



AGENDA

May 20, 2014

Town Hall BOS Meeting Room - 6:30 PM

MINUTES:

1. Approval of minutes from the 5/06/14 meeting.

NEW BUSINESS:

2. **NHCG, LLC/185 Elm St, LLC – 185 Elm St, Granite Town Plaza – Map 19, Lot 25-3;** Public Hearing for a site plan amendment to allow all legal gaming activities covered under NH RSA 287-A, 287-D & 287-E.
3. **Bruce A Merrill – Merrill Ct and Union St – Map 29, Lot 69;** Public hearing for a minor subdivision to create one (1) new residential lot with access from a private road.
(Meridian Land Services, Inc)
4. **Paul G & Patti Ann Liamos/ Laura M Guilmette/William R & Brenda L Wilson - Ashley Drive – Map 47, Lots 27-14, 27-15 & 27-16;** Public hearing for lot line adjustments involving three (3) residential parcels.
(Meridian Land Services, Inc)
5. **Badger Hill Properties LLC – Timber Ridge Dr – Map 50, Lots 26-124, 26-126, 26-128, 26-129, 26-131, 26-133, 26-160, 26-162, 26-164, 26-166, 26-167, 26-168, 26-169, 26-171, 26-173, 26-175, 26-177, 26-179, 26-180, 26-181, 26-182, and 26-183; Map 51, Lots 26-47, 26-123, 26-125, 26-126, 26-127, 26-152, 26-170, 26-172, 26-174, 26-176, 26-178, and 26-184; Map 55, Lots 26-130, 26-132, 26-134 thru 26-151, 26-153 thru 26-159, 26-161, 26-163 and 26-165.**

Public Hearing for phase VI of Badger Hill for multiple lot line adjustments involving sixty (60) residential lots and three (3) open space lots; and to approve Phase VI-A for six (6) buildable lots.

(Brown Engineering)

OTHER BUSINESS:

6. **37 Wilton Road Milford, LLC/Lisciotti Development – Wilton Rd – Map 6, Lot 14;** Discussion for proposed Dollar General Store.

Future meetings:

6/03/2014 Worksession

6/17/2014 Regular Meeting

The order and matters of this meeting are subject to change without further notice.

1 MILFORD PLANNING BOARD PUBLIC HEARING ~ DRAFT ~
2 May 6, 2014 Board of Selectmen's Meeting Room, 6:30 PM

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4 Present:

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6 **Members:**

7 Janet Langdell, Chairperson
8 Paul Amato
9 Kathy Bauer
10 Chris Beer
11 Steve Duncanson
12 Judy Plant
13 Susan Robinson, Alternate member

Staff:

Jodie Levandowski, Town Planner
Shirley Wilson, Recording Secretary
Niko Giokas, Videographer

Excused:

Tom Sloan

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17 **MINUTES:**

- 18 1. Approval of minutes from the 4/15/14 meeting.
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21 **NEW BUSINESS:**

- 22 2. **Carol Colburn – Osgood Rd & Woodhawk Dr – Map 51, Lot 1;** Public hearing for a waiver request from
23 Milford Development Regulations, Section 7.02 Roadway Standards Charts and continuation of application
24 for major open space subdivision creating twenty-seven (27) new residential lots.
25 *(Tabled from 4/15/14 meeting)*
26

27 **OLD BUSINESS:**

- 28 3. **Laurie Shiffer/Classic Bay Farm – Ponemah Hill Rd – Map 54, Lot 13-2;** Major site plan to construct an
29 indoor equestrian riding arena with attached stalls and associated site improvements.
30 *(Tabled from 4/15/14 meeting)*
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34 **OTHER BUSINESS:**

- 35 4. Rite Aid Grand Re-opening
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58 Chairperson Langdell called the meeting to order at 6:35PM. She introduced the Board and staff, then explained
59 the ground rules for the public hearing, and read the agenda into the record. She noted that Susan Robinson,
60 alternate member would be sitting in for the absent Tom Sloan.

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62 **MINUTES:**

63 J. Langdell verbally submitted a revision for the 4/15/14 minutes. P. Amato made a motion to approve the
64 minutes from the 4/15/14 meeting, as amended. S. Duncanson seconded and all in favor, with K. Bauer
65 abstaining.

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67 **NEW BUSINESS:**

68 **Carol Colburn – Osgood Rd & Woodhawk Dr – Map 51, Lot 1;** Public hearing for a waiver request from
69 Milford Development Regulations, Section 7.02 Roadway Standards Charts and continuation of application for
70 major open space subdivision creating twenty-seven (27) new residential lots.

71 *Present:*

- 72 *Harry Standel, Osgood Rd*
- 73 *Jennifer Siegrist, Osgood Rd*
- 74 *Guy Scaife, Town of Milford*
- 75 *Penny Seaver, Bean, Seaver & Smith*

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77 Chairperson Langdell recognized:
78 Steve and Carole Colburn, owners
79 Randy Haight, Meridian Land Services, Inc.
80 Jay Heavisides, Meridian Land Services, Inc.

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82 Chairperson Langdell noted that this application was tabled from the 4/15/14 meeting and re-read the notice into
83 the record. S. Wilson read the abutters list into the record.

84 R. Haight presented plans dated 4/17/14 and said he received an email late this afternoon that CEI and Fred
85 Elkind were okay with the drainage. J. Langdell added that the emails dated 5/6/14 pertained to questions
86 regarding the spillway and all have been answered. R. Haight went on to explain that the waiver request was a
87 result of the discussion at the last meeting about road length and the construction thereof and offered some
88 statistics relative to the request. The adjoining subdivision, just on Woodhawk Dr as it exists today, has twenty-
89 two (22) residential buildings on the dead-end road and across the street, Noon's Quarry, has thirty-two (32)
90 houses on a dead-end street. Until this proposal came along, there was no real alternate for a second access for
91 the Badger Hill Development, so this is a real plus. This request will only build about half of the road adding
92 eight (8) new buildings. There is also very good incentive to finish the road because there are nineteen (19) more
93 lots. We feel this is a good compromise and the Colburns are willing to stipulate on the plan that the rest of the
94 road will be built within five (5) years. We also understand the concern pertaining the conveyance of the open
95 space until the last lot, but documentation will be in place and we will provide the conservation easement at the
96 time of plan recording so that the Town will have the benefit of the easement over the entirety of the open space
97 with the caveat that we would be able to build all the erosion control and engineering designs to manage
98 stormwater. When all the lots are sold we would then convey the deed to the Town.

99 J. Langdell brought up the interdepartmental comments and concerns with the road length and the Fire
100 Department's capability of addressing a situation there. R. Haight said those comments are only looking at this
101 particular situation when you have so many other circumstances in town that they have to defend and do defend.
102 To suggest they can defend Mile Slip Rd, a 7000-8000 ft dead-end road with numerous structures, and not this
103 new road with only eight (8) new lots is ridiculous. This circumstance is unique and the full road is designed and
104 will be in place within five (5) years, unlike Noon's Quarry and Badger Hill where they only showed potential
105 future connections. J. Levandowski said she spoke with Jason Smedick today regarding the Fire Dept comments
106 and he wanted to add that Fire code cannot require a developer to install automatic fire suppression or sprinklers;
107 however, there is a recent court case, Atkinson vs Malborn Realty Trust, that could alter that ... *if the local fire*
108 *chief finds site conditions that make access difficult, sprinklers may be required for one and two family structures,*
109 *despite the prohibition in RSA 153.5 against such requirements.* J. Langdell noted that this case, listed on page 35
110 of the Nov/Dec 2012 NHLGC.org document, was where someone had converted a camp to a full-time residence

111 and the driveway conditions were inadequate for fire apparatus, so there was more to the context than just
112 sprinklers.

113 R. Haight said our intention is to build to the intersection of Woodhawk and Nye, as shown, but also build the
114 second wetlands crossing which provides a T for one hammerhead and then continue with the 500 ft along Nye
115 and build the second hammerhead. The second phase of the road along Woodhawk Dr is far more attractive from
116 a development potential with nineteen (19) more lots. The entire road length will be 4,600 to 4,700 ft, so the
117 phasing is about half way. P. Amato said this potentially gives us a second access to the Badger Hill
118 development, which we've been looking at for a very long time; maybe it won't be next month but it will be
119 designed. He'd rather see the road built out at once, but that may not be economically feasible. If we're going
120 to phase the building lots then we should allow for the road to be phased. We would just have to work out the
121 details.

122 J. Levandowski read the building permit phasing options from the Development Regulations, Section 5.017.A. J.
123 Langdell said this Board is aware that we can modify, by front or rear loading of building permits as needed as
124 long as the total number is still dispersed over the total number of years required for the development.

125 K. Bauer said she was personally concerned with the DPW, Fire Department and Ambulance concerns regarding
126 the 2,300 ft dead end road. R. Haight clarified that there will be a turn-around at 1,800 ft and this will be
127 maintained as Nye Dr up until the time it is connected with Woodhawk Dr. J. Langdell added that all this
128 documentation brought up concern with the quality of the existing access and continuing concern with the future
129 development of that road that it will not be to town specifications. It has to be and that was our understanding
130 when you came in for the subdivision of those four (4) lots. R. Haight said he was 100% in agreement and it will
131 have to be brought up to town standards. That is the minimum and the Board can certainly add that as a
132 stipulation for it to be done before the first building permit is issued. Some prior discussion between the owner
133 and developer of those lots got muddled, but we fully understand that this will not go forward unless it is brought
134 up to town specifications. We've also had a scenic road hearing for that opening and we don't feel another is
135 warranted. J. Langdell said that was mentioned in staff comments possibly do to the additional work to improve
136 the intersection. P. Amato said the scenic road hearing was adequate; it's just that the construction hasn't been
137 done yet. J. Langdell also noted that per discussion with staff, private land owners don't need to have a scenic
138 road hearing according to current interpretation of the RSA.

139 Chairperson Langdell opened the meeting to the public.

140 J. Siegrist said Osgood Rd Extension, Woodhawk Dr, and Badger Hill Rd are pretty wide, in pretty good
141 condition and somewhat easy to walk on. Her concern is where the houses on Nye Dr abut Osgood Rd; they have
142 very rough cut culverts that are unmarked and completely unfinished. One of the new homeowner's cars slid
143 right into it this past winter. The road is so thin and narrow there and there are no sidewalks once you get outside
144 the oval area. It's so dangerous to walk or ride a bike but when people go 50 mph down that skinny road and with
145 those culverts, it becomes life and death issue. Can those culverts be finished and what about the new
146 development. Will they be finished, will there be berms and will water be moved appropriately?

147 G. Scaife said he was pleased to see this project moving ahead and wishes it success, but he would like to
148 encourage the Board to consider not approving the waiver request. There are extreme concerns, as expressed by
149 staff. This planned subdivision was on the books many years ago and good intentions sometimes get delayed.
150 One of the very first issues I had to deal with when I started in 2006 was a neighborhood of citizens and families
151 in Badger Hill who were very upset at having bought into a subdivision with only one means of egress. This town
152 employed HTA to conduct a formal safety study and safety engineers went out and evaluated the conditions. The
153 report was lengthy, but it was clear that what was allowed and what was all done with good intentions, did put
154 citizens at risk for all the emergency services. The lesson learned was never again and while we may have
155 countless mistakes in other areas; one, two, three wrongs don't make a right. If we continue to knowingly allow
156 violations of common sense life safety issues, we're really setting ourselves in a bad position. Let's not continue
157 to make mistakes that may or may not get resolved in short order.

158 Chairperson Langdell closed the public portion of the meeting.

159 J. Langdell said we are trying to find middle ground. We know what staff's position is and where the applicant is
160 at this point in time, but is there something that might take this project to fruition. There is the possibility of
161 bonding for the completion of the road or maybe a development agreement.

162 S. Duncanson expressed concern that this project was started in 2006 and now it's 2014. The scenic road hearing
163 was in 2011. The subdivision of the three (3) lots was in 2012 and Nye Dr is still not finished to town
164 specifications. He doesn't see a good track record here and we have four departments and Guy saying that a
165 2,300ft road is not acceptable. J. Langdell said this plan has a cistern and only eight (8) structures while Noon's
166 Quarry is 3,219 ft long with thirty-two (32) houses. P. Amato added that he didn't feel Noon's Quarry was an
167 unsafe street; however, this road is different because there is a light at the end of the tunnel to connect.

168 K. Bauer reiterated that there are more departmental objections than usual for this project and that carries more
169 weight with her. J. Langdell said her interpretation of staff's comments is that they are not relative to other
170 developments, but based on the experience and history of the short section of this development along Nye Dr. R.
171 Haight explained that Nye Dr is a private drive and not a town road and while it does need to be built to a higher
172 standard, the Town hasn't had to maintain it. The burden is to enforce and that is what DPW is complaining
173 about. P. Amato said the Selectmen still have to deal with taxpayers about their roads. J. Langdell said you come
174 to this Board asking for approval of a plan stating everything meets our requirements. We, in turn, expect the
175 road to be built to town specifications and it wasn't. R. Haight said he understands and the next building permit
176 will not be issued until the road is brought up to those standards. That is the guarantee, if it's not done then there
177 are no building permits. The road will be brought up to town standards, no matter what. This plan is what we
178 have control over; eight (8) lots on 2,300 ft of road. The Town will get a connection that will be built within five
179 (5) years. We've given an end point, we have a design and everything is in place. P. Amato asked how we get
180 assurances if the economy turns again. R. Haight said we're saying it will be built within five (5) years. C. Beer
181 said that is not good enough. J. Langdell ended discussion on the history of the project by saying that the bottom
182 line is to protect the municipality for the road connection. J. Heavisides interjected that when a town road is
183 normally built, there are on site inspectors to ensure compliance with town specifications. Nye Dr was built as a
184 private drive and he doubts there were any inspections during construction. When the new road goes in, the Town
185 will have inspectors checking regularly to make sure it is to town standards and that should avoid some of the past
186 history. J. Langdell said that still doesn't give any assurance that the last half of the road will be completed in
187 five (5) years. R. Haight said we would be willing to put a bond in place for the remaining road to be built
188 through gravel phase so that you would have that assurance. J. Plant said that's where the problem comes in;
189 we've seen the stall in the past because of the market. If the market doesn't warrant the building out, then the
190 connection won't go through and we're stuck with an unfinished road.

191 C. Beer said he also would like to see this built out because of the connection to Woodhawk Dr, but his main
192 concern is that nobody can predict the future and it's entirely possible that this never gets connected. The
193 applicant has made several strong arguments for why it will be connected and they are valid points, but he would
194 want something to ensure the buildout through Woodhawk before approving this waiver. P. Amato brought up
195 the eighty (80) upcoming lot line adjustments at Badger Hill with only one way out. J. Langdell clarified that
196 those lot line adjustments are part of a previously approved development and not a new application. S.
197 Duncanson added that we don't want to make another mistakes and we should go by staff recommendations. J.
198 Langdell noted that we haven't really made mistakes and a brief discussion on past development ensued. C. Beer
199 said that since this Board has flexibility for phasing, how many lots would be needed in the first year to cover the
200 cost to build out the entire road? We could possibly exchange lot phasing for road construction and allow more
201 lots up front to build out Woodhawk Dr without the Nye Dr extension. That way we have the connection and
202 they have enough lots to afford to build the road. He would be more comfortable waiving the phasing
203 requirements than waiving the dead end road requirements for only eight (8) lots. He then suggested 21 lots in
204 year one, five lots in year two and one lot in year three if we have to go the full term or waiver the entire
205 requirement. Discussion on the phasing and construction followed. R. Haight said he'd have to talk that over
206 with the Colburns.

207 Chairperson Langdell called for a brief recess to allow the applicants to discuss the matter at hand.

208 R. Haight said the Colburns are agreeable to the twenty (20) lots up front and to putting the road in all the way
209 through and after a brief discussion on the wetlands crossings, it was determined that the waiver would not be
210 needed.

211 P. Amato brought up the fact that 938 feet of road will be built along another property line, owned by Eric
212 Matson who without any contribution to the road construction could put in house lots. R. Haight said this road
213 location made the most sense because of the land and how the wetlands flow to the north. Between the two
214 wetland crossings maybe two to four driveways and lots could go in without putting in a short road but honestly,
215 doesn't know. J. Langdell said those potential house lots are unintended consequences for both the applicant and
216 the Town, but they would still have to come in with a subdivision application once the road is accepted by the
217 Town. There are also some tradeoffs that could be done as part of any potential subdivision because some of that
218 land abuts conservation land.

219 J. Langdell reviewed the new condition to put in the road, in its entirety to town specifications, up front, provided
220 we approve phasing at twenty lots in year one, with an additional six lots in year two and one lot in year three. P.
221 Amato said he wanted to be clear that the road has to be constructed, to town specifications with base coat and
222 Nye Dr would be done in the second phase. Would the phasing would be cumulative if they couldn't build twenty
223 houses the first year? J. Levandowski replied that it doesn't matter how it's done, as long it's done as within the
224 phasing timeframe. J. Langdell then brought up concern with the language of the open space note. R. Haight said
225 the intent is to give the conservation easement up front for both parcels with the recording of the plan and then
226 convey the land when the final building permit is issued. The caution of conveying the land prior to that is that
227 we'd have to pay a current use penalty and a higher tax on a lot that's not sold. If the development is not finished
228 and all the lots are not sold, the Town will still have the benefit of its use, no matter what. The assurance will be
229 in place and the Town will have control over that. In addition it secures some of the trail system that's already
230 being used by the Town. J. Langdell asked if this meets the spirit of the development regulations. J.
231 Levandowski replied yes and noted that draft language has been submitted to the Conservation Commission for
232 review.

233 P. Amato said if they've agreed to build the road all the way through in some timeframe, is there a need for
234 bonding when the road is tied to the building permits. If the road doesn't get built, then we don't get any more
235 houses. We will need bonding for the final coat and incidentals. Staff can come up with the language for that
236 condition. Would the new road be called Woodhawk Dr when it is completed then Nye Dr would be re-created as
237 part of phase 2. R. Haight replied correct.

238 J. Langdell reviewed Staff recommendations from the memo dated 5/6/14 and said that note #9 be revised to state
239 that the conservation easement be in place and recorded with the plan.

240 S. Duncanson made a motion to grant the application with the conditions discussed; that Woodhawk Dr be
241 constructed to town specifications with all infrastructure, base coat, drainage and cisterns be installed prior to
242 issuance of a building permit; the building permits be phased as first year - twenty homes, second year – six
243 homes and third year - one home; that the conservation easement be in place; that bonding be in place for the top
244 coat; and any outstanding staff recommendations. P. Amato seconded for discussion and brought up note #13. J.
245 Levandowski said note #13 will be deleted. Chairperson Langdell called for the vote. P. Amato, S. Robinson, J.
246 Langdell, C. Beer, J. Plant and S. Duncanson voted in favor. K. Bauer was opposed. The motion carried by a
247 vote of 6-1.

248 **OLD BUSINESS:**

249 **Laurie Shiffer/Classic Bay Farm – Ponemah Hill Rd – Map 54, Lot 13-2;** Major site plan to construct an
250 indoor equestrian riding arena with attached stalls and associated site improvements.

251 *Abutters present:*

252 *Annmarie Pintal Turcotte, Ponemah Hill Rd*

253 *John Hopfenspirger, Ponemah Hill Rd*

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255 Chairperson Langdell recognized:

256 Laurie Shiffer, Classic Bay Farms

257 Chad Branon, Fieldstone Land Consultants, PLLC
258 John Griffin, Griffin Law Office
259 Doug Bean, Blue Water Construction Group

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261 C. Branon presented plans dated 4/18/14 and reviewed the recent activity. The building classification turned out
262 to be very complicated and there were many meetings with town staff regarding the use, type and building layout.
263 An agreement has been reached with the local code officials on the classification and as such, we've been able to
264 address all outstanding comments. We are providing access to three sides of the building and the parking has
265 been reconfigured. We've also made modifications to the site grading and will include a treatment swale to
266 address stormwater concerns. We've added landscaping focused mainly along the common driveway and a small
267 flower garden next to the building. A number of notes have been added to the plan to address staff comments and
268 to restrict the use as noted on #18.

