





## TOWN OF MERRIMACK INTER-DEPARTMENT COMMUNICATION

**DATE:** September 28, 2022

**AT (OFFICE):** Department of Public Works

**FROM:** Dawn B. Tuomala, PE, LLS, CWS  
Deputy Director/Town Engineer

**THRU:** Kyle Fox, Public Works Director *mf*

**TO:** Paul Micali, Town Manager

**SUBJECT:** Acceptance for Roads, Drainage and Slope Easements, and Open Space  
Parcel 7C-40-2  
Orchard Drive, Baldwin Court, McIntosh Court,  
Cider Court, Crab Tree Court, Bushel Court and Harvest Court  
Greenfield Farms XIV Subdivision

A final inspection Greenfield Farms XIV Subdivision Plan, was performed by the Public Works Department on September 13, 2022. Road and Drainage As-Built Plans were received on August 30, 2022. The right of way improvements are found to be in substantial accordance with the requirements of the Town of Merrimack. Roads to be accepted are as follows:

Orchard Drive is a 2,200 LF roadway off of Wire Road connecting to Whispering Pines.  
Baldwin Court is a 280 FL roadway off of Orchard Drive ending in a cul-de-sac.  
McIntosh Court is a 530 LF roadway off of Orchard Drive ending in a cul-de-sac  
Cider Court is a 400 LF roadway off of Orchard Drive ending in a cul-de-sac  
Crab Tree Court is a 420 LF roadway off of Orchard Drive ending in a cul-de-sac  
Bushel Court is a 310 LF roadway off of Orchard Drive ending in a cul-de-sac  
Harvest Court is a 330 LF roadway off of Orchard Drive ending in a cul-de-sac

The Department recommends that, upon receipt of the two-year maintenance bond, that the performance bonds for the project be released. The maintenance bond is to be in the amount of \$338,975.00 which is 10% of the original projected bond amount for the project (see attached calculation sheet).

The Department recommends acceptance of the above listed roads, drainage easements and the Open Space Parcel 7C-40-2 by Town Council in accordance with Section 5.01.1 f of the Subdivision Regulations.

The attached deeds have been reviewed by the Town Attorney and have been found acceptable. It is also recommended that the Town Council Authorize the Town Manager to sign the attached deeds. The Owner will then be required to take the deeds and plan to the Hillsborough County

Registry of Deeds for recording. The owner is then to provide Public Works with the recording information.

The Planning Board will hear the case on October 4<sup>th</sup> to recommend the acceptance and the conversion of the bonds. Minutes will be supplied when they are available.

Should you have any questions please let me know,

Dawn

EC: Kyle Fox, DPW Director  
Kelly Valluzzi, Purchasing Agent/Accountant  
Thomas Boland, Finance Director  
Robert Price, Planning and Zoning Administrator  
Lori Barrett, Operations Manager  
Robert Lamontange, Owner/Contractor  
File

**Greenfield Farms XIV ~ BOND AMOUNTS**

Road	Original		Current		2 Year	
	Bond Worksheet	Original LOC Amount	LOC Amount	LOC Amount	Maint Bond	Bond
Orchard Drive	\$ 1,833,810.58	\$ 1,227,085.26	\$ 695,398.50		\$ 183,381.00	
Harvest Court	206,937.46	66,943.37	66,943.37		20,694.00	
Bushel Court	194,857.13	70,052.25	70,052.25		19,486.00	
Baldwin Court	192,258.72	83,023.92	83,023.92		19,226.00	
McIntosh Court	450,169.05	172,692.96	172,692.96		45,017.00	
Cider Court	232,802.28	71,897.45	71,897.45		23,280.00	
Crab Tree Court	278,906.88	68,779.95	68,779.95		27,891.00	
	3,389,742.10	1,760,475.16	1,228,788.40		\$ 338,975.00	

Return to:

---

---

---

---

**QUITCLAIM DEED**

**Hampshire Ventures, Inc.**, a New Hampshire corporation with a mailing address of 317 South River Road, Bedford, New Hampshire 03110 (the “Grantor”), for consideration paid, grants to the **Town of Merrimack**, a municipal corporation with a principal address of 6 Baboosic Lake Road, Merrimack, County of Hillsborough, State of New Hampshire 03045 (“Grantee”), with QUITCLAIM COVENANTS, a certain tract or parcel of land situated in the Town of Merrimack, County of Hillsborough, and State of New Hampshire identified as “**Open Space Lot 7C/40-2**” on plans entitled “**Greenfield Farms XIV, Subdivision Plan, Prepared For: Greenfield Management, LLC, Land of: Brook Hollow Corp., Hampshire Ventures, Inc., GFM Development, LLC and Allan M. & Barbara J. Swenson, Tax Map 7C Lots 28, 30, 40 & 40-1, Merrimack, New Hampshire**”, prepared by Meridian Land Services, Inc., dated March 29, 2016, with revisions to June 6, 2017, and recorded in the Hillsborough County Registry of Deeds (the “Registry”) as Plan #39492 (the “Subdivision Plan”), to which plan may be referenced for a more particular description.

This conveyance is subject to the following:

1. **Open Space Lot 7C/40-2 is designated as an Open Space Lot on the Subdivision Plan because it was used for purposes of calculating the density of the Greenfield Farms XIV (Merrimack) Subdivision with the approval of the Grantee. Accordingly, Open Space Lot 7C/40-2 is subject to the restrictions on open space land in cluster residential developments, as established by the Grantee in its zoning ordinance, site plan or subdivision regulations, and any other codes, laws, rules and regulations enacted by the Grantee for the protection of open space in cluster residential developments. For further information, please see Note 21 on the Subdivision Plan.**
2. **Sewer and drainage easement deed from Allan M. Swenson, Trustee of the Allan M. Swenson Real Estate Trust of 1999 and Barbara J. Swenson, Trustee of the Barbara J. Swenson Real Estate Trust of 1999 and DAC Investment Corp. to the Town of Merrimack dated August 7, 2007, and recorded in the Hillsborough County Registry of Deeds at Book 7885, Page 1414.**

3. Roadway Widening Dedication Easement Deed from Hampshire Ventures, Inc. to the Town of Merrimack dated January 8, 2019, and recorded in the Hillsborough County Registry of Deeds at Book 9140, Page 2614.

Meaning and intending to describe and convey a portion of the premises conveyed to Hampshire Ventures, Inc. by the following deeds: (i) Warranty Deed from Allan M. Swenson, Trustee of the Allan M. Swenson Real Estate Trust of 1999 and Barbara J. Swenson, Trustee of the Barbara J. Swenson Real Estate Trust of 1999 to Hampshire Ventures, Inc. dated August 29, 2018, and recorded in the Hillsborough County Registry of Deeds at Book 9104, Page 2085; (ii) Warranty Deed from Strazzulla Bros. Co., Inc. dated December 20, 2004, and recorded in the Hillsborough County Registry of Deeds at Book 7387, Page 1448; (iii) Quitclaim Deed from Robert S. LaMontagne dated August 29, 2018, and recorded in the Hillsborough County Registry of Deeds at Book 9104, Page 2083; (iv) Warranty Deed from Charles E. McCaffery and Dianna F. McCaffrey dated July 28, 2006, and recorded in the Hillsborough County Registry of Deeds at Book 7713, Page 2999; and (v) Warranty Deed from Brook Hollow Corp. dated August 29, 2018, and recorded in the Hillsborough County Registry of Deeds at Book 9104, Page 2091.

This conveyance is exempt from the real estate transfer tax pursuant to RSA 78-B:2, I; this conveyance is exempt from the LCHIP charge pursuant to RSA 478:17-g, II(a) because the Town is a party.

DATED this 14<sup>th</sup> day of January, 2022.

HAMPSHIRE VENTURES, INC.

  
By: Robert S. LaMontagne  
Its duly authorized President

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

This instrument was acknowledged before me on January 14<sup>th</sup>, 2022, by Robert S. LaMontagne, the duly authorized President of Hampshire Ventures, Inc., a New Hampshire corporation, on behalf of said corporation.



