

TOWN COUNCIL AGENDA
November 30, 2020
Londonderry High School Cafeteria
7:00 P.M.

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

A. CALL TO ORDER

B. PUBLIC COMMENT

- 1.) Elderly Housing Discussion
Presented by Richard Flier
- 2.) Update on Water Resource Management Plan
Presented by Colleen Mailloux

C. PUBLIC HEARING

- 1.) **Ordinance #2020-05** – An Amendment to the Municipal Code Relating to the Traffic Safety Ordinance
- 2.) **Ordinance #2020-06** – An Amendment to the Londonderry Zoning Ordinance Relative to Elderly Housing
Presented by Colleen Mailloux

D. NEW BUSINESS

- 1.) **Resolution #2020-17** – A Resolution Relative to the Acceptance of unanticipated Revenue Under RSA 31:95-b
Presented by Justin Campo
- 2.) **Resolution #2020-18** – A Resolution Relative to the Acceptance of unanticipated Revenue Under RSA 31:95-b
Presented by Justin Campo
- 3.) Discussion of Contract with Whitney Consulting
Presented by Kevin Smith

E. OLD BUSINESS

- 1.) Budget Workshop

F. APPROVAL OF MINUTES

Approval of November 11, 2020 Town Council Minutes
Approval of November 16, 2020 Town Council Minutes

G. APPOINTMENTS/REAPPOINTMENTS

H. OTHER BUSINESS

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

I. ADJOURNMENT

J. MEETING SCHEDULE

- A. Town Council Meeting/Budget Public Hearing– 12/07/2020
LHS Cafeteria, 7:00PM
- B. Town Council Meeting/Budget Workshop– 12/16/2020
LHS Cafeteria, 7:00PM

LEGAL NOTICE

The Londonderry Town Council will hold a PUBLIC HEARING on the following item:

Ordinance #2020-05 – An Amendment to the Municipal Code
Relating to the Traffic Safety Ordinance

The Public Hearing is scheduled for Monday, November 30, 2020 at 7:00 PM at the Londonderry High School Cafeteria, 295 Mammoth Road, Londonderry, NH 03053.

Londonderry Town Council

**TOWN OF LONDONDERRY
TOWN COUNCIL**

The Londonderry Town Council will conduct a second reading and public hearing on Monday, November 30, 2020 at 7:00 p.m. in the Londonderry High School Cafeteria, 295 Mammoth Rd, Londonderry, NH to consider the following:

Proposed Zoning Ordinance Amendment – Recommended by the Planning Board:

The Town of Londonderry seeks to adopt an amendment to the Londonderry Zoning Ordinance to delete the elderly housing ordinance and references to elderly housing. The following sections are proposed to be amended:

- Section 2 – Definitions
- Section 4.1 – Permitted Uses
- Section 4.6.6 – Performance Overlay District – Route 102 Corridor
- Section 5.1.4 – Exemptions from Phasing
- Section 5.6 – Elderly Housing, Assisted Living & Nursing Homes
- Section 6.3.2 – Conditional Use Permit for Affordable Elderly Housing, Assisted Living & Nursing Homes

The full text of the proposed amendment can be viewed online or during business hours in the Planning & Economic Development Department and the Town Clerk's Office.

ORDINANCE 2020 - 05

AN AMENDMENT TO THE MUNICIPAL CODE RELATING TO THE TRAFFIC SAFETY ORDINANCE

First Reading: 11/16/2020
Second Reading/Public Hearing: 11/30/2020
Adopted: 11/30/2020

WHEREAS, the Town of Londonderry received a request to reduce the speed limit on Litchfield Road in recognition of the current traffic congestion and future development activity; and

WHEREAS, the request has been reviewed and supported by members of the Traffic Safety Committee and is supported by the Londonderry Police Department and the Department of Public Works; and

WHEREAS, the Town Council wishes to amend the Ordinance to reflect changes to Title II, Chapter IX, Section I – Speed Limits, and is vested with the power to effect such changes to the Municipal Code; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title II – Traffic Safety Ordinance, Chapter IX, Section I – Speed Limits is hereby amended to reflect that upon the date of the adoption of this Ordinance, the speed limit for the entirety of that portion of Litchfield Road that falls within Londonderry’s borders shall be 30 MPH.

Adopted this ____ day of _____, 2020.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:

Introduced: 11/16/2020
Public Hearing: 11/30/2020
Adopted: 11/30/2020

ORDINANCE 2020-06
AN AMENDMENT TO THE LONDONDERRY ZONING
ORDINANCE RELATIVE TO ELDERLY HOUSING

WHEREAS on March 13, 1990 the Town of Londonderry adopted an amendment to the Londonderry Zoning Ordinance that created the “Elderly Housing Development Ordinance” for the purpose of allowing elderly housing in any residential or commercial zone at increased densities; and

WHEREAS there are currently 841 existing and approved elderly housing units in the Town of Londonderry, and 124 additional elderly housing units pending review, comprising approximately 10% of the Town’s total housing supply; and

WHEREAS the increased permitted density has not resulted in the development of lower cost housing for persons age 55 and older; and

WHEREAS the 2012 Londonderry Master Plan emphasized the need for a more diversified housing strategy to promote affordable housing and a more livable community; and

WHEREAS the Planning Board has voted to recommend Town Council adoption of the proposed amendments;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Londonderry Zoning Ordinance shall be amended as posted.

To become effective upon passage of this Ordinance.

John Farrell, Chairman
Londonderry Town Council

Ordinance 2020-06

**Introduced: 11/16/20
Public Hearing: 11/30/20
Adopted: 11/30/20**

A TRUE COPY ATTEST:

***Sherry Farrell - Town Clerk
11/30/2020***

Town Seal

Proposed Zoning Ordinance Amendment – Recommended by the Planning Board:

The Town of Londonderry seeks to adopt an amendment to the Londonderry Zoning Ordinance to delete the elderly housing ordinance and references to elderly housing. The following sections are proposed to be amended:

- Section 2 – Definitions
- Section 4.1 – Permitted Uses
- Section 4.6.6 – Performance Overlay District – Route 102 Corridor
- Section 5.1.4 – Exemptions from Phasing
- Section 5.6 – Elderly Housing, Assisted Living & Nursing Homes
- Section 6.3.2 – Conditional Use Permit for Affordable Elderly Housing, Assisted Living & Nursing Homes

The full text of the proposed amendment is attached.



Drive-Thru Establishment: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach of parking spaces for motor vehicles so as to serve patrons while in the motor vehicle. Does not include establishments involved in the business of preparing and/or purveying food on a regular basis. For all such businesses please see Restaurant, fast food.

Drive-Thru Windows: A customer service facility designed for the convenience of the motoring public accessory to an office or retail establishment which is intended to enable the customer to transact business with a person located within a structure or a machine without exiting the motor vehicle.

Driveway: Area designated for vehicular access to a lot from an approved highway or street.

Duplex: See "Dwelling, Two-Family"

Dwelling, Multi-Family: A residential building designed for or occupied by three or more families.

Dwelling, Single-Family: A detached or free-standing residence other than a mobile home, designed for and occupied by one family only.

Dwelling, Two-Family: A residential building designed for or occupied by two families living independently of each other in individual attached dwelling units. Also known as a duplex.

Dwelling Unit: Any room, or rooms connected together forming a habitable unit for one family with its own bathing and toilet facilities and its own living, eating and sleeping areas wholly within such rooms, or rooms connected together.

Easement: As shown on a subdivision plan, an area on a lot reserved for the passage of water, utility, slope, temporary cul-de-sac, or other identified purposes. The owner cannot block the easement and must allow the Town access for maintenance purposes.

Elderly: Persons 55 years of age or older. An entire household is elderly if it is the primary residence of one person 55 years of age or older and their spouse.

Elderly Affordable Housing (Ownership): Housing units that are intended for elderly ownership residential occupancy by those age 62 and over (as provided for in RSA 354-A:15), where the total cost of mortgage principal and interest, mortgage insurance premiums, property taxes, association fees, and homeowner's insurance does not exceed 30 percent of the maximum allowed income of the purchaser as defined by the US Department of Housing and Urban Development.

Elderly Affordable Housing (Rental): Housing units that are intended for elderly leasehold residential occupancy, by those age 62 and over (as provided for in RSA 354-A:15), where the rent plus utilities for the dwelling unit does not exceed 30 percent of the allowed individual household income as defined by the US Department of Housing and Urban Development.

Elderly Housing: housing established and maintained in compliance with the Fair Housing Act, as amended, 42 USC Sec. 3601 et seq that is designed to meet the needs of persons 55 years of age or older (RSA 354-A:15).

Equipment, Heavy: A movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more.

Evergreen: A plant with foliage that persists and remains green year-round.

4 USE AND DIMENSIONAL REGULATIONS

4.1 District Uses

Subject to other applicable sections and all other local, state and federal laws, rules and regulations, no building, structure or land may be used or occupied except for the purposes permitted in the base district in which the use is located as set forth in the Table of Uses.

4.1.1 Designation of Permitted Uses

Permitted uses in the base districts are designated in the Table 4-1 , Table of Uses by the following:

- Uses Permitted by Right - A use denoted by the letter "P" is permitted by right in the district
- Uses Permitted by Special Exception - A use denoted by the letter "S" is a use that may be authorized by Special Exception in that district. The Zoning Board of Adjustment may grant a Special Exception in accordance with the procedures and conditions set forth in Section 8.5, Special Exceptions.
- Uses Permitted by Conditional Use Permit - A use denoted by the letter "C" is a use that may be authorized by a Conditional Use Permit in that district. The Planning Board may grant a Conditional Use Permit in accordance with the procedures and conditions set forth in Section 6, Conditional Use Permits.

4.1.2 Use Table

| Table 4-1 Londonderry Zoning Ordinance Use Table P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception | | | | | | | | | | | | | | |
|---|-------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|-------|--------|----|-----|----------------|------------------------|-----------------------------|
| | AR-1 | R-III | C-I | C-II | C-III | C-IV | MUC | IND-I | IND-II | GB | PUD | AD | POD - 102 ¹ | POD - 28 ¹ |
| RESIDENTIAL AND AGRICULTURAL | | | | | | | | | | | | | | |
| Agriculture | P | P | | | | | | | | | | P ^s | | |
| Assisted Living Facilities | C | P | P | P | P | | P | | | | | P ^s | P | P |
| Back Lot Development | C | | | | | | | | | | | P ^s | | See specific district regs. |
| Dwelling, multi-family | | P | C ^s | C ^s | C ^s | C ^s | C ^s | | | | | P ^s | C ^s | C ^s |
| Dwelling, multi-family workforce | C ^s , ² | C ^s | C ^s | C ^s | C ^s | C ^s | C ^s | | | | | P ^s | C ^s | C ^s |
| Small workforce housing development | C ^s | | | | | | | | | | | | | |
| Dwelling, single family | P | P | | | S | | | | | | | P ^s | | |
| Dwelling, single family, workforce | C ^s | C ^s | C ^s | C ^s | C ^s | C ^s | | | | | | P ^s | | |
| Dwelling, two-family | P | P | | | S | | | | | | | P ^s | | |
| Dwelling, two-family, workforce | C ^s | C ^s | C ^s | C ^s | C ^s | C ^s | | | | | | P ^s | | |
| Elderly Housing | P ^s | P | P | P | P | P | G | | | | | P ^s | P | P |

