

DW11-218

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Thomas B. Getz

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Clifton C. Below
Amy L. Ignatius

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

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January 9, 2012



Debra A. Howland
Executive Director & Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301

Re: DW 11-218, Hampstead Area Water Company, Inc.
Petition to Expand Franchise, Acquire Assets, and Charge Rates
Fairfield subdivision in Sandown, NH
Staff Recommendation for Approval

Dear Ms. Howland:

The purpose of this letter is to offer a recommendation concerning a petition filed by Hampstead Area Water Company, Inc. (HAWC) to expand its franchise in the above-referenced docket. HAWC seeks to extend its water utility business to serve customers in a fifteen-unit development located on Fairfield Lane in the Town of Sandown, to establish a franchise, to operate a water system in the new franchise, to acquire associated assets, and to charge its currently authorized tariff rates in this new franchise area. Based on a review of the information submitted, Staff recommends the petition be approved.

On September 26, 2011, HAWC filed its petition along with the prefiled testimony of John Sullivan, controller for HAWC affiliate Lewis Builders, Inc. The proposed franchise area is "a certain parcel of land situate in Rockingham County, Town of Sandown, N. H. known as Fairfield..." A Metes and Bounds description of the franchise area was attached to HAWC's response to Staff Data Request 1-2 as Revised Exhibit 4 to the petition. HAWC received a request from the Fairfield Homeowners Association to acquire and operate their existing water system in order to provide service to their fifteen (15) unit subdivision development, on a parcel known as Fairfield, off Geisser Lane and Fairfield Road in Sandown, New Hampshire. The proposed franchise area encompasses approximately 21.97 acres. A map of the well area within the proposed franchise was included as Exhibit 3 to the petition. Staff believes that the requirements of RSA 374:22, III regarding the availability and suitability of water are met in that a copy of the New Hampshire Department of Environmental Services (DES) permit to operate the Fairfield water system was included as

Exhibit 2 to the petition. In addition, a letter from DES attached to HAWC's response to Staff Data Request 1-6 indicates that, as of October 28, 2011, the system was in compliance with state and federal regulations pertaining to the Safe Drinking Water Act.

The water system being acquired carries an original cost of \$60,400; HAWC, however, will acquire the system as a Contribution In Aid of Construction (CIAC) from the homeowners association which previously operated the system as a community water system. A Bill of Sale was attached as Exhibit 7 to the petition. The out of pocket cost to HAWC was \$3,500, which represents the expenses incurred to file the petition and secure the easement rights. Exhibit 8 of the petition is a Contract, subject to Commission approval, to acquire the system, and Exhibit 9 of the petition is a schedule of the costs to be incurred by HAWC to acquire the system as CIAC, if the acquisition is authorized.

The Town of Sandown, by letter filed with the Commission on October 12, 2011, stated that it had been notified of the proposed petition to acquire and operate a small water system extension which consists of 15 units in the Fairfield subdivision in Sandown, New Hampshire.

The Homeowners Association has indicated that each homeowner contributes approximately \$300 per year for the operation of the water system. The water service is currently not metered and in response to Staff Data Request 1-8, HAWC states installation of meters would begin after the acquisition of the system is finalized, and that the installation of meters is expected to be completed within a one month span. HAWC proposes to charge the Fairfield customers its currently effective system wide water rate which consists of a monthly base rate of \$10.00 and a consumption rate of \$4.74 per 100 cubic feet.

HAWC provides water service to some 3,000 customers in various systems in southern New Hampshire. Staff believes HAWC, through its operation of such systems, has demonstrated that it has the technical, managerial, financial and other capabilities to enable it to serve the proposed franchise encompassing the Fairfield subdivision. For the reasons indicated above, Staff concurs with HAWC's proposal to provide service to, and charge its existing rates in, the development. Staff recommends the Commission approve HAWC's petition.

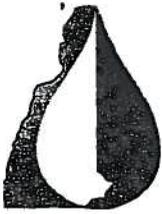
If you have any question or request further information regarding this matter, please contact me.

