

**TOWN COUNCIL AGENDA  
December 6, 2021  
Moose Hill Council Chambers  
7:00 P.M.**

Regular meetings are cablecast live and recorded for the convenience of our viewers at home. 7:00 PM.

**A. CALL TO ORDER**

**B. PUBLIC COMMENT**

**C. PUBLIC HEARING**

- 1.) **Ordinance #2021-03** – An Ordinance Relative to Creating the Londonderry Commercial and Industrial Property Tax Incentive Program  
**Presented by Kevin Smith and Mike Malaguti**
- 2.) **Acceptance or Unanticipated Revenue Pursuant to RSA 31:95-b**
- 3.) **FY23 Budget Public Hearing**

**D. NEW BUSINESS**

- 1.) **Order #2021-21** – An Order Relative to the Expenditure of Maintenance Trust Fund for Various Projects  
**Presented by Dave Wholley**
- 2.) **Resolution #2021-26** – A Resolution Relative to the Acceptance of Unanticipated Revenue under RSA 31:95-b (**Public Hearing**)  
**Presented by Justin Campo**
- 3.) DOT Exit 4A Land Takings  
**Presented by Mike Malaguti**

**E. OLD BUSINESS**

- 1.) **Budget Workshop**

**F. APPROVAL OF MINUTES**

**Approval of November 22, 2021 Town Council Minutes**

**G. APPOINTMENTS/REAPPOINTMENTS**

- 1.) Interview of Ted Combes for the Planning Board
- 2.) Interview of David Heafey for the Conservation Commission

**H. OTHER BUSINESS**

1. Liaison Reports
2. Town Manager Report
3. Assistant Town Manager Report

**I. ADJOURNMENT**

**J. MEETING SCHEDULE**

- A. Town Council Meeting – 12/20/2021  
Moose Hill Council Chambers, 7:00 PM

## **LEGAL NOTICE**

Notice is hereby given that the Londonderry Town Council will hold a public hearing on the following item:

Adoption of Ordinance 21-03, Creating the Londonderry Commercial and Industrial Property Tax Incentive Program (RSA 72:81). The proposed ordinance is available on the Town's website.

The public hearing will occur on December 6, 2021  
at 7:00 PM at the Londonderry Town Hall, 268B Mammoth Road,  
Londonderry, NH 03053.

Londonderry Town Council

First Reading: 11/22/2021  
Second Reading/Public Hearing: 12/06/2021  
Adopted: 12/06/2021

**ORDINANCE #2021-03**  
***CREATING THE LONDONDERRY COMMERCIAL AND INDUSTRIAL  
PROPERTY TAX INCENTIVE PROGRAM***

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***WHEREAS*** RSA 72:81 permits a municipality to adopt a new construction property tax exemption (the “Incentive”) for commercial or industrial uses, or both for the purpose of providing incentives to businesses to build, rebuild, modernize, or enlarge within the municipality; and

***WHEREAS*** The Town Council believes it is in the public benefit to enhance the Town of Londonderry's commercial/ industrial property tax base with respect to economic activity, cultural and historic character, and sense of community that contribute to economic and social vitality; and

***WHEREAS*** It is further declared to be a public benefit to encourage the rehabilitation of underutilized commercial/industrial structures in Londonderry as a means of encouraging growth of economic, residential, and municipal uses in accordance with RSA 9-B; and

***WHEREAS*** Short-term property assessment tax relief and a related covenant to protect the public benefit as provided under this article are considered to provide a demonstrated public benefit if the same encourages new construction, substantial rehabilitation and use of qualifying structures, or the replacement of a qualifying structure; and

***WHEREAS*** The Town Council determines that it is in the public benefit as set forth above to confine the Incentive to construction taking place within the area shown as “WC-1” and “WC-2” in § 2.2.2 of the Woodmont Commons PUD Master Plan (September, 2013); and

***WHEREAS*** Pursuant to RSA 72:82, II, this Ordinance shall remain in effect until the earlier of: (A) its rescission by further action of the Town Council; or (B) the date which is five years after its adoption, provided, however, that for any application which has already been granted prior to rescission or expiration, as the case may be, the exemption shall continue to apply at the rate and for the duration in effect at the time it was granted.

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Londonderry Commercial and Industrial Property Tax Incentive Program is hereby adopted as set forth in Exhibit A attached hereto.

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Sharon Farrell, Town Clerk

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John Farrell, Chairman  
Town Council

A TRUE COPY ATTEST: 12/06/2021

(TOWN SEAL)

**LONDONDERRY COMMERCIAL AND INDUSTRIAL  
PROPERTY TAX INCENTIVE PROGRAM**

**§ 1. Adoption of program.**

1.1 Pursuant to the authority granted by RSA 72:81, and such other relevant authority bestowed upon it as a political subdivision of the State of New Hampshire, the Town of Londonderry ("Londonderry" or the "Town") adopts the Londonderry Commercial and Industrial Property Tax Exemption Program for application within the geographical limits set forth below.

**§ 2. Short title.**

2.1 Londonderry Commercial and Industrial Property Tax Incentive Program (the "Program").

**§ 3. Enabling statute.**

3.1 NH RSA 72:80-83.

**§ 4. Purpose; declaration of public benefit.**

4.1 It is declared to be beneficial to the public interest to enhance Londonderry's commercial and industrial property tax base to attract, promote and stimulate economic activity.

4.2 It is further declared to be beneficial to the public interest to encourage the rehabilitation of underperforming or underutilized commercial and industrial facilities in Londonderry as a means of encouraging growth of economic, residential, and municipal uses in accordance with RSA 9-B.

4.3 Short-term property tax relief and a related covenant to further public interest as described in this ordinance provide a demonstrated public benefit because the property tax relief and related covenant encourage new construction and use of Qualifying Structures, and replacement, substantial rehabilitation and use of Qualifying Structures. A Qualifying Structure is defined in Section 6.4 hereof.

4.4 The Londonderry Town Council determines that it is in the public interest as set forth above to commence the Program within the area shown as "WC-1" and "WC-2" on the Land Use Plan included at Section 2.2.2 of the Woodmont Commons Planned Unit Development Master Plan (September 2013) (the "Qualifying Area").

**§ 5. Tax relief authority.**

5.1 Londonderry hereby adopts RSA 72:80-83 in the manner specified under RSA 72:82. In addition, the Town may modify the incentive program in the same manner as hereby adopted to best suit the needs of the Town and its constituents.

5.2 “Governing body, as used” herein, shall refer to the Londonderry Town Council.

## **§ 6. Definitions.**

6.1 Assessed Value: The Assessed Value of the improvements and structures as of April 1 within the tax year to which the exemption pertains, pursuant to RSA 72:83.

6.2 Commercial Uses: All retail, wholesale, and service uses, including but not limited to: automobile and similar vehicle sales; automobile repair facility/garage; automobile service station; bank; brewery; brew pub; commercial performing and fine arts schools and studios; commercial service establishment; conference center; contractor; contractor's yard; funeral establishment; golf course/country club; grocery/convenience store; hospital; hotel; commercial service establishment; inn (motel); medical office; movie and recording studio; multiunit commercial establishment; nursery; office, pharmacy, printing; professional office; radio broadcasting facility; repairman; restaurant, drive-in restaurant; retail sales establishment; riding school; television broadcasting; transportation center; travel agent; tourist home, and wholesale business.

6.3 Industrial Uses: All manufacturing, production, assembling, warehousing, or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials, including but not limited to: bottling facility; building material storage yard; crematorium; equipment upfit (repair); industrial establishment; light industrial establishment; industrial repair garage; industrial supply; laboratory (medical/dental); laboratory: research, experimental, testing; light industry; light manufacturing; microbrewery; product assembly; publishing; research and development facility; research lab; sand/gravel pit; self-storage; truck terminal; warehouse, and wood/metal craft.

6.4 Qualifying Structure: A structure located in the Qualifying Area built, rebuilt, modernized, or enlarged to be used for Commercial or Industrial Uses as defined in RSA 72:80 and described herein.

6.5 Replacement: The demolition or removal of a Qualifying Structure and the subsequent construction of a new structure on the same lot.

## **§ 7. Tax Relief.**

7.1 The Tax Relief Period is the finite period of time during which the Tax Relief, as described in section 7.5 below, will be effective, and the percentage amount of new Assessed Value to be exempted, as determined by the Town Council based upon classification of the project by tier, pursuant to RSA 72:81.

7.2 A Tier One Project is a project in which the anticipated increase in valuation of the Qualifying Structure at the completion of construction is five million dollars (\$5,000,000) or more.

7.3 A Tier Two Project is a project in which the anticipated increase in valuation of the Qualifying Structure at the completion of construction is two and one-half million dollars (\$2,500,000) or more.

7.4 A Tier Three Project is a project in which the anticipated increase in valuation of the Qualifying Structure at the completion of construction is one million dollars (\$1,000,000) or more.

7.5 The Tax Relief available to Tier One, Two, and Three Projects shall be the exemption from taxation granted under RSA 72:81, more specifically defined as follows:

(1) For a Tier One Project:

- a. In the first full tax year for which an exemption is granted following completion of a Qualifying Structure (the “first tax year”), an exemption equal to fifty (50) percent of the increase in Assessed Value attributable to construction of new structures, and additions, renovations, or improvements to existing structures (the “Exemption”).
- b. In the nine (9) tax years immediately succeeding the first tax year, the Exemption shall decrease annually by five (5) percent as follows: year 2 – 45%; year 3 – 40%; year 4 – 35%; year 5 – 30%; year 6 – 25%; year 7 – 20%; year 8 – 15%; year 9 – 10%; and year 10 – 5%.

(2) For a Tier Two Project:

- a. In the first full tax year for which an exemption is granted following completion of a Qualifying Structure (the “first tax year”), an exemption equal to forty (40) percent of the increase in Assessed Value attributable to construction of new structures, and additions, renovations, or improvements to existing structures (the “Exemption”).
- b. In the four (4) tax years immediately succeeding the first tax year, the Exemption shall decrease annually as follows: year 2 – 30%; year 3 – 20%; year 4 – 10%; and year 5 – 5%.

(3) For a Tier Three project:

- a. In the first full tax year for which an exemption is granted following completion of a Qualifying Structure (the “first tax year”), an exemption equal to thirty (30) percent of the increase in Assessed Value attributable to construction of new structures, and additions, renovations, or improvements to existing structures (the “Exemption”).
- b. In the four (4) tax years immediately succeeding the first tax year, the Exemption shall decrease annually as follows: year 2 – 20%; year 3 – 15%; year 4 – 10%; and year 5 – 5%.



## **§ 8. Public benefits.**

8.1 In order to qualify for Tax Relief under this ordinance, the proposed new construction or rehabilitation must, in the reasonable discretion of the governing body, provide one or more of the following public benefits, and the proposed Replacement must provide one or more of the same public benefits to a greater degree than would a rehabilitation of the same Qualifying Structure, as follows:

- It enhances the economic vitality of the Town;
- It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or
- It increases commercial and industrial activity in the Town, including job creation.
- It increases the Town's commercial or industrial tax base.

## **§ 9. Covenant to protect public benefit.**

9.1 Tax Relief for the construction, rehabilitation or Replacement of a Qualifying Structure shall only be effective after a property owner grants to the municipality a covenant ensuring that the structure(s) shall be maintained and used in a manner that continues the public benefit for which the Tax Relief was granted and as otherwise provided in this ordinance.

9.2 This covenant shall apply for the Tax Relief Period.

9.2 The covenant shall include provisions requiring the property owner to obtain commercially reasonable casualty insurance, and flood insurance, if relevant. The covenant may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition of damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of the Tax Relief after notice and an opportunity to be heard.

9.3 The Town shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property for the duration of the tax relief period, but shall thereafter expire without further affect.

## **§ 10. Application procedure.**

10.1 An owner (or authorized agent, including a prospective purchaser and developer) of a Qualifying Structure that is located in the Town, who intends to construct, rehabilitate or replace such structure, may submit an application to the Town Manager's Office for the Tax Relief prior to construction, but not after December 31 before the beginning of the tax year for which the exemption is sought. In such cases, the Town Council may anticipatorily grant the exemption, subject to adjustment when the actual increase in Assessed Value becomes known. The applicant shall include the address of the property, a full description of the intended construction, rehabilitation or

Replacement, any changes in use of the property resulting from the rehabilitation or Replacement, and an application fee. The application shall be on a preapproved application form provided by the Town Manager's Office.

10.2 The application for property tax exemption shall not be deemed to be complete and the governing body shall not schedule a hearing on the application as required under RSA 72:83 until all required information has been submitted.

### **§ 11. Application fees.**

11.1 An application fee of \$150, or the amount subsequently adopted by the Town Council, shall be paid at the time of application submission to the Town Manager's Office, made payable to the "Town of Londonderry."

11.2 The applicant shall also be responsible for the reasonable expenses incurred by the municipality in the drafting, review, and recording of the covenant.

### **§ 12. Review and decision by Town officials.**

12.1 Upon receipt of a complete application, the Town Council shall consider the application in the normal course of business and notify the applicant of its decision no later than February 28 before the beginning of the tax year for which the exemption is sought. The Town Council shall determine:

- Whether the structure will be in the Qualifying Area;
- Whether the structure at issue is a Qualifying Structure;
- Whether there is a public benefit to granting the Tax Relief;
- The classification of the project by tier.

12.2 The Council may seek assistance from Town officials, legal counsel, boards or commissions in making its determinations, but shall not be required to conduct a public hearing.

12.3 After following the procedures established herein, the governing body may grant the Tax Relief, provided:

- The governing body finds a public benefit as defined herein; and
- The specific public benefit is preserved through a covenant as set forth above; and
- The governing body finds that the proposed use is consistent with the applicable master plan, zoning ordinance or development regulations.

12.4 If the Town Council grants the Tax Relief, it shall identify the specific public benefit achieved as defined herein.

12.5 The burden of demonstrating the applicable tier, and the public benefit, shall be upon the applicant. The Town Council or its agents may request such additional or updated information as is necessary to determine eligibility. Should the Town in its

discretion determine that third party review or consultation is required, the applicant shall bear the associated cost. See RSA 72:83, III. If the Town Council determines that the applicant provided incorrect or false information during the application process or failed to provide information after such a request, the Town Council may refuse to grant the exemption without further inquiry.

12.6 If the Town Council, in its sole discretion, denies the application for Tax Relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the Board of Tax and Land Appeals or the Superior Court in the same manner as provided for appeals of current use classification pursuant to RSA 72:83; provided, however, that such denial shall be deemed discretionary and shall not be set aside by the Board of Tax and Land Appeals or the Superior Court except for errors of law or abuse of discretion.

12.7 In determining the tier applicable to an application, the Town Council may assign a reasonable value to factors not yet known or reflected directly in the anticipated valuation of the property after construction, including, but not limited to, significant job creation, and add such assigned value to the anticipated valuation after construction.

### **§ 13. Duration and limitations of property tax incentive program.**

13.1 Pursuant to RSA 72:81, the exemption shall apply only to municipal and local school property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and county taxes assessed against the municipality under RSA 29:11

13.2 If the municipality completes a revaluation during the period for which an exemption has been granted, the amount of the exemption shall be adjusted by the difference in equalization ratios applicable in the municipality before and after the revaluation. The amount and length of the property tax exemption shall be determined by the Town Council on a per-case basis, by categorizing the project by tier as set forth herein.

13.3 Tax Relief shall not be granted to an applicant who has begun construction. RSA 72:83, I.

13.4 The Town Council may grant waivers from this ordinance where not inconsistent with the purpose and intent of RSA 72:80-83, provided, however, that the Town Council may not waive a provision of this ordinance required by said statute.

13.5 The Town may require the submission of an annual update to determine continued eligibility for, and the proper amount of, Tax Relief. The Town Council may conduct an annual hearing to review the update, and may adjust the Tax Relief based upon changed conditions. If the Town Council determines that the applicant provided incorrect or false information in an annual update or failed to provide information necessary for an annual update after such a request, the Town Council may terminate the exemption upon notice and an opportunity for the applicant to be heard.

#### **§ 14. Resumption of full tax liability.**

14.1 Upon expiration of the Tax Relief Period, the property shall be taxed at its market value in accordance with RSA 75:1.

#### **§ 15. Extent of Tax Relief.**

15.1 Tax Relief granted under this ordinance shall be calculated on the value in excess of the original Assessed Value. "Original Assessed Value" shall mean the value of the Qualifying Structure assessed at the time that the governing body approves the application for Tax Relief and the owner grants to the municipality the covenant to protect public benefit as required in this ordinance.

15.2 Tax Relief granted under this ordinance shall pertain only to assessment increases attributable to the construction, rehabilitation or Replacement performed under the conditions approved by the governing body and not to those increases attributable to other factors, including but not limited to market forces.

15.3 Nothing herein shall prohibit an owner from seeking an abatement of the original assessed value prior to any adjustment granted hereunder.

#### **§ 16. Violations and penalties; enforcement.**

16.1 If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided above, the Town Council shall, after notice and an opportunity to be heard, determine whether and to what extent the public benefit of the rehabilitation or Replacement has been diminished and shall determine whether to terminate or reduce the property tax exemption amount and period in accordance with such determination.

16.2 Any tax payment required under this section 16 shall be payable according to the following procedure:

16.2.1 The Commissioner of the Department of Revenue Administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

16.2.2 The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

16.2.3 Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

16.2.4 Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18% per annum shall be due thereafter on any amount not paid within the thirty-day period. Interest at 12% per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no Tax Relief had been granted.

**§ 17. Collection of unpaid taxes.**

17.1 All taxes levied pursuant to RSA 72:81 which are not paid when due shall be collected in the same manner as provided in RSA 80.

**TOWN OF LONDONDERRY**  
**NOTICE OF PUBLIC HEARING**  
**ACCEPTANCE OF DONATION**

The Londonderry Town Council will hold a public hearing pursuant to RSA 31:95-b, III relative to the acceptance of unanticipated revenue in excess of \$10,000.

The Town has been received donations from various sources for the purpose of adding inclusive/sensory playground equipment to the current Town playground. A portion of these donations, will be formally accepted in this public hearing in order to purchase the next piece of equipment, which is anticipated to be over \$10,000.

The public hearing to formally accept these funds in order to expend them will be held on Monday, December 6<sup>th</sup>, 2021 at a meeting of the Town Council scheduled to begin at 7:00 p.m. in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH. Information on the donations and playground equipment is available in the Finance Office during regular business hours. The public is urged to attend.

TOWN OF LONDONDERRY  
NOTICE OF FIRST PUBLIC HEARING  
FY23 PROPOSED TOWN BUDGET

Notice is hereby given that the Londonderry Town Council will receive public input on the proposed FY 2023 Town Budget on Monday December 06, 2021, beginning at 7:00 PM in the Moose Hill Conference Room, Town Hall, 268B Mammoth Road, Londonderry, N.H. Please be aware the Warrant is likely to change based on any meetings that occur before the December 06, 2021 meeting as well as meetings that occur after the December 06, 2021 meeting. Any questions please call the Londonderry Finance Department. The Warrant under consideration includes:

Article	Description	Proposed FY 23
<b>Article 2</b>	<b>Operating Budget</b>	
	<b>General Fund Operating Budget</b>	
	Town Council	\$12,102
	Town Manager	\$456,410
	Budget Committee	\$1
	Town Clerk	\$517,112
	Finance & Administration	\$617,949
	Assessing	\$408,635
	Information Technology	\$544,559
	Legal	\$192,062
	General Government	\$594,024
	Cemetery	\$38,000
	Insurance	\$4,281,475
	Conservation	\$3,350
	Police Dept.	\$9,300,979
	Fire Dept.	\$7,964,270
	Building Dept.	\$420,517
	Public Works Dept.	\$4,294,628
	Solid Waste	\$2,306,312
	General Assistance	\$136,250
	Cable	\$298,551
	Recreation	\$177,864
	Library	\$1,316,808
	Senior Affairs	\$87,852
	Community Development	\$462,448
	Debt Service	\$1,955,074
	<b>Total General Fund Operating Budget</b>	<b>\$36,387,232</b>
	<b>Enterprise Fund Operating Budget- Sewer</b>	<b>\$2,849,544</b>
	<b>Total Operating Budget</b>	<b>\$39,236,776</b>
<b>Article 3</b>	<b>Roadway Maintenance Trust Fund</b>	<b>\$650,000</b>
<b>Article 4</b>	<b>Expendable Maintenance Trust</b>	<b>\$180,000</b>
<b>Article 5</b>	<b>Capital Reserve – Fire Dept. Equipment</b>	<b>\$100,000</b>
<b>Article 6</b>	<b>Capital Reserve – Pillsbury Cemetery Expansion</b>	<b>\$75,000</b>
<b>Article 7</b>	<b>Establish a Recreation Revolving Fund</b>	<b>\$1,000</b>
<b>Article 8</b>	<b>Capital Reserve - Cable Equipment</b>	<b>\$32,500</b>
<b>Article 9</b>	<b>Capital Reserve – Dissolve - Eco Park</b>	
<b>Article 10</b>	<b>Capital Reserve – Master Plan – Contingent on Eco Park Article</b>	<b>\$32,800</b>
<b>Article 11</b>	<b>Collective Bargaining Agreement – IAFF 3160 (still negotiating contract)</b>	
<b>Article 12</b>	<b>Non-Binding Article on Pursuing Expansion of Water services in Londonderry</b>	

# ORDER 2021- 21

An Order Relative to  
*Expenditure of Maintenance Trust Funds*

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First Reading: 12/06/21  
Second Reading: Waived  
Adopted: 12/06/21

**WHEREAS** voters since 2003 have approved funding for the maintenance and repair of public buildings and grounds in town; and

**WHEREAS** by the Town Council of the Town of Londonderry that the Town Treasurer is hereby authorized to expend up to \$17,000.00 from the Expendable Maintenance Trust funds for the upcoming winter maintenance costs at town facilities.

**WHEREAS** the Town of Londonderry wishes to draw down upon these funds for future winter maintenance expense, for reasoning behind this amount please see the attachment. If funds become fully expended before the need for Winter Maintenance is finished another request will be made. Should the balance not be fully expended the authorization of this request will be void after June 30, 2022.

**NOW THEREFORE BE IT ORDERED** by the Londonderry Town Council that the Town Treasurer is hereby authorized to disburse up to \$17,000.00 from the Expendable Maintenance Trust Fund for the upcoming winter months.

\_\_\_\_\_  
John Farrell - Chairman  
Town Council

( TOWN SEAL )

\_\_\_\_\_  
Sharon Farrell - Town Clerk

**A TRUE COPY ATTEST:**  
12/06/21



Description	Vendor	Amount
<p><b>Winter Maintenance - TH, LFD, LPD, Library, Morrison &amp; Access Ctr.</b></p> <p>This EMTF request is to allow for a draw down on Winter Maintenance funds. The request is for \$17,000 which is a little under 50% of the average amount spent over the previous 4 fiscal years from the Expendable Maintenance Trust fund. This is being requested in order to prevent requesting a withdrawal of funds after the expense has already occurred. This request will be used for Plowing, salting, and shoveling and other any other winter maintenance items that may occur at our various town buildings (TH, Library, LPD, Access Center, Fire Stations, Senior Center).</p> <p>If the total amount of Winter Maintenance does not total \$17,000 this request will be void after June 30, 2022. If the total amount of Winter Maintenance exceeds \$17,000 there will be a secondary request for an amount that will be determined based on what month the funds are utilized fully. Invoices for the services paid for can be provided upon request at the following council meeting.</p>	FY 2018	\$ 37,970.50
	FY 2019	\$ 36,020.00
	FY 2020	\$ 36,324.00
	FY 2021	\$ 26,730.00
	<b>Average:</b>	\$ 34,261.13
	<b>50% of Avg:</b>	\$ 17,130.56
	<b>Requested</b>	\$ 17,000.00

## RESOLUTION 2021-26

A Resolution Relative to the  
*Acceptance of Unanticipated Revenue Under RSA 31:95-b*

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First Reading: 12/06/21  
Second Reading: Waived  
Adopted: 12/06/21

**WHEREAS** the Town of Londonderry adopted the provisions of RSA 31:95-b with the passage of warrant article 18 at their March, 1994 town meeting; and,

**WHEREAS** the Town Council desires to and has complied with RSA 31:95-b, III (a) relative to unanticipated moneys received in amounts greater than \$10,000; and,

**WHEREAS** the Town of Londonderry has acted as a fiduciary for the organizers of the sensory playground improvement and the Town has received donations from various individuals and varying sources, with the donations directed purpose to purchase and improve the Town's playground and allow for it to become more inclusive to all children.