Table 4-1
Londonderry Zoning Ordinance Use Table
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

| | AR-1 | R-III | C-I | C-II | C-III | C-IV | MUC | IND-I | IND-II | GB | PUD | AD | POD-102 | POD-28 |
|--|----------------|----------------|-----|------|-------|------|-------------------|-------|--------|---|----------------|----------------|----------------|----------------|
| Elderly Housing, Affordable | G | G | G | G | G | G | G | | | | P ² | | G | G |
| Live-Work Units | | | C | C | C | C | C | C | C | C | P ³ | | | |
| Manufactured housing | P | P | | | | | | | | | | | | |
| Manufactured housing, workforce | C ³ | C ³ | | | | | | | | | | | | |
| Mixed use residential | | | | | | | P, C ³ | | | | P ³ | | C ³ | C ³ |
| Mobile homes | P | | | | | | | | | | | | | |
| Nursing Home and accessory uses | | P | P | P | P | | P | | | | P ³ | | P | P |
| Preexisting manufactured housing parks | P | | | | | | | | | | | | | |
| Presite Built Housing | P | | | | | | | | | | | | | |
| CIVIC USES | | | | | | | | | | | | | | |
| Community center | | | P | P | | | C | | | | | P ⁴ | | |
| Cemetery | P | | | | | | | | | | | | | |
| Public Facilities | P | | P | P | | | C | P | P | P | P ⁴ | P | | |
| Public Utilities | P | P | P | P | | | | S | S | S | P ³ | S | | |
| Recreational Facilities, Public | P | | | P | | | | | | | P ⁴ | | P | P |
| Religious Facilities | P | | P | P | P | P | | | | | P ³ | | P | P |
| Cultural Uses and Performing Arts | | | | | | | C | | | P | P ⁴ | | | |
| BUSINESS USES | | | | | | | | | | | | | | |
| Aeronautical Facilities | | | | | | | | | | | | | P | |
| Assembly, testing, repair and packing operations up to 250,000 sq. ft. | | | | | | | | P | P | P | P ⁴ | | | |
| Assembly, testing, repair and packing operations 250,001 sq. ft. or larger | | | | | | | | P | P | C | P ⁴ | | | |
| Bed and Breakfast Homestay | P | | | | | | | | | | P ³ | | | |
| Business center development | | | P | P | | | P | | | P | P ⁴ | | P | P |
| Conference/Convention Center | | | | | | | C | | | P | P ⁴ | | | |
| Day Care Center, Adult | | | | | | | C | C | | | P ⁴ | | | |
| Drive-thru window as an accessory use | | | P | P | | | C | | | | | | | |
| Drive-in establishments | | | P | P | | | | | | | | | | |
| Drive-in theatres | | | | P | | | | | | | | | | |
| GB District Services | | | | | | | | | | (See GB District Services Use Table, Section 4.1.2) | | | | |
| Financial Institution | | | P | P | | | P | | | P | P ⁴ | | | |



Table 4-1

Londonderry Zoning Ordinance Use Table

P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

| | AR-1 | R-III | C-I | C-II | C-III | C-IV | MUC | IND-I | IND-II | GB | PUD | AD | POD - 102 | POD - 28 |
|---|------------------|-------|-----|------|-------|----------------|-----|-------|--------|----|----------------|----------------|-----------|----------|
| Funeral homes | | | P | P | P | | | | | | | | | |
| Education and Training Facilities | | | | | | | C | | | | P | P ⁺ | | |
| Excavation, including Temporary and Permanent Manufacturing Plants as an accessory use. | See Section 5.8 | | | | | | | | | | | | | |
| Group Child Care Center | | | | | P | C | | S | S | | | P ⁺ | | C |
| Home Occupation | See Section 5.12 | | | | | | | | | | | S | | |
| Hotels | | | | P | | | C | | | P | P ⁺ | | | |
| Manufacturing, Heavy | | | | | | | | P | P | P | P ⁺ | P | | |
| Manufacturing, Light up to 250,000 sq. ft. | | | | P | | | | P | P | P | P ⁺ | P | | |
| Manufacturing, Light 250,001 sq ft or larger | | | | P | | | | P | P | C | P ⁺ | P | | |
| Membership club | | | P | P | | | | | | | P ⁺ | | | |
| Motels | | | | P | | | | | | | | | | |
| Motor Vehicle Maintenance, Major Repair and Painting | | | | | | | | | P | | | | P | |
| Motor vehicle rental | | | | | | | | | | | | | P | P |
| Motor Vehicle Station, Limited Service | | | | P | | C ⁺ | | | | | | P ⁺ | P | P |
| Recreation, commercial | | | P | P | | | P | | | | | P ⁺ | P | P |
| Retail sales establishment up to 75,000 sq. ft | | | P | P | | | P | | | | | P ⁺ | P | P |
| Retail sales establishment 75,001 sq. ft. or larger | | | P | P | | | C | | | | | P ⁺ | | |
| Outdoor Storage of goods or materials (not to exceed 5-10% of the gross floor area) as an Accessory Use | | | | | | | | | | | C | | | |
| Professional office | | | P | P | P | P | P | P | P | P | P ⁺ | P | P | P |
| Rental Car Terminal up to 50,000 sq. ft | | | | | | | | | | | P | P ⁺ | | |
| Rental Car Terminal 50,001 sq. ft. or larger | | | | | | | | | | C | | P ⁺ | | |
| Repair services | | | P | P | | P | | P | P | | | P ⁺ | P | P |
| Research or Development Laboratories | | | | P | | | P | P | P | | | P ⁺ | P | P |
| Restaurant | | | P | P | | C | P | | | | | P ⁺ | | |
| Restaurant, fast food | | | P | P | | | C | | | | | P ⁺ | | |
| Sales of Heavy Equipment or Heavy Trucks as an accessory use | | | | | | | | C | C | C | | | | |

Table 4-1
Londonderry Zoning Ordinance Use Table
P = Permitted Use C = Requires Conditional Use Permit S = Requires Special Exception

| | AR-1 | R-III | C-I | C-II | C-III | C-IV | MUC | IND-I | IND-II | GB | PUD | AD | POD - 102 | POD - 28 |
|--|------|-------|-----|------|-------|------|-----|-------|--------|----|----------------|----|-----------|----------|
| School, Private | | | | | P | | | | | | P ¹ | | P | P |
| Service establishment | | | P | P | | | P | P | P | | P ¹ | P | P | P |
| Sexually oriented businesses | | | P | P | | | | | | | | | | |
| Storage, self serve | | | | P | | | | P | P | | | | | |
| Terminal, Airplane | | | | | | | | | | | | P | | |
| Terminal, Trucking up to 100,000 sq. ft. | | | | | | | | | P | P | P ¹ | P | | |
| Terminal, Trucking 100,001 sq. ft. or larger | | | | | | | | | P | C | P ¹ | P | | |
| Vehicle Sales Establishment | | | | P | | | | | | | | | | |
| Warehouses and Storage up to 250,000 sq. ft. | | | | p | | | | p | p | p | p ¹ | p | C | C |
| Warehouses and Storage 250,001 sq. ft. or larger | | | | p | | | | p | p | C | p ¹ | p | C | C |
| Wholesale Businesses up to 250,000 sq. ft. | | | | p | | | | p | p | p | p ¹ | p | | |
| Wholesale Businesses 250,001 sq. ft. or larger | | | | p | | | | p | p | C | p ¹ | p | | |

1 - Any use permitted in the underlying zoning district, which is not a permitted use in the Performance Overlay District is considered a Conditional Use
2 - See Section 4.3.1(B)(4) for additional dimensional requirements related to fuel dispensers
3 - See Section 5.7 for specific requirements (workforce housing)
4 - As part of an approved PUD Master Plan, See Section 5.2
5 - As part of an approved PUD Master Plan (where the underlying zoning is not GB), See Section 5.2
6 - Applies only to proposed multi-family workforce housing developments in the AR-1 district which meet the following conditions:
a. Prior to May 13, 2014, one or more variances were granted to the proposed development from provisions of this ordinance that were in effect at that time;
b. As of May 13, 2014, no additional variances were necessary for the proposed development to constitute a proposal sufficiently complete as to qualify for consideration by the Planning Board for approval
c. A Conditional Use Permit for the proposed development is approved by the Planning Board not later than 4/19/2017 (said date being eighteen months after the adoption of these amendments).
7 - In the AR-1 district, Multi-family workforce housing may be permitted subject to a Conditional Use Permit on lots adjacent to commercial and industrial districts, provided that the proposed development meets the Conditional Use criteria for workforce housing.
8 - ~~Elderly Housing in the AR-1 District is limited to no more than 6 units per building, attached in a row house configuration.~~
~~deleted~~
9 - See Section 6.3.5 for building size criteria

- A. The Performance Overlay District allows for uses that are consistent with the purposes and intent of the overlay district. Because not all uses permitted in the underlying zones are consistent with the Performance Overlay, the uses permitted in the overlay district are limited to those listed in **subsection 4.6.6.5(C)** below. The uses permitted in the underlying zoning districts are not permitted, unless listed in **subsection 4.6.6.5(C)** below or considered a use permitted by conditional use permit, see **Section 4.6.6.6**.
- B. All uses permitted in the performance overlay district are subject to site plan review by the Planning Board. Prior to Planning Board approval of a proposal, the applicant must demonstrate, through the impact assessment requirements of **Section 4.6.6.8**, that the proposal will meet all of the appropriate performance standards of **Section 4.6.6.7**, the Site Plan Regulations, the subdivision regulations, as applicable, and shall be consistent with the purpose and intent of the overlay district in **Section 4.6.6.2**.
- C. The following uses are permitted within the performance overlay district:
 1. Business center development: a tract of land, buildings or structures planned as a whole and intended to include those uses allowed in this overlay district whether built at one time as a unit or in two or more construction stages;
 2. Professional offices including, but not limited to, dentists, doctors, lawyers, architects, real estate, and such uses normally considered as general offices;
 3. Restaurants, cafes, and similar establishments, with no drive-thru windows;
 4. Retail stores or shops including clothing, appliance, hardware and department stores, automotive accessory, drug and variety stores, grocery stores and supermarkets;
 5. Computer services
 6. Religious institutions/places of worship and related facilities;
 7. Educational institutions;
 8. Recreation areas (commercial and non-commercial);
 9. ~~Elderly housing & assisted Assisted~~ living facilities, as outlined in **Sections 10.3 and 10.4**.

4.6.6.6 Conditional Use Permits

All uses permitted by conditional use permit in the performance overlay district are subject to site plan review by the Planning Board. Prior to Planning Board approval of a conditional use permit, the applicant must demonstrate that it meets the general criteria for a Conditional Use Permit of Section 6.2, and the Specific Criteria of Section 6.3.X, Route 102 Performance Overlay District.

4.6.6.7 Performance Standards

A. Dimensional performance standards

1. Table of dimensional performance standards: in order to accomplish the goals of this ordinance, as well as fulfill the goals of the master plan, development within the performance overlay district is subject to the dimensional standards listed in Table 4-9, below.

| Property Located on: | Min. Lot Size | Min. Lot Frontage | Max. Structure Height | Min. Front Setback (7) | Min. Side Setback | Min. Rear Setback | Max. Impervious Cover |
|----------------------|---------------|-------------------|-----------------------|------------------------|-------------------|-------------------|-----------------------|
| | | | | | | | |



- F. For other residential development proposed to be serviced with public water and public sewer, and proposing no dwelling structures within 200 feet of a street other than one created by that development: twenty (20) dwelling units per year from the date of final approval.
- G. For all other residential development: fifteen (15) dwelling units per year from the date of final approval.

5.1.4 Exemptions from Phasing

The Planning Board shall grant exemption to the phasing requirements of Section 5.1.3 under the following condition:

The proposed project is for Elderly Housing in accordance with Section 5.6 and the owner of record shall enter an agreement, to be filed in the Rockingham County Registry of Deeds, certifying that the project will be utilized and restricted to 100% elderly occupants (age 55 and older).

5.2 Planned Unit Development

5.2.1 Authority

The Section is enacted in pursuant to RSA 674:21, innovative land use controls, which provides the statutory authority for the Town of Londonderry to allow for the development of a Planned Unit Development ordinance.