Sincerely,



James L. Lenihan
Utility Analyst

Attachments: Data Responses Set 1
cc: Docket-Related Service List



HAMPSTEAD AREA

WATER COMPANY, INC

54 SAWYER AVENUE, ATKINSON, NH 03811

TEL: 603.362.4299 FAX: 603.362.4936
www.hampsteadwater.com

November 3, 2011

Marcia Thunberg, Esq.
NH PUC
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

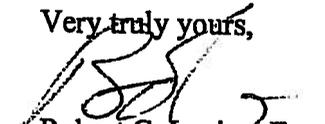
RE: DW-11-218
Answers to Staff Data Requests – Set 1

Dear Marcia:

Please find enclosed the Company's Answers to Staff Data Requests – Set 1 regarding the above referenced docket. An electronic copy via email has also been sent to you and all persons on the service list.

Thank you for your assistance in this regard. Don't hesitate to call me if you have any questions.

Very truly yours,



Robert C. Levine, Esq.
General Counsel

Enclosures
RCL/ja

cc: HAWC Mgrs.
Stephen St. Cyr
11-218 Service List

Hampstead Area Water Co., Inc.
Petition to Expand Franchise in Town of Sandown
DW 11-218
Staff Data Requests - Set 1
Answers

Date request received: 10/20/11
Staff 1-1

Date of Response: 10/27/11
Witness: Robert Levine

Petition paragraph 2 refers to "the parcel known as Town of Sandown". Please clarify the ownership of the parcel or parcels involved.

Response: "Town of Sandown" is an error. The correct language is "Fairfield". The subject parcel is the Fairfield subdivision in the Town of Sandown.

Hampstead Area Water Co., Inc.
Petition to Expand Franchise in Town of Sandown
DW 11-218
Staff Data Requests - Set 1
Answers

Date request received: 10/20/11
Staff 1-2

Date of Response: 10/27/11
Witness: Robert Levine

Petition paragraph 5 describes the requested franchise as Tax Map 3, Lot 15-1, yet Exhibit 4 appears to indicate it as Lot 15-6 (1977 plan) or Map 5, Lots 18, 18-A, and variations of 18-1 through 18-17 or 18-18 (1985 and 1993 plans). Please clarify what map number and lots the requested franchise currently incorporates.

Response: The reference to Tax Map 3, Lot 15-1 is an error. The franchise would incorporate the 21.97 acres shown on Plan 7677 as Tax Map 15-6. This was later changed to Tax Map 5-18 at the time of the creation of the subdivision as shown on plan D-14068, which shows Lots 18, 18A and 18-1 through 18-18 as subdivided, some total acreage of 21.97. Plan 22640 shows a lot line change within the subdivision, again with the same metes and bounds as Plan 14068 and Plan 7677. A metes and bounds description of the franchise area is attached as a Revised Exhibit 4.

Hampstead Area Water Co., Inc.
Petition to Expand Franchise in Town of Sandown
DW 11-218
Staff Data Requests - Set 1
Answers

Date request received: 10/20/11
Staff 1-3

Date of Response: 10/27/11
Witness: Robert Levine

Exhibit A at the end of the Water Rights Deed and Easement (Exh. 1) appears to be a metes and bounds description of a property other than the Fairfield property. Please provide the correct description to the extent one exists.

Response: Please find attached the corrected Water Rights Deed.

Hampstead Area Water Co., Inc.
Petition to Expand Franchise in Town of Sandown
DW 11-218
Staff Data Requests - Set 1
Answers

Date request received: 10/20/11
Staff 1-4

Date of Response: 10/27/11
Witness: Robert Levine

It appears from the filing that there are no customers who are not members of the Fairfield Homeowners Association. Please confirm or explain.

Response: At this time there are no other customers within the proposed franchise area other than the members of the Fairfield Homeowners Association.

Hampstead Area Water Co., Inc.
Petition to Expand Franchise in Town of Sandown
DW 11-218
Staff Data Requests - Set 1
Answers

Date request received: 10/20/11
Staff 1-5

Date of Response: 10/27/11
Witness: Charlie Lanza

Are any water system upgrades known to be required in either the short or long term? If so, please explain.

Response: There are no known upgrades in either the short or long term.

Hampstead Area Water Co., Inc.
Petition to Expand Franchise in Town of Sandown
DW 11-218
Staff Data Requests - Set 1
Answers

Date request received: 10/20/11
Staff 1-6

Date of Response: 10/27/11
Witness: Charlie Lanza

Are there any outstanding NH Department of Environmental Services violations or significant deficiencies for the system?

Response: No, there are not. See attached letter.

