

1 Before the
2 New Hampshire Public Utilities Commission
3 DW 20-117 – HAWC Request for Change in Rates
4 DIRECT PREFILED TESTIMONY
5 OF
6 KAREN S. STEELE
7 ON
8 DECEMBER 10, 2021

10 Q. Please state your name and address

11 A. Karen S. Steele, 4 Pebble Brook Road, Atkinson, New Hampshire, 03811

12 Q. Please describe your educational background.

13 A. I have a bachelor's degree in Mechanical Engineering, a bachelor's degree in Psychology, both
14 from the University of Minnesota, and a Master's degree in Manufacturing Management from Penn
15 State. I also am a Certified Project Management Professional (PMP).

16 Q. Please describe your professional experience.

17 A. I have over 28 years of experience as a mechanical design engineer and program manager. The
18 bulk of my career has been spent as a technical project manager/business analyst in business
19 intelligence and building secure electronic interfaces with customers and countries' governments.

20 Q. On whose behalf are you submitting your testimony?

21 A. While I am currently a technical project manager for Nokia, my testimony before the New
22 Hampshire Public Utilities Commission in no way represents that of my employer or the Town of
23 Atkinson, but it is as an individual intervenor, an Atkinson resident and taxpayer.

24 Q. Are you a Hampstead Area Water Company (HAWC) customer/ratepayer?

1 A. No, I am not a direct customer of HAWC. I have a private well.

2 Q. What is the purpose of your testimony?

3 A. The purpose of my testimony is to oppose the massive rate increase requests made by the
4 Hampstead Area Water Company and to request that the Public Utilities Commission (PUC) reject the
5 permanent rate increase request.

6 Q. Why do you oppose the rate increases?

7 A. Due to what I believe are conflicts of interest, HAWC spent millions for excess capacity so that
8 they can supply water to their parent companies' future development plans. This infrastructure spend
9 was not for existing customers, but rather for future customers, it is not "used and useful" per RSA
10 378:28, and existing customers are being asked to pay an exorbitant financial burden which is both
11 unjust and unreasonable.

12 Q. Why did you become an intervenor?

13 A. I am a resident and taxpayer in Atkinson and the proposed 609.5% rate increase on fire hydrants
14 along with the volume and monthly rate increases seen in Exhibit KS-1, would cost the town of Atkinson
15 an additional \$100,000 per year for which there is little added benefit to the town. When reading the
16 language in the tariff, the current commitment of HAWC to the town for hydrant water volume and
17 pressure is non-existent. Though not a ratepayer myself, I feel it is horribly unjust and unreasonable to
18 raise rates on customers by 50-60% when offered little added benefit. I believe the spend is unjustified,
19 borne out of conflicts of interest, the revenue requirement is unfairly set, and that the rate design is
20 flawed and not equitable. As noted later in my testimony a significant portion of infrastructure is not
21 used and useful. It also constitutes rate shock for customers with is something I know the commission
22 tries to avoid.

23 Q. What do you mean non-existent commitment?

1 A. Even though the Town of Atkinson paid over \$17,000 in the 2019 test year for our fire hydrants
2 and municipal fire protection, the language says HAWC isn't liable if there's no water or insufficient
3 pressure. As seen on Exhibit KS-2, the current tariff language says "Rendering of service under this
4 schedule shall in no way be construed to hold the Company liable to furnish at any time or any specific
5 point in its distribution system any minimum flow or pressure, either static or residual." As a resident
6 and a taxpayer, it's infuriating to pay for a service with no service level agreements (SLAs) and to realize
7 you're not getting what you paid for, especially when peoples' lives are at stake as fire fighters are
8 relying on water volume and pressure from these hydrants.

9 Q. What are these conflicts of interest?

10 A. There is a very unique conflict of interest happening of which the PUC may not be aware. Per
11 NHPR reporting (Exhibit KS-3), there is no other instance in New Hampshire where a building developer
12 owns a water company. Lewis Builders owns HAWC, or at least the Lewis/Morse family owns both.
13 Also, since the PUC has granted HAWC large franchise areas that are not being serviced in Atkinson and
14 Hampstead, competing developers have to ask HAWC for water to develop within the franchise area.
15 When HAWC says "no water," the developer has no choice but to sit on the land or sell it to another
16 Lewis/Morse company, called Centerview Hollow Land Company, at a discount. The most recent
17 example of which I'm aware is the new Winchester Heights development in Hampstead, NH. On Exhibit
18 KS-4, you can see the land was sold for \$370,000 in 1997 and Centerview Hollow Land Company
19 purchased it for \$339,000 in 2019. Land in NH simply does not lose value over 20 years. You can see on
20 Exhibit KS-5, that Lewis Builders has been developing Winchester Heights after their sister company
21 purchased the discounted land. In fact, there are many businesses listed in Exhibit KS-6, all owned by
22 the Lewis/Morse family, that generate some questions about conflicts.

23 Q. How did you learn about all the companies owned by the Lewis/Morse family?

1 A. Reading about the 1,4 Dioxane contamination in Atkinson is when I first learned there was even
2 a water company in our area. I thought everyone had private wells. I learned it was a "for profit"
3 private water company when opposition surfaced to HAWC drilling more wells to pump and sell
4 Atkinson's water resources to others for private profit. My heart went out to those families in
5 Hampstead, NH whose private wells had run dry, and when I learned they thought it was due to over-
6 pumping at a HAWC well, I really dug in to the data. It's not right for any water company to take the
7 groundwater, sell it to other people and leave property owners with no water. One family, the
8 Anthony's, had no water for over 6 months, and the New Hampshire Department of Environmental
9 Services (DES) confirmed in their April 2019 report (Exhibit KS-7) that their dry well was directly tied to
10 the over-pumping at HAWC's Kent Farm Wellfield. The Superior Court of Rockingham County agreed on
11 January 25, 2021 as Judge Daniel St. Hillaire ruled in a preliminary injunction (Exhibit KS-8) against both
12 HAWC and Lewis Builders indicating it was their actions that destroyed the bedrock under the Anthony's
13 home, now that HAWC is no-longer over-pumping per court order, making their water highly acidic, pH =
14 3, and unusable. HAWC and Lewis Builders are now required to provide them with clean drinking water.

15 Q. What is the conflict with this rate increase request?

16 A. The infrastructure spend is to accommodate more than triple the water volume HAWC currently
17 produces and sells today in the Atkinson-Hampstead Core. Thus, the spend is mostly for future
18 customers and for the massive development planned at the Atkinson Country Club by Lewis Builders, of
19 which both businesses are owned by the Lewis/Morse family, as is HAWC.

20 Q. How will they triple their water volume?

21 A. In the 2019 test year, according to HAWC's Annual Report on the PUC website (Exhibit KS-9), the
22 Atkinson Hampstead Core sold 130,853,454 gallons which is an average of 358,502 gallons per day. This
23 is all produced from HAWC wells in Atkinson and Hampstead. The Southern New Hampshire Regional
24 Water (SNHRW) pipeline is an excellent project designed to bring clean drinking water to southern New

1 Hampshire, ultimately to Plaistow who has significant MtBE contamination. This project has 2 phases.
2 The first phase brings 1.1 million gallons of water a day to southern NH from Manchester Water Works
3 (MWW) from Lake Massabesic. HAWC committed to and is currently buying 250,000 gallons a day from
4 MWW. In 2019, there was a one-time water rights fee of \$3.57/gallon called MSDC (Merrimack Source
5 Development Charge). $\$3.57/\text{gallon} \times 250,000 \text{ gallons/day} = \$892,500$ which HAWC paid to MWW in
6 2019, per their 2019 Annual Report on the PUC website (Exhibit KS-9). Phase 2 includes MWW pulling
7 7.15 million gallons per day from the Merrimack River in Hooksett. Of that 7.15 million gallons of water,
8 3.13 million will be coming to southern New Hampshire. To the best of my knowledge, HAWC has
9 requested, though not committed to nor purchased yet the rights to an additional 500,000 gallons of
10 water per day. This MSDC charge would be \$2 million (Exhibit KS-10). Adding the 750,000 gallons per
11 day triples their water volume and they built infrastructure to handle that significantly large increased
12 volume. Ratepayers are concerned that the \$2 million MSDC fee will end up coming their way in
13 HAWC's next rate increase case.

14 Q. Where will the 750,000 gallons per day go?

15 A. HAWC currently uses chlorine to disinfect the water and MWW uses chloramines. There has
16 been much evaluation of the chlorine versus chloramine disinfection and the hazards of mixing the 2.
17 The pipeline project map in Exhibit KS-11 shows as an option after Phase 2 that pipeline water would
18 barely cross into Hampstead, reaching very few Hampstead customers, and Phase 1 shows zero pipeline
19 water going into Hampstead. So the pipeline water must be for Atkinson.

20 Q. How much HAWC water does Atkinson use?

21 A. From customer consumption data HAWC provided in discovery to OCA (excel titled OCA-1), it
22 shows that of the Atkinson Hampstead core, that Atkinson consumed 52% and Hampstead consumed
23 48%. In the test year 2019, Atkinson consumed 52% of 358,502 gallons/day which is 186,421

1 gallons/day. Adding 750,000 gallons/day to the 186,421 gallons/day is 5 times the amount of water
2 consumed today, so asking "where will the water go?" is an excellent question.

3 Q. Where will the water go? Is there much land in Atkinson left to develop?

4 A. Of the existing residents, 60% do not have HAWC water and have private wells. Given the
5 estimate of \$1 million to lay a mile of pipeline, it's unlikely that HAWC will try to service those people or
6 that they would want to switch to HAWC. Atkinson is mostly developed already. Per the Planning Board
7 meeting minutes of June 2, 2021 seen in Exhibit KS-12, there are "only 10 parcels in Atkinson that can be
8 developed and are greater than 10 acres." We know from Section 620 Zoning for the Country Club,
9 shown in Exhibit KS-13, the density and height maximums are much higher than for the rest of the town.
10 The logical explanation is that a significant portion of this water is planned for the massive development
11 plans at the Country Club.

12 Q. What development is planned at the Atkinson Country Club?

13 A. Currently, only 288 condos (9 buildings of 32 condos each) have been approved by the Atkinson
14 Planning Board, but there are many documents showing much larger plans. The Town of Atkinson had 7
15 zones, but in 1988, Peter Lewis wrote zoning regulations to create his own zone in town called Golf and
16 Sports Complex Zone (Section 620) and submitted it as a Citizens Petition (Exhibit KS-14), though not
17 recommended by the Planning Board, the petition did get eventually approved by the town. Excerpts
18 about the new zone can be seen in Exhibit KS-13 and they indicate a density of 4 bedrooms per acre
19 whereas the rest of the town has a 1 home per 2 acre density. At over 405 acres, that's 1600 bedrooms,
20 or 800 condominiums. Also this new zone and only this zone allows for buildings to be 55' tall, whereas
21 the max for the rest of the town is 35'. The regulations, which Lewis wrote, also indicate ability to build
22 a bank branch, food service facilities, professional buildings, retail stores, etc. A January 2015 article in
23 "Golf Business" (Exhibit KS-15) states that Christine Lewis Morse's long-term vision for Atkinson Resort
24 "includes plans for an assisted living facility as part of a community with its own convenience store, gas

1 station and other amenities. A larger tract will be developed with housing for those age 55 and older.”
2 In 2018, as justification for extending the gas line all the way to Atkinson Country Club, Northern Utilities
3 said that “In Atkinson, Lewis Builders Development, Inc. (Lewis Builders), has requested gas service from
4 Northern at the main club house of the Atkinson Country Club, as well as to the first phase of a planned
5 development consisting of 288 condominium units in 9 buildings. According to Lewis Builders, additional
6 condominiums are scheduled to be built over a 5-year period, from 2018 to 2022, in multiple phases of
7 an overall development plan that ultimately will include 800 condominium units, a hotel, and an
8 entertainment complex.” This is in PUC Docket DG 18-103 and Order #26,178 found in Exhibit KS-16.

9 Q. Can HAWC drill wells on Atkinson Country Club property to accommodate the development
10 plans?

11 A. In 2006, when the 288 condos were approved by the Atkinson Planning Board, the site plan D-
12 35619, found on NHDeeds.org and Exhibit KS-14, Note #13 says “There are no known aquifers present
13 below any portion of the site. This determination has been made by reference to aquifer map #5 as
14 prepared by the Rockingham Planning Commission, dated January, 1991.” And Note #14 says “An off-
15 site water supply will be provided for the development. The source of water will be Hampstead Area
16 Water Company. Community water system E.P.A. identification # 0112080.” The site plan also details
17 out the 174.44 acres of “Residential Areas.” The first phase using 27.12 acres, and there’s an additional
18 147.32 acres as expandable or future residential area shown in Exhibit KS-17. A later, updated site plan
19 D-35976 details out the Future Residential Areas as can be seen in Exhibit KS-18 or on NHDeeds.org.
20 The 800 condos were planned in 1988, 288 condos were approved in 2006, but they didn’t start building
21 any of them until 2020. The pipeline started delivering water on August 25, 2020.