5.2.2 Purpose

- A. A Planned Unit Development (PUD) allows a landowner to propose his/her own development project largely independent from current land use regulations otherwise applicable to that property. A PUD master plan is akin to a special zoning district designation for a particular tract of land in terms of uses, dimensions, and other development standards. (Note: every reference to a master plan in this PUD ordinance refers to the PUD Master Plan rather than the Town of Londonderry Master Plan, except where the latter is specifically referred to as such.)
- B. The purpose of this ordinance is to promote flexibility in large scale development by considering project proposals based upon a comprehensive, integrated and detailed plan rather than the specific constraints applicable to piecemeal lot-by-lot development under conventional zoning. A PUD should improve the quality of new development by encouraging aesthetically attractive features and promoting quality site and architectural design. The Planning Board will use the 2004 Londonderry Master Plan and/or successor plans, 2009 Londonderry Small Area Master Plan and/or successor plans, 2003 Londonderry Design Charrette and/or successor plans (if applicable) and any other long range planning document as guidance in the land use development aspect of the PUD master planning process.

5.2.3 Process

The process for administering a Planned Unit Development is as follows:

- A. Due to the complexity inherent in PUD's, prior to developing a detailed PUD proposal or submitting an application applicants are strongly encouraged to:
 - 1. Meet with the Community Development Department to discuss their ideas; and
 - 2. Hold a conceptual discussion with the Planning Board.

5.6 Elderly Housing, Assisted Living Facilities & Nursing Homes

Assisted Living Facilities and Nursing Homes, where allowed according to Section 4.1, Use Table, shall be permitted according to the same requirements for elderly housing as provided in this Section.

5.6.1 Purpose

The Elderly Housing and Elderly Affordable Housing standards are designed to permit an increased residential density above that allowed in the AR-I and R-III districts and to set criteria that assures that a project for the elderly will address the needs of elderly as opposed to any other residential use. Any elderly housing development under this Section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 USC Sec. 3601 et seq. The Board may require assurance of compliance with the Act by deed restriction or other instrument as condition of approval. "Such assurance may consist of a written plan submitted by the Developer, which sets forth (1) the regulations under the Fair Housing Act whereby a project may lawfully discriminate in favor of elderly residents, and (2) how the Developer does or proposes to comply with such requirements, including covenants and other deed restrictions and other to-be-recorded agreements."

5.6.2 Authority

The Section is enacted pursuant to RSA 674:21, Innovative Land Use Controls, which provides the statutory authority for the Town of Londonderry to provide intensity and use incentives, impact zoning, performance standards, and the ability for the Planning Board to grant Conditional Use Permits. The Planning Board shall be solely responsible for the interpretation and administration of this section, including the granting of all Conditional Use Permits relative thereto. Any decision made by the Planning Board under this section may be appealed directly to Superior Court in the same manner provided by RSA 677:15

5.6.3 Applicability

The following are permitted uses to which this Section applies:

- A. Elderly Housing
- B. Elderly Housing Support Facilities
- C. Assisted Living, by Conditional Use Permit, subject to the requirements of Section 6.3.2
- D. Elderly Affordable Housing, by Conditional Use Permit, subject to the requirements of Section 6.3.2

5.6.4.1 Regulations and Design Criteria

- A. The tract shall have a minimum of fifty (50) foot frontage on a Class V road or better and, at the discretion of the Planning Board, a second fifty (50) foot frontage on a Class V road or better may be required for traffic circulation or safety.
- A.B. The site shall be served by municipal water and sewer.
- B. Minimum building separation of multi-family elderly structures shall be thirty (30) feet. Each single-family or two-family dwelling shall have a minimum separation from any other building of twenty (20) feet.

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- C. ~~The maximum building height shall be flexible, based on recommendations from the Senior Building Official and the Fire Marshal be in accordance with the underlying zoning district, but and no residential structure shall be greater than 3 stories.~~
- D. ~~The maximum building length for any elderly multi-family building assisted living facility or nursing home in the AR-1 District shall be 150'. The length of a building plane closest to the front property line and visible from the street shall not exceed 75'.~~
- E. ~~Parking – The Planning Board shall carefully consider the location of parking, the parking area and the parking area's access to the unit it serves in keeping with its attendant use by the elderly, in accordance with Section 3.09 of the site plan regulations.~~

F.E. Open Space

1. Total open space shall not be less than forty percent (40%) of the total development lot area.
2. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
3. Usable open space shall not be less than twenty-five percent (25%) of the total development lot area. "Usable open space" shall not include "unusable land" which is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.

G. ~~Required Facilities – The applicant shall be required to demonstrate the provision of support facilities and services as appropriate for the scale and location of an elderly housing or assisted living project.~~

~~1.F. Independent elderly housing – each development shall provide paved sidewalks and pathways, preferably to on-site amenities and off-site destinations where proximity allows. Amenities shall include seating areas, courtyards, gardens or other outdoor gathering spaces. There shall also be provisions for regularly accessible public or private transportation services as a condition of approval of the facility.~~

1. Assisted Living facilities shall provide on-site services that support independent living for residents, including, at a minimum, communal dining facilities, and may include on-site personal care services, housekeeping and linen service and the supervision of self-administered medications.
2. Nursing Home facilities shall provide on-site services that support the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but who do require care in excess of room and board and who need medical, nursing, convalescent or chronic care.

H. ~~Agreements, Restrictions and Provisions – All agreements, deed restrictions and organizational provisions for methods of management and maintenance of the common land, roads, utilities and support facilities shall be approved by the Planning Board, and shall indicate that occupancy is restricted to persons age 55 or over, in accordance with State and Federal Fair Housing law.~~

I. ~~Road Construction – All roads and drives in a site shall be privately owned and maintained. Street design and construction is subject to the approval of the Planning Board. Easements for emergency access and relief from liability shall be given to the Town in a form acceptable to Town counsel.~~

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J. ~~Review~~ Any proposed elderly housing development shall be subject to the "Non-Residential Site Plan Review Regulations" of the Town of Londonderry, as amended.

K.G. ~~Density~~ Maximum density shall be determined as follows: Net tract area shall be calculated by subtracting wetlands and slopes greater than fifteen (15) percent from the gross tract area. Number of permitted units/beds shall be determined as follows:

1. The "net tract area" shall be the basis for density determinations as follows:

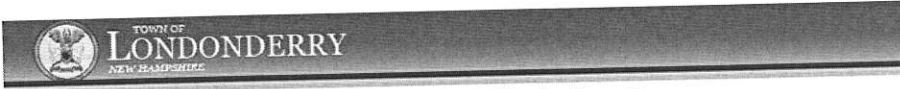
- a. ~~Elderly Housing and Assisted Living~~ Sites with P.U.C. regulated municipal water and sewer disposal system: No greater than ten (10) dwelling units per acre in Non-Residential and R-III Districts. In the AR-1 District, no greater than eight (8) units per acre is permitted, with Multi-Family units attached in a row house configuration.
- b. ~~Elderly Affordable Housing~~ Sites with P.U.C. regulated municipal water and sewer disposal system: No greater than twelve (12) units per acre in Non-Residential and R-III Districts. In the AR-1 District, ten (10) units per acre is permitted, with Multi-Family units attached in a row house configuration.
- c. ~~For sites without municipal water and/or sewer:~~ The minimum area necessary to comply with NH Code of Administrative Rules Chapter ENV Wq 1000 (ENV Wq 1005.03 Minimum Lot Sizes) Latest Revision, but not to exceed the number of dwelling units permitted with the provision of public water and sewer as applicable to the zoning district.

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5.6.5 Limitation on the Number of Elderly Housing Units

A. ~~The Planning Board shall not accept for consideration any proposal which, if approved, would increase the total number of all elderly housing units in Londonderry, existing and proposed, above a number representing the percentage of units greater than the percentage of persons age 55 and older residing in Londonderry as calculated by the most recent US Census. (For example, if the percentage of persons over age 55 in Londonderry is 13%, not more than 13% of the total number of dwelling units in Londonderry may be Elderly Housing).~~

~~The Planning Board, may allow for Affordable Elderly Housing to exceed the percentage cap if the proposal meets all of the Conditional Use Permit criteria of Section 6.3.2 and also provides documentation from the NH Office of Energy & Planning that the percentage of elderly residents residing in Rockingham County has increased more than 2% from the information available for the County from the most recent US Census.~~



6.3.2 Affordable Elderly Housing, Assisted Living & Nursing Homes

(Also refer to Section 5.6 Affordable Elderly Housing, Assisted Living & Nursing Homes)

In addition to the general criteria of Section 6.2, the following criteria must be satisfied for the Planning Board to grant a Conditional Use Permit for Elderly Affordable Housing or Assisted Living Facilities. The applicant shall demonstrate that:

- A. All criteria outlined in Section 5.6 as applicable to the application have been met;
- B. The proposed use is consistent with the Objectives and Characteristics of the District,
- C. The application demonstrated that the proposed project for which the Conditional Use Permit is sought does not impact the health, safety, and general welfare of the Town.
- ~~D. For Elderly Affordable Housing, documentation has been provided to insure the long term affordability of the project;~~
- ~~E.D.~~ The property in question is reasonably suited for the use requested, and the design of the site represents to the extent practicable the preservation of natural resources, open space, and does not create a hazard to surface or underground water resources;
- ~~F.E.~~ The proposed use is consistent with the context of the neighborhood and the objectives and characteristics of the District in accordance with the Town's Master Plan.

~~The Planning Board must grant a Conditional Use Permit concurrently with Site Plan Approval for Elderly Affordable Housing or Assisted Living Facilities.~~

6.3.3 Live Work Units

Applications for a Conditional Use Permit for a live work unit must demonstrate compliance with the general criteria of Section 6.2 and this section.

- A. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately;
- B. Residential areas are permitted above the commercial component, to the side or in back of the business component, provided that there is internal access between the residential and commercial space;
- C. The commercial component as designated on the floor plan approved through the Conditional Use Permit shall remain commercial and cannot be converted to residential use;
- D. The residential component as designated on the floor plan approved through the Conditional Use Permit shall remain residential and cannot be converted to commercial use;
- E. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;
- F. Signage intended to promote on-site commercial uses shall be restricted to a single four-square foot sign permanently affixed to the door or wall of the business component;

6.3.4 Back Lot Development

In addition to the general criteria of Section 6.2, prior to issuance of a Conditional Use Permit for Back Lot Development, the Planning Board must have found that three of the following conditions apply to the site:

- A. The property proposed for Back Lot Development typifies Londonderry's Rural and Agricultural character



5.6 Assisted Living Facilities & Nursing Homes

Assisted Living Facilities and Nursing Homes, where allowed according to Section 4.1, Use Table, shall be permitted according to the requirements provided in this Section.

5.6.1 Regulations and Design Criteria

- A. The tract shall have a minimum of fifty (50) foot frontage on a Class V road or better and, at the discretion of the Planning Board, a second fifty (50) foot frontage on a Class V road or better may be required for traffic circulation or safety.
- B. The site shall be served by municipal water and sewer.
- C. The maximum building height shall be in accordance with the underlying zoning district, and no structure shall be greater than 3 stories.
- D. The maximum building length for any assisted living facility or nursing home in the AR-1 District shall be 150'. The length of a building plane closest to the front property line and visible from the street shall not exceed 75'.
- E. Open Space
 1. Total open space shall not be less than forty percent (40%) of the total development lot area.
 2. Open space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
 3. Usable open space shall not be less than twenty-five percent (25%) of the total development lot area. "Usable open space" shall not include "unusable land" which is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.
- F. Required Facilities – The applicant shall be required to demonstrate the provision of support facilities and services as appropriate for the scale and location of the facility. .
 1. Assisted Living facilities shall provide on-site services that support independent living for residents, including, at a minimum, communal dining facilities, and may include on-site personal care services, housekeeping and linen service and the supervision of self-administered medications.
 2. Nursing Home facilities shall provide on-site services that support the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries not requiring the intensive care that is normally provided by hospitals, but who do require care in excess of room and board and who need medical, nursing, convalescent or chronic care.