**Hampstead Area Water Co., Inc.
Petition to Expand Franchise in Town of Sandown
DW 11-218
Staff Data Requests - Set 1
Answers**

**Date request received: 10/20/11
Staff 1-7**

**Date of Response: 10/27/11
Witness: Charlie Lanza**

Are there any other nearby water systems that could serve the development?

Response: There is no other nearby water system that could serve the development.

Hampstead Area Water Co., Inc.
Petition to Expand Franchise in Town of Sandown
DW 11-218
Staff Data Requests - Set 1
Answers

Date request received: 10/20/11
Staff 1-8

Date of Response: 10/27/11
Witness: Charlie Lanza

It appears from the filing that customers are not currently metered. Please confirm or explain, including over what time frame metering is anticipated.

Response: The installation of meters would begin after the acquisition of the system is finalized. Meter installation is expected to be completed within a one month span. This assumes gaining access to the homes is completed in a timely manner.

Hampstead Area Water Co., Inc.
Petition to Expand Franchise in Town of Sandown
DW 11-218
Staff Data Requests - Set 1
Answers

Date request received: 10/20/11
Staff 1-9

Date of Response: 10/27/11
Witness: Charlie Lanza

What are the current water rates under Association ownership?

Response: The current Association has indicated that each homeowner contributes approximately \$300 per year for the operations of the water system.