22 Q. What is the CIAC Tax?

23 A. CIAC stands for Contribution in the Aid of Construction and it used to be tax free. Often a
24 developer will lay the pipes and connect the homes for HAWC and then the “infrastructure” is donated

1 to HAWC. This is called CIAC. The Federal "Tax Cuts and Jobs Act of 2017" removed that protection for
2 "for profit" water companies like HAWC, but other water companies in the pipeline project like Salem
3 and Derry were unaffected. Since the Tax Bill was signed in December 2017, the tax implications were
4 well known by the time Harold Morse signed the pipeline agreement in April 2019 (Exhibit KS-19). Mr.
5 Morse was committing to the pipeline project, was accepting \$5.4 million in free infrastructure funds
6 from the state, and by doing so, he was also agreeing to take on over \$1.1 million in CIAC tax which
7 HAWC is now trying pass along to the current ratepayers and towns of Atkinson and Hampstead (Exhibit
8 KS-20). I find it interesting that HAWC will create a new Docket to request the PUC approve a \$40,000
9 spend on a new pick-up truck, but that the president of HAWC could sign an agreement and take on so
10 much debt with the intention of passing those costs down to the ratepayers.

11 Q. What concerns you about the water tank in Atkinson?

12 A. The pipeline project determined that Plaistow needed both a 400,000 gallon tank in Plaistow
13 and a 500,000 gallon tank in Atkinson. Both these tanks were paid for with funds from the state. But
14 then HAWC made the decision to increase the Atkinson tank from 500,000 gallons to 1 million gallons
15 and took on the additional expense of \$1 million. This additional 500,000 gallon capacity does not fall
16 under "used and useful" for HAWC's existing customers, thereby violating RSA 378:28. Again, this is
17 spend for future customers which HAWC is trying to get current customers to pay for with these unjust
18 and unreasonable rate increase requests.

19 Q. Where do you believe is the conflict of interest?

20 A. If HAWC weren't owned by the same family that owns both Lewis Builders and the Atkinson
21 Country Club, I do not believe they would have spent millions of dollars on infrastructure, agreed to
22 CIAC Tax in excess of \$1.1 million, and paid the MSDC charge of \$892,500, plus potentially a second
23 MSDC of \$2 million for a random developer, and forced their loyal customers to pay for it. This is not a
24 random developer planning on building 800 condos, a hotel, an entertainment complex, assisted living,

1 professional buildings, retail space and a gas station. These businesses are all owned by the same family
2 and presents an unchecked conflict of interest. I do not believe that current ratepayers and the towns
3 of Atkinson and Hampstead should pay these massive rate increases so that Lewis Builders
4 Developments on Atkinson Country Club have water.

5 Q. Why do you feel the Cost of Service Study (COSS) and Rate Design performed by David Fox,
6 consultant from Raftelis, is flawed.

7 A. Mr. Fox used the methodologies from the AWWA (American Water Works Association) M1
8 Manual called "Principles of Water Rates, Fees and Charges." In reading that manual, it does not take
9 into account our scenario where the water company does not service the entire town, and 1/3 of their
10 customers are not even connected to the water system being upgraded. These guidelines are written
11 for a water company servicing a singular, entire town and all its residents. This is when the rate design
12 based on these guidelines would be fair and equitable. Investigating further, I called one of the editors
13 of the AWWA M1 Manual on "Principles of Water Rates, Fees and Charges" and he agreed that the
14 "implicit assumption" is that "all residents are customers of the water company" which in this case is not
15 true. In Atkinson, less than 40% of the residents are HAWC customers and less than 40% of Hampstead
16 residents are HAWC customers. The majority of the cost goes to the towns of Atkinson and Hampstead
17 through a 609.5% increase in municipal fire protection, and this impacts all taxpayers, even though they
18 do not fully benefit from the service or protection. Also, and 1/3 of all HAWC customers aren't even
19 connected to the Atkinson-Hampstead Core where the upgrades have occurred and will see zero benefit
20 but will be charged upwards of 60% increase in their water rates. This is not fair and equitable and thus
21 is flawed, invalid, and unacceptable. In discovery, Mr. Fox indicated that he has never conducted a COSS
22 and rate design with HAWC's demographics. His answers to Steele 3-5 from Data Set Request #3 can be
23 found in Exhibit KS-21. Mr. Fox has not performed a COSS or rate design for a scenario where less than

1 40% of the town are customers, but his method of raising rates on fire hydrants and municipal fire
2 protection expect that 100% of the town pay for it via taxes. Again, this is unjust and unreasonable.

3 Q. Don't the other residents benefit from having hydrants in town?

4 A. To some extent, yes, absolutely. But when you look at the town of Atkinson, and where HAWC
5 customers reside, they are mostly in dead end developments. Hydrants along the main roads do add
6 value to the community. When there is a fire, the fire department will find the closest hydrants, and for
7 non-HAWC customers, those hydrants are not a half mile down a dead end development. Again, the
8 COSS and rate design performed by Mr. Fox have incorrect assumptions, are not relevant to HAWC
9 customers, and are unjust and unreasonable to the Towns of Atkinson and Hampstead.

10 Q. What do you mean by future customers versus current customers?

11 A. In addition to HAWC, the Lewis/Morse family own another PUC regulated company called
12 Atkinson Area Wastewater Recycling (AAWW). Starting in 1991, they've existed for over 30 years with
13 only one customer and operating at a significant loss, most recently between \$20,000-\$30,000 loss per
14 year. This data can be found in AAWW's annual reports on the PUC website and is summarized in Exhibit
15 KS-22. That one customer is the Atkinson Country Club which is also owned by the Lewis/Morse family.
16 As part of the condo development at the Atkinson Country Club, these new condo owners will become
17 customers of AAWW. There have been 2 dockets before the PUC, though recently combined for
18 AAWW: DW 20-071 and DW 20-091. According to a recent filing on November 23, 2021, found in
19 Exhibit KS-23, the company has had "rate case expenses of \$48,062.85" during the last 18 months and
20 has requested to "surcharge for 36 months \$20.54/month to 65 customers for the recovery of
21 \$48,062.85." On the Atkinson Country Club, Lewis Builders has built 2 condo buildings, each housing 32
22 condos for a total of 64 units. So, in this case, with only 1 customer at the time of request, AAWW
23 wants to place the burden of expense recovery on the new or future customers and not just their
24 current customer. Given this precedent, I would recommend that the new or future customers at the

1 Atkinson Country Club also bear the significant burden of these HAWC expenses, instead of forcing rate
2 increases on existing HAWC customers and the towns of Atkinson and Hampstead.

3 Q. Who should pay for this spend?

4 A. The developers or the HAWC shareholders should pay. The PUC should apply the "used and
5 useful" principle and protect ratepayers from the financial burdens of excess capacity. As is
6 documented in Docket 13-108 in the Conservation Law Foundation's Brief on OCA's "Used and Useful"
7 Proposal (Exhibit KS-23), the New Hampshire Supreme Court agrees that the commission allocate
8 burdens between investors and customers. The developers are the beneficiaries of this triple volume
9 capacity to meet their development plans. The ratepayers should not be financially burdened by the
10 development plans of Lewis Builders.

11 Q. Wouldn't that result in additional CIAC tax?

12 A. No. In the Federal Infrastructure Bill that passed and signed into law on November 15, 2021,
13 Senator Jeanne Shaheen worked very hard to ensure that water infrastructure would no longer be
14 forced to pay a CIAC tax, as is seen in Exhibit KS-24. I believe this is retroactive to January 2021. So, yes,
15 I believe Lewis Builders should pay for this expense and it will be untaxed CIAC to HAWC.

16 Q. What would you like the PUC Commissioners to do?

17 A. The PUC Commissioners should approve the temporary rate increase recommended to them in
18 May 2021, as HAWC deserves some increase their revenues, but the PUC Commissioners should
19 completely reject this permanent rate case increase request. These massive rate increases constitute
20 rate shock, are unjust and unreasonable violating RSA 378:28, are for infrastructure that is not prudent,
21 used or useful, and are subsidizing a building developer that owns the water company.

22 Q. Does this conclude your testimony?

23 A. Yes.

Direct Prefiled Testimony of Karen S. Steele

Exhibits

Exhibit List

KS-1	Proposed Rate Increases, David Fox, (Notes 000157)
KS-2	Municipal Fire Protection Tariff
KS-3	NHPR Article- August 21, 2019
KS-4	Winchester Heights Property Sale Document
KS-5	Winchester Heights Lewis Builders website
KS-6	List of Lewis/Morse companies
KS-7	DES Report (Executive Summary) on Overpumping at Kent Farm Wellfield
KS-8	Preliminary Injunction Excerpt Anthony's v. HAWC and Lewis Builders
KS-9	HAWC 2019 Annual Report last page, water volumes, MWW MSDC Payment
KS-10	MWW Page- MSDC rates and 3% per year increase
KS-11	Proposed HAWC System Water Limits for Chloramines
KS-12	Planning Board Meeting Minutes, June 2, 2021
KS-13	Current Atkinson Zoning and Land Use Regulations, Section 620 Excerpts
KS-14	1988 Citizens Petition to Create New Zone for Atkinson Country Club
KS-15	Golf Business, January 2015 Article
KS-16	Order #26,178 from Docket DG 1803, justification for gas line
KS-17	Site Plan B35619, Notes on Page 5
KS-18	Site Plan B35976, Future Residential Areas
KS-19	Pipeline Agreement Signature Page, April 10, 2019
KS-20	Eagle Tribune Article on CIAC Tax, December 6, 2019
KS-21	Data Set 3 Response to Steele- David Fox
KS-22	Summary of AAWW Profit/Loss
KS-23	AAWW Request for Rate Case Recovery, November 23, 2021
KS-24	Brief on OCA's "Used and Useful" Proposal
KS-25	Senator Jeannette Shaheen's Announcement of the end of CIAC Tax for Water Infrastructure
KS-26	Pipeline Volumes Agreement
KS-27	Pipeline Water Volumes
KS-28	Kent Farm Wellfield Pumping Over Time
KS-29	Map Of Country Club Provided to Planning Board in December 2019

Exhibit KS-1

Proposed Rate Increases, David Fox, Df5 (Bates 000157)

Schedule 5 Page 1 of 1		Hampstead Area Water Company DW 20-117 Schedule DF 5 November 3, 2020 Draft Page 6 of 8	
Hampstead Area Water Company Current & Proposed Rates			
Rates	Current Rates	Proposed Rates	Percent Change
Water Rates			
<u>Customer Charges (Billed Monthly)</u>			
5/8"	\$ 10.00	16.33	63.3%
3/4"	20.00	38.17	90.9%
1"	30.00	74.59	148.6%
1 1/2"	60.00	147.41	145.7%
2"	100.00	191.11	91.1%
<u>Volumetric Charges</u>			
Per Cef	\$ 6.11	\$ 9.31	52.4%
Residential - Tier 1	6.11	6.83	11.8%
Residential - Tier 2	6.11	10.24	67.6%
Non-Residential	6.11	9.31	52.4%
Fire Rates			
<u>Public Fire Protection (Billed Annually)</u>			
Per Hydrant	\$ 200.00	\$ 1,419.00	609.5%
Annual Availability	2,000.00	-	-100.0%
<u>Private Fire Protection (Billed Monthly)</u>			
1 1/2"	\$ 8.33	\$ 2.98	-64.2%
2"	16.67	6.35	-61.9%
3"	33.33	18.46	-44.6%
4"	50.00	39.33	-21.3%
6"	125.00	114.26	-8.6%

Page 37 of doc = Bates 000157

https://www.puc.nh.gov/regulatory/Docketbk/2020170/INITIAL%20FILING%20%20PETITION/2017_2021-03-11_HAWC_INTERNAL_FINANCIALRPTS.PDF

Exhibit KS-2

Municipal Fire Protection- Tariff

Current Tariff- Hydrants

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MUNICIPAL FIRE PROTECTION SERVICE-ATKINSON

RATE SCHEDULE - GM

AVAILABILITY:

This schedule is available to all municipal fire service in the Company's franchise area in the Atkinson Core System for the purposes of public safety, where such service is paid for from tax revenues by and of the Town of Atkinson:

CHARACTER OF SERVICE:

The Town of Atkinson shall notify the Company, in writing, of an appropriate vote by the governing body of the city, town, village, or other political subdivision stating where hydrants are to be placed. Such notification must be received by the Company before the installation of any hydrant. The installation and maintenance of hydrants and the supplying of water through such hydrants is for the sole use of the authorized firefighting personnel for the control and extinguishment of any fire or for any other use authorized by the Company. Rending of service under this schedule shall in no way be construed to hold the Company liable to furnish at any time or any specific point in its distribution system any minimum flow or pressure, either static or residual.

<https://www.puc.nh.gov/Regulatory/Tariffs/HampsteadAreaWaterCo.pdf>

Exhibit KS-3

NHPR Article – August 21, 2019

In Hampstead, Residents Spar With A Private Utility Over Town's Water

New Hampshire Public Radio | By Sarah Gibson
Published August 21, 2019 at 2:44 PM EDT

Deanna Anthony remembers the moment she realized there was something wrong with her water.

It was June 2018, and she and her husband Dave had just moved into a house on Main Street in Hampstead, down the road from where Dave grew up. It had a pool, a big yard where their 7-year-old son could play, and a newly drilled well.

"About two weeks after we moved in, all of a sudden the water started coming out thick and orange and staining. It was just really sudden and I'm like - what happened?" she remembers.

A few weeks later, the water stopped running entirely. It didn't come back for six months.

In the year since, the Anthony's well has helped spur a battle over Hampstead's water and the privately-owned water utility that operates in town, Hampstead Area Water Company. As the company profits from pumping more water from local aquifers, many residents' wells are going bad and running dry.

