



February 1, 2016

Eric Feustel, Chair
Zoning Board of Adjustment
16 School Street
Allentown NH 03275

RE: Map 409 Lot 32, 289 Pinewood Road
Variance Application

SFC project # 611001

Mr. Feustel:

On behalf of Niyati Realty, LLC, SFC Engineering Partnership, Inc. submits this APPLICATION FOR APPEAL for commercial development at 289 Pinewood Road for inclusion on the next available Zoning Board of Adjustment meeting.

The Zoning Board of Adjustment denied the request for a variance to the terms of Article VI section 601 of the Zoning Ordinance of the Town of Allentown to permit the construction and operation of a convenience store, filling station and restaurant in the Open Space and Farming Zone, where these uses are not permitted.

On October 27, the Board voted to allow a re-hearing.

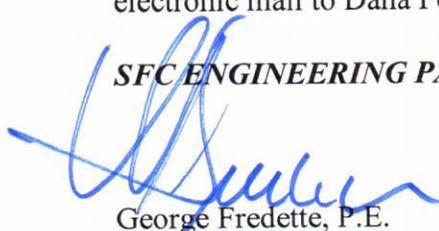
This submittal includes one paper copy of the application packet and the application fee of \$136 (\$16.00/abutter for 6 abutters (includes engineer and landowner) plus \$40 for the publication fee).

The application packet includes this letter and the following material:

- Application for Appeal form – completed and signed
- List of abutters (also included with the application is one set of mailing labels printed on Avery 5160 labels)
- Signed letter of authorization from owner
- Variance arguments with attachments
- Site development plan

A .pdf file containing a complete copy of the application packet is submitted by electronic mail to Dana Pendergast.

SFC ENGINEERING PARTNERSHIP INC.



George Fredette, P.E.



Town of Allenstown
Zoning Board of Adjustment

Application for Appeal

Applicant Name Niyati Realty, LLC Phone (603) 490-7350
Address 239 Steam Mill Road, Auburn NH 03032 Home Work
Owner of Property Concerned Niyati Realty, LLC Map # 409 Lot # 32
Address of Property Concerned 289 Pinewood Road Zoning District Open Space & Farming
Description of Property – Frontage 242 Side 993 Side 1070 Rear 450 Acres/SF 8.28 A SF
Proposed Use filling station, convenience store and restaurant

COMPLETE SECTION 1, 2, OR 3. DO NOT COMPLETE MORE THAN ONE SECTION

Section 1 – APPEAL FROM AN ADMINISTRATIVE DECISION

The undersigned alleges that an error has been made in the decision, determination or requirement by the Building Inspector/Code Enforcement Officer on _____, relative to Article _____, Section _____ of the zoning ordinance.
date

Section 2 – APPEAL FOR A SPECIAL EXCEPTION

The undersigned hereby requests a special exception as provided in Article _____, Section _____ of the zoning ordinance.

Section 3 – APPEAL FOR A VARIANCE

The undersigned hereby requests a variance to the terms of Article VI, Section 601 and asks that said terms be waived to permit the construction and operation of a convenience store, filling station, and restaurant in the Open Space and Farming District, where these uses are not permitted.

Applicant Signature Date _____

PLEASE LIST ABUTTERS TO BE NOTIFIED ON REVERSE SIDE OF THIS APPLICATION

Received Stamp

ABUTTERS LIST

Niyati Realty, LLC
SFC Project # 611001
January 28, 2016

	<u>MAP</u>	<u>LOT</u>	<u>OWNER</u>
<u>OWNER</u>	409	32	Niyati Realty, LLC 239 Steam Mill Road Auburn, NH 03032
<u>ABUTTERS</u>	409	33	Catamount Hill Cooperative Inc. 275 Pinewood Road Allenstown, NH 03275
	409	14	Therese L. & Robert J. Fortin 276 Pinewood Road Allenstown, NH 03275
	409	15.1	Victor & Randy Perin 286 Pinewood Road Allenstown, NH 03275
	409	15	Anna Perin 45A Mountain Street Woburn, MA 01801
	409	32.1	William J. & Sharon A. Gelinas 185 River Road Epsom, NH 03234
	409	31	William Gelinas 185 River Road Epsom, NH 03234
<u>ENGINEER</u>			SFC Engineering Partnership, Inc. One Industrial Drive Windham, NH 03087
<u>WETLAND SCIENTIST</u>			Gove Environmental Services Luke Hurley 8 Continental Drive, Unit H Exeter, NH 03833

January 28, 2016

Shaun Mulholland
Town Administrator
16 School Street
Allenstown NH 03275

Mr. Mulholland:

This letter acknowledges that we grant permission to George Fredette and SFC Engineering Partnership, Inc. to represent Niyati Realty, LLC, through the permitting and approval process for our proposed development at 289 Pinewood Road in Allenstown NH.

Thank you.

A handwritten signature in blue ink, appearing to read 'Niyati', with a stylized flourish underneath.

Niyati Realty LLC

**ARGUMENTS RELATIVE TO VARIANCE REQUEST FOR
COMMERCIAL DEVELOPMENT ON LAND OWNED BY
NIYATI REALTY, LLC**

MAP 409 LOT 32, 289 PINWOOD ROAD

On behalf of Niyati Realty, LLC, we present the following arguments in support of a request for a variance from Article VI, Section 601 of the Zoning Ordinance of the Town of Allenstown, to permit the construction and operation of a convenience store, filling station and restaurant in the Open Space and Farming Zone, where these uses are not permitted.

The following arguments are formatted in conformance with the provisions of NH RSA 674:33.I.

Please note that new arguments that were pledged in our October 6 motion for a re-hearing are listed immediately following each of the variance criteria. These new arguments are then followed by the text from the original application.

1. The proposed use would not diminish surrounding property values.

- Testimony is presented from an expert a letter report dated November 18, 2015 from Capital Appraisal Associates, Inc. to demonstrate that the proposed project will not diminish surrounding property values.

Capital Appraisal Associates, a NH certified appraiser states, in part, “there is no market evidence that would indicate a diminution in the value to the surrounding properties...”

See November 18 letter report enclosed in this application.

- An updated preliminary site development plan shows site design elements that will mitigate the previously voiced concerns about light and sound pollution. The 10’ grade difference and retaining wall are buffers. Arborvitae on the high side of the retaining wall augments that buffer and creates an appealing visual screen for nearby abutters.
- Catamount Hill Cooperative will not only avoid suffering diminution of property values, but will benefit from the project because they will:
 - (a) acquire a well protection easement. This easement would satisfy a long standing NHDES request of Catamount Hill Cooperative to comply with protective well radius requirements, specified in NHDES Env-Dw 301-06(d)

- (b) enjoy the safety benefit of a relocated school bus stop. Please know that the concept of a relocated bus stop has been reviewed with Tania Jenkins, the transportation coordinator for SAU #53. Ms. Jenkins was aware of the “near misses” that threatened the safety of school children, and views a well maintained stop off of the highway as a welcomed improvement.
 - (c) enjoy increased safety with better access to the store for daily needs, because they will no longer need to navigate highway traffic for a quick trip to the store.
- The Catamount Hill Cooperative, Inc. has endorsed an INTENT TO NEGOTIATE indicating their favorable disposition of the proposed site development plans and noticing their intent to exchange an access easement for the benefits outlined in the document.

See signed INTENT TO NEGOTIATE document enclosed in this application.

- The State of New Hampshire, through the Department of Environmental Services (NHDES), protects drinking water supplies by regulation. Specifically the following divisions of NHDES have jurisdiction for review of this site development:

Drinking Water and Groundwater Bureau Env-Dw 301.06(b)

Subsurface Systems Bureau Env-Wq 1008.04(a)

Underground Storage Tank Program Env-Wm 1401.28

The most restrictive of these regulations specifies a minimum separation of 250 feet between an underground storage tank and a private well; and a minimum separation of 500 feet between an underground storage tank and a public well (PWS). This site will meet these setbacks and comply with all other review requirements.

See NHDES Fact Sheets enclosed in this application.

Arguments previously presented on September 9, 2015:

- The proposed use is adjacent to other commercial uses within this transportation corridor;
- The architectural style of the proposed development will be in the character of the other uses in the area;
- Storm water management systems will protect the storm water runoff quality that contributes to the Suncook River
- Adjacent residential uses will be adequately protected by vegetated screen and topography created by site construction.

2. Granting the variance will not be contrary to public interest because:

- Niyati Realty has negotiated a land purchase that has been found to be favorable with the Allenstown Board of Selectman.

The agreements state, in part, that “justice will be served if the Buyer [Niyati Realty LLC] obtains the property, and then, subject to obtaining requisite land use approvals, provides economic development to the Town through a) the addition of approximately 10 jobs, b) the generation of approximately \$150,000 in annual payroll; and c) improvements to the property of approximately \$500,000, such improvements being understood to increase the property value.”

The landowner purchased this property fully aware of the zoning district restrictions, and the need to obtain requisite land use approvals. The landowner also knew that his proposal has the support of the local government officials, the Economic Development Committee, and the Board of Selectmen.

See PURCHASE AND SALE AGREEMENT and ESCROW AGREEMENT enclosed in this application.

- The proposal is consistent with the current Allenstown Master Plan. The current Master Plan, developed in 2003, recommends that Allentown promote Bear Brook State Park as an asset to the community by “capitaliz[ing] on the potential tourism dollars that Bear Brook State Park can bring to Allenstown by encouraging food and service kiosks, sporting equipment shops, casual dining establishments, etc.”
- On September 9, the Zoning Board of Adjustment chairman instructed the board members that they should not consider our argument that the project will “increase the tax base” because it is not appropriate. Indeed, financial hardship or financial gain to the landowner is not considered valid grounds on which to base an argument to meet the criteria for a variance. Our argument of “increasing the tax base”, however, is presented in the context of public interest and is consistent with the intent outlined in the Escrow Agreement document endorsed by the Town and Niyati Realty, LLC. Increasing the tax base is in the public interest.
- Safety is not contrary to public interest. This proposal will increase safety for the many snowmobilers who enjoy Bear Brook State Park. Often these riders cross Route 28 on foot, or with their snowmobiles, to fuel up or get refreshments from the gas station and convenience store on the west side of the highway. This project will provide these same services on the same side of the highway as Bear Brook State Park and eliminate the need to cross the highway.

Residents of Catamount Hill Cooperative will also realize this increased safety because snowmobilers will have no need to cross Presidential Drive.

Arguments previously presented on September 9, 2015:

- It will allow for expansion of retail facilities within the town to serve the needs of Allenstown's community and visitors;
- The area of the proposed project has many commercial uses
- It will increase the tax base of Allenstown;
- The project will meet or exceed other site design criteria; i.e., open space, and yard setbacks;
- The proposed driveway entrance onto Pinewood Road to service this lot provides adequate sight distance in both directions;
- Water supply and sanitary sewer infrastructure will be designed to support this proposed development;
- Storm water management systems will protect the storm water runoff quality that contributes to Suncook River.

3. Three tests for unnecessary hardship:

[a] As applied to the petitioners property, the ordinance will interfere with the petitioner's reasonable use of their property, considering the unique setting of the property in its environment for the following reasons:

- The Allenstown Zoning ordinance specifies five allowed uses in this district (on this parcel), which are single family dwellings, farming, municipal recreation, golf course, and family child care home.

The subject lot is encumbered physically by steep topography in the rear of the lot; and restricted legally by the existing access which is through an easement intended only for residential use.

These restrictions limit the potential use of this lot to a single family home. We find it unlikely that a landowner would find it desirable to construct a single family home in this location, between the highway and an active commercial gravel pit. And this option does not offer the landowner the opportunity to realize the highest and best use of this 8.28 acre property.

- The proposed use is a reasonable one, and that the purpose of the ordinance is not frustrated by granting of this variance.

We offer the testimony of an expert that the character of the area is defined by the existence of nearby commercial properties- which includes a self-storage facility, a wood priming company, a gas station and convenience store and an active gravel excavation operation.

Capital Appraisal Associates, a NH certified appraiser states in their report that *"The proposed variance for a convenience store with gas tanks and a restaurant area is similar to one across the street... there does not appear to be any additional issues with rights of quiet enjoyment that are significantly different than those that exist with the existing conditions in this neighborhood"*. Further, he states *"The applicants have addressed safety issues for traffic, ingress, egress, and even the bus stop, in order to protect nearby residents"*.

See November 18 letter report enclosed in this application.

Arguments previously presented on September 9, 2015:

- This area along Route 28 no longer portrays the rural character which may be envisioned by the very name of the Open Space and Farming District, or by what is prescribed by the allowed uses in the district.
- The traffic along the roadway and the existing uses on nearby parcels are indicators of a more commercial environment.

[b] As specifically applied to the petitioner's property the ordinance [restriction] has no fair and substantial relationship to the general purposes of the zoning ordinance for the following reasons:

- The nature of this area along Route 28 within the Open Space and Farming Zone has evolved through growth of the town and region. The introduction of commercial uses, and increased highway traffic has disengaged the general purpose of the zoning ordinance from the nature -and the value- of the subject parcel.

We offer this description of the subject area found in the enclosed Capital Appraisal Associates report:

"Immediately across the street from the subject lot is an industrial zoned area where a manufactured housing park is found, a self-storage facility, a wood priming company, a gas station and convenience store. There is also a couple of residences found in the industrial zone across the street from the subject. Just north of the subject can be found some residential uses and an active gravel operation. Even along River Road just south of the subject location can be found many different types of uses. There is a mixture of commercial and residential uses located in the Industrial Zoning District along that road as well. These descriptions of the neighborhood and the surrounding area are provided to create a fairly clear picture of the neighborhood which includes many different types of uses but the predominant use is considered commercial."

See November 18 letter report enclosed in this application.