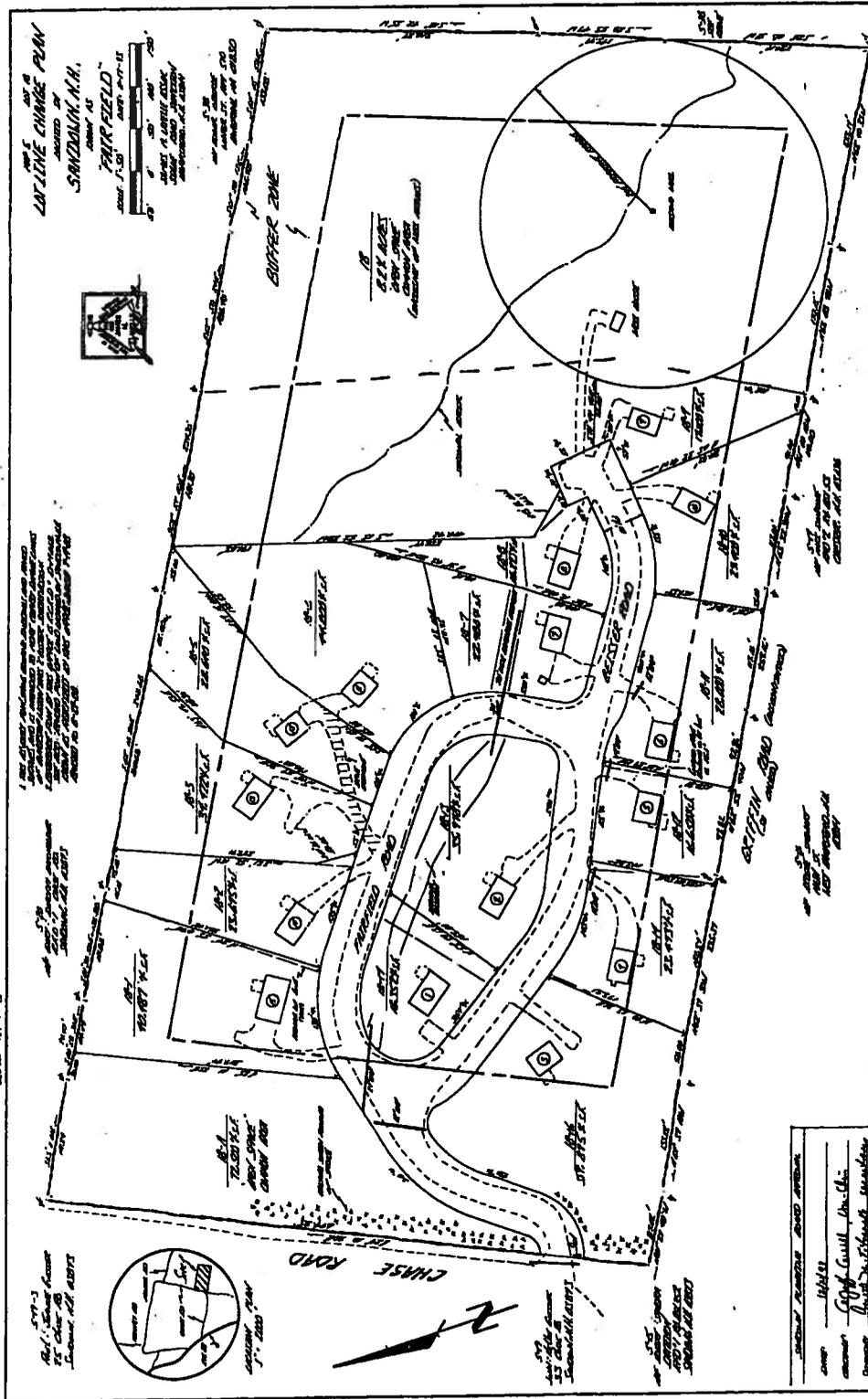
**PROPOSED FRANCHISE AREA
FAIRFIELD**

A certain tract of land situated in Sandown, County of Rockingham, and State of New Hampshire, bounded and described as follows, viz:

The following interest in land situated in the Town of Sandown, Rockingham County, New Hampshire; the following water rights and easements over parcels of land known as a certain parcel of land situate in Rockingham County, Town of Sandown, New Hampshire, and shown on plan of land entitled "Map 5, Lot 18, Lot Line Change Plan located in Sandown, N.H. know as 'Fairfield', scale 1"=50', dated June 20, 1985", prepared by James M Lavelle Assoc, and recorded in the Rockingham Registry of Deeds as Plan no. D-14068 (Plan), being more particularly described as follows:

Beginning at the Southwest corner of the subject premises, along the Southeasterly sideline of Chase Road at a stone wall; thence turning and running N 24° 10' 20" E a distance of 694.85 feet to a point to a stake at the Northwesterly corner of the subject premises; thence turning and running S 63° 11' 00" E a distance of 141.27 feet to a drill hole; thence turning and running S 60° 58' 30" E a distance of 94.47 feet to a drill hole; thence turning and running S 61° 31' 50" E a distance of a distance of 126.88 feet to a drill hole; thence turning and running S 62° 16' 20" E a distance of 342.68 feet to a drill hole; thence turning and running S 62° 54' 00" E a distance of 234.30 feet to a drill hole; thence turning and running S 62° 50' 23" E a distance of 186.40 feet to a drill hole; thence turning and running S 61° 28' 12" E a distance of 106.98 feet to a drill hole; thence turning and running S 64° 05' 50" E a distance of 133.08 feet to an iron pipe at the Northeasterly corner of the subject premises; thence turning and running S 18° 42' 35" W a distance of 310.87 feet to a drill hole; thence turning and running S 20° 33' 47" W a distance of 145.79 feet to a drill hole; thence turning and running S 20° 08' 51" W a distance of 234.14 feet to an iron pipe at the Southeasterly corner of the subject premises; thence turning and running N 62° 40' 33" W a distance of 233.17 feet to a drill hole; thence turning and running N 62° 03' 48" W a distance of 172.15 feet to a drill hole; thence turning and running N 61° 00' 18" W a distance of 110.00 feet to a drill hole; thence turning and running N 63° 32' 30" W a distance of 117.00 feet to a drill hole; thence turning and running N 63° 32' 30" W a distance of 142.16 feet to a drill hole; thence turning and running N 62° 55' 40" W a distance of 190.78 feet to a drill hole; thence turning and running N 62° 41' 40" W a distance of 235.42 feet to a drill hole; thence turning and running N 64° 37' 10" W a distance of 133.22 feet to a drill hole; thence turning and running N 61° 27' 40" W a distance of 87.02 feet to the point of beginning.