"We can't move. We can't sell the house. What do we do?"

Now, Hampstead Area Water Company, or HAWC, wants permission from the state to pump more water, and it's not clear where that water will go.

Soon after their well stopped working, the Anthony's hired a company to drill another well. They learned there were already three defunct wells on their property. After weeks of testing, the well-driller couldn't find any new sources of water.

The driller told Anthony the only option was to convince the local water utility company, HAWC, to build water lines and start selling water to the neighborhood.

"If [the driller] says, 'You should advocate to get water lines here,' that's significant. Water lines is a direct competition to their business," she says. "But they knew this whole hill had been a nightmare."

Anthony started talking to neighbors and learned they were experiencing similar problems, though less extreme: Once healthy wells gone bad or dry. Some had moved out of their house for months to wait for water to return; others had spent thousands of dollars drilling new wells and installing filtration systems.

The wells in the Main Street neighborhood are bedrock wells, which replenish themselves with water running through seams in the rock.

For months, the Anthony's brought in bottled water and hauled buckets from the pool to flush their toilets.

"I remember feeling dumbfounded and helpless," she says. "We can't move. We can't sell the house. What do we do?"

Finally, an engineer with the New Hampshire Department of Environmental Services visited the Anthony's house.

"I remember her pointing across the street through the woods past the farm and she said 'Are you aware that there is a Hampstead Area Water Company commercial well through the woods over there?'"

The well was called the Kent Farm well.

"I kind of stopped," Anthony remembers. "We were like 'What do you mean a commercial well?' We didn't know they existed. No one knew that these wells were even here."

The Hampstead Area Water Company

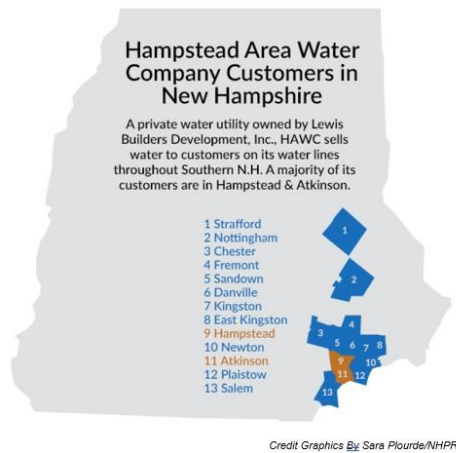
HAWC is a privately-owned utility that sells water to people in the region who don't have their own wells. About a third of Hampstead residents rely on HAWC for water.

HAWC itself is owned by another private company: Lewis Builders Development, one of the state's biggest real-estate developers. This arrangement - between a company controlling water, and another invested in real-estate - is unique in the state of New Hampshire.

Like all water utilities, HAWC has to meet a myriad of state regulations over withdrawal rates and how much it can charge customers.

But when Anthony learned how much water HAWC's Kent Farm wells were pumping, she was shocked. A typical home uses 200-400 gallons of water a day. But records showed the Kent Farm wells were pumping over 100 gallons a minute.

<https://www.nhpr.org/nhnews/2019-08-21/in-hampstead-residents-spar-with-a-private-utility-over-towns-water>



The New Hampshire Department of Environmental Services launched an investigation into HAWC's wells at Kent Farm. At the same time, a group of volunteers organized by Anthony, who called themselves the Hampstead Water Advocates, partnered with local geologists to conduct their own investigation.

Both the DES and the Hampstead Water Advocates found a correlation between HAWC's pumping rates and well problems for homeowners along Main Street.

"We were acting as private home owners, taking care of a problem when it came, and when we look back now, we realize we were all being impacted by [HAWC's] well at the same time," Anthony says.

Because the Kent Farm wells were built before 1998, in an era of looser regulations, HAWC isn't liable if its operations cause problems in nearby residential wells.

But the state can step in, and in December 2018, DES told HAWC to lower its pumping rate significantly. This gave the bedrock aquifer a chance to recharge and a few weeks later, Anthony's water came back.

But the problems didn't go away.

Who Controls a Town's Water?

Standing at her kitchen sink, Anthony opens her dishwasher to reveal dishes stained orange and cloudy. She says her water is now full of iron, manganese, and uranium and the DES says it's not safe to drink.

"Nothing gets cleaned in our house, everything is stained," she says, holding a brown dish towel. "Our laundry comes out like that."

Most of Anthony's dishes are stained with iron and other naturally occurring contaminants from her well.

This can happen after a well has run dry; minerals build up in the seams of the bedrock and once water starts flowing again, and it takes time to flush this out.

The saga on Main Street has given Hampstead some lessons about who controls its water.

Paul Carideo is the chairman of the Hampstead Planning Board and a member of the Hampstead Water Resources Committee, which voters approved this year in response to revelations about HAWC's operations.

Carideo says the first lesson is that Hampstead doesn't own its water. Water in New Hampshire is controlled by the state, so the town planning board has no say over where HAWC drills wells, how much it takes, or whether that water even has to stay in town.

That's led to speculation that HAWC is selling Hampstead water to houses in Atkinson, including those built by HAWC's parent company, Lewis Builders.

And Lewis Builders has more big plans for development, including hundreds of condos at the Atkinson Resort and Country Club, which it also owns.

All of these need water.

Atkinson resident Karen Steele says the problems on Main Street in Hampstead have sparked anxieties over water in Atkinson as well.

HAWC provides water to nearly 3,000 people in Atkinson. In addition to connecting to homes with water lines, it also operates wells for small water supply systems on developments built by Lewis Builders.

Steele says when one of these developments, Cogswell Farm, was built across the street from her a decade ago, many of her neighbors noticed quality and quantity problems with their private wells.

Until they have a more permanent solution, the Anthony family is relying on donated bottles of drinking water.

"HAWC is providing a good service to a lot of people who need water. I am in no means trying to denigrate HAWC," she says. "But the problem is: what happens if they're pumping water and other people's wells run dry...If my well runs dry, what is HAWC's responsibility to me?"

HAWC and Lewis Builders declined requests for interviews for this story, and HAWC has been reluctant to meet with town officials either. Paul Carde, of Hampstead, says this raises red flags.

"If there was nothing wrong with any of HAWC's current wells, data supplies to DES or with their whole entire operation, why wouldn't they be sitting down with Hampstead when they know we have a problem in town?" he wonders.

The Angle Pond Well

Part of HAWC's proposed solution is to add new sources of water to its supply. If it builds new wells, it can rely less on the well near Anthony's house and ease stress on that aquifer and the homes around it.

HAWC has already drilled a new well in another corner of Hampstead, near a set of wells it operates along Angle Pond. It has performed tests required by DES to ensure the well won't have a negative impact on neighboring residential wells and wildlife.

Now, HAWC is waiting on final approval - a large groundwater withdrawal permit from the state to begin pumping.

At a public hearing in July, hundreds of residents from Danville, Sandown, Atkinson, and Hampstead crowded into the Hampstead Middle School to ask questions and confront HAWC directly.

One of those was Joe Guthrie, a Republican state representative from Hampstead.

Residents at a meeting on HAWC's application for a large groundwater withdrawal permit. Public comment ends September 8, 2019.

"You're taking our water which nobody produces - God produces it - and you're taking it and you're using it as a resource to sell. We think we should have some benefit from it," he says over cheers and claps from residents.

But thousands in Hampstead do benefit from HAWC. If they are HAWC customers, they get reliable, clean water.

Many homeowners blame HAWC for issues with their residential wells, but Steve Roy, a hydrogeologist from the Department of Environmental Services, says these are likely the result of a well's natural aging process, not HAWC's pumping rates.

Outside of the Main Street neighborhood, he says, there is no evidence that HAWC has affected homeowners. And there is no evidence that Hampstead is facing a long-term water shortage due to HAWC's operations.

When people ask where the water from proposed Angle Pond well is headed, HAWC is evasive.

"Some people who are frustrated here are frustrated that their town is built out."

Roy explains that as a utility, by law, HAWC must have enough sources of water to supply its growing customer base.

"It is an obligation of the water system to always assure that it has capacity on hand whatever demand is," he says.

Roy says because of updated DES criteria, Angle Pond will have stricter oversight than the old wells near the Main Street neighborhood, and that if anyone in the area has problems with their wells, they can contact HAWC or DES to initiate an investigation. If necessary, DES will require HAWC to lower its pumping rates.

But residents at the meeting aren't satisfied. Based on HAWC's statement to date and Lewis Builders' ambitious plans for development in the coming years, many fear that

water from the Angle Pond well will go to new developments, not to solve existing water problems of Hampstead residents.

After the meeting, Roy acknowledges that some of the tension over the proposed Angle Pond well is the result of longstanding resentment by private homeowners towards HAWC and Lewis Builders.

"No aggressive developer makes people happy," he says. "Some people who are frustrated here are frustrated that their town is built out."

There's a good chance that the Department of Environmental Services will approve HAWC's permit this fall. But some residents say they're hopeful. A year ago, before Deanna Anthony's well went dry, no one was talking about Hampstead's water. Now at least, they're paying attention.



Sarah Gibson

Sarah Gibson joined NHPR's newsroom in 2018. She reports on education and demographics.

[See stories by Sarah Gibson](#)

Exhibit KS-4

Winchester Heights– Property Sale Document

Winchester Property

<https://www.axisgis.com/hampsteadnh/>

Map: 000019	Lot: 000009	Sub: 000000	Card: 1 of 1	WINCHESTER DR			
OWNER INFORMATION		SALES HISTORY					
CENTERVIEW HOLLOW LAND CO., LLC 54 SAWYER AVE ATKINSON, NH 03811		Date	Book	Page	Type	Price Grantor	
		09/24/2019	6039	611	Q V	339,900	CAMM, KEVIN
		01/05/2004	4216	1627	U V 38		CAMM, KEVIN
		03/27/1998	3279	0517	U 1 99	40	REDDY HOMES BLDRS.,INC
		06/19/1997	3220	2073	Q 1	370,000	GURAK,MAVRIS FAM TR
		09/28/1992	2945	2972	U V 38		MARCY M. MAVRIS

https://www.eagletribune.com/news/concern-over-proposed-hampstead-condo-project/article_834d3fda-771a-5acd-9c14-62cf51102a15.html

Exhibit KS-5

Winchester Heights– Lewis Builders website





HOMEABOUT US ▾NEW HOMES ▾APARTMENTS ▾LAND ACQUISITIONCONTACT



East Hampstead, NH

COMING SOON!

Site construction has begun on one of our newest communities, Winchester Heights. Winchester Heights is an age restricted (55+) community situated off **Winchester Drive in East Hampstead**. The community will feature 30 Two bedroom units situated in 9 multi-unit buildings (2, 3, 4, and 5 Unit Buildings.)

<https://www.lewisbuilders.com/winchesteheights>

Exhibit KS-6

List of Lewis/Morse companies

Businesses Owned by the Lewis/Morse Family

#	Business Name	Business ID	Business Creation Date
1	Lewis Builders, Inc.	13876	2/8/1962
2	Lewis Equipment Co., Inc.	13879	7/3/1973
3	East Coast Lumber and Building Supply Company, Inc.	15262	2/24/1976
4	Lewis Builders Development, Inc. (LBDI)	121860	12/18/1987
5	HAWC (Hampstead Area Water Company, Inc.)	140553	4/5/1989
6	Atkinson Farm, Inc.	160479	5/11/1990
7	Atkinson Area Waste Water Recycling, Inc.	154360	1/25/1991
8	The Atkinson Country Club	253556	7/12/1996
9	ECLBSC, LLC	304332	11/20/1998
10	Centerview Hollow Land Company, LLC	307154	12/28/1998
11	Atkinson Concessions, Inc.	385790	9/12/2001
12	Merrill's Tavern	434482	4/21/2003
13	Atkinson Resort and Country Club	442164	6/23/2003
14	Stagecoach Grille	567587	11/14/2006
15	Willow Creek Golf Academy	677967	9/10/2012
16	Hampstead Area Water Services Company	678243	9/14/2012
17	East Coast Lumber Equipment Center	779592	9/25/2017
18	HAWSCO	820455	5/20/2019
19	Atkinson Heights Condominium Association	876859	7/22/2021
20	Atkinson Preserve, LLC	876888	7/23/2021
Data Source: https://quickstart.sos.nh.gov/online/BusinessInquire			

Exhibit KS-7

DES Report (Executive Summary) on Overpumping at Kent Farm
Wellfield

**Water Well Capacity Investigation
Main Street, Hampstead, NH
Initial Findings**

April 2019

**New Hampshire Department of Environmental Services
Water Division
Drinking Water and Groundwater Bureau**

Executive Summary

In September 2018, the New Hampshire Department of Environmental Services (NHDES) initiated an assessment of groundwater level conditions in the vicinity of 414 Main Street in Hampstead, New Hampshire, in response to concerns about the capacity of private water supply wells. While the assessment is ongoing, sufficient information was available by March of 2019 to provide initial findings. The primary cause for declining groundwater levels in the vicinity of 414 Main Street from July 2017 through December 2018 is the operation of the Hampstead Area Water Company (HAWC) Kent Farm wellfield, which is located approximately 2,500 feet east of 414 Main Street. The wellfield predates the current state requirements for large groundwater withdrawal permitting. These requirements are designed to identify and mitigate adverse impacts associated with large groundwater withdrawals. NHDES has coordinated with HAWC to reduce withdrawals from the wellfield and groundwater levels have consequently been recovering within the vicinity of 414 Main Street. Other water use activities in the area may also impact groundwater levels over the long term. The information in this report documents the work completed by NHDES to date and the basis for the initial findings.