269 *The applicant has agreed to place the following restrictions on the proposed use:*

- 270 *A. The riding arena will be used for horses only. No public events, flea markets or competitions shall take place*
271 *on the property.*
272 *B. There shall be no parking permitted at any time on the common driveway.*
273 *C. Overall building occupancy will be limited to forty-nine (49) persons at any one time.*
274 *D. There shall be no more than fifteen (15) horses on the property at any one time.*
275 *E. There shall be no more than five (5) horse trailers on the property at any one time.*

276 P. Amato inquired why limit the occupancy to 49 instead of 50. C. Branon replied that fifty (50) triggers a
277 different classification on the building per the International Building Codes.

278 J. Plant questioned the staff comment pertaining to private use on page 2. J. Langdell referenced the 2/18/14 date
279 of the memo and explained that the note is no longer pertinent and should have been updated. J. Langdell also
280 stated that a lot of work has been done for this unique situation and the landscaping and parking restrictions help
281 to address the abutter's concerns regarding visuality.

282 Chairperson opened the meeting for public input.

283 A. Pinal Turcotte reviewed the revised plans and asked if there was a time limit for the completion of the
284 proposed landscaping. J. Langdell explained that the landscaping is part of the site plan and has to be completed
285 prior to the issuance of the Certificate of Occupancy, which is required for any building regardless of its use. The
286 other option such as in winter, bonding has to be put in place to cover the cost of the plantings. A. Pinal Turcotte
287 said she was confused by the zoning but it seems like most of the issues were addressed. J. Langdell clarified that
288 this is an allowed agricultural use with a commercial building in a residential zoning district.

289 L Shiffer explained that she wanted to make sure her neighbors understood that this whole process has been done
290 with their consideration in mind. That is the reason I fought hard for a wooden structure with a shingle roof
291 versus a metal building that was pushed on me. I do share the driveway, but in general there hasn't been parking
292 in the driveway and this set up will now allow me to go from the new barn directly to the ring without ever going
293 on the driveway. This makes for a much better situation and now, we can even pave the driveway like Annmarie
294 wanted to do. A. Pinal Turcotte asked if four (4) parking spaces were sufficient for forty-nine (49) people. C.
295 Branon explained that the reason for the notation of forty-nine (49) people is for building classification and the
296 four (4) spaces are sufficient for the operation of the business. We've had lengthy discussion with staff and this
297 satisfies all local requirements.

298 C. Branon stated there was sufficient area for additional parking arrangements on the property if there were more
299 than four (4) people and he showed the potential parking areas on the plan. J. Langdell noted that this falls into an
300 "other" category in our development regulations and we could require more parking if we felt there was a need,
301 but if the use changes or expands it would have to come back to the Board and a lengthy discussion on parking for
302 various scenarios followed.

303 L. Shiffer said she explained her business back in February but stated that her lessons are private, one or two
304 people and due to insurance and liability you can't have ten (10) people in the ring at the same time. She's been

305 running this business since 1995. The abutting properties have multiple owners during that time and parking has
306 never gone past the V of the shared driveway. A. Pinal Turcotte said she agreed with Ms. Shiffer that this is
307 adequate for the way things are now, but what happens when somebody else buys it, especially if you have a plan
308 that allows for forty-nine (49) people at one time. J. Langdell said the restrictions are clearly stated on the plan
309 and this is an enforceable set of criteria for Ms. Shiffer and for the next owners. If there were to be any change
310 they would have to come back to the Board. A. Pinal Turcotte said she is fine with the way things are now but if
311 the property changes in the future she wants to make sure that the current operation is preserved and not
312 expanded. If the site plan that gets approved allows for a lot more than the current situation, it could become a
313 problem.

314 J. Hopfenspirger thanked everyone for all the work put into this plan and then inquired what type of landscaping
315 will be done. Will it take twenty-five years for the buffer and is there a landscaping plan? J. Langdell stated that
316 there are minimum standards for landscaping. C. Branon said the plan calls for 2" to 2.5" caliper Winter King
317 Hawthorne, 6-7' Eastern Arborvitae, and 6-7' Balsam Fir trees. J. Hopfenspirger said those trees are perfect. J.
318 Levandowski noted that the minimum requirements are 6'. J. Hopfenspirger then asked if the Board could lower
319 the restriction from 49 to 30. He has no problem with Laurie and loves seeing her horses out there, but what
320 about the next owner and expressed his frustration with possible future scenarios.

321 G. Scaife said the specifications on the plan have been extremely helpful for staff to better understand the
322 intended use and was something staff had asked for. Also, as previously stated, this is an enforceable document.
323 The count of forty-nine (49) came from staff recommendation and that number, based on the code and the use,
324 limits you to that number. The code is the code and that is not something we negotiate. Their application does
325 not imply they would even get close to that number, but the code says that's the maximum you could have for that
326 type of structure. J. Langdell said we are trying to balance the site plan with the code. C. Branon said under
327 normal circumstances there wouldn't even be a note on the plan because the site restricts itself. What if Ms.
328 Shiffer wants to hold a family reunion? It is obvious what the intention is and this is also where she lives. This
329 plan it meets all local requirements and the note on the site plan has been added to reflect the lengthy review
330 we've had and to make sure everybody is comfortable with how this building fits inside the International Building
331 Code, the building classification and the construction materials. We would prefer to not change that note. The
332 note is arbitrary as it pertains to a building permit item not something that a Planning Board would even review.
333 The number should stay at forty-nine (49) as it has a purpose and a reference in the International Building Code.
334 J. Langdell suggested that the note be amended to include the reason for the note, to give it context. C. Branon
335 said we will work with staff to make sure the verbiage is correct.

336 J. Hopfenspirger said that the Planning Board has discretion, as discussed with the previous application, so you do
337 have discretion with this code because it doesn't affect just them, but everybody in this area. J. Langdell clarified
338 that this Board does not have any discretion relative to the International Building Codes. J. Hopfenspirger said
339 you can add wording in order to make the approval; it's what happens afterwards because everybody will work
340 the numbers to the max when it's good for them. You know how things work, this all gets approved and then
341 down the road somebody else has to pay the price. J. Langdell said whether that line is on the plan or not, based
342 on what this is being built as, the maximum occupancy is still forty-nine (49) according to the IBC. That doesn't
343 change, in this building, on this site. J. Hopfenspirger disagreed, saying that's something I'm going to have to
344 live with down the road. I will be coming back if it changes, with fire and brimstone, because it will be an issue
345 and there won't be anything anybody can do about it.

346 J. Griffin explained that the reason the restrictions and use were put in place was due to the Planning Board's
347 concerns if the property was sold. We understand that and the scope of Laurie's use, but also understand that she
348 may sell in the future. During the formulation of these restrictions we never talked about the number of people
349 that would be in the building at any one time. It was a surprise to me tonight when that was raised. We certainly
350 put in provisions that there would be no public events and horses only, that there would only be five (5) trailers on
351 site when Laurie takes her horses to a horse show. This is a minimization of what's been going on there for a
352 long time. There will be less horses on the property and less stalls by taking everything indoors. We think these
353 restrictions were done in good faith and are meant to provide comfort to the Board and the abutters in the event
354 somebody else takes title to the property. These are on the plan and are enforceable and anyone can come in with
355 fire and brimstone to enforce them.

356 A. Pinal Turcotte said she appreciated everyone working in such good faith to make this possible and keep
357 everyone happy, but if the word is restriction and the building is 14,600SF, you could probably fit more than
358 fifteen (15) horses in there. What does the International Building Code allow for that size building? Also, if you
359 can place a restriction on the number of horses and trailers, then why not on the number of people, regardless of
360 what the code allows. C. Branon said the proposed building is approximately 14,800 SF, of that area 10,200 SF is
361 for the indoor riding arena and the remaining 4,000 SF is for the stalls, tack room and office. My understanding is
362 that the Board asked the applicant to place limitations on the property. The fifteen (15) horse restriction was a
363 voluntary restriction by the applicant. The restriction was borne by the applicant through discussion with the
364 Board but these restrictions appear to be creating more concerns than offering more comfort. At the same time,
365 everything we're proposing for this property is permitted without the restrictions and we have addressed local
366 regulations as well as staff comments.

367 Chairperson Langdell closed the public portion of the meeting.

368 J. Langdell mentioned that the spelling on note 18 should be corrected.

369 S. Duncanson made a motion to approve the application as amended with note #18 C be revised to clarify the
370 purpose of the note. P. Amato seconded and all in favor.

371 **OTHER BUSINESS**

372 Chairperson Langdell noted that the Board and town staff have been invited to the grand re-opening of Rite Aid at
373 86 Elm St on Saturday May 24th at 10:00AM.

374
375 S. Duncanson made a motion to adjourn. J. Plant seconded and all in favor. The meeting ended at 8:45pm.
376

377 **MINUTES OF THE MAY 6, 2014 PLANNING BOARD PUBLIC HEARING APPROVED _____, 2014**

378
379 Motion to approve: _____

380
381 Motion to second: _____

382
383 _____ Date: _____

384 Signature of the Chairperson/Vice-Chairman: _____



TOWN OF MILFORD, NH

COMMUNITY DEVELOPMENT DEPARTMENT
1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620
www.milford.nh.gov

STAFF MEMO

Date: May 20, 2014
To: Town of Milford Planning Board
From: Jodie Levandowski, Town Planner
Subject: **NHCG, LLC/185 Elm St, LLC – 185 Elm St, Granite Town Plaza – Map 19, Lot 25-3;**
Public Hearing for a site plan amendment to allow all legal gaming activities covered under NH RSA 287-A, 287-D & 287-E.

BACKGROUND:

The River Card Room located at 185 Elm Street is proposing a site plan amendment to a previously approved plan to revise a note to allow for all legal gaming activities covered under NH RSA 287-A (raffles), RSA 287-D (games of chance), and RSA 287-E (bingo and lucky 7's).

In 2007 the Planning Board approved a change of use plan for this property to allow the applicant to operate a charitable poker hall at this facility. One of the conditions of approval required the applicant to come back before the Board for any expansion of gaming options beyond poker. At this time the applicant is back before the Board asking to begin operation of additional games including raffles, games of chance, bingo and lucky 7's. All of the proposed games are regulated by the State of NH Charitable Gaming RSA's.

There are no exterior additions or alterations proposed to the building at this time. Attached is a copy of the letter submitted by the applicant.

See attachments for current NH RSA 287-A, D & E

WAIVERS:

No waivers requested.

NOTICES SENT:

Notices were sent to all abutters on May 9, 2014

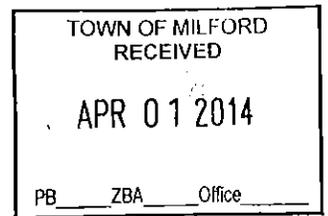
APPLICATION STATUS:

The application is complete and ready to be accepted at this time. The Board will need to make a determination of regional impact.

STAFF RECCOMENDATIONS:

Staff has no significant issues with the application. If the Planning Board approves the application staff recommends that note #7 be removed and note #8 be revised to state:

1. "This site plan is amended to permit for all legal gaming activities covered under NH RSA 287-A, as amended, RSA 287-D, as amended, and RSA 287-E, as amended."



NHCG LLC
DBA: The River Card Room
185 Elm St
Milford, NH 03055
603-249-5548
4/1/14

To Whom It May Concern:

The River Card Room is proposing a change to our current site plan. Our current plan allows use for charitable poker and table games as allowed under NH RSA 287. After speaking with our lobbyist we have found this to be a clerical error as RSA 287 itself was repealed some time ago. We would like the approved use to include all legal gaming activities covered under NH RSA 287-A (raffles), RSA 287-D (games of chance), and RSA 287-E (bingo and lucky 7s). This change will fix the clerical error relating to poker and table games as well as allow the use of the site for raffles, bingo and lucky 7s as permitted by the NH Racing and Charitable Gaming Commission.

If you have any questions, please do not hesitate to ask.

Thank you,



Greg Barber
General Manager
The River Card Room

TITLE XXIV GAMES, AMUSEMENTS, AND ATHLETIC EXHIBITIONS

CHAPTER 287-E BINGO AND LUCKY 7

Section 287-E:1

287-E:1 Definitions. –

I. "Bingo" means any game, by whatever name called, in which a prize is offered to the person first covering squares in a predetermined design on a card marked into squares for that purpose. "Bingo" shall not include any game involving a slot machine or any other device in the nature of a slot machine.

II. "Bona fide guest" means any person who has paid the fee established by a private campground for utilization of a designated space for purposes of recreational camping, and invited guests and members of the family of such person. "Bona fide guest" shall not include the owner, operator or employees of the private campground, or the families of such persons, or persons invited to the private campground by the owner, operator or employees of the private campground for the purpose of participating in bingo games.

III. "Bona fide member" means a person who has held full and regular membership in the charitable organization for a period of not less than 60 days immediately prior to the bingo games in which such person intends to participate. To qualify as a "full and regular" member of a charitable organization, a person shall:

- (a) Satisfy all criteria for membership in the charitable organization.
- (b) Pay all lawful fees or dues required by the charitable organization.
- (c) Not have become a member solely for the purpose of operating bingo games.

IV. "Carnival" means an event sponsored by a charitable organization at which various rides and amusements are offered and the profits of which are to be used to further the charitable purposes of the charitable organization.

V. "Charitable organization" means any bona fide religious, charitable, civic, veterans or fraternal organization which shall have been registered with the secretary of state for at least 2 years and in existence and organized under the laws of this state for at least 2 years in a town or city in this state, and which possesses a tax exempt status under Internal Revenue Code 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is covered under a group ruling issued by the Internal Revenue Service under authority of those sections. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

- (a) Document that it is exempt from federal income tax.
- (b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the charitable organization is organized.

(c) Register with the secretary of state and, if required under RSA 7:19-32-a, with the director of charitable trusts.

(d) Maintain a current list of bona fide members.

(e) Document that the organization has tax exempt status under Internal Revenue Code 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is covered under a group ruling issued by the Internal Revenue service under authority of those sections.

A charitable organization shall not include auxiliary units, committees or other entities organized under the auspices of a charitable organization eligible for licensure under this chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of conducting bingo games.

V-a. "Commercial hall" means any hall owned or leased by an individual, corporation, realty trust, partnership, association, or any other person who rents or leases the hall to a charitable organization for the operation of bingo games, excluding halls owned by any charitable organization or governmental subdivision as specified in RSA 287-E:5, VI.

VI. "Commission" means the state racing and charitable gaming commission.

VII. "Hotel" means "hotel" as defined in RSA 78-A:3, III.

VIII. "Private campground" means privately owned property, open to the public upon payment of a fee, which has been divided into 10 or more defined spaces upon which tents may be erected or recreational vehicles may be parked for the purposes of recreational camping. "Private campground" shall not include manufactured housing parks as defined in RSA 205-A:1 or recreational camps as defined in RSA 149:20.

Source. 1983, 417:1. 1998, 59:1. 2001, 206:1. 2004, 97:8; 257:10. 2007, 280:4. 2008, 25:1, eff. July 11, 2008. 2011, 259:28, eff. Sept. 11, 2011.

Bingo Games

Section 287-E:2

287-E:2 Administration and Enforcement. – The racing and charitable gaming commission shall administer and enforce this subdivision relating to bingo.

Source. 1983, 417:1. 1986, 67:10. 2004, 97:8; 257:11. 2008, 25:1, eff. July 11, 2008.

Section 287-E:3

287-E:3 Rulemaking. – The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for bingo licenses.

II. Information to be required on license applications.

II-a. The application procedure for distributor and manufacturer licenses under RSA 287-E:8-a.

III. [Repealed.]

IV. Procedures for a hearing following the revocation of a license.

V. The operation of bingo games.

VI. Bingo games conducted by senior citizens' organizations.

VII. The price for a single card or play in bingo games.

VIII. Bingo games at agricultural fairs.

IX. The rental of facilities and the leasing of equipment for use in bingo games.

X. Bingo games at campgrounds and hotels.

XI. The definition of salaried employees of veterans and fraternal organizations who may sell lucky 7 tickets.

XII. Accountability controls to ensure game integrity, including, but not limited to, cash, attendance, prizes, income, expense and financial reporting, and record-keeping to be implemented by licensed charitable organizations in addition to the requirements set forth in RSA 287-E:9.

XIII. Package games.

XIV. Other matters related to the proper administration of this chapter.

Source. 1983, 417:1. 1985, 295:5. 1986, 67:21. 1997, 328:1, eff. Aug. 22, 1997.

Section 287-E:3-a

287-E:3-a Copies of Records. – [Repealed 2010, 190:14, I, eff. Jan. 1, 2011.]

Section 287-E:4

287-E:4 License Fees. –

I. Except as otherwise provided in RSA 287-E:10-13, the bingo license application fee shall be \$25 per day.

II. Such fee shall be submitted to the commission at the time the application for a bingo license is filed and, shall be refunded if the application is denied.

II-a. The license fee for a commercial premises bingo license under RSA 287-E:5, VI shall be \$250 per year. Such fee shall be submitted to the commission at the time the application is made and shall be refunded if the application is denied.

III. All funds collected by the commission under this section and RSA 287-E:8 shall be deposited in the special fund established under RSA 284:21-j.

Source. 1983, 417:1. 1985, 295:9, eff. July 1, 1985. 2011, 259:18, eff. Sept. 11, 2011.

Section 287-E:5

287-E:5 License Applications. –

I. Applications shall be submitted to the commission by an officer, director, or duly authorized official of the charitable organization. Proof of authority to submit the application on behalf of the charitable organization may be required.

II. Applications shall be made only on the forms supplied to the charitable organization by the commission.

III. No license shall be issued unless the application form is fully completed by the duly authorized officer, director, or official of the charitable organization.

IV. Applications shall be received by the commission 15 days prior to the first game date of each month. This requirement may be waived by the commission for good cause shown.

V. The applicant shall certify under oath that:

(a) The information provided on the application is accurate.

(b) Only bona fide members of the charitable organization will operate the bingo games.

(c) Neither the applicant nor any member of the charitable organization who will operate the bingo games and sell lucky 7 tickets has been convicted of a felony within the previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court, or has violated the statutes or rules governing charitable gambling.

(d) The applicant and any member of the charitable organization who will be participating in the operation of the bingo games is aware of all statutes and rules applicable to the operation of bingo games.

VI. If a charitable organization intends to lease or rent premises for the conduct of bingo from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out the premises shall be licensed by the commission. The license shall be applied for by filing an application supplied by the commission. The commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the commission.

VII. To be eligible for licensure under this chapter a charitable organization shall:

- (a) Document that it is exempt from federal income tax.
- (b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the charitable organization is organized.
- (c) Register, if required under RSA 7:19-32, with the director of charitable trusts.
- (d) Maintain a current list of bona fide members.

Source. 1983, 417:1. 1985, 295:10. 1987, 321:1. 1997, 328:2. 1998, 59:2. 2003, 315:3. 2005, 277:2, eff. July 22, 2005.

Section 287-E:6

287-E:6 Licenses. –

I. Bingo licenses shall only be issued to charitable organizations which meet the requirements of RSA 287-E:5 and paragraph II of this section.

II. Except as provided in RSA 287-E:10-13, bingo licenses may be issued to a charitable organization to conduct bingo games only under the following conditions:

(a) No more than one license shall be issued to a charitable organization per calendar month, and the license shall permit no more than 10 game dates of bingo in one calendar month, and in no more than one town or city which has authorized bingo games under RSA 287-E:27. The license shall expire on the last game date authorized under said license.

(b) The provisions of subparagraph II(a) notwithstanding, a license may be issued to a charitable organization per fiscal year, and the license shall permit no more than 10 game dates of bingo in one calendar month and no more than 120 game dates of bingo in one calendar year. The license shall expire on the last game date authorized under the license. Charitable organizations electing to receive an annual license under this paragraph shall be ineligible to receive concurrently a monthly license under subparagraph II(a), and charitable organizations licensed under subparagraph II(a) shall be ineligible to receive concurrently an annual license under this subparagraph.

(c) A license shall authorize games at specific times on specific dates at specific locations and may authorize bingo games to be conducted at carnivals.

(d) No more than 2 licensed charitable organizations may conduct bingo games at any one

location on any specified date.