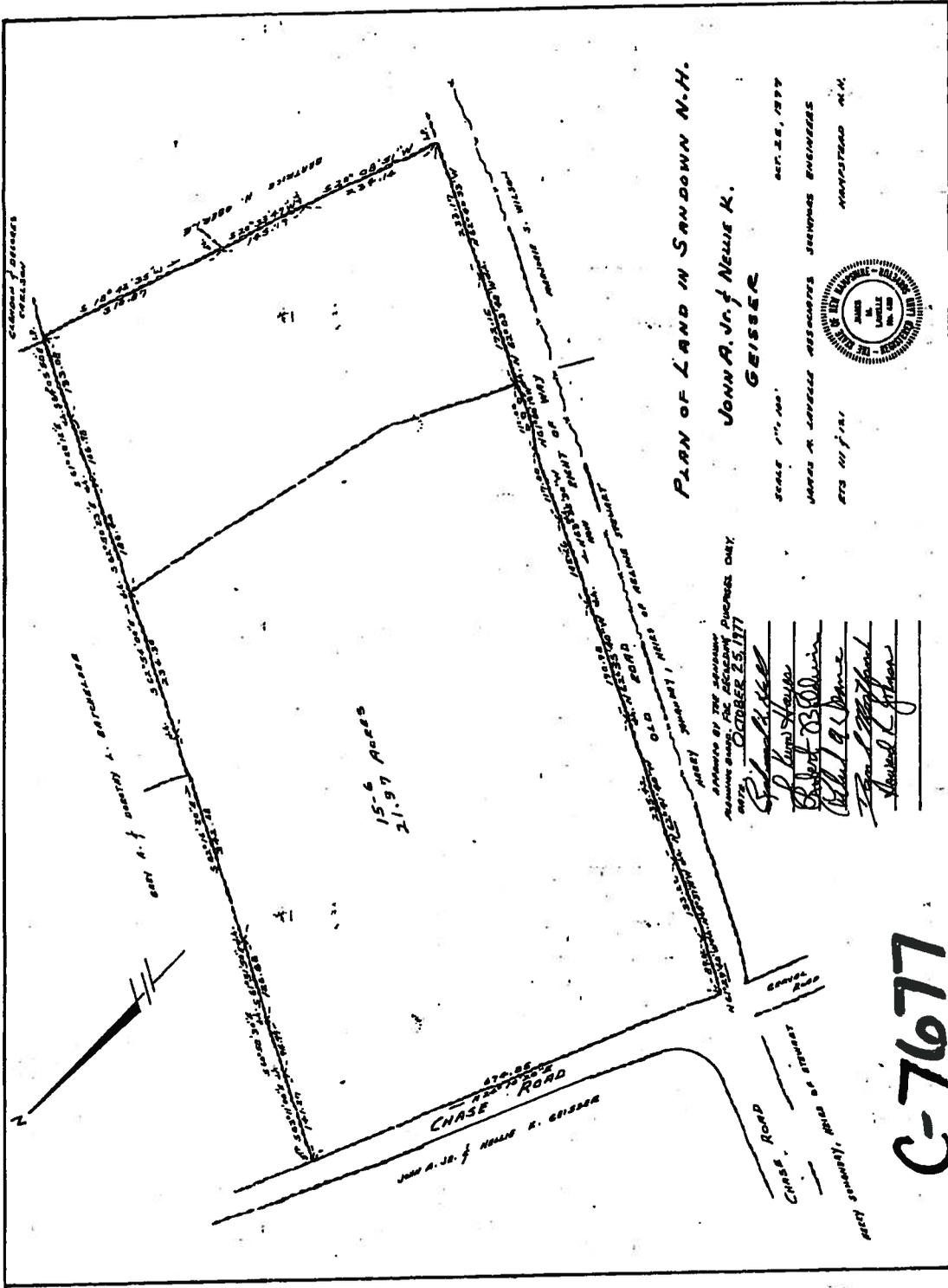
Containing 21.97 acres, more or less. See also Plan C-7677 and Plan D-22640 for reference.



D.22640

78 MAR 21 4:10:53
RECORDS SECTION
UNIVERSITY OF ALABAMA

06459



PLAN OF LAND IN SANDOWN N.H.

APPROVED BY THE SANDOWN
TOWN BOARD, FOR RECORDING PURPOSES ONLY
ON 17th OCTOBER 1977

[Signature]
 [Signature]
 [Signature]
 [Signature]
 [Signature]

JOHN A. JR. & NELLIE K.
 GEISSER
 SCALE 1" = 100'
 OCT. 22, 1977
 JAMES H. CARROLL ASSOCIATES SURVEYING ENGINEERS
 475 W. 1st ST.
 MANFRED N.H.