Exhibit KS-8

Preliminary Injunction Excerpts– Anthony vs. HAWC and Lewis Builders

The State of New Hampshire

ROCKINGHAM COUNTY

SUPERIOR COURT

Deanna Anthony, et al.

v.

Hampstead Area Water Company, Inc.
and
Lewis Builders Development, Inc.

Docket No.: 218-2019-CV-01361

ORDER ON PLAINTIFFS' REQUEST FOR A PRELIMINARY INJUNCTION

human consumption within their home. All human beings need water for drinking, cooking, and bathing, and the Anthonys' ongoing lack of safe water renders their residence essentially uninhabitable. The Anthonys are thus currently being injured, and the injury will continue until they have a reliable source of safe water. Moreover, the Anthonys' lack of water is an irreparable injury because it prevents them from using their residence and groundwater to the extent they are legally entitled for an extended period of time. This continuing loss of property and riparian rights cannot be recovered through subsequent damages. As a result, the Court concludes the Anthonys will suffer immediate, irreparable harm if they are unable to secure alternative sources of water to their homes. See Harrisburg, 107 Me. at 207, supra.

D. Public interest

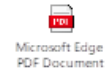
Finally, the Court concludes it is in the public interest for HAWC to supply the Anthonys with an alternative source of water. On the one hand, the public has a strong interest in both ensuring that individuals' rights to groundwater are respected and preserved and that individuals have access to safe water for use within their residences. Issuing injunctive relief requiring HAWC to provide water to the Anthonys will further both of these interests. On the other hand, there is no evidence that requiring HAWC to supply drinking water to the Anthonys will cause any harm to the public. For these

E. Scope of relief

As the Court has concluded that the plaintiffs have satisfied all the criteria for a preliminary injunction and that issuing one is in the public interest, the Court GRANTS the plaintiffs' request for a preliminary injunction requiring HAWC to provide water to the Anthonys. The Court notes, however, that it will not order HAWC provide the plaintiffs with the exact relief requested by the plaintiffs in Plaintiffs' Exhibit 39. See Pls.' Ex. 39. Rather, the Court orders HAWC, at its own expense, to provide an alternative source of water to the Anthonys' residence that is consistent with the following requirements:

1. HAWC must be able to ensure that the method will meet the Anthonys' needs within three weeks of the date of the Notice of Decision accompanying this Order;
2. The method must provide water that is safe for human consumption;
3. The method must provide water that is compatible with the existing plumbing in the Anthonys' residence, such that they could use the water for drinking, cooking, and bathing;
4. The method must provide an interrupted supply of water to the Anthonys for the duration of this litigation and its availability must not be affected by weather conditions; and
5. The method must provide at least 400 gallons of water a day to the Anthonys' residence.

Jan 25, 2021
Court Order



Conclusion

For the foregoing reasons, the Court GRANTS in part and DENIES in part the plaintiffs' request for preliminary injunctive relief, and issues the following injunctions:

- A. HAWC may not pump BRW-4 at a rate above 35 gpm until otherwise ordered by this Court; and
- B. HAWC must provide water safe for human consumption to the Anthonys for the remainder of this litigation in a manner consistent with the requirements the Court laid out in Section II(E) of this Order.

SO ORDERED.

January 25, 2021

A handwritten signature in black ink, appearing to read "D. St. Hilaire".

Judge Daniel I. St. Hilaire

Clerk's Notice of Decision
Document Sent to Parties
on 01/25/2021

Exhibit KS-9

HAWC 2019 Annual Report– last page, water volumes, MWW MSDC
Payment

HAMPSTEAD AREA WATER COMPANY INC					
Unaccounted for Water Report - 2019					
(All Numbers are in Gallons)					
	Produced	Net Available For Sale	Customer Consumption	(Loss) Gain	% (Loss) % Gain
Alt-Hampstead Core	158,425,256	150,390,676	130,853,454	(19,537,222)	-12.3%
002 Dearborn	599,400	599,400	591,488	(7,912)	-1.3%
03 Camelot Court	1,057,910	1,023,260	1,040,034	16,774	1.6%
04 Colby Pond	8,352,800	8,352,800	7,997,564	(355,236)	-4.3%
05 Cornerstone	3,967,430	3,967,430	3,842,207	(125,223)	-3.2%
06 Cricket/Maplevalle	4,368,579	4,368,579	4,140,240	(228,339)	-5.2%
09 Lamplighter	1,044,460	1,044,460	1,028,814	(15,646)	-1.5%
10 Oakhill	3,190,530	3,190,530	3,112,391	(78,139)	-2.4%
11 Rainbow Ridge	882,100	882,100	881,600	(500)	-0.1%
12 Stoneford	3,465,783	3,206,583	3,387,984	181,401	5.2%
14 Lancaster	7,154,796	6,938,796	6,976,409	37,613	0.5%
16 Millwoods	1,021,400	925,000	965,174	40,174	3.9%
17 Waterford Village	2,797,800	2,579,100	2,658,422	79,322	2.8%
18 Autumn Hills	81,800	36,800	61,336	24,536	30.0%
19 Coopers Grove	925,500	871,200	913,233	42,033	4.5%
20 Sargent Woods	3,787,000	3,568,600	3,525,735	(42,865)	-1.1%
21 Black Rocks	3,781,300	3,613,700	2,967,473	(646,227)	-17.1%
22 Fairfield	957,590	957,590	914,131	(43,459)	-4.5%
23 Little River	2,760,290	2,398,610	2,395,298	(3,312)	-0.1%
24 Snows Brook	1,920,800	1,820,000	1,595,836	(224,164)	-11.7%
25 Kings Landing	1,404,700	1,284,700	1,283,949	(751)	-0.1%
26 Wells Village	1,753,800	1,633,800	1,673,912	40,112	2.3%
27 Bow Lake	2,386,283	2,386,283	1,534,470	(851,813)	-35.7%
Totals	216,067,307	206,039,997	184,341,154	(21,698,843)	-10.0%

<https://www.puc.nh.gov/water-sewer/Annual%20Reports/2019/2019WaterAnnualReport-HampsteadWaterCompany.pdf>

2019 Annual Report

A-7 PAYMENTS TO INDIVIDUALS

List names of all individuals, partnerships, or corporations to whom payments totaling \$10,000 or more for services rendered were made or accrued during the year, and the amount paid or accrued to each. Where payments or accruals to the individual members of a partnership or firm together total \$10,000 or more, list each individual and the amount paid or due each.

Line No.	Name	Address	Amount
1	Lewis Builders Development	Atkinson, N. H.	1,087,083
2	DN Tanks, Inc.	Dallas, Tx.	968,772
3	Manchester Water Works	Manchester, NH	892,000
4	Penituckat Bank	Haverhill, MA	195,825
5	Treasurer, State of NH	Concord, N. H.	184,858
6	TI-Sales Inc	Sudbury, Ma.	146,184
7	Unitil	Boston, Ma.	109,142
8	Emery & Garrett Groundwater	Cincinnati, OH	98,821
9	Eversource	Boston, Ma.	87,675
10	Liberty Utilities - NH	Chicago, IL	69,790
11	Nelson Analytical lab	Manchester, N. H.	64,744
12	Weston & Sampson Engineers	Reading, MA	64,381
13	R. E. Prescott	Exeter, N. H.	62,914
14	Acadia Insurance	Cincinnati, OH	58,831
15	Tyler Technologies, Inc.	Dallas, Tx.	53,768
16	State of New Hampshire	Concord, N.H.	52,289
17	Mario Incorporated	Racine, WI	49,227
18	Town of Hampstead	Hampstead, N.H.	39,787
19	Town of Atkinson	Atkinson, N. H.	38,163
20	Sheehan Phinney	Manchester, NH	36,100
21	Atkinson Area Waste Water	Atkinson, N. H.	34,439
22	Stephen P. St. Cyr & Assoc.	Biddeford, ME	33,882
23	Anthem Blue Cross Blue Shield	Cincinnati, OH	30,777
24	Atkinson Resort & Country Club	Atkinson, NH	29,572

<https://www.puc.nh.gov/water/Annual%20Reports/2019/2019%20HampsteadAreaWaterCompany.pdf>

2019 Annual Report

Annual Report of Hampstead Area Water Co., Inc.

Year Ended December 31, 2019

A-6 LIST OF TOWNS SERVED

List by operating divisions the towns served directly, indicating those in which franchise is for limited area by an asterisk (*) after name. Give population of the area and the number of customers.

Line No.	Town	Population of Area	Number of Customers	Line No.	Town	Population of Area	Number of Customers
1	Hampstead, N. H.	8,628	1,338	16	Sub Totals Forward:	90,809	3,857
2	Sandown, N.H.	6,395	272	17			
3	Danville, N.H.	4,506	186	18			
4	Chester, N.H.	5,012	59	19			
5	Nottingham, N. H.	5,041	19	20			
6	E. Kingston	2,466	120	21			
7	Kingston, N.H.	6,061	117	22			
8	Atkinson, N.H.	6,767	1,299	23			
9	Salem, N. H.	28,673	86	24			
10	Plaistow, N.H.	7,571	75	25			
11	Newton, N. H.	4,947	114	26			
12	Fremont, N. H.	4,742	150	27			
13	Stratford, N. H.		42	28			
14				29			
15	Sub Totals Forward:	90,809	3,857	30	Total	90,809	3,857

<https://www.puc.nh.gov/waterwer/Annual%20Reports/2019/2019%20WaterAnnualReport/HampsteadAreaWaterCompany.pdf>

Exhibit KS-10

MWW Page – MSDC rates and 3% per year increase

MSDC –Merrimack Source Development Charge

- 1-time Fee for amount of water committed to buy daily

Pipeline Phase 1 – HAWC committed to 250,000 gallons/day

- 250,000 gallons/day x \$3.57 = \$892,500
- HAWC Paid this in 2019 (in annual report)

Pipeline Phase 2

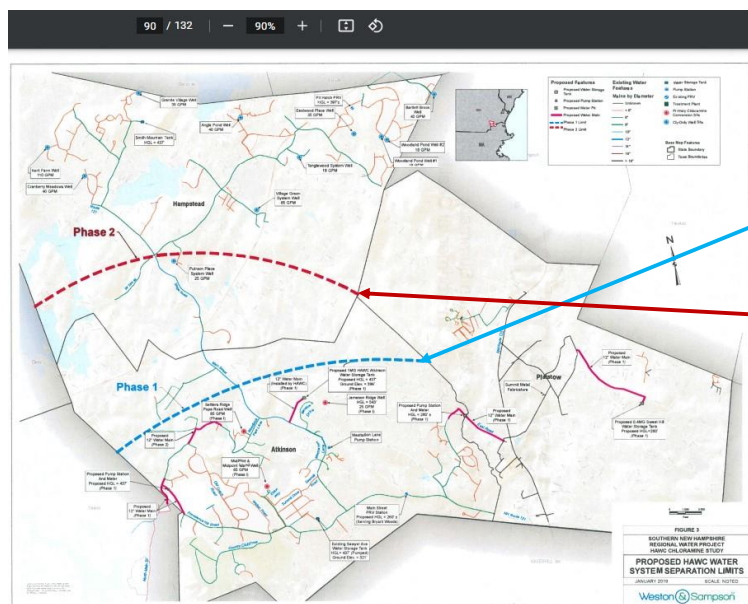
- HAWC requested, not committed, additional 500,000 gallons/day
- At 2021 rate of \$3.90, this cost would be 500,000 gpd x \$3.90 = \$1,950,000
- At 2022 rate of \$4.02, this cost would be 300,000 gpd x \$4.02 = \$2,010,000

For installations 3" and larger, the charge ~~\$3.90~~ per gallon, per day. The flow, gallons/day, will be determined by the Utility. For installations where an oversized meter is necessary due to pressure considerations, the charge will be based on the size of the meter. ~~under normal pressure conditions, as determined by the Utility. In accordance with the financial plan adopted by the Utility, be increased 3% annually effective each January 1st.~~

https://www.manchesternh.gov/Portals/2/Departments/water_works/WTR_RateSchedule.pdf

Exhibit KS-11

Proposed HAWC System Water Limits for Chloramines



Phase 1 – Pipeline Water never crosses Hampstead border

Phase 2 – Pipeline Water crosses Hampstead border, but reaches very few customers

https://www.puc.nh.gov/regulatory/Docketbk/2019/ATTN%20FILING%20PETITION/19147_2019-09-09_HAWC_ATT_TESTIMONY_MORSE.PDF

Exhibit KS-12

Planning Board Meeting Minutes, June 2, 2021

Atkinson Land Available to be Developed

**ATKINSON PLANNING BOARD MEETING
MINUTES
WEDNESDAY, JUNE 2, 2021**

Members Present:

Sue Killam, Chair
Mike Turell, Vice Chair
Paul DiMaggio
Paul Wainwright, Alternate
John Ottow
Barbara Brown
Ted Stewart

Others Present

Karen Wemmelmann, Recorder
Julie LaBranche, Rockingham Planning

Call to Order:

Chair Killam called the meeting to order Wednesday, June 2, 2021 at 7:30 PM.