Arguments previously presented on September 9, 2015:

- Many surrounding parcels along Route 28 enjoy commercial use
- This location is not well suited for the primary uses permitted in the Open Space and Farming District;

[c] If relieved by a variance, will not injure the public or private rights of others for the following reasons:

- Capital Appraisal Associates, a NH certified appraiser states in their report that *"The proposed variance for a convenience store with gas tanks and a restaurant area is similar to one across the street... there does not appear to be any additional issues with rights of quiet enjoyment that are significantly different than those that exist with the existing conditions in this neighborhood"*. Further, he states *"The applicants have addressed safety issues for traffic, ingress, egress, and even the bus stop, in order to protect nearby residents"*.

See November 18 letter report enclosed in this application.

Arguments previously presented on September 9, 2015:

- The proposed use will serve the needs of the Allenstown community and visitors to the community.
- The location of this facility will be convenient to the more than 150 households at Catamount Hill Cooperative.
- Driveway access will be designed to be safe and in accordance with New Hampshire Department of Transportation guidelines and regulations.
- Adjacent residential uses will be adequately protected by vegetated buffer and topography created by site construction

4. Granting the variance would do substantial justice.

- A copy of an agreement with the Town is attached that demonstrates that this project is a cooperative effort with the Town of Allenstown. The property was transferred to the current landowner with the understanding and expectation that it was to be developed as a convenience store, filling station and restaurant. Substantial justice will be done with the granting of this variance.

See PURCHASE AND SALE AGREEMENT and ESCROW AGREEMENT enclosed in this application.

- Route 28 is a prime area for commercial development in Allenstown.

Arguments previously presented on September 9, 2015:

- It will increase the tax base in Allenstown;
- It will allow for the highest and best use of this property;
- This location is not well suited for the primary uses permitted in the Open Space and Farming District;
- A local business owner will be allowed to develop the property.
- This project represents economic development in Allenstown.

5. The proposed use is not contrary to the spirit of the Ordinance.

- this project will mitigate an existing safety concern with snowmobilers who cross Route 28 on foot and on their sleds to get fuel and food at the existing gas station by providing those services on the east side of Route 28
- this project will mitigate an existing safety concern by moving the school bus stop onto Catamount Hill Coop property and off of Route 28

Arguments previously presented on September 9, 2015:

- This will allow this proposed commercial use to be developed within a transportation corridor that has like uses;
- This development will protect and promote the public health, convenience, safety and general welfare of the residents of the town through the use of best management practices; and
- Fire protection systems will be provided to adequately protect the community.

See the following enclosures:

- Letter report dated November 18, 2015, prepared by Capital Appraisal Associates, Inc. of Concord NH.
- INTENT TO NEGOTIATE DEVELOPMENT PROPOSAL, signed by Catamount Hill Cooperative and Niyati Realty, LLC
- NHDES Fact Sheet WD-DWGB-22-20 Preventing Groundwater Contamination at Gas Stations
- NHDES Fact Sheet WD-DWGB-22-5 Developing a Source Control Plan for High Load Areas
- Purchase and Sale Agreement and Escrow Agreement between Town of Allenstown and Niyati Realty, signed September 18, 2014.

Capital Appraisal Associates, Inc.

Real Estate Appraisers and Consultants
128 South Fruit Street, Concord, New Hampshire 03301
(603) 228-9040 - FAX (603) 228-2072

November 18, 2015

Eric Feustel, Chairman
Allenstown Zoning Board of Adjustment
Town of Allenstown, NH
16 School Street
Allenstown, NH 03275

Re: Application of Niyati Realty, LLC
Located at Map 409, Lot 32, 289 Pinewood Road, Allenstown, NH

Dear Mr. Feustel:

Pursuant to my client's request, I have inspected the subject site and have viewed the application for the variance to Article VI, Section 601 of the current zoning ordinance for the Town of Allenstown. This section refers to the permitted uses and those uses allowed by special exception in the Open Space and Farming Zone as identified by the Town of Allenstown. The proposed use is a convenience store, filling station and restaurant with approximately 10 seats as identified in the application and presented at the hearing on September 9, 2015. I have been requested to complete research relative to whether or not a diminution in value to surrounding real estate would occur should this variance be granted for the proposed use. On the basis of my investigation, study and analysis, I am of the opinion there is **no** market evidence that would indicate a diminution in value to the surrounding properties in this neighborhood would occur as a result of the development of the proposed commercial facility in this zone.

The subject neighborhood is located along NH Route 28 in a mixed use area. The subject is located in the Open Space and Farming District with a large portion of the lot under the Mobile Home Park Overlay District. The immediate abutter to the south is a manufactured home park and then two industrially zoned lots. One lot further south from those two parcels can be found the industrial zone on the eastern side of NH Route 28. The immediate abutter to the north is a single family home with an address of 287 Pinewood Road, owned by William & Sharon Gelinias who reside at 185 River Road in Epsom, NH. They also own the next property to the north, a gravel pit found at 1 Gilbert Road in the Open Space & Farming District which is a commercial use allowed by special exception only.

Immediately across the street from the subject lot is an industrial zoned area where a manufactured housing park is found, a self storage facility, a wood priming company, a gas station and convenience store. There is also a couple of residences found in the industrial zone across the street from the subject. Just north of the subject can be found some residential uses and an active gravel operation. Even along River Road just south of the subject location can be

found many different types of uses. There is a mixture of commercial and residential uses located in the Industrial Zoning District along that road as well. These descriptions of the neighborhood and the surrounding area are provided to create a fairly clear picture of the neighborhood which includes many different types of uses but the predominant use is considered commercial.

Considerations in the determination of a diminution in value include potential impacts to privacy, view, safety and quiet enjoyment of abutters. The applicant and their representative have mentioned that in order to continue the privacy enjoyed by the neighbors that they would be willing to plant fast growing shrubbery that will continue to allow the neighbors to enjoy their privacy. The only neighbor that has an improved property where privacy could be an issue is the abutter to the north whose home is sheltered by trees from the proposed location of the subject improvements. Additionally, there may be some potential of a view from a couple of the manufactured homes along Presidential Drive. The proposal is to create a couple of retaining walls with shrubbery to shelter those properties from the view of the subject improvements. There are no views in the neighborhood that are considered to add any value to the residential properties located there.

The applicants have addressed safety issues for traffic, ingress, egress, and even the bus stop in order to protect the nearby residents. This proposed use does not appear to create any additional traffic along NH Route 28 which is a state highway which indicates approximately 9,400 cars per day according to the NHDOT traffic counts for 2014. This use will not create any additional traffic in to the Catamount Hill Cooperative. In fact, there has been discussions between the applicant and their representatives with the Cooperative regarding the access to the property in order to address safety and access issues.

For the same reasons outlined in the previous paragraphs there are no issues with disturbing the quiet enjoyment that the abutters have as part of the bundle of rights inherent in home ownership. The proposed variance for a convenience store with gas tanks and a restaurant area is similar to one across the street which the applicant is currently leasing. There does not appear to be any additional issues with rights of quiet enjoyment that are significantly different than those that exist with the existing conditions in this neighborhood. The subject site and location of improvements will be at a lower elevation than the Catamount Cooperative and it will be screened by existing trees and shrubbery from abutters and neighbors to the north. Across the street from the proposed improvements are several commercial uses where there would be virtually no issue with quiet enjoyment.

The most comprehensive findings are related to property value impact. In order to determine whether or not an impact exists, a study was completed comparing homes located near a somewhat similar commercial influence against those without that feature. It is nearly

impossible to find an exact duplicate of the situation and the appraiser must rely on other similar situations in order to arrive at a conclusion as to whether an impact may or may not occur should this proposed use be allowed.

Comparable 1A is found at 602 Suncook Valley Highway (Route 28) in Pittsfield and is located across the street from an automobile sales and repair facility and two lots from another car dealership. It sold on October 15, 2015 for \$119,000. 117 Bailey Drive in Pittsfield is a similar ranch style home located on a cul de sac in a private neighborhood without any commercial influence. Utilizing Comparable #1 as the key, adjustments are then made to Comparable 1A to account for differences. No time adjustment is applied as the market is relatively stable. Adjustments for size are applied at a market extracted \$30 per square foot. Bedrooms are adjusted at \$4,000 each. Full baths are adjusted \$4,000 and half baths adjusted at \$2,000 each. Comparable 1A is in very good condition and a negative 5% adjustment is applied. Comparable 1 also has some finished basement area that is accounted for. Comparable #1 is a residential property in a commercial zone but could be considered similar due to the external influences in the neighborhood. In comparing these two properties, no support for a diminution in value was evident.

Comparable 2 is located directly on Suncook Valley Highway (Route 28) in a light commercial zone in the Town of Epsom and is diagonally across the street from Briggs Mobile Home Parts and accessories, which is a commercial operation where they store, dismantle and dispose of manufactured homes. It is an older ranch in average condition on a large lot for the neighborhood. Comparable 2A is also located on the same road in Epsom but is found in a residential zone. I confirmed information relative to the sales with the appraisers involved. Similar adjustments are made to Comparable 2A as with the previous analysis. Garage space is adjusted at \$5,000 per stall and fireplaces are adjusted at \$2,000 each. Comparable 2A went through a complete renovation and is considered to be in very good condition. A negative 10% adjustment is applied to recognize that difference. A minor site size adjustment is applied to recognize the appeal of the larger lot of Comparable 2. In comparing these two properties, no support for a diminution in value was evident.

Comparable 3 is a split level home which happens to be in a commercial zone in the City of Concord. This comparable is located adjacent to a McDonald's and across the street from a strip mall and a convenience store with a gas station. It has substantially more commercial influences located nearby than the subject property but is utilized due to the gas station and convenience store being within view. This property was completely renovated and is considered in good condition. This property closed for \$175,000 on April 12, 2013. I compared this property to 8 Foxglove Terrace in the same part of Concord but found in a single family residential district. A minor site size adjustment is applied to Comparable 3A. The sales price

for Comparable 3A is actually \$174,000 but there were \$4,100 in closing cost giving an effective sales price of \$169,900 as shown. It has a large deck, an enclosed porch, and a shed and these items are also adjusted for. As with the other analyses, appropriate adjustments are made. In comparing these two properties, no support for a diminution in value was evident.

This report is a summary of my findings and does not constitute an appraisal. No valuation of the subject property, the surrounding residential or commercial properties was completed as part of the consultation. This is an appraisal service which is intended to comply with the appropriate sections of the Uniform Standards of Professional Appraisal Practice. As such, it might not include full discussions of the data, reasoning, and analyses that were used in the process to develop the appraiser's opinion. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.

At my client's specific request, this is an appraisal consulting report utilizing a summary format. In conjunction with this summary report, the following items are not to be analyzed or included:

1. Full area analysis
2. Full zoning analysis
3. Full tax and assessment analysis
4. Full site and improvement analysis
5. Full highest and best use analysis

It is assumed that the client is familiar with the subject property, its location, and all neighborhood influences.

I hereby certify that I have made an exterior inspection of the property and the surrounding neighborhood. I have taken into consideration any and all factors which I felt were pertinent to this appraisal consulting assignment, and that I have not knowingly or intentionally omitted any important data. I further certify that I have no present or contemplated future interest in the property and that my professional fee is not dependent any specific conclusion. Therefore, on the basis of my investigation, study and analysis, I am of the opinion there is no market evidence to suggest a diminution in value to the surrounding properties or the surrounding neighborhood would exist if the requested variance were granted.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Louis C. Manias", with a stylized flourish at the end.

Louis C. Manias
NHCG #5

LCM:lcm

EXECUTIVE SUMMARY

Location: Map 409, Lot 32
289 Pinewood Road (NH Route 28)
Allenstown, New Hampshire

Current Owner(s): Niyati Realty, LLC

Assignment Purpose: To ascertain whether a diminution in value to the surrounding properties would exist if the variance stipulated in the application were granted.

Intended Use of the Appraisal: It is my understanding that this report is being prepared solely for my client, Niyati Realty, LLC, to aid in the public hearing regarding the application for a variance to allow a convenience store with a gas filling station and restaurant with 10 seats in the Open Space & Farming District at the above captioned location and no other purpose. No third parties are authorized to rely upon this report without the express written consent of Capital Appraisal Associates, Inc.

Special Assumptions: Typical limiting conditions and general assumptions are included in the addenda of this report.