C-7677

Return to:
Robert C. Levine
Lewis Builders, Inc.
54 Sawyer Avenue
Atkinson, NH 03811

**EXHIBIT 1
FAIRFIELD**

CORRECTED WATER RIGHTS DEED AND EASEMENT

**KNOW ALL MEN BY THESE PRESENTS, that, we the undersigned, GRANT TO
HAMPSTEAD AREA WATER CO., INC., (HAWC) a New Hampshire corporation with
offices at 54 Sawyer Avenue, Atkinson, Rockingham County, New Hampshire 03811 (Grantee)
with QUITCLAIM COVENANTS**

The following interest in land situated in the Town of Sandown, Rockingham County, New Hampshire; the following water rights and easements over parcels of land known as a certain parcel of land situate in Rockingham County, Town of Sandown, New Hampshire, and shown on plan of land entitled "Map 5, Lot 18, Lot Line Change Plan located in Sandown, N.H. know as 'Fairfield', scale 1"=50', dated June 20, 1985", prepared by James M Lavelle Assoc, and recorded in the Rockingham Registry of Deeds as Plan no. D-14068 (Plan). Being the premises described in deed recorded in Book 2506 Page 936 of the Rockingham Registry of Deeds. This is a corrective deed to append the correct property description as Exhibit A.

I. WATER RIGHTS:

HAWC shall have the right and title to all ground and bedrock water in, on, or that may be produced from the Premises, as described below, the right and title to all pipes, mains, pumps, pump houses, and related machinery and equipment as may now or may subsequently be constructed on the Premises as part of the domestic water supply system.

II. EASEMENT FOR ACCESS TO CONSTRUCT WATER SYSTEM AND FACILITIES:

HAWC shall have the right and easement for the full right of ingress and egress over upon and across so much of the Premises as is reasonably necessary for the purpose of exploring for such and for drilling wells or producing the same and for storing and removing the same when so produced. This right of ingress and egress shall include the right to make and use of so much of the surface of the land described and shown on the Plan, as may be reasonably incident or convenient to any exploration, development, storage, or production, including drilling of water wells and the erection

of pipe lines, storage tanks, pumps, pump houses, and other surface structures incident or convenient to such production, storage, or removal of water from the Premises. All such structures, material, machinery, or equipment placed upon the property by Grantee or anyone claiming under it may be removed by Grantee or those claiming under them at any time.

III. RIGHT TO REASONABLE ACCESS AND TO SECURE FACILITIES AND CONTROL ACCESS:

HAWC shall have the right to reasonable access to service and repair pipe lines, storage tanks, pumps, pump houses, and other surface structures and the right to fence-off and otherwise secure all such pumping and storage facilities and to control access thereto as may be reasonably necessary to protect and preserve the quality of water so provided and stored and to prevent the interruption of supply of water.

IV. RIGHT AND EASEMENT TO ENFORCE PROTECTIVE WELL RADIUS EASEMENTS:

HAWC shall have the right and easement to enforce the sanitary water protective easement provisions of Schedule A attached hereto, within the sanitary easement area as is shown on the Plan in accordance with and to the extent required or allowed by the New Hampshire Department of Environmental Services or its successor;

V. THE RIGHT AND EASEMENT TO CONSTRUCT, RECONSTRUCT, REPAIR, MAINTAIN, AND OPERATE A WATER DISTRIBUTION SYSTEM, FACILITIES AND SYSTEM:

HAWC shall have the right and easement to lay, construct, maintain, and operate pipe lines, valves, hookups, and meters for the supply of domestic water to all lots as may be shown on the Plan or as may otherwise be or become apart of the development in, Rockingham County, New Hampshire, (Development) as shown on the Plan, and to such adjoining or other premises as now or as may in the future constitute part of Grantee's franchise area.

The within granted right being the right to enter onto and construct, reconstruct, maintain, and operate water lines, valves, hookups, and meters in and under private and public ways and in and under strips of land

1. along and adjacent to public and private ways; and
2. across such strips of the land as shown on the Plan as may be reasonably necessary to lay, construct, and maintain water lines, pipes, and valves to serve the Premises and other premises within any franchise area licensed

to Grantee by the New Hampshire Public Utility Commission as the same may, from time to time, be constituted, and to collect such water charges as such Commission shall approve.

