

**National Endowment for the Humanities  
Condensed Environmental Assessment**

**For**

**Mont Vernon Library Charitable Foundation**

Mont Vernon New Library Construction

**CHA-286624**

**May 7, 2024**

# National Endowment for the Humanities Condensed Environmental Assessment

**Project Location:**

Facility Name:	Daland Memorial Library				
Address:	Grand Hill Road				
City:	Mont Vernon	County:	Hillsborough	State:	NH

**Recipient Information:**

Facility Name:	Mont Vernon Library Charitable Foundation				
Point of Contact:	Spencer Lovette, Board Treasurer Mont Vernon Library Charitable Foundation				
Address:	PO Box 25				
City:	Mont Vernon	State:	NH	Zip Code:	03057
Telephone Number:	603 493 3960				
Email:	<a href="mailto:smlovette@mvlcf.org">smlovette@mvlcf.org</a>				

EA Point of Contact:	Spencer Lovette				
Address:	PO Box 25				
City:	Mont Vernon	State:	NH	Zip Code:	03057
Telephone Number:	603 493 3960				
Email:	<a href="mailto:smlovette@mvlcf.org">smlovette@mvlcf.org</a>				

**Identify all Attachments to this Condensed EA:**

Identify attachments as appendices to the Condensed EA. List the attachments in the order as they appear in the Condensed EA Include aerial photos, maps, plans, correspondence, and completed studies (or executive summaries).

## **Attachments**

- Attachment 1: Mont Vernon Lot 4-45 Maps
- Attachment 2: Library Needs Assessment
- Attachment 3: Library and Access Road Design and Site Plans
- Attachment 4: Arial Photograph of the Library Site
- Attachment 5: New Hampshire State Department of Environmental Services – Alteration of Terrain, Alteration of Wetlands Permit
- Attachment 6: Blood Road Trail
- Attachment 7: Conservation Commission Approval
- Attachment 8: Lot 4-45 Zoning and Land Use - Nashua Regional Planning Commission Land Use Map
- Attachment 9: Cemetery Commission Letter of Intent
- Attachment 10: Carleton Pond Maintenance/Restoration Project
- Attachment 11: Mont Vernon Historic District Commission Letter of Support
- Attachment 12: New Hampshire Div. of Historical Resources Section 106 Consultation

Attachment 13: Wetlands Delineation Map  
Attachment 14: Solar Energy Preliminary Estimate  
Attachment 15: Legal Counsel and New Hampshire Revised Statutes Annotated (RSA)  
Attachment 16: Build Contract Excerpts Relating to Solid Waste Disposal  
Attachment 17: Farmland Protection Act AD-1006 Form  
Attachment 18: Planning Board Letter of Support  
Attachment 19: : New Hampshire Revised Statutes Chapter 91-A Pages 1-3  
Attachment 20: Public Hearing Notices

## Part I - General Project Identification

### Proposed Action

Describe the proposed project (the preferred alternative) in detail. List and briefly describe your proposed action (which must relate to the project purpose and need). Attach drawings/plans for the proposed action.

The Library Building Project (new Library) will replace the town of Mont Vernon's 1909 public library building (current Library) with a modern, accessible 7,600 square foot single story structure. The current Library building is completely inadequate to serve as the town's humanities hub and studies have concluded that expanding the existing structure would be impractical due to site limitations.

In 1997, the Town of Mont Vernon (Town) purchased a 41.2-acre lot (Lot 4-45), adjacent to Mont Vernon's Main Street Historic District to serve as the sites for a new Library and a new cemetery. The Town identified two separate uses for the lot, allocating a 10.3-acre section to the Daland Memorial Library Trustees Jurisdictional Area (Library Sector) and 30.9 acres to the Board of Cemetery Trustees Jurisdictional Area (Cemetery Sector). See Attachment 1, Mont Vernon Lot 4-45 Maps.

The Library Trustees engaged Dewing Schmid Kearns Architects + Planners (DSK) in 2018 to develop a schematic design and cost estimate for a new, 7,600 square foot library building based on the recommendations of a Library Needs Assessment (Attachment 2) conducted earlier in the year. The final Library and Access Road Design and Site Plans (Attachment 3) design was completed at the end of 2022.

The new Library involves the construction of the new Library Building and parking on the Library Sector only. The Cemetery Sector will be developed independently in the future as the need arises. The Town will construct a common access road on the Library Sector to provide access and parking. In the future, the road will be extended up the hill to the Cemetery Sector to provide access to the cemetery as well. The new Library utilities (electric, water, communications) will be installed in coordination with the access road. While the access road is not directly part of the new Library construction project, they are connected activities. Site specifications for the Library Sector of the access road up to the new Library building appear on the Library and Access Road Design and Site Plans (Attachment 3).

This NEPA Environmental Assessment addresses the new Library and the associated portion of the access road and abutting land including the future cemetery.

## Purpose and Need

Describe the problem that the project will address and the goals of the project. You may incorporate by reference information that is reasonably available to the public. Briefly describe the existing conditions on the project site, and the projected future conditions of the area impacted by the project. Identify any known sensitive environmental conditions.

The current library was built to serve the Town's population of 400 people in 1909. A new library is needed to serve the Town's growing population now exceeding 2800 people. The library staff provides a diverse spectrum of community oriented and cultural programs which are nearly always capacity limited. Further, the current library does not meet current Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990) standards.

The Library Needs Assessment (Attachment 2) presents a thorough analysis of the needs, including size, functions, and alternate considerations.

The completion of the new Library will greatly increase access, outreach and the scope of programming. Current programming is targeted at early-literacy, arts, music, building community and/or promoting a love of reading. A larger library will not only increase the number and diversity of programs offered, but even more importantly, will increase program access.

## Alternatives Considered

Describe all reasonable alternatives, including No-Action (or do nothing. Alternative.) You need to develop reasonable alternatives to meet project needs (42 U.S.C. § 4332(E)). You have discretion as to the number and breadth of alternatives. For example, the need to use existing infrastructure necessary to support a proposed action can be a basis for identifying a discrete number of alternatives. When an alternative includes mitigation, include a brief discussion of those measures that avoid, minimize, reduce, or eliminate, rectify, or restore, or compensate for the impacts. If there are no other reasonable alternatives to the proposed action, please provide an explanation.

Four alternatives were considered to the proposed project:

1. Expand the existing library.
2. Build the library at a different location on Lot 4-45.
3. Add community program space to another existing municipal building
4. Do nothing

Explain in detail the reason for not selecting each non-preferred alternative.



**1. Alternative 1 - Expand the Existing Library**

An independent needs assessment study conducted in 2018 concluded that to serve the Town's needs for the next 20 years, the Town needs 7,100 to 7,500 square feet for a modest library (based on Wisconsin Public Library Standards, 5th addition, 2010). The existing 1/3-acre library site is too small to accommodate sufficient expansion to meet the Town's needs and expected population growth (see Library Needs Assessment, Attachment 2, Appendix II).

The current library site cannot accommodate a 7,100 sq ft building and related septic requirements. The site would have to be expanded by purchasing adjacent property. The two adjacent properties are a private home and a U.S. Post Office.

To construct the expanded facility on the adjacent private property would require purchasing the lot and either expanding the current library into the existing private home or demolishing the home to construct an extension to the current Library. Neither of these alternatives are feasible as the property is occupied and the acquisition costs would be prohibitive.

Expanding to the adjacent Post Office land would require a subdivision of the U.S. Postal Service property for the building expansion. Unfortunately, the only potential location for the required parking area for the new Library is on the opposite side of the existing Post Office building. Development of that parking area would encroach onto wetlands. Therefore, this alternative is not considered to be feasible and was not selected.

**2. Alternative 2 – Construct the Library at an Alternative Location on the Subject Parcel**

An alternate proposal that was considered but rejected by the Town, placed the library on the Cemetery Sector, uphill above Carleton Pond with an access road starting further to the east on Grand Hill Road. Building on this location would have significant wetlands impact, increased costs due to blasting ledge, required an unacceptable steep access road and required extensive clearing of wooded land. Because of the wetland impacts and infeasible construction requirements this alternative was rejected.

**3. Alternative 3 – Expand Library Services Utilizing Existing Town Buildings**

Other existing Town buildings have been evaluated for providing community program space. There is insufficient space to relocate the Library, and the Town already needs additional office space to conduct municipal functions. A restoration plan for existing Town buildings has designated all potential expansion space for municipal purposes. The Town plans to utilize the current Library building to accommodate town offices once the new library is built. Further, the current Town buildings are historical structures; thus, modifications are restricted. Without any available space to expand library services to other Town facilities, this alternative was rejected.

**4. Alternative 4 – No Action**

The current Library has an active popular cultural program which is straining to serve the community due to physical space limitations. The community has clearly expressed a desire to expand these programs. The Library Needs Assessment (Attachment 2) found that the current library building is inadequate to serve the community of 2,800 residents. Taking no

action would fail to properly serve the Town's population, and therefore was rejected.

## Affected Environment

Briefly describe the existing conditions on the project site. The description should summarize site-specific conditions identified in Part II. Describe projected conditions of the area impacted by the project. Identify any known sensitive environmental conditions. This information is required for all building renovations and new construction (including building additions, temporary facilities, and trailers). Include the total site acreage and existing land use in the vicinity of the project.

The Library Sector is located on Grand Hill Road along the Town Historic District about 200 yards from the center of town. It is surrounded by woods, Carleton Park, and a U.S. Post Office. Most of the 41 acres on Lot 4-45 is forested except for a 10-acre open field on the west side of the lot (Attachment 1, Mont Vernon Lot 4-45 Maps) and Attachment 4, Arial Photograph of the Library Site.

In the early 1900's Lot-4-45 was used as a golf course, After the Town purchased the vacant property, 10-acres were leased to a local farmer. The field stopped being farmed in 2023. The new Library will be located in part of the remaining fallow field in the western 3.5-acre portion of the 10-acre Library Sector as indicated by the dotted purple line on the Nashua Regional Planning satellite view of Attachment 1, Mont Vernon Lot 4-45 maps.

The Town is taking great care to ensure the new Library remains compatible with surrounding land uses and minimizes impacts to the environment. Engineers sited the library building to minimize impacts to adjacent wetlands, and Carleton Pond. A small section of wetlands must be filled to accommodate the access road and new Library parking areas. The Town has secured a permits (Attachment 5, New Hampshire State Dept. of Environmental Services – Alteration of Terrain, Alteration of Wetlands Permit) to fill 0.21 acres of wetlands for this purpose, shown in dark grey on Attachment 3, Library and Access Road Design and Site Plans. Almost 80% of the wetlands on Lot 4-45 (approximately 2.0 acres) will remain undisturbed. An existing stone wall forms a barrier between the new Library construction area and the most of the more sensitive wetlands to the east of the wall. A robust drainage system along the access road with two infiltration basins will protect the area from excessive runoff from the access road and new Library site. The Town will not pave the extension of the access road beyond the new Library site. It will be natural materials which reduces runoff. During construction a sediment barrier will be erected to mitigate runoff into the adjacent wetlands and Carleton Pond.

Nearly all of the new Library construction area will be on the open field, minimizing construction impact to existing trees. The field is surrounded by relatively new growth forest which is now lush and thick. The Town values the continuity of the forest cover that defines the New England environment and strives to preserve it.

A large residentially zoned parcel north of the Lot 4-45 was developed with a restriction that open space be preserved surrounding the development. This buffer forms the norther boarder of Lot 4-45 and will not be modified by the proposed project. The Blood Road Trail

(Attachment 6) a Mont Vernon Conservation Commission trail runs near the boundaries of Lot 4-45 on the adjacent lot. The forest along the lot boundaries will be retained. The Conservation Commission plans to add a connecting spur from the library rear gardens into this trail system. The new Library parking area will provide access to the trails. Currently there is no parking at the current trail access point on Blood Road. The project has the support of the Mont Vernon Conservation Commission (Attachment 7).

The Nashua Regional Planning Commission Land Use map (Attachment 8) and aerial photograph of the Blood Road Trail easement (Attachment 6) show that the new Library and Cemetery projects will leave a boundary between Lot 4-45 and adjacent residential communities. In addition, even with potential future development of the Cemetery Sector, the Chair of Board of Cemetery Trustees stated their intent to develop Mont Vernon Lot 4-45 with the objective of maintaining the tree canopy to the greatest possible extent. (Attachment 9)

The proposed new Library does not present any other remarkable environmental concerns. Other than salt from the parking lot and road snow and ice treatment, the proposed library will not generate air or water pollutants.

## Part II – Environmental Consequences

### 1.0 Air Quality

Consult the EPA Green Book or your State or local government’s environmental or natural resources offices to determine if your project site falls within an EPA air quality non-attainment area, with air quality worse than the National Ambient Air Quality Standards as defined in the Clean Air Act

	Yes	No
• Is the project in an air quality nonattainment or maintenance area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• If yes, will the project:		
• Exceed net total of threshold level for regulated air pollutants?	<input type="checkbox"/>	<input type="checkbox"/>
• Cause major increase in the number vehicles to the site?	<input type="checkbox"/>	<input type="checkbox"/>
• Increase emissions above applicable <i>de minimis</i> levels?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the project require an air quality analysis?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the project require an air quality analysis for construction impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

EPA Greenbook, Criteria Pollutant Nonattainment Summary Report (Data is current as of December 31, 2022)

### 2.0 Water Quality

You may consult with your State or local government’s environmental or natural resources offices for assistance in obtaining water quality information for your project.

#### Streams, Rivers, Watercourses & Jurisdictional Ditches

	Yes	No
• Are there streams, rivers, watercourses, or ditches in/near the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Does the proposed action have the potential to impact water quality (including groundwater, surface water, or public water supply)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Will there be an increase in stormwater?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Is there any <a href="#">National Park Service listed wild and scenic rivers</a> on or near the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- Is there a sole source aquifer in/near the project area?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Other Waters

- Are there any lakes or ponds in/near the project area?
- Are there other surface/below surface waters in/near the project area?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

Carleton Park and Pond are adjacent to the new Library site. The park and pond were renovated in 2012. See attached Carleton Pond Maintenance and Restoration Project (Attachment 10) plans. Carleton pond, a 1-acre spring fed firepond, is maintained as a water source for firefighting. It is also available for ice skating and fishing for children under 16 years old. Our Children’s Librarian posts a Storywalk® on the path around the pond.