Date of Report: November 18, 2015

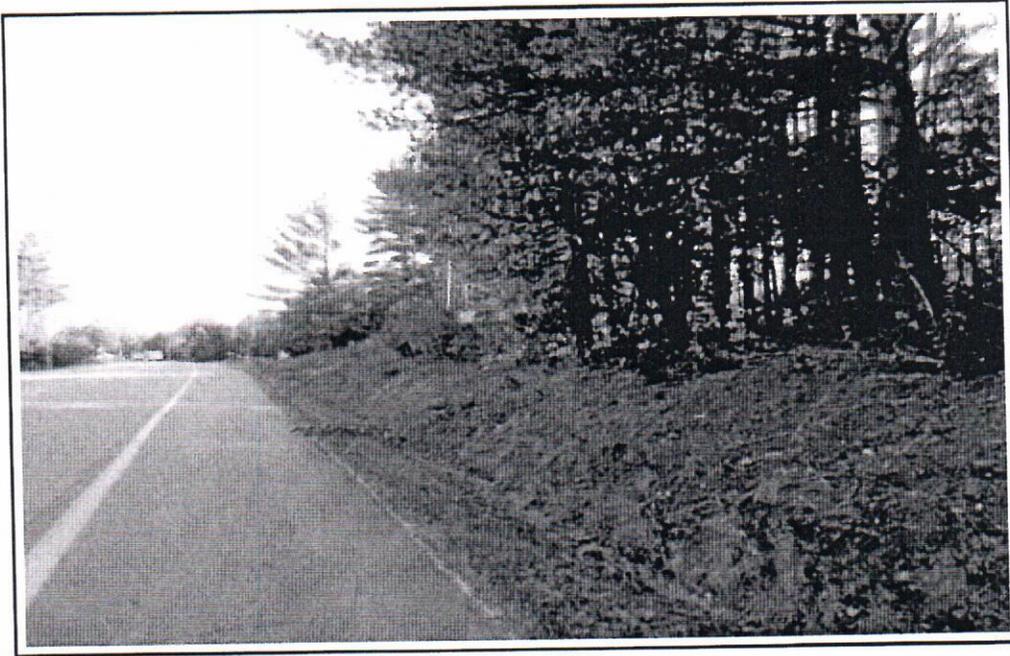
Date of Inspection: October 7, 2015

IMPACT ASSESSMENT GRID

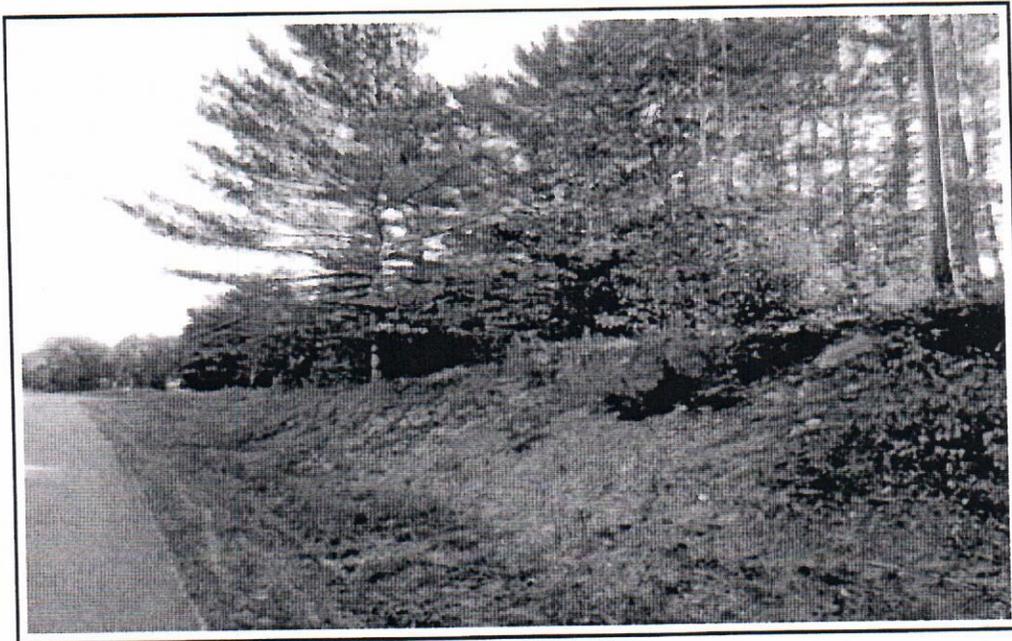
FACTOR	COMP. 1	ADJ.	COMP. 1A	COMP. 2	ADJ.	COMP. 2A	ADJ.	COMP. 3	ADJ.	COMP. 3A	ADJ.
ADDRESS	602 Sunnook Valley Rd Pittsfield, NH		117 Bailey Dr Pittsfield, NH	225 Sunnook Valley Hwy. Epsom, NH		727 Sunnook Valley Hwy. Epsom, NH		109 Fisherville Road Concord		8 Fowlgove Terrace Concord	
DATE OF SALE	10/15/2015		6/25/2015	9/25/2015		4/5/2013		4/12/2013		3/29/2013	
SALES PRICE	\$119,000		\$135,000	\$173,000		\$192,000		\$175,000		\$169,900	
PROPERTY RIGHTS	Fee Simple		Fee Simple	Fee Simple		Fee Simple		Fee Simple		Fee Simple	
FINANCING TERMS	Conventional		Conventional	Conventional		Conventional		Conventional		Conventional	
SALE CONDITIONS	Typical		Typical	Typical		Typical		Typical		Typical	
TIME ADJUSTMENT	0%		0.0%	0%		0%		0%		0%	
ADJ. SALES PRICE	\$119,000		\$135,000	\$173,000		\$192,000		\$175,000		\$169,900	
ADJ. SALES PRICE/M	\$120.93		\$162.26	\$176.61		\$148.38		\$152.97		\$176.98	
LOCATION	Comm'l Zone		Res. Zone	LL Comm'l Zone		Residential		CG General Comm Zone		RS Single Family	
GROSS LIVING AREA	984		832	\$4,540		1,294		1,144		960	
ROOM COUNT	4-2-1		4-2-1	5-2-2		6-3-2		6-3-1		6-3-1	
FUNCTIONAL UTILITY	Average		Average	Average		Average		Average		Average	
HEAT	OT/WA		LPG/WA	OT/HW		OT/HW		Gas/HW		Gas/HW	
AGE - ACTUAL & EFF.	A-55 E-10		A-8 E-2	A-55 E-15		A-39 E-10		A-46 E-10		A-26 E-10	
CONDITION	Good		Very Good (-5%)	Average		Very Good (-10%)		Good		Good	
LOT SIZE	0.69		0.66	5.8 Ac.		1.0 Ac.		0.77		0.34 Ac.	
UTILITIES	Private		Private	Private		Private		Municipal		Municipal	
PARKING	OSP		OSP	2 All.		OSP		OSP		OSP	
PORCHES	Deck		Deck	Encl. Porch, Shed		Deck, Shed		Encl. Porch, Deck, Shed		Encl. Porch, Deck, Shed	
BASEMENT/FINISHED	Full/10%		Full/25%	100%/0%		100%/2.5%		100%/100%		100%/100%	
OTHER	Needs Septic		N/A	2 Fpl		Fpl. ws-hu		Fireplace		ws-hu	
INFLUENCE	Comm'l Uses		None	MH Parts Co.		None		Across from Gas Stn		None	
ADJPL FEATURES											
NET ADJUSTMENTS	\$0		\$0	\$0		\$0		\$0		\$0	
INDICATED VALUE	\$119,000		\$118,810	\$173,000		\$174,400		\$175,000		\$174,420	

PHOTOGRAPHS OF SUBJECT PROPERTY

Taken By: Mr. Louis C. Manias, on October 7, 2015



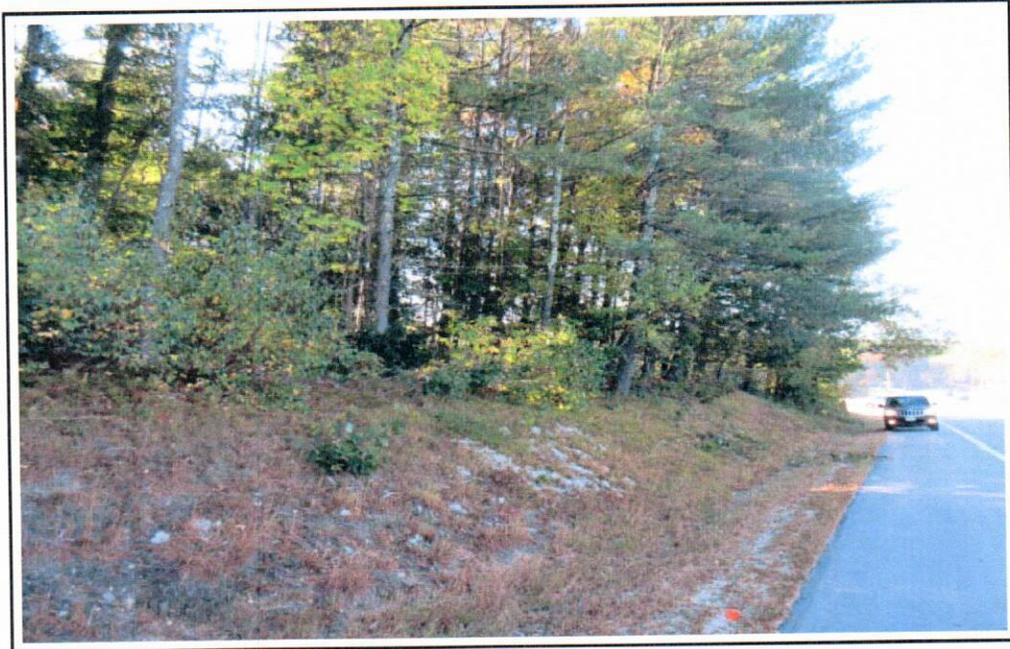
Identification: View of Pinewood Road frontage



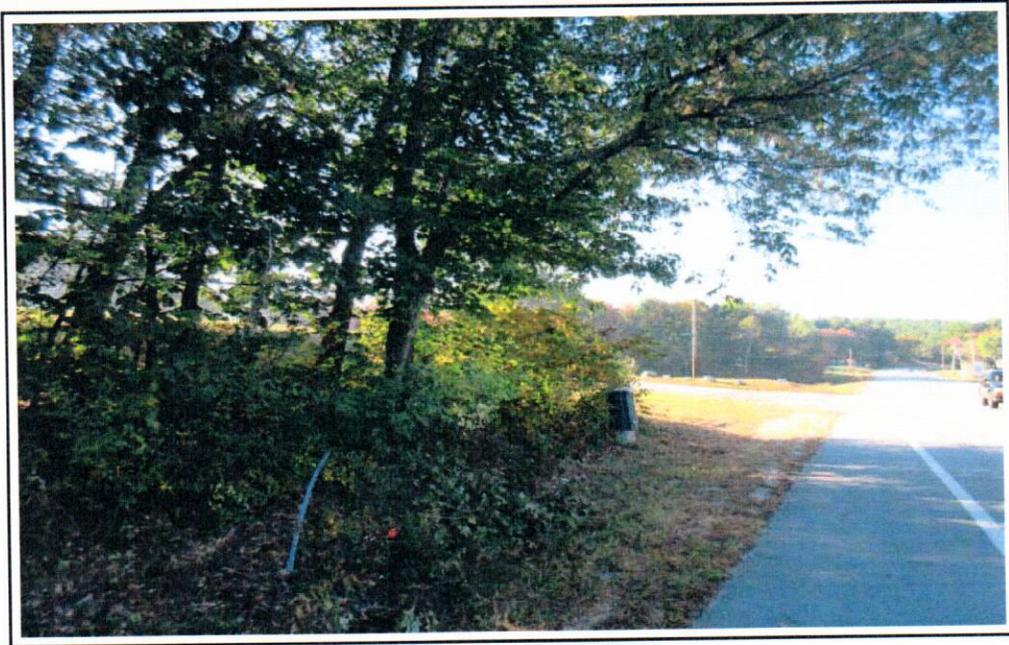
Identification: View of Pinewood Road frontage

PHOTOGRAPHS OF SUBJECT PROPERTY

Taken By: Mr. Louis C. Manias, on October 7, 2015



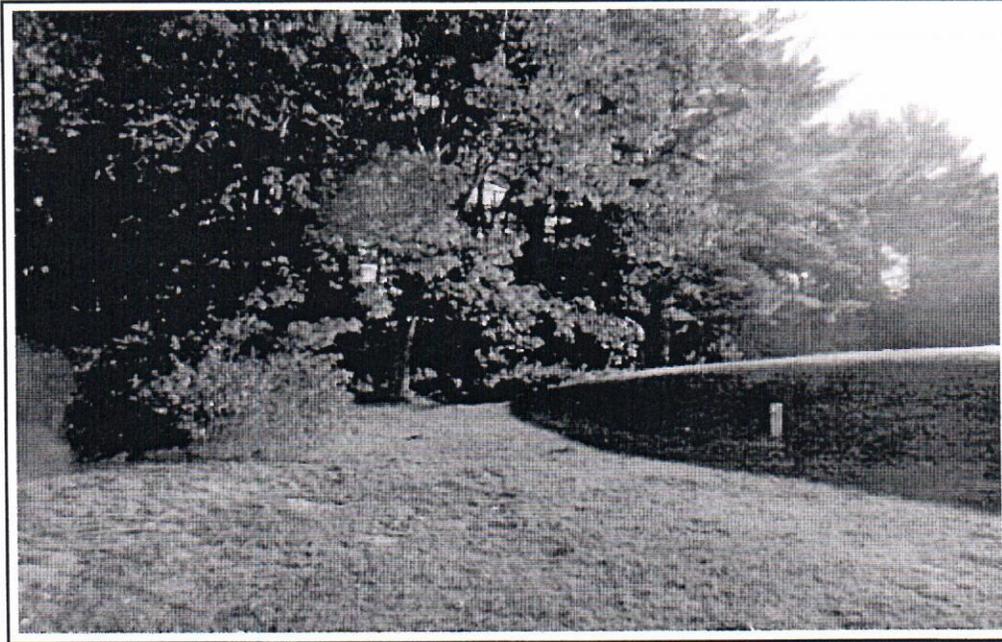
Identification: View of Site looking south