  
Notary Public/Justice of the Peace

AGREED AND ACCEPTED:

**TOWN OF MERRIMACK**

By: \_\_\_\_\_  
Paul Micali  
Town Manager  
Duly Authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

Personally appeared Paul Micali, the Town Manager for the Town of Merrimack, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2022, and acknowledged the foregoing on  
behalf of the Town of Merrimack.

\_\_\_\_\_  
Notary Public/Justice of the Peace

My commission Expires: \_\_\_\_\_

(SEAL)

*Return to:*

---

---

---

---

**FIRST AMENDMENT TO  
DRAINAGE AND SLOPE EASEMENT DEED**

THIS FIRST AMENDMENT to a certain Drainage and Slope Easement Deed is made this \_\_\_ day of \_\_\_\_\_, 2022, by **HAMPSHIRE VENTURES, INC.**, a New Hampshire corporation with a mailing address of 317 South River Road, Bedford, New Hampshire 03110 (“Hampshire Ventures”), and the **TOWN OF MERRIMACK**, a municipal corporation with a principal address of 6 Baboosic Lake Road, Merrimack, County of Hillsborough, State of New Hampshire 03045 (the “Town”).

WHEREAS, Hampshire Ventures granted a Drainage and Slope Easement Deed to the Town by deed dated January 8, 2019, and recorded in the Hillsborough County Registry of Deeds at Book 9140, Page 2606 (the “Easement Deed”); and

WHEREAS, the parties desire to amend the Easement Deed to expand the easement area pertaining to the “Drainage & Slope Easement over Lot 7C / 40 (Open Space – C)” contained in Paragraph XVIII of the Easement Deed upon the terms and conditions hereinafter set forth.

NOW THEREFORE, Hampshire Ventures and the Town, for valuable consideration, do hereby amend the Easement Deed as follows:

1. **EXPANSION OF EASEMENT AREA.** Hampshire Ventures, for consideration paid, grants to the Town, a certain drainage and slope easement over a portion of Hampshire Venture’s property located in the Town of Merrimack, County of Hillsborough, and State of New Hampshire identified as “Expanded Easement Area” as shown on a plan entitled “Expanded Easement Plan, Land of Hampshire Ventures, Inc., Tax Map 7C, Lot 40, Merrimack, New Hampshire”, dated January 11, 2022, prepared by Meridian Land Services, Inc., and recorded in the Hillsborough County Registry of Deeds as Plan # \_\_\_\_\_ (the “Easement Plan”) upon the same terms and conditions as recited in the Easement Deed.



2. **REAFFIRMATION OF EASEMENT DEED.** The parties hereby ratify and confirm all of the terms and conditions of the Easement Deed. Except as expressly modified herein, the Easement Deed remains in full force and effect.

The terms of these easements shall run with the land and shall be binding upon the Grantor its respective heirs, successors, devisees, and assigns. These easements shall be an easement in gross to the Town.

This conveyance is exempt from the real estate transfer tax pursuant to RSA 78-B:2, I; this conveyance is exempt from the LCHIP charge pursuant to RSA 478:17-g, II(a) because the Town is a party.

DATED as of the dates hereinbelow written.

**HAMPSHIRE VENTURES INC.**

By: [Signature]  
Robert S. LaMontagne  
President  
Duly Authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of January, 2022, by Robert S. LaMontagne, the President of Hampshire Ventures, Inc., a New Hampshire voluntary corporation, on behalf of the corporation.

[Signature]  
Notary Public/Justice of the Peace

My Commission Expires: 5/6/2025

(SEAL)



AGREED AND ACCEPTED:

**TOWN OF MERRIMACK**

By: \_\_\_\_\_  
Paul Micali  
Town Manager  
Duly Authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

Personally appeared Paul Micali, the Town Manager for the Town of Merrimack, this \_\_\_\_ day of \_\_\_\_\_, 2022, and acknowledged the foregoing on behalf of the Town of Merrimack.