RESOLUTION 2020-17

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

First Reading: 11/30/20
Second Reading: Waived
Adopted: 11/30/20

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 has complied with RSA 31:95-b, III (b) relative to unanticipated moneys received in amounts less than \$10,000; and,

WHEREAS the Town has been awarded an additional grant by the Center for Tech and Civic Life in the amount of up to \$7,500.00. This grant is above the initial offering of \$7,548 that was initially offered. This additional money is to help assist in the increase of costs of running the primary and general election during the fall of 2020 cause by the increased number of votes, whether present or absentee, or caused by the COVID pandemic.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that grant revenue in the amount of up to \$7,500 for the fiscal year ending June 30, 2021, is hereby accepted.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:

11/30/2020

RESOLUTION 2020-18

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

First Reading: 11/30/20
Second Reading: Waived
Adopted: 11/30/20

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 has complied with RSA 31:95-b, III (b) relative to unanticipated moneys received in amounts less than \$10,000; and,

WHEREAS the Town has been awarded an additional funding of \$1,869.21 by the State of New Hampshire, through an allocation from the Election Assistance Commission via the Coronavirus Aid, Relief, and Economic Security Acts (CARES ACT) in order to the increase of costs of running the primary and general election during the fall of 2020 cause by the increased number of votes, whether present or absentee, or caused by the COVID pandemic.

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that grant revenue in the amount of up to \$1,869.21 for the fiscal year ending June 30, 2021, is hereby accepted.

John Farrell - Chairman
Town Council

(TOWN SEAL)

Sharon Farrell - Town Clerk

A TRUE COPY ATTEST:

11/30/2020

2021-2025 FULL AND PARTIAL ASSESSMENT UPDATES, And 2019-2025 ASSESSOR DUTIES

SUBJECT: STATISTICAL UPDATE is the process of analyzing market sales throughout the entire municipality and identifying and implementing needed value changes to the affected areas, or classes of property, to bring all properties to market value as set forth in the Town’s RFP, including the establishment of a new base tax year and providing a new Appraisal Report as needed to comply with the Uniform Standards of Professional Appraisal Practice (USPAP). Statistical updates will be performed, and will have effective dates of April 1, 2021, April 1, 2023, and April 1, 2025 (Option Year 2).

PARTIAL UPDATE is the process of analyzing market sales throughout the entire municipality to identify and implement needed value changes to the affected areas, or classes of property, to bring those properties to the municipality’s general level of assessment utilizing the existing base tax year and providing an Addendum to the then existing USPAP compliant Appraisal Report. Partial updates will be performed as needed having effective dates of April 1, 2022, and April 1, 2024 (Option Year 1).

ASSESSING DUTIES include the making of appraisals, reappraisals, assessments, or providing other services on behalf of municipal assessing officials for the statutory administration of property valuation and assessment including, but not limited to those pursuant to RSA 75:1.

TERM : Initial term of December 1, 2020 through December 31, 2023. Optional extensions upon specified terms between January 1, 2024 and December 31, 2024, and between January 1, 2025 and December 31, 2025.

The Town of Londonderry, NH, a municipal corporation organized and existing under the laws of the State of New Hampshire, hereinafter called Municipality; and, Whitney Consulting Group, LLC, a business organization existing under the laws of the State of New Hampshire, and having a principal place of business at 69 Grove Avenue, Salem, NH, hereinafter called Contractor, hereby mutually agree as follows:

GENERAL PROVISIONS

1. PARTIES

| | |
|---|---|
| 1.1 Name of Municipality: | <u>Town of Londonderry, New Hampshire</u> |
| 1.2 Mailing Address of Municipality: | <u>268B Mammoth Rd, Londonderry, NH 03053</u> |
| 1.3 Contracting Official(s) name(s) and tile(s) for the Municipality: | <u>Kevin H. Smith, Town Manager</u> |
| 1.4 Telephone number: | <u>(603) 432-1100</u> |
| 1.5 E-mail Address, if applicable: | <u>ksmith@londonderrynh.org</u> |
| <hr/> | |
| 1.6 Name of Contractor: | <u>Whitney Consulting Group, LLC</u> |
| 1.7 Mailing Address of Contractor: | <u>P.O Box 514, Salem, NH 03079</u> |
| 1.8 Principal Place of Business: | <u>69 Grove Avenue, Salem NH 03079</u> |
| 1.9 E-mail Address, if applicable: | <u>Stevehamilton.WCG@gmail.com</u> |
| 1.10 Telephone number: | <u>(603) 560-0629</u> |
| 1.11 Name and Title of Authorized Contractor: | <u>Stephan W. Hamilton, President</u> |
| 1.12 Type of Business Organization: | <u>Single Member LLC</u> |

DEFINITIONS:

Abatement Review means to make an assessment recommendation to the municipal assessing officials or to make a change to an assessment that is in response to an abatement request from a taxpayer. **Rev 601.01**

Appraisal means the act or process of developing a market value estimate of property which will be used as the basis for valuation, fulfilling a municipality's statutory duties relative to property tax administration including, but not limited to those pursuant to RSA 75:1. **Rev 601.02**

Assessing Services means the making of appraisals, reappraisals, assessments, or providing other services on behalf of municipal assessing officials for the statutory administration of property valuation and assessment including, but not limited to those pursuant to RSA 75:1. **Rev 601.05**

Assessing Standards Board (ASB) means the State of New Hampshire assessing standards board as established pursuant to RSA 21-J:14-a. **Rev 601.06**

Assessment means an estimate of the quality, amount, size, features, or worth of real estate which is used as a basis for a municipalities' valuation in accordance with statutory requirements including, but not limited to those pursuant to RSA 75:1. **Rev 601.07**

Base Year means the tax year in which the municipality performed a revaluation of all properties. **Rev 601.08**

BTLA Reassessment means an order by the State of New Hampshire board of tax and land appeals for a revaluation or partial update of a municipality's property assessments. **Rev 601.09**

Calibration means the process of ensuring the predictive accuracy of the CAMA model(s), through testing, which may include but not be limited to; determining the variable rates and adjustments from market analysis for land and land factors, costs and depreciation for a cost model, valuation rates and adjustments for a sales comparison model, and market rents and capitalization rates for an income model. **Rev 601.10**

Computer Assisted Mass Appraisal System (CAMA) means a system of appraising property that incorporates computer-supported tables, automated valuation models and statistical analysis to assist the appraiser in estimating value for a revaluation, assessment data maintenance and valuation update. **Rev 601.11**

Contract means any agreement between the municipality and the contractor for making appraisals, reappraisals, assessments, or for appraisal work on behalf of a municipality with the State of New Hampshire. **Rev 601.13**

Contractor means the person, firm, company, or corporation with which the municipality has executed a contract or agreement for assessing services. **Rev 601.14**

Cyclical Inspection means the process of a systematic measure and listing of all properties within a municipality over a specified period of time. The term includes "data collection" and "data verification". **Rev 601.15**

Cyclical Revaluation means the process of combining a full statistical revaluation of the entire municipality with a cyclical inspection process. **Rev 601.16**

Data Collection means the inspection, measuring, or listing of property within a municipality. The term includes data verification. **Rev 601.17**

DRA-certified means a level of certification attained by a person as set forth by the ASB in Asb 300 pursuant to RSA 21-J:14-f. **Rev 601.20**

Executed means to transact, agree to, carry into effect, sign or act upon a contract or agreement to perform assessing services for a municipality. The term includes "executing". **Rev 601.22**

Final Monitoring Report means the DRA's final letter to the municipality for any revaluation or partial update.
Rev 601.23

Full Revaluation means the revaluation of all taxable and nontaxable properties in a municipality, with a complete measure and listing of all taxable and nontaxable properties to occur at the same time of the establishment of the new base year, to arrive at full and true value as of April 1. The term includes "full reappraisal" and "full reassessment."
Rev 601.24

Full Statistical Revaluation means the process of a revaluation of all taxable and nontaxable properties in a municipality, using existing property data, to arrive at full and true value as of April 1. The term includes "statistical update" and "statistical reassessment". **Rev 601.25**

Highest and Best Use means the physically possible, legally permissible, financially feasible, and maximally productive use of a property, as appraised in accordance with RSA 75:1. **Rev 601.26**

Improvement means any physical change to either land or to buildings that may affect value. **Rev 601.27**

In-house Work Plan means a written set of goals, objectives, processes, and timelines that the municipality intends to rely upon to perform revaluations, partial updates, or cyclical inspections. **Rev 601.29**

Listing means recording a description of the interior, exterior, and attributes of any improvements or the recording of the description of land features and attributes. The term includes "list". **Rev 601.30**

Market Analysis means the study and processes utilized to determine the response of buyers and sellers of real estate, in a geographic area, to various data elements through the analysis of cost data, income data, and sale transactions in the performance of mass appraisal. **Rev 601.31**

Market Value means the value of a property that:

- (a) Is the most probable price, not the highest, lowest or average price;
- (b) Is expressed in terms of money;
- (c) Implies a reasonable time for exposure to the market;
- (d) Implies that both buyer and seller are informed of the uses to which the property may be put;
- (e) Assumes an arm's length transaction in the open market;
- (f) Assumes a willing buyer and a willing seller, with no advantage being taken by either buyer or seller; and,
- (g) Recognizes both the present use and the potential use of the property.

The term includes "full and true value". **Rev 601.32**

Mass Appraisal means the utilization of standard commonly recognized techniques to value a group of properties as of a given date, using standard appraisal methods, employing common data and providing for statistical testing. **Rev 601.33**

Measure means the physical inspection, verification, sketching and recording of the exterior dimensions and attributes of any improvements made to a property. **Rev 601.34**

Municipal Assessing Officials means those charged by law with the duty of assessing taxes and being the:

- (a) Governing body of a municipality;
- (b) Board of assessors or selectmen of a municipality; or
- (c) County commissioners of an unincorporated place.

Rev 601.36

Municipality means a city, town, or unincorporated place. **Rev 601.37**

Partial Update means the process of analyzing market sales throughout the entire municipality to identify and implement needed value changes to the affected areas, or classes of property, to bring those properties to the municipality's general level of assessment utilizing the existing base tax year and providing an addendum to the existing USPAP compliant report. The term includes "partial revaluation." **Rev 601.38**

Revaluation means the act of re-estimating the worth of real estate of the entire municipality using standard appraisal methods, calibration of the CAMA tables and models, establishment of a new base year with a USPAP compliant report, and providing for statistical testing whether by either:

- (a) A full revaluation; or,
- (b) A full statistical revaluation.

The term includes “reappraisal,” “reassessment,” and “value anew”. **Rev 601.40**

Sale Validation means the process of verifying a real estate sale transaction to determine whether the sale was a valid or an invalid indicator of the market value of the sold property. The term includes “sale verification” and “sale qualification.” **Rev 601.41**

Statistical Testing means the use or application of numerical statistics to understand the results of a reappraisal or the need for a reappraisal. **Rev 601.42**

Uniform Standards of Professional Appraisal Practice (USPAP) means the generally accepted and recognized standards of appraisal practice printed by The Appraisal Foundation as authorized by Congress as the source of appraisal standards and appraiser qualifications. **Rev 601.44**

USPAP Compliant Report means an appraisal report based upon the standards established by the ASB pursuant to RSA 21-J:14-b I, (c.) **Rev 601.45**

DUTIES OF:

DRA-Certified Building Measurer and Lister Duties Asb 304.01

- (a) A DRA-certified building measurer and lister may collect data as described in Asb 303.02 for the sales survey.
- (b) A DRA-certified building measurer and lister shall not validate or invalidate any property sales.
- (c) A DRA-certified building measurer and lister shall not determine, or change, the quality grade or depreciation of structures.