**WHEREAS** the organizers of the inclusive/sensory playground improvement have received a quote for \$11,240.00 to purchase a "OmniSpin Spinner" to add to the Playground and move towards a more inclusive Town playground.

**WHEREAS** the total number of the donations received for the improvement of the Town playground are in excess of the \$11,240.00 required to purchase a "OmniSpin Spinner". The current delay in production and supply chain could lead to an increase in the price. To potentially account for an increase from the quote, the total amount being requested for acceptance is up to \$12,000.00 which the donation total for the project exceeds. Should the quote remain the same, the difference will remain in the fiduciary holding of the town until the next request.

**NOW THEREFORE BE IT RESOLVED** by the Londonderry Town Council that unanticipated revenue in the amount of \$12,000.00 for the fiscal year ending June 30, 2022 are hereby accepted for the purpose of purchasing playground equipment and items as required by the donations to improve the Town's playground to allow it to be more inclusive.

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John Farrell - Chairman  
Town Council

(TOWN SEAL)

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Sharon Farrell - Town Clerk

**A TRUE COPY ATTEST:**  
12/06/21



M.E. O'BRIEN & SONS, INC.  
 17 Trotter Drive - P O Box 718 / Medway MA  
 02053  
 508-359-4200 (phone) / 508-533-6342 (fax)  
**SDO Certified WBE (MA Only)**

## Q U O T A T I O N

Date: September 17, 2021

Page 1 of 2

Job: Londonderry OmniSpin Spinner

Location: Londonderry, NH

We are pleased to offer our quotation on the following for the above subject job:

<u>QTY.</u>	<u>MODEL #</u>	<u>DESCRIPTION</u>	<u>TOTAL</u>
(1)	173591A	Landscape Structures OmniSpin Spinner	
<b>TOTAL WITH FREIGHT</b>			<b>\$11,240.00</b>

**\*\*PLEASE READ – IMPORTANT NOTES – PLEASE READ\*\***

- **Due to On-Going Steel and Other Material Surcharges, and Pent-Up Demand, Quotations are only valid for 30 days.**
- Contractor/Customer is responsible for quantity, color, and product confirmation.
- Prices based on quantities listed. Any change to quantities may impact prices quoted.
- **Lead times on quotes can vary (or fluctuate) depending on raw product availability.**
- Allow 12 to 14 weeks for delivery of materials after receipt of order and architectural approval, if required.
- M.E. O'Brien & Sons is NOT responsible for plan take-offs. All quantities, square footages, thicknesses, etc. are the responsibility of the purchaser. Confirm and double check quantities quoted. It is the responsibility of the purchaser to approve/purchase items "per plan".
- Quote is based on information at the time of bid/request. Any changes, updates, addendums, etc., may require the quote to be revised.
- **Prices firm for 30 days only, subject to review thereafter.**
- Prices are for materials only unless otherwise noted.
- Prices do NOT include off-loading, lift-gate (lift-gate is an additional charge) or inside delivery. \*The lift-gate gets the material from the truck to the ground. Once on the ground, it is your responsibility to move it from there.
- Prices do NOT include sales tax, resilient surfacing, assembly or installation.
- If installation is included, M.E. O'Brien & Sons is NOT responsible for buried underground hazards including, but not limited to: ledge, unsuitable bearing soils, unmarked utilities,

boulders, construction debris and any other conditions beyond our control. Additional cost will be required to rectify these situations.

- Prices are not using prevailing wages unless otherwise specified.

Page 2 of 2

Date: September 17, 2021  
Job: Londonderry OmniSpin Spinner  
Location: Londonderry, NH

- Prices do NOT include cost for electrical cut outs or staining of tongue and groove roof decking unless otherwise noted.
- Standard manufacturer's design, colors, specifications, and construction apply.
- If ordered, inspect entire delivery carefully, making note on delivery receipt of ANY damage so a freight claim can be filed if damage is discovered after opening package(s).
- Retainage does not apply.
- Custom items are not returnable.
- Returns must be made within 30 calendar days of receipt of order. Customer is responsible for re-stocking fee plus shipping charges (to and from) for all returned items.
- Our terms are: check or credit card with order or 50% deposit only with an execution of credit application.
- NO ORDER CAN BE PLACED WITHOUT A PURCHASE ORDER OR SIGNED COPY OF OUR QUOTE.

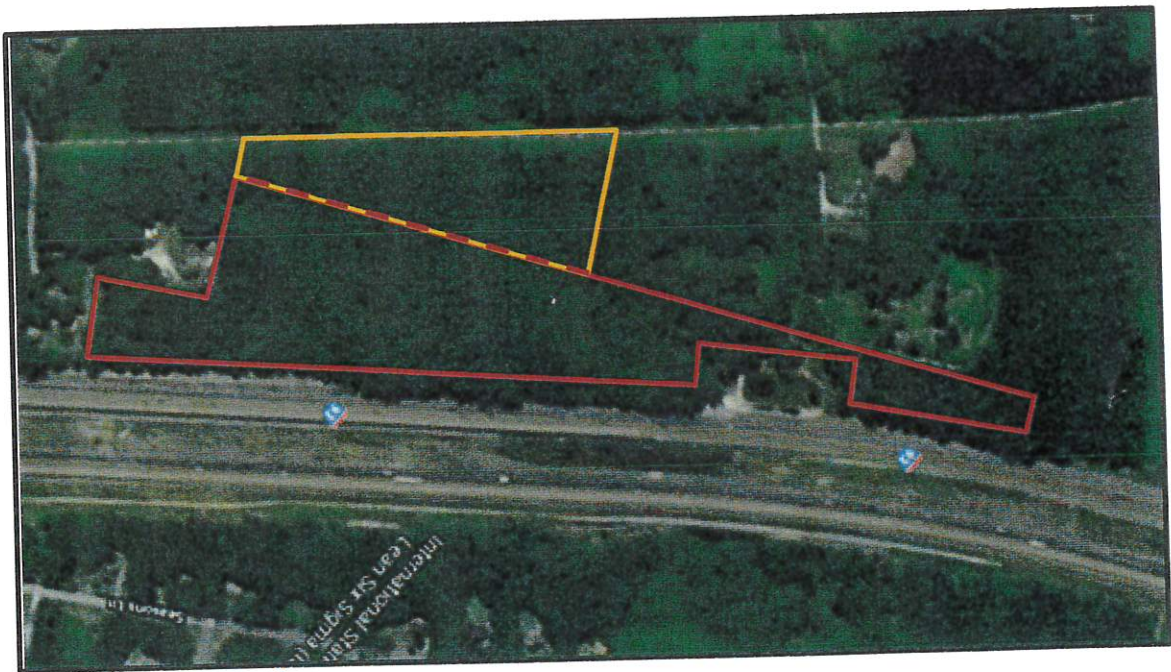
Date: _____	Signature of Approval: _____
PO# (if any): _____	Printed Name: _____
Tax Exempt ID #: _____	Total Amount \$: _____
Bill to name/dept: _____	
Bill to address: _____	
Ship to name/dept: _____	
Ship to address: _____	
24-hr. before delivery Contact Name & Phone #: _____	
<b>If you do not have a loading dock or machine to off-load delivery, please ask if a Lift Gate delivery service is available for an extra charge.</b>	

*If we can be of further assistance, please do not hesitate to contact us. Thank you!*

# Land Value Appraisal Report

Derry/Londonderry Project 13065/Parcel 20

**Effective Date:** September 21, 2021    **Inspection Date:** September 21, 2021    **Report Date:** November 17, 2021



**Britos, Christine**  
NHCR-988, STAFF APPRAISER III  
NH DOT RIGHT-OF-WAY BUREAU  
7 HAZEN DRIVE,  
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CONCORD, NH 03302-0483  
(603) 271-2644

## Assignment

State of New Hampshire Department of Transportation (NHDOT)

### Intended Use

The use of the appraisal is to determine the extent of damages, if any, resulting from the acquisition and will be used as a basis for making just compensation to the property owner. In addition, a copy of this appraisal report will be provided to the property owner for use in the negotiation process.

**Intended Users** Agents and Officials of NHDOT

**Identification of Subject** 51 Rear Trolley Car Lane, Londonderry, NH  
Project Parcel 20: Map/Lot 13-4-0  
74 Rear Hovey Road, Londonderry, NH  
Map/Lot 13-1-13

**Owner of Record:** Town of Londonderry  
268 Mammoth Road  
Londonderry, NH 03053

### Summary of Property Appraised:

*For purposes of this appraisal: the site, which hereinafter is referred to as the subject, is considered as the assemblage of two irregular shaped contiguous tax lots totaling 15.02± acres. The Larger Parcel Consideration is discussed further within this report.*

The subject site consists of two irregular shaped contiguous tax lots totaling 15.02± acres of vacant wooded land located off the eastern side of Hovey Road in Londonderry. The subject is considered "low utility" with only an estimated 50'± frontage at the terminus of a Class VI road and 2,440'± frontage on the west side of the I-93 right-of-way. It is located in the AR-I, Agricultural-Residential zone district.

### Purpose of Appraisal

The purpose of this appraisal is to determine if there is any measurable change in the market value of the subject parcel resulting from the proposed acquisitions, which are necessary for the completion of Project #13065. Due to the proposed NHDOT Project #13065, which involves the construction of an interchange and access road on the westerly side of I-93, the subject is impacted by a partial fee acquisition and permanent drainage easement. These acquisitions are located on the easterly side of the subject.

*The acquisition(s) of any interest in real property are estimated by 'Before and After' appraisals. If the effect of the acquisitions are too small to alter the market value of the property as a whole, the value estimate 'Before and After' will be equal and result in a zero loss in value. Consequently, estimating 'Before and After' values of the property with the improvements becomes unnecessary when this happens.*

*In cases where the 'Before and After' value estimates are equal and result in zero loss in value; NHDOT does not require fully developed 'Before and After' analyses and appraisal reports, of the real property 'as-improved', but requires an accounting of the property interest to be acquired based on the pro-rata value of the site (ignoring the project).*

*NHDOT refers to this type of report as a "Land Value Appraisal" (LVA). It is an estimate of the site's value, 'as-vacant' and a pro-rata accounting of the proposed acquisition(s); the 'Before and After' market values of the property as a whole are simply omitted.*

Therefore, if these 'Before and After' value estimates are equal and result in zero loss in value for this site; the purpose of this appraisal is to estimate the fee simple interest market value of the vacant land by employing a 'Land Value Appraisal' in conformity with the NHDOT Right-Of-Way Manual, Yellow Book<sup>1</sup> and USPAP<sup>2</sup>.

### Property Rights Appraised

The unencumbered Fee Simple<sup>3</sup> interest of the subject parcel is appraised.

### Value Sought

As referred to herein, the term **Market Value** is defined by *The Uniform Appraisal Standards for Federal Land Acquisitions 2016*, 6<sup>th</sup> ed. (UASFLA) (a/k/a Yellow Book), as follows:

*"Market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal."*

<sup>1</sup> **Yellow Book:** *Uniform Appraisal Standards for Federal Land Acquisitions 2016*, 6<sup>th</sup> ed.

<sup>2</sup> **USPAP:** *Uniform Standards of Professional Appraisal Practice (USPAP) 2018-2019*

<sup>3</sup> **Fee Simple Interest** is defined in the *Dictionary of Real Estate Appraisal*, 5<sup>th</sup> ed. (Chicago: Appraisal Institute, 2010), as: *Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by governmental powers of taxation, eminent domain, police power, and escheat.*

### Value Conclusion

I have analyzed the property and determined that no measurable damages result from the proposed acquisitions. When there are no (zero) measurable damages, it is NHDOT Right-of-Way policy to make a nominal offer to the property owner on a pro-rata basis determined by an appraisal of the land, as though vacant.

As summarized in this report, I calculated the proposed acquisition to represent a  
**Pro-Rata Summation of \$750, based on the Larger Parcel Value Estimate of \$20,300**

### Inspection of Property

September 8, 2021, a certified letter was mailed to the property owner and/or a representative, giving the Town of Londonderry and/or a representative an opportunity to accompany the appraiser for an inspection. The attempt to contact the property owner by certified mail was successful. July 20<sup>th</sup> was the first inspection by the appraiser from the right-of-way of Trolley Car Lane. September 21, was the second right-of-way inspection by the appraiser and was accompanied with Michael J. Malaguti, Assistant Town Solicitor and Chip Johnson (DOT ROW Agent). October 14<sup>th</sup> was the first subject site inspection by the appraiser on foot by way of the class VI, John Deere Road.

### Project Summary

NHDOT Project #13065 involves construction of an easterly access-only interchange and access road on I-93, between Exits 4 & 5.

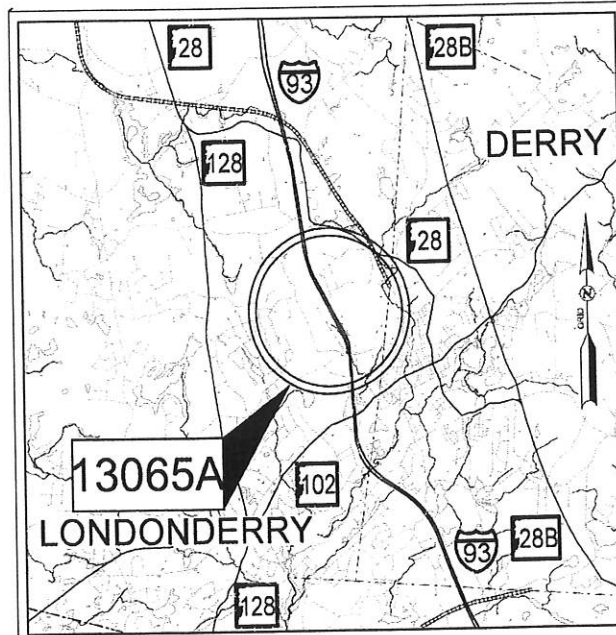
This project is included in the State of NH's Ten Year Transportation Plan. The purpose of the project includes:

- Providing for the safe and efficient movement of people, goods and services between I-93 and the towns served by NH Route 102, specifically Derry and Londonderry, that are immediately adjacent to I-93 Exit 4.
- Providing an alternative route to the Interstate system for traffic using NH Route 102 to and from the east, thus removing a large volume of through traffic from the heavily congested downtown Derry street network.
- Providing improved Interstate access for commercial and industrially zoned lands near NH Route 28 in both Derry and Londonderry, thus allowing for the planned and orderly development of such lands to further locally defined economic development goals and tax base diversification.
- Enhancing and promoting the economic vitality of the downtown Derry and Londonderry areas, presently characterized by traffic congestion and decreasing vehicular and pedestrian safety, by separating local, destination-oriented traffic from through traffic destined for the Interstate system.

#### *Proposed Acquisition of Parcel 20:*

**Fee Acquisition:** 0.55± AC

**Permanent Drainage Easement:** 725± SF



## Hypothetical Conditions

As defined by USPAP, a hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

I have analyzed the property and determined that no measurable damages result from the proposed acquisitions. My analyses invoked the customary hypothetical conditions that on the effective date of this report:

- The Subject project does not exist in the 'before-analysis';
- The Subject project is completed as of the date of valuation in the 'after-analysis'.

## Extraordinary Assumption

An extraordinary assumption is directly related to a specific assignment in an appraisal report, which, if found false, could alter the appraiser's opinions and conclusions.

**At the request of the client, I have made the extraordinary assumptions that:**

- Right-of-Way plans prepared by New Hampshire Department of Transportation dated September 3, 2021 for Derry/Londonderry Project #13065, Parcel 20 have been used in this analysis. Should the plans be incorrect or vary significantly; it may have a direct impact on the value conclusion.
- I have appraised the subject as if clean and free of contamination. If any contamination is found on the subject, this report becomes null and void.

*NOTE: The use of hypothetical conditions and extraordinary assumptions might have affected the results of this appraisal.*

## General Assumptions

For this report, I have also assumed:

- All personal property is excluded;
- All non-compensable items are excluded;
- Broker and assessor information is reliable and correct;
- All maps, plans and photographs I used are reliable and correct;
- The legal interpretations and decisions of others are correct and valid;
- The abstracts of title and other legal information available are accurate;
- Information from all sources is reliable and correct unless otherwise stated;
- There are no encumbrances or mortgages other than those reported in the abstracts;
- There are no hidden or unapparent conditions on the property, in the subsoil (including hazardous waste or ground water contamination), or within any of the structures which would render the property more or less valuable.

## Limiting Conditions

*This report is bound by the following limiting conditions:*

- No opinion as to title is rendered. I have relied upon the abstract of title, other legal information provided to me by the client, and I assume the information correct.
- Sketches and photographs in this report are included to assist the reader in visualizing the property. I have not performed a survey of the property or any of the sales and do not assume responsibility in these matters.
- I assume no responsibility for any hidden or unapparent conditions on the property, in the subsoil (including hazardous waste or ground water contamination), or within any of the structures, or the engineering that may be required to discover or correct them.
- This appraisal is made based on preliminary DOT Project Plans. Any changes, additions, discrepancies and / or revisions to any of the information provided to me may require an updated or new appraisal report.
- Possession of this report (or a copy) does not carry with it the right of publication. It may not be used for any purpose other than by the party to whom it is addressed without the written consent of the State of New Hampshire and in any event only with the proper written qualification and only in its entirety. Neither all nor any part of the contents (or copy) shall be conveyed to the public through advertising, public relations, news, sales or any other media without written consent and approval of the State of New Hampshire.
- Acceptance and / or use of this report constitutes acceptance of the foregoing underlying limiting conditions and underlying assumptions.

## Estimated Exposure Time for Final Value Conclusion

Exposure time is defined by USPAP as the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

In accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA AKA Yellow Book), Section D-1b, a discussion of exposure time was omitted. This omission is a jurisdictional exception to USPAP Standards Rules 1-2 and 2-2. UASFLA precludes me from complying with these USPAP Standards Rules and Statement 6 as they require me to develop and state an opinion of reasonable exposure time. Exposure time is a component of the definition of market value used in this report. However, UASFLA stipulates "...the appraiser's estimate of market value shall not be linked to a specific exposure time when conducting appraisals for federal land acquisition purposes under these Standards." Since UASFLA is contrary to USPAP, I have invoked the Jurisdictional Exception Rule in USPAP thereby omitting an estimate of exposure time.



## Scope of Work

*The scope of work for this appraisal is defined by the complexity and the reporting requirements of this appraisal assignment, including the following Purpose of Appraisal, Interest Analyzed, Value Sought, Definition of Market Value, Hypothetical / Limiting Conditions, Statements of Assumptions and Certifications. The scope of work also identifies the type and extent of research and analyses needed the assignment.*

- I have made a number of investigations and analyses for this appraisal and after determining the nature of this assignment, I reviewed available information about the subject site. I then personally met with a representative from the Town of Londonderry, inspected and photographed the subject and the proposed acquisition from the subject site.
- I collected the details needed to analyze the problem from assessment data, taxes, zoning regulations, deed and project plans. Site data was collected and compiled from several sources, including the Town of Londonderry, Rockingham County Registry of Deeds, Northern New England Real Estate Network site (NEREN), FEMA, USDA on-line Web Soil Survey, ELMI, MOSIAC, NHDOT records and local real estate professionals.
- I concluded the highest and best use, based on legal, physical and neighborhood land use characteristics.
- I examined the proposed project plans and formed an opinion of possible impacts to the subject relative to the intended acquisitions.
- I then determined the applicability of different methods to determine the market value of the subject site.
- I searched areas for comparable land sales to include Cheshire, Hillsborough, Merrimack and Rockingham Counties.
- I analyzed comparable data, which was also collected and verified from the same sources as the subject data, plus included Cheshire, Hillsborough, Merrimack and Counties.
- Finally, I prepared this Land Value Appraisal Report in compliance with USPAP 2-2(a) to convey my findings, the market data and the analyses.

## Larger Parcel Consideration

As part of this analysis, I have considered and made a determination of the 'larger parcel'. According to the UASFLA, the larger parcel is defined as "The tract or tracts of land that possess unity of ownership and have the same, or an integrated, highest and best use." The criteria are considered within the context of integrated use rather than as a stand-alone test under federal law. Elements of consideration in making the determination on this regard are contiguity or proximity as it bears on the highest and best use of the property, unity of ownership and unity of highest and best use.

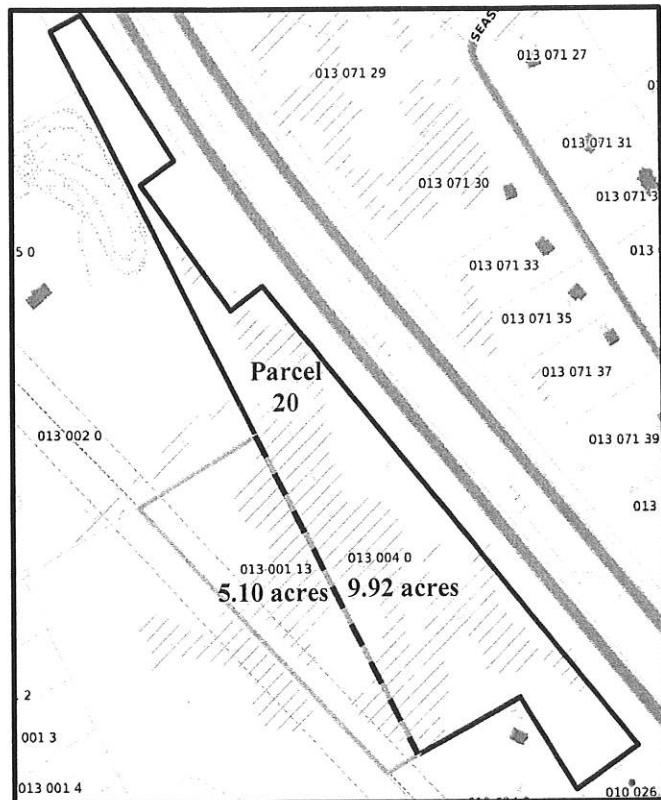
The Town of Londonderry owns the impacted parcel 20, (aka map/lot 13-4-0), and owns a contiguous land locked tract of land to the west, map/lot 13-1-13, plus many other parcels within the town. The other parcels within the town are not contiguous or have integrated use with the impacted parcel. However, this landlocked tract, map/lot 13-1-13 to the west of parcel 20, will not have access without the use of the parcel 20. Therefore, map/lot 13-1-13 highest and best use is reliant on parcel 20's class VI access point and its contiguity. Therefore, since the parcel 20's contiguous relationship bears on map/lot 13-1-13's highest and best use; together they are considered a larger parcel.