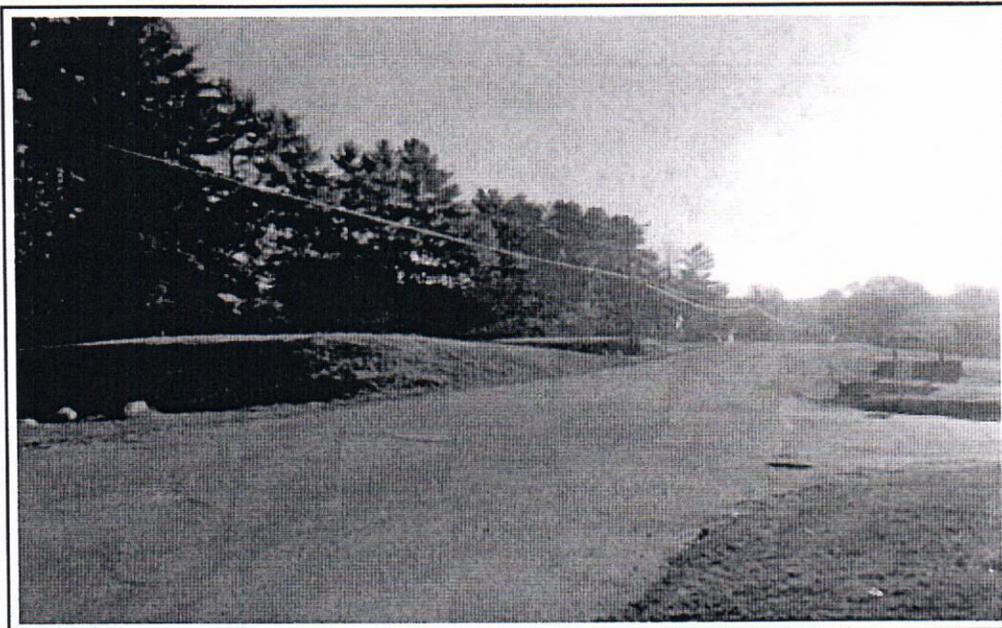
Identification: View of Site looking south

PHOTOGRAPHS OF SUBJECT PROPERTY

Taken By: Mr. Louis C. Manias, on October 7, 2015



Identification: Interior of Site



Identification: View along Presidential drive

COMPARABLE 1

NON-PUBLIC DISPLAY, display to your client allowed

602 Suncook Valley Road
Pittsfield, New Hampshire 03263

L \$119,000
C\$119,000

Residential
4446607 Closed



Zoning: 14, IM Bedrooms: 2 Gross Taxes: \$ 3,645.00 3/4 Baths: 0 Monthly Assoc. \$: \$ Garage Type: None Common Land Acres: Apx Fin Below Grd: 0 Apx TI Below Grd: 984 Water Acc Type: Style: Ranch Surveyed: Unknown Current/Land Use: Parcel Access ROW: ROW Length:	Rooms: 4 Color: Tan Full: 1 Tax Year: 2014 Garage Capacity: 0 Lot SqFt: 30,056.4 Apx Fin Above Grd: 984 Water Frontage: Flood Zone: No Water Body Type: Seasonal: No Land Gains: ROW for other Parcel: Basement: Yes / Interior	Year Built: 1990 Total Baths: 1 Taxes TBD: No 1/2 Baths: 0 Lot Acrs: .69 Total Fin SqFt: 984 Road Frontage: TBD Foot Print: 24 x 41 # of Stories: 1 Water Body Restr.: Water Body Name: Owned Land: ROW Width:
---	--	---

Public Rems: Great one-floor living in a convenient location. This Ranch was totally rebuilt in 1997. has just had a new metal roof, windows, siding, flooring, and counter tops, and has had the interior all painted. Nice deck to sit and have your morning coffee. Situated nicely back from the road.

Directions: Rt. 28 North, on Pittsfield/Chichester town line, directly across from Martal Rd.

ROOM	DIMS	LEVEL	ROOM	DIMS	LEVEL	FLOOR	BR	FB	3/4	1/2	1/4
Living Rm	18x12	1	Master BR	18.5x10.5	1	1st	2	1			
Kitchen	12x12.3	1	2nd BR	12.1x11	1	2nd					
Dining Rm			3rd BR			3rd					
Family Rm			4th BR			4th					
Office/Study			5th BR			Bsmt					
Utility Rm			Den								
Other Rm 1			Other Rm 3								
Other Rm 2											

Assoc Amenities:

Interior Feat.: 1st Floor Laundry, 1st Floor Master BR, Alternative Heat Stove, Cathedral Ceilings, Dining Area, Kitchen/Dining, Living Room, Sec Syst/Alarms

Exterior Feat.: Deck, Out Building

Basement: Full, Interior Stairs, Sump Pump

Equip/Apppl.: Cook Top-Electric, Dishwasher, Refrigerator

Driveway: Dirt, Gravel

Construction: Wood Frame

Financing: All Financing Options

Floors: Carpet, Laminate

Garage/Park: 6+ Parking Spaces

Heat Fuel: Oil, Wood

Roads: Public, Paved

Sewer: Concrete, Septic

Suitable Land Use:

Fee Includes:

Disability: 1st Floor Full Bathrm, Access, Laundry No Steps, No Stairs, One-Level Home, 1st Floor Bedroom

Possession: At Closing

Electric: 100 Amp, Circuit Breaker(s), Wired for Generator

Exterior: Vinyl

Foundation: Block

Heating/Cool: Hot Air

Lot Desc: Sloping

Occ. Restrictions:

Roof: Metal

Water: Drilled Well, Dug Well

Water Heater: Electric

Building Certs:

Docs Available: Deed, Plat Plan, Property Disclosure

Negotiable:

Excl Sale:

Tax Rate: Unknown	Assmt: \$128,800.00	Assmt Yr: 2014	Tax Class:
Covenant: Unknown	Source SqFt: 1914/1149	County: Merrimack	Map/Blck/Lot: //
Recorded Deed: Warranty	Book/Pg: P1FD-000039-000015-R000000	Plan/Survey:	Const. Status: Existing
Property ID:	Tax ID No. (SPAN# VT): Pittsfield	Devel/Subdiv: Pittsfield High School	Jr./Mid Sch: Pittsfield Middle School
Home Energy Rated Index Score:	District: Pittsfield	High Sch:	Fuel Co.:
Elem Sch: Pittsfield Elementary	Cable:	Electric Co.:	# Weeks:
Phone Co.:	Resort:	Timeshare/Fract, Ownshp: No	

Timeshare %:

Foreclosed Bank-Owned REO: No **Short Sale:** No

List Off: Century 21 Thompson Real Estate	List Agt: Beth Adams	Cell: (603) 736-2999
Firm/Office: 1024/0	Phone: (603) 736-9700 Ext: 14	Fax: (603) 736-6059
Phone/Fax: (603) 736-9700 / (603) 736-8059	Email: bethadams@c21nb.com	Email:
Co-List Agt: Phone:	Cell:	

Non-Public Rems: Commission based on selling price minus any seller concessions.

Firm/Off Rems:

Showing: Call List Agent

Management Co.:

Rented: Rental Amount: \$

MLS List Date: 08/24/2015	MLS Type: MLS	List Type: Exclusive Right	TB Fee:
Expire Dt:	BA Fee: 2.50%	NA/Facil Fee: 2.50%	Internet: Yes
Cont Date: 09/01/2015	See Non-Public Remarks Regarding Compensation: Yes		Var Comm: No
Pend Date: 10/14/2015	Contings:	SubA/Br/A: .00%	DOM/DUC: 8 / 44
With Date:	Org LA: Beth Adams	Orig List \$: \$119,000	
Closed Date: 10/15/2015	Org CA: Beth Adams		
Closed \$: \$119,000	Cancelled Date:		
Closed Agt: Beth Adams (603) 736-9700 of Century 21 Thompson Real Estate (603) 736-9700	Fin Terms: Rural Development		\$/Sq Ft AG: \$120.93
		Appraiser: Chris Richardson (603) 393-6283	Firm: 1024
Title Company:		Own Phone:	Agt: 10099
Owner: Clifton & Diane Vien		Tenant Phone:	
Tenant:			
Concessions: No	Details:		

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COMPARABLE 1A

NON-PUBLIC DISPLAY, display to your client allowed

L \$149,900

Residential
4371577 Closed

117 Bailey Dr Dr
Pittsfield, New Hampshire 03263

CS135,000



Zoning: RES	Rooms: 4	Year Built: 2007
Bedrooms: 2	Color: beige	Total Baths: 1
Gross Taxes: \$4,597.00	Full: 1	Taxes TBD: No
3/4 Baths: 0	Tax Year: 2014	1/2 Baths: 0
Monthly Assoc.: \$	Garage Capacity: 0	Lot Acres: .66
Garage Type: None	Lot Sq Ft: 28,749.6	Total Fin Sq Ft: 1,057
Common Land Acres:	Apx Fin Above Grd: 632	Road Frontage: No.61
Apx Fin Below Grd: 225	Water Frontage:	Foot Print: IRREG
Apx TI Below Grd: 225	Flood Zone: No	# of Stories: 1
Water Acc Type:	Water Body Type: No	Water Body Restr.:
Style: Ranch	Seasonal: No	Water Body Name:
Surveyed: No	Land Gains:	Owned Land:
Current/Land Use: No	ROW for other Parcel: No	ROW Width:
Parcel Access ROW: No	Basement: Yes / Walkout	

Public Rems: Welcome to 117 Bailey Dr, Pittsfield NH. Just like NEW, this 2 bedrm home has a 3 bedrm septic, and is located on a very private cul-de-sac with only a few other homes! What a great location, and at 0.66 acres you have a nice yard (with a shed) that won't take all day to landscape. Lot allows you to add on a garage, it will make a great alternative to a condo, or manufactured home, and it is perfect for that first time homebuyer, anyone looking to down size, or anyone who doesn't want a lot of house to care for. With laminate wood flooring, and vinyl tile, no carpeting means that keeping it clean is easy. More good news-ALL the appliances stay (including washer and dryer). The full basement with daylight windows offers plenty of storage, as well as a 10X15 bonus room. Already empty, and waiting for its new owner!

Directions: FROM RT 28, TURN ONTO 107 (LACONIA ROAD) BAILEY PARK IS A LITTLE OVER 1/2 MILE ON LEFT. HOME IS ON THE CUL-DE-SAC

ROOM	DIMS	LEVEL	ROOM	DIMS	LEVEL	FLOOR	BR	FB	3/4	1/2	1/4
Living Rm	16,5X12	1	Master BR	12X12	1	1st	2	1	0	0	0
Kitchen	12X12	1	3rd BR	12X12	1	2nd	0	0	0	0	0
Dining Rm			4th BR			3rd	0	0	0	0	0
Family Rm			5th BR			4th	0	0	0	0	0
Office/Study			Den			Basmt	0	0	0	0	0
Utility Rm			Other Rm 3								
Other Rm 1 Base	15X15	B									
Other Rm 2											

Assoc Amenities: 1st Floor Master BR, Cable, Eat-in Kitchen, Laundry Hook-ups, Living Room, 1 Stove
Interior Feat.: Shed
Exterior Feat.: Daylight, Full, Interior Stairs, Partially Finished, Storage Space, Walk Out, Concrete
Basement: Dishwasher, Dryer, Microwave, Range-Electric, Refrigerator, Smoke Detector, Washer, Window Treatment
Equip/Apppl: Paved
Driveway: Wood Frame
Construction: Laminite, Vinyl
Floors: 6+ Parking Spaces, Driveway
Garage/Paric: Gas-LP/Bottle
Heat Fuel: Cul-de-Sac, Dead End, Public, Paved
Roads: Private
Sewer: Suitable Land Use
Fee Includes: 1st Floor Full Bathrm, 1st Flr Hard Surface Flr., Bathrm w/stap-n Shower, One-Level Home, 1st Floor Bedroom
Disability: Deed, Plot Plan, Property Disclosure

Assoc Amenities: At Closing

Assoc Amenities: Circuit Breaker(s), Clefboard, Concrete, Heating/Cool, Basaboard, Hot Air, Cul-De-Sac, Level, Subdivision, Wooded
Lot Desc: No Restrictions
Roof: Shingle-Asphalt
Water: Private
Water Heater: Electric
Building Certs:

Assoc Amenities: Deed, Plot Plan, Property Disclosure

Exc Sale:	Tax Rate: \$30.78	Asamt: \$141,500.00	Asamt Yr: 2014	Tax Class:
Covenant: No	Recorded Deed: Warranty	Source Sq Ft: Other	County: Merrimack	
Property De:	Home Energy Rated Index Score:	Book/Pg: 306Q 0255-56	Plan/Survey:	Map/Block/Lot: R.Y 007 7K
Elem Sch: Pittsfield Elementary	Phone Co:	Tax ID No. (SPAN# VT): 61940-R03-0007-0011	Devel/Subdiv: BAILEY PARK	Comst. Status: Existing
Timeshare %:	Foreclosed Bank-Owned REO: No	District: Pittsfield	High Sch: Pittsfield High School	Jr./Hd Sch: Pittsfield Middle School
	Short Sale: No	Cable:	Electric Co:	Fuel Co:
		Resort:	Timeshare/Fract, Ownrshp: No	# Weeks:

List Off: Exit Reward Realty
Firm/Office: 5049/0
Phone/Fac: (603) 435-7800 / (603) 435-9392
Co-List Agt: Phone:

Agent I#: 612450
List Agt: Lauren Meador
Phone: (603) 435-7800 Ext: 14
Email: lauren@exitrewardrealty.com
Cell: (603) 812-1476
Fax: (603) 435-9392
Email:

Non-Public Rems:
Firm/Off Rems: Call List Agt., Lock Box, Showings by Email, Sign on Prop. Vacant
Showing:
Management Co.: Rental Amount: \$
Management Co. Phone:

MLS List Date: 07/16/2014	MLS Type: MLS	List Type: Exclusive Right	TB Fee: Internet: Yes
Expire Dt:	BA Fee: 3.00%	NA/Facil Fee:	Var Comm: No
Cont Date: 06/04/2015	Contings:	SubA/BrkA: .00%	DOM/DUC: 282 / 52
Pend Date: 06/11/2015	Org LA: Lauren Meador	Orig List \$: \$149,900	
With Date: 06/25/2015	Org CA: Lauren Meador		
Closed Date: 06/25/2015	Cancelled Date:		
Closed \$: \$135,000	Fin Terms: Rural Development		\$/Sq Ft AG: \$162.26
Closed Agt: Lauren Meador (603) 435-7800 of Exit Reward Realty (603) 435-7800			Firm: 5049 Agt: 612450