The Library and Access Road Design and Site Plans (Attachment 3) incorporate mitigation to minimize runoff impacts to the pond and wetlands. Infiltration basins placed between the access road and the pond will control runoff from the library parking area and access road to protect aquatic life in the pond and the outlet stream. Wetlands, which extend to the north of the pond on the east side of the library site are not in the runoff path from the library site.

### 3.0 New/Unproven Technology

- Will action involve the use or purchase of new equipment/technology (such as new restoration techniques)?
- Are the environmental impacts known?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

### 4.0 Cultural Resources

Results of Section 106 Research

Eligible or listed resources present:

- Archaeology
- History/Architecture

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Project Effect</b>	Yes	N/A	SHPO/ NEH Approval Dates
• No Historic Properties Affected	X		11/02/2022
• No Adverse Effect			
• Adverse Effect			

<b>Completed Documentation</b>	Yes	N/A	SHPO/ NEH Approval Dates
• Historic Properties Short Report	X		
• Historic Property Report		X	
• Archaeological Records Check/ Review		X	
• Archaeological Phase I Survey Report		X	
• Archaeological Phase II		X	
• Investigation Report		X	
• Archaeological Phase III Data Recovery		X	
• Eligibility and Effect Determination	X		11/2/2022 – No Historic Properties
• Memorandum of Agreement		X	

Describe all efforts to document cultural resources using the categories outlined in the remarks box. Include any additional Section 106 work required, such as mitigation or deep trenching.

<p>Area of Potential Effect (APE):</p> <p>No Historic Properties Coordination with Consulting Parties: Consulted with New Hampshire Division of Historical Resources, Mont Vernon Historical Society</p> <p>Archaeology: None</p> <p>Historic Properties: Reviewed with Mont Vernon Historical District Commission (Attachment 11)</p> <p>Documentation, Findings: SHPO – No Historic Properties Affected 11-2-2022 (Attachment 12)</p> <p>Public Involvement: Section 106 Public Notice will be concurrent with publication of the Draft Environmental Assessment.</p>
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## 5.0 Ecological Resources

### Biotic Resources

Describe the various types of flora (plants), fauna (fish, birds, reptiles, mammals, etc.), and habitat located in the project area. Indicate if the project will have any impact on these species or their habitat.

Remarks:

The project area is within a Hemlock-Hardwood-Pine forest community with mixed white pine, hemlock, red oak and other hardwoods. The region is populated by a variety of mammals including deer, bear, beaver, raccoon, skunk, possum, squirrel, chipmunk, rabbit, fox, turtles and occasionally bobcat. The wetlands and pond have introduced fish and are home to various endemic reptiles and insects. No listed endangered or threatened species are known to inhabit the project area.

The building site is primarily an open field, formerly a corn field, surrounded by woods. The surrounding forest is mature, with a mixture of hardwoods, maple, oak, beech and birch, along with some softwood, pine and fir. Moderate underbrush populates scattered sections of the forest. The proposed project will be within the current open corn field and will not disturb the surrounding forest land.

The surrounding wooded area on and adjacent to Lot 4-45 will not be disturbed except for 0.21 acres of filled wetlands previously described. About half of the former cornfield in both the Library Sector and the Cemetery Sector will remain undeveloped behind (north) of the building site extending into the future cemetery site. This project will retain, undisturbed both during and after construction, the 30-acre plus continuous corridor of woodland and wetland which runs between the open space north of the construction site and cemetery and Carleton Park and Pond to the southeast of the construction site,

As stated previously, current and future Mont Vernon cemeteries have been and will be developed to retain their wooded environment, thus this wildlife corridor will be protected and preserved in perpetuity.

Several other larger cornfields along with dairy and chicken farms withing 1 mile will retain the agricultural and rural character of the town. Large undisturbed open spaces surrounding the building site as well as adjacent Rural Residential 3 acres zoning will continue to provide ample space for the existing flora and fauna.

There are no anticipated significant impacts to wildlife or other ecological resources from the project construction or operation.

**Threatened or Endangered Species**

Are there listed species and/or designated critical habitat present in areas affected directly or indirectly by the project? Please review the [FWS Critical Habitat resources](#).

- |   | Yes                      | No                                  |
|---|--------------------------|-------------------------------------|
| • Is the project within the known range of any federal species? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Does the project area contain any critical habitat?           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- Is Section 7 formal consultation required for this action (16 U.S.C. Sections 1536)?
- Are there any State designated threatened or endangered species in the area?
- Did you consult with USFWS (attach letter)?
- Did you consult with the responsible state agency (attach letter)

	X
X	
	X
	X

Remarks:

**No** Critical Habitat areas are indicated on the USFWS map for New Hampshire (<https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>) This status applies to all of Lot 4-45 as well as the surrounding wooded and open land.

The New Hampshire Fish and Game 2020 HIGHEST RANKED WILDLIFE HABITAT BY ECOLOGICAL CONDITION map shows Lot 4-45 as “Supporting Landscape”, not among the highest rank categories.

The New Hampshire Fish and Game Department identifies the following species as State Endangered or Threatened in Mont Vernon in grassland habitats. No Federally endangered or threatened species are listed for the Lot 4-45 habitat.

- Eastern Box Turtle <http://www.wildlife.state.nh.us/wildlife/profiles/box-turtle.html>
- Eastern Meadowlark <http://www.wildlife.state.nh.us/wildlife/profiles/wap/birds-easternmeadowlark.pdf>
- Northern Black Racer <http://www.wildlife.state.nh.us/wildlife/profiles/black-racer-snake.html>
- Rusty-patched Bumble Bee <http://www.wildlife.state.nh.us/wildlife/profiles/wap/insects-rustypatchedbumblebee.pdf>

This area land was previously plowed and planted with corn every year. Once the construction is complete, the project is likely to improve the habitat for these species rather than damage the habitat as the land will no longer be plowed for crops.

## 6.0 Wetlands

Are there [wetlands](#) in/near the project area?

	Yes	No
X		

Total wetland area:   3   acre(s)

Total wetland area impacted:   .21   acres(s)

Wetland No.	Classification	Total Size (Acre)	Impacted Acres	Jurisdictional	Non-Jurisdictional	Comments



1	PABHh	1	0			
2	PEW (palustrine emergent wetland)	2	7695 sq ft 0.18 acre	State of New Hampshire		
3	PFW (palustrine forested wetland)		1562 sq ft 0.03 acre	State of New Hampshire		

Completed Documentation

- Wetland Delineation Report
- Conceptual Mitigation Plan (see remarks)
- Mitigation Available

Yes	No
X	
	X
	X

Individual Wetland Finding

Alternatives that will not result in any wetland impacts are not practicable because such avoidance would result in (Mark all that apply and explain):

- Substantial adverse impacts to adjacent homes, businesses, or other improved properties
- Substantially increased project costs
- Unique engineering, maintenance, or safety problems
- Substantial adverse social, economic, or environmental impacts
- The project not meeting the identified needs

Yes	No
	X
X	
X	
	X
	X

Describe all wetlands identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Remarks:

Carleton Pond (1 acre) is adjacent to the site. The project will not impact this area. The U.S. Fish and Wildlife Service Wetlands inventory map does not identify any other surface waters except the wetland noted below on the site.

There are approximately 3 acres of wetlands on Lot 4-45. Of these wetlands, 0.21 acres will be filled to construct the access road and parking areas adjacent to the library. See Library and Access Road Design and Site Plans (Attachment 3) and Wetlands Delineation Map (Attachment 13) The wetland is subject to state jurisdiction.

The New Hampshire Department of Environmental Services has issued permits for Alteration of Terrain and Alteration of Wetlands for this project. Specifically:

WETLANDS AND NON-SITE SPECIFIC PERMIT 2019-03896. Permit Description: Dredge and fill 7,695 square feet (SF) of palustrine emergent wetland (historically impacted by agricultural use) and 1,562 SF of palustrine forested wetland for lot development to create parking, sidewalks, and grading and drainage associated with the construction of a new municipal library.

The Library Sector portion of the site is not wide enough to move the construction further west to completely avoid the wetlands impact.

Our construction contract requires compliance with the New Hampshire State Wetlands Permit. It stipulates the following mitigations measures.

- Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive
- species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately
- address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants
- (2008).
- The contractor responsible for completion of the work shall use techniques described in the New Hampshire
- Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
- Prior to starting any work authorized by this permit, the permittee shall place orange construction fencing at the
- limits of construction to prevent unintentional encroachment on wetlands.
- Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during
- construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has
- been stabilized.
- Erosion control products shall be installed per manufacturers recommended specifications.
- All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A.
- Any fill used shall be clean sand, gravel, rock, or other suitable material.
- Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
- The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
- All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
- Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
- Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

There will be no impact to the remaining wetlands on or adjacent to the site.

## 7.0 Floodplains

Is the project located in a [FEMA designated floodplain](#)? 

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Follow the instructions in the link above to look up your project site and generate a FIRMette. Attach other documentation in the appendix. For projects within the 100-year floodplain, NEH will integrate the E.O. 11988 8- step process as part of this Condensed EA.

## 8.0 Coastal Areas

Review the National Oceanic and Atmospheric Administration (NOAA) state links to [Coastal Zone Management Act maps](#) to determine if the project falls within a State's or Territory coastal zone. If the site is within the coastal zone, NEH will assist you with preparing a Negative or Consistency Determination to be submitted to the State Coastal Management Program office. The State determination will be incorporated into the impacts section. The State has up to 75 days to review and respond. A FONSI cannot be finalized until the CZMA process is completed.

	Yes	No
Is the project located in a Coastal Barrier Resource System?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the project located in a Coastal Zone?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the project consistent with the State's CZMP (Attach coordination with State Agency to appendix)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

## 9.0 Energy and Natural Resources

	Yes	No
Will the project result in energy impacts during or after construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will energy and natural resource demand exceed supply?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are scarce or unusual materials required for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are there parts of your project that are sustainable (if yes, describe below)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Remarks:

We will place a solar array on the library roof to augment our electrical requirements. The roof can accommodate approximately 50 panels with an estimate production of 17.6 kW. This matches the full estimated library power consumption. (Attachment 14, Solar Energy Preliminary Estimate)

There are no provisions for energy storage as the facility is primarily used during daylight hours. Thus, the solar system is expected to offset about 85% of the energy usage.

## 10.0 Noise

	Yes	No
Will the project change the current noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project create temporary (less than 180 days) noise impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are there any sensitive noise receptors near and/or adjacent to the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

The project will alter noise levels temporarily for less than 180 days due to typical construction operations. Time limits of 7:00am - 5:00pm Monday through Friday will be placed on the project with no work beyond 5:00pm or weekends unless special circumstances require it.

Site work and superstructure construction will take about 6 months. Noise will be minimal after that as the work moves inside.

## 11.0 Compatible Land Use

	Yes	No
Will proposed action comply with local/regional development patterns for the area?	X	
Is the proposed action in or adjacent a <u>Wildlife Refuge or Wilderness Area</u> ?		X
Will the project affect a Wildlife Refuge or Wilderness Area?		X

Remarks:

The Nashua Regional Planning Commission Zoning and Land Use maps (Attachment 8) shows Lot 4-45 is zoned mostly Rural Residential (> 3 acres) with a small section of Residential Single Family (1 acre.) It is shown as open space on the Land Use map. However, in accordance with New Hampshire Revised Statutes Annotated (RSA) 674, Section 54, Lot 4-45 is designated "Exempt: Town" in the regional planning database shown on the left side of the map. Section 674-54 allows the Town to use land owned by the Town for any public purpose traditionally governmental in nature. Legal Services Counsel, New Hampshire Municipal Association has provided an email confirming this interpretation of New Hampshire State Regulations. (Attachment 15)

The new Library falls within this definition and is, therefore compliant with zoning and land use regulations.

Less than 35% of the Library Sector will be developed for the new Library. The remainder of the Library Sector will remain undeveloped.

Overall, this project will develop less than 10% of Lot 4-45. The cemetery will occupy the top section of the former cornfield and adjacent woodlands. The Cemetery Commission has documented their intent to keep most of the woodlands undeveloped (Attachment 9).

## 12.0 Construction Impacts

Will construction of the proposed project:	Yes	No
Increase ambient noise levels due to equipment operation	X	
Degrade local air quality due to dust, equipment exhaust, or burning debris		X
Deteriorate water quality when erosion or pollutant runoff occur		X
Disrupt off-site and local traffic patterns		X

Remarks:

The construction is set back from public roads and will be surrounded by a construction fence. No blasting or pile driving is expected, as the structure will be on a slab.

Construction noise levels will be commensurate with similar building and road construction activities. There are residential land uses across the street but no other sensitive receptors in the area, with the exception of the existing library.

Local traffic on Grand Hill Road is very light. On-site construction activities will have little impact on local traffic.

The library site plans show mitigation that will be implemented to minimize erosion and pollutant runoff during construction.

See Section 6.0 Wetlands above for construction mitigation measures.

### 13.0 Solid and Hazardous Waste

	Yes	No
Is there an Environmental Due Diligence Audit (EDDA) for the Environmental Site Assessment (ESA) Phase I Report?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• If yes, is a ESA Phase II required/completed?	<input type="checkbox"/>	<input type="checkbox"/>
• If yes, is a ESA Phase III required/completed?	<input type="checkbox"/>	<input type="checkbox"/>
What is the date of any building on the site <u>  N/A  </u>		
Does the project require the use of land that may be contaminated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the proposed project generate solid waste?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• If yes, are local disposal facilities capable of handling the additional waste?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Remarks:

Anticipated solid waste generated by the project comprises construction waste materials and debris. All solid waste will be removed from the site by the contractors and disposed in compliance with NEPA and state regulations. (Attachment 16, Build Contract Excerpts Relating to Solid Waste Disposal)

No known prior use of the site indicates any hazardous waste.

### 14.0 Socioeconomic Impacts

	Yes	No
Will the proposed action result in the relocation people, businesses, or farms?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Number of relocations:

Residences: 0 Businesses: 0  
Farms: 0 Other: 1  
(Library)

Will the proposed action result in:

- A change in business or economic activity in the project area?
- An impact on local public service demands?
- Induced/secondary impacts on the surrounding community?

Yes	No
	X
X	
	X

Remarks:

The relocation of the library will enable the town to fully meet public service demands for library access and services. There will be no increase in demands, such as additional police, fire, or education as a result of this project.

Temporary farm activity on the site occurred after it was acquired in 1997 under an informal lease agreement between the town and a local farmer, pending construction of the new library. All farming activity has ceased as of 2023.

### 15.0 Environmental Justice (EJ)

Are any low income or minority populations located within the project area?

Will the project result in adversely high or disproportionate human health or environmental impacts to the low income or minority populations population?