Based on the above analysis, for the purpose of the valuation assignment, the 'larger parcel' hence the subject property, consists of two irregular shaped contiguous tax lots totaling 15.02± acres. The 'larger parcel' is described in the Site Description section and is the Subject of this report.

### Larger Parcel Conclusion

For purposes of this appraisal, which includes the Pro-Rata Analysis and the final value: the site, which hereinafter is referred to as the subject, is considered as the assemblage of two irregular shaped contiguous tax lots totaling 15.02± acres and is considered the "larger parcel".

However, for ease of discussion, the section of this report evaluating the proposed Right-of-Way Layout Plan and acquisitions required for the Derry/Londonderry Project #13065; will only be considered as Parcel 20, map/lot 13-4-0 alone, with a total of 9.92± acres.



**Ownership, Transfer and Listing History**

Town of Londonderry acquired both lots as recorded in the Rockingham County Registry of Deeds (RCRD) as follows:

**Map/Lot 13-4-0:**

Grantor:	Homeplate Corporation
Date:	May 13, 1997
Deed Type:	Tax Deed
Book/Page:	3215/1645
Sale Price:	N/A

**Map/Lot 13-1-13:**

Grantor:	Arthur H. Bursley, Jr.
Date:	September 13, 1993
Deed Type:	Tax Deed
Book/Page:	3012/191
Sale Price:	N/A

There have been no known conveyances of either of the lots since the above transactions, and it is the appraiser's understanding that the property has not been recently marketed for sale.

**Assessment Data**

2021 Town of Londonderry Property Assessment			
Property ID	Improvements	Land	Total
Map/Lot 13-4-0	\$0	\$30,729	\$30,729
Map/Lot 13-1-13	\$0	\$27,108	\$27,108

Current Use: Neither lots are in current use.

## Area, Town & Neighborhood Analysis

Much of the state's population and business activity is located in southern New Hampshire as contrasted with the more northern and western areas of the state, which are oriented toward farming, tourism and recreational uses. Consequently, business activity, real estate values and other economic factors are somewhat homogeneous within the southern portion of the state. Major cities within the southern portion of the state are Manchester and Nashua.

The Town of Londonderry is located within the Greater Manchester area. Londonderry is bound by Litchfield and Bedford to the west, Hudson and Windham to the south, Derry to the east and Auburn and Manchester to the north. Londonderry is approximately 14 miles from the Massachusetts border and 44 miles north of Boston.

The Town of Londonderry has immediate access to Interstate 93, the state's major north/south highway. Due to this accessibility, Londonderry has become a bedroom community for many Boston commuters despite the fact that the only public transportation are busses, which are located at exits 4 and 5 off of I-93.

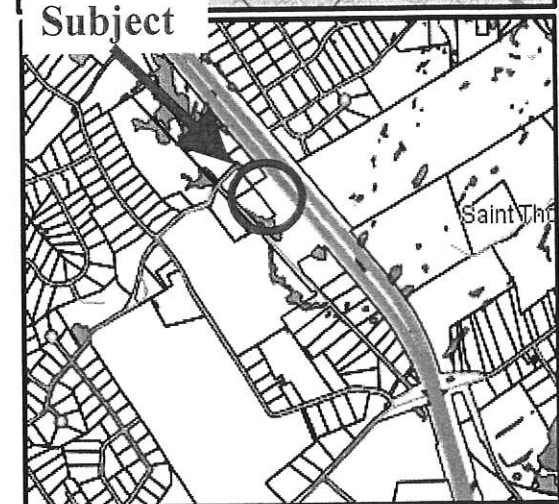
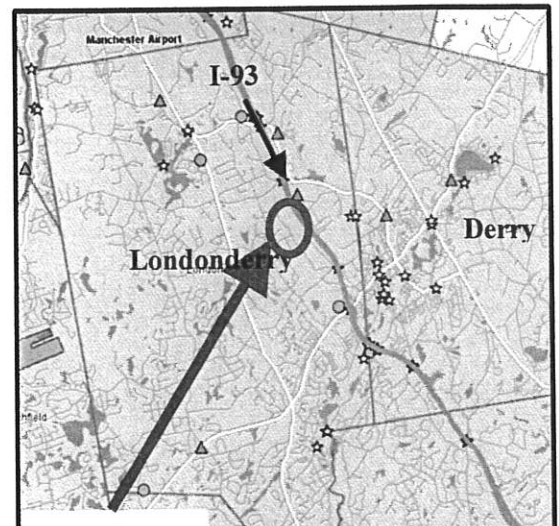
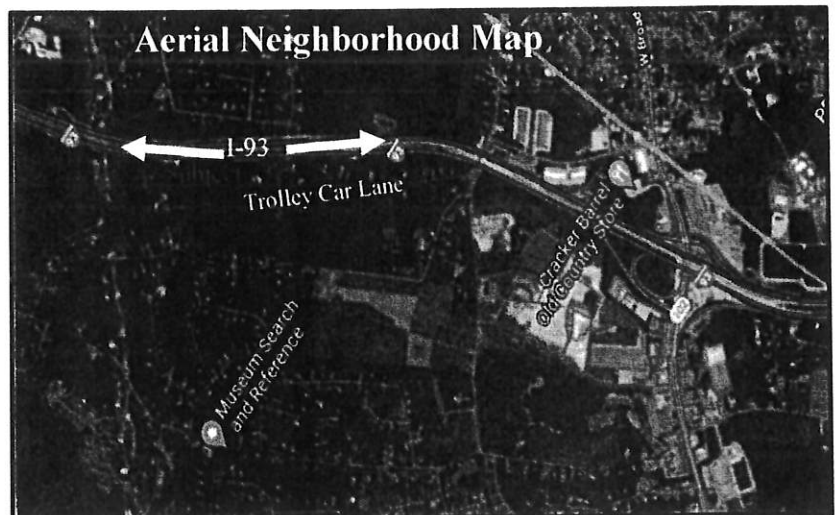
Londonderry benefits from an established network of state and local roads that connect to I-93. State Route 28 runs through the northern section of Londonderry connecting to the Manchester Airport and running into Manchester. Route 28 is another north-south state route connecting Manchester with Windham through Londonderry. Exit 5 on I-93 is in northern Londonderry and has helped create new commercial and industrial development along Route 28.

One of the town's primary commercial bases is situated along Route 102 just off the exit 4 interchange from I-93. This retail and office corridor contains various shopping centers and professional office parks serving the surrounding communities. The remainder of southern Londonderry is primarily rural residential. This existing commercial base will be an extension of the Town of Londonderry's master plan that anticipates an estimated 832,500 square feet of new retail, 1,300 new homes, 700,000 square feet of new commercial space and three hotels, in addition to a number of neighborhood civic and arts facilities.

The plan is divided into a number of phases and development will continue to occur over a 20-year period. This development will span 629 acres bordering Interstate Highway 93. Within the Town of Londonderry, a mixed-use urban village called Woodmont Commons is planned. The village's outer edges will feature detached homes to be compatible with the adjacent single-family properties. Closer to the center of the village will be a range of attached dwelling options including townhouses, apartment buildings and senior housing. In addition, the plan calls for 100,000 square feet of retail space, several restaurants and 750,000 square feet of industrial flex space to be built after the Exit 4-A project is completed.

Woodmont Commons is proceeding with several aspects of the plan concurrently. The 603 Brewery opened in June of 2019 with brewery and restaurant space. A retail/apartment building has been completed and occupied by several retail/service tenants on the first floor and 87 apartment units on the upper three floors. The Baldwin, a senior living community, has broken ground on a 95-unit facility and 28 single-family homes are under construction or recently completed along a new loop road known as Catesby Lane. The pending and sold home prices range from \$575,305 to \$757,000.

The northern section of Londonderry encompasses half of the Boston Regional Airport located in Manchester and the airport industrial neighborhood, with over 1,000 acres of industrial zoned land. Along with the new industrial development, the Boston Regional Airport has completed the airport's expansion and now marketing new airlines to join the fleet in Manchester. This expansion has included new terminal facilities in Londonderry with the expansion of the existing runways for larger planes. The expansion of the Boston



Regional airport has attracted new business and industry into the area.

The 2019 U. S. Census indicates the resident population of Londonderry has had strong growth of over 9% since 2010. Londonderry's population density in 2019 was the eighth highest among the cities and towns in New Hampshire.

Londonderry's unemployment rate as of August 2021 was 3.0%, with a population of over twenty-six thousand. New Hampshire's 2.9% unemployment rate is average compared to all the New England states, but is lower than the United States' unemployment rate. These rates are all estimates by place of residence and are not seasonally adjusted per ELMI (Economic Labor Market Information Bureau). The largest employers in Londonderry are the L-3 Warrior Systems, Fed-Ex Ground, Harvey Industries, Londonderry School District, Stoneyfield Farms, EFI, United Parcel Service, Coca Cola, Pratt & Whitney and Vibro-Meter.

In summary, the subject neighborhood enjoys excellent accessibility to both the Boston Airport and the Boston Regional Airport as well as to the region's highway system. The neighborhood has a mix of single and condex family style homes and has a more rural flavor than most of the town's neighborhoods despite noise considerations from I-93. The subject borders I-93, which is the location of the future exit 4-A, and will be developed as part of the Town of Londonderry's master plan. The proximity to I-93 makes an appealing alternative for New Hampshire living than urban Massachusetts living, because 48.1% of the population commute to either another NH community or 28.1% commute out of state.

## Site Description

**Size:** 15.02± acres (654,271± SF)

**Shape/Frontage:** The parcel is a long irregular shape lot, has an estimated 50± frontage at the terminus of this Class VI road and roughly 2,440± frontage on the west side of the I-93 right-of-way.

**Improvements:** None, the subject is considered a non-developed parcel.

**Present Use:** Vacant

**Location:** The subject's east border stretches along a fenced in storm water treatment basin owned by the State of NH and within the I-93 right-of-way. The remainder of the subject is encompassed by improved and vacant residential parcels. Interstate 93 appears it could be considered slightly adverse compared to other parcels with less exposure to the highway.

**Available Utilities:** Above ground utilities include electric and telephone service which currently extend from Hovey Road to the Trolley Car Path. It appears the abutting improved single-family house to the west of the subject has underground-connected utilities. Private septic systems are required and although Pennichuck Water appears to supply water in the area, the subject would likely rely on a private well, similar to the abutting improved single-family house lot.

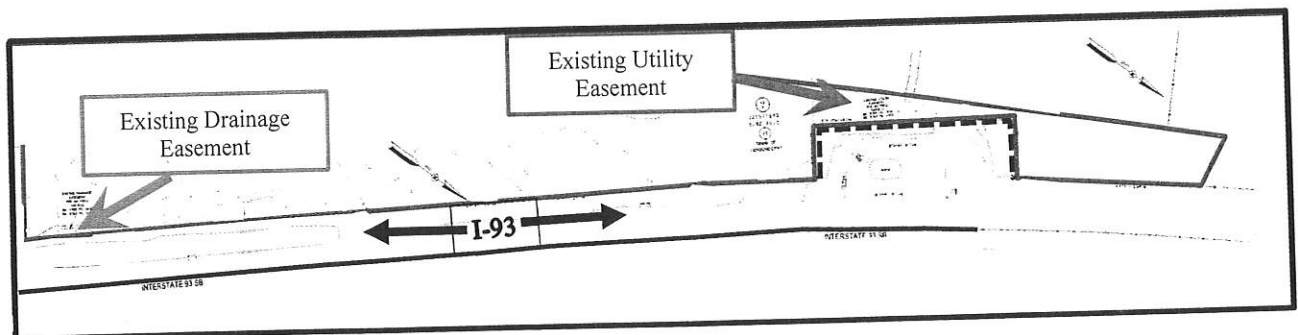
**Topography / Soils:** There is evidence of existing and nearby construction within the neighborhood demonstrating the ability to build in this area; though, per the NHDOT General Plans and per the town GIS map system, it appears there are wet areas throughout the subject site.

According to the United States Department of Agriculture (USDA) on-line Web Soil Survey, the parcel's soil composition is a variety of soil types, though the majority of the lot is a combination of three types; Windsor Loamy Sand, Chatfield Hollis Canton Complex and Swansea Mucky Peat. Both Windsor and Chatfield are soils that appear buildable, though to reach those areas of the lot with these soil types, a driveway is needed to be built through the Swansea Mucky Peat, which is considered wet lands. Therefore, it appears since the 5.3 acres of Swansea Mucky Peat is located near the access point of the subject, the buildable areas of the subject are not accessible without higher costs for engineering and variances.

**Flood Map:** Community No 33015C, Panel 0338E, Dated 5/17/2005

**Flood Zone:** The subject is located in Zone X. Zone X is an area located outside of the 0.2 percent annual chance floodplain. Each residential lot in the Town of Londonderry shall have at least 22,000 SF of contiguous land above the 100-year flood elevation as determined by the flood insurance rate maps and flood boundary and floodway maps of the Town of Londonderry as prepared by the U.S. department of housing and urban development, federal insurance administration.

**Easements:** Per the NHDOT Abstract (included in the addendum), the subject parcel has two known permanent encumbrances consisting of drainage and utility easements. The purpose of the permanent utility easement is to grant " the State of NH permanent right and easement to construct, reconstruct, maintain and repair pipes, conduits, cables, wires, poles, basins, manholes or other facilities for utility purposes, over, under or through land of the Grantor(s) abutting or near, [the I-93 right-of-way]. Even though this utility easement is within the only access of the subject, it does not appear to affect the subject's ability to access its lot; therefore, neither of the easements appear to be adverse.



**Site Conclusion:**

The subject property consists of two irregular shaped contiguous tax lots totaling 15.02± acres of vacant wooded land located off the eastern side of Hovey Road in Londonderry. The subject has an estimated 50' frontage at the terminus of a Class VI road and 2,440'± frontage on the west side of the I-93 right-of-way.

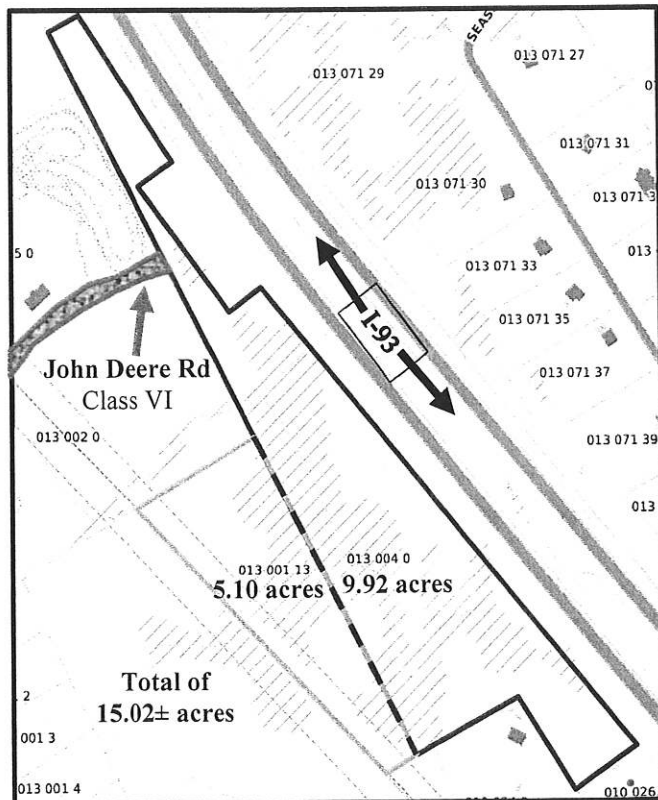
The subject property consists of two irregular shaped contiguous tax lots totaling 15.02± acres of vacant land located off the eastern side of Hovey Road in Londonderry.

Even though there is evidence of existing and nearby residential construction, the subject appears to be mostly unusable/unbuildable due to wetlands, setbacks and easements. There appears to be a small buildable area north of the subject's access and north of the state owned water treatment area; however, due to the long and narrow shape of this area and limited area between the state's and abutter's land, it may be undevelopable. However, in order to develop the subject, one or more events would need to occur, including, but not limited to, the following:

- A variance would need to be granted for developing a parcel with no frontage on a Class V road or better;
- John Deere Road, a roughly 1,111'± long Class VI road, would need approvals for upgrading to a Class V road, and would likely need to end in a cul-de-sac for emergency vehicle access; however, the subject may not have the necessary dimensions to accommodate a cul-de-sac configuration;
- If John Deere Road were upgraded to a Class V road, the subject would need a variance for having less than the required minimal 150' frontage.
- Sufficient area away from wet lands for a private well and septic system.

No other adverse site conditions were observed except the location could be considered slightly adverse compared to other parcels with less exposure to the highway.

Therefore, without an actual survey of the land, the limited information available and for the purpose of this appraisal, this appraiser considers the subject topography and soil as undevelopable with low utility. If this is proven false, it may have a direct impact on the value conclusion.



**Zoning**

The subject parcel is located in Londonderry's Zone AR-I, Agricultural-Residential zone district. The Agricultural-Residential District is designed to permit uses that are compatible with and protective of certain areas that have been and are being developed for agricultural and forestry uses, water quality preservation, residential use and public use. The minimum setback for residential development from the front property line is forty-feet and fifteen-feet from all other property lines.

Per current zoning regulations, the permitted uses are residential, civic and/or limited businesses. Londonderry's Zoning Ordinance does allow auxiliary uses, such as identification signs for governmental agencies and/or portable storage structures.

No freestanding sign, or any part thereof, shall be located nearer than fifteen (15) feet to a property line. The minimum setback for a permitted sign on developed parcels for non-residential use from the front property line is forty-feet and fifteen-feet from all other property lines. The minimum setback for a portable storage structure from the front property line is forty-feet and fifteen-feet from all other property lines.

- In the absence of a municipal wastewater system, minimum lot sizes shall meet such additional lot size requirements as specified by "minimum lot size by soil type ". Please refer to the Town of Londonderry Zoning Regulations for additional dimensional requirements for the above uses as well as other permitted uses within the AR-I zone.
- Definition of frontage per the Town of Londonderry zoning ordinance: The continuous linear extent of a lot measured along any highway or right of way from the intersection of one side lot line to the intersection of the other side lot line of the same lot.

<u>Agricultural-Residential District Minimal Requirements</u> Served by municipal water and sewer						
Dwelling Type	Bedrooms	Frontage (Class V or Better)	Setbacks			Minimum Lot Size
			Front	Side	Back	
Single Family	1-2	100'	40'	15'	15'	35,000 SF
Single Family	3 or more	150'	40'	15'	15'	40,000 SF
Duplex	2-4 (total)	150'	40'	15'	15'	52,500 SF
Duplex	5 or more	200'	40'	15'	15'	60,000 SF

**Back Lot Development:**

The subject only has access from a class VI road; therefore, the subject may fall under the rules of Back Lot Development.

Per the Town of Londonderry: 'The purpose of Back Lot Development is to allow a landowner to develop areas of his/her property without any road frontage in exchange for permanently prohibiting development of roadside areas identified by the community as contributing to Londonderry's character, such as land that is being actively farmed. The purpose is also to protect open space, to maintain a viable contribution to the community's economic base through agricultural employment and gross regional product, and to protect roadside land, which will preserve the rural historic character of the community. The Planning Board is authorized to utilize a Conditional Use Permit in accordance with the provisions of RSA 674:21, innovative zoning.' All Zoning Regulations of the Town of Londonderry shall apply except as specified for Back Lot Development.

Specific Design Requirements and standards for water supply, waste treatment, driveway, parking and turnaround areas shall apply with the provisions of RSA Back Lot Development 5.4 1-4.

Back Lot Development				
Driveway Frontage (not counted as frontage)	Setbacks			Minimum Lot Size
	Front	Side	Back	
50'	15'	15'	15'	21,780 SF



**Zoning Conclusion:**

The subject property consists of two irregular shaped contiguous tax lots totaling 15.02± acres of vacant wooded land located off the eastern side of Hovey Road in Londonderry. The subject has an estimated 50' frontage at the terminus of a Class VI road believed to be known as John Deere Road; and roughly 2,440'± frontage on the west side of the I-93 right-of-way. It is located in the AR-I, Agricultural-Residential zone district.

The subject meets the town's zoning requirements for the Agricultural-Residential District for minimum lot size and road frontage. As defined within the ordinance, frontage is measured along any highway or right-of-way and frontage requirements for the Agricultural-Residential District require frontage from a class V or better. Therefore, even though no access is provided along the I-93 corridor, it is still considered frontage for the purpose of minimal requirements.

However, even though the subject meets the minimum lot size and road frontage requirements, it is still considered a legal non-conforming (grandfathered) lot due to its limited access off the class VI road. For further development, the subject will be required to conform to specific road design standards to accommodate town requirements. The determination that the subject is legal nonconforming is based solely on the minimum lot size, road frontage and access requirements and not any other guidelines such as setbacks, soil and slope conditions, etc.

This appraiser has only had basic and typical public access to site-specific information regarding soils and wetlands delineations and/or any other guidelines such as setbacks, soil and slope conditions to draw conclusions regarding regulation conformity or further development on the site. However, even if its soils and/or wetlands would preclude the subject lot from being developed if it were a new lot, the right to build to the same extent is grandfathered since it is considered a legal lot of record. Therefore, it is legally permissible for the subject as a whole to be a stand-alone lot.

A private septic system is required for the subject and although Pennichuck Water appears to supply water in the area, the subject would likely rely on a private well, similar to the abutting improved single-family house lots. Even though the Londonderry Planning Board is authorized to allow for less restrictive requirements for setbacks and frontage, it appears the subject parcel would not have sufficient area for a private septic, a well and/or other improvements for residential development. Therefore, even though it is legally permissible for the subject site as a whole to be stand-alone lot for a single or two family development, it is not physically possible due to the insufficient usable area for development.

Even though the Londonderry's Zoning Ordinance may allow auxiliary uses, such as signs or portable storage structures on the subject, the subject is severely limited to the number of practical uses that are legally permissible. Therefore, due to the many restrictions, the subject is considered to be low utility land for this appraisal. The most likely buyer would be an abutter, or a municipal or private entity interested in preserving the land for conservation or recreational purposes.

## Highest and Best Use - Before Situation

### *Vacant*

A private septic system is required for the subject. Although Pennichuck Water appears to supply water in the area, the subject would likely rely on a private well, similar to the abutting improved single-family house lots. Even though the Londonderry Planning Board is authorized to allow for less restrictive requirements for setbacks and frontage for back lot development and there is evidence of existing and nearby residential construction; the subject appears to have insufficient buildable land due to wetlands, setbacks and easements.

The subject meets the minimum zoning requirements for lot size and road frontage within the Agricultural-Residential District. However, the subject is considered a legal non-conforming (grandfathered) lot due to its limited access off a class VI road. For further development, the subject would be required to conform to specific road design standards to accommodate town requirements.

Therefore, even though it may be legally permissible for the subject site as a whole to be a stand-alone lot for a single or two family development, it is not physically possible due to the insufficient area for development.

The Londonderry's Zoning Ordinance may allow auxiliary uses, such as signs or portable storage structures on the subject, though the parcel is severely limited to the number of practical uses that are physically possible and legally permissible.