\_\_\_\_\_  
Notary Public/Justice of the Peace

My commission Expires: \_\_\_\_\_

(SEAL)

Return to:

---

---

---

---

**QUITCLAIM DEED**

**HAMPSHIRE VENTURES, INC.**, a New Hampshire corporation, having an address of 317 South River Road, Bedford, New Hampshire 03110, for consideration paid, grants to the **TOWN OF MERRIMACK**, a municipal corporation with a principal address of 6 Baboosic Lake Road, Merrimack, County of Hillsborough, State of New Hampshire 03045, with QUITCLAIM COVENANTS, the following:

Certain roadways (the "Roadways") situated in the Greenfield Farms XIV (Merrimack) Subdivision, Merrimack, Hillsborough County, New Hampshire ("Subdivision") and shown as "*Orchard Drive*", "*Harvest Court*", "*Baldwin Court*", "*Bushel Court*", "*Mcintosh Court*", "*Cider Court*", and "*Crab Tree Court*" on a plan entitled "Greenfield Farms XIV, Subdivision Plan, Prepared For: Greenfield Management, LLC, Land of: Brook Hollow Corp., Hampshire Ventures, Inc., GFM Development, LLC and Allen M. & Barbara J. Swenson, Tax Map 7C Lots 28, 30, 40 & 40-1, Merrimack, New Hampshire", prepared by Meridian Land Services, Inc., dated March 29, 2016, with revisions to June 6, 2017, and recorded in the Hillsborough County Registry of Deeds as Plan #39492 (the "Plan"), to which Plan may be referenced for a more particular description.

This conveyance is subject to the following:

1. Rights, privileges and easements conveyed to Public Service Company of New Hampshire from Charles Boisclair recorded in the Hillsborough County Registry of Deeds at Book 879, Page 175.
2. Easement to Public Service Company of New Hampshire dated January 24, 1928 and recorded in the Hillsborough County Registry of Deeds at Book 875, Page 575.
3. Agreement and Consent to Joint Use by and between Public Service Company of New Hampshire d/b/a Eversource Energy and Hampshire Ventures, Inc. dated October 19, 2018, and recorded in the Hillsborough County Registry of Deeds at Book 9128, Page 2470.

- 4. Easement Deed from Hampshire Ventures, Inc. to Public Service Company of New Hampshire d/b/a Eversource Energy dated December 5, 2018, and recorded in the Hillsborough County Registry of Deeds at Book 9135, Page 1526.

TOGETHER WITH the perpetual, non-exclusive right and easement to extend and maintain such slopes and embankments beyond the limits of said Roadways as may be necessary for flowage, drainage and erosion in accordance with the standards adopted by the Town of Merrimack.

Meaning and intending to describe and convey a portion of the premises conveyed to Hampshire Ventures, Inc. by the following deeds: (i) Warranty Deed from Allan M. Swenson, Trustee of the Allan M. Swenson Real Estate Trust of 1999 and Barbara J. Swenson, Trustee of the Barbara J. Swenson Real Estate Trust of 1999 to Hampshire Ventures, Inc. dated August 29, 2018, and recorded in the Hillsborough County Registry of Deeds at Book 9104, Page 2085; (ii) Warranty Deed from Strazzulla Bros. Co., Inc. dated December 20, 2004, and recorded in the Hillsborough County Registry of Deeds at Book 7387, Page 1448; (iii) Quitclaim Deed from Robert S. LaMontagne dated August 29, 2018, and recorded in the Hillsborough County Registry of Deeds at Book 9104, Page 2083; (iv) Warranty Deed from Charles E. McCaffery and Dianna F. McCaffrey dated July 28, 2006, and recorded in the Hillsborough County Registry of Deeds at Book 7713, Page 2999; and (v) Warranty Deed from Brook Hollow Corp. dated August 29, 2018, and recorded in the Hillsborough County Registry of Deeds at Book 9104, Page 2091.

This conveyance is exempt from the real estate transfer tax pursuant to RSA 78-B:2, I; this conveyance is exempt from the LCHIP charge pursuant to RSA 478:17-g, II(a) because the Town is a party.

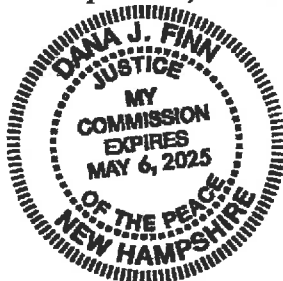
DATED this 14<sup>th</sup> day of January, 2022.