DRA-Certified Property Assessor Assistant Duties Asb 304.02 A DRA-certified property assessor assistant may, under the guidance and review of a DRA-certified property assessor or DRA-certified property assessor supervisor in accordance with Asb 303.03:

- (a) Appraise various types of real estate for tax purposes; and,
- (b) Validate or invalidate sales for the sales survey.

DRA-Certified Property Assessor Duties Asb 304.03

- (a) A DRA-certified property assessor may, in accordance with Asb 303.04:
 - (1) Appraise property for tax purposes including:
 - (a) The annual maintenance of assessments by using sales surveys, charts, and schedules; and,
 - (b) Using cost data established by a DRA-certified property assessor supervisor during the year of the last revaluation;
 - (2) Validate or invalidate sales for the sales survey; and,
 - (3) Submit a signed and dated statement to the DRA attesting to the qualifications of a building measurer and lister working under the DRA-certified property assessor’s supervision to be true, accurate and correct.
- (b) A DRA-certified property assessor shall not adjust the cost, land, depreciation, or other tables resulting in a change to the values without the approval of a DRA-certified property assessor supervisor.

DRA-Certified Property Assessor Supervisor Duties Asb 304.04 A DRA-certified property assessor supervisor, may, in accordance with Asb 303.05:

- (a) Exercise general supervision over a revaluation;
- (b) Conduct sales surveys and establish base values for land and buildings;
- (c) Prepare the sales survey;
- (d) Establish charts and schedules to be used in the revaluation;
- (e) Prepare reports;

- (f) Supervise informal reviews of property assessments with the property owner;
- (g) Oversee any revaluation by assisting the municipality to ensure the revaluation is performed in accordance with state laws and rules;
- (h) Assist the municipality to ensure that compliance with the contract is adhered to; and,
- (i) Submit a signed and dated statement to the DRA attesting to the qualifications at all levels of certification to be true, accurate and correct.

2. RESPONSIBILITIES AND SERVICES TO BE PERFORMED BY CONTRACTOR

2.1 Contract Submission

The contract, any revised contract, and the list of personnel assigned to work under the contract, shall be submitted to the DRA for examination and written recommendations of the DRA to be made to Municipality within 10 working days of receipt by the department. No work shall begin without first submitting a copy of the executed contract or agreement to the commissioner along with the names and qualifications of all personnel to be employed under the contract or agreement.

2.2 Assessment of all Property

- 2.2.1 The Contractor shall act as the assessor for the Municipality in all duties defined in statute and administrative rule, as guided by this agreement.
- 2.2.2 Statistical Updates shall occur biennially in tax year 2021, 2023, and 2025.
- 2.2.3 Partial Updates shall occur biennially as needed in tax year 2022 and 2024.
- 2.2.4 Contractor shall supervise and provide quality control on the measure and listing of all taxable property (RSA 72:6) within Municipality in a good and workmanlike manner in accordance with RSA 75:1.
- 2.2.5 Contractor shall supervise and provide quality control on the measure and listing of all tax exempt and non-taxable property (RSA 74:2) within the taxing jurisdiction of Municipality in the same manner as taxable property.
- 2.2.6 Contractor shall supervise and provide quality control on the measure, listing and verification of all sales used to determine benchmarks for all statistical updates and use in the annual equalization ratio studies.
- 2.2.7 Contractor shall manage and supervise the process to update the existing assessment information to correct errors or omissions pertaining to:
 - (1) Incorrect measurements; and
 - (2) Physical changes, which may include, but not be limited to:
 - a. Additions;
 - b. Renovations;
 - c. Finished areas;
 - d. Structural alterations;
 - e. Outbuildings; or
 - f. Other site factors or improvements;
- 2.2.8 Contractor shall supervise and provide quality control on the measure and listing of all new construction via building permits, inventories and any other source.
- 2.2.9 Contractor shall provide general supervision of the assessing department and be responsible for the work assignments and completion of tasks within the department.
- 2.2.10 Contractor shall utilize Municipalities current Vision 8.0 CAMA System or other similar CAMA, to appraise properties. Municipality shall pay all licensing fees to Vision for the maintenance and fees (if any) for the use of the CAMA system for valuation.

2.3 Completion of Work

- 2.3.1 Contractor shall complete all work on the statistical update and deliver the taxable values in final form to the municipal assessing officials for use in the tax rate setting, tax billing and DRA equalization purposes on or before September 30, 2021 for tax year 2021, and every September 1st annually thereafter.

- 2.3.2 A penalty of \$100 per day liquidated damages shall be paid by Contractor for each day required beyond the above stated completion date for delays caused by Contractor. The contractor shall not be liable for damages due to delays caused by any other entity.

- 2.3.3 Contractor shall provide Municipality a list of all products to be delivered and dates of delivery thereof. The products include:
 - (1) Property record cards in electronic format;
 - (2) Completed and submitted summary inventory of value (MS-1 Report);
 - (3) The Appraisal Report or Appraisal Report Addendum that complies with USPAP (within 30 days of delivery of values);
 - (4) Revisions as needed to the existing Data Collection Manual; and,
 - (5) Any other products as deemed necessary by the municipal assessing officials (as described in Section 3).

- 2.3.4 The biennial Statistical Update(s) shall be considered satisfied and in final form only when:
 - (1) The informal review of assessments has been completed as described in Section 3.6;
 - (2) Any required value adjustments are made;
 - (3) The final values are submitted to and accepted by the municipal assessing officials;
 - (4) All products required by the contract including a USPAP compliant Appraisal Report that are delivered to Municipality and the DRA;
 - (5) The DRA has completed its final monitoring report;
 - (6) Values established by Contractor have been defended through the municipal abatement process, as described under RSA 76:16, and the abatement appeal processes pursuant to RSA 76:16-a and RSA 76:17;
 - (7) Updates will be provided by the due dates set forth above; and,
 - (8) All other terms of the contract have been satisfied.

- 2.3.5 The biennial Partial Update(s) shall be considered satisfied and in its final form only when:
 - (1) Value change notices have been provided to impacted property owners;
 - (2) Any required value adjustments are made;
 - (3) The final values are submitted to and accepted by the municipal assessing officials;
 - (4) All products required by the contract including a USPAP compliant Addendum to the most recent USPAP Appraisal Report are delivered to Municipality and the DRA;
 - (5) The DRA has completed its final monitoring report;
 - (6) Values established by Contractor have been defended through the municipal abatement process, as described under RSA 76:16, and the abatement appeal processes pursuant to RSA 76:16-a and RSA 76:17;
 - (7) Updates will be provided by the due dates set forth above; and,
 - (8) All other terms of the contract have been satisfied.

- 2.3.6 The 2021 Statistical Update shall include a comprehensive review of the valuation tables in the CAMA system. All corrections will be made a documented prior to the completion of the valuation work. Any necessary field review will also be completed to assure uniform application of coding for neighborhoods, grading of property, and conditions. Once review is completed, Contractor shall:
- (1) Correct the current deployment of land and building tables in the CAMA system.
 - (2) The system will be specified to employ extracted value information during the completion of the first statistical update.
 - (3) Every table in the CAMA system will be examined.
 - (4) Annual review of the tables will occur to assure that proper use and maintenance is occurring.

2.4 Personnel

- 2.4.1 For grading, classifying, appraising and data collection of all property covered by the contract, Contractor shall only employ personnel who are:
- (1) Certified by the DRA, as defined in the Asb 300 Rules and RSA 21-J:14-f for the level of work they will be performing; and,
 - (2) Approved by the municipal assessing officials.
- 2.4.2 Contractor shall not compensate, in any way, a municipal official, employee or any immediate family member of such official or employee in the performance of any work under the contract unless previously disclosed and a prior full-time employee of Contractor.
- 2.4.3 Upon approval of the contract and before the cyclical revaluation begins, Contractor shall provide to the DRA and the municipal assessing officials, a list of the DRA-certified personnel assigned to work under the contract.
- 2.4.4 Contractor shall ensure that the DRA-certified assessor supervisor is proficient in the use and calibration of the CAMA system that will be used to assess the property specified in Section 2.2.
- 2.4.5 Contractor shall ensure that the individual(s) assigned to perform data entry are proficient in the use of Municipality's CAMA system.
- 2.4.6 Contractor shall ensure that a DRA-certified assessor supervisor will be present on site a minimum of two (2) days per week for the duration of the contract, following a regular schedule as approved by the Town Manager. The average weekly overage will be two to three days per week, averaging two and one half days.

2.5 Public Relations

- 2.5.1 Contractor and the municipal assessing officials, during the progress of the work, shall each use their best efforts to promote full cooperation and amiable relations with taxpayers. All publicity and news releases shall be approved by the Town Administrator before being released to the news media. Contractor, upon request of the municipal assessing officials, shall provide assistance in conjunction with the municipal assessing officials to acquaint the public with the mechanics and purpose of the revaluation process and/or cyclical property inspections.

2.6 Confidentiality

- 2.6.1 Contractor, municipal assessing officials or municipal employees shall not disclose any preliminary values to anyone or permit anyone to use or access any data on file during the course of the revaluation project, except the municipal assessing officials and the Commissioner of the DRA, or their respective designees, until the values have been submitted to the municipal assessing officials and made public.

2.7 Compensation and Terms

2.7.1 Municipality, in consideration of the services hereunder to be performed by Contractor, agrees to pay Contractor the fixed price for the basic services and annual updates according to the below schedule. Other than additional services, the Annual Total Cost is a fixed, firm price.

The initial contract period is from December 1, 2020 through December 31, 2023. The first optional extension period is from January 1, 2024 through December 31, 2024. The second optional extension period is from January 1, 2025 through December 31, 2025.

Monthly installments for basic services and the annual updates will be billed on the 1st of each month based on the monthly fraction of the annual price based on the following schedule:

| Time Period | Annual Total Cost | Monthly Cost |
|-----------------------------|-------------------|--------------|
| 12/1/2020 through 6/30/2021 | \$ 93,100 | \$13,300.00 |
| 7/1/2021 through 6/30/2022 | \$147,600 | \$12,300.00 |
| 7/1/2022 through 6/30/2023 | \$135,600 | \$11,300.00 |
| 7/1/2023 through 6/30/2024 | \$135,600 | \$11,300.00 |
| 7/1/2024 through 6/30/2025 | \$135,600 | \$11,300.00 |
| 7/1/2025 through 12/31/2025 | \$ 67,800 | \$11,300.00 |

2.7.2 Compensation to be paid by Municipality for assessing services to support and defend assessments that are appealed to the BTLA or Superior Court are in addition to the above cited rates and will be billed at a rate of \$1,000 per day/\$500 per half day for any fraction of a day up to one half day.

2.7.3 Except as provided in Section 2.7.2, the amounts stated and estimated in Section 2.7.1 represents the total payment for all contracted services.

3. DETAIL OF SERVICES TO BE PERFORMED BY CONTRACTOR

3.1 Collection of Property Data

3.1.1 Contractor shall supervise Municipality staff to assure that all vacant land parcels and any attributes that may affect the market value shall be listed accurately. Such attributes may include, but not be limited to: number of acres; road frontage; neighborhoods; water frontage; water access; views; topography; easements; deeded restrictions and other factors that might affect the market value.

3.1.2 Contractor shall supervise Municipality staff to assure that every principal building(s), and any appurtenant building(s), or other improvements, shall be accurately measured and listed to account for the specific elements and details of construction as described in the data collection manual. Such elements and details may include, but not be limited to: quality of construction; age of structure; depreciation factors; basement area; roofing; exterior cover; flooring; fireplaces; heating & cooling systems; plumbing; story height; number of bathrooms; number of bedrooms; and, other features, attributes, or factors that might affect market value.

3.1.3 Prior to beginning cyclical inspections, the Municipality at its discretion will send a notice to each property that will have a cyclical inspection.