Yes	No
	X
	X

Remarks:

The project will not displace or impact low income or minority populations. The new library site is less than 1/4 mile from the current library, thus no significant change to access is anticipated.

### 16.0 Farmland

If your new construction or expansion project site will convert undisturbed ground in an area that with prime farmland soils or is identified as non-urban land, regardless of whether it is

zoned for development, NEH will assist you with consulting the Natural Resource Conservation Services (NRCS) field offices for further designation in accordance with the Farmland Protection Policy Act. If your project site is identified as an urban area on a Census Bureau, USDA Important Farmland, or USGS Topographic map, no further review under this section is required.

	Yes	No
Is this a new construction or expansion project that will convert undisturbed ground?	X	
Will the project affect any agricultural lands?	X	
Is there any Prime Farmland (per NRCS) in the project area?		X
NRCS-AD-1006 Form score:	119.3	

Remarks:

The 0.21 acres of wetland previously described is the only undisturbed land that will be converted. The rest of the land in the construction area has been previously disturbed. No undisturbed land suitable for agriculture will be converted. The Farmland Protection Act AD-1006 Form is provided in Attachment 17.

### 17.0 Cumulative Impacts

	Yes	No
When considered together with other past, present, and reasonably foreseeable future development projects on or off the airport, would the proposed project produce a cumulative effect on any of the environmental impact categories above?		X

Remarks:

The only foreseeable future development is the cemetery with would not significantly affect the environmental categories above.

## Part III – Permits, Mitigation, Coordination and Public Involvement



## Permits/Mitigation

### Permits

List all required permits, for the preparing the proposed project site and any zoning variances or changes. Indicate if any problems are anticipated in obtaining the permit.

Remarks:

The Town has secured the required New Hampshire State permits to disturb terrain and alter wetlands (see Attachment 5, New Hampshire State Dept. of Environmental Services – Alteration of Terrain, Alteration of Wetlands Permit.) The project has also received the support of the Town Planning Board and Town Conservation Commission (Attachments 18 and 7). All building permits will be issued by the Town of Mont Vernon.

### Mitigation

Describe all mitigation measures for the proposed project. Include any impacts that cannot be mitigated or those that cannot be mitigated below threshold levels. Also, provide a description of any resources that must be avoided during construction.

Remarks:

Mitigation measures to minimize erosion and runoff both during and after construction are specified in the Library Site build plans, the construction RFP, and will be included in the construction contract. These include infiltration basins to accommodate added runoff from paved areas and to protect the adjacent pond.

The Town has not identified any additional areas for further mitigation at this time.

### Coordination

List each agency coordinated with, the date coordination was sent, and if a response was received in the following table. Make sure to include a copy of the response in the appendix. For Instance, State Historic Preservation Office for Section 106 consultation, USDA Extension office for the NRCS-AD-1006, etc.

Resource Agency	Date Letter Sent	Date Response Received	Date Draft EA Sent	Date Response Received
Natural Resource Conservation Services	12/28/2022	12/29/2022		
The State of New Hampshire	12/19/2019	4/21/2020		

Department of Environmental Services				
State Historic Preservation Office	10/27/2022	11/09/2022		
The State of New Hampshire FPAC-NRCS	12/29/2022	12/30/2022		

Remarks:

## Public Involvement

Some level of public involvement is encouraged for every Federal Action. **The level of public involvement should be commensurate with the proposed action.** Discuss any public involvement activities (legal notices, letters to affected property owners and residents, meetings, special purpose meetings, local papers newspaper articles, etc.), including the number of notices and the dates that have been or will be posted for this project.

Remarks:

The residents of Mont Vernon have set aside funding for this project annually for the past 7 years. A Town-wide survey was conducted to establish resident desires and level of support. The Mont Vernon Library Trustees have held 4 public information sessions to present plans, answer questions and receive input over the past 7 years.

The Mont Vernon Library Building Committee, established by the Town Board of Selectmen, has been conducting public open meetings to present and discuss design specifics.

Town Survey: Spring 2018

Public Hearings:

November 13, 2018

February 22, 2022

March 2, 2023

December 6, 2023 (LBC)

Monthly Library Trustees Meetings: Third Tuesday of the Month, 2015 to Present

All public meetings are posted per New Hampshire RSA 91-A. 24 hours in advance in multiple prominent locations in the Town, on-line on the Town website, on the Town Hall, Library. Public hearings are posted on the informal town Chatter page on Facebook as well. See Attachments 19 and 20.

The Mont Vernon Library Charitable Foundation publishes a quarterly newsletter to donors to keep them abreast of project status and developments. The Town conducted fundraising campaigns in Town and informed over 900 residents of the project with a bulk mailing to all postal addresses, in July 2022.

The town voted in favor of secure the remaining funds needed for the project at its annual Town Meeting on March 15, 2024.

### Public Controversy on Environmental Grounds

Is the project anticipated to involve substantial controversy concerning community and/or natural resource impacts?

Yes

No

Remarks:

Residents raised environmental concerns regarding the placement and design of the access road and wetlands impacts. However, the Town and successfully addressed these concerns at Conservation Commission meetings, Select Board meetings and Public Hearings. Professional Engineering Consultants were engaged to review the concerns. They provided findings supporting the selected designs. Also, New Hampshire State Engineers approved road drainage designs. One alternate proposed location for the road was rejected by our consulting engineering firm due to steep slopes and the need to cross wetlands. It was environmentally infeasible and much more costly.

No concerns have been raised with the New Library Building project on environmental grounds.

## Certification

### Preparer Certification

I hereby certify that the information I have provided is complete and accurate, to the best of my knowledge:

Spencer M. Lovette

May 2, 2024

Name

Date

Treasurer

Mont Vernon Library Charitable  
Foundation

Title

Organization

### Recipient Certification (must be signed by an authorized official; may not be delegated to consultant)

I hereby certify that the information provided is complete and accurate to the best of my knowledge. I also recognize and agree that construction activity, including but not limited to site preparation, demolition, or land disturbance, is limited by 40 CFR §1506.1 – Limitations on actions until the NEH issues a final environmental decision for the proposed project(s) and until compliance with all other applicable NEH approval actions (e.g., all conditions of the grant award have been met) have occurred. All applicable Federal, State, and local permits required shall be obtained before proceeding with the proposed action.

[insert]

Name, Title, and Organization

[insert]

Trainer  
Mont Vernon Library  
Charitable Foundation

### NEH Decision

Having reviewed the above information, certified by the responsible official, the proposed projects warrant environmental processing as indicated below:

- The proposed action has been found to qualify for a Condensed Environmental Assessment.
- The Finding of No Significant Impact is attached.
- The proposed development action exhibits conditions that require the preparation of a de  
Environmental Assessment.
- The proposed development action requires preparation of an Environmental Impact Stat

This Environmental Assessment becomes a federal document when approved by the Responsible NEH Official.

[insert]

Name

[insert]

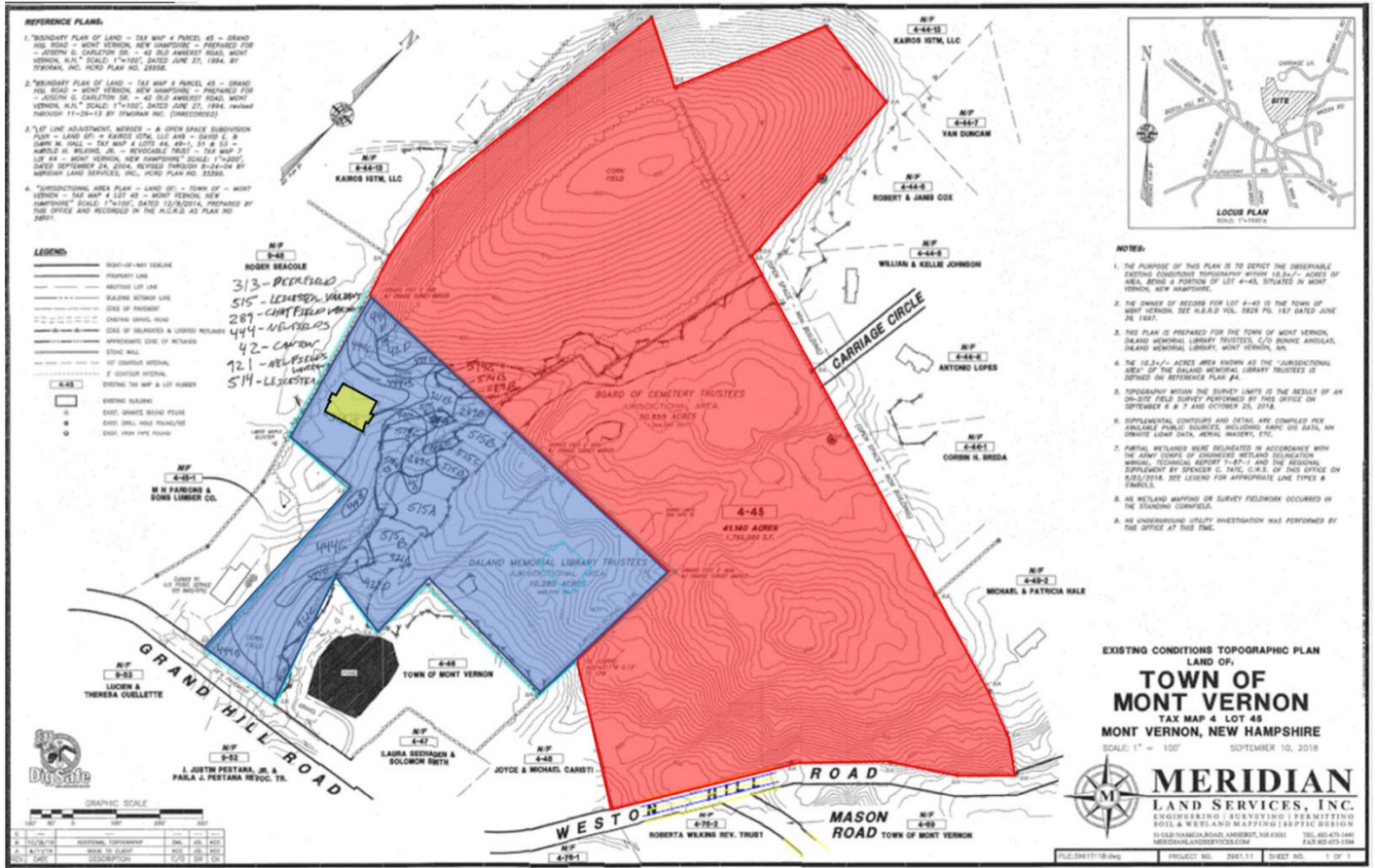
Date

Environmental Officer

# Attachments

DRAFT


# Attachment 1: Mont Vernon Lot 4-45 Maps





### Lot 4-45 Mont Vernon



<p><b>Property Information</b></p> <p><b>Property ID</b> 4-45 0004-0045-0000 309 <b>Location</b> WESTON HILL RD &amp; GRAND HILL (CA) <b>Owner</b> MONT VERNON, TOWN OF</p>	<p> <b>MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT</b></p> <p>Nashua Regional Planning Commission makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.</p> <p>Geometry updated 12/20/2022 Data updated 06/29/2022</p>	<p>Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.</p>
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**THE DALAND  
MEMORIAL LIBRARY**

**OF**

**MONT VERNON, NEW HAMPSHIRE**

**PLANNING FOR THE FUTURE:**

**A NEEDS ASSESSMENT**

#####

**MAY, 2018**

*Patience Kenney Jackson  
Library Building Consultant  
7 Howard Road Maynard, MA 01754  
[Patiencekj@aol.com](mailto:Patiencekj@aol.com)*



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## THE DALAND MEMORIAL LIBRARY OF MONT VERNON, NEW HAMPSHIRE

### THE SETTING

The town of Mont Vernon, New Hampshire is located in the southern tier of the state, high above the Souhegan Valley and the towns of Milford and Amherst. From Mont Vernon's historic village center, it is about a fifteen-mile drive south and east to Nashua and the Daniel Webster Highway, or nineteen miles northeast to Manchester and Interstates I-293 and I-93. Thirty-nine miles to the west lie Keene and the Vermont border at I-91. People who live in Mont Vernon also have the choice of commuting as far north as Concord (36 miles) or south to the Boston area, 59 miles away, for employment, shopping, medical treatment and entertainment.

Of the 2,409 Mont Vernon residents recorded in the 2010 U.S. Census, 667 or 27.7% were over the age of 55. 771, or 32%, were under the age of 19.

Of adults 25 years and older, 96.9.1% were at least high school graduates, while 50.8% possessed a bachelor's degree or higher.<sup>1</sup> This represents a rather high level of educational attainment. By comparison, only 87.4% of New Hampshire residents were reported as high school graduates, with only 28.7% possessing a bachelor's degree or higher.<sup>2</sup>

Mont Vernon has been a rural town since its incorporation in 1803, and the rural character of the small town high on a hill is much cherished by its Twenty-first Century residents. Over the past century, the remote character and demographics of the town have been changing, however. The village of 453 people in 1900 became a town of 1,444 by 1980, 1,812 in 1990, 2,034 in 2000, and 2,409 by 2010. The present population is estimated at 2,620 (2015). In other words, in the past 118 years, there has been a growth of 478%. Mont Vernon is dramatically larger than it has ever been in the past. Growth is projected to 2,794 by 2030, or an additional 6.6%.<sup>3</sup> The "Buildout" population, or ultimate development capacity of available land in Mont Vernon, is projected at 5,010 in the far future.<sup>4</sup>

<sup>1</sup> U.S. Census 2010. American FactFinder, Mont Vernon Town, Hillsborough County, NH. Census Demographic Profile Highlights.

<sup>2</sup> Ibid. State Data.

<sup>3</sup> New Hampshire. Office of Energy and Planning. (since 2017, Office of Strategic Initiatives). County Population Projections, By Municipality, September, 2016.

<sup>4</sup> Nashua Regional Planning Commission. Region-wide Buildout Impact Analysis. 2005. [http://www.nashuarpc.org/files/5713/9463/5247/Regionwide\\_buildout\\_final.pdf](http://www.nashuarpc.org/files/5713/9463/5247/Regionwide_buildout_final.pdf)

"Buildout" is a theoretical condition and exists when all available land suitable for residential and non-residential construction has been developed.....The buildout model estimates the developable acreage and number of new lots that can be expected at buildout conditions for residential and non-residential development.