(e) A license shall not be transferable.

Source. 1983, 417:1. 1986, 67:1. 1987, 321:2. 1991, 271:1. 1995, 300:3. 1998, 59:3, eff. May 12, 1998.

Section 287-E:7

287-E:7 Operation of Bingo Games. – Except as otherwise provided in RSA 287-E:10-13:

I. (a) Only bona fide members of charitable organizations shall operate bingo games; except that, if all bona fide members of a charitable organization are under 18 years of age, adult officers or directors of the charitable organization or parents or legal guardians of bona fide minor members, who have been authorized by the officers or directors of the charitable organization, shall operate the games. Proof of bona fide membership shall be required.

(b) Notwithstanding subparagraph (a), if, by reason of the established criteria for membership, all bona fide members of the charitable organization are physically or mentally disabled, or both, the officers, directors, or authorized officials of the charitable organization may designate individuals to conduct the operation of bingo games on behalf of said charitable organization. Individuals so designated are subject to all applicable provisions of this chapter, and the designation of such individuals is subject to the approval of the commission.

(c) Notwithstanding subparagraph (a), all charitable organizations that conduct bingo games for charitable purposes may allow spouses, sons, and daughters of bona fide members who are at least 18 years of age to assist with the operation of the bingo games.

II. (a) No compensation shall be paid to bona fide members of a charitable organization or others who operate or assist in the operation of a bingo game. Compensation shall include, but is not necessarily limited to, money or any other thing of value. Bona fide members of a charitable organization who operate or assist in the operation of bingo games may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

(b) No compensation shall be paid to any person or entity for consulting, managing, assisting in the operation of the bingo games or the sale of lucky 7 tickets, record keeping, filing forms with the racing and charitable gaming commission, advertising, free offer of coffee and donuts to customers, or security protection for the charitable organization itself not including security for the hall or parking area, unless agreed to in advance in writing by the charitable organization. Participation in and charges for such activities shall be solely at the discretion of the charitable organization. Failure to participate in any of these activities shall not constitute grounds for expulsion from any hall where bingo games are held or lucky 7 tickets are sold.

III. No one under the age of 18 years shall be admitted to the premises on which bingo games are being conducted, except when the bingo games are being conducted at a carnival. Proof of age shall be produced upon request of the commission. When bingo games are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the bingo games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play bingo at a carnival.

IV. No bingo games shall be conducted prior to 11:00 a.m. on a weekday, prior to noon on a Sunday, or after 11:00 p.m. on any day.

V. No person who has leased out a facility or sold or leased bingo paraphernalia or related

equipment to a charitable organization for use during bingo games shall participate or play in any game conducted at that location on that date. The chairperson or treasurer of a charitable organization may operate or assist in the operation of a bingo game conducted by his or her charitable organization; however, each chairperson or treasurer may not play in or assist in the playing of any game conducted at that locality on that date.

V-a. A person who volunteers to assist in the operation of a bingo game may play bingo after assisting with the operation of the game; provided that once a person has played bingo on a given date, that person may no longer assist with the operation of the bingo game on that date.

VI. No person who has been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court, or who has violated any of the statutes or rules governing charitable gambling in the past in this or any other state shall operate a bingo game or participate in the sale of lucky 7 tickets licensed under this chapter, or rent, lease, sublease, or otherwise provide any hall or bingo paraphernalia for the conduct of bingo licensed under this chapter.

VII. No charitable organization shall act as an agent for operating bingo games when it is unlawful for the charitable organization's principal to conduct bingo games.

VIII. The price to be paid for a single bingo card shall be established by rules adopted by the commission.

IX. No fee shall be charged for admission to bingo games.

X. Raffles permitted under RSA 287-A and RSA 287-D may be conducted at the same time and in the same place as a bingo game licensed under this chapter.

XI. Except as provided in paragraphs XIII and XV, all prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games conducted on one game date shall not exceed the total value of \$4,000, up to \$500 of which may be provided by the commercial hall.

XII. All bingo game paraphernalia or related equipment used in conducting bingo games shall be subject to inspection and approval by the commission.

XIII. During any game or series of games conducted on any one game date by a charitable organization, no more than 4 winner take all games may be conducted in which the total amount paid by the players shall be divided among the winners of that game, provided that:

(a) Winners may be awarded prizes when predetermined designs are completed; however, no more than 75 numbers shall be called in the game, and no number may be called more than once.

(b) All money collected from the participants in such game or games shall be collected, counted, and displayed in full view of the participants and shall be kept separately from all other moneys collected by the charitable organization during the bingo games conducted on the premises.

(c) The total amount collected from the participants shall be publicly announced and shall be recorded by an officer, director or authorized official of the charitable organization.

(d) The total amount awarded in the game shall not exceed the total amount collected from the participants in the game.

(e) A game reimbursement fee equal to 7 percent of the total amount collected from participants in any winner take all game shall be paid to the charitable organization operating the game.

XIV. [Repealed.]

XV. In not more than one game conducted in accordance with RSA 287-E:7, XIII, during any game or series of games conducted on any one game date by a charitable organization, a progressive coverall game may be run, not to exceed \$3,000, and shall be awarded to any winner covering all 24 numbers on the card in 60 or fewer numbers. The numbers shall start at 50 and may be incremented 1 number per week, until it reaches the maximum of 60 numbers, where it shall remain until the prize is

awarded to a person or persons covering all 24 numbers on the card within 60 numbers or less. Said prize shall be awarded in addition to any sums collected and given out pursuant to RSA 287-E:7, XIII. This progressive game shall be played on the second or last coverall, with a bonus prize of up to \$3,000 on the first winner take all coverall if all 24 numbers on the card are covered in 50 numbers or less. The prize shall be subject to state tax under RSA 287-E:8. The progressive game shall not be construed as part of the winner take all coverall. The progressive game shall not be used on package games.

XVI. In not more than one game conducted in accordance with paragraph XIII, a carry-over, cover-all game may be run with the prize money rolled over to the successive game dates in the event that there is no winner on the original or preceding game dates. Notwithstanding any provision of law to the contrary, the prize money may accumulate until there is a winner. The prize shall be awarded to any winner covering all 24 numbers on the card in less than 50 numbers, or a greater number if so designated prior to the game. If there is no winner on a given game date, a pre-designated consolation prize shall be awarded to the game winner who first achieves cover-all. The balance of the moneys collected shall be carried over to subsequent game dates until there is a winner. Any person who purposely, knowingly, or recklessly deprives a charitable organization of any of its moneys collected from bingo or lucky 7 or any person who purposely, knowingly, or recklessly deprives players of any prizes collected from bingo or lucky 7, shall be guilty of a class A felony.

Source. 1983, 417:1. 1985, 295:11, 12; 374:2. 1986, 67:2, 3. 1989, 340:1. 1990, 35:1; 123:2; 140:2, X. 1991, 271:2; 276:2; 345:1. 1994, 221:1. 1995, 300:2. 1999, 241:1. 2000, 171:1. 2002, 157:1, 2. 2003, 315:4. 2005, 121:1. 2007, 280:1, eff. Sept. 1, 2007. 2010, 190:10, 11, 13, eff. Jan. 1, 2011. 2011, 259:11, eff. Sept. 11, 2011.

Section 287-E:8

287-E:8 Bingo Tax. – Except for bingo games licensed under RSA 287-E:10-13 and for prizes awarded under RSA 287-E:7, XV, the licensee shall pay a tax of 7 percent of the total amount collected from participants in any game conducted in accordance with RSA 287-E:7, XIII.

Source. 1983, 417:1. 1986, 67:5. 1990, 123:1, eff. May 19, 1990.

Section 287-E:8-a

287-E:8-a Distributors and Manufacturers of Bingo Supplies and Equipment. – The commission shall license distributors and manufacturers of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines sold, leased, or rented in this state. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall be authorized to distribute bingo paper supplies and electronic bingo player systems and lucky 7 vending machines, and shall not be required to file for licensing under this section. All bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines shall be purchased, leased, or rented from a licensed distributor and manufactured by a licensed manufacturer. All bingo paper sold to charitable organizations by New Hampshire licensed distributors shall be recorded by serial numbers and listed on the charitable organization's invoices. A license shall be issued to a distributor or manufacturer under the following conditions, provided that the commission may, by rule, establish additional qualifications for licenses:

I. The applicant for a distributor's license shall pay to the commission an annual license or license renewal fee of \$10,000. Such fee shall authorize the distribution of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines within the state of New Hampshire and the warehousing of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines for subsequent sale out of state. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall not be required to pay the additional licensing fee under this section.

II. The applicant shall certify that neither the applicant nor any partner, officer, or director has been convicted of a felony, which has not been annulled by any court, within 10 years from the date of application.

III. Each licensee shall post a bond in the amount of \$50,000, conditioned upon the licensee's compliance with the rules of the commission. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall not be required to post the additional bond under this section.

IV. An applicant for a license as a distributor shall have a principal place of business located within this state.

V. (a) The commission shall issue a special license to manufacturers of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines leased, rented, or sold in the state. A manufacturer with a current New Hampshire license to manufacture lucky 7 tickets shall not be required to pay the additional licensing fee under this paragraph.

(b) The fee for such special license shall be \$5,000 per year or for any part of a year.

Source. 1997, 328:3. 1998, 90:1. 2001, 145:1, eff. June 29, 2001.

Section 287-E:9

287-E:9 Financial Reports and Inspection Required. –

I. A charitable organization which has been licensed to conduct bingo games shall submit a complete financial report to the commission for each license issued under RSA 287-E:6 within 15 days after the expiration of each license; provided, however, a complete monthly financial report shall be submitted in a timely fashion to the commission for each month covered by a license issued under RSA 287-E:6, II.

II. The financial report shall be completed by the treasurer of the charitable organization or a duly authorized officer, director, or official of the charitable organization who shall certify such accounting under oath.

III. The financial report shall include:

(a) A complete statement of revenues and expenses.

(b) A record of the amount of prizes awarded.

(c) The names and addresses of the members of the charitable organization who operated the licensed games.

(d) The name and address of any person, partnership, corporation or other entity from whom equipment used at the licensed games was rented or leased.

(e) The name and address of any person, partnership, corporation or other entity from whom premises were leased or rented to conduct the licensed games.

(f) The name and address of, and the fee paid to, any person, or business entity, who provided consulting, accounting, management, or other similar services to the organization for the operation of bingo.

IV. All charitable organizations licensed under this chapter shall maintain a separate checking

account for the deposit and disbursement of all income relating to bingo and lucky 7, except cash prizes awarded at the games. All expenses shall be paid by check, or electronic funds transfers. All prizes of \$500 or more shall be paid by check. There shall be no commingling of bingo and lucky 7 funds with other funds of the charitable organization. The organization shall retain all cancelled checks for the payment of expenses and prizes for at least 2 years. The organization may cash checks which it issues.

V. All financial reports filed by charitable organizations shall be maintained by the commission for a period of one year from the date of filing and shall be open to public inspection.

VI. All financial records pertaining to the operation of bingo games shall be maintained by the treasurer of the charitable organization or other duly authorized director, officer or official of the charitable organization and shall be made available to representatives of the commission or of the commissioner of safety upon request.

VII. A charitable organization which has been licensed to conduct bingo games shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

Source. 1983, 417:1. 1985, 295:13. 1986, 67:6, 12. 1997, 328:4. 2003, 262:1. 2008, 44:1, eff. July 11, 2008. 2011, 259:12, 13, eff. Sept. 11, 2011.

Section 287-E:10

287-E:10 Bingo Games at Agricultural Fairs. – The commission may issue a bingo license to an agricultural fair eligible for benefits under RSA 284:25, subject to the following conditions:

I. Games of bingo may be conducted only on those days during which the agricultural fair holds its annual bona fide agricultural exhibition.

II. The license shall not be transferable.

III. Games shall be operated only by persons designated by the agricultural fair.

IV. When bingo games are conducted at an agricultural fair, persons under the age of 18 years may be admitted to the premises on which the bingo games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play bingo at an agricultural fair. Proof of age shall be produced upon request of the commission.

V. There shall be no limit on the total value of prizes, tokens or awards given for any game or series of games.

VI. The bingo license application fee for an agricultural fair shall be \$25 per day.

VII. The organization conducting any agricultural fair shall not charge any charitable organization greater ground rent, concession fee or any other fee for a location for conducting games of bingo more than that which is charged for the same or similar locations for other types of concessions on the fair grounds.

VIII. The agricultural fair shall submit a report to the commission within 15 days of the expiration of its license. The report shall include a statement of all revenues and expenses relating to bingo games, a record of all prizes awarded at bingo games, and the names and addresses of the operators of bingo games.

IX. All other provisions of RSA 287-E shall also apply to bingo games conducted at agricultural fairs.

Source. 1983, 417:1. 1985, 295:7, eff. July 1, 1985.

Section 287-E:11

287-E:11 Senior Citizens' Bingo. – Any senior citizens' organization in a city or town which has adopted RSA 287-E may conduct bingo games without a license under the following conditions:

I. Except as provided in paragraph IV, games of bingo shall be open only to persons 55 years of age or older, unless the rules for senior activities on the premises require a higher minimum age for admission.

II. The price to be paid for a single card or play shall not exceed \$.25.

III. All prizes, tokens, or awards used, given, offered, or awarded during or in connection with the conduct of any game or series of games conducted under this section in any calendar day shall not exceed the total value of \$500.

IV. Persons under 55 years of age who are assisting persons 55 years of age or older may be allowed on the premises.

Source. 1983, 417:1. 1989, 29:1. 1991, 271:3. 2000, 171:2. 2005, 121:2. 2007, 188:1, eff. Aug. 17, 2007.

Section 287-E:12

287-E:12 Bingo for Private Campgrounds and Hotels. – Any private campground or hotel may conduct bingo games provided:

I. The price to be paid for a single card or play under the license shall be \$.10.

II. The campground or hotel shall conduct no more than 2 game dates of bingo in any one calendar week.

III. All revenues received from the sale of bingo cards in any game or series of games on any one calendar day shall be paid out to the players. The total value of all prizes, tokens, or awards used, given, offered, or awarded in connection with any game or series of games in any calendar day shall not exceed \$500.

IV. Games shall be operated only by persons on the staff of the campground or hotel. Such staff shall operate the games without compensation from the bingo revenues.

V. The games of bingo shall be open only to persons 18 years of age or older who are bona fide guests at the campground or hotel.

VI. No campground or hotel shall act as an agent for operating games of bingo when it is unlawful for such campground's or hotel's principal to operate bingo games.

VII. The campground or hotel shall have been in existence for at least 2 years in the city or town in which the bingo games are to be conducted.

VIII. The campground or hotel shall maintain a current list of bona fide guests.

IX. The campground or hotel shall not have been established solely for the purpose of operating bingo games.

Source. 1983, 417:1, eff. July 1, 1983. 2011, 259:14, eff. Sept. 11, 2011.

Section 287-E:13

287-E:13 Children's Bingo at Private Campgrounds or Hotels. – Any campground or hotel may conduct special bingo games for children under the conditions specified in RSA 287-E:12, except:

I. No games shall be conducted prior to 11:00 a.m. on a weekday, prior to noon on a Sunday or after 8:00 p.m. on any day.

II. There shall be no charge for play.

III. Games shall be open only to persons under the age of 18.

IV. Nonmonetary prizes may be awarded, but the value of any prize shall not exceed \$2. Prizes or awards shall not be exchanged for money.

Source. 1983, 417:1, eff. July 1, 1983. 2011, 259:15, eff. Sept. 11, 2011.

Section 287-E:14

287-E:14 Suspension; Revocation. – The commission may suspend or revoke the license of any licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

Source. 1983, 417:1. 1986, 67:7, eff. May 9, 1986.

Section 287-E:15

287-E:15 Rehearing and Appeal. – Any person aggrieved by a decision of the commission to deny or revoke a bingo license may apply to the commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

Source. 1983, 417:1, eff. July 1, 1983.

Lucky 7

Section 287-E:16

287-E:16 Administration and Enforcement. – The racing and charitable gaming commission shall administer and enforce this subdivision relating to the sale of lucky 7 tickets.

Source. 1983, 417:1. 1986, 67:13. 2004, 97:8; 257:12. 2008, 25:1, eff. July 11, 2008.

Section 287-E:16-a

287-E:16-a Definitions. – In this subdivision:

I. "Bag tickets" means a type of lucky 7 tickets of paper composition which are joined together and which bear a certain combination of numbers and symbols to indicate whether or not a prize is to be given. Tickets of this type are sometimes referred to as "staple tickets."

II. "Deal" means either a box or bag of lucky 7 tickets, containing a certain count of uncirculated tickets bearing a serial number.

III. "Pull tab ticket" means a type of lucky 7 ticket which consists of a cardboard card with pull tabs bearing certain combinations of symbols or numbers which indicate whether or not a prize is to be given.

Source. 1990, 181:1, eff. June 26, 1990.

Section 287-E:17

287-E:17 Lucky 7 Licenses Required. – No person shall sell lucky 7 tickets without a current and valid lucky 7 license issued under this chapter.

Source. 1983, 417:1. 1987, 321:3, eff. July 24, 1987.

Section 287-E:18

287-E:18 Rulemaking. – The commission shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The application procedure for lucky 7 licenses.
- II. Information to be required on lucky 7 license applications.
- III. The sale of lucky 7 tickets.
- IV. The licensing of manufacturers and distributors of lucky 7 tickets.
- V. Accountability control to ensure ticket sales integrity and record-keeping.
- VI. The inspection and enforcement of bingo and lucky 7.

Source. 1983, 417:1. 1985, 295:6. 2004, 257:13, eff. Jan. 1, 2005.

Section 287-E:18-a

287-E:18-a Copies of Records. – [Repealed 2010, 190:14, III, eff. Jan. 1, 2011.]

Section 287-E:19

287-E:19 Application Fee; Application of Funds. –

- I. The lucky 7 license fee shall be \$10 per month or any part of a month for up to 12 consecutive months per application.
- II. Applications for renewal shall be received by the commission 15 days prior to expiration, unless such requirement is waived by the commission for good cause shown.
- III. All fees collected by the commission under this section shall be deposited in the special fund established under RSA 284:21-j.

Source. 1983, 417:1. 1997, 26:1. 1998, 59:4. 2003, 254:1, eff. July 1, 2003.

Section 287-E:20

287-E:20 Lucky 7 Licenses. – The commission may issue a lucky 7 license to a charitable organization for the sale of lucky 7 or similar tickets under the following conditions:

- I. The license shall specify where the tickets may be offered for sale, provided that the license shall not authorize a charitable organization to sell lucky 7 tickets except at a place where a bingo game has been authorized, or in a town or city which has authorized the sale of lucky 7 tickets under RSA 287-E:27.

II. The price of any lucky 7 ticket pack or ticket card shall not exceed \$.50.

III. The license shall not be transferable, shall expire on the last day of the last month for which it was issued, and shall only be valid for one location. A separate license shall be obtained for each location at which lucky 7 tickets are to be sold.

IV. At least 45 percent of the gross revenues from the sale of lucky 7 tickets shall be paid as prizes.

V. Lucky 7 licenses shall be prominently displayed in the area in which the lucky 7 tickets are sold.

VI. Only charitable organizations as defined in RSA 287-E:1, V shall be eligible for licensing.

Source. 1983, 417:1. 1987, 321:4. 1997, 328:5. 1998, 59:5, 6. 2003, 254:2, eff. July 1, 2003.

Section 287-E:21

287-E:21 Sale of Lucky 7 Tickets. –

I. Only bona fide members of a charitable organization licensed under this subdivision shall sell lucky 7 tickets, except that salaried employees, as defined in rules adopted by the commission, of a licensed veterans or fraternal organization may sell lucky 7 tickets only on the premises of such organization, provided such employees comply with all laws and rules relating to the sale of lucky 7 tickets. Proof of membership may be required by the commission.

II. Lucky 7 tickets may only be sold at the location specified in the license issued by the commission, which shall include either:

(a) The regular meeting place of or a facility owned, leased or utilized by the charitable organization for its activities; or

(b) Any other location where the sale of lucky 7 tickets is conducted in conjunction with and at the same time as an event sponsored or co-sponsored by the charitable organization, to be held once a year, and will be held for no more than 4 consecutive days.