3.1.4 Town staff shall attempt to inspect each identified property, and if the attempt is unsuccessful, inspector will, at the discretion of the Municipality, leave a notification card at the property requesting that the property owner call the Municipality to arrange an inspection appointment.

3.1.5 Under no circumstances will an inspection be attempted or made when the only person at the premises is less than 18 years old.

3.1.6 If no interior inspection is allowed, or entrance to a building or parcel of land is denied, town staff shall:

- (a) Estimate the value of the improvements and land using the best evidence available; and,
- (b) Annotate the property record card accordingly.

3.1.7 Contractor shall supervise Municipality staff to assure that interior inspection of all properties have been completed except:

- (a) Vacant or unoccupied structures;
- (b) Where multiple attempts for inspection have been made without success and the owner or occupant has not responded to the municipal assessing officials' notifications;
- (c) Where postings prevent access;
- (d) Unsafe structures;
- (e) When the owner has refused access to Contractor or designee;
- (f) When inhabitants appear impaired, dangerous or threatening; and,
- (g) Any other reason for which the municipal assessing officials agree that the property is inaccessible.

Under these circumstances, the Municipality will send a letter requesting an inspection appointment.

3.1.8 Contractor shall provide as part of the quarterly progress report data indicating the percentage of completion of cyclical inspections and recommendations on any future inspection actions necessary to maintain assessment equity.

3.2 Property Record Cards

3.2.1 Contractor shall supervise Municipality staff to assure that shall utilizes existing individual property record cards for each separate parcel of property in Municipality that are arranged to show:

- (1) The owner's name, street number, map and lot number or other designation of the property;
- (2) The owner's mailing address;
- (3) Information necessary to derive and understand:
 - (a) The land value;
 - (b) The number of acres of the parcel;
 - (c) The land classification;
 - (d) The adjustments made to land values;
 - (e) The value of the improvements on the land;
 - (f) The accurate description of all improvements whether affecting market value or not;
 - (g) The improvement pricing details; and,
 - (h) The allowances made for physical, functional and economic depreciation factors;
- (4) The outline sketch of all principal improvements with dimensions with the street side or waterfront toward the bottom of the diagram;
- (5) The base valuation year;
- (6) The print date of property record card;
- (7) Photograph of the principal building;
- (8) History of the property transfer to include:
 - (a) Date of sale;
 - (b) Consideration amount;
 - (c) Qualification code; and,
 - (d) Property type noted as either vacant or improved;
- (9) A notation area to record any comments pertaining to the property; and,
- (10) A notation area to record the history of the property, which may include, but not be limited to:
 - (a) Property inspection date;
 - (b) Individual's identification number or initials associated with the inspection;
 - (c) The extent of the inspection;
 - (d) Reason for the inspection; and,
 - (e) Any value adjustment(s),

3.3 Full Statistical Revaluation Market Analysis (Statistical Update 2021, 2023 and 2025)

- 3.3.1 A DRA-certified property assessor supervisor shall conduct the market analysis.
- 3.3.2 A DRA-certified property assessor assistant, under the guidance of a DRA-certified property assessor or a DRA-certified property assessor supervisor, may validate or invalidate sales for the market analysis.
- 3.3.3 The municipal assessing officials shall provide to Contractor a copy of all property transfers for a minimum of two (2) years immediately preceding the effective date of the revaluation.
- 3.3.4 The market analysis shall be conducted by Contractor using accepted mass appraisal methods in order to determine land, improvements and any other contributory values or factors including:
 - (1) A review of all property transfers provided by the municipal assessing officials to Contractor;
 - (2) A compilation of all unqualified property transfers into a sales list with appropriate notations for those sales not used in the analysis accompanied by:
 - (a) The parcel map and lot number;
 - (b) The disqualification code;
 - (c) The date of sale; and,
 - (d) The sale price.
 - (3) A compilation of all qualified property transfers into a sales list with appropriate notations for those sales used in the analysis accompanied by:
 - (a) The parcel map and lot number;
 - (b) The date of sale;
 - (c) The sale price;
 - (d) The newly established value;
 - (e) A photocopy or printout of the property record card for each property transferred; and,
 - (f) A photograph of the principal improvements attached thereto;
 - (4) Estimated land values with the documented results, as follows:
 - (a) Utilizing vacant land sales whenever possible; and,
 - (b) In the absence of an adequate number of vacant land sales, the land residual method or other recognized land valuation methodologies shall be used to assist in the determination of land unit values;
 - (5) The Indicated land values shall be documented as:
 - (a) Site;
 - (b) Front or square foot;
 - (c) Front acre;
 - (d) Rear acre units; and/or,
 - (e) Other appropriate units of comparison;
 - (6) An analysis section to include:
 - (a) The sale price; and,
 - (b) Supporting adjustments made in sufficient detail to be understood by the municipal assessing officials and taxpayers;
 - (7) The market analysis used to indicate unit values with the documentation of the method(s) employed and any special adjustment factors; and,
 - (8) Tax Maps showing the locations of all qualified sales and the delineation of neighborhoods.
- 3.3.5 The preliminary market analysis shall:
 - (1) Be provided to the municipal assessing officials and the DRA prior to the acceptance of the new values by the municipal assessing officials;
 - (2) Be printed in its final form, and provided to the municipal assessing officials and the DRA at the completion of the revaluation as part of the USPAP compliant report; and,
 - (3) Become property of Municipality and the DRA.

- 3.3.6 Contractor shall ensure that a final comprehensive review of the newly established values shall be performed by a DRA-certified property assessor supervisor utilizing a parcel-by-parcel field review of the entire Municipality to:
- (1) Ensure that all properties are valued at their highest and best use; and,
 - (2) Identify and correct: any mechanical errors; inconsistencies; unusual features or value influencing factors.
- 3.3.7 Any supporting documentation supplied, provided or utilized by Contractor in the process of compiling the market analysis, such as but not limited to: sales verification sheets; rental/expense statements and questionnaires; Contractor cost estimates; sales listing sheets; final review notes; etc., shall be relinquished to and become property of Municipality.

3.4 Full Statistical Revaluation Approaches to Value

3.4.1 The valuation of property for the revaluation shall be considered and completed when appropriate by utilizing recognized approaches to value, which may include, but not be limited to:

3.4.2 Cost Approach:

- (1) The cost approach, when utilized, shall be implemented by calibrating and applying land valuation tables, building valuation tables and unit costs as follows:
 - (a) Investigate, with documented analysis, land values for residential, commercial, industrial and any other special use properties in the area;
 - (b) Document the land valuation tables and unit costs by including statistical testing to compare the calculated preliminary land value to the sale properties to ensure accuracy before the land valuation tables and unit costs are implemented;
 - (c) Document the development of the units of comparison that shall be used for the base land prices, which may include, but not limited to: site; front foot; square foot; front acre; rear acre; and, other appropriate units of comparison;
 - (d) Document site specific characteristic land adjustments, which may include, but not be limited to: topography; view; size; location; and, access; and,
 - (e) Document the calibration of land tables and models.
- (2) In developing building cost tables, Contractor shall provide the following:
 - (a) Investigate, with documented analysis, the building costs of residential, commercial, industrial and any other special use properties in the area;
 - (b) Document the testing of Contractor's building valuation tables and unit costs by comparing the calculated preliminary building value to the sale properties, for which the building costs are known, to ensure accuracy before the building valuation tables and unit costs are implemented;
 - (c) The building cost tables shall consist of unit prices based upon relevant factors, which may include, but not be limited to: specifications for various types of improvements; the quality of construction; the building customs and practices in Municipality; various story heights and square foot areas adequate for the valuation of all types of buildings and other improvements to the land; tables for additions and deductions for variations from the base cost improvement specifications; and, tables for depreciation based upon age and condition of the improvements.
 - (d) Document the calibration of all building cost tables and models.

3.4.3 Income Approach:

- (1) The income approach, when utilized, shall be implemented by calibrating and applying valuation models as follows:
 - (a) Investigate and qualify, with documented analysis, market data, which may include but not be limited to: rental income; expenses; vacancy; and, capitalization rates for: residential, commercial, industrial and any other special use property;

- (b) Describe property specific characteristics;
- (c) Document statistical testing for the income valuation models to known sales of similar properties;
- (d) Create valuation models consisting of market data based upon:
 - (i) Defined descriptions and specifications based upon property type; and,
 - (ii) Quality and size of the improvements; and,
- (e) Document the calibration of all income approach valuation tables and models.

3.4.4 Market-Sales Comparison Approach:

- (1) The market-sales comparison approach, when utilized, shall be implemented by calibrating and applying valuation models as follows:
 - (a) Contractor shall qualify, analyze, and use sales as direct units of comparison in the valuation of residential, commercial, industrial and any other special use properties;
 - (b) Investigate with documented analysis comparable sales;
 - (c) Document the adjustments for specifics, which may include, but not be limited to: location; time; size; features; and, condition;
 - (d) Document how the adjustments were derived;
 - (e) Document final value reconciliation; and,
 - (f) Document calibration of all sales comparison tables and models.

3.4.5 In the utilization of the appraisal approaches to valuation, Contractor shall enter, and document adjustments made to properties for depreciation factors, which may include, but not be limited to: physical; functional; and, economic conditions.

3.5 Full Statistical Revaluation Special Use Properties

3.5.1 The Contractor shall identify any special use properties within Municipality by:

- (1) Providing documentation of the methodology and analysis that was utilized by Contractor in the establishment of the assessed value(s); and,
- (2) Indicating the properties that were not part of the appraisal work performed under the cyclical revaluation contract by:
 - (a) Identification of the property; and,
 - (b) Identification of the source of the appraisal of the property for the revaluation.

3.6 Full Statistical Revaluation Value Notification and Informal Reviews

3.6.1 Contractor shall provide to the municipal assessing officials:

- (1) A list of the newly established values for review;
- (2) A preliminary value analysis with a copy delivered to the DRA for review; and,
- (3) The informal review schedule in advance.

3.6.2 At its option, Municipality shall mail, first class, to all property owners, the notification of the newly established value of their property by sending to the property owner a letter stating the newly established value of their property and a description of how the owner may access a list of every value in the Municipality.

3.6.3 The notification of newly established values shall contain the details of the informal review process, instructions on scheduling an informal review; and the time frame in which informal reviews shall be scheduled.

3.6.4 The notification of newly established values shall contain instructions in regard to the appeal process for abatements pursuant to RSA 76:16, RSA 76:16-a and RSA 76:17.

3.6.5 In lieu of the notification of values described above, the Municipality may at their discretion may opt for other indirect means utilizing web-based technology or social media.

3.6.6 After mailing or posting of the notification of newly established values, Contractor shall ensure that an informal review of the newly established property values is provided to all property owners who may, within the time prescribed by the contract, request such a review.

- 3.6.7 Notwithstanding Section 2.6 of this contract (Confidentiality), Contractor shall make available to all property owners the property record card and market analysis related to their newly established property value(s).
- 3.6.8 At its option, Municipality shall notify, by first class mail, all property owners addressed during the informal reviews and indicate whether or not a change in value resulted and the amount thereof.
- 3.6.9 All documentation utilized or obtained during the informal review process shall be relinquished to the municipal assessing officials.