**HAMPSHIRE VENTURES, INC.**

By: [Signature]  
 Robert S. LaMontagne  
 President  
 Duly Authorized

STATE OF NEW HAMPSHIRE  
 COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of January, 2022 by Robert S. LaMontagne, the President of Hampshire Ventures, Inc., a New Hampshire corporation, on behalf of the corporation.



[Signature]  
 Notary Public/Justice of the Peace

AGREED AND ACCEPTED:

**TOWN OF MERRIMACK**

By: \_\_\_\_\_  
Paul Micali  
Town Manager  
Duly Authorized

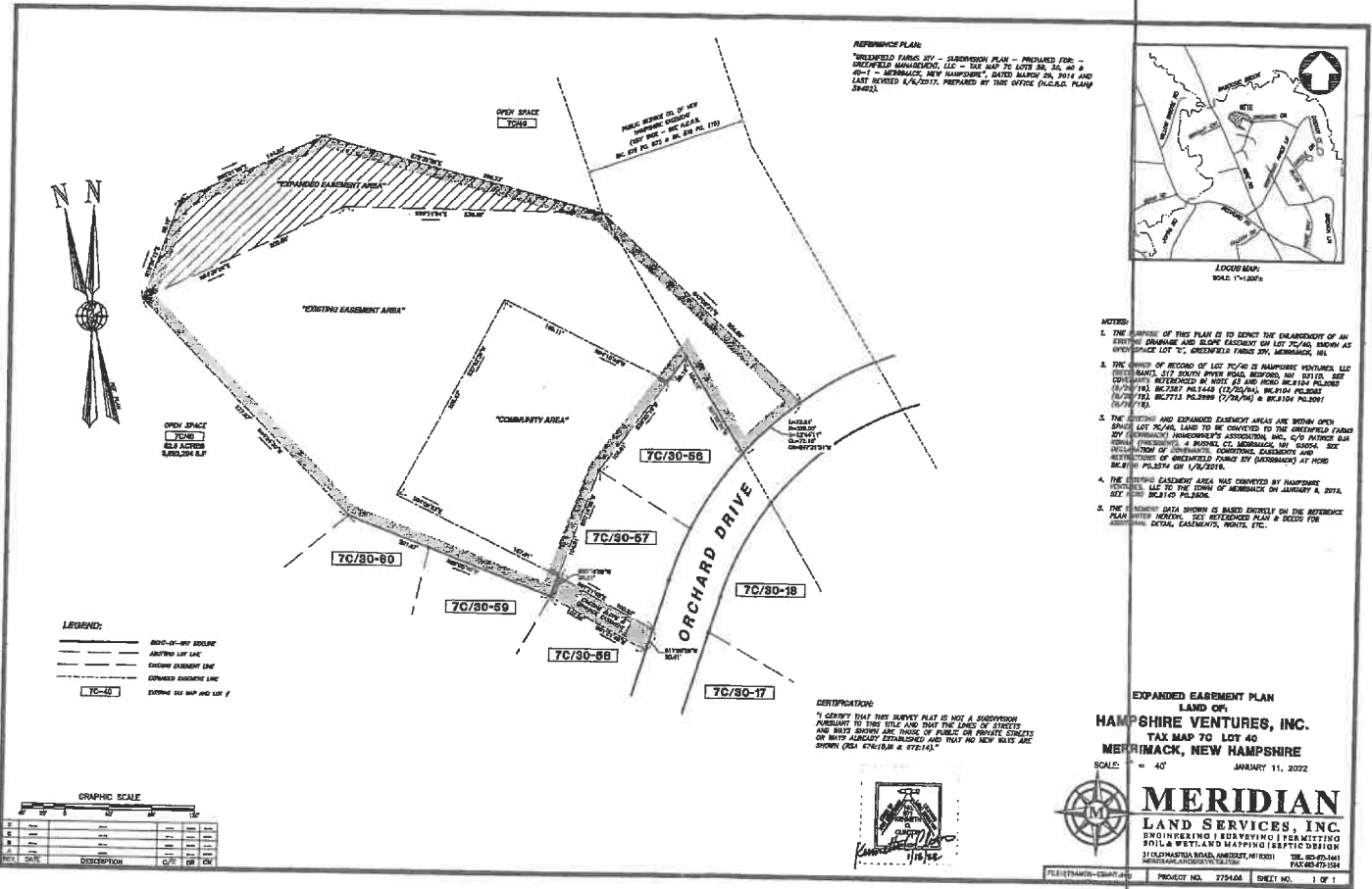
STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

Personally appeared Paul Micali, the Town Manager for the Town of Merrimack, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2022, and acknowledged the foregoing on  
behalf of the Town of Merrimack.