The Board discussed if a growth management policy is needed. Member DiMaggio stated that it has to be done scientifically. Ms. LaBranche stated that a lot goes into it and is expensive. Member DiMaggio stated that a study would cost around \$15,000-\$20,000. Member Stewart is concerned about property owner rights. The cost per acre to build governs growth in Atkinson.

Member DiMaggio requested Ms. LaBranche put something together regarding the 2020 Census. Ms. LaBranche informed him that the Town received a grant and she and Alternate Wainwright are working on an open space plan for the Town. One of the issues is the development potential of the Town.

Member Brown pointed out that there are only 10 parcels in Atkinson that can be developed and are greater than 10 acres.

Ms. LaBranche asked if it was the golf course area. Vice Chair Turell pointed out that there is already a plan although it has not come to the Board.

Member Ottow stated that although there are 10-13 parcels greater than 10 acres, a lot of the land is not buildable or eligible for cluster housing.

Exhibit KS-13

Current Atkinson Zoning and Land Use Regulations, Section 620 Excerpts

Page 69

Section 620	GOLF AND SPORTS COMPLEX /RESIDENTIAL SUB-DISTRICT ("SCR Subdistrict") (2006)
a.	Within the existing RR-2 District in the southwestern corner of the Town there is created a Subdistrict known as a Sports Complex/Residential Sub-district (SRC). Except as otherwise provided herein, all other restrictions and requirements applicable to the RR-2 District shall apply to all uses and structures within the SCR Subdistrict.
b.	Except as to "RRRCD Developments" (defined below), all land lying within the SCR Subdistrict shall continue to have all of the benefits and to be subject all of the restrictions of and for the RR-2 District.
c.	The SCR Subdistrict is composed of all the land bounded as follows: Beginning on the southwest side of North Broadway at the Haverhill, Massachusetts State Line, thence running

Page 70

620:3	Non-residential uses within the RRRCD shall be limited to the following privately owned or publicly owned uses designed to serve the community at large with the following amenities:
a.	Sports facilities such as golf courses, health clubs and recreational and related facilities, (including a "Country club" banquet facility for not more than 650 people) but specifically excluding activities designed as spectator sports; the area of a RRRCD occupied by an outdoor sports facility, such as a golf course, may be used to fulfill certain minimum open space requirements of this ordinance.
b.	Food service facilities;
c.	Bank (branch);
d.	One neighborhood convenience store (2,000 sq. ft. total area);
e.	Professional buildings;
f.	Small retail shops not exceeding 6,000 sq. ft. in total area.
g.	Such non-residential accessory uses as may be permitted by this Ordinance.

620:5	Within the SCR Subdistrict, and within a RRRCD whose occupancy is limited by covenants to elderly, as defined hereinbelow, multi-family Alternative Design Residential Buildings, as defined below, shall be permitted subject to the following:
a.	No such Alternative Design Residential Buildings shall exceed <u>fifty-five (55) feet in height</u> as calculated under Sections 501 and 503 of the <u>International Building Code</u> .

http://www.townatkinsonnh.com/documents_and_forms/2009%20zoning%20ord.pdf

Page 71

620:7	Residential Density
a.	Residential dwelling unit density shall conform to the requirements of the RR-2 District. However, in order to provide for private, non-subsidized elderly housing alternatives, and where public or community water systems, and municipal, public or community sewage treatment plants and services are available, the residential density within a RRRCD shall be calculated on the basis of <u>four (4) bedrooms per one (1) acre lot.</u>
b.	Any Alternative Design Residential Building that is greater than four (4) dwelling units per building and which contains one (1) bedroom dwelling units shall have those one (1) bedroom dwelling units counted as if they were two (2) bedroom dwelling units for purposes of calculating the residential density.
c.	Such Alternative Design Residential Buildings shall be allowed to exceed four (4) units per building, but no exceed more than forty (40) units per building.

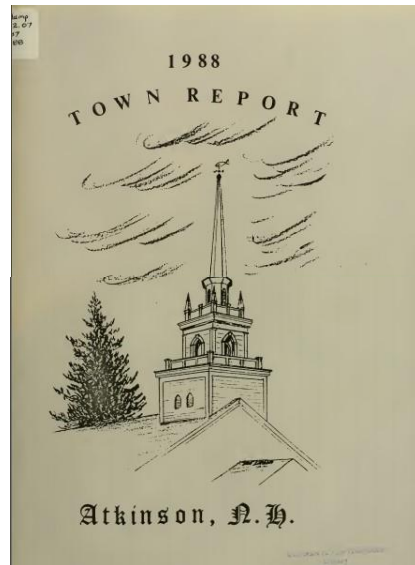
Page 73

620:9	Site requirements shall include, but not be limited to the following:
a.	In order to limit the impact of the non-residential facilities within a RRRCD, no <u>more than seven percent (7%) of the RRRCD shall be allotted to the siting of the non-residential buildings,</u> and no more than twenty-five percent (25%) of said seven percent (7%) shall be occupied by the foundation footprints of the non-residential buildings themselves.
b.	Non-residential buildings shall be architecturally compatible with residential structures within the RRRCD.
c.	Non-residential uses shall have access from an interior road in the developments, shall be separated from residential areas by adequate visual screening and landscaping buffers, and shall be set back as follows: <ol style="list-style-type: none">1) Front: No structure or parking area shall be closer than 30 feet from an internal roadway.2) Side and rear: No structure or parking area shall be closer than one hundred (100) feet from residential structures.
d.	Each non-residential use may have a maximum of one indirectly lighted sign not to exceed a sixteen (16) square-foot area. No sign shall be so illuminated as to cause a disturbance to neighboring residential units.

http://www.townatkinsonnh.com/documents_and_forms/2009%20zoning%20ord.pdf

Exhibit KS-14

1988 Citizens Petition to Create New Zone for Atkinson Country Club



https://scholars.unh.edu/atkinson_nh_reports/85/

ARTICLE 12 "Are you in favor of the adoption of Amendment No. 11 as proposed by petition of the voters of this town for the town zoning ordinance?"

This petition would establish a Sports Complex/Residential District (SPCR) on land lying south of Providence Hill Road, west of North Broadway, north of the Haverhill and Salem Town Lines, east of the Salem Town Line, and currently in the Town Residential 2-Acre District. The amendment would allow non-residential uses in rural cluster residential developments in the district provided the developments consisted of a minimum of 300 acres; and it would limit such uses to sports facilities, food service facilities, a bank branch, one 2,000 square-foot convenience store, one professional building, and personal service shops occupying a total sales area of 6,000 square feet. It would allow an increase in the number of residential dwelling units over and above the normal density allowed in the district provided both of the following requirements can be met:

1. A public or community water system and sewage treatment plan can be installed.
2. Occupancy of the dwelling units will be limited to adults over 45 years of age.

The amendment also defines the requirements for transfer of ownership of non-residential properties, commits all open space to be so designated and to be maintained as such forever, limits non-residential development to no more than 25% of the total acreage of a development, and subjects non-residential uses to the requirements of all applicable sections of the town's ordinances and regulations.

By Petition: "Recognizing that some special uses cannot and should not be allowed in all districts of town, but recognizing that the town and the undersigned hereby petition to amend the Atkinson Zoning Ordinance (This amendment would modify the Zoning Ordinance Map of March 12, 1985) to allow for a sports complex district in the southwestern corner of the town to serve the residents of Atkinson and the region, by adding the following Sections to the town's Zoning Ordinance:

§20. Sports Complex/Residential District ("SPCR"). All of the land lying south of Providence Hill Road; west of North Broadway, and north of the Haverhill and Salem Town Lines and east of the Salem Town Line shall be known as the Sports Complex/Residential District.

§20:1 To provide for recreational/sports amenities and other public and common facilities that would otherwise be provided under conventional land development procedures, limited non-residential uses shall be allowed in cluster developments located within the SPCR District which contain a minimum of 300 acres when included as part of the initial cluster application and provided they meet the requirements contained in this Section.

§20:2 Tracts for non-residential use shall be delineated and legally described by metes and bounds and shall be shown on a site plan to be recorded in the Rockingham County Registry of Deeds upon approval by the Atkinson Planning Board.

§20:3 Non-residential uses shall be limited to the following privately-owned or publicly-owned commercial use designated to serve the community at large with the following amenities:

- a. Sports facilities such as golf courses, health clubs and recreational and related facilities, but specifically excluding activities designed as spectator sports;
- b. Food service facilities;
- c. Bank (branch);
- d. One convenience store (2,000 sq. ft. maximum);
- e. One professional building;
- f. Personal service shops (6,000 sq. ft. total area).

620:4 Non-residential tracts shall be exempted from the requirements of Sections 2600:17 unless such tracts are transferred by legal title to parties described in Section 620:5a(1) and (2) below.

620:5 (a) All abutting designated open space areas which are submitted by the applicant as part of, or in conjunction with a proposed rural residential cluster development shall be included in calculations for meeting the requirements for open space, buffers, and dwelling unit density as specified in Section 2600.

(b) In order to provide for private, non-subsidized adult and retirement housing alternatives and where public or community water systems, and municipal, public or community sewage treatment plans and services are available, the residential density within a residential sports complex project shall be calculated on the basis of **one acre lot per four bedroom dwelling unit**, provided that the developer records restrictive covenants insuring that any increase in the density permitted hereunder over the normal zone density shall be limited to adults defined as persons over 45 years of age.

(c) For purposes of this ordinance "sewerage treatment plans and services" are defined as those facilities and works which treat raw sewerage in a manner such that the water leaving such facilities is of a quality that it meets the requirements and standards set by the State of New Hampshire Water Supply and Pollution Control Commission for use in irrigation of lawns and fairways.

620:6 All open space, outdoor recreational areas, including golf courses, and enclosed recreational facilities which are used to support commercial enterprises shall be held by the owners of such enterprises and shall be subject to the following conditions:

(a) All areas shall be held by the developer unless and/or until ownership and obligatory management of a designated tract, or any defined increment of it, is transferred by legal title and held by one or more of the following entities:

- (1) In common, by all property owners within the tract, or portion of it to be transferred, in accordance with tenancy-in-common requirements set forth in Section 2600:17 of this ordinance.
- (2) In common, by all owners of the abutting residential tract(s) in accordance with Section 2600:17 of this ordinance.
- (3) By the Town of Atkinson which may at any time accept dedication of any space for perpetual public use and maintenance.
- (4) By a non-profit organization whose members undertake the cost of maintaining or operating the outdoor recreational area or enclosed facility.

(5) By a privately- or publicly-held organization whose performance is guaranteed by recorded covenants running with the land to ensure operation and maintenance of the outdoor recreational areas and indoor facilities in accordance with the site plan. Such recorded covenants shall be enforceable by the Town of Atkinson.

(b) Land designated as non-residential open space and/or non-residential outdoor recreational area shall meet the following requirements:

- (1) It shall be covenanted in perpetuity as open space.
- (2) It shall be held by the owner(s) or successors in interest of the enterprise(s) for which said land use is used.
- (3) It shall be permanently maintained for purposes of public or private recreation, conservation, park of public easements, water and sewerage systems and of agriculture.
- (4) It shall be integrated with the residential segment(s) of the cluster development although the units need not front directly on such land.

(c) All agreements, deed restrictions and methods of management of the land shall be approved by the Planning Board to ensure their compliance with the requirements of this section.

620:7 Site requirements shall include, but not be limited to, the following:

(a) No more than eight percent (8%) of the total tract area of the cluster development shall be allotted to the siting of non-residential buildings, and no more than twenty five percent (25%) thereof (i.e., 25% of said eight percent (8%)) shall be occupied by the foundation footprints of the non-residential buildings themselves.

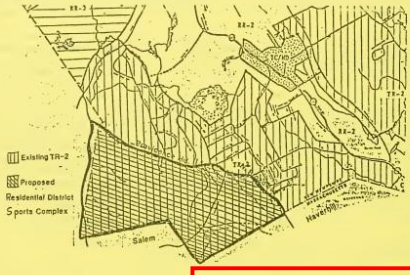
(b) Non-residential buildings shall be architecturally compatible with residential structures within the development.

(c) Non-residential uses shall have access from an interior road in the development, shall be separated from residential areas by adequate visual screening and landscaping buffers, and shall be set back as follows:

- (1) Front: No structure or parking area shall be closer than 30 feet from an internal roadway.
- (2) Side and rear: No structure or parking area shall be closer than 100 feet from residential structures.
- (d) Each non-residential use may have a maximum of one indirectly lighted sign, not to exceed a 16 square-foot area. No sign shall be so illuminated as to cause a disturbance to neighboring residential units.

620:8 Permission for each non-residential use shall run with the use initially allowed, and any change in use shall require a Site Plan review by the Planning Board.

620:9 Non-residential uses shall be subject to all other applicable sections of this ordinance as well as to all subdivision regulations, site plan development regulations, and other regulations and ordinances of the Town of Atkinson.



Not Recommended by the Planning Board

https://scholars.unh.edu/atkinson_nh_reports/85/

Exhibit KS-15

Golf Business, January 2015 Article

January 2015

All in the Family
By Trent Bouts

Christine Lewis Morse ensures the operation of Atkinson Resort & Country Club is a family affair

As a 10-year-old, Christine Lewis Morse rode shotgun with her grandmother collecting rent checks and delivering the occasional eviction notice. At age 18, she drove 10-wheel dump trucks hauling dirt to and from construction sites. In her mid-20s, she was put in charge of several lumberyards during a recession. She shut down two and downsized a third. What was a \$3 million operation at the time does \$28 million now.