Children in Mont Vernon attend the Mont Vernon Village School from kindergarten through sixth grade, then travel down from the hill to the valley for Amherst Middle School and Souhegan High School.

## THE DALAND MEMORIAL LIBRARY

Officially established in 1892 by the New Hampshire Legislature, Mont Vernon's public library benefited in 1899 by a bequest from the will of Sophia G. Daland, a long-time resident of Mont Vernon and the area. After ten years' delay and much controversy about the site and location, a library building, the Daland Memorial Library, was constructed by the (private) Daland Trust on a town-owned site and opened in 1909,<sup>5</sup> eleven decades ago.

From the start, the library management model was quite complex, and the initial arrangement of a free public institution housed in a privately-owned facility constructed on town-owned land may be almost unique in New England. The initial arrangement persists 109 years later, in 2018. Three Daland Trustees are appointed by the Court under the terms of the bequest. The Daland Trustees, as administrators of the bequest, manage the Daland Trust, own the building, and support the building's maintenance and enhancement, including utilities and special purchases. The three Town Trustees, who are elected to three-year terms, are responsible for public library policy, operations and personnel. The Daland Memorial Library's total operating budget for Fiscal Year 2017 was \$91,845, including staff salaries. Building Maintenance costs of \$5,357 were covered by the Sophia Daland Trust and \$3,092 donated by the Friends of the Library.

According to the Library's annual report to the State, the Daland Memorial Library circulated 17,359 items in the year 2017. About 51% of total circulation (8,889 items) was to children, including school children. By December, 2017, the library counted 1,358 registered borrowers, including children. Library visits for the year totaled 12,823.

It can be calculated that the cost of the 17,359 items circulated in 2017, at an average price of, say, \$25 per item, would have cost Mont Vernon residents about \$433,975 per

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<sup>5</sup> Persistence and Progress: A History of the Daland Memorial Library, Mont Vernon, New Hampshire, 1892-1992 Friends of the Daland Memorial Library, 2004, p. 17.

year to purchase. To put it another way, each resident (including children) on average made use of library materials of a value of \$165.63 per year, yet at a cost to the taxpayer of only \$31.83 per capita in local funding for the public library in 2017.<sup>6</sup>

The book collection stood at 13,893 volumes at the close of 2017, including paperbacks. The library also offers modest collections of 931 videos and DVD's and 342 CD's. The total of cataloged physical items is a little over 15,000. In addition, there is a broad selection of downloadable ebooks and audiobooks through the New Hampshire State Library.

Interlibrary Loans to and from other New Hampshire libraries are available through the New Hampshire State Library, and the number of Interlibrary Loans is increasing, with 1,121 items borrowed from other libraries (an increase of 247% in ten years), and 437 items loaned in 2017 (up 125% in ten years). The Library is a member of the Hillstown Cooperative, which is a regional association of libraries in the area, though it does not offer reciprocal over-the-counter borrowing privileges.

For reasons of available space, the Library can offer only one public access computer with Internet access for public use. There are no computers specifically for children. The library catalog and automated circulation system are served by Biblionix Apollo software, known as "Apollo". Patrons can access their own accounts as well as the online catalog from home. The Library Internet access is provided by the Daland Trust. There is also a Library website at [dalandlibrary@comcast.net](mailto:dalandlibrary@comcast.net).

The Daland Memorial Library is now open 37 hours per week, with seven additional evening hours added at Town Meeting in 2018. Library hours are now as follows:

Sunday, Monday:	Closed
Tuesday, Wednesday, Thursday:	10:00 AM – 8:00 PM
Friday	2:00 PM – 6:00 PM
Saturday	10:00 AM – 1:00 PM

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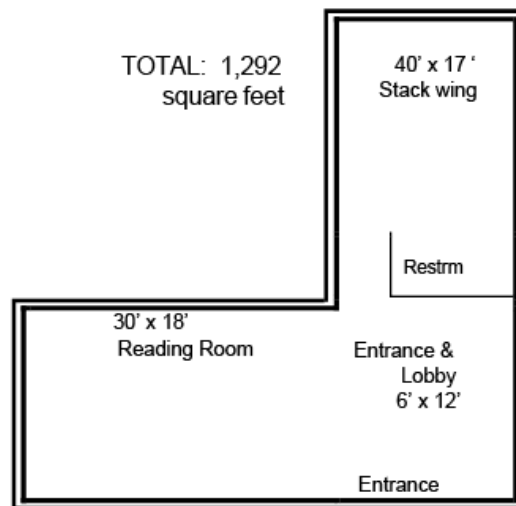
<sup>6</sup> Daland Memorial Library Report to the New Hampshire State Library. New Hampshire Public Library Annual Report, Calendar Year 2017.

## THE LIBRARY AS A BUILDING

The library building, designed by architects Cleveland and Godfrey <sup>7</sup> from Boston, is a simple building in the Arts and Crafts/ Prairie style in vogue in the first two decades of the last century. It consists of two rectangles placed at right angles to one another and is positioned on the site to look much larger than it really is. Interior measurements are approximately 1,300 net square feet, and exterior measurements yield approximately 1,400 gross square feet.

There is a full basement under the entrance vestibule and stack wing, with a crawl space under the reading room, and a full attic over the entrance vestibule and part of the stack wing. The basement is accessed by a staircase from the restroom and the attic is accessed by a pull-down ladder located in the same space.

The building's layout looks like this:



With its vaulted, open-trussed ceiling and tall windows, the Reading Room is an elegant space. The building is a gem.

<sup>7</sup> Chester Godfrey and Frank Cleveland were partners in a small Boston firm at the time. In 1916, they joined with the internationally-renowned firm of Ralph Adams Cram. As independent architects, they had designed the Frank Burgess House in Quincy, MA, which is listed on the National Register of Historic Places, several imposing schools in Quincy, and the renowned cemetery (Hubbard Memorial) entrance and chapel in Montpelier, Vermont.

The Daland Memorial Library appears deceptively large, although it is only about 1,400 gross square feet. The clever siting of the building, viewed as the road rises from Milford, passing Town Hall and then curving to the left, is partly responsible. Too, the library's steep sloping roof lines, which run two stories over all three segments contribute to a misleading impression of size (although there is a full attic only over the entrance lobby). Inside and out, this is probably one of the finest buildings in Southern New Hampshire. And it's in the country town of Mont Vernon.

The entire building is actually comparable in size only to a small ranch house. The Reading Room, at about 540 square feet, is much smaller than any school classroom (900 square feet), and the stack wing, at 22' x 17' can be compared only to a living room in a private residence.

The book stack shelving is entirely full. The main Reading Room, which must do double and triple duty as all of the following:

- Entry space /
- children's room /
- adult patron seating /
- public computer space /
- meeting space /
- Story Hour space /
- and staff work space,

has been kept somewhat open in feeling by careful and drastic control of the growth of the collections as well as by sheer iron determination on the part of staff and trustees. The Reading Room's high ceiling and tall windows contribute to a misleading illusion of spaciousness.

On opening day in 1909, the library owned a few hundred volumes. It served 1910's Mont Vernon population of 413 residents with 3.39 square feet per capita. This ratio has plummeted 691%, to 0.49 square feet per capita in 2018.

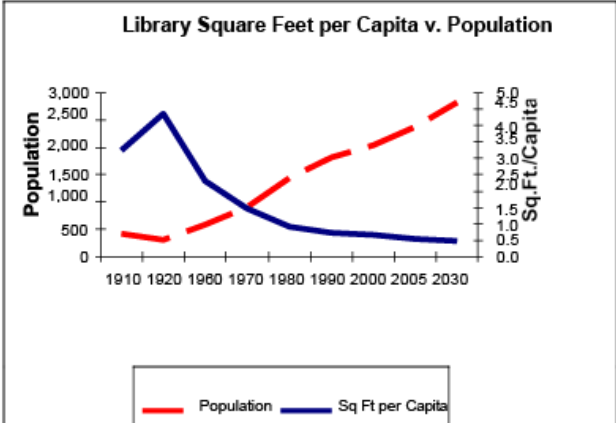
After one hundred nine years of service, the Daland Memorial Library is utterly inadequate in size to serve as a library for town of 2,620. If an item is added, another must be discarded. There are only 6 seats for patrons, whether children or adults. There is only one public-access computer. There is no staff work space. Without a larger facility, the only alternative would be to completely do away with the central gathering space, which hosted 156 children's and teen programs for 2,482 children and teens and 71 programs for 723 adults in 2017. The loss to the community would be profound. In the 2018 configuration, every square foot of the library is being used – several times over, and on a daily basis.

**ASSESSMENT OF THE FACILITY –  
THE NUMBERS**

Some Ratios: As outlined above, total net area of the building can be calculated as about 1,400 gross square feet, including the entrance and restroom.

This would have been 3.39 gross square feet per capita back in the 1910 census, when the building opened, but had dropped down to only 0.53 gross square feet per capita by 2015, simply due to population growth.

For a predicted population of 2,810 in 2030 – twelve years from now – it would drop still further to 0.49 gross square feet per capita. (see chart),



## PHYSICAL PLANT

This is a well-built little building. The foundation, of mortared river stones, appears sound and in generally good repair. With its tall windows and graceful elements, such as the fireplace and interior wood trim, it doubtless is enshrined in the public mind as a gracious and beloved element of Mont Vernon's civic life.

Quite apart from the small size of the building and the constricted site, however, there are numerous ways in which the Daland Memorial Library simply isn't able to serve the original purposes intended by the donor.

- 28 years after the Americans With Disabilities Act of 1990 became law, this building is still not accessible to the handicapped.
- The public rest room is also not accessible to the handicapped.
- The only secondary means of egress from the building is through the rest room, then through a little basement door within the rest room, and then down a few steps to a small exterior door. This building needs a new and legal secondary means of egress.

## THE SITE AND OTHER ISSUES

The excellent history of the library, Persistence & Progress, 1892-1992, outlines a prolonged struggle to agree on a site for the new library building back at the turn of the last century. The issue was divisive, and at least four sites were proposed over a period of years. The present site was selected by default. Construction of the library required the removal of one homestead and the demolition of a second house.<sup>8</sup>

Once the building was under construction, it apparently became clear that the site was a mistake. The Trustees proposed, and Town Meeting endorsed, that the road to the north of the library building be discontinued and moved to the south side. Reasons given were to make room for a lawn on the north side of the building, as well as to improve the turn onto the Boulevard leading to the Grand, a hotel for summer visitors.<sup>9</sup>

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<sup>8</sup> Persistence and Progress: A History of the Daland Memorial Library, Mont Vernon, New Hampshire, 1892-1992 Friends of the Daland Memorial Library, 2004, pp 13 – 15.

<sup>9</sup> *Ibid*, p.16,



Of course, moving the road was a simple matter a hundred years ago, since no paving or utilities would have been involved. Nevertheless, this was an extreme change for a building already under construction. Since the library did not ultimately benefit, one possibility is that the existing turn onto the Boulevard had been made even more clearly difficult by the library construction.

At this late date, the original size of the site on which the library had been designed can't be determined. The story of how that old road bed and the now non-existent north lawn of the library disappeared has not been written down. What can be stated is painfully obvious in 2018:

the initial choice of a site was less than visionary, despite the local turmoil at the time.

The site was never big enough to allow for expansion of the building, and it is much smaller now.

the architects could not have designed the building for the site we see now, since it was so changed.

the site had to be altered after construction began.

the site has been constricted on the north by the abutting property's barns.

the site has been further reduced on the south by paving and then again later by re-construction and widening of the Grand Hill Road.

At its present lot size, variously given as 13,000 or 15,180 square feet, (about 1/3 of an acre), the site is too small to accommodate either a credible expansion of the building or adequate parking, let alone a septic system. This is only a typical lot size for a house on an urban street in a city and is by far the smallest lot size in Mont Vernon.

The public controversies of 1899-1908 about the library building and its location have been mirrored in the late 1990's and 2000 – 2018. Various proposals by the trustees – to add to the building; to move the building to a new site and add to it; to construct an entirely new building – have ultimately been defeated at Town Meeting.

**HOW BIG SHOULD THE LIBRARY  
ACTUALLY BE?**

There are really no “instant answers” as to how large a library building should be. This determination must be made by development of a library building program that answers very specific questions about library needs and community needs. The size of a public library is impacted by the history of the library itself, by its service philosophy, by its proximity to larger public or academic libraries, by its cooperation with other libraries in permitting local patrons to borrow at other libraries, by the need for children’s programming and services, and by the needs of the community with regard to meeting and event facilities.

Of the 40 public libraries in the New Hampshire State Library database that serve a population of 2,000 – 3,000 people, Mont Vernon ranks as the very smallest (the FORTIETH) in total square footage. See Appendix III.

Of these 40 small public libraries, Mont Vernon ranks FOURTH from the bottom in square footage per capita. (The range is 0.26 square feet per capita to 4.8 square feet per capita.)

All of this being said, the present assignment is to provide an estimate of how large the Daland Memorial Library needs to be.

1. The first question to ask is:

★ How large should the library be right now, to accommodate existing collections, services, functions and staff?

2. At 1,400 gross square feet, what the library offers right now can be described as a deficiency of about 2,000 gross square feet just to house the present collections, seating and functions adequately, with no increase in anything and no programming space.

This estimate does not include any allowance for the following significant deficiencies in the library facility. It does not include:

- additional staff work space or workroom or office.
- children’s seating.
- separation of children and adult users.
- quiet reading/study space. Young Adult seating.
- Children’s Service desk.

Any additional public computers Any additional books and media. Any tutoring space.  
 OR usable storage for chairs, seasonal supplies or children's materials.

And finally:

NO MULTI - USE Programming/event space – despite the fact that 227 library programs and meetings took place here in 2017.

In other words, the current deficiency of space, with absolutely no additions in services or functions, is roughly minus 2,039 gross square feet, or 146% more space than the building actually has. Right now.

Planning for an adequate library facility for Mont Vernon has been ongoing for over thirty-five years now. Writing back in 1997, 21 years ago, Edith March, a former Library Director, stated:

*“For the past ten years there have been studies indicating the lack of space in the Daland Memorial Library. The 1987 analysis by the state and the 1988<sup>10</sup> Mont Vernon Master Plan allude to this problem.”*

Below, a quick overview of various proposals reveals that all of the logical permutations that have been proposed for this building include the following:

<u>YEAR</u>	<u>PROPOSAL</u>
1983	Fill in the square of the building?
1997	Town acquires Carleton Land next to Post Office on Grand Hill Road for future cemetery and library uses. Purchase of this land was funded in part by the Town and in part by Library Capital Reserve funds.
1997	Library Needs Assessment by Frances M. Wigger, Director, Bedford Public Library
1999	Move existing building to a new location, construct integrated addition?
2001	Construct new building ?
2006	Move existing building next to Post Office, construct major non-integrated addition?