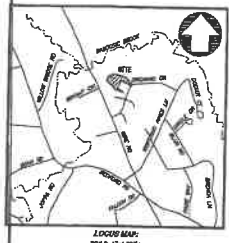
\_\_\_\_\_  
Notary Public/Justice of the Peace

My commission Expires: \_\_\_\_\_

(SEAL)



REFERENCE PLAN:  
 "GREENFIELD FARM XV - SUBDIVISION PLAN - PREPARED FOR - GREENFIELD MANAGEMENT, LLC - SEE MAP 7C/80-36, 36 & 37 - MERRIMACK, NEW HAMPSHIRE, DATED MARCH 28, 2014 AND LAST REVISED 4/4/2017, PREPARED BY THE OFFICE (PL.C.A.D. PLAN 28482).



- NOTES:
1. THE PURPOSE OF THIS PLAN IS TO DEFINE THE EXPANSION OF AN EXISTING EASEMENT AND EASEMENT FACILITY ON LOT 40/40, SHOWN AS OPENSPACE LOT 17, GREENFIELD FARMS XV, MERRIMACK, NH.
  2. THE OFFICE OF RECORD OF LOT 40/40 IS HAMPSHIRE VENTURES, LLC (DEED BOOK, 877 SOUTH BROWN ROAD, BOSTON, NH 02116, DEED CONVEYANCE REFERENCED BY NOTE #7 AND HOND BECAME PLANNED (PLANNED) TRACT POLARIS (2009/04), WILSON POLARIS (PLANNED) TRACT POLARIS (2009/04), WILSON POLARIS (PLANNED) TRACT POLARIS (2009/04) & BECAME PLANNED (PLANNED) TRACT.
  3. THE EXISTING AND EXPANDED EASEMENT AREAS ARE WITHIN OPEN SPACE LOT 40/40, LAND TO BE CONVEYED TO THE GREENFIELD FARMS XV (HAMPSHIRE) SUBDIVISION'S ASSOCIATION, INC. 0/0 BROWN ROAD (PLANNED) TRACT POLARIS, BY 6/30/04. SEE DECLARATION OF COVENANTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF GREENFIELD FARMS XV (MERRIMACK) AT HOND BECAME PLANNED ON 1/6/2016.
  4. THE EXISTING EASEMENT AREA WAS CONVEYED BY HAMPSHIRE VENTURES, LLC TO THE TOWN OF MERRIMACK ON JANUARY 8, 2016, SEE BECAME PLANNED.
  5. THE REFERENCE DATA SHOWN IS BASED ENTIRELY ON THE REFERENCE PLAN WITHIN HEREON. SEE REFERENCED PLAN & DEEDS FOR BOUNDARIES, EASEMENTS, MONUMENTS, ETC.

CERTIFICATION:  
 "I CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION PRESENTING TO THIS TITLE AND THAT THE LINES OF STREETS AND BAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE RIGHTS OR RIGHTS ALREADY ESTABLISHED AND THAT NO NEW RIGHTS ARE SHOWN (SEE CHAPTER 8:001:14).



EXPANDED EASEMENT PLAN  
 LAND ON  
**HAMPSHIRE VENTURES, INC.**  
 TAX MAP 7C/80-17 LOT 40  
 MERRIMACK, NEW HAMPSHIRE  
 SCALE: 1" = 40'  
 JANUARY 11, 2022



**MERIDIAN**  
 LAND SERVICES, INC.  
 ENGINEERING / SURVEYING / PERMITTING  
 31 OLD MANASSA ROAD, ANDOVER, NH 03001 TEL: 603-453-1441 FAX: 603-453-1551

PROJECT NO. 273466 SHEET NO. 1 OF 1