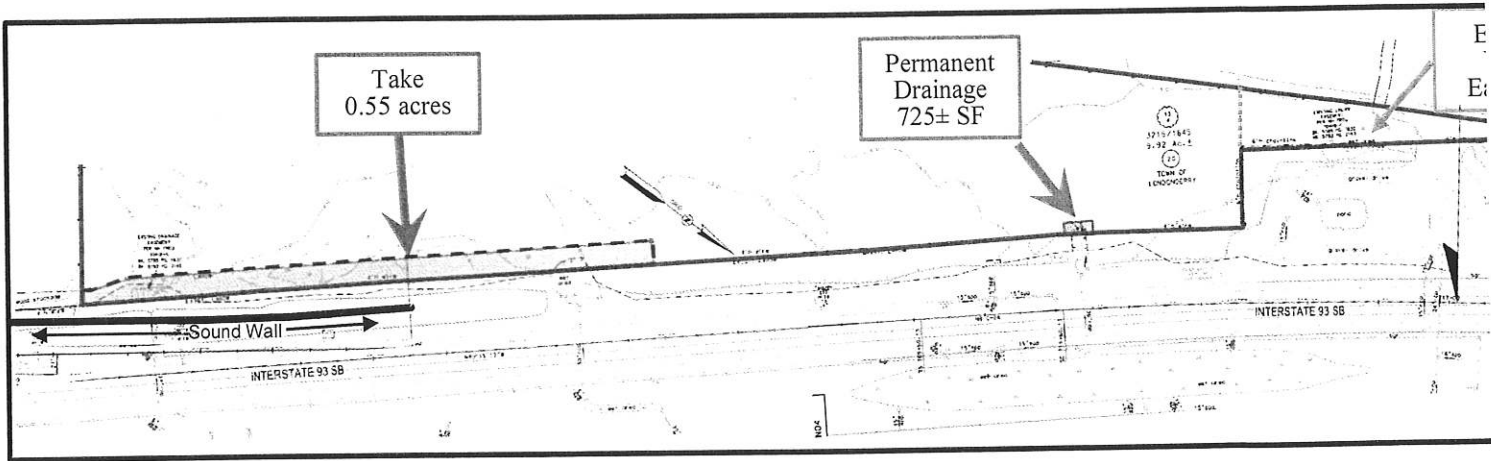
Therefore, due to the many restrictions, the highest and best use of the subject property is considered to be as low utility land for this appraisal. The most likely buyer would be an abutter, or a municipal or private entity interested in preserving the land for conservation or recreational purposes.

### Proposed Right-of-Way Layout Plan

Parcel #	Property Owner	Total Area of Parcel 20	Take	Remainder	Easement	
				Left	Permanent	
		Acres	Acres	Acres	SF	Type
20	Town of Londonderry	9.92±	0.55±	9.37±	725±	Drainage

*Note: Areas with Decimals Are Acres*

*Parcel 20 has 9.92± acres,  
but the Larger Parcel of 15.02 acres is valued for this report.*



## Project Summary

NHDOT Project #13065 involves construction of an easterly access-only interchange and access road on I-93, between Exits 4 & 5.

This project is included in the State of NH's Ten Year Transportation Plan. The purpose of the project includes:

- Providing for the safe and efficient movement of people, goods and services between I-93 and the towns served by NH Route 102, specifically Derry and Londonderry, that are immediately adjacent to I-93 Exit 4.
- Providing an alternative route to the Interstate system for traffic using NH Route 102 to and from the east, thus removing a large volume of through traffic from the heavily congested downtown Derry street network.
- Providing improved Interstate access for commercial and industrially zoned lands near NH Route 28 in both Derry and Londonderry, thus allowing for the planned and orderly development of such lands to further locally defined economic development goals and tax base diversification.
- Enhancing and promoting the economic vitality of the downtown Derry and Londonderry areas, presently characterized by traffic congestion and decreasing vehicular and pedestrian safety, by separating local, destination-oriented traffic from through traffic destined for the Interstate system.

## Neighborhood Impacts

The proposed impacts along Trolley Car Lane and I-93 were considered for this report due to its influence on the effect of the neighborhood and the subject.

NHDOT Project #13065 involves the construction of a southbound off-ramp along the I-93 for the new Exit 4-A. This portion of the construction project impacts the properties located on and north of Trolley Car Lane that have frontage along I-93.

The new proposed edge of pavement for the off-ramp will shift the current edge of pavement up to approximately 75' feet closer in some areas along Trolley Car Lane.

The proposed project is expected to result in changes in traffic volumes, vehicle mix, location of exits, on and off ramps and other factors that would cause an increase in noise impacts. The construction of the southbound on and off-ramps will require new drainage, slope work, a sound wall and road improvements along portions of I-93.

These improvements will require temporary traffic diversions for bridge construction, tree removals along the Right-of-Way line to accommodate roadway widening and slope work and the construction of required storm drains needed for compliance.

As a result, this project is expected to cause a noticeable change in noise levels once construction is completed.

## Proposed Acquisitions of Parcel 20

For ease of discussion, this section of the report will only be considering Parcel 20, map/lot 13-4-0 alone, with a total of 9.92± acres.

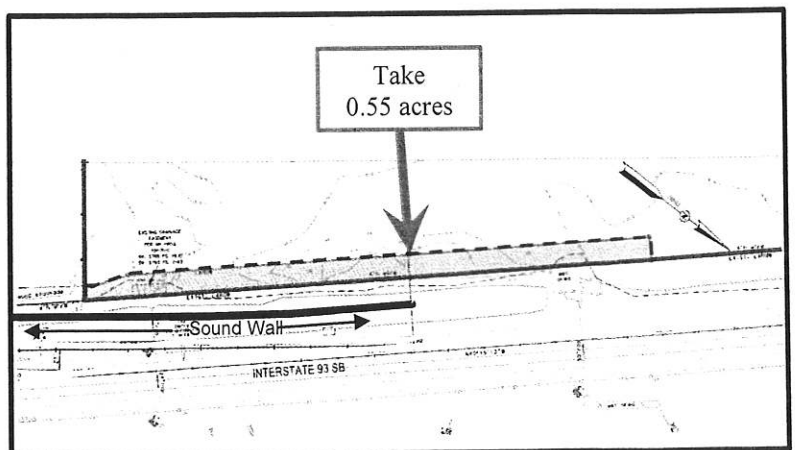
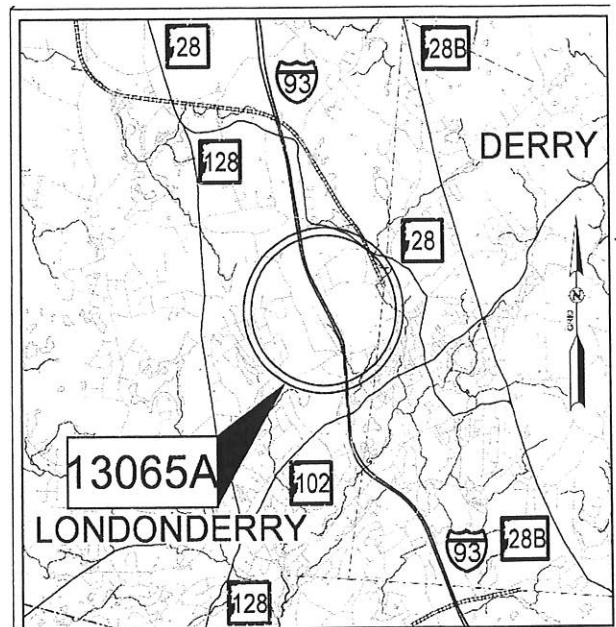
The following proposed acquisitions for parcel 20 represent a necessary part of the Derry/Londonderry Project #13065.

### Fee Acquisition (Area of Take): 0.55 Ac

The long rectangular-shaped, fee acquisition area of take is located along the subject's eastern boundary line of I-93. It is highlighted in green on the plan. The purpose of this proposed acquisition is for use in the realignment of I-93 and the construction of the proposed Exit 4-A. Slope work performed in this area is necessary to allow for adequate drainage of the right-of-way. It does appear the natural trees and shrubs within the area of take will be cleared.

### Impact of Proposed Fee Acquisition:

Since the subject parcel was determined to be low utility, the proposed fee acquisition is not considered to impact the subject's marketability.



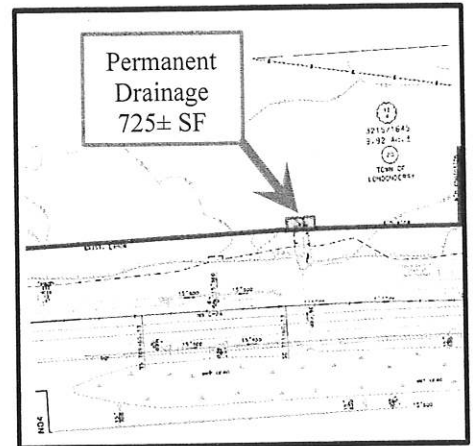
The natural trees and shrubs within the area of take will be cleared, though since this parcel is vacant and has no apparent use, the clearing of the trees and shrubs do not provide buffer for any use of the subject. Therefore, the removal of these natural trees and shrubs will not impact the subject and are not compensable.

**Permanent Drainage Easement: 725± SF**

The purpose of this easement is to allow for the control of water from I-93 and maintenance of the existing drainage infrastructure. The drainage easement is highlighted in blue on the plan and are located along the boundary line of the Subject site and I-93.

**Impact of Proposed Drainage Easement:**

This square-shaped drainage easement is only a partial segment needed to control the flow of water along this section of I-93. An inlet pipe will be inserted on the east side of I-93 south bound, opposite from the Subject. An underground drainage pipe will run perpendicular below I-93 south bound, sloping downward in the direction of the Subject and ends within the proposed drainage easement. This outlet will be built with stone for drainage and the trees and shrubbery within the drainage easement will be cleared to give allotted room to perform the work.



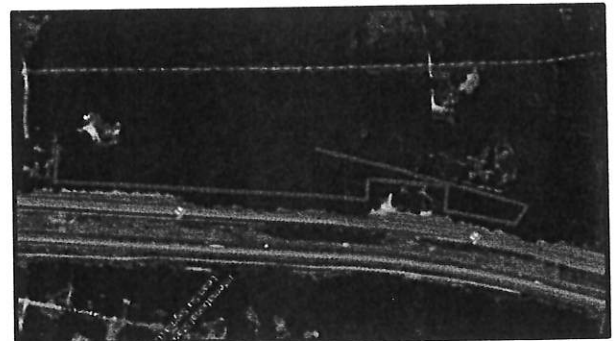
**Influence of the Proposed NHDOT Project:**

I analyzed parcel 20 and determined that the proposed acquisitions will not have measurable impact to parcel 20 or to the whole subject, which is considered to be the larger parcel, because neither its highest and best use nor its utility will change as a result of the proposed acquisitions. As noted in the Assignment Information section of the report, my analyses invoked the customary *hypothetical conditions* that:

- The subject project does not exist in the before analysis; and
- The subject project is completed, as of the date of valuation, in the after analysis.

In addition to the effect of the Acquisition on the subject property After the Acquisition, the influence of the proposed NHDOT project was also considered whereby the following is expected to occur in the vicinity of the subject:

- The widening of I-93 south bound in the area of the subject property due to new off ramp;
- The addition of a Sound Wall along I-93 that will be roughly 45' to the east of the subject property extending roughly 615' within the I-93 right-of-way, which is expected to reduce the decibels attributed to highway traffic after completion of the highway construction.



**Description of the Remainder**

Based on the plans provided, parcel 20 will be reduced by .55± acres, with the remainder being 9.37± acres in size. Topography of the Remainder is similar to that Before the Take.

Based on the above, it appears that the effects of the acquisitions on parcel 20, and the whole subject, which is considered to be the larger parcel, would be immeasurable in the market. The acquisitions do not diminish the value of the appraised land and that in all likelihood a purchaser of the appraised land would pay the same amount in the Before and After the acquisitions.

### **Highest and Best Use *After-Acquisition***

Since the project impacts to the Subject are insufficient to change the Subject's utility, the Subject's vacant and before-acquisition highest and best use conclusions remain the same in the vacant and after-acquisition scenario.

#### ***Vacant***

A private septic system is required for the subject. Although Pennichuck Water appears to supply water in the area, the subject would likely rely on a private well, similar to the abutting improved single-family house lots. Even though the Londonderry Planning Board is authorized to allow for less restrictive requirements for setbacks and frontage for back lot development and there is evidence of existing and nearby residential construction; the subject appears to have insufficient buildable land due to wetlands, setbacks and easements.

The subject meets the minimum zoning requirements for lot size and road frontage within the Agricultural-Residential District. However, the subject is considered a legal non-conforming (grandfathered) lot due to its limited access off a class VI road. For further development, the subject would be required to conform to specific road design standards to accommodate town requirements.

Therefore, even though it may be legally permissible for the subject site as a whole to be a stand-alone lot for a single or two family development, it is not physically possible due to the insufficient area for development.

The Londonderry's Zoning Ordinance may allow auxiliary uses, such as signs or portable storage structures on the subject, though the parcel is severely limited to the number of practical uses that are physically possible and legally permissible.

Therefore, due to the many restrictions, the highest and best use of the subject property is considered to be as low utility land for this appraisal. The most likely buyer would be an abutter, or a municipal or private entity interested in preserving the land for conservation or recreational purposes.

## Land Valuation

### *Potential Approaches*

The three generally recognized methods in appraisals are cost approach; sales comparison approach and income approach (direct capitalization of ground rent). All approaches were considered, though for this analysis I have relied on the sales comparison approach exclusively. The other valuation methods would not produce as reliable results given the nature of the subject, the nature of this assignment or the market data available.

### *Sales Grid*

The comparable land sales shown in this report are the most comparable vacant land sales known to this appraiser and represent a good reflection of the subject's market value. I have assembled the comparable sales in a grid to permit ease of comparison to the subject and have broken out the elements of comparison and their adjustments.

Within this report percentage adjustments are determined, then calculated and rounded into whole number adjustments. These adjustments reflect market reaction to significant element variations between the subject and comparables. If a significant feature of the comparable is superior to or more favorable than the subject's feature, a negative (-) adjustment is required, thus reducing the indicated value for the subject. If a significant feature of the comparable is inferior to or less favorable than the subject's feature, a positive (+) adjustment is required, thus increasing the indicated value for the subject.

The most likely buyer of the subject parcel would be an abutter, or a municipal and/or private entity interested in preserving the land for conservation or recreational purposes. Recent comparable land sales and offerings of low utility land in southern New Hampshire were researched, and five sales were directly analyzed with respect to the subject.

Expanding the search area to include Cheshire, Hillsborough, Merrimack and Rockingham counties, exposed sufficient comparable land sales to arrive at a reliable indication of value.

Comparable Land Sale #1: Off Rabbit Hollow Road, Swanzey NH: 19.90 Acres

Comparable Land Sale #2: 0 Old Stagecoach Road, Marlow: 18.00 Acres

Comparable Land Sale #3: 0 McCoy Road, Hillsborough, NH: 25.30 Acres

Comparable Land Sale #4: Lot 8-13a Lot, Goffstown, NH: 13.90 Acres

Comparable Land Sale #5: Back River Road, Bedford, NH: 160.72 Acres

*A summary of each sale comparable is presented at the end of this appraisal report.*

### *Units of Comparison*

Unit of comparison is derived from how the market behaves. Price per acre is used as the unit of comparison for this valuation.

## Transactional Adjustments

### *Real Property Rights*

All sales were Fee Simple Interest

### *Financing Terms*

All sales were cash transactions and considered typical for market

### *Conditions of Sale*

All sales were considered as arm's length transactions

The 160+ acre Land Sale 5 was purchased by the owner of the abutting parcel, the Pointer Fish and Game Club. The property was not exposed for sale on the open market. Due to the proximity and the desire to maintain the land for conservation and recreational use by the club, it was purchased above its appraised value. Based on confirmation by the original appraiser of the sale, a 25% downward adjustment was deemed necessary due to the Abutter's motivation to acquire this large vacant parcel. This adjustment was then rounded to the nearest 100<sup>th</sup>.

### *Market Conditions*

All sales took place within roughly 3 years of the effective date. During this time, low utility land appears to be only slightly effected by market conditions; therefore, an annual appreciation rate of only 3% has been factored. All were rounded to the nearest 100<sup>th</sup>.

*Note: At this point of the sales analysis, all further adjustments to the comparable sales will be based on the adjusted sale prices.*

## **Valuation**

### ***Site Size***

Typically, smaller parcels tend to sell at a higher price per acre than larger parcels. However, it appears in this case the data does not indicate a discernible trend based on variations in lot size within the range analyzed from 10 acres to the 26 acres. Therefore, although land sale comparable 1 through 4 have varying lot sizes, lot size adjustments were not deemed necessary for these comparable land sales since they all are considered low utility and have limited use. However, land sale 5, with 160± acres, does warrant an upward adjustment of 10% for its much larger site.

### ***Lot Description***

The subject and the comparables all appear to have a similar mix of wood and wet lands on their parcels. However, even if some lots contained more wood and less wet lands, all are considered low utility with limited use. Therefore, no adjustments are warranted.

### ***Highest & Best Use***

The subject and the comparables highest and best use are considered to be low utility land. Their most likely buyer would be abutters, municipalities or private entities interested in preserving the land for conservation or recreational purposes. Therefore, no adjustments are warranted.

### ***Current Use***

The current use program in New Hampshire is a form of preferential taxation to keep privately owned lands in their traditional use. Land enrolled in current use is assessed and therefore taxed, at a rate consistent with its traditional and current use (e.g. agriculture and forestry), not at the economically highest and best use, which is often for development. When land is removed from current use, it is taxed at 10% of the full and true value of the land.

However, since the subject and the comparables are considered low utility and development is not physically possible, the cost associated with removing land from current use for development is not a factor. Therefore, adjustments are not warranted for current use.

### ***Location***

Classification of location is broad and subjective to the appraiser's opinion and based on numerous data points and factors within the subject and comparable locations. Although proximity of the comparables to the subject is a consideration, it is typical for low utility land to be limited within the same neighborhood. Therefore, even though the comparables used in this report are located within three other surrounding counties from the subject, they are considered the best available. Based on market evidence comparables 1, 2, 3 and 4 show no price deviation due to their locations than the subject; therefore, no location adjustments were warranted.

Even though comparable 5 is one of the closest comparables to the subject, it is located in a town with higher property values and sought out neighborhoods. Per local realtors and current sales data, the town of Bedford is considered superior to Londonderry; therefore, a 5% downward location adjustment was applied.

### ***Highway Influence***

The Subject site abuts I-93 south bound. It has trees along the highway as a buffer affording the site-increased privacy, reduced noise, lights and fumes from traffic, though there continues to be both visual and audible knowledge of the interstate.

Assuming the subject's highway location may have influence its value; my search for comparable sales focused along major highways and state routes. After reasonable search efforts within the subject's market, only comparable sale 2 and 5 represented similar highway influences along the Route 123 and Everett Turnpike. However, after a paired sale analysis, low utility vacant land with highway influence does not appear to demonstrate a significant difference to warrant an adjustment. Therefore, no adjustments were required for the other comparables without highway influence.

### ***Access***

Access is a key component of land value. Impairment and/or limited access to a parcel has significant effects on value. The subject and comparable sales 1 and 2 have access from similar class VI roads. Comparable 3 has a deeded access, which requires upgrades similar to class VI roads; therefore, no adjustments are warranted. Comparable 4 is land locked with zero access. Therefore, based on matched pair analysis, a 10% upward adjustment was warranted. Comparable 5 has two official access points off a public road. Therefore, based on matched pair analysis, a 10% downward adjustment was warranted.



## Reconciliation

I chose to present five comparable land sales for this report; my research, analysis and opinion of value was determined by considering and contrasting many sales within the market. All the sales demonstrate a strong indication of value for the Subject.

Land sale 1 was included because it helps bracket the subject's site size, has a similar highest and best use, has a similar location and has access on a class VI road. This sale abuts conservation land. Its only adjustment was due to its 2020 time adjustment. This sale carries significant weight towards the subject's final indicator of value.

Land sale 2 was included because it helps bracket the subject's site size, has a similar highest and best use, has a similar location and has access on a class VI road. This land sale was harvested about 10 years before the sale. Its only adjustment was only due to its 2019 time adjustment. However, due to its 2019 sale date, this sale carries a bit less weight than sale 1 towards the subject's final indicator of value.

Land sale 3 was included because it has a similar highest and best use, has a similar location and has access on a deeded ROW. This sale sold in June of 2021 and required a minimal time adjustment, therefore has the lowest total net adjustments. This sale carries the most weight towards the subject's final indicator of value.

Land sale 4 was included because it helps bracket the subject's site size on the smaller end, has a similar highest and best use, has a similar location. The two adjustments were due to its landlocked feature and its 2018 date of sale. This sale carries the least weight towards the subject's final indicator of value.

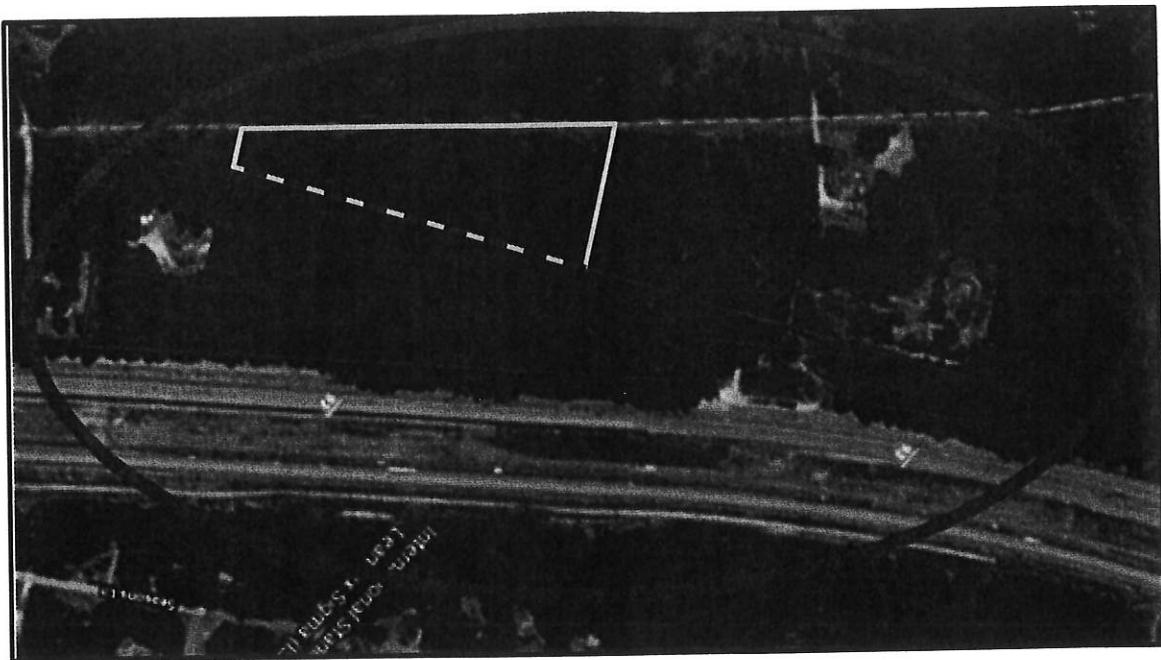
Land sale 5 was only included due to its similar highway influence and its proximity to the subject. Due to the 25% motivational purchase adjustment, the warranted location, access and time adjustments, and plus its 160+ acre site adjustment, this sales carries no weight towards the subject's final indicator of value.

Based on the contrasting sales and adjusted values within the sales grid; ultimately comparable land sale 3 was the most weighed to render an opinion of value. Recognizing that the valuation of undeveloped low utility land is somewhat imprecise, the value conclusion is rounded and reconciled to a price per acre of \$1,350. Therefore, it is my opinion that the total 15.02± acre subject site, as vacant and before-acquisition has a market value conclusion of **\$20,000** as of September 21, 2021.