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<sup>10</sup> 1988 = THIRTY years ago.

2008	Investigation by library building consultant recommended new building of approximately 7,000 gross square feet. <sup>11</sup>
12/8/2014	On a survey of Carleton Land.10.285 acres adjacent to Carleton Pond was designated as “library land”
2018	Current 2018 study

A full summary of Daland Memorial Library Town Meeting Warrant articles since 1994, prepared by Cindy Raspiller in 2018, is appended to this document as Appendix III.

The essential problem is that all of this delay and controversy is counterproductive, to say the least. After thirty-five years, the library is no better off. Significantly, it tarnishes the image of Sophia Daland and her generosity, as well as the image of the library and the image of Mont Vernon itself.

It is also damaging to the morale of both the Library Trustees and the Daland Trustees, as well as to that of the staff and volunteers. Most important of all, it severely impacts adequate library service for all residents of the Town.

### **WHAT ARE PEOPLE THINKING NOW?**

An online library survey was done in the fall of 2017.

Of 200 respondents

- ★ 64.4% ranked the library as an Essential Part of the community.
- ★ 54.5% used the library from several times per week to once a month with only 7% saying that they never used the library.
- ★ 73.96% of respondents endorsed more evening hours, for a spectrum of reasons. (This entreaty was acted upon by the 2018 Town Meeting, when seven hours were added to the library’s schedule.)

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<sup>11</sup> The Daland Memorial Library of Mont Vernon, New Hampshire: Physical Plant Needs: A Needs Assessment and Projection for an Expansion or a New Public Library Building, by Patience Kenney Jackson, Library Building Consultant. September, 2008.

- ★ 72.68% expressed a need for quiet adult reading space, while ~~only~~ 80% feel that a separate Children's Room is a great idea.
- ★ A robust 77.39% were either "Very Interested" or "Somewhat Interested" in a new library building.
- ★ 74.07% thought that a new library should have a 100-person Meeting/Activity space, while only a few people endorsed such "frills" as a café, a playground or a gift shop.

**WHAT ARE THE NECESSARY DESIGN ELEMENTS FOR A NEW LIBRARY BUILDING ON THE CARLETON LAND, ADJACENT TO CARLETON POND? (AND PARKING?)**

As outlined above, the Town acquired land from Joseph C. Carleton, Sr. for the needs of the Board of Cemetery Trustees and the Daland Memorial Library Trustees back in 1997.

A Jurisdictional Area Plan, done by Meridian Land Services, Inc., and dated September 29, 2014, designates 10.285 Acres off Grand Hill Road and above Carleton Pond for the Daland Memorial Library Trustees.

An access road will be needed running between the Post Office land and Carleton Pond, to reach the library site and beyond that to provide access to the Cemetery land. There is 200' of road frontage available for this, on Grand Hill Road.

A new library building could be positioned above Carleton Pond and in an area approximately 450 feet from Grand Hill Road, though an exact site remains to be determined. This will be determined by a topographic survey, geology and the eye of the Architect.

The Pond itself is designated as "open space". The Pond serves as recreational space as well as one of many Fire Ponds<sup>12</sup> in the Town. Since the terrain of the Cemetery rises to the west and yet farther above the Library

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<sup>12</sup> [http://www.nhrca.net/files/fire\\_guide.pdf](http://www.nhrca.net/files/fire_guide.pdf) . New Hampshire Fire Protection Initiative. Rural Fire Resource Quick Guide. North Country and Southern New Hampshire Resource Conservation and Development Area Councils. June, 2010.

site, drainage down the hill and into the Pond will be a basic concern in the siting of both the library building and its parking lot.

Moreover, the Library building will need to have an excellent drainage system for the walkways, landscaping, the parking lot and the building itself, including entrances and fire exits as well as for any possible basement space. (Think French drains around the building, just for a start.)

### **PARKING:**

It is further recommended that any parking lot, which by definition will be located above the pond, should have some sort of fencing or barrier (jersey barrier?) to prevent a vehicle from sliding down the hill and into the pond on an icy day. Proximity to the Pond is could be a possible danger for young children and school groups. A barrier and a fence should be installed between the library and its parking lot, and the Pond. The aesthetics of such a fence should be part of the design of the new building itself and its site.

According to standard formulas, a building of 7,500 gross square feet would require a parking lot of 19 spaces, plus handicapped spaces and a van space. In view of the potential setback from Grand Hill Road, the presence of library volunteers as well as staff, and in view of the potential attendance at popular programs, much more parking will be required near the library. Winter conditions, the distance from the village center, and the lack of a sidewalk on Grand Hill Road itself should also be factored in. Of course, the number of parking spaces is also subject to the requirements of the Planning Board.

## **HOW LARGE? AND WHAT KIND OF A LIBRARY BUILDING?**

The chart in Section Two outlines the space needed to house modest library services for the Town for the next twenty years. It has been based on the Wisconsin Public Library Standards, 5<sup>th</sup> addition, 2010, and provides for a "Basic" level for collections and seating for an anticipated population of 2,810. It envisions a separate children's area and a distinct Young Adult space. It provides for a multipurpose meeting room to seat 75 adults and a conference/tutoring space to seat up to 8. It makes use of standard library space-planning formulas.

The conclusion of the chart in Section Two is that a very efficient new one-story library building could be in the range of 7,151 – 7,437 gross square feet. (For an explanation of net square feet, used in standard library formulas, and gross square feet, used in planning an actual building, see Appendix I of this report.)

At this size, the library would be able to offer the citizens of Mont Vernon a facility of 2.54 square feet per capita to 2.64 square feet per capita through the year 2030. For the present population of 2,620, this would work out to 2.72 to 2.83 square feet per capita.

Is this out of line?

Right now, the average space ratio for libraries in the 40 New Hampshire towns of population 2,000 – 3,000 is 1.57 square feet per capita. The range is 0.49 (Mont Vernon – at the very bottom) to 2.84. (See spreadsheet Appendix III)

The average space ratio for the forty public libraries in New Hampshire towns with a population from 2,000 - 3,000 is 1.57 square feet per capita for today's population. Mont Vernon has the lowest – at 0.49 square feet per capita.

Eight of the forty public libraries serving towns from 2,000 – 3,000 have been enlarged or have constructed new buildings in the past ten years, while at least an additional seven are known to be planning an enlarged facility.

In 2018, Mont Vernon is offering only 0.49 square feet per capita. It falls at the very bottom on the list of the forty public libraries serving towns of 2,000 to 3,000 people. Housed in a building of 7,000 gross square feet, the Daland Memorial Library of Mont Vernon could rise to third place from the top in square feet per capita, in this group of small New Hampshire towns.

## **SOME CONCEPTS FOR A NEW PUBLIC LIBRARY BUILDING**

The Daland Memorial Library needs to plan its own physical plant needs for twenty years into the future, long before an architect is hired. The Building Program done back in 1997 is now twenty-one years old. The Library Director is capable of either revising the old program or creating a new program, based on the Consultant's workbook and the Chart in Section Two of this document. It is recommended that some of such work be done off-site, for the sake of objectivity, preferably in another public library.

Generally speaking, it is considered prudent to plan a new library building for the next twenty years or to 2038 in this case. Since the present facility is limited, the site for the library as well as for parking is constricted, the population has grown and continues to grow, and collections and services have inevitably grown and will grow, a significant public library building must be contemplated in the near future, at minimum planned for an eventual population of something above 3,000 by 2038.

The most pressing long-term needs of the library for a separate and enhanced library building are as follows:

1. Complete handicapped accessibility throughout the building, including sufficient space for a wheelchair to pass and accessible rest rooms.
2. Additional space for books and media to serve a larger population.
3. A larger, more identifiable and separate children's space that can be closed off from the rest of the library.
4. A children's service desk.
5. A children's rest room within the Children's Room. This is essential for both safety and security.
6. Additional space for public access computers for both children and adults
7. Quiet study space and more seating.



8. A separate Young Adult area.
9. A local history/quiet study/tutoring room, to house library materials and Town Reports, as well as small meetings.
10. Improved and enlarged work spaces for staff and volunteers and an office for the library director.
11. A separate space for the computer server and other electronic equipment.
12. Meeting, conference and exhibit space - a multipurpose/event room, with a small kitchen, access to rest rooms and after-hours egress.
13. A staff break room and staff rest room.
14. Accessible public rest rooms.
15. Storage space for the Friends of the Library, for supplies and book sale books.
16. Building security and enhancement of the library's image.
17. Adequate parking.

Within the confines of the present site and building, nothing on this list can be accomplished at all - even at the expense of present operations. The chart in Section II is a preliminary estimate of the library's space needs for twenty years into the future.

<b>FURTHER RECOMMENDATIONS</b>
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- ★ A full Library Building Program for a new public library should be developed by the Daland Memorial Library, to provide quantitative and descriptive details on each functional area of the library. The Building Program should be prepared prior to the selection of an architect. Much of the present report can be included either as an introduction or as an appendix.

- ★ The Trustees and the Library Director should continue to envision interim changes to meet the needs of the town and the library, although any such changes will be necessarily constricted by the size of the present building.
- ★ The Trustees should consider appointing a Public Library Needs Study Committee, to broaden input and support from the community. Such a committee should include Trustees and the Library Director, but also library users and nonusers to represent other components of the community. This could include new residents, a Young Adult, and even a seasonal resident or a potential donor.
- ★ After a Building Program has been prepared, an architect can be selected, to assist first in the assessment of possibilities and sites and then with design according to the Building Program.
- ★ An appropriate size for a site for public library building of the recommended size might be about one acre, which would include space for landscaping, outdoor events, and parking, as well as a septic system and a well.
- ★ The Trustees, staff and Study Committee (eventually a Building Committee) must continue to consult with town officials, residents and potential donors with regard to their reasoning and conclusions.
- ★ Trustees, staff and Committee should continue to enlarge their understanding of recent library expansions. This definitely should include site visits. In New Hampshire, there are both additions and new buildings to choose from. Particular reference is made to other New Hampshire projects:

- the addition/renovation projects in Dublin or Tamworth and Brentwood (an expansion of a one-room schoolhouse)
- small new public library buildings in:

Brentwood, NH	Mary E. Bartlett Library	6,300 square feet
Kingston, NH	Kingston Community Library	9,957 square feet
Fremont, NH	Fremont Public Library	7,000 square feet
New Boston, NH	Whipple Free Library	6,840 square feet
Pembroke, NH	Pembroke Town Library	8,900 square feet

- Farther afield, the Lincoln Public Library in Lincoln, Vermont, is another excellent small new building (with a comfortable front porch).
- In central Massachusetts, the small new public library buildings in Lunenburg, Townsend and Dunstable are also not far away.

These buildings, and others that can be recommended by the staff of the New Hampshire State Library, can all serve as inspiration and role models for Mont Vernon residents and library planners.

- ★ The chart in Section II can be refined and updated in the light of Area Descriptions developed for the Library Building Program and used by the architect to design an efficient and attractive small public library that will provide library services, computer access and exhibit and meeting space to Mont Vernon residents for at least the next twenty years. The chart should be used as a “Space Budget”, that is, if an element is added or increased, another should be subtracted or decreased.

Recommended collection and seating levels in the Chart in Section II have been taken from Wisconsin Public Library Standards, 2010, fifth edition for a town of 2,800 population. The Wisconsin Standards are widely used for library planning purposes, particularly in planning a small library in a small town, since they provide an opportunity for gradations in services, according to the local context and needs. The URL for these standards is <https://dpi.wi.gov/pld/boards-directors/library-standards>

- ★ The completely outdated standard of 0.7 square feet per person, published back in 1960 by the American Library Association is not useful for Mont Vernon because it does not include any component for formats and services, such as media, computers, adequate children’s services or for meeting spaces. It is also not intended for towns under about 20,000 population. This standard was promulgated fifty-eight years ago, before handicapped access requirements, the proliferation of computers, videotapes and books-on-tape, meeting and conference rooms and the information explosion in general.
- ★ More usually, since the 1990’s, the expectation has been that a small public library building will offer between 1.5 and 2.5 square feet per capita in its projected service population, depending on collection sizes and meeting room spaces. This is a rough rule of thumb. For Mont Vernon, with a predicted population of around 2,800 by 2030 and a potential “Build Out” population of 5,000, this would work out to be a public library building of around 7,500 gross square feet,

depending on the size of existing collections and the size of the multipurpose meeting room.

**SECTION TWO:**  
**PROGRAM ESTIMATE:**  
**SPACE NEEDS BY DEPARTMENT**  
(Based on a Twenty-year Planning Horizon)

DALAND MEMORIAL LIBRARY, MONT VERNON, NEW HAMPSHIRE											
PROGRAM SUMMARY CHART SPACE NEEDS BY DEPARTMENT MAY, 2018											
AREA	EST. NET SQ. FT.	Remarks	VOLBS	A/V ITEMS	COLLEC-TION SIZE	PERIODI-CALS	PUBLIC COMPU-TERS	READER SEAT-ING	TABLES FOR	LOUNGE SEATING	GROUP SEATING
Entrance & Lobby	As required by design	Only one entrance					1				
Circulation Desk	150	Greet and supervise	200		200						
Workroom	200										
Photocopier	50	Alcove									
New Books	100	browsing & display	250		250						8
Media Browsing (Adult)	150	like a bookstore		1,400	1,400						
Current Periodicals	180					20		4		4	
Reference Area	320		350		350		3	8	2		
Conference/ Tutoring/ Local History room.	300		300		300						8
Adult Nonfiction	350	42" aisles where possible	3,500		3,500			4	1		
Adult Fiction & Lrg Print	400		4,000		4,000						
Adult Total	2,230		9,100	1,400	10,500	20	4	16	3	4	
Young Adult Area	330		1,000		1,000	6	2	4	1		
Children's Room											
Children's Desk	100										
General Reception Area & Parenting	75		200		200	6					
Children's Media	100			750	750						
Toddlers/Preschoolers	400	parent seating, play more grown up, small desk	3,000		3,000		1	7	1	3	
Youth Services	1,036		8,000		8,000		2	14	3	2	
Children's Total	1,711		11,200	750	11,950	6	3	21	4	5	
PAGE TOTAL	4,271		21,300	2150	23,450	32	9	41	8	9	
Multipurpose Rm	1,000	open to library, gallery space, kitchen, after hours egress,									75
Per. Storage & gen. storage	150										
Systems Equipment	100										
Staff breakroom & toilet	200	workplace									
SUBTOTAL	1450										
GRAND TOTALS	5,721		21,300	2,150	23,450	32	9	41			
<b>TOTAL NET SQUARE FEET</b>							<b>5,721</b>				
<b>25% NET FACTOR</b>							<b>1,430</b>				
<b>30% NET FACTOR</b>							<b>1,716</b>				
<b>ESTIMATED GRAND TOTAL</b>							<b><u>7,151</u> TO <u>7,437</u></b>				
							<b>GROSS SQUARE FEET</b>				
*Net factor* allows for storage, mechanicals, restrooms, vestibules, elevator, thickness of walls.											
*See appendix for explanation of net vs. gross square feet and net-to-gross ratios											

# APPENDICES

## APPENDIX I

### NET SQUARE FEET AND GROSS SQUARE FEET - WHAT? AND WHY?

A standard Library Building Program applies standard net-square-foot formulas for each library area.<sup>13</sup> However, these formulas can only produce an estimate of the total net square footage required for library service. They are not designed to predict an actual building configuration. Until an actual design has been created and presented by an architect, the precise capacities and ultimate gross square footage of the library building cannot be calculated.