3.7 Appraisal Manuals and Full Statistical Revaluation Appraisal Reporting

- 3.7.1 Contractor shall utilize the Town's existing data collection manual, to be included within the USPAP report, or as a separate document, which may include but not be limited to:
 - (1) A description of building characteristics; extra features; outbuildings; site improvements; site characteristics; road frontage; water frontage; water access; topography; and view;
 - (2) A glossary and description of all codes used within the data collection and on property record cards;
 - (3) A description of all grading factors utilized, which may include, but may not be limited to: condition factors; quality; depreciation; amenity values; and other factors or conditions; and,
 - (4) A glossary and description of the coding used for visitation history.
- 3.7.2 Contractor shall ensure that the municipal assessing officials have:
 - (1) A technical CAMA manual detailing the CAMA system utilized; and,
 - (2) Been provided training in the proper use of the CAMA system.
- 3.7.3 Contractor shall provide an Appraisal Report that complies with USPAP pursuant to RSA 21-J:14-b,1, (c): The report shall comply with the most recent edition of the USPAP. The report shall contain, at a minimum, the following:
 - (1) A letter of transmittal to include a signed and dated certification statement;
 - (2) Sections detailing:
 - (a) The scope of work;
 - (b) The development of values;
 - (c) Time trending analysis;
 - (d) Land and neighborhood data;
 - (e) Improved property data;
 - (f) Statistical testing, analysis, and quality control; and,
 - (g) The development of approaches to value used in the revaluation of properties.
 - (3) Appendices which may include, but not be limited to:
 - (a) Work plan;
 - (b) Neighborhood maps;
 - (c) Names and levels of DRA-certified individuals authoring or assisting with the development of the USPAP compliant report;
 - (d) CAMA system codes;
 - (e) Identification and description of zoning districts;
 - (f) Qualified and unqualified sale codes; and,
 - (g) Other useful definitions or information.
 - (4) Instructions, or as a separate document, adequate instructions for the municipal assessing officials to:
 - (a) Understand the valuation methodologies employed;
 - (b) Understand the market and neighborhood adjustments; and,
 - (c) Understand the conclusions of the appraisal report.

3.7.4 Contractor shall provide a USPAP compliant report to the municipal assessing officials, to be retained by the municipal assessing officials until the next revaluation and a copy to the DRA.

3.7.5 Contractor shall provide a USPAP compliant report to the municipal assessing officials for any special use properties included in Section 2.7.3, and a copy to the DRA.

3.8 Full Statistical Revaluation Defense of Values

3.8.1 Contractor shall, after the final property tax bills have been mailed by Municipality, support and defend the values that were established by Contractor for the year of the revaluation as follows:

- (1) At no additional cost to Municipality, property tax abatement requests that are timely filed with Municipality pursuant to RSA 76:16 shall have:
 - (a) A review, by either a DRA-certified property assessor or a DRA-certified property assessor supervisor; and,
 - (b) The Contractor's written recommendation provided to the municipal assessing officials which an abatement request had been received.

3.8.2 Contractor shall provide a qualified representative for the defense of property tax abatement appeals that are timely filed with the Board of Tax and Land Appeals (BTLA) or Superior Court pursuant to RSA 76:16-a and RSA 76:17.

3.8.3 Appeals to the BTLA or Superior Court:

- (1) Contractor will support and defend values established by Contractor that may have been lowered by municipal assessing officials but shall not be required to support or defend values that have been increased by the municipal assessing officials.
- (2) Contractor will support and defend values that may have been lowered by the municipal assessing officials during the course of the RSA 76:16 abatement process but will not support or defend values that have been increased by the municipal assessing officials.
- (3) Depending upon the complexity of the property being appealed, the services of an outside expert may be required and shall be covered under a separate contract for the services rendered.

3.8.4 All documentation utilized or obtained during the defense of assessed value process shall be relinquished to Municipality.

3.8.5 Contractor shall provide a qualified representative for any proceeding in which the work of the Contractor is material to the proceeding, whether under the work defined in this subsection or any other subsection defining the services provided by the Contractor.

3.9 Partial Statistical Update Procedures (Partial Update 2022 and 2024)

3.9.1 Annually, by May 31, Contractor shall provide to Municipality a report of assessment equity detailing any needed updated areas as follows:

- (1) The report will detail an analysis performed on the prior 18 months of sales to understand the equity of assessments in Municipality; and,
- (2) The report will identify areas of potential inequities and specify recommended action items that will adjust values by reappraisal to make improvements in equity.

3.9.2 The Partial Update will rely on the same processes and procedures outlined in 3.3 and 3.4 relevant to the adjusted classes of property. Field review identified in section 3.3.6 shall be completed upon request of the Municipality or the discretion of the Contractor.

3.9.3 Contractor shall provide to the municipal assessing officials:

- (1) A list of the newly established values for review;
- (2) A preliminary value analysis with a copy delivered to the DRA for review; and,
- (3) The process for a taxpayer to request additional information.

- 3.9.4 At its option, Municipality shall mail, first class, to all property owners, the notification of the newly established value of their property by sending to the property owner a letter stating the newly established value of their property and a description of how the owner may access a list of every value in the Municipality.
- 3.9.5 The notification of newly established values shall contain instructions in regard to the appeal process for abatements pursuant to RSA 76:16, RSA 76:16-a and RSA 76:17.
- 3.9.6 In lieu of the notification of values described above, the Municipality may at their discretion may opt for other indirect means utilizing web-based technology or social media.
- 3.9.7 An addendum to the most recent USPAP Appraisal Report will be completed and will detail all adjustments to the specification of the mass appraisal model for affected areas and classes. Whenever the entire town is updated, a new Appraisal Report that complies with USPAP will be completed.

4. RESPONSIBILITIES OF MUNICIPALITY

- 4.1 The municipal assessing officials shall identify to Contractor, in writing, which properties within the taxing jurisdiction are exempt from taxation.
- 4.2 The municipal assessing officials shall furnish to Contractor information such as but not be limited to: the current ownership information of all property; the physical location of all property; property address changes within Municipality; all property transfer information; a set of current tax maps; zoning maps; plans; building permits; subdivisions; boundary line adjustments and mergers; and, other information as specified by Contractor for the services being provided.
- 4.3 The municipal assessing officials shall keep Contractor informed of all sales of property that occur during the progress of the annual revaluation processes.
- 4.4 The municipal assessing officials shall make corrections to tax maps as of April 1 of the revaluation year where lots have been subdivided, merged, or apportioned and notify Contractor of all ownership and name and address changes.
- 4.5 Suitable office space and equipment, as specified by Contractor, for the use of Contractor's personnel in the performance of the appraisal work shall be provided.

5. INDEMNIFICATIONS AND INSURANCE

- 5.1 Contractor agrees to defend and indemnify Municipality against claims for bodily injury, death, errors and omissions, and property damage which arises from Contractor's negligence or breach of the contract.
- 5.2 Contractor shall not be responsible for consequential or compensatory damages arising from the late performance or non-performance of the agreement caused by circumstances, beyond Contractor's reasonable control.
- 5.3 Contractor shall maintain public liability insurance, errors and omissions insurance, automobile liability insurance and workmen's compensation insurance unless Contractor is not required to carry workers compensation by New Hampshire law.
 - 5.3.1 The public liability insurance shall be in the form of commercial general liability with the inclusion of contractual liability coverage and errors and omissions coverage and shall provide limits of \$2,000,000 each occurrence, and \$2,000,000 aggregate; and,
 - 5.3.2 The automobile liability insurance shall be in the form of comprehensive automobile liability and shall provide limits of \$1,000,000 combined single limit.
- 5.4 Prior to starting any work, and upon request, Contractor shall provide certificates of insurance by a

State of NH licensed insurer confirming the required insurance coverage.

- 5.5** Contractor shall provide Municipality and the DRA a ten (10) day advance written notice of the cancellation or material change in the required insurance coverage.

6. DEFICIENCIES AND HOLDBACKS

- 6.1** Municipality will endeavor to raise concerns about Contractor's performance of this contract at the earliest possible opportunity. If Municipality identifies deficiencies in the performance of the contract, before taking action under § 7, below, Municipality shall first send a notice of deficiency to Contractor and afford Contractor an opportunity to cure. Contractor shall then have fourteen days to cure the deficiency, failing which Municipality may proceed under § 7, below. During any pending fourteen day cure period, Municipality may hold back fifty (50) percent of amounts otherwise payable to Contractor, but these amounts shall be paid upon cure.

7. TERMINATION RIGHTS

- 7.1** It is agreed by the parties that the terms of this contract may be terminated by either party for any reason or no reason upon provision of sixty (60) days' written notice, and final termination of the contract will become effective on the last day of the notice period.
- 7.2** If the contract is so terminated, Contractor shall provide to Municipality all work completed to that point and an invoice of all work completed through the last day of the notice period.. Municipality agrees to promptly pay all outstanding invoices, including the final invoice.

8. OPTIONAL EXTENSION AGREEMENTS

- 8.1** The initial term of this contract ends on December 31, 2023. The parties agree that the terms of this agreement may be extended to include two Optional Extension periods between January 1, 2024 and December 31, 2024, and between January 1, 2025 and December 31, 2025.
- 8.2** The compensation for these periods is specified in Section 2.7.1 of this agreement.
- 8.3** The parties understand that executing an Optional Extension Period extends the terms of the original contract, and modifies this agreement only as specified in the Optional Extension Agreement.
- 8.4** Optional Extension Agreements will be subject to the requirements of Section 2.1.

9. ADDENDUMS, AMENDMENTS AND APPENDIXES

- 9.1** Addendums, amendments and appendixes pertaining to this contract may be added only by separate, signed instrument and shall meet all requirements of Section 2.1.

10. SIGNATURES

By signing the contract, Contractor attests that pursuant to RSA 21-J:11 and Rev 602.01 (c)&(d):

- (1) The contract, any revised contract, and the names and DRA-certified level of all personnel to be employed under the contract has been first submitted to the DRA for examination; and,
- (2) No appraisal work shall begin until a copy of this executed contract, and the names and DRA-certified level of all personnel to be employed under this contract, has been submitted to the DRA.

11. MISCELLANEOUS

This Agreement contains the complete, final, and exclusive embodiment of the entire understanding between the parties. This Agreement is entered into without reliance on any promise, representation, agreement or understanding, oral or written, not contained herein. This Agreement shall be enforced in accordance with the laws of the State of New Hampshire, and the parties agree that any litigation to enforce the provisions of this Agreement will take place in Rockingham County, New Hampshire. In the event of litigation regarding this Agreement, the parties expressly submit to the exclusive jurisdiction and venue of the Rockingham County Superior Court located in Brentwood, New Hampshire.

In the Presence of:

Town of Londonderry

By Authorized Agent:

Witness Signature

Kevin H. Smith, Town Manager

Date: _____

In the Presence of:

By Contractor:

Witness Signature

Stephan W. Hamilton, President

Date: _____

ATTACHMENT A
Deliverables and Services Schedule

Londonderry 11-16-20 DRAFT

| Item | Description | Date |
|---|--|--|
| Quarterly Status Report | Provided to Town Manager Quarterly to update status of completion of sales analysis, hearings progress and schedule, field reviews, abatements and appeals, and total taxable value of Town. | 4/15/2021 Quarterly Thereafter |
| Equalization Portal Management | The management of data within the DRA Equalization Portal for the Town, including validation of sales. | Continuous |
| Market Analysis | Completion of market and sales analysis to determine appropriate table changes. | 6/1/2021 |
| Draft Values | Completion of draft values, completion of any required field review. | 8/15/2021 Annually Thereafter on 7/15 |
| Completion of Values | Notification to taxpayers of newly established values. Town preference of mailing notices or web-based distribution. | 7 days after draft values completed |
| Informal Hearings | Opportunity for taxpayers to have values explained by WCG personnel. | Within 15 days of draft value Completion |
| Summary of Value Report | Summary of total value for the Town is provided to the Town and DRA for use in the tax rate setting, tax billing and equalization purposes. | September 30 |
| USPAP Report | A USPAP compliant appraisal report to be completed within 30 days of delivery of values. | Within 30 days of Summary of Value |
| Field Assessment Records | After the completion of the inspection of any property and the changes applied to each individual record, WCG will provide to the Town all records developed in the collection of field information. | Continuous |
| Data Collection Manual Additions or Corrections | Any changes that are necessary to be made to the existing data collection standard will be made in detail and saved in a manner that allows use for consistent collection of data in subsequent years. | 4/15/2021 Annually Thereafter |
| Review Local Abatements | Review and provide recommendations to the Town relative to each local abatement application filed, including information for inclusion in the Town's notice to taxpayers detailing the decision granting or denying local abatements. (Included in monthly service). | 5/1/2021 Annually Thereafter |
| Inspect Sale Properties | Supervise and review property that has sold to be certain that the assessment records reflect the condition of the property and validate the terms of the sale. (Included in monthly service). | As Needed |

LONDONDERRY TOWN COUNCIL MEETING MINUTES

November 11, 2020

The meeting took place in Moose Hill Council Chambers at Town.