**Entire Site 15.02± Acres = 654,271± SF**

**\$1,350 per Acre x 15.02 Acres = \$20,277**

**Rounded = \$20,300**



# Sales Grid

Subject		Sale #1		Sale #2		Sale #3		Sale #4		Sale #5	
51 Rear Trolley Car Lane, Londonderry, NH 03302		Off Rabbit Hollow Rd, Swanzey, NH		0 Old Stagecoach Rd, Marlow, NH		0 McCoy Rd, Hillsborough, NH		Lot 8-13a Goffstown, NH		Fish & Game Lot, Bedford, NH	
Sale / Contract		s6/25/20;c6/20		s11/11/19;c10/19		s6/18/21;c5/21		s6/6/18;c4/18		s3/25/20;c3/20	
Sale Price Per Whole		\$25,000		\$23,000		\$33,000		\$13,000		\$300,000	
Condition of Sale		None		None		None		None		Abutter's Purchase -25%	
Market Condition 3% per year		+1,000		+1,400		+400		+1,400		4.69%	
Adjusted Sale Price Per Whole		\$26,000		\$24,400		\$33,400		\$14,400		\$235,600	
Adjusted Sale Price Per Acre		\$1,306.53		\$1,355.56		\$1,320.16		\$1,321.10		\$1,465.90	
Site Size	15.02 acres	19.9 acres	0	18.0 acres	0	25.3 acres	0	10.9 acres	0	160.72 acres +10%	+23,560
Lot Description	Wet/Wooded	Wooded	0	Harvested/ Young Wood	0	Wet/Wooded	0	Wet/Wooded	0	Wet/Wooded	0
H & B Use	Low Utility Conservation/ Recreation	Low Utility Conservation/ Recreation	0	Low Utility Conservation/ Recreation	0	Low Utility Conservation/ Recreation	0	Low Utility Conservation/ Recreation	0	Low Utility Conservation/ Recreation	0
Current Use Status	Not Current Use	Not Current Use	0	Current Use	0	Current Use	0	Unknown	0	Unknown	0
Location	Average	Similar	0	Similar	0	Similar	0	Similar	0	Superior -5%	-11,780
Highway Influence	Some Influence	None	0	Some Influence	0	None	0	None	0	Some Influence	0
Access	Class VI Rd	Class VI Rd	0	Class VI Rd	0	Decided ROW	0	None +10%	+1,440	2 Pts of Access -10%	-23,560
Net Adjustment		+1,000		+1,400		+400		+2,840		-76,180	
Adjusted Comparable Price Per Whole		\$26,000		\$24,400		\$33,400		\$15,840		\$223,820	
Adjusted Comparables Price Per Acre <i>(Rounded)</i>		\$1,307		\$1,333		\$1,320		\$1,453		\$1,393	

## Market Value Conclusion \$1,350 per Acre

Entire Site 15.02± Acres = 654,271± SF

\$1,350 per Acre x 15.02 Acres = \$20,277

Rounded = \$20,300

## Pro-Rata Analyses

### Pro-Rata Policy

In an eminent domain proceeding, the method for calculating damages for a partial taking is a before and after method, whereby the value of the remainder of the tract after the taking is deducted from the value of the whole tract before the taking. *NH Dep't of Transp. v. Franchi*, 163 N.H. 797 (2012). Accordingly, all reports for partial takings shall contain the market value of the property before and after the taking, and the damages measured by the difference in those values.

However, if the market value estimates of the property are the same before and after the taking, then the impact on the property's value is considered to be immeasurable and the damages are zero (\$0). In these instances, it is NHDOT – Bureau of Right of Way policy to make an offer of compensation for the acquisition(s) by utilizing the before and after acquisition market value of the land, as though vacant and applying an appropriate pro-rata of the land value to the parts acquired, to the extent that the offer shall not exceed \$20,000<sup>4</sup>.

### Units of Comparison

The 'Before-Acquisition' and 'As-Vacant' valuation price per acre has been converted to price per square foot for this Pro-Rata Analysis.

Entire Site 15.02± Acres = 654,271± SF

### Pro-Rata Basis: 'Before-Acquisition' and 'As-Vacant'

Estimated Market Value of the Subject per Square Foot:

\$0.03 per SF ( $\$20,300 / 654,271\pm SF$ )

### Fee Acquisitions

The acquisition area is 0.55± acres or 23,958± square-feet in size and includes no improvements. Applying the \$0.03 per square-foot parcel value to the 23,958± square-foot acquisition area results in a parcel value of:

23,958± square-feet x \$0.03 per square foot = \$718.74

### Permanent Drainage Easement

The drainage easements will reduce the utility of the encumbered area by approximately 75%, due to the possible need for some clearing and surface impacts.

**Permanent Drainage Easement:** 725± SF: \$16.31 ( $725\pm SF \times \$0.03 \text{ per SF} \times 0.75$ )

## Pro-Rata Summation

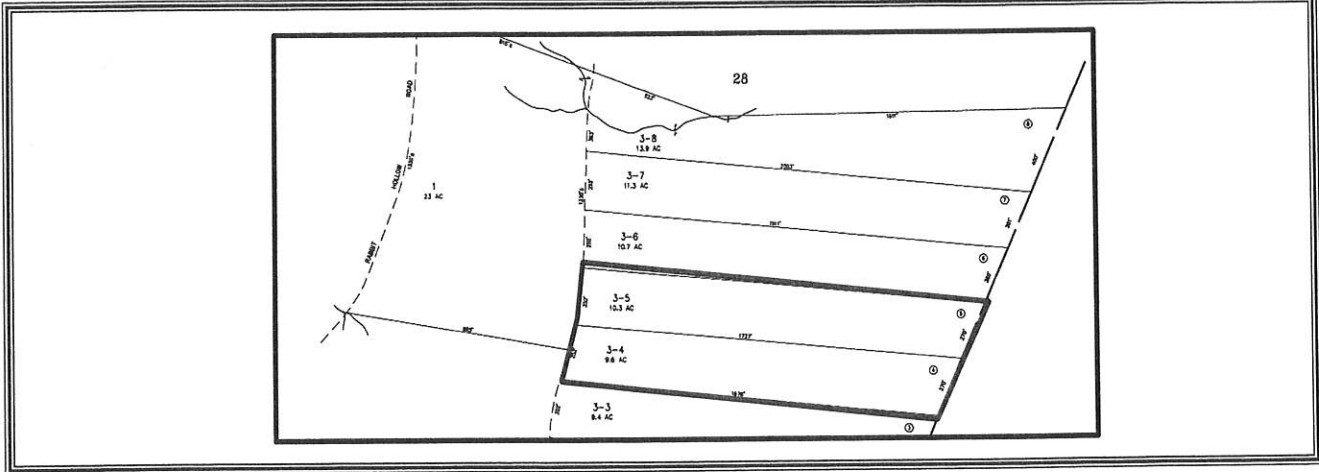
<b>Pro-Rata Summation</b>	
Fee Acquisition	\$718.74
Drainage Easement	\$16.31
Total	\$735.05
<b>Rounded</b>	<b>\$750.00</b>

<sup>4</sup> Limiting pro-rata based compensation offers is in accordance with the implementation of the "Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970," (Uniform Act), which was enacted by Congress to ensure that people whose real property is acquired will be treated fairly and equitably. With no limitation in place, pro-rata based offers for acquisitions that result in no measurable economic impact to properties could result in unfair or inequitable treatment, such as large disparities in compensation to property owners when there is no measurable economic impact to the property, resulting in property owners receiving windfall offers of compensation that are not commensurate with the impact of the acquisition(s).

# Summary of Comparable #1

OFF RABBIT HOLLOW ROAD, SWANZEY, NH 03446

Sale Date	6/25/2020
Sale Price	\$25,000
Asking Price	\$26,800
DOM	301 Days



### Public Records

**Grantor:** Penny D. Bell  
**Grantee:** Evelyn Dawn Maldonado  
**Recording Data:** Warranty Deed Bk 3115 Pg 1023  
 Cheshire County Registry of Deeds  
**Financing:** Cash  
**Rights:** Fee Simple  
**Condition of Sale:** Arm's Length  
**Confirmation:** Verified by Cheshire County Registry of Deeds, P-34, Town of Swanzeay,

### Lot 3-4 Description

**Land Size:** 9.6 Acres  
**Road Frontage:** 252' each parcel  
**Access:** Class VI  
**Shape:** Rectangular  
**Lot Description:** Lot is wooded  
**Easements:** None Known  
*Not Under Current*

### Lot 3-5 Description

**Land Size:** 10.3 Acres  
**Road Frontage:** Unknown  
**Access:** Class VI  
**Shape:** Rectangular  
**Lot Description:** Lot is wooded  
**Easements:** None Known  
*Not Under Current*

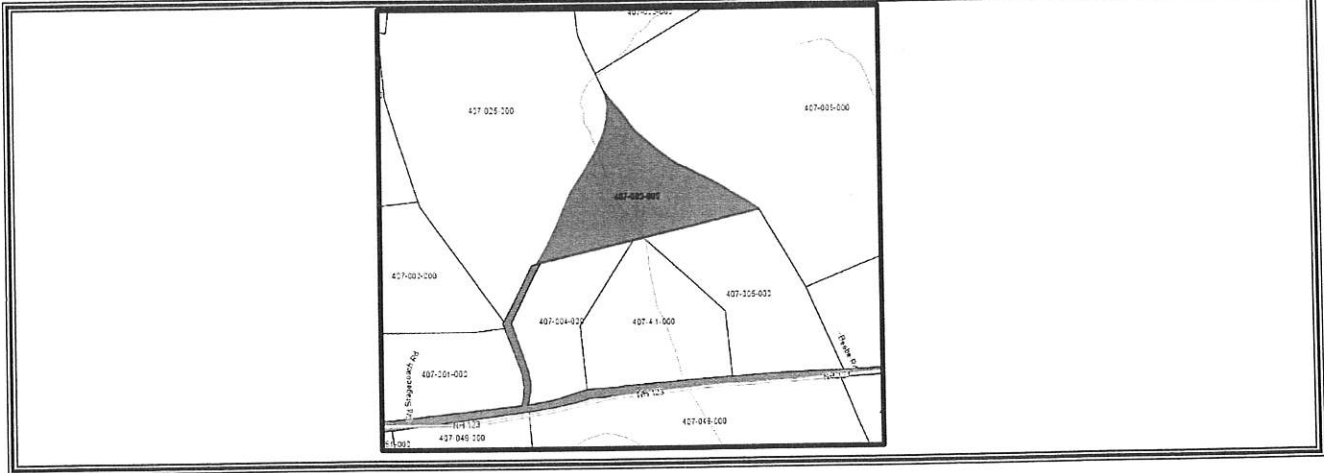
### Summary of Both Lots

MLS #4769714  
 Total Land Size: 19.9 Acres both lots  
 Electric: None  
 Water: Private None  
 Sewer: Private None  
 Zoning: Residential

# Summary of Comparable #2

0 OLD STAGECOACH ROAD, MARLOW, NH

Sale Date	11/11/2019
Sale Price	\$23,000
Asking Price	\$23,000
DOM	62 Days



### Public Records

*Grantor:* Michael D. Buckley  
*Grantee:* Michael E. Delisle, Jr.  
*Recording Data:* Warranty Deed Bk 3087 Pg 0908  
 Cheshire County Registry of Deeds  
*Financing:* Cash  
*Rights:* Fee Simple  
*Condition of Sale:* Arm's Length  
*Confirmation:* Verified by Cheshire County Registry of Deeds, P-34, Town of Marlow

### Lot Description

*Land Size:* 18.0 Acres  
*Road Frontage:* 1,375 FT  
*Access:* Class VI  
*Shape:* Triangular  
*Lot Description:* Lot has been harvested in last 10 years, Presently young growth.  
*Easements:* None Known  
*Under Current Use*

### Summary of Both Lots

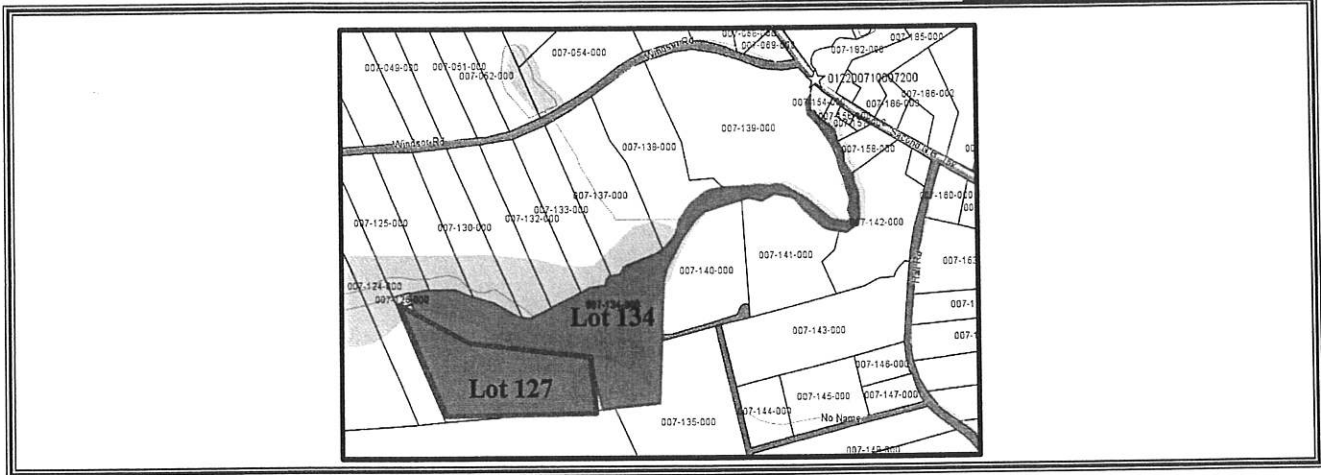
MLS #47736695

*Electric:* None  
*Water:* Private/None  
*Sewer:* Private/None  
*Zoning:* Residential

# Summary of Comparable #3

0 MCCOY ROAD, HILLSBOROUGH, NH 03244

Sale Date	6/18/2021
Sale Price	\$33,000
Asking Price	\$60,000
DOM	233 Days



### Public Records

**Grantor:** Marcel & June M. Kallanian  
**Grantee:** James L. Wilcoxon, III & Laurie A. Wilcoxon, Trustees of the Wilcoxon Revocable Living Trust  
**Recording Data:** Warranty Deed Bk 9487 Pg 1585 Hillsborough County Registry of Deeds  
**Financing:** Cash  
**Rights:** Fee Simple  
**Condition of Sale:** Arm's Length  
**Confirmation:** Verified by Hillsborough County Registry of Deeds, Town of Hillsborough

### Lot 134 Description

**Land Size:** 14.0 Acres  
**Road Frontage:** None  
**Access:** Deeded ROW  
**Shape:** Irregular  
**Lot Description:** Wet Land/Wooded  
**Easements:** None Known  
**Under Current Use**

### Lot 127 Description

**Land Size:** 11.3 Acres  
**Road Frontage:** None  
**Access:** Through Lot 134  
**Shape:** Irregular  
**Lot Description:** Wooded/Wet Land  
**Easements:** None Known  
**Under Current Use**

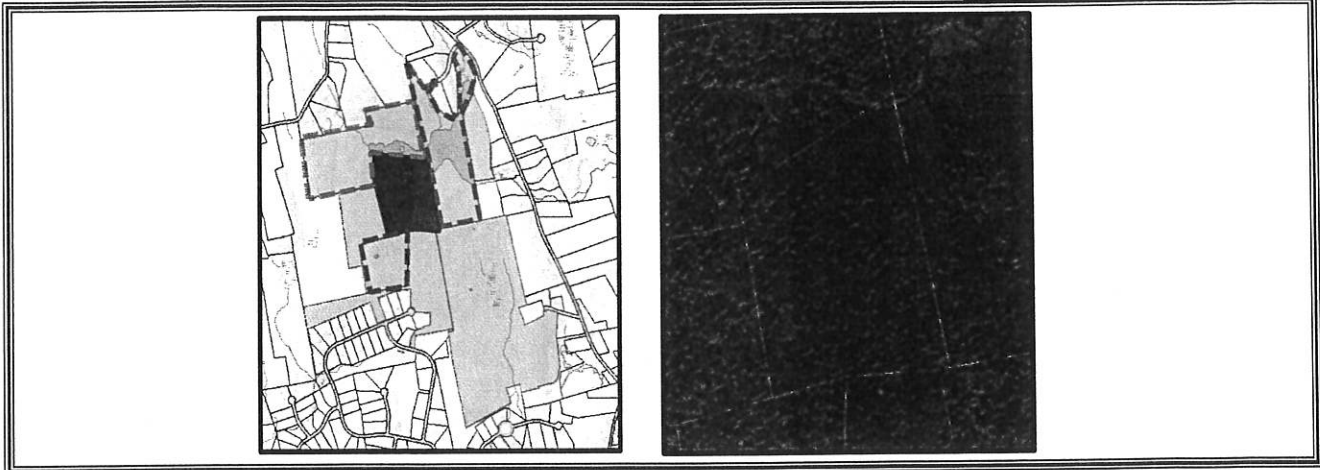
### Summary of Both Lots

MLS #4831761  
**Total Land Size:** 25.3 Acres both lots  
**Electric:** None  
**Water:** Private/None  
**Sewer:** Private/None  
**Zoning:** Rural

# Summary of Comparable #4

LOT 8-13A, GOFFSTOWN, NH 03045

Sale Date	6/06/2018
Sale Price	\$13,000
Asking Price	\$17,000
DOM	225 Days



## Public Records

*Grantor:* Jeanne Marie Magnon, Successor Trustee of the Magnon Revocable Trust  
*Grantee:* Town of Goffstown  
*Recording Data:* Warranty Deed Bk 9078 Pg 2461 Hillsborough County Registry of Deeds  
*Financing:* Cash  
*Rights:* Fee Simple  
*Condition of Sale:* Arm's Length  
*Confirmation:* Verified by Hillsborough County Registry of Deeds, Town of Goffstown,

## Lot Description

*Land Size:* 10.9 Acres  
*Road Frontage:* None  
*Access:* None  
*Shape:* Rectangular  
*Lot Description:* Lot is wooded, with some wet lands.  
*Easements:* Access Easement to Grantee, 150' utility easement  
*Current Use Unknown*

## Summary of Lots

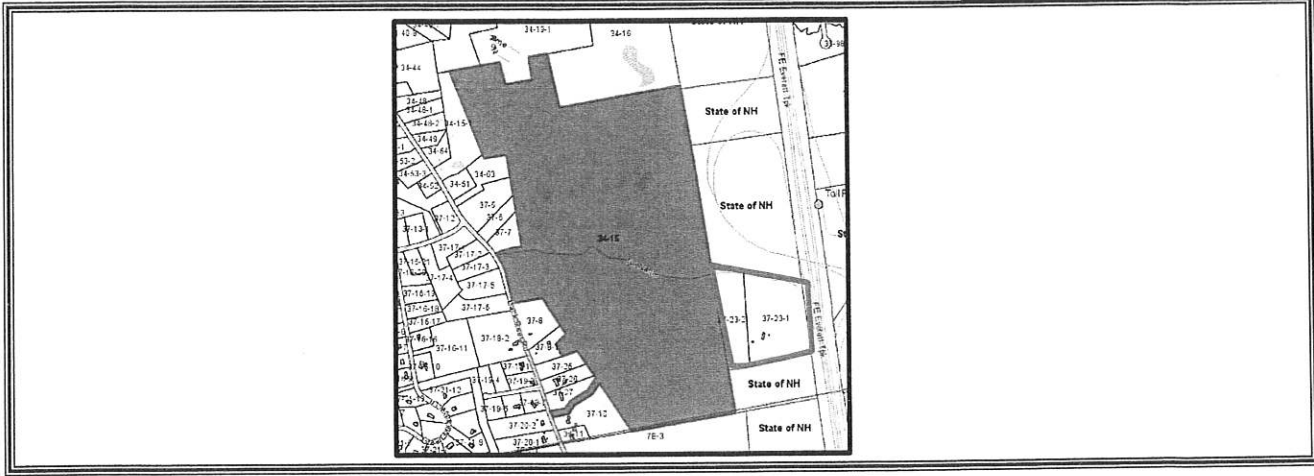
MLS #4656841

*Electric:* Private/None  
*Water:* Private/None  
*Sewer:* Agriculture  
*Zoning:* Private/None

# Summary of Comparable #5

BACK RIVER RD, MAP 34/LOT 15, BEDFORD, NH

Sale Date	3/25/2021
Sale Price	\$300,000
Asking Price	\$Unknown
DOM	Unknown



### Public Records

**Grantor:** David Coughlin  
**Grantee:** Pointer Fish and Game, Inc.  
**Recording Data:** Warranty Deed Bk 9274 Pg 2091  
 Hillsborough County Registry of Deeds  
**Financing:** Cash  
**Rights:** Fee Simple  
**Condition of Sale:** Arm's Length  
**Confirmation:** Verified by Hillsborough County Registry of Deeds, PA-34, Town of Bedford, local Real Estate Appraiser, by C. Britos

### Lot Description

**Land Size:** 160.72 Acres  
**Road Frontage:** 616± and 87± FT  
**Access:** 2 Pts Class V Rd  
**Shape:** Irregular  
**Lot Description:** Lot is wooded, with some wet lands.  
**Easements:** None Known

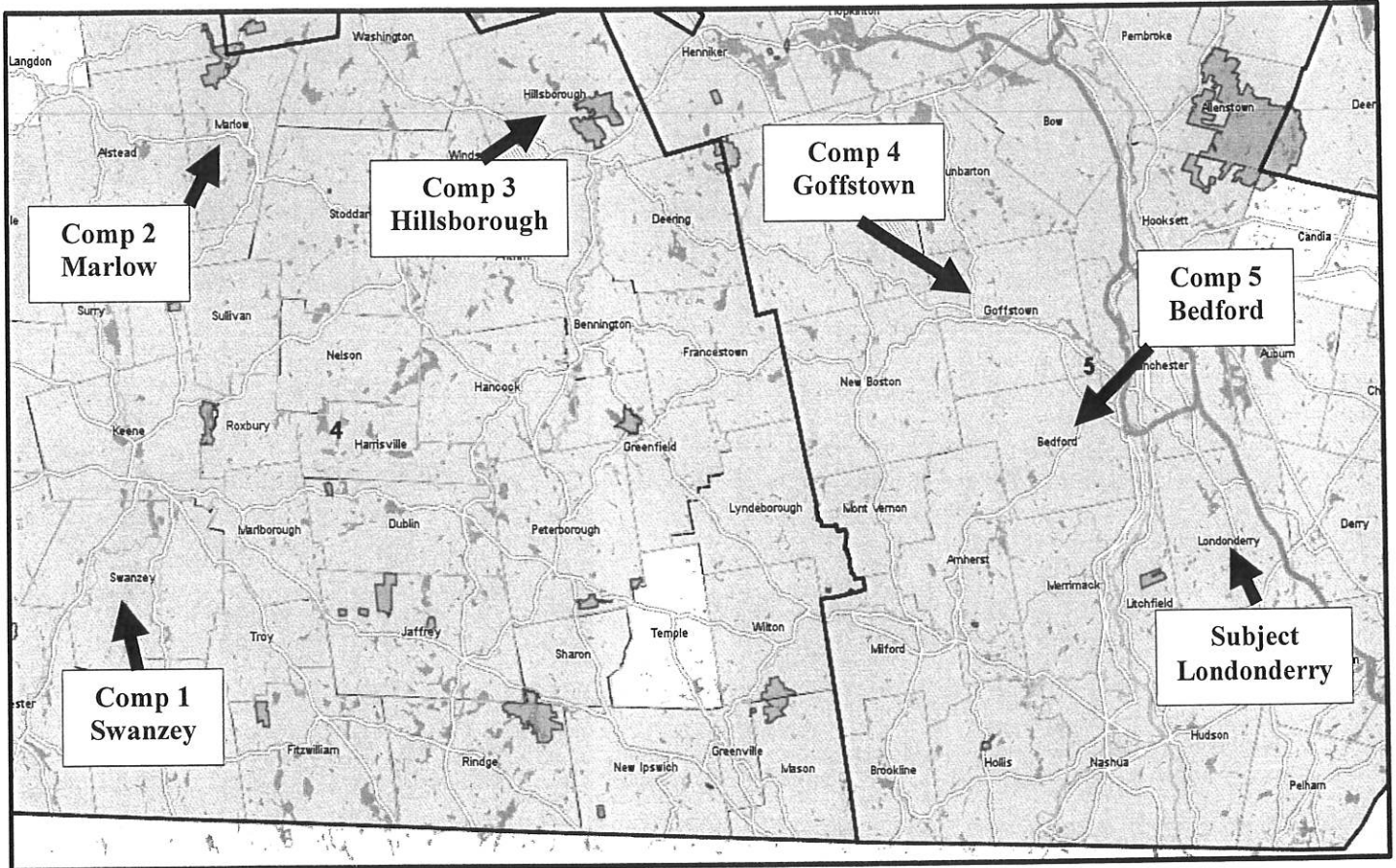
### Summary of Lot

**Private Sale:** Private/Sale  
**Electric:** Private/None  
**Water:** Private/None  
**Sewer:** RA  
**Zoning:** Private/None