At the programming stage, in order to obtain a preliminary estimate of the total gross square footage required in the actual future building, a factor of 25% - 30% must be added. This factor recognizes that, until the building is actually designed, it is impossible to forecast whether the building will be one-story or multiple stories, requiring one or more elevators and multiple fire staircases. Ceiling heights, the height of shelving, the length of a range of shelving and the actual configuration have yet to be determined. Pre-design, it is unknown whether there will be a basement or an attic in which to house heating and air conditioning equipment and some storage. The added 25% - 30% factor also makes allowance for lobbies, vestibule and entrance space, public staircases, emergency exits, corridors, rest rooms, closets, storage, furnace, airconditioning unit, electrical rooms, "circulation" (moving around) space, and the thicknesses of both exterior and interior walls. To put it another way, it can be said that the gross area of any building can be determined by the exterior measurements, (like a tape measure around the outside), multiplied by the number of stories.

The "efficiency" of a particular building design is ultimately the ratio of net square feet to gross square feet. Thus, a design that provides 8,000 net square feet for

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<sup>13</sup> For Standard Formulas, see Dahlgren, Anders. Public Library Space Needs: A Planning Outline.

Wisconsin Department of Public Instruction, 2009) [http://pld.dpi.wi.gov/pld\\_plspace](http://pld.dpi.wi.gov/pld_plspace) .



library services may actually require the construction of, say, 10,500 gross square feet (8,000 / 10,500 = 76% efficiency), or 11,000 gross square feet (72.7% efficiency), or 11,500 gross square feet (69.56% efficiency) or even 12,000 gross square feet (66.6% efficiency). Much depends on the design and whether the building is to be single-story or multi-story.

Only when an actual design is available to be analyzed can the actual square footage of the building be determined, by the real dimensions of the building. The capacity of the shelving shown on the drawings can also be estimated, once the heights of shelving and the configuration of shelving are known. The Building Program comes into play once more at this stage, to be used as a yardstick or checklist to be certain that all of the desired elements are actually present in the desired amounts, in the design.

In past decades, some writers have discussed a building efficiency of up to 80%. This would be a warehouse-style one-story structure, with no interior walls, few columns, and minimal details such as vestibules or hallways or rest rooms. Most architects assert that it is no longer possible to design a library building that is 80% efficient. Some factors that prevent such a design include:

- new requirements (since 1991) of the Americans with Disabilities Act for minimum space between ranges of shelving and around furniture, just as they do in rest rooms, etc.
- earthquake requirements that add extra columns and structure and increase the dimensions of columns
- walls that are now thicker because of insulation, wiring, heating and air conditioning ductwork, and fireproofing
- additional rest rooms and egress corridors required by new building codes
- electrical and computer needs, including computer closets
- site limitations
- an addition to an existing building.

At the programming stage, it is prudent to think at the very outset in terms of a realistic estimate of the library's size by using the standard formulas, then adding 25% - 30%. It will then be a pleasant surprise if the eventual design can be smaller because it is also very efficient. Likewise, a particular design may be larger because it includes a special feature that the building itself requires, such as a grand central staircase or a two-story clerestory or an outsize lobby, an elevator, multiple egress stairs - or simply because the layout is inefficient. A particular design can often be modified to increase efficiency. At the programming stage, particularly in the case of an addition/renovation of

an existing or historic building or a difficult site, it may be wiser to propose a range of ratios, and thus a range of gross square feet.

For a more succinct explanation, see below:

<http://www.ohio.edu/facilities/planning-space/documents/definitions.pdf> 11/29/2014

**“Gross Area Definition:** The sum of all areas on all floors of a building included within the outside faces of its exterior walls, including all vertical penetration areas, for circulation and shaft areas that connect one floor to another. (In addition to all the internal floored spaces Gross Area should include the following: excavated basement areas; intersitial space (i.e., mechanical floor or walkways), mezzanines, penthouses, attics, garages, covered porches— whether walled or not, inner or outer balconies to the extent of a drip line from a roof or balcony immediately above. The footprints of stairways, elevator shafts, and vertical duct shafts are to be counted as gross area on each floor through which they pass.

**Net Assignable Area Definition:** The sum of all areas on all floors of a building assigned to, or available for assignment to, an occupant or specific use. (Includes 10 major space use categories for assignable space—classrooms, labs, offices, study facilities, special use, general use, support, health care, residential, and unclassified – that are used to accomplish the institution’s mission)

## APPENDIX II

### **WHY CAN'T WE JUST ADD A WING TO THE 1909 DALAND BUILDING?**

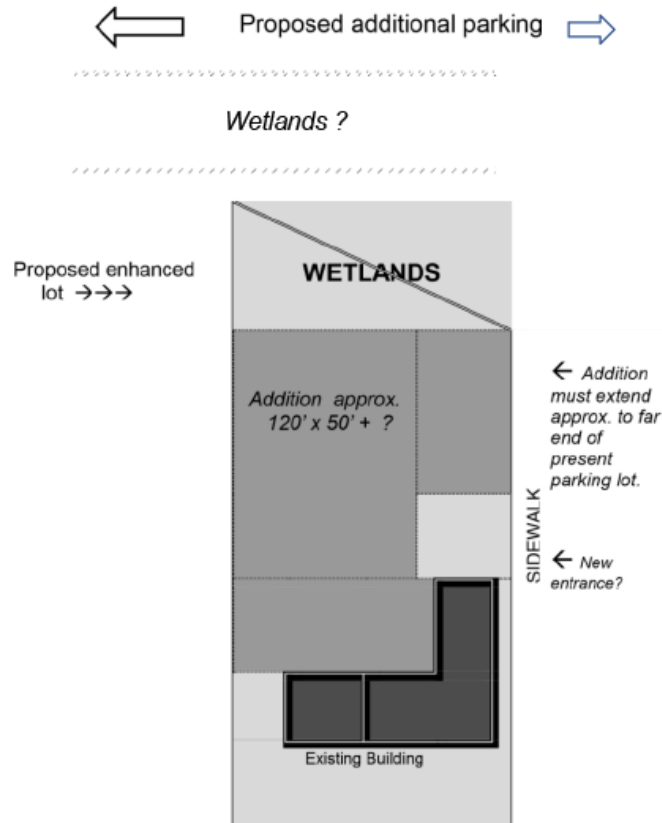
A recurring proposal to “square off” the triangular library site by purchasing a wedge of the abutter’s property, and to place library parking on the Post Office site by bridging some wetlands was discussed back in 2008. This complex concept involves:

- a more complete evaluation of the extent of the wetlands that lie between the library site and the Post Office site, to determine exactly what limitations would be inherent in an expanded site.
- an increase in the size of the site by purchase of a small amount of land from the abutter
- a land swap with the Post Office site to add town-owned land to this site on the other side of the Post Office, thereby freeing a parking area for the library on the former Post Office land.
- an easement granting access to the library’s abutter to a land-locked rear site owned by the abutter.
- approval of the Town, the owner of the Post Office site, the U.S. Postal Service itself, the Library Trustees, the Daland Trustees, and the New Hampshire Department of Environmental Services Water Division for all of the above.

The resulting lot size might theoretically be a little over half an acre, with wetlands as yet undefined. The lot would still not be large enough to support the building, an addition, a septic system and/or a well, or any parking.

Yet an addition in this scenario would need to be entered at the new center, on the side, not by the existing front door. The resulting addition would need to be roughly 120' x 50', or 140' x 40' – in other words, a very long structure. Parking from some areas at the left side of the Post Office site would be quite a walk from the new main entrance – as much as 300 feet to the new

entrance, which is the length of a football field. Certainly, a well-lighted and plowed sidewalk would be a necessity.  
(See diagram.)



## WHAT ABOUT MULTIPLE STORIES?

Another potential approach would be to consider a two-story addition to the 1909 building, in order to create a smaller footprint and thus use less land. A two-story structure would require a minimum of two staircases and an elevator. These would require the construction of at least 700 extra square feet of space. Moreover, because of the structural requirements of libraries (150 pounds per square foot "live load", the addition would require an expensive superstructure for the second floor, thereby increasing the cost of construction still more.

In view of the overall fine quality of the existing 1909 building, it is impossible to envision an aesthetically and historically successful two-story addition. For this reason alone, it cannot be recommended.

Too, operationally, a one-story library is considered to be more efficient, up to a limit of about 18,000 gross square feet. Particularly for a small staff, a library on one level is much more readily supervised. An upper level of public space would require a second staff member to be on duty upstairs when the library is open. Yet several writers have pointed out that each public desk will actually require the addition of two or more FTE (Full-time equivalent) staff simply in order to staff the new desk. The increase in staff just to supervise a second level would be prohibitively expensive over the life of the building.<sup>14</sup>

Elevators are costly, not only to purchase and install, but also to inspect and maintain. An annual maintenance contract on the elevator is likely to add something around \$1,200 or more to the library's annual operating budget.

Finally, the theoretical half-acre site would still be too small to allow very much parking, or the installation of a septic system and a well anywhere close to the building, because of the wetlands.

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<sup>14</sup> In today's dollars, figure 2 staff x \$25,000 per year x 20 years = \$1 million.

## APPENDIX III

Daland Memorial Library. Mont Vernon, New Hampshire

### Warrant Articles Summary

prepared by Cindy Raspiller, Chair, Daland Memorial Library Trustees, April, 2018

**1994 Annual Report (1995 Warrant)** - Article 7. To add \$10K to the Library Capital Reserve Fund.

PASSED

**1995 Annual Report (1996 Warrant)** - Article 7.

To add \$10K to the Library Capital Reserve Fund. PASSED

Article 8. To use up to \$8K from the Library Capital Reserve Fund for preliminary architectural schematics for the proposed Library addition. PASSED

**1996 Annual Report (1997 Warrant)** – Article 5. To dissolve earlier Capital Reserve Fund and create a new one with broader purposes, while using \$30K to purchase the Carleton land. PASSED Voice Vote Article 8. To add \$10K to the Library Capital Reserve Fund.

PASSED Voice Vote

**1997 Annual Report (1998 Warrant)** - Article 7. To use up to \$5K from the Library Capital Reserve Fund for preliminary architectural schematics for the proposed Library addition. PASSED Voice Vote Article 8. To add \$10K to the Library Capital Reserve Fund.

PASSED Voice Vote

**1998 Report (1999 Warrant)** - ARTICLE 7. To allow the Trustees to accept funds. PASSED Voice Vote ARTICLE 8. To raise and appropriate \$1.33M to move the Library and add an addition. To be paid for with bonds NTE \$591K + the Capital Reserve, Daland Matching Funds, and donations. FAILED Yes = 165 No = 113

**1999 Report (2000 Warrant)** - ARTICLE 6. To accept the provisions of RSA 202-A: 4-c to allow library trustees to apply for, accept and expend, unanticipated money from governmental or private sources. PASSED Voice Vote

ARTICLE 7. To raise and appropriate \$1.35M to move the Library and add an addition. To be paid for with bonds NTE \$445K + the Capital Reserve, Daland Matching Funds, and donations. FAILED Yes = 115 No = 196

**Report (2001 Warrant)** - ARTICLE 6. To raise and appropriate \$1.34M to build a new Library. To be paid for bonds NTE \$435K + the Capital Reserve, Daland Matching Funds, and donations FAILED Yes = 173 No = 112

ARTICLE 7. To raise and appropriate \$100K to authorize the Selectmen negotiate for the purchase and preservation of the existing Daland library. Fate to be determined after a

public hearing on a report prepared by a committee appointed by the Selectmen.

TABLED Voice Vote

**2000 Report (2002 Warrant)** - Article 16. To add \$10K to the Library Capital Reserve Fund.

PASSED Voice Vote

**2001 Report (2003 Warrant)** - Article 18. To add \$10K to the Library Capital Reserve Fund.

PASSED Voice Vote

**2002 - 2004 Reports (2004 - 2005 Warrants)** – Nothing

**2005 Report (2006 Warrant)** - ARTICLE 10. To raise and appropriate \$1.89M to move the Library and add an addition. To be paid for by the sale of bonds NTE \$941K + the contents of the Capital

Reserve and Matching Funds plus donations. FAILED Yes = 125 No = 317

ARTICLE 11. To raise and appropriate \$317K to construct a community room on the new Library.

Contingent on the earlier article passing. To be paid for by the sale of bonds NTE \$317K.

FAILED Yes = 56 No = 375

**2005 2007 Reports (2007 - 2008 Warrants)** - Nothing

**2008 Report (2009 Warrant)** - Article 10. To add \$10K to the Library Capital Reserve Fund.

FAILED Hand Vote

**2009 Report (2010 Warrant)** - Nothing

**2010 Report (2011 Warrant)** - ARTICLE 12. Related to charging Impact Fees – PASSED Hand Vote

**2011 - 2014 Report (2012 - 2015 Warrant)** - Nothing

**2015 Report (2016 Warrant)** - Article 10. To raise and appropriate \$50K to conduct building studies and develop a multi- year plan for Town Hall, McCollom Building and the Daland Memorial Library. To be paid for through taxes, grants and/or donations. PASSED by Hand Vote

**2016 Report (2017 Warrant)** - Article 11: To add \$10K to the Library Capital Reserve Fund. PASSED Voice Vote

## **2018 Warrant Plans**

### **Article 07: Spend from the Library Capital Reserve**

To see if the town will vote to raise and appropriate the sum of forty Five Thousand Dollars (\$45,000) for the engineering, architecture, and estimating services necessary to prepare a preliminary site plan, including septic and drainage designs, a schematic design and a cost estimate for a new Library and authorize the withdrawal of Forty Five Thousand (\$45,000) from the Library Capital Reserve created for that purpose. No funds are to come from general taxation. This will provide the information necessary to present a warrant article in 2019 to build a new library on the Town land previously acquired for this purpose adjacent to

Carleton Pond. Recommendations Required. This article has no tax impact. (Majority vote required)

The Budget Committee does not support this article.