Title Company:
Owner: ON FILE
Tenant:
Concessions: No
Details:

Appraiser: Abacus Appraisal Services LLC (603) 598-9119
Own Phone:
Tenant Phone:

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COMPARABLE 2

NON-PUBLIC DISPLAY, display to your client allowed

Residential **225 Suncook Valley Hwy** L \$164,900
4443179 Closed **Encom, New Hampshire 03234** C\$173,000



Zoning: RESULT	Rooms: 7	Year Built: 1960
Bedrooms: 2	Color: 1	Total Baths: 2
Gross Taxes: \$4,212.00	Fulk: 2014	Taxes TBD: No
3/4 Baths: 1	Tax Year: 2014	1/2 Baths: 0
Monthly Assoc.: \$	Garage Capacity: 2	Lot Acre: 5.80
Garage Type: Attached	Lot SqFt: 252,648	Total Fin SqFt: 1,418
Common Land Acres: 0	Apx Fin Above Grd: 1,418	Road Frontage: TBD
Apx Fin Below Grd: 0	Water Frontage:	Foot Print:
Apx TI Below Grd: 1,014	Flood Zone: Unknown	# of Stories: 1
Water Acc Type: Ranch	Water Body Type: No	Water Body Restr.:
Style: Surveyed	Seasonal: No	Water Body Name:
Current Land Use: Unknown	Land Gains:	Owned Land:
Parcel Access ROW:	ROW for other Parcel:	ROW Width:
ROW Length:	Basement: Yes / Interior	

Public Rems: Great opportunity for 1st home Buyer or Buyer looking to downsize. Convenient location for commuters, close to shopping and entertainment. This one story home boasts recently renovated kitchen and baths, newer flooring, newer kitchen appliances, and boiler. Cozy up to one of two wood stoves during those cold New England winters. Summer months can be spent on the back enclosed porch watching Mother Nature passing by. Plenty of storage in attic or in the shed out back. Priced to move, don't miss your opportunity. Agent related to Seller.

Directions: US 3N to 28N

ROOM	DIMS	LEVEL	ROOM	DIMS	LEVEL	FLOOR	BR	FB	3/4	1/2	1/4
Living Rm		1	Master BR		1	1st	2	1	1		
Kitchen		1	2nd BR		1	2nd					
Dining Rm			3rd BR			3rd					
Family Rm			4th BR			4th					
Office/Study			5th BR			Bsmt					
Utility Rm			Den								
Sunroom		1	Other Rm 3								
Other Rm 2											

Assoc Amenities: Ceiling Fan, Dining Area, Eat-In Kitchen, Fireplace-Wood, Hearth, Kitchen/Dining, Laundry Hook-ups, Living Room, Master BR with BA, Wood Stove, Wood Stove Insert, 2 Fireplaces
Interior Feat.: Porch-Enclosed, Shed
Exterior Feat.: Bulkhead, Full, Interior Stairs, Storage Space, Unfinished, Walk Up
Basement: Dishwasher, Range-Electric, Refrigerator, Smoke Detector, Wood Stove
Equip/Appl.: Paved
Driveway: Existing, Wood Frame
Construction: Existing, Wood Frame
Financing: Carpet, Slate/Stone, Tile
Floors: 4 Parking Spaces
Garage/Park: Oil, Wood
Heat Fuel: Public
Roads: Private
Sewer: Private
Suitable Land Use:
Fee Includes: 1st Floor 3/4 Bathrm, 1st Floor Full Bathrm, 1st Flr Hard Surface Flr., 1st Flr Low-
Disability: Pfls Carpet, 1st Floor Bedroom
Possession: At Closing
Electric: Circuit Breaker(s)
Exterior: Vinyl
Foundation: Concrete
Heating/Cool: Hot Water
Lot Desc: Landscaped, Level
Occ. Restrictions: Single-Architectural
Roof: Shingle-Architectural
Water: Private
Water Heater: Oil
Building Certs:
Docs Available: Deed, Property Disclosure

Negotiable:
Exc Sale:
Tax Rate: No
Covenant: No
Recorded Deed: Warranty
Property ID:
Home Energy Rated Index Score:
Elem Sch:
Phone Co.:
Timeshare %:
Foreclosed Bank-Owned REO: No
Assmt: Source SqFt:
BookPg:
Tax ID No. (SPAN# VT):
District:
Resort:
Assmt Yr: 2014
County: Merrimack
Plan/Survey:
Devel/Subdiv:
High Sch:
Electric Co.:
Timeshare/Fract. Ownshp: No
Tax Class:
Map/Block/Lot: //
Const. Status: Existing
Jr./Mid Sch:
Fuel Co.:
Weeks:

List Off: Bean Group / Bedford
Firm/Office: 3118/3
Phone/Fax: (603) 450-7784 / (603) 218-7134
Co-List Agt: Phone:
Agent#: 812173
List Agt: Denise Febonio
Phone: (800) 450-7784 Ext:
Email: denise.febronio@beangroup.com
Cell: (603) 491-5503
Fax: (603) 218-7134
Email:

Non-Public Rems: Please call or email listing agent for showing. Advance notice required.
Firm/Off Rems:
Showing: Call List Agent, Combo Lock Box, Owner Occupied, Pets, Showings by Email, Sign on Prop
Management Co.:
Rented: Rental Amount: \$
MLS List Date: 08/06/2015
Expire Dt:
Cont Date: 08/09/2015
Pend Date:
With Date:
Closed Date: 08/25/2015
Closed \$: \$173,000
Closed Agt: Lori Bellemore (603) 883-6565 of Pat Clancey Realty (603) 883-6565
Title Company:
Owner: on file
Tenant:
Concessions: No Comment
Details:
List Type: Exclusive Agency
NA/F acil Fee: 2.00%
SubA/BriaA: .00%
Orig List \$: \$164,900
Appraiser: Walsh Appraisal (603) 598-6077
Own Phone:
Tenant Phone:
TB Fee: Internet: Yes
Var Comm: No
DOM/DUC: 3 / 47
\$/SqFt AG: \$122.00
Firm: 1822
Agt: 609768

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COMPARABLE 2A

NON-PUBLIC DISPLAY, display to your client allowed

Residential
4214871 Closed

727 Suncook Valley Highway
Epsom, New Hampshire 03234

L \$189,900

C\$192,000 ✓



Zoning: RES	Rooms: 6	Year Built: 1974
Bedrooms: 3	Color: Gray	Total Baths: 2
Gross Taxes: \$4,024.00	Fulk: 1	Taxes TBD: No
3/4 Baths: 1	Tax Year: 201	1/2 Baths: 0
Monthly Assoc.: \$	Garage Capacity: 0	Lot Acre: 1.00
Garage Type: None	Lot SqFt: 43,660	Total Fin SqFt: 1,414
Common Land Acres: 1.294	Apx Fin Above Grd: 1,294	Road Frontage: Yes/ 180
Apx Fin Below Grd: 120	Water Frontage:	Foot Print:
Apx TI Below Grd: 1,294	Flood Zone: No	# of Stories: 1
Water Acc Type:	Water Body Type:	Water Body Restr.:
Style: Split Entry, Split Level	Seasonal: No	Water Body Name:
Surveyed: Unknown	Land Gains: No	Owned Land:
Current Land Use: No	ROW for other Parcel:	ROW Width:
Parcel Access ROW:	Basement: Yes / Interior	
ROW Length:		

Public Rems: Beautifully updated with NEW kitchen & bathrooms! Clean and tastefully painted throughout. Granite kitchen counters and SS appliances, spacious & open to dining area. Living area with wood burning fireplace to enjoy on those chilly NE winters. Sliders to your dock and private back yard, ready for the summer BBQ. Basement has wood stove and a finished room for office or a 4th bedroom.
Directions: One mile from Epsom traffic Circle.

ROOM	DIMS	LEVEL	ROOM	DIMS	LEVEL	FLOOR	BR	FB	3/4	1/2	1/4
Living Rm	17 x 11.6	1	Master BR	15 x 11	1	1st	3	1	1		
Kitchen	12 x 11	1	2nd BR	11 x 9	1	2nd					
Dining Rm	12 x 11	1	3rd BR	14 x 11	1	3rd					
Family Rm			4th BR			4th					
Office/Study			5th BR			Bsmt					
Utility Rm			Den								
Office/Bedroom	12 x 10	B									

Assoc Amenities: Dining Area, Fireplace-Wood, Living Room, Master BR with BA, 1 Fireplace, 1 Stove
Interior Feat.: Deck, Shed
Exterior Feat.: Bulkhead, Daylight, Full, Interior Stairs, Partially Finished, Concrete
Basement: Dishwasher, Microwave, Range-Electric, Refrigerator, Wood Stove
Equip/Appl.: Gravel
Driveway: Wood Frame
Construction: All Financing Options, FHA, NHHFA, Rural Development, VA
Financing: Carpet, Laminite
Floors: 6+ Parking Spaces
Garage/Park: Oil
Heat Fuel: Public
Roads: 1000 Gallon
Sewer:
Suitable Land Use:
Fee Includes:
Disability:
Negotiable:
Excl Sale:

Possession: At Closing

Electric: 200 Amp, Circuit Breaker(s)
Exterior: Vinyl
Foundation: Concrete
Heating/Cool: Baseboard
Lot Desc: Country Setting
Occ. Restrictions:
Roof: Shingle-Asphalt
Water: Drilled Well

Water Heater: Off Boiler
Building Certs:
Does Available: Deed, Property Disclosure

Tax Rate: No	Assmt: \$198,300.00	Assmt Yr: 2011	Tax Class:
Covenant: Recorded Deed: Warranty	Source SqFt: 3361/ 110	County: Merrimack	Map/Block/Lot: u17/00/ 19
Property ID:	Book/Pg:	Plan/Survey:	Const. Status: Existing
Home Energy Rated Index Score:	Tax ID No. (SPAN# VT):	Devel/Subdiv:	Jr/Mid Sch:
Elem Sch:	District:	High Sch:	Fuel Co:
Phone Co:	Cable:	Electric Co:	# Weeks:
Timeshare %:	Resort:	Timeshare/Fract. Ownrshp: No	
Foreclosed Bank-Owned REO: No	Short Sale:		

List Off: First Amoskeag Realty
Firm/Office: 6319/0
Phone/Fax: (603) 374-0525/
Co-List Agt. Phone:

Agent ID: 393069

List Agt. Phone: Mark Correnti (603) 374-0525 Ext: 161
Email: markc@amoskeagrealty.com
Cell:

Cell: (603) 860-7464
Fax:
Email:

Non-Public Rems: Easy to show! Email carterine@amoskeagrealty.com with name, contact info and time/date. Vacant. Commission paid on seller net.
Firm/Off Rems: Lock Box, Showings by Email, Single Broker Showing, Vacant

Showing: Lock Box, Showings by Email, Single Broker Showing, Vacant	Management Co. Phone:
Rented: Rental Amount: \$	List Type: Exclusive Right
MLS List Date: 02/04/2013	NA/Facil Fee: 2.00%
Expire Dt:	TB Fee: Internet: Yes
Cont Date: 02/15/2013	SubA/Brika: \$.00
Pend Date: 03/22/2013	Org List \$: \$189,900
With Date:	Var Comm: No
Closed Date: 04/05/2013	DOM/DUC: 11 / 48
Closed \$: \$192,000	\$/SqFt AG: \$148.38
Closed Agt: Paul Sargeant (603) 830-2996 of Keller Williams Realty-Metropolitan (603) 232-8282	Firm: 1974
Title Company: Monarch Title Services	Appraiser: Mike Shorlock (603) 868-7464
Owner: Sensible Property Results, LLC	Dwn Phone:
Tenant:	Tenant Phone:
Concessions: Yes	Details: \$7000 toward closing costs

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COMPARABLE 3

NON-PUBLIC DISPLAY, display to your client allowed

Residential **4198130** Closed L \$169,900
C\$175,000

109 Fisherville Rd
Concord, New Hampshire 03301



Zoning: Municipal MDL-01	Rooms: 8	Year Built: 1967
Bedrooms: 3	Color: Tan	Total Baths: 2
Gross Taxes: \$ 8,870.32	Full: 1	Taxes TBD: No
3/4 Baths: 1	Tax Year: 2012	1/2 Baths: 0
Monthly Assoc.: \$	Garage Capacity: 0	Lot Acre: .77
Garage Type: None	Lot SqFt: 33,541.	Total Fin SqFt: 2,046
Common Land Acres:	Apx Fin Above Grd: 1,144	Road Frontage: Yes/ 100
Apx Fin Below Grd: 902	Water Frontage:	Foot Print: 24x44
Apx TI Below Grd: 1,070	Flood Zone: Unknown	# of Stories: 2
Water Acc Type:	Water Body Type:	Water Body Restr.:
Style: Split Level	Seasonal: No	Owned Land:
Surveyed: Unknown	Land Gains:	ROW Width:
Current/Land Use: No	ROW for other Parcel:	
Parcel Access ROW:	Basement: Yes / Walkout	

Public Rems: Fully renovated top to bottom! Full new kitchen w/granite counter tops, stainless steel appliances, new heating system, hot water heater, hard wood flooring was refinished, all new lights doors and paint. Outside it has a new roof, windows, siding, doors, driveway, landscaping and granite front steps, Fully finished basement w/bathroom that can be used as living space or commercial space if needed, If used strictly as residential apply for an abatement with the town and you should be able to significant reduce the tax amount. Not a short sale or foreclosure must see!

Directions: Fisherville Rd going south just before the McDonalds on the left hand side.