VI. GRANTEES COVENANTS AND OBLIGATIONS.

By acceptance of this grant and conveyance, Grantee hereby covenants and agrees;

1. Not to disturb or interfere, except for emergencies, with the use of any lot or residence built or to be built on the Premises;
2. To reconstruct and regrade any and all areas its disturbs in constructing and maintaining water lines; and
3. To supply domestic potable water to the Premises in quantities sufficient to meet the reasonable requirements of the Development

This is homestead property of the Grantors and we hereby waive our homestead rights therein.

WITNESS our hand and seal this ____ day of _____ 2011

**FAIRFIELD ESTATES
HOMEOWNERS ASSOCIATION**

Witness

By: _____

Witness

By: _____

Witness

By: _____

1 Fairfield Road

Darren M. Gallant

Jessica D. Gallant

4 Fairfield Road
4 Fairfield Road Realty Trust

by: _____
Dana E. Kawa, Trustee

Witness

6 Fairfield Road

Lisa R. Brown

Witness

7 Fairfield Road

Shawn P. Morris

Denise Morris

9 Fairfield Road
The John A. Clater and Letitia L. Clater Revocable Living Trust u/d/t July 6, 1998

by: _____
John A. Clater, Trustee

by: _____
Letitia L. Clater, Trustee

11 Fairfield Road

William E. Gurczak, Jr.

Sandra J. Gurczak

15 Fairfield Road

Bernardo D. Aquino

Maribel M. Aquino

17 Fairfield Road

Karen A. Ely

David Call

19 Fairfield Road

Sandra J. Rivet

21 Fairfield Road

Joseph Terlikosky

1 Geisser Lane

John E. Desrosiers, Jr.

2 Geisser Lane

Robert M. Curran

3 Geisser Lane

William T. Keenan

4 Geisser Lane

Robert A. Flint

5 Geisser Lane

John S. Antolewicz

Witness

Denise Terlikosky

Kristen M. Desrosiers

Cheryl Curran

Witness

Marycel B. Flint

Renee C. Antolewicz

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, _____, _____, being all the Directors of the Fairfield Estates Homeowners Association, duly authorized, and known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same, in such capacity, for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, Darren M. Gallant and Jessica D. Gallant, known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, Dana E. Kawa, Trustee of the 4 Fairfield Road Realty Trust, known to me or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, Lisa R. Brown, known to me or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, Shawn P. Morris and Denise Morris, known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, John A. Clater and Letitia L. Clater, Trustees of The John A. Clater and Letitia L. Clater Revocable Living Trust u/d/t July 6, 1998, known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, William E. Gurczak and Sandra J. Gurczak, known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, Bernardo D. Aquino and Maribel M. Aquino, known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, Karen A. Ely and David Call, known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, Sandra J. Rivet, known to me or satisfactorily proven, to be the persons whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, Joseph Terlikosky and Denise Terlikosky, known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, Robert M. Curran and Cheryl Curran, known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, William T. Keenan, known to me or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, Robert A. Flint and Marycel B. Flint, known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

ACKNOWLEDGMENT

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

_____, 2011

Personally appeared before me, John S. Antolewicz and Renee C. Antolewicz, known to me or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Justice of the Peace/Notary Public
My Commission Expires:

SCHEDULE A

The purpose of this Sanitary Protective Easement is to establish a protective area to prevent contamination of the water supply distribution system shown on the Plan. Hereafter, and for so long as said system located within the easement area are used for a water distribution system, the area of the above-described easements shall be kept in a natural state. No use of the area shall be permitted which could directly or indirectly degrade the quality of the aforementioned water distribution system.

Uses that are prohibited include:

1. Transportation corridors, except as shown on the Plan, and as access to booster stations and pump house for maintenance and repairs;
2. Underground utilities or structures, except those that are associated with potable water, electricity or communication;
3. The storage, handling, transporting, treating or disposal of:
 - a. domestic or industrial waste or waste water;
 - b. hazardous or regulated substances such as pesticides, gas and oil or other chemicals;
 - c. hazardous or solid wastes; or
 - d. fertilizers.
4. Any other activities or uses that the New Hampshire Department of Environmental Services (NHDES) determines would be detrimental to water quality.

No Change in the use of the area of the protective easement may be undertaken without approval from the NHDES.

The Sanitary Protective Easement as shown on the Plan is for the benefit of the public, and as such, the above provisions may be enforced by NHDES, Grantee, the Town of, and the customers of any water system.