Suffice it to say Lewis Morse has never been afraid of hard work or tough decisions. Even when she was a relative kid surrounded by grown-ups or as a girl when those grown-ups were mostly men. On that snapshot of her résumé, you could imagine her hard-nosed and flint of heart. But in the middle of one bitterly cold night early this winter, it was Lewis Morse crawling out of bed to bring coffee and hot chocolate to employees who were working in the mud and the mire of a burst pipe repair.

Today, Lewis Morse is 50, the mother of two grown children and owner-operator of several businesses, including those that gave her the experiences mentioned above. All stem from the family interests in construction, neighborhood development and building supplies. She also owns a water supply company, hence her stake in the welfare of those shivering repairmen. Altogether, that's a backdrop that makes her ownership of Atkinson Resort and Country Club in Atkinson, New Hampshire, something of an anomaly.

Lewis Morse doesn't play golf, but she's doing something right. Atkinson Resort, with some 250 full-time, part-time and seasonal employees at its busiest, generated more than \$8 million in revenues last year. The resort was also named 2015 Golf Course of the Year by the New England Golf Course Owners Association. Not bad for someone whose only previous hospitality experience was a bumpy stint with Dunkin' Donuts after quitting school early in the 11th grade.

"I didn't do well with the customer relations side," Lewis Morse confides. Perhaps not too surprisingly, she went back into the family business fold.

Such a past amounts to a MBA, if not from the school of hard knocks, then at least from the school of the real world. But to think that's the only acumen Lewis Morse commands would be to miss a less obvious but no less critical element of what is clearly a successful management style. For all the emphasis she places on her businesses, she's equally vested in the well-being of the people who work in them.

Politicians frequently champion family values around election time, but Lewis Morse simply values family day in and day out. "Our employees are extended family," she

says. "We have people working for us who have been with us for 40 years. We have several generations of families working for us. We take care of our own."

When her head golf professional mentioned his kids were about to start T-ball and that he might look to sneak out and watch them now and then, she told him to mark off two days a week so he could coach, not just watch. "These are going to be some of the best days of your life, go do it," she told him.

Lewis Morse's long-term vision for Atkinson Resort—420 acres in all—is an extension of that human concern. It includes plans for an assisted living facility as part of a community with its own convenience store, gas station and other amenities. A larger tract will be developed with housing for those age 55 and under. The reason? Lewis Morse has seen enough examples of the once-beloved suddenly becoming burdensome because of a lack of resources or infrastructure for any gentler kind of transition.

"Older people have a lot to offer and should be treated with the dignity and respect they deserve," she says. "Someday, I hope to build that assisted living facility. It's a goal in my life, really. I think I've got 20 years to pull it off. If I'm lucky."

That type of facility would represent the last remaining arc in what Lewis Morse calls the "circle of life" that plays out at Atkinson Resort. Across a 75,000-square-foot clubhouse, two restaurants, 16 guest rooms and 15,000 square feet of function space, the resort hosts all of the major life milestones. Between the likes of sweet 16s, proms, graduations, weddings, baby showers, anniversaries and funeral receptions, banquet functions generate a full third of Atkinson Resort's business. Restaurants and golf operations also account for a third each.

It's a thriving business with a solid balance sheet, yet Lewis Morse draws equal satisfaction from the social capital the resort deals in. "People, families, are so spread out these days," she says. "So it means a lot when they come up to us after events and thank us on their way out for giving them somewhere to come together. It's flattering."

Indeed, that personal touch and connection with customers is a cornerstone of the Atkinson Resort operation. The golf course closes from late November through the end of March, but its restaurants are open year-round serving breakfast, lunch and dinner. Lewis Morse says her golfers don't go home—they come inside. To further nurture that communal feel, Lewis Morse invested approximately \$800,000 to install four golf simulators in a game room. The business they generate helps feed a sense that "there's a lot going on at any given time."

Lewis Morse's father, Peter Lewis, launched a building company with his parents Ralph and Lillian Lewis in 1958. The Lewis Group of Companies' website says the family has been in the business of "building neighborhoods" ever since. As the original business grew, the family spawned new enterprises along the supply chain. Atkinson Resort represented a new end point more so than another subsidiary.

[http://www.golfbusiness.com/article.aspx?id=3120&bq=6yfv%5Eg433\\$](http://www.golfbusiness.com/article.aspx?id=3120&bq=6yfv%5Eg433$)

The resort opened in 1996 with nine holes; another nine were built in 1998. Its current clubhouse came online in 2002, and a nine-hole par-3 course was added in 2009. That same year the resort launched Willowcreek Golf Academy, a teaching facility with 15,000 square feet of grass tees, 12,000 square feet of putting greens, multiple bunkers and a 65-yard short-game practice hole.

Atkinson Resort may have been a dream for Peter Lewis, but it was a different beast for his daughter. Strong in finance, Lewis Morse knew she was weak in many other areas, so her father moved her from job to job to expedite her learning. By the time he made her general manager of Atkinson Resort in 2004, she was a deft hand at adapting.

"You can learn a lot from the people who work for you," Lewis Morse says. "Trust me, old dogs can learn new tricks. And you can learn a lot from your customers, too. Then, you put what you learn together with common sense."

Another factor in any success Lewis Morse has enjoyed at Atkinson Resort, and indeed across all her business interests, stems from putting faith in people. "There is nothing wrong with people making decisions that might be different from those I would make in the same situation," she says. "Your people should never be afraid to make a decision. You can't operate a 24-hour-a-day business and expect people to do it without that freedom."

Lewis Morse spends about half of her time at Atkinson Resort and the rest across the remainder of her business stable, some elements of which are managed by her husband, Harold. Despite being so immersed in business from such a young age, Lewis Morse still regards herself as a "farm girl." She continues to live on the 100-acre property she was raised on and admits that she would rather spend any spare moment there rather than learning to swing a golf club.

That shouldn't be too surprising, really. It was on the farm that her father experienced the epiphany that ultimately led her to where she is today. A development was going up nearby, and at the end of each day Peter Lewis, then a teenager, would sneak over to see what progress had been made. "He only had an eighth grade education, but he saw that farming wasn't going to make you money while moving dirt could," she says.

Nearly 60 years later, the Lewis family is still moving dirt or maintaining it in one form or another. Running a golf course may have never been on the radar for Lewis Morse early on, but when her dad asked her to make the move, she didn't hesitate. "You want to please your father," she says. "You look up to him. You want him to be proud of you."

It's hard to imagine he was anything but that.

Trent Bouts is a South Carolina-based freelance writer and editor of Palmetto Golfer magazine.

[http://www.golfbusiness.com/article.aspx?id=3120&bq=6yfv%5Eg433\\$](http://www.golfbusiness.com/article.aspx?id=3120&bq=6yfv%5Eg433$)

Exhibit KS-16

Order #26,178 from Docket DG 18-103, justification for gas line

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DG 18-103

NORTHERN UTILITIES, INC.

Petition for Authority to Operate in the Towns of Kingston and Atkinson

Order Granting Franchise Authority

ORDER NO. 26,178

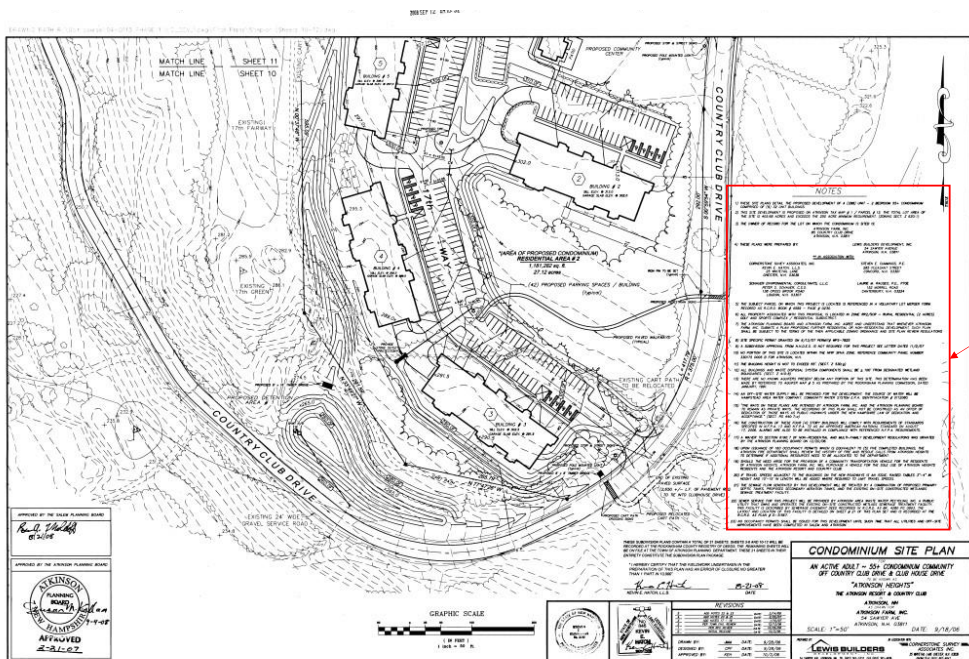
October 3, 2018

"In Atkinson, Lewis Builders Development, Inc. (Lewis Builders), has requested gas service from Northern at the main club house of the Atkinson Country Club, as well as to the first phase of a planned development consisting of 288 condominium units in 9 buildings. According to Lewis Builders, additional condominiums are scheduled to be built over a ~~year~~ period, from 2018 to 2022, in multiple phases of an overall development plan. ultimately will include 800 condominium units, a hotel, and an entertainment complex. To provide the requested natural gas service to the country club and the prospective initial condominium buildings, Northern proposes to extend an existing gas main in Atkinson 3.8 miles to connect the Atkinson Country Club and the condominium development, and thereafter will install approximately 0.4 miles of mains and services on site within the initial ~~build~~ area."

<https://www.puc.nh.gov/regulatory/Orders/2018orders/26178g.pdf>

Exhibit KS-17

Site Plan D-35619, Notes on Page 5



Notes are enlarged
On next page

<https://www.nhdeeds.org/rockinghamhome/> D-35619 sheet 5 of 7

NOTES

- 1) THESE SITE PLANS DETAIL THE PROPOSED DEVELOPMENT OF A (288) UNIT - 2 BEDROOM 55+ CONDOMINIUM COMPRISED OF (9) 32 UNIT BUILDINGS.
- 2) THIS SITE DEVELOPMENT IS PROPOSED ON ATKINSON TAX MAP # 1 / PARCEL # 12. THE TOTAL LOT AREA OF THE SITE IS 405.68 ACRES AND EXCEEDS THE 250 ACRE MINIMUM REQUIREMENT. (ZONING SECT. Z 620:1)
- 3) THE OWNER OF RECORD FOR THE LOT ON WHICH THE CONDOMINIUM IS SITED IS:
ATKINSON FARM, INC.
85 COUNTRY CLUB DRIVE
ATKINSON, N.H. 03811
- 4) THESE PLANS WERE PREPARED BY:

<p style="text-align: center;">** IN ASSOCIATION WITH:</p> <p>CORNERSTONE SURVEY ASSOCIATES, INC. KEVIN E. HATCH, L.L.S. 25 WHITETAIL LANE CHESTER, N.H. 03036</p> <p>SCHAUER ENVIRONMENTAL CONSULTANTS, L.L.C. PETER S. SCHAUER, C.S.S. 136 CROSS BROOK ROAD LOUDON, N.H. 03307</p>	<p>LEWIS BUILDERS DEVELOPMENT, INC. 54 SAWYER AVENUE ATKINSON, N.H. 03811</p> <p>STEVEN E. CUMMINGS, P.E. 285 PLEASANT STREET CONCORD, N.H. 03301</p> <p>LAURIE M. RAUSEO, P.E., PTCE 152 MORRILL ROAD CANTERBURY, N.H. 03224</p>
---	---
- 5) THE SUBJECT PARCEL ON WHICH THIS PROJECT IS LOCATED IS REFERENCED IN A VOLUNTARY LOT MERGER FORM RECORDED AS R.C.R.D. BOOK # 4598 - PAGE # 0230.
- 6) ALL PROPERTY ASSOCIATED WITH THIS PROPOSAL IS LOCATED IN ZONE RR2/SOR - RURAL RESIDENTIAL (2 ACRES) GOLF AND SPORTS COMPLEX / RESIDENTIAL SUBDISTRICT.
- 7) THE ATKINSON PLANNING BOARD AND ATKINSON FARM, INC. AGREE AND UNDERSTAND THAT WHENEVER ATKINSON FARM, INC. SUBMITS A PLAN PROPOSING FURTHER RESIDENTIAL OR NON-RESIDENTIAL DEVELOPMENT, SUCH PLAN SHALL BE SUBJECT TO THE TERMS OF THE THEN APPLICABLE ZONING ORDINANCE AND SITE PLAN REVIEW REGULATIONS
- 8) SITE SPECIFIC PERMIT GRANTED ON 6/13/07 PERMIT# WPS-7825
- 9) A SUBDIVISION APPROVAL FROM N.H.D.E.S. IS NOT REQUIRED FOR THIS PROJECT SEE LETTER DATED 11/2/07
- 10) NO PORTION OF THIS SITE IS LOCATED WITHIN THE NEP SPHA ZONE. REFERENCE COMMUNITY PANEL NUMBER 330175 0005 B FOR ATKINSON, N.H.
- 11) THE BUILDING HEIGHT IS NOT TO EXCEED 55' (SECT. Z 530:g)
- 12) ALL BUILDINGS AND WASTE DISPOSAL SYSTEM COMPONENTS SHALL BE ≥ 100' FROM DESIGNATED WETLAND BOUNDARIES (SECT. Z 410:b)
- 13) THERE ARE NO KNOWN AQUIFERS PRESENT BELOW ANY PORTION OF THIS SITE. THIS DETERMINATION HAS BEEN MADE BY REFERENCE TO AQUIFER MAP # 5 AS PREPARED BY THE ROCKINGHAM PLANNING COMMISSION, DATED JANUARY, 1991.
- 14) AN OFF-SITE WATER SUPPLY WILL BE PROVIDED FOR THE DEVELOPMENT. THE SOURCE OF WATER WILL BE HAMPSHIRE AREA WATER COMPANY. COMMUNITY WATER SYSTEM E.P.A. IDENTIFICATION # 0112080.