# Location Map

## Subject and Comparable Sites



Addendum

Legal Description

Abstract Title

<b>Current Owner(s)</b>		Page 1 of 1	
TOWN OF LONDONDERRY 268B MAMMOTH ROAD LONDONDERRY, NH 03053		Parcel # : 0020	State Project : DERRY / LONDONDERRY
		Project # : 13065	Parcel Address: 51 REAR TROLLEY CAR LANE
		County : ROCKINGHAM	Town or City : DERRY
		Tax Map : 13	Lot # : 4
		Area : 9.92 ACRES	
<b>Encumbrances</b>		<b>Source Of Title</b>	
* NOTICE OF CONDEMNATION Book: 5785 Page: 1630		* COLLECTORS DEED Book: 3215 Page: 1645	
Date Of Execution: 12/21/2016 Witnessed?: No		Date Of Execution: 5/13/1997 Witnessed?: No	
Recorded Date: 12/23/2016		Recorded Date: 5/22/1997 \$0.00	
Not Discharged		GTOR: TOWN OF LONDONDERRY	
STATE OF NH		GTEE: HOMEPLATE CORPORATON	
FEE TAKING=1.08 AC+-. ALL RTS OF ACCESS, DRAINAGE		LAND & BLDGS ON 11 ACRES, MAP-LOT 13-4	
EMNT 775 SQ. FT. & A UTILITY EMNT19,650. SQ FT.		0 %	
**CORRECTED** NOTICE OF CONDEMNATION @			
5793-2163, TO CORRECT SIGNATURE			
<b>For Description Refer To:</b>			
Plan :			
<b>ENCUMBRANCES</b>			
MORTGAGES : No	RESTRICTIONS : No	RESERVATIONS: No	
TAX LIENS : No	ATTACHMENTS: No	EASEMENTS : Yes	
<b>Defects &amp; Comments / Description</b>			
MUNICIPAL CONSERVATION LAND PER TOWN WEBSITE.			
Abstracted By: D.HOTZ 8/12/2018	Modified By: D.HOTZ 10/22/2018	Modified By: T.MORRISON 1/24/2019	
Modified By: B.HINERTH 2/4/2020			
Printed : 07/13/2021			

8K3215 1645

ROCKINGHAM COUNTY  
REGISTER OF DEEDS

KNOW ALL MEN BY THESE PRESENTS

MAY 22 3 54 PM '97 0023040

That I, Joan M. Savina, Tax Collector of the Town of Londonderry, in the County of Rockingham, and State of New Hampshire, for the year 1994, by the authority in me vested by the laws of the State, and in consideration of Six hundred sixty-eight and eighty-one/100 dollars to me paid by the town of Londonderry, located at 50 Nashua Road, Londonderry, NH 03053 do hereby sell and convey to said Town of Londonderry successors/heirs and assigns a certain tract or parcel of land situated in the Town of Londonderry NH, aforesaid, to have and to hold with the appurtenances forever, taken by the Assessing Officials in 1994 to HOMEPLATE CORPORATIO, located at Spring Rd Rear and described in the Invoice Books as

Land & Buildings on 11 acres, Map-Lot 12-004

This deed is the result of the tax lien execution held at the Tax Collector's office in the Town of Londonderry, New Hampshire, on May 10, 1995, and I hereby covenant with the said Town of Londonderry that in making this conveyance, I have in all things complied with the law, and that I have good right, so far as that right may depend upon the regularity of my own proceedings, to sell and convey the same in the manner aforesaid.

In Witness Whereof, I have hereunto set my hand and seal, May 13, 1997.

*Joan M. Savina*  
Joan M. Savina, Tax Collector

State of New Hampshire      Rockingham ss. May 13, 1997

Personally appearing Joan M. Savina above named, and acknowledged the foregoing instrument to be his voluntary act and deed.  
Before me

*Victoria H. Versuti*  
Justice of the Peace  
Notary Public  
VICTORIA H. VERSUTI, Justice of the Peace  
My Commission Expires June 22, 1998

# Know all Men by these Presents

That I, Kermit Shepard, Tax Collector for the Town of Londonderry, in the County of Rockingham and the State of New Hampshire, for the year 1990 by the authority in me vested by the laws of the State of New Hampshire, and in consideration of one dollar to me paid by the Town of Londonderry, do hereby sell and convey to the said Town of Londonderry successors and assigns, a certain tract or parcel of land situated in the Town of Londonderry, NH aforesaid. Taxed by the Assessors in 1990 to Bursey, Arthur H Jr and described in the invoice books as

Map 13 Lot 001-013 - Land only at Hovey Rd Rear

This deed is the result of the tax lien execution held at the Town Office in the Town of Londonderry, New Hampshire, on the 26 day of September 1991

To have and to hold the said premises, with the appurtenances, to the said Town of Londonderry successors and assigns forever. And I hereby covenant with the said Town of Londonderry that in making this conveyance I have in all things complied with the law, and that I have good right, so far as that right may depend upon the regularity of my own proceedings, to sell and convey the same in the manner aforesaid.

In Witness Whereof, I have hereunto set my hand and seal, the Thirtieth day of September, in the year of our Lord one thousand nine hundred and ninety-three

00330-16

OCT 15 11 31 AM '93

## Appraisal Certification

I certify that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and they are my personal, impartial and unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the Subject of this report and no personal interest with respect to the parties involved.
- I have not performed services as an appraiser regarding the property that is the Subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the Subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions and conclusions were developed and this report has been prepared in conformity with the requirements of the *Uniform Appraisal Standards for Federal Land Acquisitions, the Uniform Standards of Professional Appraisal Practice and New Hampshire Department of Transportation Right-of-way Manual.*
- I have made a personal inspection of the property that is the Subject of this report.
- No one provided significant real property appraisal assistance to me.

  
Christine Britos, NHER #988  
Staff Appraiser III

November 17, 2021

State of New Hampshire Department of Transportation  
Right-of-Way Bureau  
John O. Morton Building--Room 100  
7 Hazen Drive,  
P. O. Box 483  
Concord, NH 03302-0483  
(603) 271-2644

## Appraisal Qualifications

Christine Britos, Staff Appraiser III

### EDUCATION:

Master of Arts in Expressive Therapy, Lesley College, Cambridge, MA  
Bachelor of Arts in Communication and Counseling, Prescott College, Prescott, AZ

### APPRAISAL EDUCATION:

Appraising Small Apartment Properties, 2021: McKissock Learning  
Green Residences and Appraisals, 2021: Columbia Institute  
USPAP Update, 2020: JMB Real Estate Academy  
Principles of Real Estate Law, 2019: International Right of Way Association  
Appraisal for Federal-Aid Highway Programming, 2019: National Highway Institute  
The Valuation of Partial Acquisitions, 2018: International Right of Way Association  
Social Ecology, 2018: International Right of Way Association  
Residential Market Analysis & Highest & Best Use, 2018: JMB Real Estate Academy  
Residential Sales Comparison & Income Approach, 2018: JMB Real Estate Academy  
Residential Site Valuation & Cost Approach, 2018: JMB Real Estate Academy  
Successful Acquisition Under the Uniform Act, 2017: National Highway Institute  
Uniform Standards of Professional Appraisal Practice, 2017: JMB Real Estate Academy  
Mastering Unique and Complex Property Appraisals, 2017: JMB Real Estate Academy  
Residential Report Writing and Case Studies, 2017: JMB Real Estate Academy  
Advanced Residential Applications and Case Studies, 2017: JMB Real Estate Academy  
Statistics, Modeling and Finance, 2017: JMB Real Estate Academy  
Appraising Complex Residential Properties, 2004: MBREA  
Appraising 1-4 Family Properties, 2002: JMB Real Estate Academy  
Basics of Real Estate Appraisal, 2002: JMB Real Estate Academy  
Uniform Standards of Professional Appraisal Practice, 2002: JMB Real Estate Academy

### WORK HISTORY:

**Right-Of-Way Appraiser I, II & III:** Department of Transportation, Bureau of ROW  
Concord, NH 2017-Present  
**Landlord/Investor of Single & Multi-Family Properties:** Owner  
Southern, NH: 2004-Present  
**Licensed NH Real Estate Agent:** Windhill Realty  
Portsmouth/Deerfield, NH- 2005-2012  
**Licensed NH Real Estate Appraiser, Owner:** Diamond Real Estate Appraisals  
Deerfield, 2005-2007  
**Apprentice & Licensed NH Real Estate Appraiser:** North Star Appraisals  
Hampton, NH 2003-2005  
**Apprentice NH Real Estate Appraiser:** North Star & Wentworth Appraisals  
Hampton & Portsmouth, NH 2002-2005

### PROFESSIONAL LICENSES PREVIOUSLY HELD:

**Certified Residential Appraiser, NHCR-988, State of NH:** 2020-Expires 6/2023  
**Licensed NH Real Estate Agent, New Hampshire Board of Realtors:** 2005-2012  
**Apprentice and Licensed Real Estate Appraiser, State of NH:** 2001-2007

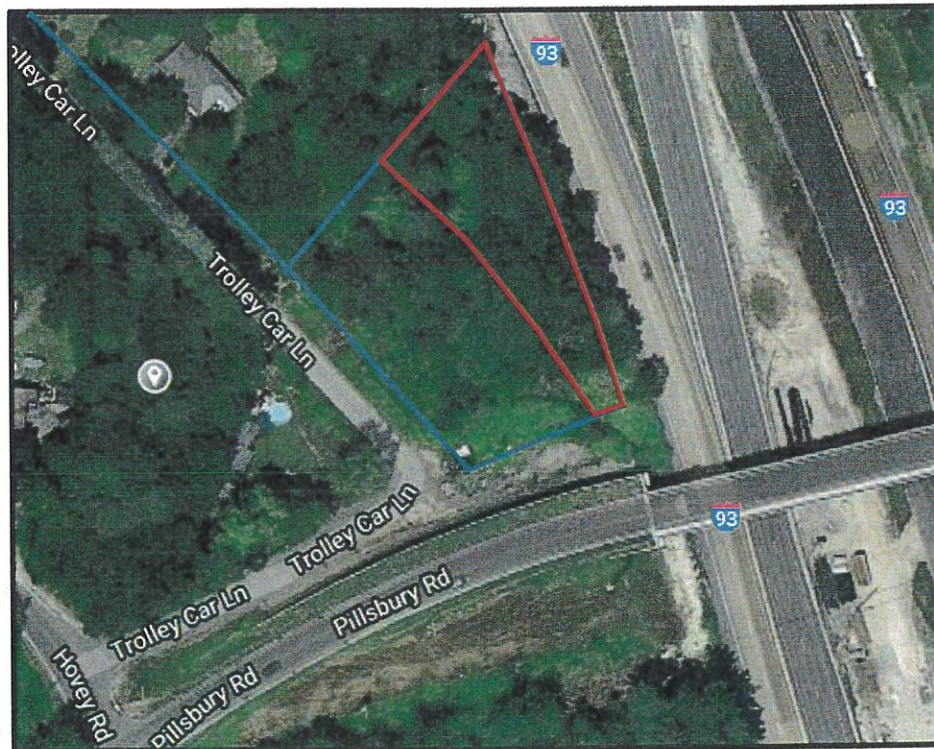
# Land Value Appraisal Report

Derry/Londonderry Project 13065-A / Parcel 1  
4 Trolley Car Lane, Londonderry, NH

**Effective Date:** September 21, 2021

**Inspection Date:** September 21, 2021

**Report Date:** October 12, 2021



**Britos, Christine**

NHCR-988, STAFF APPRAISER III

NH DOT RIGHT-OF-WAY BUREAU

7 HAZEN DRIVE,

P. O. BOX 483

CONCORD, NH 03302-0483

(603) 271-2644

## Assignment

### Client

State of New Hampshire Department of Transportation (NHDOT)

### Intended Use

The use of the appraisal is to determine the extent of damages, if any, resulting from the acquisition and will be used as a basis for making just compensation to the property owner. In addition, a copy of this appraisal report will be provided to the property owner for use in the negotiation process.

**Intended Users** Agents and Officials of NHDOT

### Identification of Subject

4 Trolley Car Lane, Londonderry, NH  
Map 10 Lot 34  
Project Parcel 1

**Owner of Record:** Town of Londonderry  
268 Mammoth Road  
Londonderry, NH 03053

### Purpose of Appraisal

The purpose of this appraisal is to determine if there is any measurable change in the market value of the subject parcel resulting from the proposed partial acquisition which is necessary for the completion of Project #13065-A.

### Appraisal Problem

The subject parcel is a 0.20 acre, unimproved, uneconomic remnant that is located on the westerly side of Interstate 93 (I-93). Due to the proposed NHDOT Project #13065-A, which involves the construction of an interchange and access road also on the westerly side of Interstate 93 (I-93), the subject is impacted by a partial fee acquisition. This acquisition area is located on the easterly side of the subject and runs parallel along I-93.

An analysis of the subject indicates that due to its size, configuration, location and other factors such as zoning restrictions, the subject has no recognized, independent, highest and/or best use, which by definition makes it an uneconomic remnant and as such, no measurable damages would result from the proposed acquisition.

When there are no (\$0) appreciable damages, it is NHDOT- Bureau of Right- Of-Way (ROW) policy to make an offer of compensation for the acquisition, by estimating the before-acquisition market value of the vacant parcel and applying the appropriate pro-rata of the parcel value to the parts acquired. NHDOT refers to this type of report as a "Land Value Appraisal" report and is in conformity with the NHDOT Right-of-way Manual<sup>1</sup>, Yellow Book<sup>2</sup> and USPAP<sup>3</sup>.

However, my analysis indicates that the subject property has no recognized, independent, highest and/or best use and as such there is no competitive market for it. With no competitive market, there can be no market value, as defined herein. Therefore, it was necessary to ascertain and derive an alternative value.

### Value Conclusions

After careful consideration, it was determined that the only value that could be derived for the subject property would be a **Nominal Value**. As detailed in the balance of this report and on the effective date of this report; I estimate the subject parcel to have a

**Nominal Value of \$400;**

Based upon the NHDOT- ROW pro-rata policy, the proposed acquisition represent a

**Pro-Rata Summation of \$100**

The value of the remaining uneconomic remnant is also

**Estimated to be \$400.**

<sup>1</sup> State of New Hampshire's Right of Way Manual

<sup>2</sup> Yellow Book: *Uniform Appraisal Standards for Federal Land Acquisitions 2016, 6<sup>th</sup> ed.*

<sup>3</sup> USPAP: *Uniform Standards of Professional Appraisal Practice (USPAP) 2018-2019*



## Property Rights Appraised

The unencumbered **Fee Simple**<sup>4</sup> interest of the subject parcel is being appraised.

## Value Sought

My analysis indicates that the subject property has no recognized, independent, highest and best use and as such, there is no competitive market for it. With no competitive market, there can be no **Market Value**<sup>5</sup>, as defined below. Therefore, it was necessary to ascertain and derive an alternative value. After careful consideration, it was determined that the only value that could be derived for the subject property would be a **Nominal Value**. The Dictionary of Real Estate Appraisal – 4th Edition, Appraisal Institute, Chicago, IL - 2002, defines **Nominal Value** as: “That amount of money necessary to effect a transfer of title to property where that property has no recognized independent use.”

## Inspection of Property

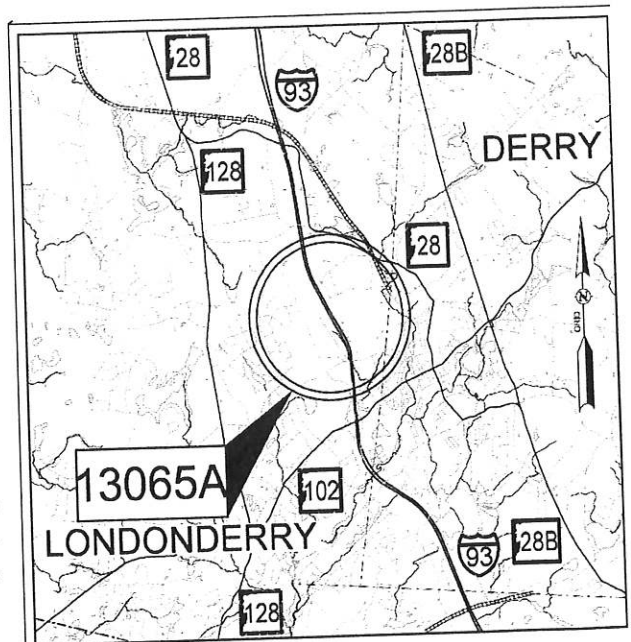
On July 20 and September 21, 2021, inspections were completed from the right-of-way of Trolley Car Lane. On September 8, 2021, a certified letter was mailed to the property owner and/or a representative, giving The Town of Londonderry and/or a representative an opportunity to accompany me for an inspection. My attempt to contact the property owner by certified mail was successful and the inspection was completed on September 21, 2021 from the right-of-way with Michael J. Malaguti, Assistant Town Solicitor and Chip Johnson (DOT ROW Agent).

## Project Summary

NHDOT Project #13065 involves the construction of an easterly access-only interchange and access road on Interstate Route 93 (I-93), between Exits 4 and 5.

This project is included in the State of NH's Ten Year Transportation Plan. The purpose of the project includes:

- Providing for the safe and efficient movement of people, goods and services between I-93 and the towns served by NH Route 102, specifically Derry and Londonderry, that are immediately adjacent to I-93 Exit 4.
- Providing an alternative route to the Interstate system for traffic using NH Route 102 to and from the east, thus removing a large volume of through traffic from the heavily congested downtown Derry street network.
- Providing improved Interstate access for commercial and industrially zoned lands near NH Route 28 in both Derry and Londonderry, thus allowing for the planned and orderly development of such lands to further locally defined economic development goals and tax base diversification.
- Enhancing and promoting the economic vitality of the downtown Derry and Londonderry areas, presently characterized by traffic congestion and decreasing vehicular and pedestrian safety, by separating local, destination-oriented traffic from through traffic destined for the Interstate system.



## Proposed Acquisition of Parcel 1:

Fee Acquisition: 0.04 Ac / 1,742± SF

<sup>4</sup> **Fee Simple Interest** is defined in the *Dictionary of Real Estate Appraisal, 5th ed.* (Chicago: Appraisal Institute, 2010), as: *Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by governmental powers of taxation, eminent domain, police power, and escheat.*

<sup>5</sup> As referred to herein, the term **Market Value** is defined by *The Uniform Appraisal Standards for Federal Land Acquisitions 2016, 6th ed.* (UASFLA) (a/k/a Yellow Book), as follows: *“Market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal.”*

**Scope of Work:** *The scope of work for this appraisal is defined by the complexity and the reporting requirements of this appraisal assignment, including the following Purpose of Appraisal, Interest Analyzed, Value Sought, Definition of Market Value, Hypothetical / Limiting Conditions, Statements of Assumptions and Certifications. The scope of work also identifies the type and extent of research and analyses needed the assignment.*

- I have made a number of investigations and analyses for this appraisal and after determining the nature of this assignment, I reviewed available information about the subject property. I then personally met with a representative from the Town of Londonderry, inspected and photographed the subject and the proposed acquisition along the right-of-way of Trolley Car Lane.
- I collected the details needed to analyze the problem from assessment data, taxes, zoning regulations, deed and project plans. Property data was collected and compiled from several sources, including the Town of Londonderry, Rockingham County Registry of Deeds, Northern New England Real Estate Network site (NEREN), FEMA, USDA on-line Web Soil Survey, ELMI, MOSIAC, NHDOT records and local real estate professionals.
- I concluded the highest and best use, based on legal, physical and neighborhood land use characteristics.
- I examined the proposed project plans and formed an opinion of possible impacts to the Subject relative to the intended acquisition.
- I then determined the applicability of different methods to determine the market value of the Subject site.
- I analyzed comparable data which was also collected and verified from the same sources as the Subject data to estimate the market value of the Subject as-vacant.
- Finally, I prepared this Land Value Appraisal Report in compliance with USPAP 2-2(a) to convey my findings, the market data and the analyses.

### **Limiting Conditions**

*This report is bound by the following limiting conditions:*

- No opinion as to title is rendered. I have relied upon the abstract of title and other legal information provided to me by the client and I assume the information to be correct.
- Sketches and photographs in this report are included to assist the reader in visualizing the property. I have not performed a survey of the property or any of the sales and do not assume responsibility in these matters.
- I assume no responsibility for any hidden or unapparent conditions on the property, in the subsoil (including hazardous waste or ground water contamination), or within any of the structures, or the engineering that may be required to discover or correct them.
- This appraisal is made based on preliminary DOT Project Plans. Any changes, additions, discrepancies and / or revisions to any of the information provided to me may require an updated or new appraisal report.
- Possession of this report (or a copy) does not carry with it the right of publication. It may not be used for any purpose other than by the party to whom it is addressed without the written consent of the State of New Hampshire and in any event only with the proper written qualification and only in its entirety. Neither all nor any part of the contents (or copy) shall be conveyed to the public through advertising, public relations, news, sales, or any other media without written consent and approval of the State of New Hampshire.
- Acceptance and / or use of this report constitutes acceptance of the foregoing underlying limiting conditions and underlying assumptions.

**Hypothetical Conditions:** *As defined by USPAP, a hypothetical condition is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.*

I have analyzed the property and determined that no measurable damages result from the proposed acquisitions. My analyses invoked the customary hypothetical conditions that on the effective date of this report:

- The Subject project does not exist in the 'before-analysis';
- The Subject project is completed as of the date of valuation in the 'after-analysis'.

**Extraordinary Assumption:** *An extraordinary assumption is directly related to a specific assignment in an appraisal report, which, if found false, could alter the appraiser's opinions and conclusions.*

At the request of the client, I have made the extraordinary assumption that:

- Draft Right-of-way plans prepared by New Hampshire Department of Transportation dated September 3, 2021 for Derry/Londonderry Project #13065-A, Parcel 1 have been used in this analysis. Should the plans be incorrect or vary significantly; it may have a direct impact on the value conclusion.
- I have appraised the Subject as if clean and free of contamination. If any contamination is found on the Subject, this report becomes null and void.