The Selectmen support this article.

**Article 08: Purchase the Daland Library Building**

To see if the Town will vote to raise and appropriate the sum of One Hundred Five Thousand Dollars (\$105,000) for the purpose of purchasing the existing Daland Library Building from the Daland Trust. The building will continue to be maintained by the Daland Trust, and used exclusively as the Town Library until such time as a new library building is approved, constructed and occupied. The sale of the building is contingent on the approval of the Courts. This special article is a special warrant article per RSA 32:3 VI (d) and RSA 32:7 V. (Majority vote required).



**APPENDIX IV 2016 Public Library Statistics, pop 2,000 – 3,000**

**APPENDIX IV**

<b>AVERAGE FOR GROUP</b>			3,889 sf	1.57					
<b>MONT VERNON</b>			1,200 sf	0.48					
	Town/City	POP	Library Square Footage	Square feet per capita	Annual Library Visits	Total Borrowers	Total Print Materials	# of Audios	# of Videos
	Andover	2,364	1,375	0.58	4,461	998	15,457	620	2,55
	Andover	2,364	1,728	0.73	2,600	980	8,806	429	61
ASHLAND TOWN LIBRARY	Ashland	2,084	1,243	0.60	7,749	1,562	14,559	673	2,16
BARTLETT PUBLIC LIBRARY	Bartlett	2,807	2,600	0.93	-1	-1	-1	-1	-
BETHLEHEM PUBLIC LIBRARY	Bethlehem	2,558	4,880	1.91	21,645	3,022	14,478	491	1,44
MINOT-SLEEPER LIBRARY	Bristol	3,074	4,000	1.30	32,262	4,133	17,194	731	2,20
ELKINS LIBRARY	Canterbury	2,365	4,500	1.90	17,327	866	17,957	887	1,59
DUNBARTON PUBLIC LIBRARY	Dunbarton	2,797	2,500	0.89	5,950	885	14,598	474	67
EAST KINGSTON PUBLIC LIBRARY	East Kingston	2,398	4,400	1.83	16,748	2,035	27,356	769	2,50
FITZWILLIAM TOWN LIBRARY	Fitzwilliam	2,390	5,500	2.30	19,374	2,324	18,561	1,039	2,53
GORHAM PUBLIC LIBRARY	Gorham	2,809	4,600	1.64	17,400	1,834	26,255	215	96
DUNBAR FREE LIBRARY	Grantham	2,997	4,129	1.38	34,837	1,996	21,639	1,870	2,92
CHAMBERLIN FREE PUBLIC LIBRARY	Greenville	2,070	1,600	0.77	11,164	885	20,601	568	2,00
HOLDERNESS FREE LIBRARY	Holderness	2,103	4,847	2.30	8,151	2,034	10,464	432	99
KENSINGTON SOCIAL & PUBLIC LIBRARY	Kensington	2,114	1,838	0.87	7,977	989	11,501	657	1,16
MADISON LIBRARY	Madison	2,570	3,476	1.35	8,415	1,106	11,205	447	1,45
FROST FREE LIBRARY	Marlborough	2,110	3,582	1.70	11,964	2,063	12,576	476	1,63
MERIDEN LIBRARY	Meriden	2,391	2,432	1.02	6,762	469	10,780	402	53
DALAND MEMORIAL LIBRARY	Mont Vernon	2,478	1,200	0.48	12,763	1,309	14,028	312	870

	Town/City	POP	Library Square Footage	Square feet per capita	Annual Library Visits	Total Borrowers	Total Print Materials	# of Audios	# of Videos
NEW DURHAM PUBLIC LIBRARY	New Durham	2,604	3,140	1.21	20,769	1,087	12,040	710	92
GORDON-NASH LIBRARY	New Hampton	2,212	3,742	1.69	19,953	2,993	29,556	1,471	1,13
NEWBURY PUBLIC LIBRARY	Newbury	2,145	2,800	1.31	17,606	2,093	13,078	912	1,45
NORTHUMBERLAND PUBLIC LIBRARY	Northumberland	2,249	2,240	1.00	5,250	1,795	23,235	542	1,27
ROLLINSFORD PUBLIC LIBRARY	Rollinsford	2,520	2,900	1.15	8,477	1,958	12,258	0	84
CHOCORUA PUBLIC LIBRARY	Tamworth	2,884	1,624	0.56	2,863	684	12,468	321	77
THORNTON PUBLIC LIBRARY	Thornton	2,521	1,400	0.56	10,801	1,157	10,584	392	61
GAY-KIMBALL LIBRARY	Troy	2,135	5,000	2.34	15,781	1,703	16,761	622	2,23
TUFTONBORO FREE LIBRARY	Tuftonboro	2,381	3,984	1.67	20,973	2,937	28,183	919	2,89
WHITEFIELD PUBLIC LIBRARY	Whitefield	2,349	2,870	1.22	2,018	1,337	14,574	665	86
HAMPTON FALLS FREE LIBRARY	Hampton Falls	2,239	5,600	2.50	19,347	1,152	20,293	574	1,22
COOK MEMORIAL LIBRARY	Tamworth	2,884	6,000	2.08	16,869	1,556	20,815	1,234	2,44
PHILIP READ MEMORIAL LIBRARY	Plainfield	2,391	6,200	2.59	6,803	578	25,321	763	1,81
SANBORNTON PUBLIC LIBRARY	Sanbornton	2,976	6,782	2.28	11,440	1,241	16,506	523	3,20
PILLSBURY FREE LIBRARY	Warner	2,870	6,800	2.37	17,749	2,820	29,221	1,176	2,41
JAMES A. TUTTLE LIBRARY	Antrim	2,633	7,490	2.84	-1	-1	-1	-1	-
COLEBROOK PUBLIC LIBRARY	Colebrook	2,300	10,984	4.78	13,750	1,518	36,610	1,283	1,13
	<b>AVERAGE</b>		<b>3,889</b>	<b>1.57</b>					

<b>RECOMMENDED for MT VERNON</b>	<b>TO</b>	<b>7,151 7,437</b>	<b>2.54 to 1.48</b>	<b>Gross Square Feet Per Capita</b>
--------------------------------------	-----------	------------------------	-----------------------------	-------------------------------------



DRAFT



*Attachment 4: Arial Photograph of the Library Site*



DK

*Attachment 5: New Hampshire State Dept. of Environmental Services –  
Alteration of Terrain, Alteration of Wetlands Permit*



The State of New Hampshire  
**Department of Environmental Services**

Robert R. Scott, Commissioner



April 21, 2020

Ms. Cindy Raspiller  
Daland Memorial Library Trustees  
5 North Main Street  
Mont Vernon, NH 03057

Re: Daland Memorial Library  
Grand Hill Road – Mont Vernon, NH  
Tax Map 4 Lot 45

Permit: AoT-1795

Dear Applicant:

Based upon the plans and application, approved on April 21, 2020, we are hereby issuing RSA 485-A:17 Alteration of Terrain Permit AoT-1795. The permit is subject to the following conditions:

**PROJECT SPECIFIC CONDITIONS:**

1. The approved plans, dated December 10, 2019, latest revision dated April 3, 2020, and supporting documentation in the permit file are a part of this approval.
2. **This permit expires on April 21, 2025.** No earth moving activities shall occur on the project after this expiration date unless the permit has been extended by the Department. If requesting an extension, the request must be received by the department before the permit expires. The Amendment Request form is available at: <http://des.nh.gov/organization/divisions/water/aot/categories/forms.htm>
3. In accordance with Env-Wq 1503.21 (c)(1), a written notice signed by the permit holder and a qualified engineer shall be submitted to DES stating that the project was completed in accordance with the approved plans and specifications. If deviations were made, the permit holder shall review the requirements in Env-Wq 1503.21(c)(2).

**GENERAL CONDITIONS:**

1. Activities shall not cause or contribute to any violations of the surface water quality standards established in Administrative Rule Env-Wq 1700.
2. You must submit revised plans for permit amendment prior to any changes in construction details or sequences. You must notify the Department in writing within ten days of a change in ownership.
3. You must notify the Department in writing prior to the start of construction and upon completion of construction. Forms can be submitted electronically at: <https://forms.nh.gov/onlineforms/>. Paper forms are available at that same web page.
4. **All stormwater practices shall be inspected and maintained in accordance with Env-Wq 1507.07 and the project Inspection and Maintenance (I&M) Manual.** All record keeping required by the I&M Manual shall be maintained by the identified responsible party, and be made available to the department upon request. Photographs of the site and BMPs must accompany the I&M submittals.

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964





The State of New Hampshire  
**Department of Environmental Services**



Robert R. Scott, Commissioner

WETLANDS AND NON-SITE SPECIFIC PERMIT 2019-03896

**NOTE CONDITIONS**

**PERMITTEE:** MONT VERNON LIBRARY TRUST  
C/O CINDY RASPILLER  
PO BOX 335  
MONT VERNON NH 03057

**PROJECT LOCATION:** GRAND HILL RD, MONT VERNON  
TAX MAP #4, LOT #45

**WATERBODY:** UNNAMED WETLAND

**APPROVAL DATE:** APRIL 23, 2020

**EXPIRATION DATE:** APRIL 23, 2025

Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued by the New Hampshire Department of Environmental Services (NHDES). This permit shall not be considered valid unless signed as specified below.

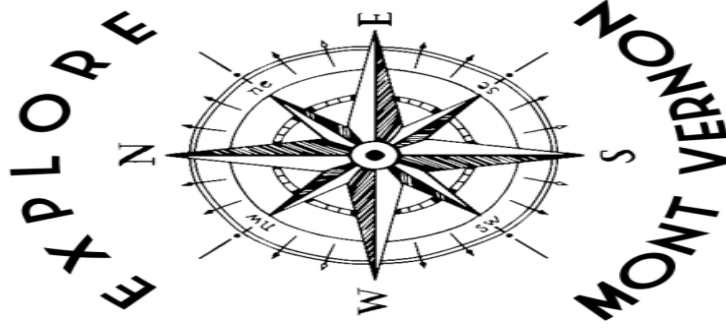
**PERMIT DESCRIPTION:** Dredge and fill 7,695 square feet (SF) of palustrine emergent wetland (historically impacted by agricultural use) and 1,562 SF of palustrine forested wetland for lot development to create parking, sidewalks, and grading and drainage associated with the construction of a new municipal library.

**THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:**

1. All work shall be in accordance with plan sheets C-001, and C-004 through C-006 by Oak Consulting Group dated December 10, 2019, and plan sheet C-003, dated April 21, 2020, as received by the NH Department of Environmental Services (NHDES) on December 17, 2019 and April 22, 2020, respectively.
2. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
3. This permit is not valid unless a septic system construction approval or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
4. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
5. Not less than 5 state business days prior to starting work authorized by this permit, the permittee shall notify the NHDES Wetlands Program and the local conservation commission in writing of the date on which work under this permit is expected to start.
6. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
7. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).



*Attachment 6: Blood Road Trail*



FOR MORE INFORMATION



Mont Vernon Conservation Commission

[http://www.montvernonnh.us/index.php/  
boards-a-committees/conservation-commission](http://www.montvernonnh.us/index.php/boards-a-committees/conservation-commission)

Daland Memorial Library

<https://dalandlibrary.com/>



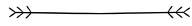
A GUIDE TO A SELECTION OF  
MONT VERNON  
CONSERVATION LANDS AND TRAILS



September 2020



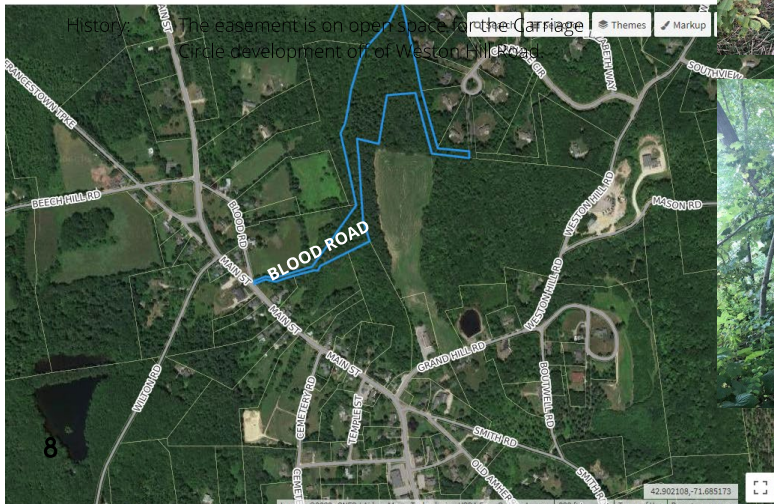
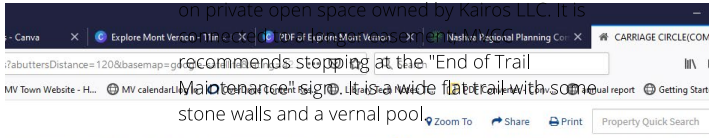
## BLOOD ROAD TRAIL



Location: Intersection of Blood Road and Main Street.

Parking: No parking on site. Park at Town Hall or Library and walk up to Blood Road.

Features: The 0.43 mile trail is an easement for pedestrians on private open space owned by Kairos LLC. It is



## BLOOD ROAD TRAIL



----- 9

DK

Attachment 7: Conservation Commission Approval

From: Adrienne Gosselin  
Chair



To: Cindy Raspiller,  
President



Subject: Mont Vernon New Daland Library and Access Road Projects

I am pleased to report that the Mont Vernon Conservation Commission has approved the plans to construct the new Daland Memorial Library and the Library and Cemetery Access Road project on the Library and Cemetery plots in Mont Vernon, NH, on July 17, 2024.

The updated plan now addresses all of our concerns with respect to wetlands/drainage impacts of the New Library project and have no outstanding items to address. The updated plan also addresses the drainage studies and reports also addresses our remaining concerns with the Access Road project.