- 15) "THE WAYS ON THESE PLANS ARE INTENDED BY ATKINSON FARM, INC. AND THE ATKINSON PLANNING BOARD TO REMAIN AS PRIVATE WAYS. THE RECORDING OF THIS PLAN SHALL NOT BE CONSTRUED AS AN OFFER OF DEDICATION OF THOSE WAYS AS PUBLIC HIGHWAYS UNDER THE NEW HAMPSHIRE LAW OF DEDICATION AND ACCEPTANCE." (SECT. RS 440:7:6)
- 16) THE CONSTRUCTION OF THESE FOUR (4) STORY BUILDINGS WILL COMPLY WITH REQUIREMENTS OF STANDARDS SPECIFIED IN N.F.P.A. 13 AND N.F.P.A. 72 AS AN APPROVED AMERICAN NATIONAL STANDARD ON AUGUST 17, 2006. ALARMS ARE ALSO TO BE INSTALLED IN COMPLIANCE WITH REFERENCED N.F.P.A. REQUIREMENTS.
- 17) A WAIVER TO SECTION 6190:7 OF NON-RESIDENTIAL AND MULTI-FAMILY DEVELOPMENT REGULATIONS WAS GRANTED BY THE ATKINSON PLANNING BOARD ON 12/20/06.
- 18) UPON ISSUANCE OF 160 OCCUPANCY PERMITS WHICH IS EQUIVALENT TO (5) FIVE COMPLETED BUILDINGS, THE ATKINSON FIRE DEPARTMENT SHALL REVIEW THE HISTORY OF FIRE AND RESCUE CALLS FROM ATKINSON HEIGHTS TO DETERMINE IF ADDITIONAL RESOURCES NEED TO BE ALLOCATED TO THE DEPARTMENT.
- 19) SHOULD THE NEED ARISE FOR THE PROVISION OF A COMMUNITY TRANSPORTATION VEHICLE FOR THE RESIDENTS OF ATKINSON HEIGHTS, ATKINSON FARM, INC. WILL PURCHASE A VEHICLE FOR THE SOLE USE OF ATKINSON HEIGHTS RESIDENTS AND THE ATKINSON RESORT AND COUNTRY CLUB.
- 20) IF TRAVEL SPEEDS ADJACENT TO THE BUILDINGS ON THE NEW ROADWAYS IS AN ISSUE, RAISED TABLES 3'-4" IN HEIGHT AND 10'-15' IN LENGTH WILL BE ADDED WHERE REQUIRED TO LIMIT TRAVEL SPEEDS.
- 21) THE SEWAGE FLOW GENERATED BY THIS DEVELOPMENT WILL BE TREATED BY A COMBINATION OF PROPOSED PRIMARY SEPTIC TANKS, PROPOSED SECONDARY AERATION TANKS, AND THE EXISTING ON-SITE CONSTRUCTED WETLANDS SEWAGE TREATMENT FACILITY.
- 22) SEWER SERVICE FOR THIS PROJECT WILL BE PROVIDED BY ATKINSON AREA WASTE WATER RECYCLING, INC. A PUBLIC UTILITY THAT OWNS AND OPERATES THE EXISTING ON-SITE CONSTRUCTED WETLANDS SEWAGE TREATMENT FACILITY. THIS FACILITY IS DESCRIBED BY SEWERAGE EASEMENT DEED RECORDED IN R.C.R.D. AS BK. 4280 PG 0893. THE LAYOUT AND LOCATION OF THIS FACILITY IS DETAILED ON SHEET # 21 OF THIS PLAN SET AND IS RECORDED AT THE R.C.R.D. AS PLAN # D-31567.
- 23) NO OCCUPANCY PERMITS SHALL BE ISSUED FOR THIS DEVELOPMENT UNTIL SUCH TIME THAT ALL UTILITIES AND OFF-SITE IMPROVEMENTS HAVE BEEN COMPLETED IN SALEM AND ATKINSON.

GOLF COURSE LAND USE AREAS	
NON-RESIDENTIAL (OPEN-SPACE) AREAS	
Parcel	Land Area
OPEN SPACE AREA # 1	1,442,856 sq. ft. / 33.12 acres
OPEN SPACE AREA # 2	6,594,288 sq. ft. / 151.38 acres
OPEN SPACE AREA # 3	633,666 sq. ft. / 14.55 acres
OPEN SPACE AREA # 4	164,877 sq. ft. / 3.79 acres
*TOTAL OPEN SPACE AREA	8,835,687 sq. ft. / 202.84 acres
	** (50 % OF GOLF COURSE)
NON-RESIDENTIAL AREAS	
Parcel	Land Area
NON-RESIDENTIAL AREA # 1	225,587 sq. ft. / 5.18 acres
NON-RESIDENTIAL AREA # 2	316,165 sq. ft. / 7.26 acres
NON-RESIDENTIAL AREA # 3	408,493 sq. ft. / 9.38 acres
NON-RESIDENTIAL AREA # 4	212,166 sq. ft. / 4.87 acres
NON-RESIDENTIAL AREA # 5	23,878 sq. ft. / 0.55 acres
NON-RESIDENTIAL AREA # 6	50,707 sq. ft. / 1.16 acres
*TOTAL NON-RESIDENTIAL AREA	1,236,996 sq. ft. / 28.40 acres
	** (7 % OF GOLF COURSE)
RESIDENTIAL AREAS	
Parcel	Land Area
RESIDENTIAL AREA (PHASE I)	1,181,179 sq. ft. / 27.12 acres
RESIDENTIAL AREA (EXPANDABLE)	6,417,512 sq. ft. / 147.32 acres
*TOTAL RESIDENTIAL AREA	7,598,691 sq. ft. / 174.44 acres
TOTAL AREA	17,671,374 sq. ft. / 405.68 acres

Exhibit KS-18

Site Plan D-35976, Future Residential Areas

Site Plan D-35976

RESIDENTIAL AREAS

Parcel	Land Area
RESIDENTIAL AREA #51 (PHASE I ATKINSON HEIGHTS)	903,288 sq. ft. / 20.74 acres
RESIDENTIAL AREA #52 (PHASE I ATKINSON HEIGHTS)	94,533 sq. ft. / 2.17 acres
RESIDENTIAL AREA #60 (FUTURE RES. AREA)	151,418 sq. ft. / 3.48 acres
RESIDENTIAL AREA #61 (FUTURE RES. AREA)	596,597 sq. ft. / 13.70 acres
RESIDENTIAL AREA #62 (FUTURE RES. AREA)	324,697 sq. ft. / 7.45 acres
RESIDENTIAL AREA #63 (FUTURE RES. AREA)	205,692 sq. ft. / 4.72 acres
RESIDENTIAL AREA #64 (FUTURE RES. AREA)	298,297 sq. ft. / 6.85 acres
RESIDENTIAL AREA #65 (FUTURE RES. AREA)	700,091 sq. ft. / 16.07 acres
RESIDENTIAL AREA #66 (FUTURE RES. AREA)	823,792 sq. ft. / 18.91 acres
RESIDENTIAL AREA #67 (FUTURE RES. AREA)	1,032,441 sq. ft. / 23.69 acres
RESIDENTIAL AREA #68 (FUTURE RES. AREA)	202,174 sq. ft. / 4.64 acres
RESIDENTIAL AREA #69 (FUTURE RES. AREA)	576,031 sq. ft. / 13.22 acres
RESIDENTIAL AREA #70 (FUTURE RES. AREA)	113,297 sq. ft. / 2.60 acres
*TOTAL RESIDENTIAL AREA	6,022,348 sq. ft. / 138.24 acres
	** (34.1 % OF TOTAL LOT AREA)

Exhibit KS-19

Pipeline Agreement Signature Page, April 10, 2019

Pipeline signature- April 10, 2019

41 / 132 | — 125% + | [] []

HAMPSTEAD AREA WATER COMPANY, INC.

By: [Signature]

Name: Harold J Morse

Title: President

Date: 04/10/2019

[Signature]
Witness

Page 22 of 26

https://www.puc.nh.gov/regulatory/Docketbk/2019/19-147/INITIAL%20FILING%20-%20PETITION/19-147_2019-09-09_HAWC_ATT_TESTIMONY_MORSE.PDF

Exhibit KS-20

Eagle Tribune Article on CIAC Tax, December 6, 2019

UPDATE: Shaheen proposes fix to tax law

Tax Cuts and Jobs Act of 2017 would lead to \$1.15 million in taxes for HAWC

By Madeline Hughes mhughes@eagletribune.com Dec 6, 2019 Updated Dec 6, 2019

ATKINSON — Earlier this year, the Hampstead Area Water Company (HAWC) was preparing for a \$1.15 million tax increase related to new infrastructure because of a 2017 change to federal tax law. That situation prompted U.S. Sen. Jeanne Shaheen to propose a fix to eliminate the increase, which would have been passed onto ratepayers, according to a statement from Shaheen's office.

The federal tax was hurting projects across the country, so the New Hampshire Democrat partnered with U.S. Sen. Lisa Murkowski, R-Alaska to propose legislation to reverse the provision in the Tax Cuts and Jobs Act of 2017, which placed a tax burden on private water utility providers and their customers, according to Shaheen's office. U.S. Sen. Maggie Hassan is also a co-sponsor of the bill.

https://www.eagletribune.com/news/new_hampshire/updates/shaheen-proposes-fix-to-tax-law/article_f3fec537-bdd8-5b80-b451-e8b577bfb385.html

Exhibit KS-21

Data Set 3 Response to Steele 35 – David Fox

HAWC Response to Data Set #3: Steele 3

The Hampstead Area Water Company, Inc.

DW 20-117

Date Request Received: 06/16/21

Date of Response: 07/01/21

Request No. Steele 3-5

Witness: Dave Fox

Bates 58 (lines 4-6) – David Fox

Since the proposed rates are all based on the analysis and testimony of Mr. Fox, his background and technical understanding are relevant.

“Yes. I have submitted or prepared expert cost of service analyses in support of water rate filings at the Massachusetts Departments of Public Utilities, and Rhode Island, New Hampshire, and Maine Public Utilities Commissions.”

- a) Of the rate cases which Mr. Fox has prepared expert cost of service analyses, how many were for non-municipal, “for profit” water companies? Please identify specifics, such as Docket # for NH.
- b) Of the rate cases which Mr. Fox has prepared expert cost of service analyses, how many were for towns where less than half of the town were water consumers/customers? Please identify specifics, such as Docket # for NH.
- c) Of the rate cases which Mr. Fox has prepared expert cost of service analyses, how many were water companies where 1/3 of the customers are not connected to nor will benefit from the large infrastructure spend? Please identify specifics, such as Docket # for NH.

RESPONSE STEELE 3-5:

- a) Please see MA DPU Dockets # 19-57, 19-58, 19-22, 17-108 and RI PUC Docket #4800.
- b) I do not think that I have ever provided testimony for a case with this specific criteria.
- c) I do not think that I have ever provided testimony for a case with this specific criteria.

Exhibit KS-22

Summary of AAWW Profit/Loss

Atkinson Area Wastewater Recycling, Inc.

Year	AAWW Profit (loss)
2011	(\$15,991)
2012	(\$18,428)
2013	(\$1,885)
2014	(\$12,850)
2015	(\$24,806)
2016	(\$25,406)
2017	(\$22,460)
2018	(\$21,787)
2019	(\$33,105)
2020	(\$32,282)

Annual Report of Atkinson Area Waste Water Recycling, Inc.

Year Ended December 31, 2020

Sewer Utility

A-6 LIST OF TOWNS SERVED

List by operating divisions the towns served directly, indicating those in which franchise is for limited area by an asterisk (*) after name. Give population of the area and the number of customers.


Line No.	Town	Population of Area	Number of Customers	Line No.	Town	Population of Area	Number of Customers
1	Atkinson *	6,751	1	16	Sub Totals Forward:	6,751	1
2				17			
3				18			
4				19			
5				20			
6				21			
7				22			
8				23			
9				24			
10				25			
11				26			
12				27			
13				28			
14				29			
15	Sub Totals Forward:	6,751	1	30	Total	6,751	1

Data from Annual Reports on NH PUC
https://www.puc.nh.gov/Water-Sewer/Annual_Reports.htm#water

https://www.puc.nh.gov/watersewer/Annual_Reports.htm

Exhibit KS-23

AAWW Request for Rate Case Recovery, November 23, 2021



ATKINSON AREA
WASTE WATER RECYCLING, INC.
54 SAWYER AVE. ATKINSON, NEW HAMPSHIRE 03811 Phone: 603.362.5333 Fax: 603.362.4706

November 23, 2021

By email (ClerksOffice@puc.nh.gov)

Chairman Daniel C. Goldner
NH Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

RE: DW 20-071 Atkinson Area Waste Water Recycling, Inc. Request Change in Rates
Request Recovery of Rate Case Expenses

Dear Chairman Goldner:

Atkinson Area Waste Water Recycling, Inc. files this corrective cover letter with two corrections, the amount of rate case expenses is \$48,062.85 as reflected in the attachments, and "ROE" has been deleted before "Rate Expense schedules."