Present: Chairman John Farrell; Councilor Tom Dolan, Jim Butler and Deb Paul; Town Manager Kevin Smith; On the Phone: Vice Chairman Joe Green: Absent: Executive Assistant Kirby Brown; Assistant Town Manager Lisa Drabik

CALL TO ORDER

Chairman Farrell called the Town Council meeting to order. This was followed by the Pledge of Allegiance. This was followed by a moment of silence for those who serve us both here and abroad.

PUBLIC COMMENT

Chairman Farrell thanked everyone who worked the election on Tuesday. It was a record turnout of almost 16,000 voters.

Councilor Dolan thanked all of the Veterans of Veterans Day.

Town Manager Smith presented a proclamation to celebrate the 50th anniversary of the Londonderry Lions Hall.

PUBLIC HEARING

NONE

NEW BUSINESS

Chairman Farrell stated that the Council has to review the current tax rate given by DRA.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

32 And discussion on whether the Council wants to lower it using the Undesignated Fund
33 Balance. Smith shared that the rate that was given is \$20.20, which is up from \$19.39 in
34 2019. The town rate is \$4.75, up from \$4.56; the county rate is \$.86, down from \$.88; the
35 school rate is \$12.66, up from \$12.04; and the state education is \$1.93, up from \$1.91.
36 Smith stated that the town has the opportunity before finalizing the rate with DRA is using
37 some of the Undesignated Fund Balance to help offset the town tax rate. It is something
38 that has been done in previous years. It is something that doesn't have to be done, but can
39 be done. Smith stated that the total evaluation, the net is up from 2019, the town did have
40 a loss of \$45M from the power plant in setting this year's tax rate.

41
42 Chairman Farrell stated that the increase is approximately 4.2%. The Council discussed
43 options using the Undesignated Fund Balance. Vice Chairman Green stated that he is
44 present on the phone due to Covid reasons. Town Manager Smith stated that the only rate
45 that can be fixed at this point is the towns. The school rate has been set. Councilor Paul
46 stated that a lot of people are going to start paying on their mortgages again and she thinks
47 the rate should be brought down to \$4.50. Councilor Dolan stated that the only way that
48 could happen is if we spend some of the Fund Balance. Councilor Paul stated that the town
49 has had no problem spending the money on luxury items throughout the town, so she
50 doesn't see why it should be an issue to help people through a hard time. Town Manager
51 Smith stated that the Fund Balance is spent on things like roadway maintenance, cemetery
52 maintenance, GIS. Councilor Paul stated that it was spent to buy a generator that wasn't
53 needed. Chairman Farrell stated that all Fund Balance purchases are approved by the
54 voters.

55

56 Chairman Farrell asked the Council what they want to do. Councilor Paul stated that she
57 would like to give \$1M back to the voters. Finance Director Campo stated that cash flow
58 in December for the town will be an issue if we do that. If we do \$1M with the big bills we
59 have coming up in December and the fact that the tax bills are later, we could run into a
60 cash flow issue. Councilor Paul stated that she is getting ten to twenty calls a week, fifty
61 emails a week, from residents who are asking her what is going on and happening.
62 Councilor Paul stated that she tells the residents things are tight. Councilor Butler stated
63 that we have to be fiscally responsible. Whatever we do here will rollover into next year.
64 Councilor Butler stated that he would love to give \$1M back to the tax payers, but all we
65 are going to do is kick the can back down the road. It's a tough one and campo is warning
66 the Council about cash flow. Councilor Paul stated that there has to be money within the
67 budget to help these people out there that could be losing their homes. Councilor Dolan

LONDONDERRY TOWN COUNCIL MEETING MINUTES

68 stated that it will be discussed at Saturday's budget workshop. Councilor Paul stated that
69 the lowest number that we can get it to, that the Council feels comfortable with, that is what
70 she would like to do.

71
72 The Council continued to discuss their options. Councilor Dolan motioned to reduce the
73 town portion of the tax rate by \$425K. Second by Councilor Butler. Chair votes 4-0-1.
74 Councilor Paul voted against. Chairman Farrell stated that it will reduce the tax payment
75 to \$4.66. The percentage will be brought down to about 4%.

OLD BUSINESS

77
78
79 NONE

APPROVAL OF MINUTES

81
82
83 NONE

APPOINTMENTS/REAPPOINTMENTS

84
85
86
87 NONE

ADJOURNMENT

88
89
90
91 Motion to adjourn made by Councilor Dolan and seconded by Councilor Butler. Chair votes
92 5-0-0.

93
94 Notes and Tapes by: Kirby Brown Date: 11/11/2020
95 Minutes Typed by: Kirby Brown Date: 11/16/2020
96 Approved by: Town Council Date: 11/16/2020

LONDONDERRY TOWN COUNCIL MEETING MINUTES

1 November 16, 2020

2
3 The meeting took place in the Londonderry High School Cafeteria, 295 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; Executive Assistant Kirby Brown;
8 Absent: Assistant Town Manager Lisa Drabik

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 those who serve us
14 both here and abroad.

15
16 PUBLIC COMMENT

17
18 Chairman Farrell asked Chief O'Brien to remind everyone what the CDC regulations are in
19 regards to wearing masks. Chief O'Brien stated that it is recommended that anyone inside
20 a facility to wear a mask. People ages two and older should wear a mask in a public setting
21 when around people who don't live with.

22
23 Chairman Farrell invited up Police Captain Chris Gandia to go over a conversation that was
24 head between he and Chairman Farrell. Chairman Farrell stated that Captain Gandia and his
25 wife Laura are involved with St. Gianni's Place, served on the board, but she has since
26 resigned from the board, prior to himself resigning. Chairman Farrell stated that it is a home
27 that is open for women in distress who are pregnant. Chairman Farrell stated that he has
28 resigned from the board.

29
30 Chad Franz, Londonderry Budget Committee, stated that one of the members, Christine
31 Patton, would like to continue to serve on the board but via telephone for the time being due
32 to a family emergency/covid. The Budget Committee votes 6-1-0 (Patton did not vote) for
33 Patton to be able to do that.

LONDONDERRY TOWN COUNCIL MEETING MINUTES

34 Dan Bouchard, stated that there were a few comments that were made at the last Council
35 meeting regarding the tax rate. Bouchard stated that Councilor Paul brought up pay cuts.
36 Bouchard stated that when times were tough a long time ago, employees did take pay cuts.
37 Bouchard stated that that year at Town Meeting, once individual went back and reinstated
38 the pay increases for his department. That's how the town started using "restricting
39 reconsideration". Bouchard stated that he would like to see the Council be more intertwined
40 with the employees. He and his wife used to get cards and flowers from the Council when
41 kids were born, etc. Bouchard stated that every department should be looked at, including
42 Police and Fire.

43

44 Marge Badois, Conservation Commission, stated that the Commission believes protecting
45 the water ways in Londonderry is the most important thing to do for future generations of
46 people and wildlife. Badois stated that public education is a big part of it. Badois stated that
47 they are mailing out a brochure to people who abut water ways. Badois passed our copies
48 to the Council.

49

PUBLIC HEARING

50

NONE

51

52

NEW BUSINESS

53

54

55

56 Chairman Farrell opened the budget workshop. Town Manager Smith followed up on few
57 items from Saturday's workshop. There was a questions about price per household on trash
58 and recycling. Smith stated the cost per household is about \$181 annually. Finance Director
59 Campo went over grants the town will be receiving. The Council and Budget Committee
60 thanked Campo on his work with grants. Smith went over the idea of having a maintenance
61 man for the town vehicles. Smith went over a few other budget items.

62

63 Chairman Farrell stated that there will be a budget workshop on the 23rd where everything
64 will be addressed.

65

66

LONDONDERRY TOWN COUNCIL MEETING MINUTES

67 Chairman Farrell introduced Ordinance #2020-05, an Ordinance relative to the municipal
68 code relating to the Traffic Safety Ordinance. This is a first reading. Motion to waive first
69 reading and schedule a public hearing for November 30th made by Vice Chairman Green
70 and second by Councilor Dolan. Chair votes 5-0-0.

71

72 Chairman Farrell introduced Ordinance #2020-06, an amendment to the Londonderry
73 Zoning Ordinance relative to elderly housing. This is a first reading. Motion to waive the
74 first reading and schedule a public hearing for November 30th made by Vice Chairman
75 Green and second by Councilor Dolan. Chair votes 5-0-0.

76

77 Chairman Farrell introduced Dianna Road, a request for a building permit in accordance
78 with RSA 674:41. Town Planner Colleen Mailloux presented. Mailloux stated that this is
79 for a building permit on a lot that does not have access or frontage on a classified or better
80 road. Mailloux stated that the variance was approved by the ZB in 2008 but allowed for the
81 creation of this lot and the Planning Board approved the subdivision creating the parcel in
82 2010. The Planning Board recommended, and is asking the Council to make a
83 recommendation to allow the building the inspector to issue a building permit following the
84 conditions. Councilor Paul asked what the difference is between this situation and the last
85 situation. Mailloux stated that the recommendations are the same, and on past applications.
86 Mailloux stated that this is consistently the recommendation that staff has made with the
87 Fire Department, it has to meet NFPA requirements. Mailloux stated that with this one, the
88 driveway is 200-300 ft. This is a much shorter driveway. The applicant will build the road
89 to get into the property and meet the NFPA requirements. Vice Chairman Green asked if
90 there was room for the apparatus to turn around as well. Mailloux stated the standard is a
91 turnaround be build every 1,300 feet and this does not exceed that criteria. The Fire
92 Department is confident that this lot meets the requirements. Motion to issue a permit for
93 Dianna Road with the conditions presented made by Councilor Dolan and second by
94 Councilor Butler. Chair votes 5-0-0.

95

96 Chairman Farrell introduced Resolution #2020-05 and Resolution #2020-06, Resolutions
97 relative to the acceptance of unanticipated revenue under RSA 31:95-b. Finance Director
98 Justin Campo presented. Motion to approve Resolution #2020-05 and Resolution #2020-06
99 made by Councilor Dolan and second by Vice Chairman Green. Chair votes 5-0-0.

100

101

LONDONDERRY TOWN COUNCIL MEETING MINUTES

102 Chairman Farrell introduced Order #2020-16, an Order relative to the distribution of
103 recreation Capital Reserve Funds. Campo presented and stated that this Order is to purchase
104 a lawnmower to help assist with mowing all of the lawns in the upcoming spring season and
105 summer. Motion to approve Order #2020-16 made by Vice Chairman Green and second by
106 Councilor Butler. Chair votes 5-0-0.

107

OLD BUSINESS

108

109

NONE

110

111

APPROVAL OF MINUTES

112

113

114 Motion to approve the Town Council minutes from October 19, 2020 made by Vice
115 Chairman Green and second by Councilor Dolan. Chair votes 5-0-0.

116

APPOINTMENTS/REAPPOINTMENTS

117

118

NONE

119

120

ADJOURNMENT

121

122

123 Motion to adjourn made by Councilor Dolan and seconded by Vice Chairman Green. Chair
124 votes 5-0-0.

125

126 Notes and Tapes by: Kirby Brown

Date: 11/16/2020

127 Minutes Typed by: Kirby Brown

Date: 11/21/2020

128 Approved by: Town Council

Date: 11/30/2020