*NOTE: The use of hypothetical conditions and extraordinary assumptions might have affected the results of this appraisal.*

## **General Assumptions**

*For this report, I have also assumed:*

- All personal property is excluded;
- All non-compensable items are excluded;
- Broker and assessor information is reliable and correct;
- All maps, plans and photographs I used are reliable and correct;
- The legal interpretations and decisions of others are correct and valid;
- The abstracts of title and other legal information available are accurate;
- Information from all sources is reliable and correct unless otherwise stated;
- There are no encumbrances or mortgages other than those reported in the abstracts;
- There are no hidden or unapparent conditions on the property, in the subsoil (including hazardous waste or ground water contamination), or within any of the structures which would render the property more or less valuable.

### Ownership, Transfer and Listing History

The ownership of the property has not been transferred within the past five years. The most recent transfer of the property's ownership was on September 30, 1993, when the current owner (Town of Londonderry) took possession due to tax liens dating back to 1990. An abstract of the title history and a legal description are included in the addendum.

Book 3012, Page 0200, Dated September 30, 1993, Recorded October 15, 1993 County Registry of Deeds.

According to the local listing services, the subject property has not been listed for sale within 12 months prior to the effective date of this report.

The subject site is a 0.20 acre, unimproved remnant. The history is not clear how this remnant was created, though it appears to have been inadvertently created after multiple subdivisions and right-of-ways were developed.

### Larger Parcel Consideration

As part of this analysis, I have considered and made a determination of the 'larger parcel'. According to the UASFLA, the larger parcel is defined as "The tract or tracts of land that possess unity of ownership and have the same, or an integrated, highest and best use." The criteria are considered within the context of integrated use rather than as a stand-alone test under federal law. Elements of consideration in making the determination on this regard are contiguity or proximity as it bears on the highest and best use of the property, unity of ownership and unity of highest and best use.

The Town of Londonderry owns the subject parcel. Due to the fact, the owner is the Town of Londonderry; the town owns other parcels within Londonderry. However, since the subject parcel is a standalone parcel and does not have integrated use with other parcels, the subject is maximally productive as a separate parcel.

Based on the above analysis, for the purpose of the valuation assignment, the larger parcel is considered to be Parcel 1 alone. This 'larger parcel' is described in the Site Description section and is the Subject of this report.

### Assessment Data

2021 Town of Londonderry Property Assessment			
Property ID	Improvements	Land	Total
Map 10 Lot 34	\$0	\$12,947	\$12,947

Real Estate Tax: 2020			
Assessed Value	Tax Rate/ \$1,000	Equalization Ratio	Equalized Value
\$12,947	\$20.11	92.2% - 2020	\$14,043

**Current Use:** The subject parcel is not in current use.

## Area, Town & Neighborhood Analysis

Much of the state's population and business activity is located in southern New Hampshire as contrasted with the more northern and western areas of the state, which are oriented toward farming, tourism and recreational uses. Consequently, business activity, real estate values and other economic factors are somewhat homogeneous within the southern portion of the state. Major cities within the southern portion of the state are Manchester and Nashua.

The Town of Londonderry is located within the Greater Manchester area. Londonderry is bound by Litchfield and Bedford to the west, Hudson and Windham to the south, Derry to the east and Auburn and Manchester to the north. Londonderry is approximately 14 miles from the Massachusetts border and 44 miles north of Boston.

The Town of Londonderry has immediate access to Interstate 93, the state's major north/south highway. Due to this accessibility, Londonderry has become a bedroom community for many Boston commuters despite the fact that the only public transportation are busses, which are located at exits 4 and 5 off of I-93.

Londonderry benefits from an established network of state and local roads that connect to I-93. State Route 28 runs through the northern section of Londonderry connecting to the Manchester Airport and running into Manchester. Route 28 is another north-south state route connecting Manchester with Windham through Londonderry. Exit 5 on I-93 is in northern Londonderry and has helped create new commercial and industrial development along Route 28.

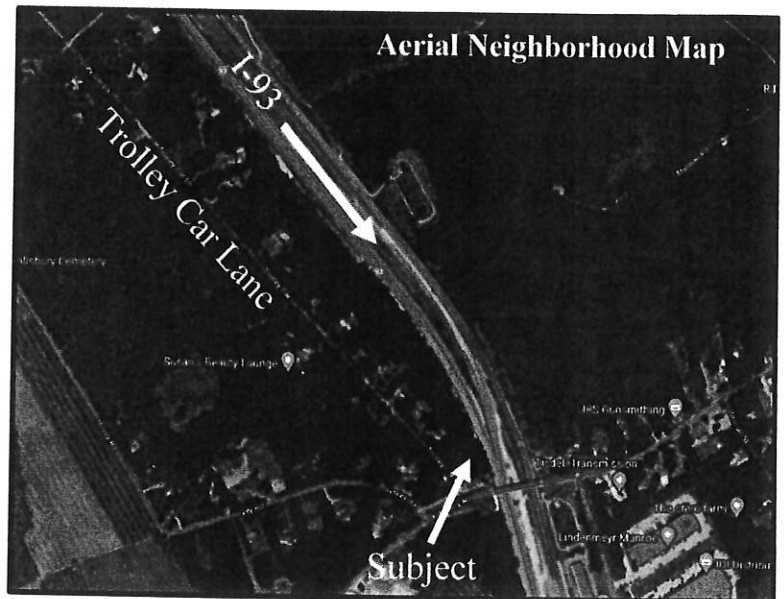
One of the town's primary commercial bases is situated along Route 102 just off the exit 4 interchange from I-93. This retail and office corridor contains various shopping centers and professional office parks serving the surrounding communities. The remainder of southern Londonderry is primarily rural residential. This existing commercial base will be an extension of the Town of Londonderry's master plan that anticipates an estimated 832,500 square feet of new retail, 1,300 new homes, 700,000 square feet of new commercial space and three hotels, in addition to a number of neighborhood civic and arts facilities.

The plan is divided into a number of phases and development will continue to occur over a 20-year period. This development will span 629 acres bordering Interstate Highway 93. Within the Town of Londonderry, a mixed-use urban village called Woodmont Commons is planned. The village's outer edges will feature detached homes to be compatible with the adjacent single-family properties. Closer to the center of the village will be a range of attached dwelling options including townhouses, apartment buildings and senior housing. In addition, the plan calls for 100,000 square feet of retail space, several restaurants and 750,000 square feet of industrial flex space to be built after the Exit 4-A project is completed.

Woodmont Commons is proceeding with several aspects of the plan concurrently. The 603 Brewery opened in June of 2019 with brewery and restaurant space. A retail/apartment building has been completed and occupied by several retail/service tenants on the first floor and 87 apartment units on the upper three floors. The Baldwin, a senior living community, has broken ground on a 95-unit facility and 28 single-family homes are under construction or recently completed along a new loop road known as Catesby Lane. The pending and sold home prices range from \$575,305 to \$757,000.

The northern section of Londonderry encompasses half of the Boston Regional Airport located in Manchester and the airport industrial neighborhood, with over 1,000 acres of industrial zoned land. Along with the new industrial development, the Boston Regional Airport has completed the airport's expansion and now marketing new airlines to join the fleet in Manchester. This expansion has included new terminal facilities in Londonderry with the expansion of the existing runways for larger planes. The expansion of the Boston Regional airport has attracted new business and industry into the area.

The 2019 U. S. Census indicates the resident population of Londonderry has had a strong growth of over 9% since 2010. Londonderry's population density in 2019 was the eighth highest among the cities and towns in New Hampshire.



## Site Description

**Dimensions:** 88±' x 175±' x 198±'; these approximate measurements were determined from the town GIS map system and should not be used outside of this appraisal report. If these dimensions are proven false, it may have a direct impact on the value conclusion.

**Size:** 0.20 acres (8,712 SF)

**Shape:** The parcel is a long, narrow, triangular shape, with 88± feet at its widest point and 198± feet along Interstate 93. Due to the subject long, narrow and triangular shape, its utility is limited and does not appear physically possible for use for a single-family residence.

**Frontage:** Per the town tax map, the subject has 0 feet along Trolley Car Lane and 198± feet along the westerly side of Interstate 93 southbound. The NHDOT Abstract (included in the addendum) did not research, but identified a possible road called Old Road referenced on Plan 2227 and mapped out as an unnamed road on the town's Tax Map. Even though the Londonderry's Tax Map illustrates this possible right-of-way along the northern boundary line of the subject, the town offices are unable to identify the road as a viable or discontinued road. Therefore, with the limited information available and for the purpose of this appraisal, this appraiser considers the subject as an isolated landlocked remnant without frontage or access along an Interstate corridor. If this is proven false, it may have a direct impact on the value conclusion.

**Improvements:** None: The subject is considered a non-developed parcel

**Present Use:** Vacant

**Location:** The subject is positioned between Interstate 93 and a vacant tract of land that is not owned by the town. This tract, known as lot 10-033 has frontage along Trolley Car Lane and possess unity of ownership with the developed lot immediately across Trolley Car Lane. At first it appears tract 10-033 may benefit with assemblage to the subject; though due to the size and soils of both the subject and lot 10-033, there still is limited buildable area to be developed. Therefore, due to the lack of interested parties and due to the abutting right-of-ways, the subject parcel has no assemblage potential.

The I-93 location appears it could be considered slightly adverse compared to other parcels with less exposure to the highway.

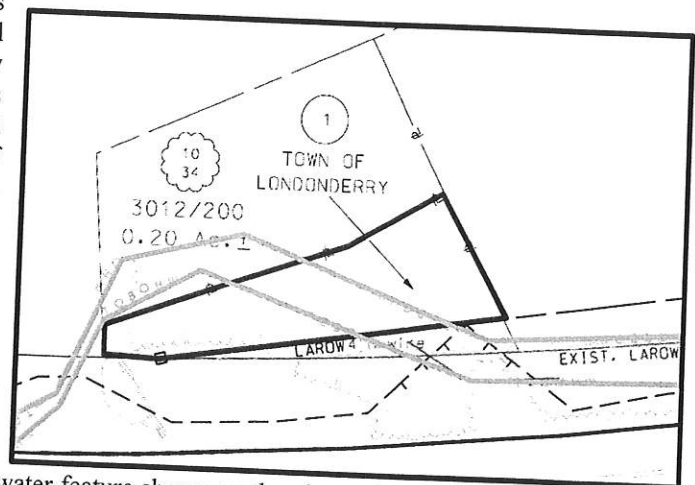
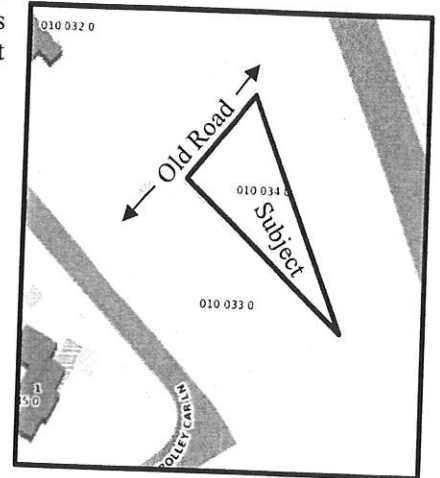
**Available Utilities:** Overhead Electric, telephone, cable are available from Trolley Car Lane. Private well and septic are needed for this area.

**Topography / Soils:** According to the United States Department of Agriculture (USDA) on-line Web Soil Survey, the parcel's soil composition is primarily Walpole very fine sandy loam. Walpole sandy loam is described as having the following properties and qualities: 0 to 3 percent slopes; more than 80 inches of depth to restrictive features; has a poor drainage class of very low runoff; and no frequent flooding.

There is evidence of existing and nearby construction within the neighborhood demonstrating the ability to build in this area; though, per the State of NHDOT General Plans and per the town GIS map system, it appears there may be a stream of some sort, which flows through the middle of the subject.

Due to the natural growth of brush and deciduous/coniferous trees on the subject, the possible water feature shown on the plan and map was screened from view during the right of way inspection. Therefore, with the limited information available and for the purpose of this appraisal, this appraiser considers the subject topography and soil as undevelopable due to the possible stream that flows through the middle of the parcel. If this is proven false, it may have a direct impact on the value conclusion.

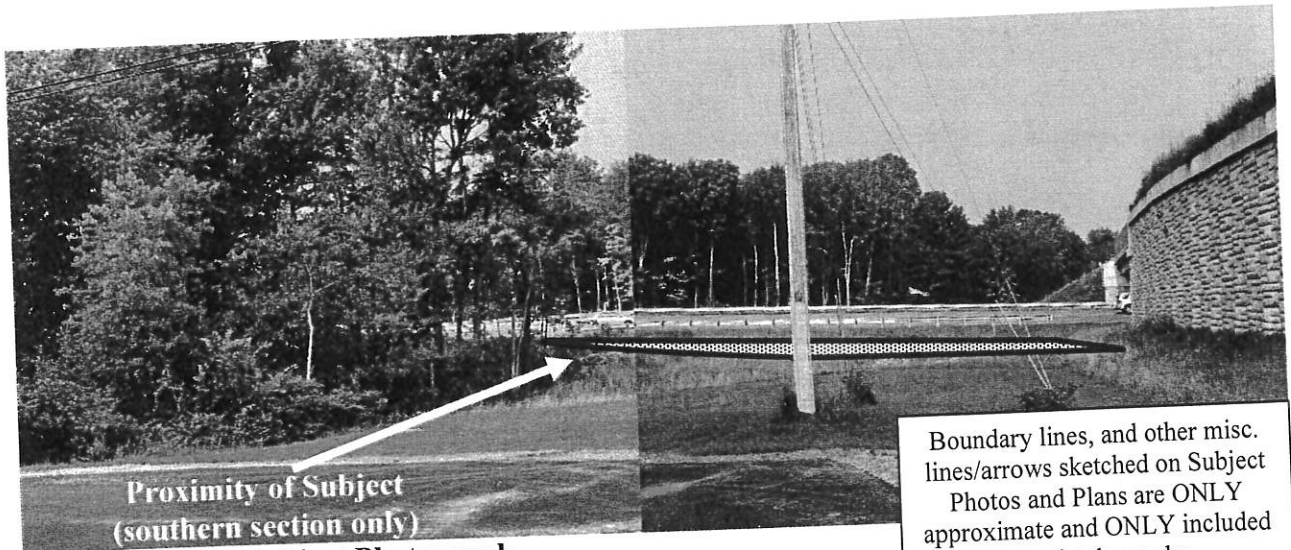
**Flood Map:** Community No 33015C, Panel 0338E, Dated 5/17/2005



**Flood Zone:** The subject is located in Zone X. Zone X is an area located outside of the 0.2 percent annual chance floodplain. Each residential lot in the Town of Londonderry shall have at least 22,000 SF of contiguous land above the 100-year flood elevation as determined by the flood insurance rate maps and flood boundary and floodway maps of the Town of Londonderry as prepared by the U.S. department of housing and urban development, federal insurance administration.

**Easements:** Per the NHDOT Abstract (included in the addendum), the subject parcel does not have any known encumbrances. Therefore, due to the lack of encumbrances, no consideration is given to possible impacts from previous encumbrances towards the utility of the subject parcel.

**Site Conclusion:** The subject is a 0.20-acre isolated landlocked, long and narrow remnant with only frontage along an Interstate corridor and no available access. Even though there is evidence of existing and nearby residential construction, the subject is undevelopable due to lack of access, limited buildable area, topography and soil. No other adverse site conditions were observed except the location could be considered slightly adverse compared to other parcels with less exposure to the highway. Therefore, the parcel is severely limited to the number of practical uses that are physically possible.

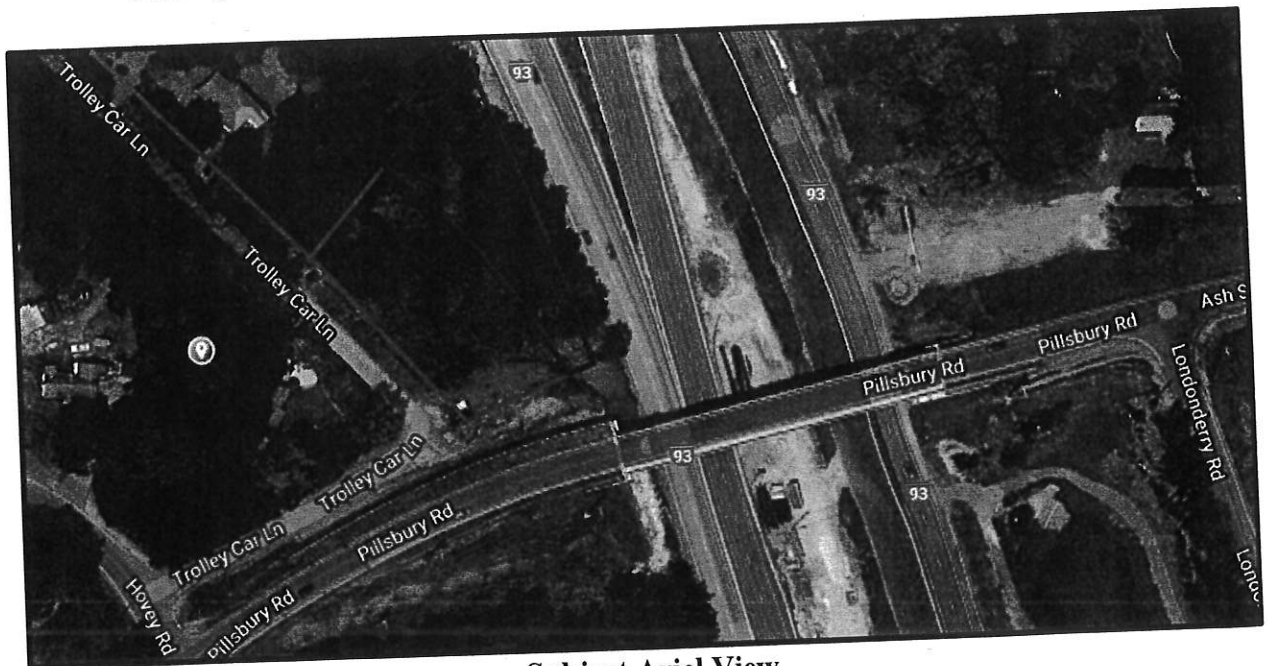


Proximity of Subject  
(southern section only)

**Subject Photograph**

Taken by Christine Britos July 20, 2021

Boundary lines, and other misc. lines/arrows sketched on Subject Photos and Plans are ONLY approximate and ONLY included to assist the reader.



**Subject Ariel View**  
Courtesy of Google Maps

## **Zoning**

The subject parcel is located in Londonderry's Zone AR-I, Agricultural-Residential zone district. The Agricultural-Residential District is designed to permit uses that are compatible with and protective of certain areas that have been and are being developed for agricultural and forestry uses, water quality preservation, residential use and public use.

Per current zoning regulations, the permitted uses are residential, civic and/or limited businesses. Londonderry's Zoning Ordinance does allow auxiliary uses, such as identification signs for governmental agencies and/or portable storage structures.

Zoning requirements dictate that lots not served by municipal water or sewer, shall have a minimum of one acre.

The minimum setback for residential development from the front property line is forty-feet and fifteen-feet from all other property lines.

No freestanding sign, or any part thereof, shall be located nearer than fifteen (15) feet to a property line.

The minimum setback for a permitted sign on developed parcels for non-residential use from the front property line is forty-feet and fifteen-feet from all other property lines.

The minimum setback for a portable storage structure from the front property line is forty-feet and fifteen-feet from all other property lines.

### ***Zoning Conclusion:***

The subject is a 0.20-acre isolated landlocked, long and narrow remnant with only frontage along an interstate corridor and no available access. It is located in the AR-I, Agricultural-Residential zone district without municipal water and sewer. It does not meet minimum lot size or frontage requirements for residential development.

After the required setbacks of lot lines, right-of-ways and wetlands have been provided, the remaining parcel would have virtually no buildable area for improvements.

Londonderry's Zoning Ordinance does allow for certain auxiliary uses which could be physically possible on small parcels; such as signs or portable storage structures, however, due to the lack of access and the limited buildable area on the subject, these uses are not possible as well.

Therefore, the parcel is severely limited to the number of practical uses that are legally permissible.



### **Highest and Best Use - Before Situation**

The subject is a 0.20-acre isolated landlocked, long and narrow remnant with only frontage along an interstate corridor and no available access. Even though there is evidence of existing and nearby residential construction, the subject is undevelopable due to lack of access, limited buildable area, topography and soil. The parcel is severely limited to the number of practical uses that are physically possible.

The subject is located in the AR-I, Agricultural-Residential zone district without municipal water and sewer. It does not meet minimum lot size or frontage requirements for residential development. In addition: the portion of the remaining parcel after required setbacks would leave virtually no buildable area for improvements.

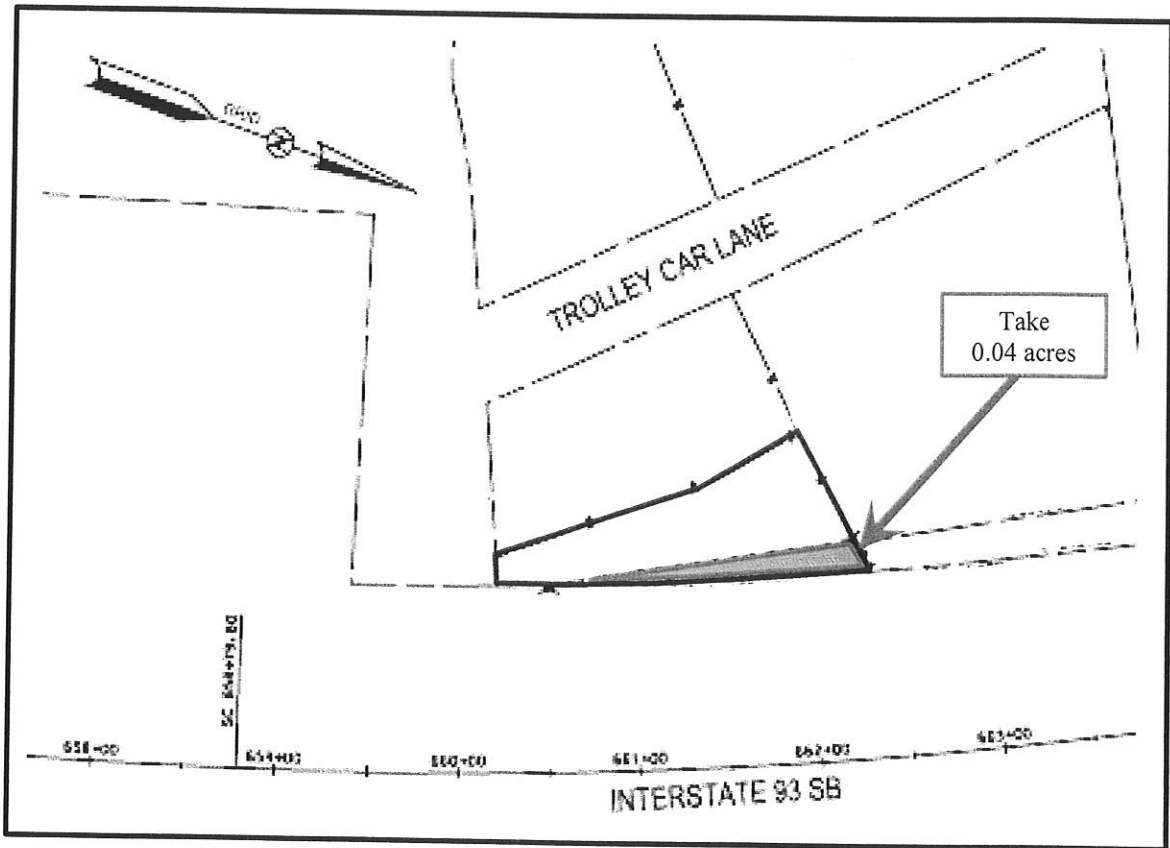
The parcel is severely limited to any practical uses that are legally permissible.