ROOM	DIMS	LEVEL	ROOM	DIMS	LEVEL	FLOOR	BR	FB	3/4	1/2	1/4
Living Rm			Master BR			1st					
Kitchen			2nd BR			2nd					
Dining Rm			3rd BR			3rd					
Family Rm			4th BR			4th					
Office/Study			5th BR			Basmt					
Utility Rm			Den								

Assoc Amenities:		Possession:	All Closing
Interior Feat.: Cable, Eat-in Kitchen, Fireplace-Wood, Laundry Hook-ups			
Exterior Feat.: Porch-Covered			
Basement: Finished, Full, Walk Out			
Equip/Apppl.: Dishwasher, Microwave, Range-Electric, Refrigerator		Electric: Circuit Breaker(s)	
Driveway: Paved		Exterior: Vinyl	
Construction: Existing, Wood Frame		Foundation: Concrete	
Financing:		Heating/Cool: Hot Water, Level	
Floors: Carpet, Hardwood, Tile		Lot Desc: Landscaped, Level	
Garage/Park: 6+ Parking Spaces		Occ. Restrictions:	
Heat Fuel: Gas-Natural		Roof: Shingle-Architectural	
Roads: Public, Paved		Water: Public	
Sewer: Public		Water Heater: Gas-Natural	
Suitable Land Use:		Building Certs:	
Fee Includes:		Docs Available:	
Disability:			
Negotiable:			
Excl Sale:			

Tax Rate:		Assmt: \$353,500.00	Assmt Yr:		Tax Class:
Covenant: No		Measured: 3332/ 1313	County: Merrimack		
Recorded Deed: Warranty		Book/Pg:	Plan/Survey:		Map/Block/Lot: 75 / 6
Property ID:		Tax ID No. (SPAN# VT):	Dwell/Subdiv:		Const. Status: Existing
Home Energy Rated Index Score:		District:	High Sch:		Fuel Co:
Elem Sch:		Cable:	Electric Co:		# Weeks:
Phone Co:		Resort:	Timeshare/Fract. Ownrshp: No		
Timeshare %:		Short Sale:			
Foreclosed Bank-Owned REO: No					

List Off: Coldwell Banker Classic Realty
Firm/Office: 1798/0 **Agent#:** 17268
Phone/Fax: (603) 647-5718 / (603) 668-2718
Co-List Agt: Phone: Jay Lafore (603) 647-5718 Ext: 12
List Agt: Phone: Jay Lafore (603) 647-5718 Ext: 12
Phone: Jay Lafore (603) 647-5718 Ext: 12
Email: jay@cbcorporate.com
Cell: (603) 860-5718
Fax: (603) 868-2718
Email:

Non-Public Rems: -rd frontage is estimated, Commission paid on sales price less any sellers concessions if any.
Firm/Off Rems: Call List Office, Combo Lock Box, Vacant
Showing: Management Co, Phone:
Management Co: Rental Amount: \$
Rented: Management Co, Phone:

MLS List Date: 11/15/2012	MLS Type: MLS	List Type: Exclusive Right	TB Fee:
Expire Dt:	BA Fee: 2.00%	NA/Facil Fee: 2.00%	Internet: Yes
Cont Date:	Contings:	SubA/B/KA: .00%	Var Comm: No
Pend Date: 03/05/2013	Org LA: Jay Lafore	Orig List \$: \$249,900	DOM/DUC: 110 / 38
With Date:	Org CA: Teresa Saltsman		
Closed Date: 04/12/2013	Cancelled Date:		
Closed \$: \$175,000	Fin Terms: FHA		
Closed Agt: Teresa Saltsman (603) 229-0092 of RE/MAX Connection (603) 229-0092			\$/SqFt AG: \$152.97
Title Company:		Appraiser: annermarie Bouchard (603) 930-9506	Firm: 1074
Owner: Woodland Ridge, LLC		Own Phone:	Ag: 38/257
Tenant:		Tenant Phone:	

Concessions: No Comment **Details:**
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COMPARABLE 3A

NON-PUBLIC DISPLAY, display to your client allowed

Residential L \$170,000
4200471 Closed C \$174,000



Zoning: RS Bedrooms: 4 Cross Taxes: \$ 4,616.00 3/4 Baths: 1 Monthly Assoc. \$: \$ Garage Type: None Common Land Acres: Apx Fin Below Grd: 640 Apx Ttl Below Grd: 960 Water Acc Type: Style: Raised Ranch Surveyed: Yes Current Land Use: Parcel Access ROW: ROW Length:	Rooms: 9 Color: yellow Full: 1 Tax Year: 2012 Garage Capacity: 0 Lot SqFt: 14,810 Apx Fin Above Grd: 960 Water Frontage: Flood Zone: No Water Body Type: Seasonal: No Land Gains: ROW for other Parcel: Basement: Yes / Walkup	Year Built: 1987 Total Baths: 2 Taxes TBD: No 1/2 Baths: 0 Lot Acres: .34 Total Fin SqFt: 1,600 Road Frontage: TBD Foot Print: # of Stories: 2 Water Body Restr.: Water Body Name: Owned Land: ROW Width:
---	---	--

Public Rems: Inviting and well cared for raised ranch in desirable neighborhood with four bedrooms and two baths set on a lovely cul-de-sac. This home offers an enclosed porch, large deck with Hot Tub, custom oak bar in lower level with a relaxing family room and a cozy wood stove. Third party approval required.

Directions: Route 3 North, right on Mayflower, 1st right on Woodbine Ave, follow .3 miles turn right on Foxglove Terrace.

ROOM	DIMS	LEVEL	ROOM	DIMS	LEVEL	FLOOR	BR	FB	3/4	1/2	1/4
Living Rm	13 x 10	1	Master BR	13 x 9.6	1	1st	3	1			
Kitchen	10 x 10	1	2nd BR	10.6 x 9.6	1	2nd					
Dining Rm	11 x 10	1	3rd BR	9 x 9	1	3rd					
Family Rm	14 x 12	L	4th BR	13 x 11	L	4th					
Office/Study			5th BR			Basmt	1		1		
Utility Rm			Den								
Bar	12 x 9	L									

Assoc Amenities: Not Applicable
Interior Feat.: Atric, Bar, Cable Internet, Dining Area, Family Room, Hot Tub, Laundry Hook-ups, Possession: At Closing, Smoke Det-Hdwired w/Batt, Wood Stove
Exterior Feat.: Deck, Hot Tub, Porch-Enclosed, Shed
Basement: Built-in, Finished, Full, Storage Space, Walk Up, Concrete
Equip./Appl.: Dishwasher, Dryer, Range-Gas, Refrigerator, Smoke Detector, Washer, Wood Stove
Driveway: Paved
Construction: Existing, Wood Frame
Financing: Short Sale
Floors: Carpet, Hardwood, Laminate, Tile, Vinyl
Garage/Park: 4 Parking Spaces
Heat Fuel: Gas-Natural
Roads: Public
Sewer: Public
Suitable Land Use:
Fee Includes:
Disability:
Negotiable:
Excl. Sale:

Tax Rate:	No	Assmt:	\$190,700.00	Assmt Yr:	2012	Tax Class:	
Covenant:		Source SqFt:	Municipal	County:	Merrimack	Map/Block/Lot:	75 A 1-43
Recorded Deed:	Warranty	Book/Pg:	2925/0251	Plan/Survey:		Const. Status:	Existing
Property ID:		Tax ID No. (SPAN# VT):		Devel/Subdiv:	Concord High School	Jr./Mid Sch:	Rundell Middle School
Home Energy Rated Index Score:		District:		High Sch:		Fuel Co.:	
Elem Sch:	Beaver Meadow Elementary Sch	Cable:		Electric Co.:		# Weeks:	
Phone Co.:		Resort:		Timeshare/Fract. Ownrshp:	No		
Timeshare %:							

Foreclosed Bank-Owned REO: No **Short Sale:**

List Off: Century 21 Circa 72 Inc. **List Agt:** Cynthia Pospie (603) 224-3377 Ext: 16
Firm/Office: 1999 G **Phone:** (603) 224-3377 **Email:** cpospie@C21.com
Phone/Fax: (603) 224-3377 / (603) 224-8453 **Cell:** (603) 475-3243
Co-List Agt: **Phone:** **Fax:** (603) 224-8453

Non-Public Rems: Commission based on sales price less any seller concessions. Sales price and cooperating agent fees are subject to third party approval of this short sale.

Firm/Off Rems: 24 Hour Notice, Amlist Showings Required, Call List Agent
Showing:
Management Co.: **Management Co. Phone:**

Rented:	Rental Amount: \$	MLS List Date: 11/21/2012	MLS Type: MLS	MLS BA Fee: 2.50%	List Type: Exclusive Right	TB Fee: Internet: Yes
Expires Dt:		Cont Date: 02/04/2013	Conting: Org LA: Cynthia Pospie	Org CA: Kathleen Cleary	SubA/BrtA: 00%	Var Comm: No
		Pend Date: 03/16/2013	Cancelled Date:		Orig List \$: \$170,000	DOMDUC: 75 / 53
		With Date: 03/29/2013	Fin Terms: Conventional			\$/SqFt AG: \$181.25
		Closed Date: 03/29/2013				Firm: 2519
		Closed \$: \$174,000				Ag: 608600
		Closed Agt: Kathleen Cleary (603) 228-0151 of BHG Masello Concord (603) 228-0151				
Title Company: Horizon		Appraiser: Coastline Appraisals (603) 606-2912				
Owner: On File		Own Phone:				
Tenant:		Tenant Phone:				
Concessions: Yes	Details: \$4,100 Closing Costs					

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OVERHEAD VIEW BY GOOGLE EARTH



APPRAISAL CERTIFICATION

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

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is my personal, impartial, and unbiased professional analyses, opinions and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. I or Capital Appraisal Associates have not performed services as an appraiser on the subject property within the three year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. My engagement in this assignment is not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
9. I have made a personal inspection of the property that is the subject of this report.
10. No one provided significant professional assistance to the person signing this certification.



Louis C. Manias
NH Certified General Appraiser #5

COMPETENCY STATEMENT

Louis C. Manias

Title XI of the Federal Financial Institution's Reform, Recovery and Enforcement Act of 1989 requires the Federal Reserve Board and other federal agencies to issue regulations to protect federal financial and public policy interests in real estate transactions requiring the services of an appraiser. Federal law recognizes the Uniform Standards of Professional Appraisal Practice as the current industry standards and identifies the Appraisal Foundation as the authority for professional appraisal standards.

The uniform standards contain three provisions, one of which is the competency provision which requires appraisers to have the knowledge and experience to complete their assignments competently and contains specific requirements for appraisers who do not possess sufficient competence.

As part of the regulatory process, two primary classifications of appraisers have been established by the State of New Hampshire in accordance with the federal regulations in order to gauge education and competence. The classifications are licensed appraiser and certified appraiser. The licensed appraiser classification identifies those individuals possessing the basic educational and experience requirements needed to competently appraise residential properties, while the general appraiser classification identifies those appraisers who are competent to appraise all types of real estate.

With regards to my competency to complete this assignment, I submit the following:

1. I currently hold the general appraiser certification classification as issued by the State of New Hampshire. My certification number is New Hampshire Certified General Appraiser #5.
2. I have completed numerous appraisals on various types of real estate including vacant industrial, commercial, and residential sites, commercial/industrial and residential subdivisions, professional office buildings, small village, neighborhood and regional shopping centers, restaurants, gas stations, regional chain food stores, as well as other nontypical and special use properties.
3. In order to familiarize myself with the local market I have conferred with local Realtors, interviewed numerous local municipal officials, property owners, and tenants. I believe that this research and activity has provided additional insight into the market in which the subject exists and the economic conditions prevalent in the community and the region.

Because of my experience, education, and professional recognition, I possess the necessary background and knowledge to competently complete this assignment.

APPRAISER QUALIFICATIONS

APPRAISAL QUALIFICATIONS
of
LOUIS C. MANIAS
New Hampshire Certified General Appraiser
License No. 5

Education

Appraisal University

2012 - Site Analysis and Valuation

2012 - Appraising Historic Property

New Hampshire Real Estate Appraiser Board

2005 - Supervisor/Apprentice Training Seminar

LeMay School of Real Estate

2013 - National USPAP Update

2012 - Beyond Paired Sales

2010 - 2010-2011 National Uniform Standards of Appraisal Practice Update Seminar

2009 - National Uniform Standards of Appraisal Practice Update Course

2006- Federal Land Acquisition Appraising

2005 - Statistics & Modeling

Brooks Real Estate Services

2012 - National Uniform Standards of Appraisal Practice Update Course

2003 - National Uniform Standards of Appraisal Practice Update Course

Society of Real Estate Appraisers Seminar

Guide to Small Residential Income Property Form

Marshall & Swift

2004 - Calculator Method Workshop

JMB Real Estate Academy

2011 - Statistics, Modeling & Finance

1996 - Uniform Standards of Appraisal Practice Update Course

1995 - Appraising Income Properties

Institute of Real Estate Technologies

1993 - Let's Get Real About the Cost Approach

American Institute of Real Estate Appraisers

- 2007 - Appraising Contaminated Properties Seminar
- 1999 - Board of Tax & Land Appeal Preparedness Seminar
- 1998 - Litigation Skills for the Real Estate Appraiser
- 1988 - Standards of Professional Practice
- 1987 - Capitalization Techniques, Parts A & B
- 1986 - Basic Valuation Procedures
Principles of Real Estate Appraisal

McKissock Data Systems

- 2014 - Appraisal of Self Storage Facilities
- 2011 - Introduction to Expert Witness Testimony
- 2008 - Private Appraisal Assignments
The Cost Approach
Mortgage Fraud - Protect Yourself
- 2005 - National Uniform Standards of Appraisal Practice Update Course
Fannie Mae Revisions and the Appraiser
Appraising High Value Residential Properties
Appraisal Review
- 1999 - FHA Exam Prep and Residential Appraisal Guidelines

Trans-American Institute of Professional Studies, Inc.

