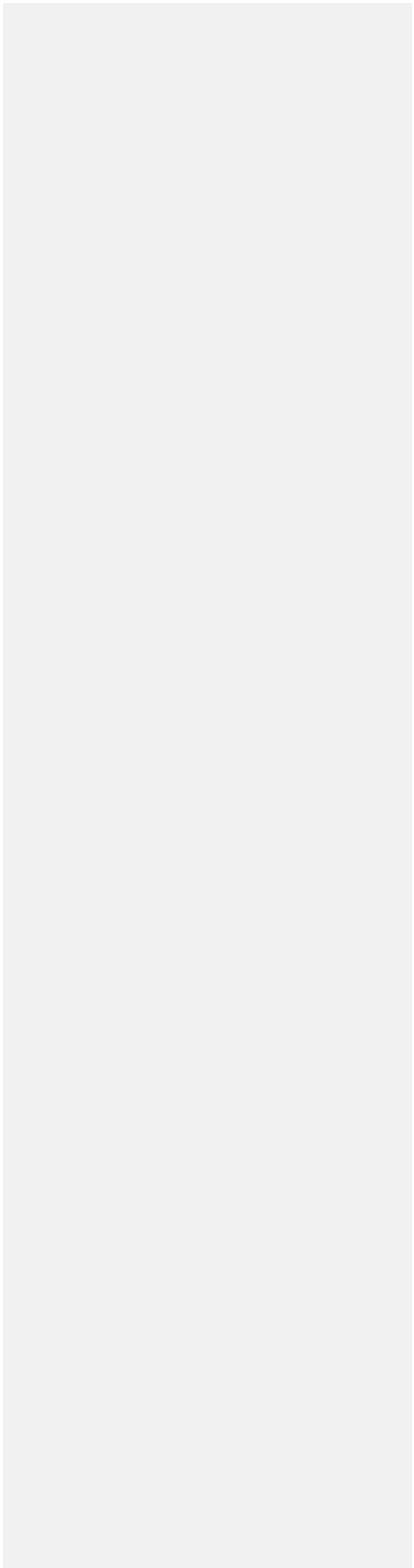
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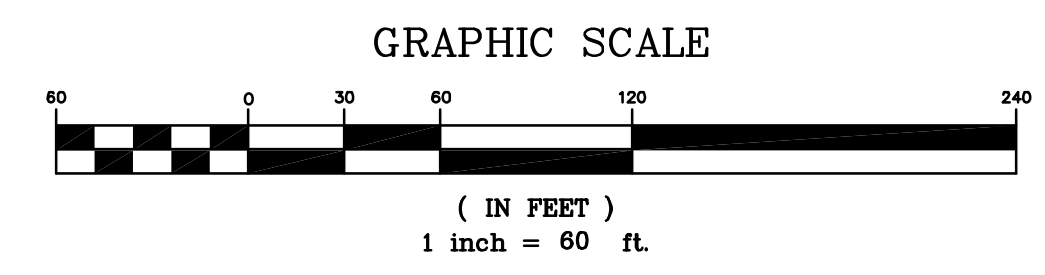
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| 1. | _____ | _____ |
| | Name | Title |
| 2. | _____ | _____ |
| | Name | Title |
| 3. | _____ | _____ |
| | Name | Title |

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PRELIMINARY SITE PLAN
 PREPARED FOR:
ORCHARD CHRISTIAN FELLOWSHIP
 MAP 6 LOT 18-2
 LONDONDERRY, NEW HAMPSHIRE

PREPARED FOR: ORCHARD CHRISTIAN FELLOWSHIP
 PO BOX 1163
 LONDONDERRY, NH 03053

<p>NORTHPOINT ENGINEERING, LLC Civil Engineering / Land Planning / Construction Services</p>	5 Sheep Davis Rd, Ste F Pembroke, NH 03275 Tel: 603-226-1166 Fax: 603-226-1160 www.northpointeng.com	DATE: 10-18-11 PROJ: 11020 SCALE: 1"=60' SHEET: 2 of
	APPROVED BY THE LONDONDERRY, NH PLANNING BOARD FOR PHASE _____ ON DATE: _____	
	CERTIFIED BY: CHAIRMAN _____ SECRETARY _____	

PREPARED BY: [illegible] DATE: 10/18/11

LEGEND	BENCHMARK DATA	REVISIONS:	PLANNING BOARD APPROVAL																					
		<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION																			APPROVED BY THE LONDONDERRY, NH PLANNING BOARD FOR PHASE _____ ON DATE: _____ CERTIFIED BY: CHAIRMAN _____ SECRETARY _____
NO.	DATE	DESCRIPTION																						



FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION

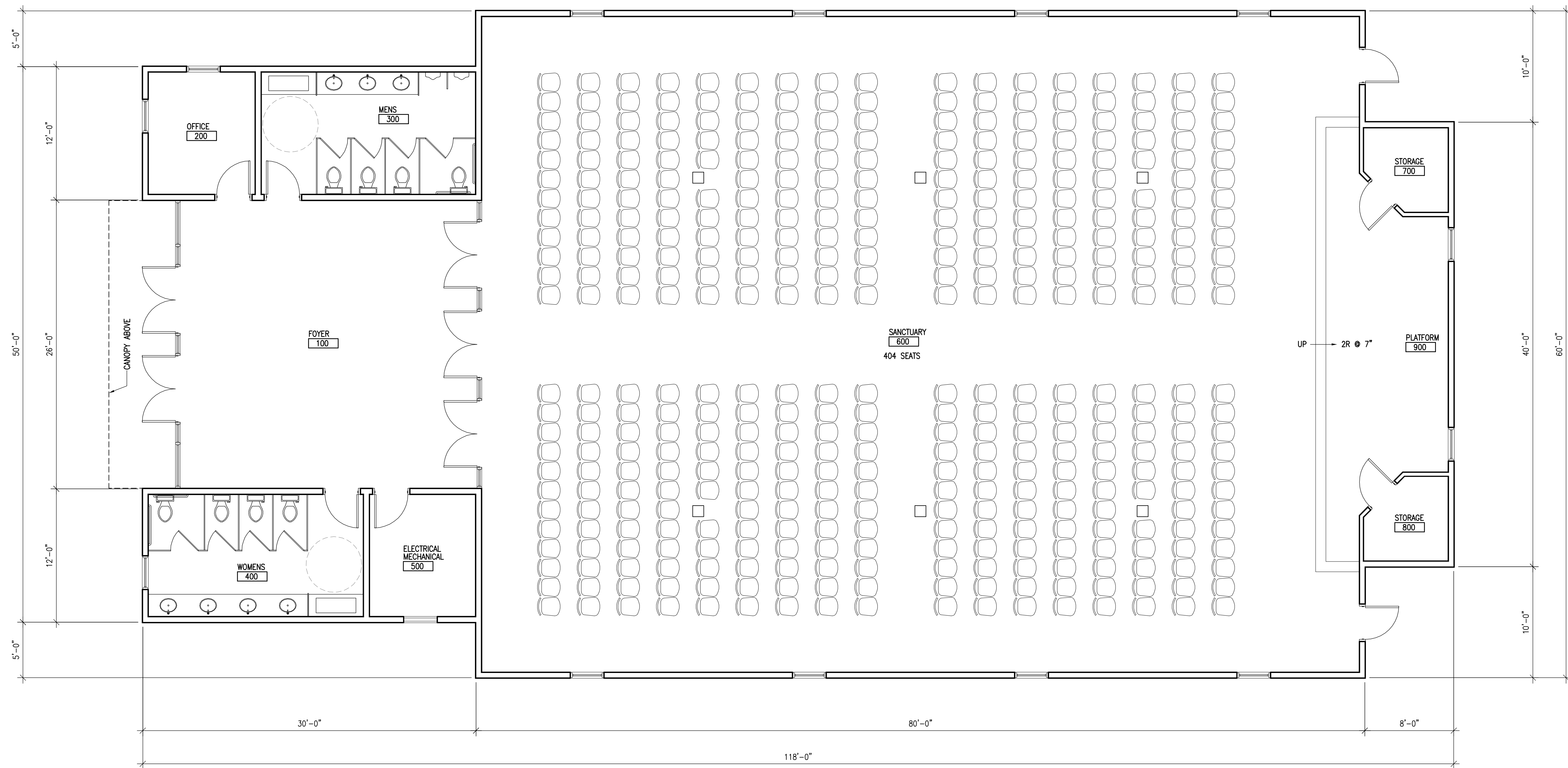


LEFT SIDE ELEVATION

WARRENSTREET ARCHITECTS

27 Warren Street Concord NH 03301
T 603.225.0640 F 603.225.0621 www.warrenstreetarchitects.com

CONSULTANTS / KEY PLAN



PROJECT TITLE / ADDRESS

**ORCHARD CHURCH
LONDONDERRY, NH**

SCALE: AS NOTED DWG: 2973A1-1.DWG
JOB #: 2973 XREF:
DWN BY: JRB CKD BY: JH

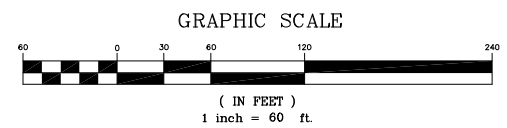
03/01/2011
SCHEMATIC DESIGN
NOT FOR CONSTRUCTION

REVISIONS

FLOOR PLAN


A1.1

SHEET NUMBER 1 OF 2
Copyright Warrenstreet Architects © 2011



EXISTING CONDITIONS EXHIBIT
 PREPARED FOR:
ORCHARD CHRISTIAN FELLOWSHIP
 MAP 6 LOT 18-2
 LONDONDERRY, NEW HAMPSHIRE

FILE: G:_project\11020110201\110201\110201.dwg Plot Date: 24 Oct 2011 8:50am

LEGEND	BENCHMARK DATA	REVISIONS:	PLANNING BOARD APPROVAL
		NO. DATE DESCRIPTION	APPROVED BY THE LONDONDERRY, NH PLANNING BOARD FOR PHASE _____ ON DATE: _____
		_____	CERTIFIED BY:
		_____	CHAIRMAN _____
		_____	SECRETARY _____
			PREPARED FOR: ORCHARD CHRISTIAN FELLOWSHIP PO BOX 1163 LONDONDERRY, NH 03053
			 5 Sheep Davis Rd, Ste F Pembroke, NH 03275 Tel: 603-226-1166 Fax: 603-226-1160 www.northpointeng.com
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