A parcel of land that has negligible economic utility or value is commonly referred to as an uneconomic remnant. In most cases the only practical use for an uneconomic remnant is assemblage to an abutting parcel. In this case the subject parcel has no assemblage potential, due to the lack of interested parties to the north and west and due to the abutting right-of-ways to the south and east. Therefore, the subject property is an uneconomic remnant with no assemblage potential and as such, it has *no highest and best use*.

### Proposed Right-of-Way Layout Plan

Parcel #	Property Owner	Total Area of Parcel	Take	Remainder
		<i>Acres</i>	<i>Acres</i>	<i>Right Acres</i>
1	Town of Londonderry	0.20±	0.04±	0.16±

*Note: Areas with Decimals Are Acres*



## Proposed Acquisition of Parcel 1

The following proposed acquisition for the Subject parcel represent a necessary part of the Derry/Londonderry Project #13065-A.

### *Fee Acquisition (Area of Take):*

**Take: 0.04 Ac**

The triangular-shaped, fee acquisition area of take is located along the subject's eastern boundary line of Interstate 93. It is highlighted in green on the plan. The purpose of this proposed acquisition is for use in the realignment of Interstate 93 and the construction of the proposed Exit 4-A. Slope work performed in this area is necessary to allow for adequate drainage of the right-of-way. It does appear the natural trees and shrubs within the area of take will be cleared.

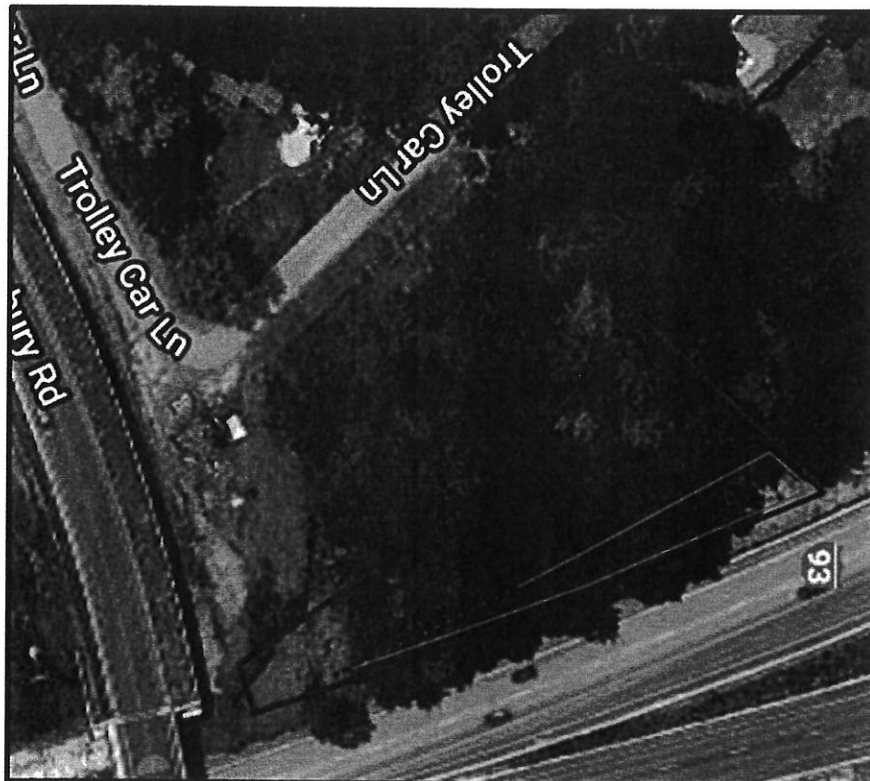
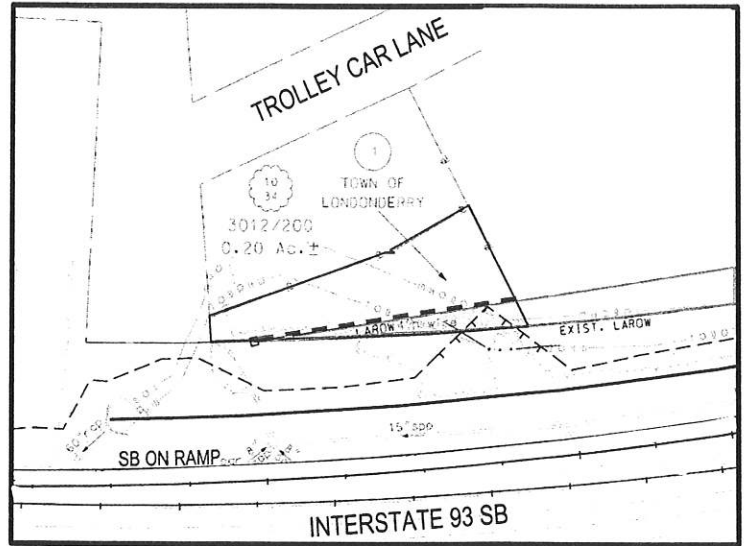
### *Impacts of Acquisition*

Since the subject parcel is an isolated landlocked remnant without frontage along a corridor with access, the easement is not considered to have any impact.

The natural trees and shrubs within the area of take will be cleared, though since this parcel is vacant and has not apparent use, the clearing of the trees and shrubs do not provide buffer for any use of the subject. Therefore, the removal of these natural trees and shrubs will not impact the subject and are not compensable.

I analyzed the subject and determined that the proposed acquisition will have *no* measurable impact to the subject because neither its highest and best use nor its utility will change as a result of the proposed acquisitions. As noted in the Assignment Information section of the report, my analyses invoked the customary *hypothetical conditions* that:

- The subject project does not exist in the before analysis; and
- The subject project is completed, as of the date of valuation, in the after analysis.



### ***Highest and Best Use - After Situation***

The subject is a 0.16-acre isolated landlocked, long and narrow remnant with only frontage along an interstate corridor and no available access. Even though there is evidence of existing and nearby residential construction, the subject is undevelopable due to lack of access, limited buildable area, topography and soil. The parcel is severely limited to the number of practical uses that are physically possible.

The subject is located in the AR-I, Agricultural-Residential zone district without municipal water and sewer. It does not meet minimum lot size or frontage requirements for residential development. In addition: the portion of the remaining parcel after required setbacks would leave virtually no buildable area for improvements.

The parcel is severely limited to any practical uses that are legally permissible.

A parcel of land that has negligible economic utility or value is commonly referred to as an uneconomic remnant. In most cases, the only practical use for an uneconomic remnant is assemblage to an abutting parcel. In this case, the subject parcel has no assemblage potential, due to the lack of interested parties to the north and west and due to the abutting right-of-ways to the south and east. Therefore, the subject property is an uneconomic remnant with no assemblage potential and as such, it has ***no highest and best use in the after situation.***

***Pro-Rata Policy***

RSA 498-A: 26 II (d) states that an appraisal report for eminent domain purposes shall contain:

*"The value of the property before and after the taking, if different, and the amount of damages."*

However, if the market\* value estimates of the property are the same before and after the taking, then the impact on the property's value is considered to be immeasurable and the damages are zero (\$0). In these instances, it is NHDOT-Bureau of Right-of-Way policy to make an offer of compensation for the acquisition(s), by estimating the before-acquisition market\* value of the vacant parcel and applying an appropriate pro-rata of the vacant parcel value to the parts acquired.

\* My analysis indicates that the subject property has no recognized, independent, highest and best use and as such has no market value. Therefore, it was necessary to ascertain and derive an alternative value. After careful consideration, it was determined that the most appropriate value to derive is the **Nominal Value**.

**Approaches to Value**

**Potential Approaches:** The five generally recognized methods to valuing a vacant parcel are: sales comparison approach; abstraction (allocation); land residual technique; income approach (direct capitalization of ground rent); and cost of development (land development) method. However, all of these methods are based on the supposition that there is a competitive market for the parcel and therefore it has a market value.

As previously concluded, the subject parcel has no market value. It has only a nominal value and by definition there is only one approach for deriving nominal value. The approach is to calculate the amount of money necessary to effect a transfer of title to the property or to put it more succinctly, the cost of transfer.

**Application:** I have therefore relied exclusively on the cost of transfer approach, as it is the only relevant approach, as well as the most in line with the client’s intended use.

**Cost Approach**

**Cost of Transfer:**

Item	Cost	Comments
Transfer Tax	\$40	Minimum Tax
LCHIP* Surcharge Fee	\$25	Mandatory Fee
Recording Fee	\$16	Assumes 2 Page Deed
Attorney Fee / Execution of Deed	\$300	Minimum for Non-Complex Property
<b>Total</b>	<b>\$381</b>	

\* Land and Community Heritage Investment Program (LCHIP)

**Final Value Conclusion**

My analysis indicates that the proposed acquisition will have *no* measurable impact to the subject parcel. As noted, the valuation provided in this report is subject to the following hypothetical conditions: the subject project does not exist in the before analysis; and the subject project is completed in the after analysis.

Therefore, **I estimate the nominal value of the subject parcel, as of September 21, 2021 to be \$400 (rounded), in both the before-acquisition scenario and after-acquisition scenario.**

The value of the uneconomic remnant remaining after the acquisition is also estimated to be \$400.



**Christine Britos, NHER #988**  
**Staff Appraiser III**

Date: October 12, 2021

**State of New Hampshire Department of Transportation**  
 Right-of-Way Bureau  
 John O. Morton Building–Room 100  
 7 Hazen Drive,  
 P. O. Box 483  
 Concord, NH 03302-0483  
 (603) 271-2644

## Pro-Rata Analysis

### *Pro-Rata Basis*

The estimated market value of the Subject site in it's before condition (i.e. as-vacant under the hypothetical condition that the Subject project does not exist) is \$400.

#### *'Before-Acquisition'*

Subject Site 0.20 acres = 8,712± SF

Estimated Market Value of the Subject per Square Foot.....\$0.05 per SF  
\$0.05 per SF = (\$400 / 8,712± SF)

### *Fee Acquisitions*

The acquisition area is 0.04 acres or 1,742 square-feet in size and includes no improvements. Applying the \$0.05 per square-foot parcel value to the 1,742 square-foot acquisition area results in a parcel value of:

1,742 square-feet x \$0.05 per square foot = \$87.10

### *Total Pro-Rata*

Fee Acquisition Pro-Rata .....\$87.10  
**Total Pro-Rata (Rounded to nearest 100th).....\$100.00**

'3012 P0200

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS  
**Know all Men by these Presents**

0053055

That I, Kermit Shepard, Tax Collector for the Town of Londonderry, in the County of Rockingham and the State of New Hampshire, for the year 1990 by the authority in me vested by the laws of the State of New Hampshire, and in consideration of one dollar to me paid by the Town of Londonderry, do hereby sell and convey to the said Town of Londonderry successors and assigns, a certain tract or parcel of land situated in the Town of Londonderry, NH aforesaid, Taxed by the Assessors in 1990 to Cote, Elsie D C/O Albert Cote and described in the invoice books as Map 10 Lot 034 - Land only at Trolley Car Ln

This deed is the result of the tax lien execution held at the Town Office in the Town of Londonderry, New Hampshire, on the 26 day of September 1991. To have and to hold the said premises, with the appurtenances, to the said Town of Londonderry successors and assigns forever. And I hereby covenant with the said Town of Londonderry that in making this conveyance I have in all things complied with the law, and that I have good right, so far as that right may depend upon the regularity of my own proceedings, to sell and convey the same in the manner aforesaid.

In Witness Whereof, I have hereunto set my hand and seal, the Thirtieth day of September, in the year of our Lord one thousand nine hundred and ninety-three

Signed, Sealed and Delivered in the presence of:

Maryann W. Blaine  
James T. Peterson  
John W. ...

Kermit Shepard  
Kermit Shepard, Tax Collector

State of New Hampshire, Rockingham County ss. September 30 1993

Personally appearing Kermit Shepard, above named, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me

John W. ...  
Justice of the Peace/Notary Public

BIOGRAPHICAL



**Current Owner(s)**

TOWN OF LONDONDERRY  
268B MAMMOTH ROAD  
LONDONDERRY, NH 03053

Parcel #: 0001  
State Project: DERRY / LONDONDERRY  
Project #: 13065  
Parcel Address: 4 TROLLEY CAR LANE

County: ROCKINGHAM  
Town or City: LONDONDERRY  
Tax Map: 10 Lot #: 34  
Area: 0.20 ACRES

**Encumbrances**

**Source Of Title**

COLLECTORS DEED Book: 3012 Page: 200  
Date Of Execution: 9/30/1993 Witnessed?: No  
Recorded Date: 10/15/1993 \$0.00  
TOWN OF LONDONDERRY  
LEVY YEAR 1990 TAXED TO ELSIE COTE  
TM 10-34 - LAND AT TROLLEY CAR LANE  
0 %

**For Description Refer To:**

Plan :

**ENCUMBRANCES**

MORTGAGES : No	RESTRICTIONS : No	RESERVATIONS: No
TAX LIENS : No	ATTACHMENTS: No	EASEMENTS : No

**Defects & Comments / Description**

OLD ROAD SHOWN ON TAX MAP & PL 2227 HAS NOT BEEN RESEARCHED

DE= 9/30/93 TO 10/17/16 PER RSA 80:78= GOOD START

Abstracted By: D.HOTZ 10/17/2016

Modified By: D.HOTZ 10/22/2018

Modified By: T.MORRISON 1/24/2019

Modified By: B.HINERTH 2/4/2020

Printed : 07/13/2021

## Appraisal Certification

I certify that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and they are my personal, impartial and unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the Subject of this report and no personal interest with respect to the parties involved.
- I have not performed services as an appraiser regarding the property that is the Subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the Subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions and conclusions were developed and this report has been prepared in conformity with the requirements of the *Uniform Appraisal Standards for Federal Land Acquisitions*, the *Uniform Standards of Professional Appraisal Practice* and *New Hampshire Department of Transportation Right-of-way Manual*.
- I have made a personal inspection of the property that is the Subject of this report.
- No one provided significant real property appraisal assistance to me.

  
Christine Britos, NHER #988  
Staff Appraiser III

Date: October 12, 2021

State of New Hampshire Department of Transportation  
Right-of-Way Bureau  
John O. Morton Building—Room 100  
7 Hazen Drive,  
P. O. Box 483  
Concord, NH 03302-0483  
(603) 271-2644

## Appraisal Qualifications

Christine Britos, Staff Appraiser III

### EDUCATION:

Master of Arts in Expressive Therapy, Lesley College, Cambridge, MA  
Bachelor of Arts in Communication and Counseling, Prescott College, Prescott, AZ

### APPRAISAL EDUCATION:

Appraising Small Apartment Properties, 2021: McKissock Learning  
Green Residences and Appraisals, 2021: Columbia Institute  
USPAP Update, 2020: JMB Real Estate Academy  
Principles of Real Estate Law, 2019: International Right of Way Association  
Appraisal for Federal-Aid Highway Programming, 2019: National Highway Institute  
The Valuation of Partial Acquisitions, 2018: International Right of Way Association  
Social Ecology, 2018: International Right of Way Association  
Residential Market Analysis & Highest & Best Use, 2018: JMB Real Estate Academy  
Residential Sales Comparison & Income Approach, 2018: JMB Real Estate Academy  
Residential Site Valuation & Cost Approach, 2018: JMB Real Estate Academy  
Successful Acquisition Under the Uniform Act, 2017: National Highway Institute  
Uniform Standards of Professional Appraisal Practice, 2017: JMB Real Estate Academy  
Mastering Unique and Complex Property Appraisals, 2017: JMB Real Estate Academy  
Residential Report Writing and Case Studies, 2017: JMB Real Estate Academy  
Advanced Residential Applications and Case Studies, 2017: JMB Real Estate Academy  
Statistics, Modeling and Finance, 2017: JMB Real Estate Academy  
Appraising Complex Residential Properties, 2004: MBREA  
Appraising 1-4 Family Properties, 2002: JMB Real Estate Academy  
Basics of Real Estate Appraisal, 2002: JMB Real Estate Academy  
Uniform Standards of Professional Appraisal Practice, 2002: JMB Real Estate Academy

### WORK HISTORY:

**Right-Of-Way Appraiser I, II & III:** Department of Transportation, Bureau of ROW  
Concord, NH 2017-Present

**Landlord/Investor of Single & Multi-Family Properties:** Owner  
Southern, NH: 2004-Present

**Licensed NH Real Estate Agent:** Windhill Realty  
Portsmouth/Deerfield, NH- 2005-2012

**Licensed NH Real Estate Appraiser, Owner:** Diamond Real Estate Appraisals  
Deerfield, 2005-2007

**Apprentice & Licensed NH Real Estate Appraiser:** North Star Appraisals  
Hampton, NH 2003-2005

**Apprentice NH Real Estate Appraiser:** North Star & Wentworth Appraisals  
Hampton & Portsmouth, NH 2002-2005

### PROFESSIONAL LICENSES PREVIOUSLY HELD:

**Certified Residential Appraiser, NHCR-988, State of NH:** Present-Expires 6/2023

**Licensed NH Real Estate Agent,** New Hampshire Board of Realtors: 2005-2012

**Apprentice and Licensed NH Real Estate Appraiser**

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 November 22, 2021

2  
3 The meeting took place in the Moose Hill Council Chambers, 268B Mammoth Rd,  
4 Londonderry, NH 03053.

5  
6 Present: Chairman John Farrell; Vice Chairman Joe Green; Councilor Tom Dolan, Jim  
7 Butler, and Deb Paul; Town Manager Kevin Smith; Assistant Town Manager Lisa Drabik;  
8 Executive Assistant Kirby Brown;

9  
10 CALL TO ORDER

11  
12 Chairman Farrell called the Town Council meeting to order. This was followed by the  
13 Pledge of Allegiance. This was followed by a moment of silence for the safety of our  
14 children this holiday season.

15  
16 PUBLIC COMMENT

17  
18 Chief Bill Hart stated that last Friday, the Londonderry Police Department had their last  
19 interview with the Commission on Accreditation on Law Enforcement Agencies, a  
20 Nationwide organization that gives standards of best practices to law enforcement agencies  
21 and Londonderry passed with flying colors. The Chief thanked the Council for their support.

22  
23 Ted Combes, 6 Bancroft Rd, asked if there will be comment tonight on Ordinance #2021-  
24 03. Chairman Farrell stated that tonight is a first reading and they will be accepting comment  
25 at the Public Hearing but if he would like to say something tonight that's okay. Combes  
26 stated that he understands that this will be directed at mostly properties in the Woodmont  
27 area. Combes stated that he was thinking of extending it to other areas of the town, up toward  
28 the airport. Chairman Farrell stated that they will take a look at it.

29  
30 PUBLIC HEARING

31  
32 Motion to open Public Hearing made by Councilor Dolan and second by Vice Chairman  
33 Green.

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

34 Chairman Farrell introduced Resolution #2021-24, a Resolution relative to the Elderly  
35 Exemption Policy. Steve Hamilton presented. Hamilton stated that when a revaluation  
36 occurs, there is no adjustment to the amount for an exemption, then there may be a decline  
37 in the effectiveness of that exemption. This is an attempt to make an adjustment to the  
38 benefit amount so that there is the same “bang for the buck” to those who qualify for the  
39 exemption. Motion to approve Resolution #2021024 made by Vice Chairman Green and  
40 second by Councilor Paul. Chair votes 5-0-0.

41  
42 Chairman Farrell introduced Resolution #2021-25, a Resoling relative to the Disabled  
43 Persons Exemption Policy. Steve Hamilton presented. Hamilton stated that this is a lot less  
44 complicated, it’s just one category. It has a similar qualification standard. Motion to approve  
45 Resolution #2021-25 made by Vice Chairman Green and second by Councilor Dolan. Chair  
46 votes 5-0-0.

47  
48 Motion to close the Public Hearing made by Vice Chairman Green and second by Councilor  
49 Butler. Chair votes 5-0-0.

### NEW BUSINESS

50  
51  
52 Chairman Farrell introduced Order #2021-16 and Order #2021-17, Orders relative to the  
53 expenditure of Maintenance Trust Fund for various projects. Dave Wholley presented.  
54 Wholley stated that these are for a backup generator at Fire Station number two and there  
55 needs to be a repair of a leak. Motion to approve Order #2021-16 made by Councilor Paul  
56 and second by Councilor Butler. Chair votes 5-0-0. Motion to approve Order #2021-17  
57 made by Councilor Butler and second by Councilor Dolan. Chair votes 5-0-0.

58  
59 Chairman Farrell introduced Order #2021-18, an Order relative to the distribution of the  
60 Fire Equipment Capital Reserve Funds. Chief Darren O’Brien presented. Chief O’Brien  
61 stated that this is for the remaining components that the department needs to outfit their  
62 apparatus and different equipment that us on the apparatus through the Grant process they  
63 got. This is different components the Grant did not cover. Chief O’Brien went over the  
64 components. Motion to approve Order #2021-18 made by Councilor Dolan and second by  
65 Councilor Butler. Chair votes 5-0-0.

66  
67 Chairman Farrell introduced Order #2021-19 and Order #2020-20, two Orders relative to

## LONDONDERRY TOWN COUNCIL MEETING MINUTES

68 the expenditure of Reclamation Trust Fund for recycling barrels and recycling barrel parts.  
69 Presented by John Trottier. Motion to approve Order #2021-19 and Order #2021-20 made  
70 by Vice Chairman Green and second by Councilor Dolan. Chair votes 5-0-0.

71  
72 Chairman Farrell introduced the first reading for Ordinance #2021-03, an ordinance relative  
73 to creating the Londonderry Commercial and Industrial Property Tax Incentive Program.  
74 Town Manager Kevin Smith presented. Motion to waive the first reading made by Vice  
75 Chairman Green and second by Councilor Dolan. Chair votes 5-0-0. The Public Hearing is  
76 scheduled for December 6, 2021.

### APPROVAL OF MINUTES

77  
78  
79  
80 Motion to approve the Town Council minutes from November 1, 2021 made by Vice  
81 Chairman Green and second by Councilor Butler. Chair votes 5-0-0.

### BOARD/COMMITTEE INTERVIEW

82  
83  
84  
85 Vice Chairman Green motioned to appoint Lynn Wiles as a full-time member to replace  
86 Chris Davies on the Planning Board. Second by Councilor Butler. Chair votes 5-0-0.

87  
88 The Council interviewed Ron Dunn for an alternate position on the Planning Board. No  
89 appointments will be made until all the interviews are completed.

### BUDGET WORKSHOP

90  
91  
92  
93 Finance Director Justin Campo went over a handout regarding the budget. Town manager  
94 Smith stated that the budget has actually gone down. In total, the Operating Budget went  
95 down \$30,064.00 due to hiring and personnel adjustments. It affects both the Operating and  
96 Default budget. The Council and the Budget Committee went over the line items. The  
97 Council discussed looking at energy rates coming up.

98  
99

100

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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## ADJOURNMENT

101  
102  
103 Motion to adjourn made by Vice Chairman Green and second by Councilor Dolan. Chair  
104 votes 5-0-0.

105

106 Notes and Tapes by: Kirby Brown Date: 11/22/2021

107 Minutes Typed by: Kirby Brown Date: 12/01/2021

108 Approved by: Town Council Date: 12/06/2021