- 2007 - National Uniform Standards of Appraisal Practice Update Course

Lee Institute of Real Estate

- 1986 - Course for Real Estate Salesman's License

University of New Hampshire

- 1975 - 1977 - Liberal Arts Course

Professional Experience

- 1989 - Present:..... Capital Appraisal Associates
 128 So. Fruit Street, Concord, New Hampshire 03301
- 1985 - 1989:..... Manias Appraisal Associates
 101 Centre Street, Concord, New Hampshire 03301
- 1981 - 1985:..... Co-owner Fife and Drum Restaurant
 84 North Main Street, Concord, NH 03301

Professional Affiliations

- 2002 - President Elect - Association of Appraiser Regulatory Officials
- 2001 - Vice President - Association of Appraiser Regulatory Officials
- 1999 - 2000 - Director at Large - Association of Appraiser Regulatory Officials
- 2001 - 2003 - Chairman of the New Hampshire Real Estate Appraiser Board
- 1996 - 2003 - Member of the New Hampshire Real Estate Appraisal Board
- Certified Compliance Inspector - U. S. Department of H.U.D.
- Certified Appraiser - U. S. Department of H.U.D.

Court Experience

- Qualified Expert - Belknap County
- Qualified Expert - Cheshire County
- Qualified Expert - Grafton County
- Qualified Expert - Merrimack County
- Qualified Expert - Sullivan County
- Qualified Expert - Carroll County
- Qualified Expert - Hillsborough County
- Qualified Expert - Rockingham County
- Qualified Expert - Coos County
- Qualified Expert - NH Board of Tax & Land Appeals
- Qualified Expert - US Bankruptcy Court - NH Division
- Qualified as expert in real estate appraiser in many local district courts.

State of New Hampshire

REAL ESTATE APPRAISER BOARD

APPROVED TO PRACTICE AS A

CERTIFIED GENERAL APPRAISER

ISSUED TO: LOUIS C MANIAS



Certificate No: NHCG-5

EXPIRATION DATE: 04/30/2016

State of New Hampshire

REAL ESTATE APPRAISER BOARD

APPROVED TO PRACTICE AS A

Certified General Appraiser

ISSUED TO: LOUIS C MANIAS



Certificate No:
NHCG-5

EXPIRATION DATE:
04/30/2016

For additional information please contact the Board office at dawn.stawecki@nh.gov or visit our web site at <http://www.nh.gov/nhreab>

**INTENT TO NEGOTIATE
DEVELOPMENT PROPOSAL
CATAMOUNT HILL COOPERATIVE, INC. AND NIYATI REALTY, LLC**

Catamount Hill Cooperative and Niyati Realty, LLC intend to enter a development agreement for the mutual benefit of both parties. The scope and terms of that agreement are as follows:

Niyati Realty, LLC proposes the development of a convenience store, filling station and restaurant on property at 289 Pinewood Road.

Niyati Realty will secure an access and grading easement (approximate area 11,740 sf) at the northeast corner of the property owned by the Catamount Hill Cooperative.

In exchange for that access easement, and at no cost to Catamount Hill Cooperative, Niyati Realty, LLC will provide the following:

- (a) Construction of an improved access driveway onto NH Route 28 to service both Catamount Hill Cooperative and Niyati Realty
- (b) Reconstruction of paved internal roadways on Catamount Hill Cooperative to accommodate the driveway changes
- (c) Construction of a paved turn around to accommodate a school bus stop on property owned by Catamount Hill Cooperative.
- (d) Reconstruction of existing infrastructure displaced by the new access driveway including subsurface disposal system.
- (e) An easement on Niyati Realty, LLC property, compliant with NHDES Env-Wq 1008.07(a) requirements, to protect existing wells owned by Catamount Hill Cooperative. (area of easement is about 33900 sf)



Dawn Brown, President
Catamount Hill Cooperative, Inc.



Niyati Realty, LLC.

This INTENT TO NEGOTIATE is subject to agreement by both parties and is not final until approval by the Catamount Hill membership.

ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

WD-DWGB-22-20

2012

Preventing Groundwater Contamination at Gas Stations— What Municipalities and Water Suppliers Can Do

Generations of automobile drivers have become accustomed to finding gas stations conveniently located along busy roads and highways, at intersections, and in village centers, to support our automobile-dependent lifestyles. As the environmental risks associated with gas stations—particularly the risk of gasoline leaked from underground storage tank (UST) systems—have become increasingly clear, vast improvements have been made in the design, construction, and operation of UST systems. Unfortunately, federal and state regulators and UST system designers and installers have *not* succeeded in engineering *all* of the groundwater contamination risk out of these systems. A study by the U.S. Geological Survey, which randomly sampled 225 water supply wells in Rockingham County in 2003, detected the gasoline additive MtBE in 40 percent of public wells, and found a correlation between MtBE concentration and proximity to USTs.¹

The main sources of concern with respect to double-walled USTs and groundwater contamination are vapor releases from UST facilities and small spills of fuel that routinely occur when fuel is being dispensed to vehicles. With a view to minimizing the impacts of those releases, DES maintains technical standards for the siting, design, and installation of UST systems, and an active inspection program to oversee their operation and maintenance. Unfortunately, DES does not have the resources to ensure that all UST systems comply with daily operation and maintenance requirements once they are installed, let alone ensure that these systems are leak-free. There are also many older single-walled tanks and piping systems at gas stations that are *not* required to comply with newer design standards for spill containment and stormwater management, but that must be closed no later than December 22, 2015. These must pass leak monitoring tests designed to detect leaks as slow as 0.1 gallon/hour, but could continuously leak at a less rate without detection.

In addition to vapor releases and chronic small spills, larger spills sometimes take place during the process of fueling vehicles and portable containers. Well-designed and operated gas stations incorporate a number of measures to minimize the groundwater contamination risk from routine and accidental spills. However, given the limits of DES's oversight and the state of the art, local officials need to ensure that the appropriate restrictions and oversight are in place on the local level, to the extent that communities want to ensure protection of their groundwater resources.

This fact sheet outlines a number of steps that municipal officials and water suppliers should consider taking to minimize the groundwater contamination risk of gas stations.

¹ Ayotte, J.D., Argue, D.M., and McGarry, F.J., 2005, Methyl tertiary-Butyl Ether occurrence and related factors in public and private wells in southeast New Hampshire: *Environmental Science and Technology*, vol. 39, no. 1, p. 9-16. (<http://nh.water.usgs.gov/Publications/2005/es049549e.pdf>)

Siting Restrictions

Given the likelihood that UST systems will release gasoline constituents (most commonly in the form of vapor leaks from underground piping systems or overfills of the UST, vehicle tank, or portable container) and the possibility that spilled fuel will be carried off the fueling area by stormwater, municipal officials interested in providing the highest possible level of protection for groundwater used for drinking water should consider restricting the siting of gas stations as they would any other land use that is likely to contaminate groundwater. If the municipality's zoning ordinance prohibits the location of certain high-risk land uses in wellhead protection areas, aquifer protection areas, or other areas of high-value groundwater, gas stations should be considered for inclusion in the list of prohibited land uses.

Municipal officials should also consider including setbacks in zoning ordinances or site plan review regulations to separate UST systems and gas station stormwater discharges from water supply wells, both public and private. A 2002 study of petroleum contamination travel distances at discharge sites in Maine found the *average* distance traveled was 295 feet for gasoline constituents and 140 feet for diesel/fuel oil constituents. About one-third of MtBE contamination plumes, one-quarter of other gasoline plumes, and one-sixth of diesel/fuel oil plumes traveled more than 300 feet.² DES's rules for the siting of UST systems *at new sites* (Env-Wm 1401.28 (ac)) include the following setbacks:

- ❑ 500' between gasoline USTs and public water supplies (PWSs)
- ❑ 400' between other USTs and PWSs
- ❑ 250' between gasoline USTs and private wells
- ❑ 75' between other USTs and private wells
- ❑ 75' between any UST and surface water

Municipalities that feel that these setbacks are not sufficiently protective of public or private water supplies or other water resources can establish more stringent setbacks, as well as applying setbacks to new USTs at existing sites, although DES does not recommend that local siting restrictions be applied to replacement USTs.

Whether or not municipalities establish their own UST setback requirements, they should help ensure that UST systems at new sites comply with DES's setbacks, since DES does not always have the resources to field-check information about existing wells provided to DES by UST applicants. This can be done through the local site plan review process in municipalities that have site plan review regulations, and whenever applicants for new USTs notify the municipality, as required by DES.

Site Design

The design of UST systems (the tank and underground piping) is thoroughly regulated by DES.³ DES is *not* recommending that municipalities establish additional *design* criteria for these tank systems. However, there are several aspects of gas station design that can receive additional attention during site plan review from a groundwater protection standpoint.

Spill Containment

In addition to requiring devices that are designed to contain spills that may occur when USTs are being filled, DES rules for new USTs⁴ require a concrete pad with positive limiting barriers (PLBs) to contain spills in the fuel dispensing area (Env-Wm 1401.28 (v)). PLBs are grooves in the concrete around the edge of the dispensing area; the rule requires that they be constructed *and*

² Bureau of Remediation and Waste Management, Maine Department of Environmental Protection, "Historical Oil Contamination Travel Distances in Ground Water at Sensitive Geological Sites in Maine," April 30, 2002.

³ This fact sheet deals only with USTs used to store motor fuel at gas stations. For state regulatory requirements for other UST types, please refer to DES fact sheet WMD-REM-20. For information on above-ground storage tanks, please refer to WMD-REM-5.

⁴ The rules apply where the concrete pad is disrupted for tank or piping installation after February 2005.

maintained to contain five gallons *for each dispenser*—each dispenser typically has two dispensing hose. The rule also states that dispensing nozzles may not extend beyond the PLBs.

Additional Sump Requirement

Municipalities could drastically reduce the probability of releases by requiring that all tank top connections—including fill, pump, and automatic tank gauging (ATG) risers—occur within full-depth or collared sumps, and by requiring double-walled piping for the underground portion of vent pipes.⁵

Stormwater Management

The guiding principle of stormwater management at gas stations is to keep clean water clean. Relatively clean stormwater, such as from roofs and areas other than the fueling area, may not be allowed to run onto the fuel dispensing area (Env-Wm 1401.28 (al)). The relatively clean stormwater can be managed the same as stormwater from any parking area; it should be directed as sheet flow over grassed areas and/or collected and treated according to accepted stormwater best management practices (BMPs).⁶ With this in mind, the site should be designed and maintained with a snow removal plan and designated snow storage areas that do not interfere with the intended stormwater flow.

If the municipality has an opportunity to review the site plan for an existing facility, such as in the case of site alteration or expansion, the design goal should be to keep stormwater off the dispensing pad. Whenever practical, stormwater management at an existing facility should be brought up to date with a canopy draining outside the dispensing area, a properly pitched, impervious concrete dispensing pad, and properly sized PLBs.

Groundwater Protection Plan

Municipalities should require applicants to submit a plan to minimize the potential for groundwater contamination. Implementation of the plan should be a condition of site plan review approval. The plan should cover the following items:

- ❑ A complete description of spill prevention and control measures for the facility. Spill prevention begins with the customer. Signs should be posted at the pump instructing customers not to top off fuel tanks and to notify an employee in the event of a spill. Emergency shutoff switches should be plainly labeled.
- ❑ An estimate of the maximum quantity of fuel that could be spilled in the event of an equipment failure, along with an analysis of its fate and a plan for preventing it from reaching groundwater or surface water. The plan should include descriptions of containment and/or diversionary structures or equipment needed in the event of a spill, and a demonstration that the needed equipment, personnel, and other resources would be available to respond to a spill.
- ❑ A notification list, including the names and phone numbers of local management, remote management, fire and police, local and state agencies needing to be notified, and spill response contractors.
- ❑ Routine spot cleaning of small spills at fueling areas with dry methods. Dry methods include using rags or absorbents. Fueling areas should never be washed down unless the water is collected and disposed of properly. The plan should specify that an adequate supply of absorbent materials be kept readily available.
- ❑ Storage and disposal of used sorbents and/or rags.
- ❑ Maintenance of PLBs and the stormwater management system, including BMPs.
- ❑ Provisions to ensure that snow plowing and other maintenance will not interfere with the proper functioning of stormwater management, spill containment, and leak detection systems.

⁵ DES plans to propose adding these additional requirements to Env-Wm 1401 during 2012.

⁶ For more information, please see DES report R-WSPCD-95-3, Best Management Practice for Urban Stormwater Runoff.

- ❑ **Employee training:** Employees should be trained (upon hiring and annually thereafter) in all aspects of routine operation and maintenance, including routine spill cleaning and containment of contaminated stormwater, as well as spill response and other emergency procedures.

Existing Gas Stations—Local Regulatory Options

Several options exist for local oversight of existing gas stations. Of the approaches listed above, siting restrictions clearly would not apply to existing UST systems at existing gas stations. However, some aspects of site design (stormwater management, PLBs) could be corrected at existing gas stations, and the implementation of a groundwater protection plan is certainly achievable at existing sites. While existing operations would be exempt from requirements enacted in zoning or site plan review regulations, municipalities can institute these requirements through a general bylaw under RSA 31:39, or a health regulation or health ordinance enacted under RSA 147:1, I, if the purpose is to protect public health.