In accordance with PUC Order 26,547 dated November 9, 2021, the PUC ordered that "The settling parties agree that AAWW will only request recovery of rate case expenses and not expenses related to the request for a change in ownership. The request shall be filed within 30 days of the Commission order in this docket and shall conform with Puc 1905.02."

The Company is proposing a surcharge for 36 months of \$20.54/month to 65 customers for the recovery of \$48,062.85. In support of the Company's proposed surcharge, the Company is providing Rate Expense schedules, which summarize the rate case expenditures by date, vendor, amount, and cumulative amount. The individual invoices that support the rate case expenditures are also attached. At the bottom of the Deferred Rate Case Expenses schedule, the Company shows the total of the rate case expenditures to be recovered and develops the surcharge to be billed to customers.

AAWWR respectfully requests that the DOE Staff reviews the schedules, the supporting documentation and the proposed surcharge and draft its recommendation. AAWWR would appreciate having an opportunity to review the recommendation before it is filed with the Commission.

Pursuant to the Commission's March 17, 2020 letter citing to the COVID-19 emergency, the Company will not file any paper copies.

If you, the Commissioners, DOE Staff and / or any other parties have questions and comments, please contact John Sullivan at John@lewisbuilders.com or 603-362-5333.

Very truly yours,

/s/ Anthony S. Augeri

Anthony S. Augeri, Esq.
General Counsel

TA/hw
enclosures
e cc: service list

https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-071/LETTERS-MEMOS-TARIFFS/20-071_202111-23_AAWW_REQUEST-RECOVERYRATE-CASE-EXPENSES.PDF

Exhibit KS-24

Brief on OCA's "Used and Useful" Proposal

Applying the “used and useful” principle, state public utilities commissions have fashioned a variety of solutions that protect ratepayers from the financial burdens associated with excess capacity in a manner that is fair to utility investors, including the mechanism reflected in the Proposal –disallowances of utility returns on the portions of generation capacity that are not useful to ratepayers. See Richard J. Pierce, Jr., The Regulatory Treatment of Mistakes in Retrospect: Canceled Plants and Excess Capacity, 132 U. Pa. L. Rev. 497, 514-17, 538 -41 (1984) (collecting cases, such as Iowa Pub. Serv. Co., 46 Pub. Util. Rep. 4th 339 (Iowa Commerce Comm’n 1982), which established formula for reducing utility’s rate of return by amount proportionate to amount of excess capacity on utility’s system)

statutory provision similar to New Hampshire’s, including fractional exclusions of property from rate base where the utility’s plants were “not fully used and useful” and not providing sufficient economic benefits to ratepayers;

The New Hampshire Supreme Court has specifically authorized the same approach. In Appeal of Conservation Law Foundation, the Court observed that a proposal by Commissioner Lea Aeschliman favoring disallowance of equity returns on excess capacity investment could be a reasonable application of the “used and useful” principle:

[I]t is important to bear in mind, as Commissioner Aeschliman’s separate opinion indicates, that the principle of used and useful property will also be applicable in determining rate base. In the face of rate issues that are unparalleled in the State’s history, we should recall that the usefulness principle lends itself to development over time and under new conditions. We therefore attend seriously to the suggestions ... that the burden of excess capacity that may be created by such giant projects may appropriately be shared as between investors and customers, and that the usefulness principle may be applied to effect such a shared allocation. [...] Commissioner Aeschliman’s proposal is one of a variety of regulatory treatments that commissions have devised in order to allocate burdens between investors and customers. Appeal of Conservation Law Found., 127 N.H. at 647-48.

<https://www.puc.nh.gov/regulatory/Docketbk/2013/08/BRIEFS/13-108%202014-02-04%20CLF%20BRIEF%20USED%20AND%20USEFUL.PDF>

Exhibit KS-25

Senator Jeanne Shaheen's Announcement of the end of CIAC Tax for
Water Infrastructure

CIAC & Southern NH Regional Pipeline

•**Shaheen's Legislation to Stop Tax on Crucial Water and Sewer Infrastructure** Senator Shaheen spearheaded efforts to include key provisions from [her bipartisan bill](#) with Senator Murkowski (R-AK) to fix a measure in the 2017 tax bill that led to taxes on critical water infrastructure investments in New Hampshire and across the nation, resulting in [at least \\$1.15 million in new federal taxes](#) for water infrastructure projects in New Hampshire. Shaheen's bill fixes this issue going forward to help encourage water and wastewater utilities, local governments and private developers to invest in water infrastructure projects

<https://www.shaheen.senate.gov/news/press/shaheen-joins-bipartisan-group-of-senate-negotiators-at-white-house-for-bill-signing-of-historic-bipartisan-infrastructure-legislation?fbclid=IwAR2Pe-XiPKV8eWPSnWTQZ9ULLAH7txrUAQgYjVRNL0MDeZ4gB80cCKNRQwc>

Exhibit KS-26

Pipeline Volumes Agreement

Pipeline Agreement – Volumes

26 / 132 | — 125% + | [] []

HAWC

Infrastructure:

Prior to Phase 1, and consistent with the Basis of Design Memo and Disinfection Report, HAWC shall design, construct, own, operate, and maintain:

- A new meter station including pumps and chemical feed along Westside Drive near the Salem-Atkinson town line in Atkinson;
- Approximately 600 linear feet of 12-inch water main in Westside Drive in Atkinson from the new meter station to the existing HAWC water system;
- Upgrades to the existing pressure reducing valve ("PRV") along Main Street in Atkinson;
- Chemical feed upgrades to existing pumping and treatment stations as necessitated by and solely related to the Project;
- A 1 million gallon water storage tank near Winslow Drive in Atkinson.

In addition, HAWC shall own, operate and maintain the following infrastructure to be designed and constructed by Salem:

- Approximately 2,500 linear feet of 12-inch water main from the new meter station on Westside Drive in Atkinson along Westside Drive in Atkinson and Salem, Shannon Road in Salem, and Providence Hill Road in Salem and Atkinson, to the existing HAWC water system in Providence Hill Road near Atkinson Farm Road in Atkinson.

All of the above-described infrastructure is for the purpose of conveying 500,000 gallons per day ADF and/or 500,000 gallons per day MDF as applicable through the end of Phase 1 and up to 1.32 MGD ADF and/or 1.32 MGD MDF as applicable throughout Phase 2 from the Salem-Atkinson town line.

27 / 132 | — 125% + | [] []

Operation:

- Throughout Phase 1, HAWC shall convey a total of up to 250,000 gallons per day ADF and 250,000 gallons MDF to Plaistow.
- Throughout Phase 2, HAWC shall convey a total of up to 570,000 gallons per day ADF and 570,000 gallons MDF to Plaistow.
- HAWC shall own, operate and maintain and read the meter to be located in the new meter station near the Atkinson-Plaistow town line to be constructed by Plaistow to determine the amount of Project water flowing to Plaistow. HAWC shall then bill Plaistow directly for the amount of water received by Plaistow.
- HAWC shall be responsible for all of its operation and maintenance costs, including rehabilitation and replacement of infrastructure, whether or not such costs are associated with the Project.

Rates:

- HAWC shall charge Plaistow 54 cents more per Ccf than HAWC is being charged by Salem. This rate shall be valid until the year 2035. After 2035, Plaistow or HAWC may seek a change to the rate charged by HAWC. If Plaistow and HAWC agree to a new rate, this Agreement shall be amended to reflect the new rate. If Plaistow and HAWC cannot reach agreement, they may engage in dispute resolution as set forth in paragraph 32 of this Agreement. Unless and until a new rate is set, the rate described above shall remain in effect.

https://www.puc.nh.gov/regulatory/Docketbk/2019/19-147/INITIAL%20FILING%20-%20PETITION/19-147_2019-09-09_HAWC_ATT_TESTIMONY_MORSE.PDF

Exhibit KS-27

Pipeline Water Volumes

Pipeline Water Entering HAWC System, Phase 2

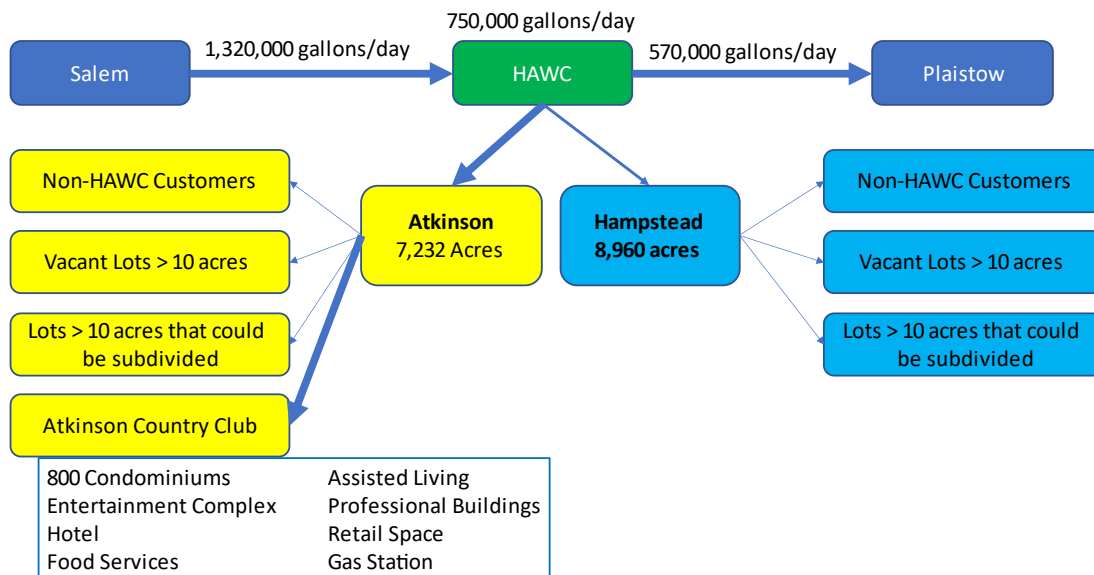


Exhibit KS-28

Kent Farm Wellfield Pumping Over Time

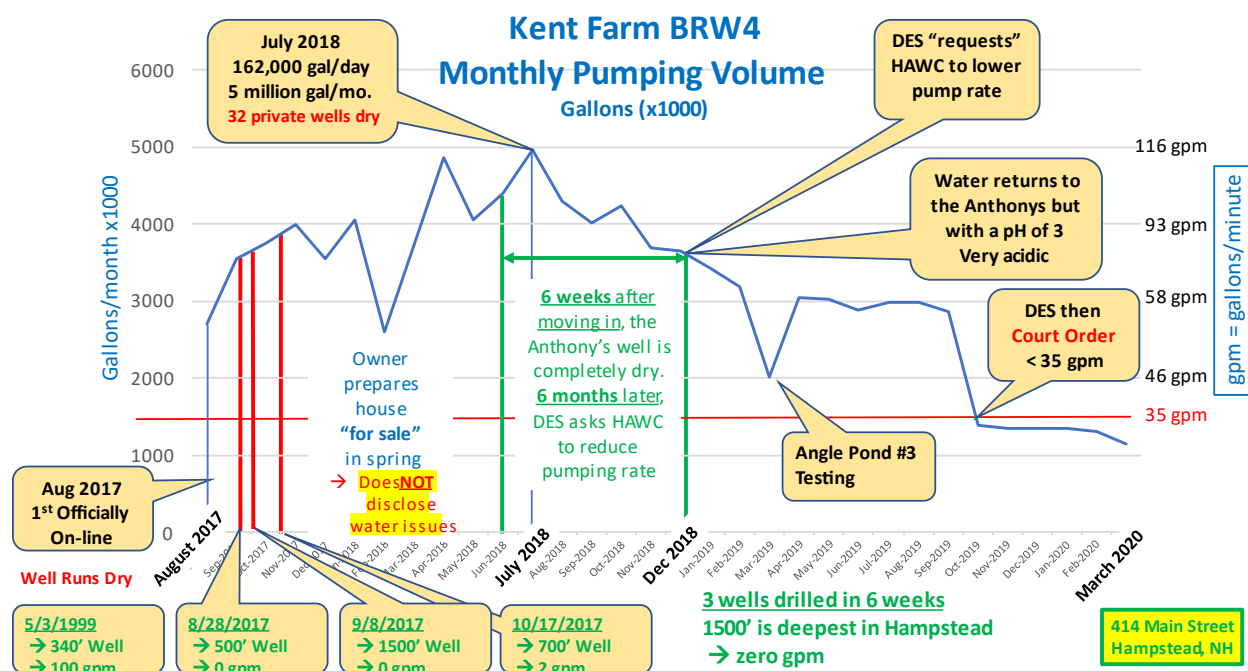


Exhibit KS-29

Map Of Country Club Provided to Planning Board in December 2019