III. No charitable organization shall conduct door-to-door sales of lucky 7 tickets.

III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for its activities, provided that the commission shall not authorize the use of any lucky 7 dispenser device which was not in use on or before January 1, 2011, unless such device dispenses a paper or cardboard ticket which has a manual break-open feature and specifications for such dispenser device are contained in the rules of the commission. Any permitted lucky 7 device shall not be in the nature of a slot machine and the outcome of any wager involving a permitted lucky 7 device shall be determined solely by and on the cardboard or paper ticket.

IV. No compensation shall be paid to bona fide members of a charitable organization who sell or assist in the sale of lucky 7 tickets. Compensation shall include, but is not necessarily limited to, money or any other thing of value. Members of the charitable organization who sell lucky 7 tickets may be reimbursed for out-of-pocket expenses in an amount not to exceed \$8 per day, provided that such expenses are itemized and submitted in writing to the charitable organization.

V. No lucky 7 tickets shall be sold to any person under 18 years of age.

Source. 1983, 417:1. 1987, 114:1. 1998, 59:7, eff. May 12, 1998. 2010, 190:12, eff. Jan. 1, 2011. 2011, 259:27, eff. Sept. 11, 2011.

Section 287-E:22

287-E:22 Lucky 7 Fees. –

- I. A licensed distributor shall pay a fee of \$15 per deal of pull tab tickets.
- II. A licensed distributor shall pay a fee of \$6 per deal of bag tickets.
- III. No deal shall have the same serial number as any other deal sold in this state.
- IV. All funds collected by the commission under this section shall be deposited in the special fund established under RSA 284:21-j.
- V. A licensed distributor shall pay the fees collected pursuant to this section to the commission within 15 days of the distribution of the tickets.

Source. 1983, 417:1. 1990, 181:2, eff. July 26, 1990.

Section 287-E:23

287-E:23 Distributors and Manufacturers of Tickets. – The commission shall license distributors and manufacturers to supply lucky 7 tickets sold in this state. Every lucky 7 ticket sold in this state shall be purchased from a licensed distributor and manufactured by a licensed manufacturer. A license shall be issued to a distributor or manufacturer under the following conditions; provided that the commission may, by rule, establish additional qualifications for licenses:

- I. The applicant for a distributor's license shall pay to the commission an annual license or license renewal fee of \$10,000. Such fee shall authorize the distribution of lucky 7 or similar break-open tickets within the state of New Hampshire and the warehousing of lucky 7 or similar break-open tickets for subsequent sale out of state.
- II. The applicant shall certify that neither the applicant nor any partner, officer or director has been convicted of a felony, which has not been annulled by any court, within 10 years from the date of application.
- III. Each licensee shall post a bond in the amount of \$50,000 conditioned upon the licensee's compliance with the rules of the commission.
- IV. An applicant for a license as a distributor shall have a principal place of business located within this state.
- V. No manufacturer or distributor may have in its possession or control in the state of New Hampshire, for any reason, lucky 7 or other break-open tickets which do not contain the New Hampshire state seal or other distinguishing markings approved by the commission, except in the case of a distributor warehousing lucky 7 or similar break-open tickets in the state of New Hampshire which are to be subsequently sold out of state.
- VI. (a) The commission shall issue a special license to manufacturers of lucky 7 or similar break-open tickets stored in the state.
 - (b) All lucky 7 or similar break-open tickets distributed in this state or shipped to this state and subsequently shipped or sold out of this state shall bear a distinguishing mark as designated by the commission.
 - (c) The fee for such special license shall be \$5,000 per year or for any part of a year.

Source. 1983, 417:1. 1985, 295:8, 14. 1991, 345:2-4. 1997, 328:6. 2001, 145:2, eff. June 29, 2001.

Section 287-E:23-a

287-E:23-a Payment to Distributor. – Licensees shall pay for purchased tickets no later than 30 calendar days after delivery. Unless a waiver is given by the commission for good cause shown, no

charitable organization may purchase tickets from a different distributor when that charitable organization has failed to comply with the provisions of this section.

Source. 2003, 254:4, eff. July 1, 2003. 2011, 259:16, eff. Sept. 11, 2011.

Section 287-E:24

287-E:24 Financial Reports and Inspections. –

I. A charitable organization shall submit a complete financial report for each license issued under RSA 287-E:20 to the commission within 105 days from the date of issue and every 90 days thereafter, or within 15 days after the expiration date of the license, whichever occurs first.

II. The financial report shall be completed by the treasurer of the charitable organization or a duly authorized officer, director, or official of the charitable organization who shall certify such accounting under oath.

III. The financial report shall include:

- (a) A complete statement of all revenues and expenses.
- (b) A record of the amount of prizes awarded.
- (c) The names and addresses of the members who participated in the sale of lucky 7 tickets.
- (d) The name and address of the distributor from whom the lucky 7 tickets were purchased.
- (e) The name and address of, and the fee paid to, any person, or business entity, who provided consulting, accounting, management, or other similar services to the organization for the operation of lucky 7.

IV. All expenses shall be paid by check or electronic funds transfers, and all cash prizes of \$500 or more shall be paid by check, and the charitable organization shall retain cancelled checks or bank produced facsimiles of cancelled checks for the payment of expenses and checks or bank produced facsimiles of checks and receipts for the payment of prizes for a period of 2 years.

V. All financial reports filed by charitable organizations shall be maintained by the commission for a period of one year from the date of filing and shall be open to public inspection.

VI. All financial records pertaining to the sale of lucky 7 tickets shall be maintained by the treasurer of the charitable organization or other duly authorized director, officer or official of the charitable organization and shall be made available to representatives of the commission or the commissioner of safety upon request.

VII. A charitable organization shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

Source. 1983, 417:1. 1986, 67:15. 1997, 328:7. 2003, 254:3, eff. July 1, 2003; 262:2, eff. Sept. 12, 2003. 2011, 259:17, eff. Sept. 11, 2011.

Section 287-E:25

287-E:25 Revocation. – The commission shall immediately revoke the license of any licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

Source. 1983, 417:1, eff. July 1, 1983.

Section 287-E:26

287-E:26 Rehearing and Appeal. – Any person aggrieved by a decision of the commission to deny or revoke a lucky 7 license may apply to the commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

Source. 1983, 417:1, eff. July 1, 1983.

Referendum; Penalty

Section 287-E:27

287-E:27 Referendum. –

I. (a) Any city or town desiring to adopt the provisions of RSA 287-E may do so by presenting the following question to the voters: "Shall we adopt the provisions of RSA 287-E relative to the conduct of games of bingo and the sale of lucky 7 tickets?"

(b) The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No". If no cross is made in either of the squares, the ballot shall not be counted on the question.

(c) If a majority of those voting on the question vote "Yes", RSA 287-E shall apply within the city or town.

II. In a town, the question shall be listed in the warrant and placed on the official ballot, or a special ballot prepared by the clerk, upon a vote of the selectmen or upon submission to the selectmen of a petition signed by 25 registered voters or 1/6 of the registered voters, whichever is less.

III. In a city, the question shall be placed on the official ballot for any regular municipal election upon a vote of the city council or upon submission to the city council of a petition signed by 5 percent of the registered voters.

IV. Any city or town which has adopted RSA 287-E shall put to the voters the question of whether to rescind its action upon the vote of the selectmen or city council or upon the petition of voters as provided in paragraph II or III. The question shall be as provided in paragraph I, except the word "adopt" shall be changed to "rescind".

Source. 1983, 417:1, eff. July 1, 1983.

Section 287-E:27-a

287-E:27-a Continuing Bingo and Lucky 7 Where Established. – Any city or town currently conducting bingo or lucky 7 shall be allowed to continue such activities until and unless rescinded pursuant to RSA 287-E:27, IV.

Source. 1997, 328:8, eff. Aug. 22, 1997.

Section 287-E:28

287-E:28 Application of Chapter. – The provisions of RSA 647 relative to gambling offenses shall not apply to bingo games or to the sale of lucky 7 tickets if such bingo games and lucky 7 ticket

sales are conducted in strict compliance with the provisions of this chapter.

Source. 1983, 417:1, eff. July 1, 1983.

Section 287-E:29

287-E:29 Penalty. –

I. In addition to any other penalties provided for by law, any person who violates RSA 287-E shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Each day on which a bingo game is played or a ticket is sold in violation of RSA 287-E shall constitute a separate offense.

Source. 1983, 417:1, eff. July 1, 1983.

TITLE XXIV

GAMES, AMUSEMENTS, AND ATHLETIC EXHIBITIONS

CHAPTER 287-A RAFFLES

General Provisions

Section 287-A:1

287-A:1 Definitions. – As used in this chapter:

I. "Raffle" means a lottery in which each participant buys a ticket for an article or articles put up as a prize with the winner being determined by a random drawing.

II. "Charitable organization" means the following:

(a) Any person or entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended; or

(b) Any other person or entity that is or holds itself out to be established, in whole or in part, for any benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, social, sporting, recreational, or other charitable purpose which has been in existence for at least 2 years, or political committee or political party which has been in existence for at least 2 years, or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. "Charitable organization" is not limited to those organizations to which contributions are tax deductible under section 170 of the Internal Revenue Code.

III. "50/50 raffle" means a raffle conducted by a charitable organization whereby moneys collected by sale of raffle tickets are split evenly between the prize winner or winners and the charitable organization after the raffle drawing.

Source. 1971, 43:1. 1973, 270:1. 1999, 306:1. 2000, 115:1, eff. July 7, 2000.

Section 287-A:2

287-A:2 Raffle Authorized. – A charitable organization may conduct a raffle to promote the purpose for which it was organized, in the manner hereinafter provided, and not otherwise.

Source. 1971, 43:1, eff. April 5, 1971.

Section 287-A:3

287-A:3 Printed Tickets. – All raffle tickets shall be printed with the name of the charitable organization thereon, the date and place of the drawing, and the prize or prizes to be awarded and the amount of the donation.

Source. 1971, 43:1, eff. April 5, 1971.

Section 287-A:4

287-A:4 Distribution of Tickets. – Raffle tickets shall be sold only to persons 16 years of age or over and no raffle tickets shall be sold by persons other than the members of the charitable organization or such person or persons, as may be designated by the organization, and who shall receive no financial remuneration.

Source. 1971, 43:1, eff. April 5, 1971.

Section 287-A:5

287-A:5 Agency Not Permitted. – No charitable organization shall act as an agent for conducting a raffle, where it is unlawful for the charitable organization's principal to conduct such a raffle.

Source. 1971, 43:1, eff. April 5, 1971.

Section 287-A:6

287-A:6 Effect on Other Laws. – RSA 647 shall not apply to the sale of raffle tickets in the manner provided for in this chapter.

Source. 1971, 43:1. 1973, 40:4, eff. Nov. 1, 1973.

Section 287-A:7

287-A:7 Permit Required. – Any charitable organization desiring to conduct a raffle under the provisions of this chapter shall first obtain a permit therefor from the selectmen or designee of the town, or the mayor and aldermen or designee of the city where the drawing for prizes is to be held. Except as otherwise provided in this section, the permit shall expire at the time of the drawing and shall not be transferable. At the request of the charitable organization to conduct more than one raffle, the governing body may extend the permit to one year from the date of issuance.

Source. 1971, 43:1, eff. April 5, 1971. 2011, 94:1, eff. July 1, 2011.

Raffles Held in Conjunction With Bingo Games

Section 287-A:8

287-A:8 Tickets; Distribution. –

I. All raffle tickets sold in conjunction with bingo games shall be numbered sequentially.

II. No ticket or multiple tickets shall be sold for more than \$1.

III. Notwithstanding RSA 287-A:4, raffle tickets sold in conjunction with bingo games shall be sold only by members of a charitable organization licensed by the racing and charitable gaming commission to conduct bingo and only at bingo games being operated by the charitable organization.

Source. 1985, 374:1. 2004, 97:8; 257:9. 2008, 25:1, eff. July 11, 2008.

Section 287-A:9

287-A:9 Players. – [Repealed 2009, 228:3, III, eff. July 16, 2009.]

Section 287-A:10

287-A:10 Prizes. – Prizes awarded at any raffle held in conjunction with a bingo game shall not exceed \$500 wholesale cost.

Source. 1985, 374:1. 1991, 276:3, eff. June 10, 1991.

Section 287-A:11

287-A:11 Permit Not Required. – The provisions of RSA 287-A:7 shall not apply to raffles held in conjunction with bingo games.

Source. 1985, 374:1, eff. June 18, 1985.

TITLE XXIV

GAMES, AMUSEMENTS, AND ATHLETIC EXHIBITIONS

CHAPTER 287-D

GAMES OF CHANCE

Section 287-D:1

287-D:1 Definitions. – In this chapter:

I. "Bona fide member" means a person who has held full and regular membership in the charitable organization for a period of not less than 60 days immediately prior to the games of chance in which such person intends to participate. To qualify as a "full and regular" member of a charitable organization, a person shall:

- (a) Satisfy all criteria for membership in the charitable organization.
- (b) Pay all lawful fees or dues required by the charitable organization.
- (c) Not have become a member solely for the purpose of operating games of chance.

II. "Games of chance" means any game involving gambling as defined by RSA 647:2, II, or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, 50/50 raffles as defined in RSA 287-A:1, III, or ice-out contests as defined in RSA 287-D:1, IV.

III. (a) "Charitable organization" means any bona fide religious, charitable, civic, veterans', or fraternal or church organization, including police and firemen's organizations which shall have been registered with the secretary of state for at least 2 years and in existence for at least 2 years in a town or city in this state, provided that the primary activities conducted by the organization were for the purpose for which the organization was established and have not included charitable gambling operations; which is organized under the laws of this state; and to which contributions are exempt from federal income tax. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

- (1) Document that it is exempt from federal income tax.
 - (2) Establish that the purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the games of chance are conducted.
 - (3) Register with the secretary of state and, if required under RSA 7:19-32, with the director of charitable trusts.
 - (4) Maintain a current list of bona fide members.
- (b) A charitable organization shall not include auxiliary units, committees, or other entities organized under the auspices of a charitable organization eligible for licensure under this chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of conducting games of chance.

IV. "Ice-out contest" means a contest conducted by a charitable organization whereby a marker is

placed on a frozen lake and the person most closely estimating the day and time the marker falls through the ice wins 1/2 the contest proceeds collected by the charitable organization.

V. "Game operator" means:

(a) "Primary game operator" which means any consultant or any person other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running the games of chance; or

(b) "Secondary game operator" which means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, handling chips, or providing accounting services or security functions.

V-a. "Game operator employer" means a primary game operator or a business entity who employs, supervises, and controls game operators and who is hired by a charitable organization to operate games of chance on its behalf. The owner of 10 percent or more of the entity, partner, managing member, or chief executive of a business entity who serves as a game operator employer must be licensed as a primary game operator.

VI. "Wager" means a monetary agreement between 2 or more persons that a sum of money or other valuable thing, shall be paid to one of them on the happening or not happening of an uncertain event. Wager may be used synonymously with the term "bet."

Source. 1977, 329:1. 1995, 75:2. 1998, 251:2. 2000, 115:2. 2002, 17:1, 2. 2008, 285:19, eff. June 30, 2008. 2010, 190:8, eff. Jan. 1, 2011. 2011, 259:2, eff. Sept. 11, 2011.

Section 287-D:1-a

287-D:1-a Enforcement. – The racing and charitable gaming commission, with the assistance of the attorney general and the chief of police of any city or town where games of chance are held, shall administer and enforce the provisions of this chapter.

Source. 1998, 251:3. 2006, 311:5. 2008, 25:1, eff. July 11, 2008.

Section 287-D:1-b

287-D:1-b Rulemaking. – The racing and charitable gaming commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for games of chance licenses for charitable organizations.

II. Information to be required on license applications for games of chance licenses for charitable organizations.

III. The application procedure for games of chance licenses for game operators.

IV. Information to be required on license applications for games of chance licenses for game operators.

V. Procedures for a hearing following revocation of any license issued pursuant to this chapter.

VI. The operation of games of chance.

VII. The rental or lease of facilities pursuant to RSA 287-D:2-a, VI and the leasing or purchasing of equipment for use in games of chance.

VIII. Refunds of license fees pursuant to RSA 287-D:2-d, VI.

IX. Accountability controls to ensure game integrity, including, but not limited to, cash, attendance, prizes, income, expense and financial reporting, and record-keeping to be implemented by licensed

charitable organizations and licensed game operators in addition to requirements set forth in RSA 287-D:5.

- X. Enforcement of this chapter pursuant to RSA 287-D:6 and RSA 287-D:7.
- XI. Background and criminal records checks pursuant to RSA 287-D:8.
- XII. The issuance of subpoenas pursuant to RSA 287-D:9.
- XII-a. Administrative orders and fines pursuant to RSA 287-D:6.
- XII-b. Badge specifications, requirements, and fees pursuant to RSA 287-D:2-d, VII.
- XII-c. Game operator fees pursuant to RSA 287-D:2-d, III.
- XIII. Other matters related to the proper administration of this chapter.

Source. 2006, 311:6. 2008, 25:1, eff. July 11, 2008; 285:16, eff. June 30, 2008.

Section 287-D:2

287-D:2 Games of Chance Authorized. – A charitable organization may conduct games of chance to promote the purpose for which it was organized, in the manner hereinafter provided and not otherwise:

I. [Repealed.]

II. No one may apply for a license for the operation of games of chance without first obtaining written permission of the owner of the property where the games will be conducted. Such permission shall be acknowledged before a notary public or justice of the peace and shall be obtained on a form supplied by the racing and charitable gaming commission.

III. The license shall authorize games of chance of a specified type on specified dates at specified times and at a specified location including agricultural fairs and other locations where nonprofit fundraising activities are conducted.

IV. The license shall not be transferable.

V, VI. [Repealed.]

Source. 1977, 329:1. 1998, 251:9. 2006, 311:7. 2008, 25:1, eff. July 11, 2008.

Section 287-D:2-a

287-D:2-a License Applications. –

I. Applications shall be submitted to the racing and charitable gaming commission by an officer, director, or duly authorized official of the charitable organization. Proof of authority to submit the application on behalf of the charitable organization may be required. The applicant shall send copies of the application submitted to the racing and charitable gaming commission to the attorney general and the chief of police of each city or town where games of chance are held.

II. Applications shall be made only on the forms supplied to the charitable organization by the racing and charitable gaming commission including, at a minimum, the following information provided that the commission may, by rule, establish additional items to be submitted on the application form or attached to it:

(a) If known, the date or dates and location or locations of each game of chance to be sponsored by the charity.

(b) A list of the names and addresses of the current bona fide members of the charity.

(c) The name of the financial institution with at least one branch in New Hampshire and the

corresponding bank account number for the account in which money from the game of chance will be deposited and withdrawn.

(d) The name and date of birth of all bona fide charitable organization members who will participate in the operation of the games.

(e) The name and address of any game operator who will be involved in the operation of the games.

(f) If any of the proposed games are to be held in a location licensed pursuant to RSA 287-D:2-a, VI, the name and address of the person or business from whom the space is being rented or permission for use has been granted.

(g) If the charitable organization is buying or renting any equipment for the game of chance, the name and address of the seller or renter.

III. No license shall be issued unless the application form is fully completed by the duly authorized officer, director, or official of the charitable organization.

IV. Applications shall be received by the racing and charitable gaming commission 60 days before the first game date of the year. This requirement may be waived by the racing and charitable gaming commission for good cause shown.

V. The applicant shall certify under oath that:

(a) The information provided on the application is accurate.

(b) Only bona fide members of the charitable organization or persons complying with the requirements of RSA 287-D:2-c will operate the games of chance.

(c) That neither the applicant nor any person who will be participating in the operation of the games of chance has, in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing charitable gambling.

(d) The applicant or any person who will be participating in the operation of the games of chance is aware of all statutes and rules applicable to the operation of games of chance.

VI. If a charitable organization intends to lease or rent premises for the conduct of any game of chance from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out or otherwise allowing a charitable organization to use the premises shall be licensed by the racing and charitable gaming commission. Any entity other than a charitable organization or governmental subdivision with a facility at which games of chance are held for no more than 4 game dates per calendar year shall be exempt from the licensing requirement of this paragraph. The license shall be applied for by filing an application supplied by the racing and charitable gaming commission. The racing and charitable gaming commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the racing and charitable gaming commission.