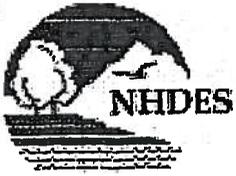
EXHIBIT A

A certain tract of land situated in Sandown, County of Rockingham, and State of New Hampshire, bounded and described as follows, viz:

The following interest in land situated in the Town of Sandown, Rockingham County, New Hampshire; the following water rights and easements over parcels of land known as a certain parcel of land situate in Rockingham County, Town of Sandown, New Hampshire, and shown on plan of land entitled "Map 5, Lot 18, Lot Line Change Plan located in Sandown, N.H. know as 'Fairfield', scale 1"=50', dated June 20, 1985", prepared by James M Lavelle Assoc, and recorded in the Rockingham Registry of Deeds as Plan no. D-14068 (Plan), being more particularly described as follows:

Beginning at the Southwest corner of the subject premises, along the Southeasterly sideline of Chase Road at a stone wall; thence turning and running N 24° 10' 20" E a distance of 694.85 feet to a point to a stake at the Northwesterly corner of the subject premises; thence turning and running S 63° 11' 00" E a distance of 141.27 feet to a drill hole; thence turning and running S 60° 58' 30" E a distance of 94.47 feet to a drill hole; thence turning and running S 61° 31' 50" E a distance of a distance of 126.88 feet to a drill hole; thence turning and running S 62° 16' 20" E a distance of 342.68 feet to a drill hole; thence turning and running S 62° 54' 00" E a distance of 234.30 feet to a drill hole; thence turning and running S 62° 50' 23" E a distance of 186.40 feet to a drill hole; thence turning and running S 61° 28' 12" E a distance of 106.98 feet to a drill hole; thence turning and running S 64° 05' 50" E a distance of 133.08 feet to an iron pipe at the Northeasterly corner of the subject premises; thence turning and running S 18° 42' 35" W a distance of 310.87 feet to a drill hole; thence turning and running S 20° 33' 47" W a distance of 145.79 feet to a drill hole; thence turning and running S 20° 08' 51" W a distance of 234.14 feet to an iron pipe at the Southeasterly corner of the subject premises; thence turning and running N 62° 40' 33" W a distance of 233.17 feet to a drill hole; thence turning and running N 62° 03' 48" W a distance of 172.15 feet to a drill hole; thence turning and running N 61° 00' 18" W a distance of 110.00 feet to a drill hole; thence turning and running N 63° 32' 30" W a distance of 117.00 feet to a drill hole; thence turning and running N 63° 32' 30" W a distance of 142.16 feet to a drill hole; thence turning and running N 62° 55' 40" W a distance of 190.78 feet to a drill hole; thence turning and running N 62° 41' 40" W a distance of 235.42 feet to a drill hole; thence turning and running N 64° 37' 10" W a distance of 133.22 feet to a drill hole; thence turning and running N 61° 27' 40" W a distance of 87.02 feet to the point of beginning.

Containing 21.97 acres, more or less. See also Plan C-7677 and Plan D-22640 for reference. Being the premises described in deed recorded in Book 2506 Page 936 of the Rockingham Registry of Deeds.



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

October 28, 2011

Charles Lanza
Lewis Builders Development Inc
Hampstead Area Water Company Inc
54 Sawyer Ave
Atkinson NH 03811

Subject: Sandown, New Hampshire Fairfield (2082020)

Dear Mr. Lanza:

Fairfield PWS Id 2082020, located in Sandown, New Hampshire, is an active public water supply system enrolled with the State of New Hampshire's public drinking water program. As such, this system is approved for operation and is subject to routine water quality monitoring and a sanitary survey every three years. The last sanitary survey was conducted on August 23, 2011. As of today's date, the subject system is in compliance with state and federal regulations as pertaining to the Safe Drinking Water Act.

Additional information might be found at the NHDES OneStop site <http://www2.des.state.nh.us/OneStop/> and/or on the Bureau's website page <http://des.nh.gov/>.

For more in-depth information, you are welcome to call this office at (603) 271-0713 to schedule a file review at your convenience. If you have any further questions, I can be reached at (603) 271-3544 or by email at linda.thompson@des.nh.gov.

Sincerely,

Linda Thompson
Drinking Water and Groundwater Bureau
Data Management Section

cc: file