Existing Gas Stations—Non-Regulatory Options

According to a 2001 report by the U.S. Government Accounting Office, 29 percent of regulated USTs nationally are not being operated and maintained properly. The most important non-regulatory role for water suppliers and municipal officials with respect to existing gas stations is to ensure compliance with state requirements with respect to stormwater management, spill containment, and periodic inspection of release prevention and detection systems. DES strongly urges municipalities and/or water suppliers to visit gas stations annually (subject to the voluntary cooperation of owners) to verify that the owners are complying with these requirements, as well as any local site plan review conditions. Municipalities may also wish to offer incentives to owners of single-walled tanks or piping to close them prior to the December 22, 2015, deadline.

For Additional Information

For more information on local groundwater protection measures, please visit www.des.nh.gov, click on A to Z List and choose Drinking Water Source Protection Program., or call (603) 271-7061.

For additional information, please contact the Drinking Water and Groundwater Bureau at (603) 271-2513 or dwgbinfo@des.nh.gov or visit www.des.nh.gov, click on A to Z List and choose Drinking Water and Groundwater Bureau. All of the bureau's fact sheets are online at <http://des.nh.gov/organization/commissioner/pip/factsheets/dwgb/index.htm>.

Note: This fact sheet is accurate as of December 2011. Statutory or regulatory changes or the availability of additional information after this date may render this information inaccurate or incomplete.

ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

WD-DWGB-22-5

2010

Developing A Source Control Plan for High-Load Areas

Applicability

When land use development requires a DES Alteration-of-Terrain (AoT) permit and involves certain activities that release hydrocarbons, metals, or suspended solids in concentrations greater than typically found in stormwater runoff, a source control plan is required. Land use activities, such as petroleum storage, fuel dispensing areas and hazardous waste facilities often have areas (e.g. fuel transfer or loading zones) for activities that may expose “regulated substances” (e.g. oil, gasoline) to precipitation or mix with relatively clean stormwater runoff. These areas are referred to as “High-Load Areas” under the AoT regulations. Sites with no regulated substances being used or demonstrating through the use of best management practices (BMPs) no contact between regulated substances and precipitation/ runoff from any portion of the site do not need to develop a source control plan.

Required Content for a Source Control Plan

A source control plan developed for High-Load Areas must include a narrative and map(s) describing the use of structural and/or non-structural BMPs to minimize the volume of stormwater coming in contact with regulated substances. BMPs related to the storage, transfer and handling of regulated substances should be consistent with Env-Wq 401, Best Management Practices for Groundwater Protection. (See Summary of Env-Wq 401 BMP below)

Table 1 High Load Areas Include the Following Land Use Activities per Env-Wq 1502.26
Industrial facilities subject to the NPDES Multi-Sector General Permit
Petroleum storage facilities
Petroleum dispensing facilities
Vehicle fueling facilities
Vehicle service, maintenance and equipment cleaning facilities
Fleet storage areas
Public works storage areas
Road salt facilities
Commercial nurseries
Non-residential facilities having uncoated metal roofs with a slope flatter than 20%
Facilities with outdoor storage, loading, or unloading of hazardous substances, regardless of the primary use of the facility
Facilities subject to chemical inventory under Section 312 of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

A source control plan must include the content described within AoT regulations (see Env-Wq 1504.07):

1. An overview of how source controls including structural or operational management practices will prevent or minimize the amount of regulated substances from mixing with clean stormwater.
2. A list of regulated substances expected to be present on the site in quantities of five gallons or more.
3. Groundwater Protection Areas, if any, within 1,000 feet of the site perimeter.
4. A plan depicting the drainage area with exposed regulated substances and the location(s) of stormwater practice(s) or discharge point(s) serving those areas, including latitude-longitude point(s) of the practice or discharge point(s) to within plus or minus 5 meters of

the practice or discharge point.

5. The location(s) and containment method(s) to be employed for storage of regulated substances.
6. A plan depicting the location(s) where regulated substances will be handled, including the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.
7. A plan showing the location(s) of snow storage areas.
8. A description of spill prevention and control or containment measures.
9. A list of the phone numbers and mailing addresses of the owner of the facility.
10. A program of training to familiarize employees with the plan and to ensure its implementation.

Under AoT regulations, stormwater discharge, filtration/infiltration restrictions or additional design requirements apply to sites within certain high-value water supply resources areas. Source control plans should identify water supply well setbacks, Groundwater Protection Areas or Water Supply Intake Protection Areas and indicate how the plan complies with the restrictions or additional design requirements.¹ For a summary of the discharge restrictions and additional design requirements in these areas review Section 3-1 of the New Hampshire Stormwater Manual (Volume 2).

The source control plan is evaluated by DES as to whether the plan meets the following criteria:

- Source controls minimize the volume of stormwater coming into contact with regulated substances and segregate relatively clean stormwater from stormwater with a higher concentration of pollutants.
- Source controls and narrative on plan include necessary information required by Env-Wq 1507.04.
- BMPs applicable to regulated substances in regulated containers (greater than or equal to five gallons) are consistent with Env-Wq 401.
- Plan meets the discharge setbacks, restrictions and additional design requirements within water supply well setbacks, Groundwater Protection Areas and Water Supply Intake Protection Areas.

Summary of Env-Wq 401 BMP Requirements

Storage

- Store regulated substances on an impervious surface.
- Secure storage areas against unauthorized entry.
- Inspect storage areas weekly.
- Have secondary containment areas for outdoor storage that includes a cover.
- Keep containers stored outside more than 50 feet from surface water, 75 feet from private wells, and up to 400 feet from public water supply wells.
- Keep containers at least 50 feet from storm drains, if no secondary containment.
- Label containers clearly and visibly.

Handling

- Maintain good housekeeping practices, e.g., clean up of small spills, within High-Load Areas.
- Keep containers closed and sealed.
- Place drip pans under spigots, valves, and pumps.

¹ Groundwater Protection Areas and Water Supply Protection Areas may be located using DES's One Stop Web GIS after registration with DES. See <http://www2.des.state.nh.us/OneStop/>.

- Use funnels and drip pans when transferring regulated substances; perform transfers over impervious surfaces.

Spill and Release Response

- Employee training and information posted concerning response procedures in the event of a spill.
- Availability and capacity of spill control and containment equipment

Floor Drains and Work Sinks

- Cannot discharge into or onto the ground.

Env-Wq 401, Best Management Practices for Groundwater Protection can be reviewed online at <http://des.nh.gov/organization/commissioner/legal/rules/index.htm#envwq401>

Industry-Specific Requirements

In addition to the BMPs listed above, plans for industrial facilities must evaluate the appropriateness of industry-specific controls, and include provisions for the implementation of those that are found to be appropriate.

Consistency with Other Permits, Plans or Controls

Many land uses or activities already operate under local, state or federal permits that require pollution prevention controls, permits and/or plans. Source control plans should be consistent with other applicable permit requirements, plans or controls including Spill Prevention, Control, and Countermeasures plans (SPCCs) required under 40 CFR 112, National Fire Protection Association (NFPA) standards, specifically NFPA 30 Flammable and Combustible Liquids Code and Stormwater Pollution Prevention Plans (SWPPP) approved by U.S. EPA through the National Pollutant Discharge Elimination System (NPDES) program. EPA-approved SWPPPs may be submitted to the AoT program in lieu of a source control plan.

For Additional Information

For additional information, please contact the Drinking Water and Groundwater Bureau at (603) 271-2513 or dwgbinfo@des.nh.gov or visit www.des.nh.gov, click on A-Z List and choose Drinking Water and Groundwater Bureau. All of the bureau's fact sheets are on-line at <http://des.nh.gov/organization/commissioner/pip/factsheets/dwgb/index.htm>.

Note: This fact sheet is accurate as of August 2010. Statutory or regulatory changes or the availability of additional information after this date may render this information inaccurate or incomplete.

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made this 18th day of SEP, 2014, between the Town of Allenstown, a New Hampshire municipal corporation, with an address of 16 School Street, Allenstown, New Hampshire 03275 (hereinafter "SELLER"), and Niyati Realty, LLC, a New Hampshire limited liability company, with an address of 239 Steam Mill Road, Auburn, New Hampshire 03032 (hereinafter "BUYER").

WITNESSETH: That the SELLER agrees to sell and convey and the BUYER agrees to buy certain real estate situate at 289 Pinewood Road, Tax Map 409, Lot 32, Allenstown, New Hampshire, as more particularly described in the deed recorded in the Merrimack County Registry of Deeds at Book , Page 1289.

The SELLING PRICE is FORTY NINE THOUSAND SEVEN HUNDRED THREE and 94/100 DOLLARS (\$49,703.94)

Deposit, receipt of which is hereby acknowledged in the form of a check is to be held in an escrow account by Donahue, Tucker & Ciandella, PLLC in the sum of TWO THOUSAND DOLLARS (\$2,000.00)

~~CASH, CERTIFIED CHECK or BANK DRAET on the date of transfer of title in the sum~~
of FORTY SEVEN THOUSAND SEVEN HUNDRED THREE AND 94/100 DOLLARS (\$47,703.94)

DEED: Marketable Title shall be conveyed by a deed without covenants, and shall be free and clear of all encumbrances except usual public utilities serving the property and restrictive covenants of record.

TRANSFER OF TITLE: On or before October 1, 2014 at the Allenstown Town Offices, or another mutually agreeable location.

POSSESSION AND CONDITION OF PREMISES: Free of all tenants, personal property, and encumbrances except as stated herein is to be given on or before the date of closing. The BUYER shall have the right to inspect the premises for compliance twenty-four (24) hours prior to closing.

BROKERS: Each party shall indemnify and hold harmless the other for any claims made by any broker claiming to represent that party in regard to this transaction. Each party represents that they have engaged no broker in this transaction. The aforesaid obligation to hold harmless and indemnify shall include all costs, expenses, reasonable attorney's fees, and any other settlement or payment of judgment.

the cost of bringing such Interpleader Action from the deposit monies held in escrow prior to the forwarding of the same to the Clerk of such Court.

BINDING ON HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS: This Agreement shall be binding upon the heirs, executors, administrators and assigns of all parties.

RESIGNING OF FINAL AGREEMENT: Should this Agreement be altered by any party, such alterations shall be initialed and dated by all parties. Once agreement on all terms and conditions is reached all parties will sign a typewritten version.

ADDITIONAL PROVISIONS:

1. This Agreement is contingent upon the additional deposit in accordance with the execution of the Escrow Agreement attached hereto at closing.
2. Buyer shall be responsible for all closing costs which it may incur; additionally, Buyer shall pay the Town for reasonable legal costs for closing preparation typically performed by Seller, such as deed preparation and documentation for the Department of Revenue.

In the presence of:

Gina Baldasaro
Witness
Gina Baldasaro
Deputy Town Clerk

[Signature]
Witness

SELLER: TOWN OF ALLENSTOWN

[Signature]
Shaun Mulholland, Town Administrator
Duly authorized

BUYER: NIYATI REALTY, LLC

[Signature]
Sandeep Patel, Manager
Duly authorized

DRAFT

ESCROW AGREEMENT

The **TOWN OF ALLENSTOWN**, a New Hampshire municipal corporation, with an address of 16 School Street, Allenstown, New Hampshire 03275 ("Seller") and **NIYATI REALTY, LLC**, a New Hampshire limited liability company of 239 Steam Mill Road, Auburn, New Hampshire 03032 ("Buyer"), for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby state and agree as follows:

1. Buyer is purchasing from Seller the premises known as Map 409, Lot 32, Allenstown, New Hampshire ("Premises").
2. The parties agree that justice will be served if the Buyer obtains the property, and then, subject to obtaining the requisite land use approvals, provides economic development to the Town through a) the addition of approximately ten (10) jobs; b) the generation of approximately \$150,000.00 in annual payroll; and c) improvements to the property of approximately \$500,000.00, such improvements being understood to increase the property value.
3. The parties acknowledge that the Premises was acquired by Seller as a tax deeded property and that Seller is authorized to convey the Premises as justice may require.

4. Seller shall transfer title and Buyer shall receive title and take possession contemporaneously herewith.
5. Buyer shall deposit, upon execution of this Agreement, Ten Thousand and 00/100 Dollars (\$10,000.00) ("Escrow Amount") into an escrow account to be held by Seller's Attorneys, Donahue, Tucker & Ciandella ("Escrow Agent").
6. Within eighteen (18) months of closing Buyer shall provide to Seller a statement indicating the numbers of jobs created, the estimated annual payroll for those jobs and the value of new improvements to the Premises.
7. If Buyer does not provide the statement required above then the Escrow Amount shall be forfeited and paid to Seller as damages.
8. If Buyer fails to generate the economic development outlined in Paragraph 2 then Seller may, at its sole discretion, a) deem the Escrow Amount forfeited or; b) modify this agreement; or c) release the Escrow Amount to Buyer.
9. If Buyer meets all of the conditions in Paragraph 2 and 6 above then the Escrow Amount shall be released to Buyer.

TOWN OF ALLENSTOWN

Gina Baldasar
Witness
Gina Baldasar
Deputy Town Clerk

[Signature]
By: Shaun Mullholland
Town Administrator, duly authorized

[Signature]
Witness

NIYATI REALTY, LLC
[Signature]
By: Sandeep Patel
Manager, duly authorized

Niyati Realty, LLC
239 Steam Mill Road
Auburn, NH 03032

Catamount Hill Cooperative Inc.
275 Pinewood Road
Allenstown, NH 03275

Therese L. & Robert J. Fortin
276 Pinewood Road
Allenstown, NH 03275

Victor & Randy Perin
286 Pinewood Road
Allenstown, NH 03275

Anna Perin
45A Mountain Street
Woburn, MA 01801

William J. & Sharon A. Gelinis
185 River Road
Epsom, NH 03234

William Gelinis
185 River Road
Epsom, NH 03234

SFC Engineering Partnership, Inc.
One Industrial Drive
Windham, NH 03087

Gove Environmental Services
Luke Hurley
8 Continental Drive, Unit H
Exeter, NH 03833