VII. To be eligible for licensure under this chapter, a charitable organization shall:

(a) Document that it is exempt from federal income tax.

(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the charitable organization is organized.

(c) Register, if required under RSA 7:19-RSA 7:32, with the director of charitable trusts.

(d) Maintain a current list of bona fide members.

(e) Maintain an account at a financial institution with at least one branch in New Hampshire solely in the name of the charitable organization in which the money from games of chance shall be

deposited and withdrawn.

(f) Meet all other applicable requirements specified in this chapter and in rules adopted by the racing and charitable gaming commission.

VIII. No person shall be permitted to participate in the operation of a game of chance, unless that person is:

(a) Listed on the application form pursuant to subparagraph II(d), or added to the list pursuant to paragraph IX, and has submitted to a background and criminal record check pursuant to RSA 287-D:8; or

(b) A licensed game operator pursuant to RSA 287-D:1.

IX. The charitable organization may amend or supplement the list of members who will participate in the operation of a game of chance, pursuant to subparagraph II(d), up to 10 working days prior to any particular game.

X. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance, if this information has not already been submitted to the racing and charitable gaming commission pursuant to subparagraph II(a).

Source. 1998, 251:4. 2003, 315:1. 2006, 311:8. 2008, 25:1, eff. July 11, 2008; 285:1-4, eff. June 30, 2008; 285:20, eff. Jan. 1, 2009. 2010, 190:3, eff. Jan. 1, 2011.

Section 287-D:2-b

287-D:2-b Operation of Games of Chance. –

I. (a) Only persons complying with the requirements of RSA 287-D:2-c or bona fide members of charitable organizations shall operate games of chance; except that, if all bona fide members of a charitable organization are under 18 years of age, adult officers or directors of the charitable organization or parents or legal guardians of bona fide minor members, who have been authorized by the officers or directors of the charitable organization, shall operate the games. Proof of bona fide membership shall be required for any person not subject to the requirements of RSA 287-D:2-c.

(b) Notwithstanding subparagraph (a), if, by reason of the established criteria for membership, all bona fide members of the charitable organization are physically or mentally disabled, or both, the officers, directors, or authorized officials of the charitable organization may designate individuals to conduct the operation of games of chance on behalf of said charitable organization. Individuals so designated are subject to all applicable provisions of this chapter, shall be listed pursuant to RSA 287-D:2-a, II(b) or RSA 287-D:2-a, IX, and the designation of such individuals is subject to the approval of the racing and charitable gaming commission.

(c) Notwithstanding subparagraph (a), all charitable organizations that conduct games of chance for charitable purposes may allow spouses, sons, and daughters of bona fide members who are at least 18 years of age to assist with the operation of the games of chance. These spouses, sons, and daughters are subject to all applicable provisions of this chapter, shall be listed pursuant to RSA 287-D:2-a, II(b) or RSA 287-D:2-a, IX, and are subject to the approval of the racing and charitable gaming commission.

(d) Notwithstanding subparagraph (a), all charitable organizations that conduct games of chance for charitable purposes may employ, by means of a written agreement, a game operator employer or a primary game operator licensed under RSA 287-D:2-c to operate games of chance on their behalf.

II. No compensation shall be paid to an operator of a game of chance under RSA 287-D:2-b, I(b), unless agreed to in advance in writing by the charity. Compensation shall include, but is not

necessarily limited to, money or any other thing of value. If the paid game operator's compensation is contingent upon the amount of revenue received from a game of chance, the compensation shall be a fixed percentage of the gross revenue from the game of chance excluding the paid game operator's expenses.

II-a. [Repealed.]

II-b. No operator shall require additional fees not specifically allowed under this chapter as a condition of contracting with the operator for game dates.

III. No one under the age of 18 years shall be admitted to the premises on which games of chance are being conducted, except when the games are being conducted at a carnival. Proof of age shall be produced upon request of the racing and charitable gaming commission. When games of chance are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play games of chance at a carnival.

IV. No games of chance shall be conducted prior to 11:00 a.m. on a weekday or a Saturday, prior to noon on a Sunday, or after 1:00 a.m. on any day.

V. No person operating a game of chance and no person who has leased out a facility or sold or leased game of chance paraphernalia or related equipment to a charitable organization for use during games of chance shall participate or play in any game conducted at that location on that date.

VI. Subject to the provisions of RSA 287-D:8, II, no person who has in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court, or who has violated any of the statutes or rules governing charitable gambling in the past shall operate a game of chance licensed under this chapter, or rent, lease, sublease, or otherwise provide any hall or game of chance paraphernalia for the conduct of games of chance licensed under this chapter.

VII. Only the treasurer of the charitable organization or a bona fide member of the charitable organization designated by the treasurer, shall handle any monetary transactions related to the game of chance.

VII-a. Notwithstanding any other provision of law, a member of the sponsoring charitable organization shall be present and on site at least once per day during the operation of any game of chance and shall file with the racing and charitable gaming commission an affidavit attesting to the member's presence at the site during the operation of any games of chance. The sponsoring charitable organization member shall not be employed by the game operator.

VIII. (a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-a, VII(e). All expenses, including prizes of \$500 or more and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-a, VII(e). The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the racing and charitable gaming commission.

(b) On game dates where the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-c, VI. All expenses, including equipment and hall rental fees shall be paid by check or electronic fund transfers from the account established in RSA 287-D:2-c, VI. The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the racing and charitable gaming commission. Prizes of \$500 or more shall be paid by check from the account established in RSA 287-D:2-c, VI.

IX. All game of chance paraphernalia or related equipment used in conducting games of chance shall be subject to inspection and approval by the racing and charitable gaming commission.

X. The charitable organization shall keep a record of all persons participating in the operation of a game of chance, including but not limited to, the date and location of the game and the person's name, address, telephone number, and type of participation in the game.

XI. For games of chance where chips have no monetary face value, the charitable organization may offer any number of games per licensed event in which each player may spend up to \$150 per game including buy-ins and re-buys.

XII. Notwithstanding paragraph XI, the charitable organization may offer one game per licensed event in which each player may spend up to \$250 for the game including buy-ins and re-buys.

XIII. [Repealed.]

XIV. For games of chance where chips have no monetary face value, the payback in prizes shall not exceed 80 percent of the total amount collected from players.

XV. A games of chance licensee shall not play any games of chance on a licensed game date unless all games of chance to be played have been approved by the commission and have been identified on an approved game schedule.

Source. 1998, 251:4. 2003, 315:2. 2004, 97:8. 2006, 311:9, 10. 2008, 25:1, eff. July 11, 2008; 285:5-7, 21, I, eff. June 30, 2008; 291:3, eff. July 1, 2008; 371:2, eff. July 1, 2008. 2010, 190:6, 7, eff. Jan. 1, 2011. 2011, 259:3, 6, 19, 20, eff. Sept. 11, 2011. 2012, 256:3, eff. June 18, 2012. 2013, 264:1, 10, eff. Nov. 21, 2013.

Section 287-D:2-c

287-D:2-c Licensing of Game Operators. –

I. [Repealed.]

II. Applications for individual game operators and for game operator employers shall be made only on the forms supplied to the game operator by the racing and charitable gaming commission including, at a minimum, the following information as applicable, provided that the racing and charitable gaming commission may, by rule, establish additional items to be submitted on the application form or attached to it:

(a) The name and social security number of the primary or secondary game operator, or for a game operator employer the name and federal tax identification number. The racing and charitable gaming commission shall not disclose any social security number submitted;

(b) The name, address, and telephone number of the game operator employer;

(c) A list of the known game dates on which the game operator will participate including the name of the game, the location of the game, and the charitable organization holding the game;

(d) A list of any other states in which the game operator has been registered or licensed as a professional fundraiser, professional game operator, or other similar position;

(e) Whether a registration or license listed in subparagraph (d) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending;

(f) The names and addresses of any individuals with whom the applicant is affiliated in the fundraising or game operating business; and

(g) The name of the financial institution with at least one branch in New Hampshire and the corresponding bank account number for the account in which money from the game of chance will be deposited and withdrawn.

(h) The application shall include a description of the licensed premises.

III. No person shall be permitted to participate in the operation of a game of chance as a game operator, unless that person:

- (a) Is listed on a charitable organization's application form pursuant to RSA 287-D:2-a, II(e);
- (b) Has submitted a background and criminal record check pursuant to RSA 287-D:8; and
- (c) Is a licensed game operator pursuant to this section.

IV. Applications shall be received by the racing and charitable gaming commission at least 60 days before the first game date of the year. The requirement may be waived by the racing and charitable gaming commission for good cause shown.

V. Prior to conducting any games of chance, the game operator or the game operator employer shall submit a bond for each location where the game operator is conducting games of chance, conditioned upon the game operator running games of chance in conformity with this chapter and with the rules and regulations prescribed by the racing and charitable gaming commission, in the amount of up to \$500,000 but not less than \$25,000 to the racing and charitable gaming commission with the application form. The amount of the bond in excess of \$25,000 established for each licensee shall be based on that licensee's normal outstanding obligations of charity payments and state taxes.

VI. To be eligible for licensure under this chapter, a licensed game operator employer or primary game operator shall maintain an account at a financial institution with at least one branch in New Hampshire solely in the name of the licensed game operator in which the money only from games of chance shall be deposited and withdrawn. All payments to charities, all prizes over \$500, and all other expenses associated with games of chance shall be paid by check from said account.

VII. In addition to the charitable organization, game operators who operate games of chance on behalf of a charitable organization shall also be held responsible for all requirements that the charitable organization is responsible for when they operate the games of chance themselves.

VIII. Unless a provision to the contrary is part of a written agreement in place prior to the commencement of a game date between the charitable organization and the game operator or game operator employer, all moneys due to the charitable organization shall be paid over to the organization no later than 5 business days following the date on which a game was conducted. Notwithstanding the provisions of any agreement with the charitable organization, the game operator or game operator employer shall pay over all moneys due to the charitable organization no later than 15 business days following a game date.

Source. 2006, 311:11. 2008, 25:1, eff. July 11, 2008; 285:8-11, 2I, II, eff. June 30, 2008; 371:4, 12, eff. July 1, 2008. 2010, 190:4, eff. Jan. 1, 2011. 2011, 259:7, 8, 21, 22, eff. Sept. 11, 2011. 2013, 264:2, eff. Nov. 21, 2013.

Section 287-D:2-d

287-D:2-d License Fees and Specifications. –

I. An applicant for a charitable organization license under RSA 287-D:2-a shall apply to the racing and charitable gaming commission, and upon payment of a fee of \$25 per game date and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year to operate games of chance for 10 days, which 10 days need not be consecutive. A license issued under RSA 287-D:2-a shall expire on December 31. The racing and charitable gaming commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved.

II. An applicant for a game of chance facility license under RSA 287-D:2-a, VI shall apply to the racing and charitable gaming commission, and upon payment of a fee of \$250 per year and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-a, VI shall expire on June 30.

III. An applicant for a primary game operator license under RSA 287-D:2-c shall apply to the racing and charitable gaming commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the racing and charitable gaming commission in rules adopted pursuant to RSA 541-A, a license shall be issued. A primary game operator license issued under RSA 287-D:2-c shall expire on December 31. The racing and charitable gaming commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter. An applicant for a secondary game operator license under RSA 287-D:2-c shall apply to the racing and charitable gaming commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the racing and charitable gaming commission in rules adopted pursuant to RSA 541-A, which shall not exceed \$45, a license shall be issued. A secondary game operator license issued under RSA 284-D:2-c shall expire on the last day of the month of the licensee's birthday.

IV. [Repealed.]

V. No more than 2 licensed charitable organizations may conduct games of chance at any one location on any specified date.

VI. Any license issued under RSA 287-D:2-a or RSA 287-D:2-c shall not be transferable and the fees for the license shall not be refunded except for good cause shown as specified in rules adopted by the racing and charitable gaming commission. Nothing in this section shall prevent a licensee from working for different licensed entities. A licensee who works for more than one game operator employer during the licensed period shall have a separate badge for each game operator employer and pay a separate fee for each badge.

VII. Any game operator licensed pursuant to RSA 287-D:2-c shall be issued, as part of the yearly license, an identification badge by the racing and charitable gaming commission. The fee for such badge shall be established by the commission. The commission shall adopt rules pursuant to RSA 541-A to specify badge requirements.

Source. 2006, 311:11. 2008, 25:1, eff. July 11, 2008; 285:12, 13, 21, III, eff. June 30, 2008; 371:8, eff. July 1, 2008 at 12:01 a.m. 2011, 259:4, 5, eff. Sept. 11, 2011.

Section 287-D:2-e

287-D:2-e Surveillance Requirements. –

I. (a) A game operator employer conducting games of chance at a facility that is required to be licensed pursuant to RSA 287-D:2-a, VI shall conduct and record, at the expense of the game operator employer, video surveillance that allows clear, unobstructed views of cashier transactions, table games where cash wagers are accepted, and the counting of money from storage boxes removed from a gaming table. A game operator employer which is authorized to conduct games of chance for no more than 50 calendar days in a calendar year at a particular location may petition the commission to adopt an alternate method of oversight of cash transactions in lieu of the surveillance requirements in this section. Upon approval of any such alternative method of oversight of cash transactions by the

commission, the game operator employer may conduct games of chance at such location for not more than 50 calendar days at the particular location in a calendar year. The game operator employer shall be responsible for all costs and expenses associated with implementation of the alternative method of oversight as approved by the commission.

(b) Surveillance shall include the customer, the employee, and the surrounding area and shall monitor and record with sufficient clarity to identify employees and customers in all areas where currency is counted, verified, sorted, stacked, or stored, including monitoring and recording all table game drop boxes, safes, and counting surfaces, and all cashier personnel. The counting surface area shall be continuously monitored and recorded by a dedicated camera during the count.

(c) Access to the surveillance equipment shall be limited to management personnel, designated employees, state regulators, and other persons authorized in accordance with the surveillance policy.

(d) The game operator employer shall ensure at least one person at the facility while games of chance are being conducted is trained in the use of the equipment, knowledge of the games, and all applicable regulations.

(e) Each camera required by these regulations shall be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled by customers or employees.

(f) Reasonable effort shall be made to repair each malfunction of surveillance system equipment required by the standards in this section within 72 hours after the malfunction is discovered.

(g) In the event of a dedicated camera malfunction, the game operator employer or the surveillance person shall immediately provide alternative camera coverage or other security measures.

II. The surveillance system, at a minimum, shall:

(a) Have an auxiliary or backup power source available and capable of providing immediate restoration of power to all elements of the surveillance system.

(b) Include date and time generators that possess the capability to display the date and time of recorded events on all digital recordings. The displayed date and time shall not significantly obstruct the recorded view.

(c) Utilize cameras that possess the capability of having a picture displayed on a monitor and recorded.

(d) Include sufficient numbers of monitors and recorders to simultaneously display and record multiple table games and count room activities, and record the views of all dedicated cameras and motion-activated cameras.

(e) Record at 30 frames per second or its equivalent.

III. (a) All digital records of coverage provided by cameras required by the standards in this section shall be retained for a minimum of 45 days.

(b) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or actions of investigations by management personnel shall be retained for a minimum of 90 days.

(c) Duly authenticated copies of digital records shall be provided to the commission upon request.

(d) Multiple recordings shall be made to avoid any loss of images in the event of a hardware failure.

(e) A recording library log, or comparable alternative procedure approved by the commission, shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

(f) All recordings may be destroyed after a period of 45 days, provided prior written notice is given to the commission by the game operator employer and the game operator employer receives written approval from the commission.

Source. 2011, 259:23, eff. Jan. 1, 2012.

Section 287-D:3

287-D:3 Equipment; Wagering; Prizes. –

I. No game of chance shall be conducted with any equipment except such as is owned absolutely or used without payment or any compensation therefor by the licensee or as is rented at a fixed fee only from a dealer in such equipment who has his principal place of business in this state and who has registered with the secretary of state in such manner and on such form as the secretary of state prescribes.

II. All devices and equipment used to conduct said games of chance shall be subject to inspection by duly authorized law enforcement or racing and charitable gaming officials.

III. No mechanism or device, which can be used to regulate odds, will be permitted to operate said games of chance and no progression in any form shall be permitted in the operation of any such game.

IV. [Repealed.]

V. No single wager by a player, on any game of chance, shall exceed the amount of \$4.

VI. Any contract for the rental of a facility for a game of chance shall be independent of any contract for the rental of equipment. Those contracts shall not be contingent upon the charitable organization's agreement that it will contract with a particular business for a particular facility or equipment.

VII. Unless a charitable organization rents a facility from a game operator employer or a primary game operator licensed under RSA 287-D:2-c, the charitable organization shall only rent a facility by means of a fixed rental payment. The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use not just as a place to hold a game of chance. If a charitable organization rents a facility from a licensed game operator under RSA 287-D:2-c, the charitable organization shall retain no less than 35 percent of the gross revenues from any games of chance minus any prizes paid in accordance with RSA 287-D:3, VIII. Any rental agreement entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the racing and charitable gaming commission. Under no circumstances shall a charitable organization sustain any loss from games of chance, such that its share of the gross revenues minus any prizes paid is less than zero dollars, during a license period with a single game operator. All contracts between a game operator employer and a charitable organization to conduct games of chance under this chapter shall contain the following language: "This agreement represents the entire agreement between the parties hereto. No charge or fee of any kind that is not contained in this agreement shall be paid by the charity."

VIII. The charitable organization shall retain no less than 35 percent of the gross revenues from any game of chance minus any prizes paid on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity. Such revenues shall be used by the organization to advance its charitable purpose. No fee for any service which is required by or provided by the game operator employer or primary game operator shall be allowed unless such fee is agreed to in writing and disclosed to the commission as part of the agreement between the game operator employer or primary game operator and the charity.

IX. In games where chips have no monetary value, 3 percent of all funds collected from players, less moneys used by the racing and charitable gaming commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer to be deposited into the special fund

established in RSA 284:21-j. Such payments shall be made once per month not later than the 5th day of the month for the funds collected in the previous month.

X. In games where chips have monetary value, 10 percent of the rake or house winnings and other moneys collected by the game operator that are not paid out as prizes to players, less moneys used by the racing and charitable gaming commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer for deposit into the special fund established in RSA 284:21-j. Such payments shall be made once per month not later than the 5th day of the month for the funds collected in the previous month.

Source. 1977, 329:1. 1998, 251:5. 2006, 311:12. 2008, 25:1, eff. July 11, 2008; 285:14, eff. June 30, 2008; 291:1, 2, eff. July 1, 2008. 2010, 190:9, 14, II, eff. Jan. 1, 2011. 2011, 259:9, eff. Sept. 11, 2011. 2012, 256:4, 5, eff. June 18, 2012. 2013, 264:3, 5, eff. Nov. 21, 2013.

Section 287-D:4

287-D:4 Agency Not Permitted. – No charitable organization shall act as an agent for conducting a game of chance, where it is unlawful for the charitable organization's principal to conduct such a game.

Source. 1977, 329:1, eff. June 29, 1977.

Section 287-D:5

287-D:5 Financial Reports and Inspections. –

I. (a) A charitable organization shall submit a complete financial report for all game dates licensed under RSA 287-D:2 and RSA 287-D:2-a to the racing and charitable gaming commission on forms approved by the racing and charitable gaming commission within 15 days of the end of each month during which a game of chance was held.

(b) A licensed game operator or a primary game operator under contract to conduct games of chance on behalf of a charitable organization shall prepare and submit the financial reports required under subparagraph (a). In such case the charitable organization shall not be required to submit such report.

II. The financial report shall be completed by the treasurer of the charitable organization or a duly authorized officer, director, or official of the charitable organization who shall certify such accounting under oath.

III. The financial report shall include:

(a) A complete statement of all revenues and expenses.

(b) A record of the amount of prizes awarded.

(c) The names and addresses of the members who participated in the games of chance.

(d) The name and address of any fundraising counsel or game operator involved in conducting the games of chance.

IV. The charitable organization shall retain canceled checks for the payment of expenses and prizes for a period of 2 years.

V. All financial reports filed by charitable organizations shall be maintained by the racing and charitable gaming commission for a period of one year from the date of filing and shall be open to public inspection.

VI. All financial records pertaining to the games of chance shall be maintained by the treasurer of the charitable organization or other duly authorized director, officer, or official of the charitable organization and shall be made available to the racing and charitable gaming commission, the attorney general or the chief of police of any city or town where games of chance are held upon request. The racing and charitable gaming commission may audit review or inspect any and all financial records, books, documentation, and bank accounts in the name of the charitable organization that pertain to games of chance.

VII. A charitable organization shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

Source. 1977, 329:1. 1991, 276:1. 1998, 251:6, 7. 2006, 311:13. 2008, 25:1, eff. July 11, 2008. 2010, 190:5, eff. Jan. 1, 2011. 2011, 259:10, eff. Sept. 11, 2011. 2012, 256:6, eff. June 18, 2012. 2013, 264:4, eff. Nov. 21, 2013.

Section 287-D:6

287-D:6 Penalty. –

I. In addition to any other penalties provided by law, any person who violates RSA 287-D shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Each day on which a game of chance is played in violation of RSA 287-D shall constitute a separate offense.

III. The racing and charitable gaming commission may suspend or revoke the license of any licensee who violates any provision of this subdivision or for just cause shown. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

IV. In addition to the provisions of paragraph I:

(a) Any person who purposely or knowingly makes a false entry in any report required under this chapter which results in a reduction of revenues due to a charitable organization shall be guilty of a class A felony.

(b) Any person who recklessly or negligently makes a false entry on any report required under this chapter which results in a reduction of revenues due to a charitable organization shall be guilty of a class A misdemeanor.

(c) Any game operator employer or game operator who fails to remit to a charitable organization all revenues due under this chapter shall be guilty of a class A felony.

V. Any game operator employer or game operator who fails to pay the charitable organization all moneys required by this chapter shall be guilty of a class B felony for any amount less than \$500, and a class A felony for any amount equal to or greater than \$500.

VI. Any person who violates any provision of RSA 637 in a manner that deprives the charitable organization of any moneys required by this chapter, notwithstanding the penalties set forth in RSA 637:11, shall be guilty of a class B felony for any amount less than \$500, and a class A felony for any amount equal to or greater than \$500.

VII. In addition to any other penalty imposed under this chapter, a charitable organization which suffers a loss caused by the violation of any provision of this chapter may bring a civil action for actual damages suffered. If the court finds that the violation was committed purposefully or knowingly, it shall award enhanced compensatory damages of not less than 2 times the amount of

actual damages suffered, and may award up to 3 times the amount of actual damages suffered. In any civil action, the prevailing party shall be awarded court costs and reasonable attorney's fees. No waiver of the provisions of this paragraph shall be enforceable.

VIII. The racing and charitable gaming commission may issue an order requiring any person or organization to comply with this subdivision or any rule adopted hereunder, and may require such remedial measures as may be necessary.

IX. The racing and charitable gaming commission may impose an administrative fine scaled to reflect a violator's prior history and the scope and severity of the violation, after notice and hearing, pursuant to rules adopted under RSA 541-A, for any violation of this subdivision, any rule adopted under this subdivision, any license issued pursuant to this chapter, or any order issued pursuant to this subdivision, or upon any person who makes or certifies to a material false statement relative to any application or report required by this subdivision. In determining the amount of a fine, the racing and charitable gaming commission may take into consideration all relevant circumstances, including: the degree of noncompliance, the extent of harm caused by the violation, the nature and persistence of the violation, the time and cost associated with the investigation by the state, and the economic impact of the violation on the state or the charity conducting or sponsoring the game. Any administrative fine imposed under this paragraph shall not preclude the imposition of other penalties as provided by law. Rehearings and appeals from a decision of the commission under this paragraph shall comply with RSA 541. Fines imposed by the racing and charitable gaming commission shall be as follows:

(a) The fine for a minor violation shall be not less than \$25 and not more than \$500 per violation. A minor violation shall be one where the racing and charitable gaming commission determines that the potential for harm to the interests of the state and the charity, as well as the integrity of charitable gaming is minor and may include, but is not limited to, a game operator, a game operator employer, charitable organization, or charitable organization member not:

- (1) Wearing a properly issued badge;
- (2) Posting 2 copies of the laws and rules;
- (3) Having a diagram available for each table where games of chance are being played indicating the type of game being played, the bet amount, the buy-in amount, and the re-buy amounts as applicable; or

- (4) Publicly displaying the name of the charitable organization.

(b) The fine for a moderate violation shall be not less than \$250 and not more than \$1,500 per violation. A moderate violation shall be one where the racing and charitable gaming commission determines that the potential for harm to the interests of the state and the charity, as well as the integrity of charitable gaming is moderate and may include, but is not limited to, a game operator, game operator employer, charitable organization, or charitable organization member:

- (1) Filing a late financial report;
- (2) Operating a game not specifically listed on the game schedule;
- (3) Operating a game on a different date than licensed without approval of the racing and charitable gaming commission;

- (4) Committing 3 or more minor violations within 2 years; or

- (5) Knowingly operating a game of chance without a representative of the charitable organization present as specified in RSA 287-D:2-b, VII-a.

(c) The fine for a major violation shall be not less than \$1,000 and not more than \$5,000 per violation. A major violation shall be one where the racing and charitable gaming commission determines that the potential for harm to the interests of the state and the charity, as well as the integrity of charitable gaming is major and shall include, but is not limited to, a game operator, game

operator employer, charitable organization, or charitable organization member:

- (1) Operating a game of chance without a license;
- (2) Operating a game of chance without having the personnel or officials required;
- (3) Purposely operating a game of chance without a representative of the charitable organization

present as specified in RSA 287-D:2-b, VII-a;

- (4) Operating a game of chance with game operators who are not licensed;
- (5) Failing to establish or maintain a New Hampshire bank account; or
- (6) Committing 5 or more minor violations or 3 or more moderate violations within 2 years.

(d) The racing and charitable gaming commission may suspend any part of a fine for just cause.

X. All fines imposed by the racing and charitable gaming commission shall be deposited in the special fund established pursuant to RSA 284:21-j.

Source. 1998, 251:8. 2006, 311:14. 2008, 25:1, eff. July 11, 2008; 285:15, eff. June 30, 2008; 371:13, eff. July 1, 2008; 371:16, eff. July 11, 2008.

Section 287-D:7

287-D:7 Rehearing and Appeal. – Any person aggrieved by a decision of the racing and charitable gaming commission to deny or revoke a license issued pursuant to this chapter may apply to the racing and charitable gaming commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

Source. 2006, 311:15. 2008, 25:1, eff. July 11, 2008.

Section 287-D:8

287-D:8 Background and Criminal Records Check. –

I. All applicants for a license pursuant to this chapter shall submit to the racing and charitable gaming commission with their license application a New Hampshire department of safety, division of state police, notarized criminal record release authorization form.

II. Upon receipt of an applicant's criminal record information, the racing and charitable gaming commission shall make a determination of eligibility for licensure and whether the applicant is fit to be associated with games of chance in New Hampshire.

III. Every applicant shall submit to the racing and charitable gaming commission a notarized criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the racing and charitable gaming commission.

IV. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the racing and charitable gaming commission may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

V. The racing and charitable gaming commission shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records

check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the racing and charitable gaming commission. The racing and charitable gaming commission shall maintain the confidentiality of all criminal history records information received pursuant to this section.

VI. The racing and charitable gaming commission shall bill the applicant for any fee associated with the criminal or background record check to cover any fee charged by the department of safety for the criminal records check in paragraph I or by the Federal Bureau of Investigation for the background check in paragraph V.

VII. For purposes of a games of chance facility license, under RSA 287-D:2-d, each owner, partner, trustee or otherwise of the underlying property, or in the case of a corporation, each officer, director, or shareholder, or in the case of a limited liability company, each manager or member, shall comply with all of the requirements of RSA 287-D:8. This section shall not apply to publicly traded companies.

Source. 2006, 311:15. 2008, 25:1, eff. July 11, 2008; 285:17, 18, eff. June 30, 2008. 2013, 264:9, eff. Nov. 21, 2013.

Section 287-D:9

287-D:9 Subpoenas. – The racing and charitable gaming commission may issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings held by the racing and charitable gaming commission.

Source. 2006, 311:15. 2008, 25:I, eff. July 11, 2008.



TOWN OF MILFORD, NH

COMMUNITY DEVELOPMENT DEPARTMENT
1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620
www.milford.nh.gov

STAFF MEMO

Date: May 20, 2014
To: Town of Milford Planning Board
From: Jodie Levandowski, Town Planner
Subject: **Bruce A Merrill – Merrill Ct and Union St – Map 29, Lot 69;**
Public hearing for a minor subdivision to create one (1) new residential lot with access from a private road.

PROPOSAL:

The applicant is before the Planning Board for a minor subdivision to create one (1) new residential lot with access from a private road. The lot is located in the residence A Zoning District. Minimum lot frontage required is 100 feet, minimum lot size required is 15,000 square feet and building setbacks are 30 feet from the front, 15 feet from the side and rear and 25 feet from wetlands. The proposed new lot meets all the required zoning dimensional requirements.

The new lot will take access off of Merrill Court, a private way that is 16.5 feet wide and crosses through lots 29-66 and 29-66-1. The lot is to be serviced by municipal water and sewer with overhead utilities.

ZBA VARIANCE:

On July 18, 2013 a variance was granted by the Zoning Board of Adjustment from Article V, Section 5.02.4.A to permit a subdivision creating one new residential lot, of no less than 15,000SF that does not have frontage on a Class V or better Road. Case #2013-12

WAIVERS:

No waivers are being requested at this time.

NOTICES SENT:

Notices were sent to all abutters on May 9, 2014

APPLICATION STATUS:

The application is complete and ready to be accepted at this time. The Board will need to make a determination of regional impact.

INTERDEPARTMENTAL REVIEWS:

Zoning Administrator:

The ZBA allowed for the creation of a new lot, 29-69-1, without frontage on a public right-of-way. Lot size exceeds the minimum of 15,000 square feet. A portion of the traveled surface of Merrill Court lies on lots 29-69 and 29-69-1. Would recommend a narrow access easement be created to benefit lots 69-1 and 29-68.

Fire Department:

No issues with proposal.

Ambulance:

No issues anticipated for Ambulance operations.

Environmental Coordinator:

No issues.

Conservation Commission:

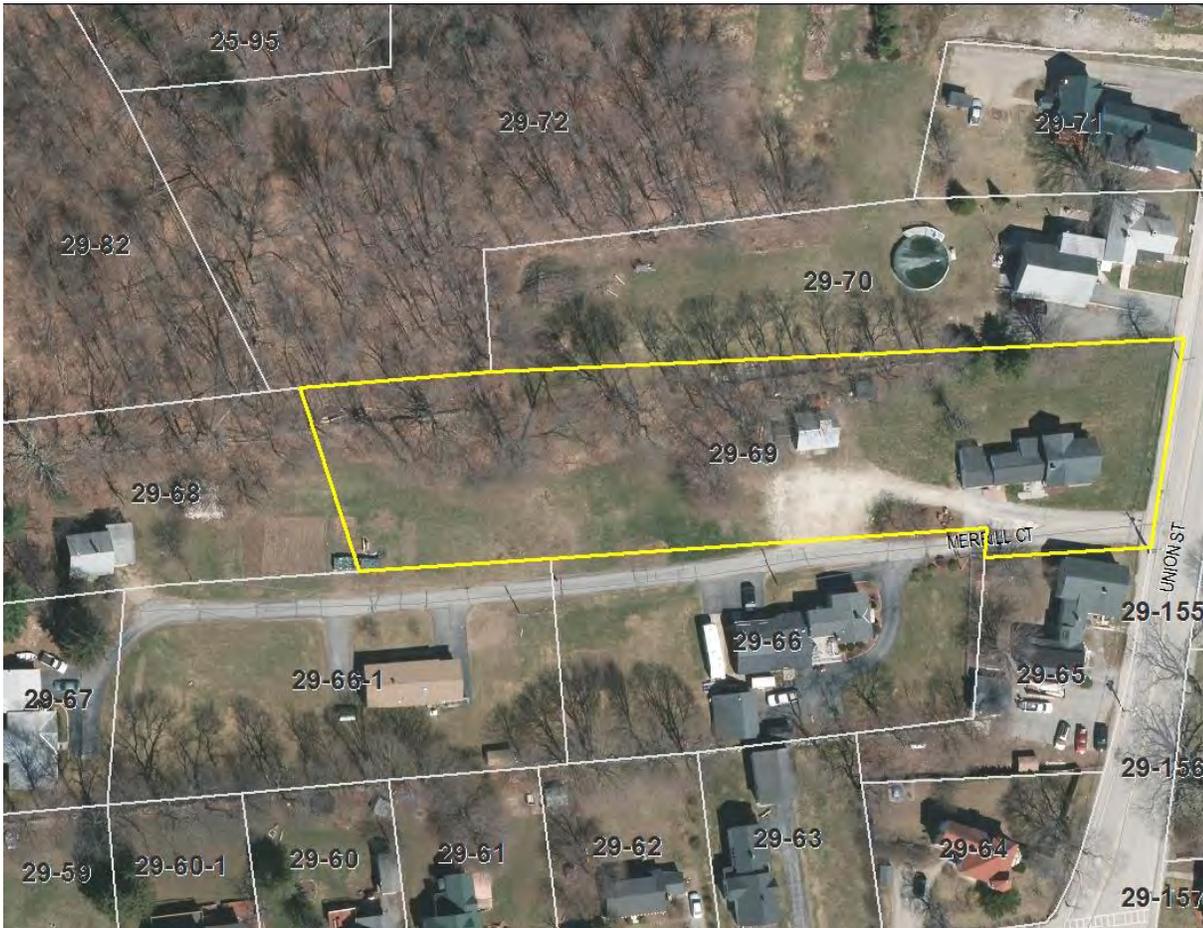
No comments concerning this proposed plan.

No comments were received as of May 15, 2014 from Police, Code Enforcement, Assessing or the Heritage Commission. If any additional comments come in, Staff will let the Board know at the meeting.

STAFF RECCOMENDATIONS:

Staff has no significant issues with the application. If the Planning Board conditionally approves the application, staff recommends that the following items are met prior to final signing:

1. An access easement be created to benefit lots 29-66, 29-66-1, 29-67, 29-68, 29-69, and 29-69-1.
2. A note be added to the plan that states prior to the issuance of a final certificate of occupancy (C.O.) a letter from a licensed surveyor be submitted to the Building Department attesting that all lot monumentation has been set.



REFERENCE PLAN:

1. "PROPERTY OF - HAROLD W. & HELENE COOLEY - MERRILL COURT - MILFORD, N.H.", SCALE 1"=50', DATED JUNE 3, 1980 AND LAST REVISED JULY 30, 1982, BY E.F. BENT, H.C.R.D. PLAN NO. 15161.
2. "PRELIMINARY PLAN - PROPOSED SUBDIVISION - OF LOT #29-66 FOR - HAROLD W. & HELENE COOLEY - MERRILL COURT, MILFORD" SCALE: 1"=50', DATED SEPTEMBER 1979 BY E.F. BENT, H.C.R.D. PLAN NO. 12928.

SOIL DATA:

CnC - CANTON FINE SANDY LOAM 8-15% SLOPES
 DeA - DEERFIELD LOAMY FINE SAND, 0-3% SLOPES
 HsB - HINCKLEY LOAMY SAND, 3-8 SLOPES

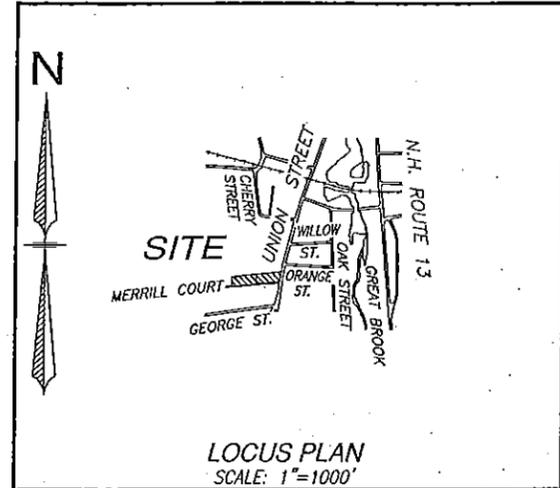
THE SOILS INFORMATION WAS DEVELOPED FROM THE U.S.D.A.S.C.S. SOIL SURVEY OF HILLSBOROUGH COUNTY, EASTERN PART, SHEET NO.18, ISSUED OCT., 1981.

TOPOGRAPHY:

THE TOPOGRAPHIC INFORMATION SHOWN WAS DEVELOPED ENTIRELY FROM THE MILFORD GIS DATA DATUM IS NAD 1929.

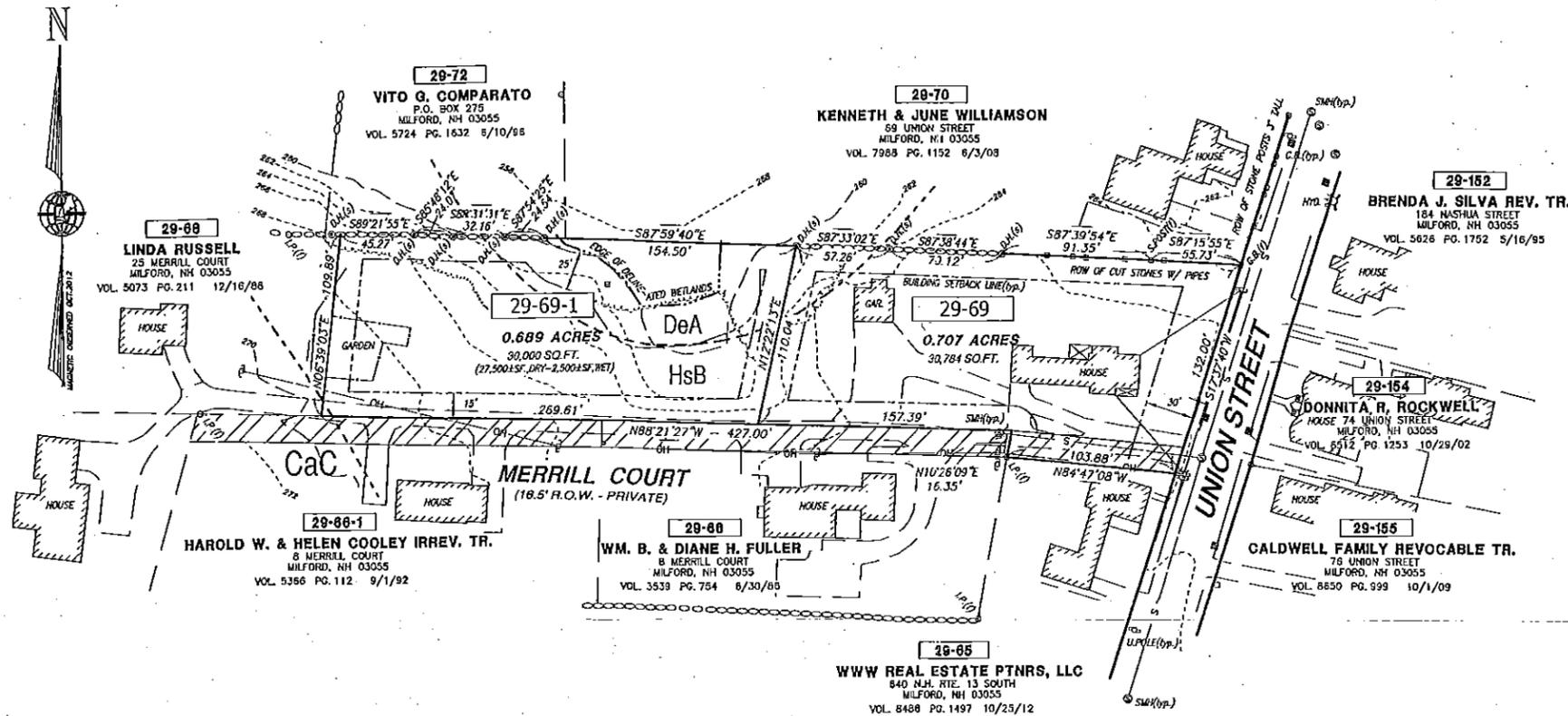
WETLANDS:

THE WETLANDS SHOWN WERE DELINEATED ON 4/22/14 BY CWS TIMOTHY J. FERREIRA OF THIS OFFICE, IN ACCORDANCE WITH CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1, DATED JANUARY, 1987 AND THE NORTHEAST REGIONAL SUPPLEMENT.



NOTES:

1. THE OWNER OF RECORD OF TAX MAP LOT 29-69 BRUCE A. MERRILL, 71 UNION STREET, MILFORD, NH 03055. THE DEED REFERENCE IS VOL. 6552 PG. 2391 DATED JUNE 17, 2002 IN THE H.C.R.D.
2. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE THE EXISTING RESIDENTIAL LOT 29-69 INTO TWO RESIDENTIAL LOTS AS SHOWN.
3. THE TOTAL AREA OF THE SITE IS 1.396 ACRES OR 60,784 SQ.FT.
4. THE BOUNDARY INFORMATION AND IMPROVEMENTS SHOWN ARE THE RESULT OF A PRECISE FIELD SURVEY PERFORMED BY THIS OFFICE IN APRIL 2014.
5. ZONING FOR THE SITE IS RESIDENCE 'A' DISTRICT. MINIMUM LOT FRONTAGE REQUIRED IS 100 FEET, MINIMUM LOT SIZE REQUIRED IS 15,000 SQ.FT. BUILDING SETBACKS ARE 30 FEET FRONT, 15' SIDE & REAR WITH 25 FEET FROM WETLANDS.
6. ALL LOTS ARE OR WILL BE SERVICED BY MUNICIPAL WATER AND SEWER, WITH OVERHEAD UTILITIES.
7. THE SITE HAS THE BENEFIT OF A VARIANCE FROM ARTICLE V, SECTION 6.02.4.A TO ALLOW A SUBDIVISION CREATING ONE NEW RESIDENTIAL LOT, OF NO LESS THAN 15,000 SQ.FT., THAT DOES NOT HAVE ROAD FRONTAGE ON A CLASS V OR BETTER ROAD. SEE ZONING BOARD OF ADJUSTMENT CASE #2013-12.
8. THE SITE LIES OUTSIDE OF THE 1% CHANCE OF ANNUAL FLOOD HAZARD AS DEPICTED ON F.I.R.M. COMMUNITY PANEL NO. 33011C0459D, EFFECTIVE DATE, SEPTEMBER 25, 2009.
9. RUNOFF FROM ADJOINING LOTS TO THE SOUTH AND THE SITE DRAIN NORTHERLY THROUGH & OFF THE SITE ONTO REAR OF LOT 29-70.
10. THE SITE LIES ENTIRELY WITHIN THE LEVEL 1 GROUNDWATER PROTECTION DISTRICT.
11. MERRILL COURT IS A 16.5 FOOT WIDE PRIVATE WAY THAT CROSSES THE SOUTHEASTERLY PORTION OF THE LOT AND ALONG THE SOUTHERLY PORTION OF THE LOT.



LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- FORMER LOT LINE
- ADJUTING LOT LINE
- STONE WALL
- BUILDING SETBACK LINE
- EDGE OF PAVED ROAD
- EDGE OF GRAVEL ROAD
- EXISTING CULVERT
- 10' CONTOUR INTERVAL
- 2' CONTOUR INTERVAL
- 1.P.I.P.E.(F) IRON PIPE FOUND
- I.P.I.N.(F) IRON PIN FOUND
- D.H.(F) DRILL HOLE FOUND
- G.B.(F) GRANITE BOUND FOUND
- O.H.(S) DRILL HOLE SET
- I.P.N./D.S.L.(F/S) IRON NAIL/DRILL TO BE SET
- G.B.(S) GRANITE BOUND TO BE SET
- UTILITY POLE AND GUY WIRE
- ▨ EXISTING BUILDING

PLANNING BOARD

TOWN OF MILFORD, NH
 SUBDIVISION PLAN # _____
 DATE APPROVED: _____
 SIGNED: _____

SUBDIVISION PLAN
TAX MAP 29 LOT 69
 LAND OF:

BRUCE A. MERRILL
 71 UNION STREET
 MILFORD, NEW HAMPSHIRE

SCALE: 1" = 50'

APRIL 21, 2014

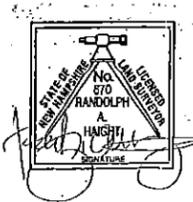


MERIDIAN

LAND SERVICES, INC.
 ENGINEERING | SURVEYING | PERMITTING
 SOIL & WETLAND MAPPING | SEPTIC DESIGN
 31 OLD NASHUA ROAD, AMHERST, NH 03031 TEL. 603-673-1441
 MERIDIANLANDSERVICES.COM FAX 603-673-1584

CERTIFICATION:

"I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN IS THE RESULT OF A PRECISE BOUNDARY SURVEY BY THIS OFFICE AND THAT IT HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND ON ALL LINES WITHIN & SURROUNDING THE SITE."



OWNERS SIGNATURE _____ DATE _____

TOWN OF MILFORD
 RECEIVED
 APR 23 2014

PB ZBA Office

GRAPHIC SCALE



REV.	DATE	DESCRIPTION	C/O	OR	CK
D					
C					
B					
A	4-22-14	ADD WETLAND	MPB	RAH	TJF



TOWN OF MILFORD, NH

COMMUNITY DEVELOPMENT DEPARTMENT
1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620
www.milford.nh.gov

STAFF MEMO

Date: May 20, 2014
To: Town of Milford Planning Board
From: Jodie Levandowski, Town Planner
Subject: **Paul G & Patti Ann Liamos/ Laura M Guilmette/William R & Brenda L Wilson - Ashley Drive – Map 47, Lots 27-14, 27-15 & 27-16;**
Public hearing for lot line adjustments involving three (3) residential parcels.
(*Meridian Land Services, Inc*)

PROPOSAL:

The applicant is before the Planning Board requesting a lot line adjustment to revise the common lot lines between lots 47-27-14 and 47-27-15 and between lots 47-27-15 and 47-27-16. All lots are serviced by municipal water and community septic system. These lots are part of a previously approved cluster open space subdivision which allowed smaller lots. The subject lots are located in the residence R Zoning District and are part of a previously approved Cluster Open Space Subdivision.

WAIVERS:

No waivers requested.

NOTICES SENT:

Notices were sent to all abutters on May 9, 2014

APPLICATION STATUS:

The application is complete and ready to be accepted at this time. The Board will need to make a determination of regional impact.

INTERDEPARTMENTAL REVIEWS:

Conservation Commission:

The Conservation Commission has no comment concerning this proposed plan.

Zoning Administrator:

No Problems with proposed lot line adjustment. No additional lots are being created as 30 lots were approved, 30 will remain. Lot 47-27-15 will be reduced in size by 4,108 square feet to 10,115 square feet. This is consistent with next smallest lot in this cluster open space subdivision (lot 47-27-7) which is 10,932 square feet.

Environmental Coordinator:

No issues with the proposed.

Fire Department:

No issues with proposal.

Ambulance:

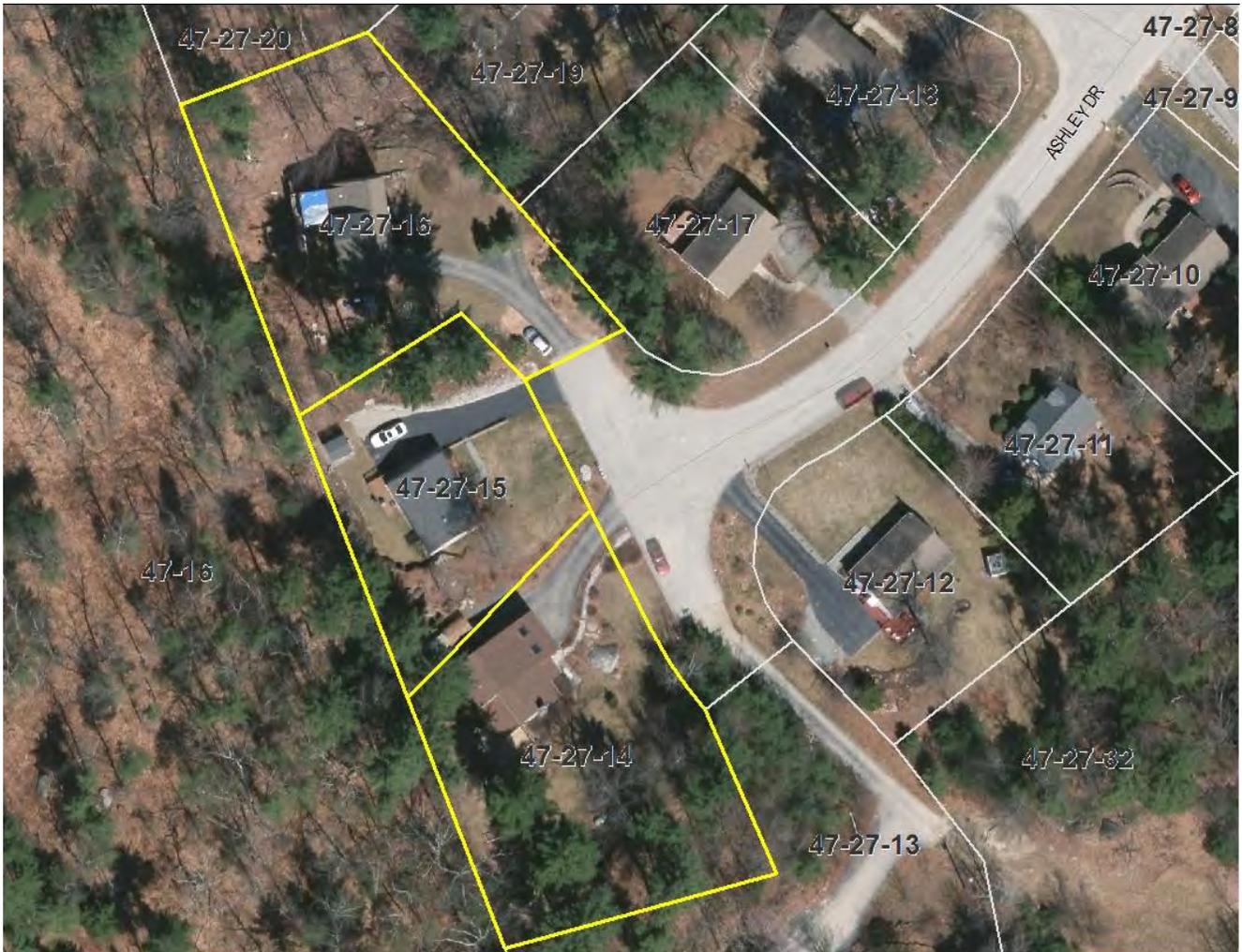
No issues anticipated for Ambulance operations.

No comments were received as of May 15, 2014 from Police, Code Enforcement, Assessing or the Heritage Commission. If any additional comments come in, Staff will let the Board know at the meeting.

STAFF RECCOMENDATIONS:

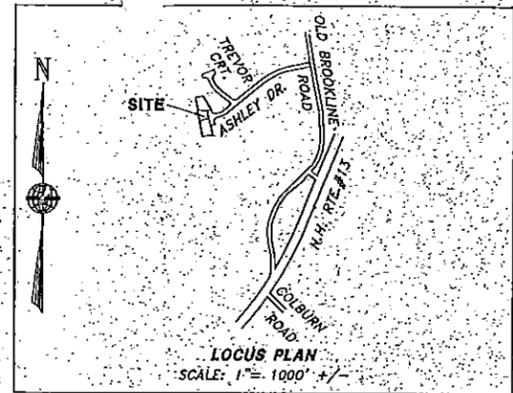
Staff has no issues with the proposed lot line adjustment. If the Board chooses to conditionally approve the lot line adjustment the following items will need to be updated on the plan prior to final approval:

1. Note be added detailing Groundwater Protection District information per 6.010 of the Zoning Ordinance;
2. Note be added to the plan detailing flood hazard information per 6.014 Special Flood Hazard Areas;
3. Delineation and note on the plan referencing all easements, rights-of-ways and deeded property restrictions;
4. All property monumentation be set on site and noted on the plan prior to recording of the plan;



REFERENCE PLAN:

1. "SUBDIVISION PLAN OF LAND - ASHLEY COMMONS - MILFORD, NEW HAMPSHIRE", SCALE 1"=100', DATED JULY 29, 1988 AND LAST REVISED OCTOBER 25, 1988, BY MONADNOCK SURVEY, INC. H.C.R.D. PLAN NO. 23010.



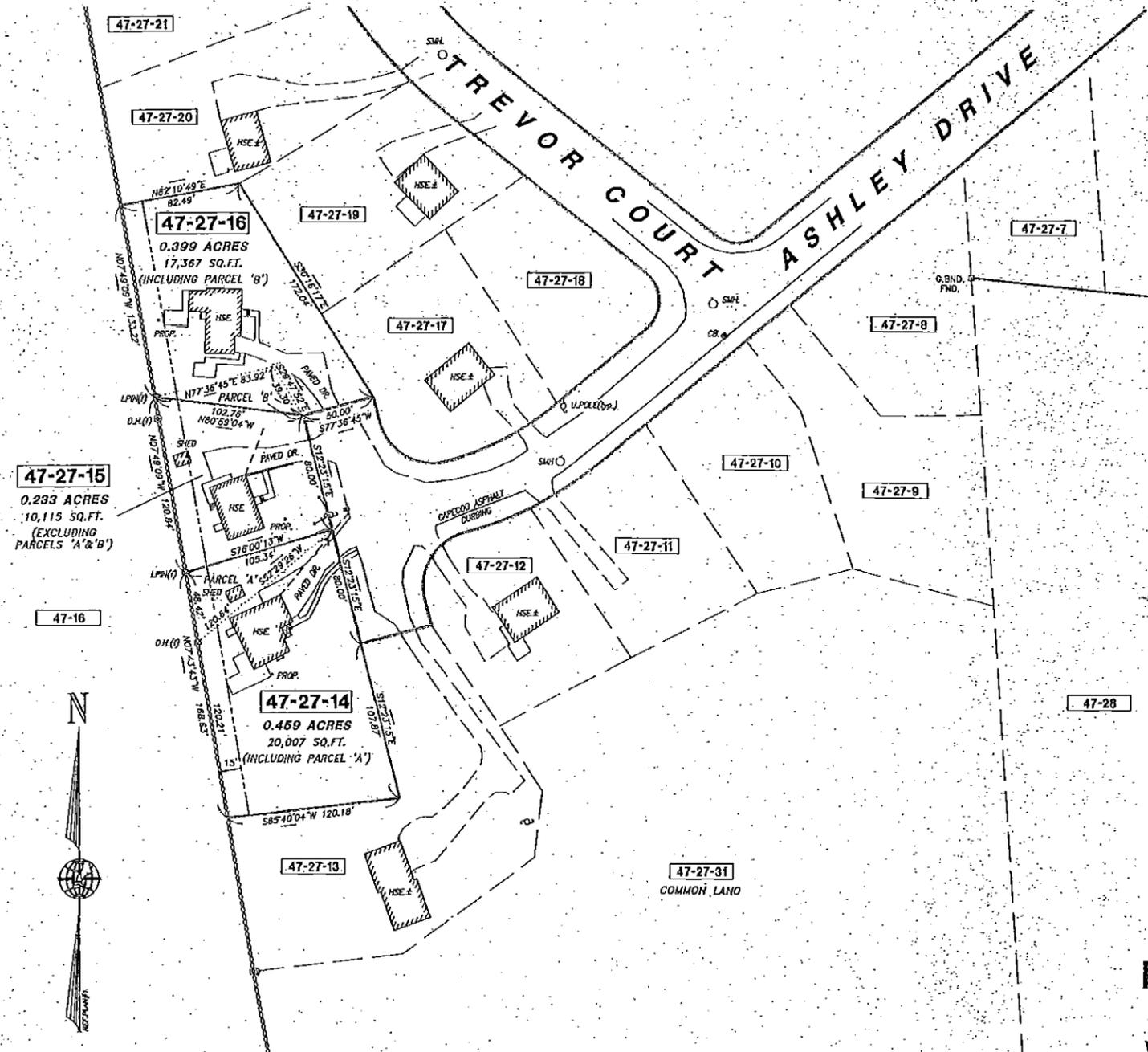
LOT CHART			
LOT NO.	FORMER	PROPOSED	FINAL
47-27-14	0.401 ACRES 17,472 SQ.FT.	0.459 ACRES 20,007 SQ.FT.	0.459 ACRES 20,007 SQ.FT.
47-27-15	0.327 ACRES 14,263 SQ.FT.	0.233 ACRES 10,155 SQ.FT.	0.233 ACRES 10,155 SQ.FT.
47-27-16	0.363 ACRES 15,784 SQ.FT.	0.399 ACRES 17,367 SQ.FT.	0.399 ACRES 17,367 SQ.FT.
PARCEL 'A'	0.058 ACRES 2,535 SQ.FT.		
PARCEL 'B'	0.036 ACRES 1,573 SQ.FT.		

ABUTTERS:

<p>47-27-14 PAUL G. & PATTI ANN LIAMOS 40 ASHLEY DRIVE MILFORD, NH 03055 6259/1620 05/30/2000</p>	<p>47-27-20 PETER P. & JULIE A. DUPRES 8 TREVOR COURT MILFORD, NH 03055 5256/1934 5/22/1991</p>
<p>47-27-15 LAURA M. GUILMETTE 39 ASHLEY DRIVE MILFORD, NH 03055 5364/69 8/25/1992</p>	<p>47-27-19 CLAUDE F. WILSON, III & DANIELLE A. DRY 6 TREVOR COURT MILFORD, NH 03055 6324/106 12/01/2000</p>
<p>47-27-16 WILLIAM R. & BRENDA L. WILSON 37 ASHLEY DRIVE MILFORD, NH 03055 5247/1210 4/8/1991</p>	<p>47-27-17 JOSHUA M. CALOUIRO 35 ASHLEY DRIVE MILFORD, NH 03055 8281/1514 1/5/2011</p>
<p>47-27-13 RICHARD A. & THERESA R. WELCH 38 ASHLEY DRIVE MILFORD, NH 03055 7686/1973 6/1/2008</p>	<p>47-27-18 CAMILLE L. BERNARD 34 ASHLEY DRIVE MILFORD, NH 03055 8474/180 9/24/2012</p>
<p>47-16 NESI REALTY, LLC 15 BRANCH PIKE SMITHFIELD, RI 02917 8263/1588 11/16/10</p>	

NOTES:

- THE OWNERS OF RECORD OF TAX MAP LOT 47-27-14 ARE PAUL G. & PATTI ANN LIAMOS, 40 ASHLEY DRIVE, MILFORD, NH 03055. THE DEED REFERENCE IS VOL. 6259 PG. 1620 DATED JUNE 30, 2000 IN THE H.C.R.D.
- THE OWNER OF RECORD OF TAX MAP LOT 47-27-15 IS LAURA M. GUILMETTE, 39 ASHLEY DRIVE, MILFORD, NH 03055. THE DEED REFERENCE IS VOL. 5364 PG. 69 DATED AUGUST 25, 1992 IN THE H.C.R.D.
- THE OWNERS OF RECORD OF TAX MAP LOT 47-27-16 ARE WILLIAM R. & BRENDA L. WILSON, 37 ASHLEY DRIVE, MILFORD, NH 03055. THE DEED REFERENCE IS VOL. 5247 PG. 1210 DATED APRIL 8, 1991 IN THE H.C.R.D.
- THE PURPOSE OF THIS PLAN IS TO REVISE THE COMMON LOT LINES BETWEEN LOTS 47-27-14 & 47-27-15 AND BETWEEN LOTS 47-27-15 & 47-27-16 AS SHOWN.
- THE TOTAL AREA OF THE SITE IS 1.091 ACRES OR 47,529 SQ.FT.
- THE BOUNDARY INFORMATION SHOWN HEREON WAS DEVELOPED FROM REFERENCE PLAN 1 CITED. THE IMPROVEMENTS SHOWN ARE THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE IN APRIL 2014.
- ZONING FOR THE SITE IS RESIDENCE "R"
- ALL LOTS ARE SERVICED BY MUNICIPAL WATER AND COMMUNITY SEPTIC SYSTEM, WITH OVERHEAD UTILITIES.



LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- FORMER LOT LINE
- ABUTTING LOT LINE
- STONE WALL
- BUILDING SETBACK LINE
- EDGE OF PAVED ROAD
- EDGE OF GRAVEL ROAD
- EXISTING CULVERT
- 10' CONTOUR INTERVAL
- 2' CONTOUR INTERVAL
- IRON PIPE FOUND
- DRILL HOLE FOUND
- GRANITE BOUND FOUND
- DRILL HOLE SET
- GRANITE BOUND TO BE SET
- UTILITY POLE AND GUY WIRE
- EXISTING BUILDING

CERTIFICATION:

"I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN IS DEVELOPED ENTIRELY FROM REFERENCE PLAN 1 CITED AND THAT IT HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND ON ALL LINES WITHIN & SURROUNDING THE SITE."



Paul G. Lamos 4/18/14
 OWNER'S SIGNATURE LOT 47-27-14 DATE
Laura M. Guilmette 4/18/14
 OWNER'S SIGNATURE LOT 47-27-15 DATE
William R. Wilson 4/18/14
 OWNER'S SIGNATURE LOT 47-27-16 DATE

PLANNING BOARD
 TOWN OF MILFORD, NH
 SUBDIVISION PLAN # _____
 DATE APPROVED: _____
 SIGNED: _____

TOWN OF MILFORD
 RECEIVED
 APR 21 2014
 ZBA Office

LOT LINE REVISION PLAN
 TAX MAP LOTS 47-27-14, -15 & -16
 LAND OF:
PAUL G. & PATTI ANN LIAMOS
LAURA M. GUILMETTE and
WILLIAM R. & BRENDA L. WILSON
 40, 39 & 37 ASHLEY DRIVE
 MILFORD, NEW HAMPSHIRE
 SCALE: 1" = 50' APRIL 18, 2014

MERIDIAN
Land Services, Inc.
 OFFICE: 31 OLD NASHUA ROAD, AMHERST, NEW HAMPSHIRE 03031
 MAILING ADDRESS: PO BOX 118, MILFORD, NEW HAMPSHIRE 03055-0118
 TEL 603-873-1441 FAX 603-873-1584 MERIDIAN@MERIDIANLANDSERVICES.COM

GRAPHIC SCALE

0	25	50	100	150	
REV.	DATE	DESCRIPTION	C/O	TJB DR	RAM CK

REFERENCE PLAN:

1. "SUBDIVISION PLAN OF LAND - ASHLEY COMMONS - MILFORD, NEW HAMPSHIRE", SCALE 1"=100', DATED JULY 29, 1988 AND LAST REVISED OCTOBER 25, 1988, BY MONADNOCK SURVEY, INC. N.C.R.D. PLAN NO. 23010.

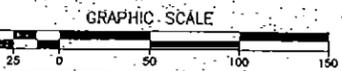
LOT CHART			
LOT NO.	FORMER	PROPOSED	FINAL
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47-27-15	0.327 ACRES 14,283 SQ.FT.	0.233 ACRES 10,155 SQ.FT.	0.233 ACRES 10,155 SQ.FT.
47-27-16	0.383 ACRES 15,794 SQ.FT.	0.399 ACRES 17,367 SQ.FT.	0.399 ACRES 17,367 SQ.FT.
PARCEL 'A'	-----	0.058 ACRES 2,535 SQ.FT.	-----
PARCEL 'B'	-----	0.035 ACRES 1,573 SQ.FT.	-----

ABUTTERS:

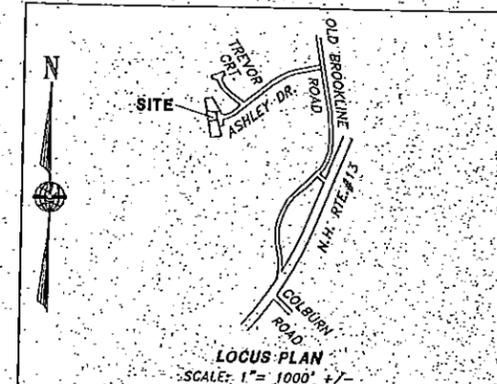
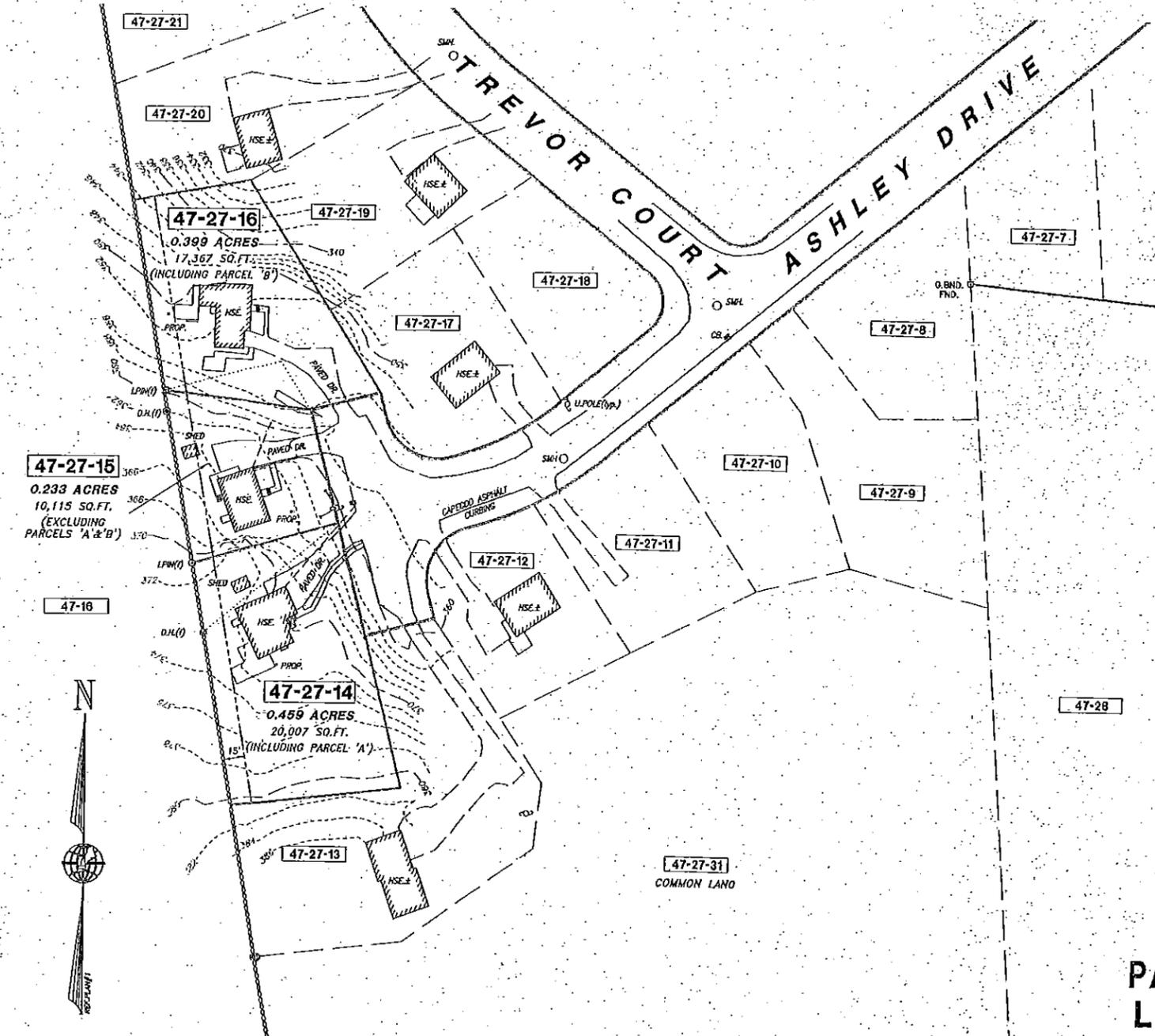
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47-27-15 LAURA M. GUILMETTE 39 ASHLEY DRIVE MILFORD, NH 03055 5364/99 8/25/1992	47-27-19 CLAUDE F. WILSON, III & DANIELLE A. DRY 6 TREVOR COURT MILFORD, NH 03055 6324/109 12/01/2000
47-27-16 WILLIAM R. & BRENDA L. WILSON 37 ASHLEY DRIVE MILFORD, NH 03055 5247/1210 4/8/1991	47-27-17 JOSHUA M. CALGHIRO 35 ASHLEY DRIVE MILFORD, NH 03055 8281/1514 1/5/2011
47-27-13 RICHARD A. & THERESA R. WELCH 38 ASHLEY DRIVE MILFORD, NH 03055 7606/1973 6/1/2005	47-27-12 CAMILLE L. BERNARD 34 ASHLEY DRIVE MILFORD, NH 03055 8474/180 9/24/2012
47-16 MESA REALTY, LLC 15 ORCHARD PINE SMITHFIELD, RI 02817 8263/1588 11/16/10	

LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- FORMER LOT LINE
- ABUTTING LOT LINE
- STONE WALL
- BUILDING SETBACK LINE
- EDGE OF PAVED ROAD
- EDGE OF GRAVEL ROAD
- EXISTING CURBVERT
- 10' CONTOUR INTERVAL
- 2' CONTOUR INTERVAL
- L.P.I.P.E.(F) IRON PIPE FOUND
- I.P.I.N.(F) IRON PIN FOUND
- D.H.(F) DRILL HOLE FOUND
- G.B.(F) GRANITE BOUND FOUND
- D.H.(S) DRILL HOLE SET
- I.P.I.N./D.H.(S) I.P.I.N./D.H. TO BE SET
- G.B.(S) GRANITE BOUND TO BE SET
- UTILITY POLE AND GUY WIRE
- EXISTING BUILDING



REV.	DATE	DESCRIPTION	C/O	TUB	PKT



NOTES:

- THE OWNERS OF RECORD OF TAX MAP LOT 47-27-14 ARE PAUL G. & PATTI ANN LIAMOS, 40 ASHLEY DRIVE, MILFORD, NH 03055. THE DEED REFERENCE IS VOL. 6259 PG. 1620 DATED JUNE 30, 2000 IN THE H.C.R.D.
- THE OWNER OF RECORD OF TAX MAP LOT 47-27-15 IS LAURA M. GUILMETTE, 39 ASHLEY DRIVE, MILFORD, NH 03055. THE DEED REFERENCE IS VOL. 5364 PG. 69 DATED AUGUST 25, 1992 IN THE H.C.R.D.
- THE OWNERS OF RECORD OF TAX MAP LOT 47-27-16 ARE WILLIAM R. & BRENDA L. WILSON, 37 ASHLEY DRIVE, MILFORD, NH 03055. THE DEED REFERENCE IS VOL. 5247 PG. 1210 DATED APRIL 8, 1991 IN THE H.C.R.D.
- THE PURPOSE OF THIS PLAN IS TO REVISE THE COMMON LOT LINES BETWEEN LOTS 47-27-14 & 47-27-15 AND BETWEEN LOTS 47-27-15 & 47-27-16 AS SHOWN.
- THE TOTAL AREA OF THE SITE IS 1.091 ACRES OR 47,529 SQ.FT.
- THE BOUNDARY INFORMATION SHOWN HEREON WAS DEVELOPED FROM REFERENCE PLAN I. CITED. THE IMPROVEMENTS SHOWN ARE THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE IN APRIL, 2014.
- ZONING FOR THE SITE IS RESIDENCE 'R'.
- ALL LOTS ARE SERVICED BY MUNICIPAL WATER AND COMMUNITY SEPTIC SYSTEM, WITH OVERHEAD UTILITIES.

SIOLS & TOPOGRAPHIC DATA
LOT LINE REVISION PLAN
TAX MAP LOTS 47-27-14, -15 & -16
LAND OF:

PAUL G. & PATTI ANN LIAMOS
LAURA M. GUILMETTE and
WILLIAM R. & BRENDA L. WILSON
40, 39 & 37 ASHLEY DRIVE
MILFORD, NEW HAMPSHIRE

SCALE: 1" = 50' APRIL 18, 2014



OFFICE: 31 OLD NASHUA ROAD, AMHERST, NEW HAMPSHIRE 03051
MAILING ADDRESS: PO BOX 118, MILFORD, NEW HAMPSHIRE 03055-0118
TEL: 603-673-1441, FAX: 603-673-1584, MERIDIAN@MERIDIANLANDSERVICES.COM
ENGINEERS - LAND SURVEYORS - SCIENTISTS - LAND PLANNERS

SOIL DATA:
CmC - CANTON STONY FINE SANDY LOAM 8-15% SLOPES
THE SITE IS ENTIRELY CmC SOILS. THE SOILS INFORMATION WAS DEVELOPED FROM THE U.S.D.A.S.C.S. SOIL SURVEY OF HILLSBOROUGH COUNTY, EASTERN PART, SHEET NO. 22, ISSUED OCT., 1981.

TOPOGRAPHY:
THE TOPOGRAPHIC INFORMATION SHOWN WAS DEVELOPED ENTIRELY FROM THE MILFORD GIS DATA. DATUM IS NGVD 1929.



4-18-14



TOWN OF MILFORD, NH

COMMUNITY DEVELOPMENT DEPARTMENT
1 UNION SQUARE, MILFORD, NH 03055

TEL:(603)249-0620
www.milford.nh.gov

MEMORANDUM

Date: May 20, 2014

To: Town of Milford Planning Board

From: Jodie Levandowski, Town Planner

Subject: Badger Hill Properties LLC – Timber Ridge Dr – Map 50, Lots 26-124, 26-126, 26-128, 26-129, 26-131, 26-133, 26-160, 26-162, 26-164, 26-166, 26-167, 26-168, 26-169, 26-171, 26-173, 26-175, 26-177, 26-179, 26-180, 26-181, 26-182, and 26-183; Map 51, Lots 26-47, 26-123, 26-125, 26-126, 26-127, 26-152, 26-170, 26-172, 26-174, 26-176, 26-178, and 26-184; Map 55, Lots 26-130, 26-132, 26-134 thru 26-151, 26-153 thru 26-159, 26-161, 26-163 and 26-165.

BACKGROUND:

At the April 15, 2014 meeting, per the applicant's request the public hearing for the above mentioned application was postponed until the next regular scheduled Planning Board meeting with further abutter notification being made.

At this time, the applicant has requested that the public hearing be postponed until the next regularly scheduled Planning Board meeting on June 17, 2014. The applicant and their engineers are continuing to revise the originally submitted plans and gather necessary information.

STAFF RECOMMENDATION:

Staff recommends the Board postpone the public hearing to the June 17, 2014 meeting to allow time for the applicant and their engineers to revise and submit new plans.



TOWN OF MILFORD, NH

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STAFF MEMO

Date: May 20, 2014
To: Town of Milford Planning Board
From: Jodie Levandowski, Town Planner
Subject: **37 Wilton Road Milford, LLC/Lisciotti Development – Wilton Rd – Map 6, Lot 14;**
Discussion for proposed Dollar General Store.

PROPOSAL:

The applicant (Lisciotti Development) is presenting information to the Board detailing the proposed location of a new 9,100 square foot retail building at the westerly corner of lot 6-14. The proposed location is within the Integrated Commercial Industrial (“ICI”) Zoning District and the West Elm Street Corridor District and is an allowed use within this district. The site in its current state is a vacant lot and is located adjacent to the Pine Valley Mill building and the intersection of Wilton Road and North River Road.

The conceptual plan has not been distributed for full interdepartmental review as it is not yet a formal application. However, it has been circulated within the Community Development Office and additional review will be necessary upon formal application.

The Planning Board in its discussion with Lisciotti Development/Dollar General will want to seek additional information on the architectural style, site layout, landscaping and intersection improvements.

No decisions on the proposed site plan can be made during this discussion; however, Lisciotti Development/Dollar General would like the Planning Board to voice their position on the proposed plan. Attached is the concept plan for the proposed retail building.



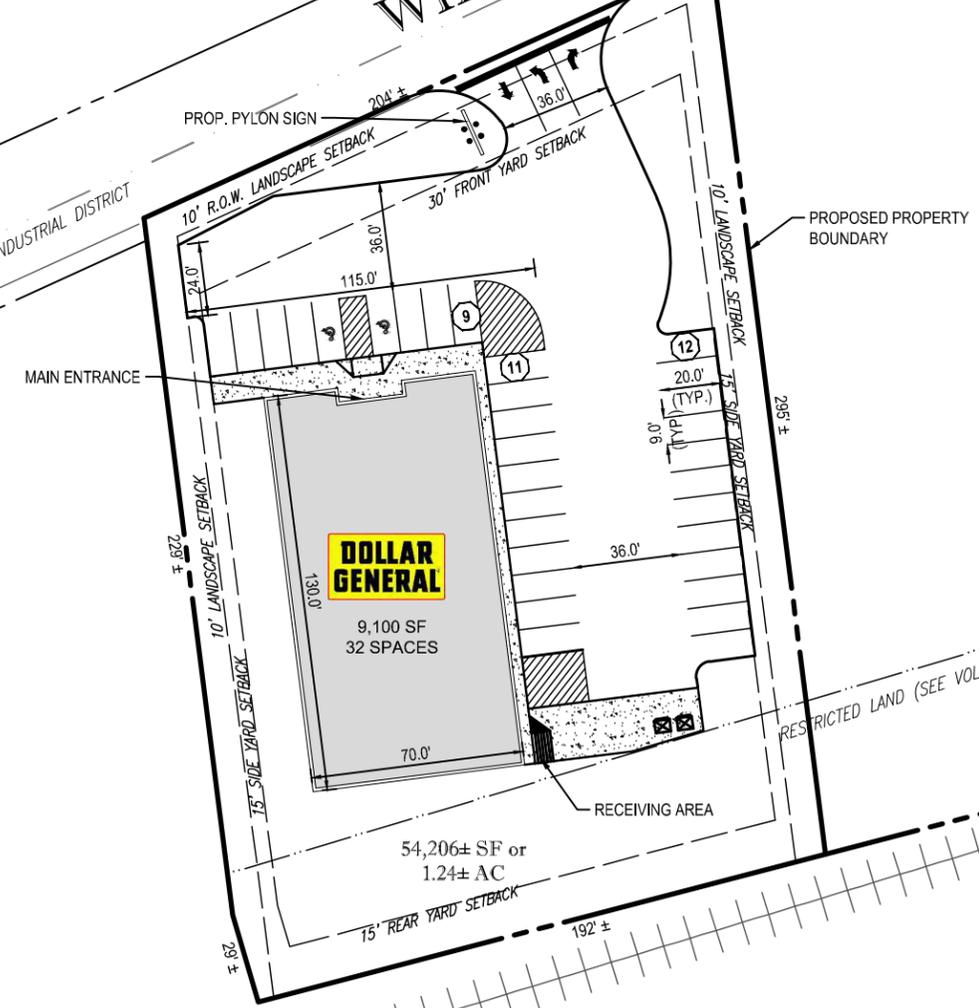
NORTH RIVER ROAD



WILTON ROAD

REMAINING PORTION OF LOT 6-14 5.74± AC

RESIDENCE R DISTRICT
INTEGRATED COMMERCIAL INDUSTRIAL DISTRICT



RESTRICTED LAND (SEE VOL. 954 PG. 562)

DOLLAR GENERAL
SKETCH PLAN B
WILTON ROAD AT NORTH RIVER ROAD
MILFORD, NH

DATED: 3/27/2014
PREPARED FOR:



PLAN REFERENCES:
-TOWN OF MILFORD NH ASSESSOR'S MAP D-1
-"ZONING BOARD OF ADJUSTMENT PLAN" BY
FIELDSTONE LAND CONSULTANTS, PLLC
-GOOGLE EARTH SATELLITE IMAGES