The updated plan also includes the design of hiking trails in the remaining open space on the Library and Cemetery plots in Mont Vernon, NH.

Best Regards,  
*Adrienne Gosselin*  
Adrienne Gosselin

# Attachment 8: Lot 4-45 Zoning and Land Use - Nashua Regional Planning Commission Land Use Map

## Zoning

[Official Tax Map](#)

**Documents on File**

No results found

**Property**

Address: WESTON HILL RD & GRAND HILL (CA)

MBLU: 4-45

Area: 41.20 ACRES

**Ownership**

Name 1: MONT VERNON, TOWN OF

Address: PO BOX 444, MONT VERNON, NH 03057,

**Valuation**

Last Sale: \$0 on

Book / Page: /

Total: \$125,200

Building: \$0

Land: \$125

**Land Use**

Zone: Residential

Land Use Description: Exempt: Town

**Land Conservation**

Tract Name: Town of Mont Vernon Land

Protection Type: Fee Ownership

Agency: Town of Mont Vernon

Book/Page: 5826/0167 (1997)

**Data Source**

Source: Data Source: Town of Mont Vernon

Last Revision: Data as of 2023-10-11

**Zoning**

Transparency

- Rural Agricultural over 3 ac
- Residential SF 2 ac
- Residential SF 1 ac
- Residential SF less than 1 ac
- Low Density Multi-Family
- Medium-High Density Multi-Family
- Manufactured Housing
- Neighborhood-Village Commercial
- Commercial
- Commercial Highway
- Commercial Office
- Industrial
- Light Industrial
- Commercial/Agriculture
- Industrial/Commercial
- Retail Business/Residential
- Commercial/Residential
- Conservation
- Airport

**Attribution**

NRPC GIS

- Historic Districts
- Economic Revitalization Zones
- Federal Economic Incentives
- Land Use
- Flood Hazard
- Public Trails
- Conserved Lands
- Wetlands
- Stratified Drift Aquifer
- Watersheds
- Soils and Prime Farmland
- Topographic Contours
- Detailed Terrain

DRAFT

# Land Use

[Official Tax Map](#)

**Documents on File**

No results found

**Property**

Address: WESTON HILL RD & GRAND HILL (CA)

MBLU: 4-45

Area: 41.20 ACRES

**Ownership**

Name 1: MONT VERNON, TOWN OF

Address: PO BOX 444, MONT VERNON, NH 03057,

**Valuation**

Last Sale: \$0 on

Book / Page: /

Total: \$125,200

Building: \$0

Land: \$125

**Land Use**

Zone: Residential

Land Use Description: Exempt: Town

**Land Conservation**

Tract Name: Town of Mont Vernon Land

Protection Type: Fee Ownership

Agency: Town of Mont Vernon

Book/Page: 5826/0167 (1997)

**Data Source**

Source: Data Source: Town of Mont Vernon

Last Revision: Data as of 2023-10-11

**Zoning**

**Historic Districts**

**Economic Revitalization Zones**

**Federal Economic Incentives**

**Land Use**

**Transparency**

- Res - 1 Household
- Res - 2 Households
- Res - 3 Households
- Res - 4 Households
- Res - 5+ Households
- Group Quarters
- Commercial
- Industrial
- Mixed Use
- Municipal Facility
- School
- Institutional
- Airport
- Other Government
- Recreation
- Open Space
- Agricultural
- Utility

**Attribution**

NRPC GIS

**Flood Hazard**

**Public Trails**

**Conserved Lands**

**Wetlands**

**Stratified Drift Aquifer**

**Watersheds**

**Soils and Prime Farmland**

**Topographic Contours**

**Detailed Terrain**

DRAFT

*Attachment 9: Cemetery Commission Letter of Intent*

From: Louis Springer <louis\_springer@icloud.com>

Subject: Cemetery Letter of Intent

Date: April 25, 2024 at 7:42:45 PM EDT

To: Cindy Raspiller <clraspiller@gmail.com>, Spencer Lovette <smlovette@gmail.com>

Cc: Louis Springer <louis\_springer@icloud.com>

The 30-acre cemetery lot is mostly wooded land and approximately 7 acres of open field. As we develop this land, our intent is to maintain the forest cover to the greatest extent possible that is compatible with a cemetery. We also intend to develop and maintain a trail network through the woodland.

Regards,

Louis Springer  
Chairman  
Mont Vernon Board of Cemetery





# *Attachment 11: Mont Vernon Historic District Commission Letter of Support*

## **Mont Vernon, NH Historic District Commission**

---

Ms. Cindy Raspiller  
President  
Mont Vernon Library Charitable Foundation  
PO Box 25  
Mont Vernon, NH 03057

November 29, 2023

Dear Ms. Raspiller:

I am writing on behalf of the Mont Vernon Historic District Commission to support your grant application to the NH CDFA CCIP program. The existing Art & Crafts Daland Memorial Library building is one of the crown jewels of the Historic District and we are keenly aware of the impact of this proposed project on the entire village center.

We were pleased that the residents voted to purchase the existing building for town administrative use in order to assure that it would be preserved in its iconic Main Street location. We could not be more pleased that new facility will be directly adjacent to the Historic District and was designed in a modern farmhouse style to blend in with the local architecture. The new facility will enhance the walkability of the town center, helping to both preserve and promote this important Mont Vernon neighborhood. Since the new facility is sited within the bounds of the former golf course it can also serve as a reminder of Mont Vernon's storied past.

From a purely practical standpoint, we very much look forward to having this important community resource available to use for our Commission meetings and to allow us to host events. As you are aware, meeting spaces within town are limited and lack the amenities needed for so many programs.

We look forward to continuing to work with both the elected Town Library Trustees and the Mont Vernon Library Charitable Foundation to make a new library for Mont Vernon a reality.

This grant will play an important role in preserving the Mont Vernon's Historic District and bringing more residents downtown, keeping Mont Vernon vibrant and connected.

Sincerely,



Doug Irvine, Chairman  
Mont Vernon, NH Historic District Commission



Attachment 12: New Hampshire Div. of Historical Resources Section 106 Consultation

Please mail the completed form and required material to:

New Hampshire Division of Historical Resources  
 State Historic Preservation Office  
 Attention: Review & Compliance  
 19 Pillsbury Street, Concord, NH 03301-3570

RECEIVED OCT 27 2022

DHR Use Only	
R&C #	14366
Log In Date	10/27/22
Response Date	11/2/22
Sent Date	11/7/22

**Request for Project Review by the  
 New Hampshire Division of Historical Resources**

- This is a new submittal
- This is additional information relating to DHR Review & Compliance (R&C) #:

GENERAL PROJECT INFORMATION	
Project Title Mont Vernon New Library Construction	
Project Location Grand Hill Road	
City/Town Mont Vernon	Tax Map 4 Lot # 45
NH State Plane - Feet Geographic Coordinates: Easting 982311.522 Northing 144787 <i>(See RPR Instructions and R&amp;C FAQs for guidance.)</i>	
Lead Federal Agency and Contact <i>(if applicable)</i> NEH Ann Piesen apiesen@neh.gov <i>(Agency providing funds, licenses, or permits)</i> Permit Type and Permit or Job Reference #	
State Agency and Contact <i>(if applicable)</i> Permit Type and Permit or Job Reference #	
APPLICANT INFORMATION	
Applicant Name Mont Vernon Library Charitable Foundation	
Mailing Address PO Box 25	Phone Number 603 493 3960
City Mont Vernon State NH	Zip 03057 Email smlovette@mvlcf.org
CONTACT PERSON TO RECEIVE RESPONSE	
Name/Company Spencer Lovette	
Mailing Address PO Box 25	Phone Number 6034933960
City Mont Vernon State NH	Zip 03057 Email smlovette@mvlcf.org

*This form is updated periodically. Please download the current form at [www.nh.gov/nhdhr/review](http://www.nh.gov/nhdhr/review). Please refer to the Request for Project Review Instructions for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. Please include a self-addressed stamped envelope. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: [www.nh.gov/nhdhr/review](http://www.nh.gov/nhdhr/review) or contact the R&C Specialist at [marika.s.labash@dncr.nh.gov](mailto:marika.s.labash@dncr.nh.gov) or 603.271.3558.*

PROJECTS CANNOT BE PROCESSED WITHOUT THIS INFORMATION

Project Boundaries and Description

- Attach the Project Mapping **using EMMIT or relevant portion of a 7.5' USGS Map.** (See RPR Instructions and R&C FAQs for guidance.)
- Attach a detailed narrative description of the proposed project.
- Attach a site plan. The site plan should include the project boundaries and areas of proposed excavation.
- Attach photos of the project area (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.) (Informative photo captions are requested.)
- A DHR records search must be conducted to identify properties within or adjacent to the project area. Provide records search results via EMMIT or in **Table 1.** (Blank table forms are available on the DHR website.) Please note, using EMMIT Guest View for an RPR records search does not provide the necessary information needed for DHR review.  
EMMIT or in-house records search conducted on Nothing found on EMMIT search 09/26/2022.

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area?  Yes  No  
If no, skip to Archaeology section. If yes, submit all of the following information:

Approximate age(s):

- Photographs of **each** resource or streetscape located within the project area, with captions, along with a mapped photo key. (Digital photographs are accepted. All photographs must be clear, crisp and focused.)
- If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provide additional photographs showing detailed project work locations. (i.e. Detail photo of windows if window replacement is proposed.)

Archaeology

Does the proposed undertaking involve ground-disturbing activity?  Yes  No  
If yes, submit all of the following information:

- Description of current and previous land use and disturbances.
- Available information concerning known or suspected archaeological resources within the project area (such as cellar holes, wells, foundations, dams, etc.)

Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the Section 106 process.

**DHR Comment/Finding Recommendation** *This Space for Division of Historical Resources Use Only*

- Insufficient information to initiate review.  Additional information is needed in order to complete review.
- No Potential to cause Effects  No Historic Properties Affected  No Adverse Effect  Adverse Effect

Comments: PROJECT REVIEW IN 2020 FOR ALICE PERMITTING.

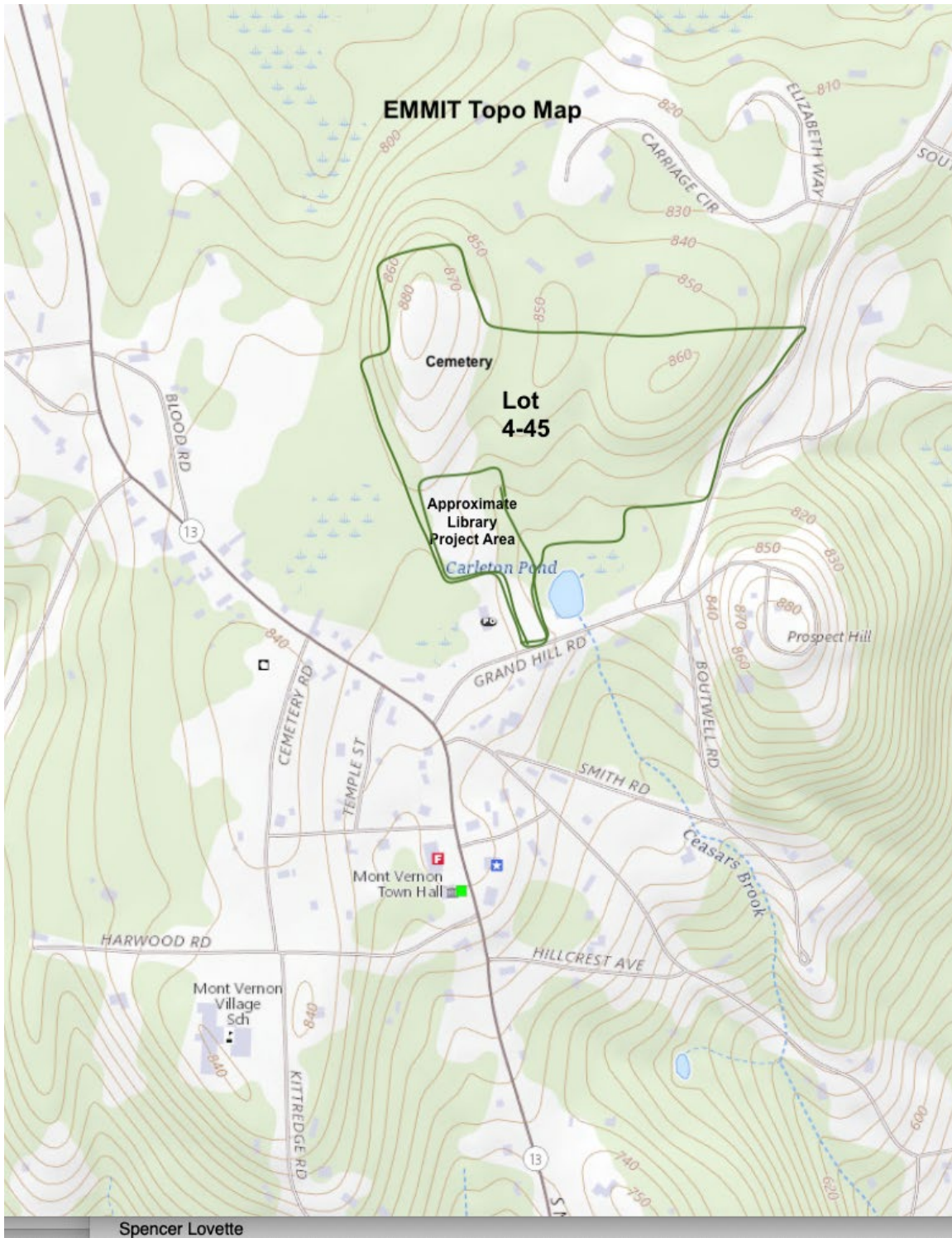
*If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.*

Authorized Signature: \_\_\_\_\_  
*Deputy State Historic Preservation Officer  
New Hampshire Division of Historical Resources*

Date: 11-2-22



*Request for Review*



Request for Project Review  
Mont Vernon Library Charitable Foundation

Narrative:

The Town of Mont Vernon, NH is going to build a new library on a portion of a plot the town purchased in 1997. The new library, to be 7600 square feet will be constructed on one level. The new library will replace our currently library which was built in 1909 on another plot in Mont Vernon. The current library is inadequate to serve the Town's library needs and will be used for town offices or another town function.

The new site is a gentle hill along a Grand Hill Road on farmland behind the Mont Vernon US Post Office. The town has been leasing the land to a local farmer to grow corn for many years. In addition to the new library, a new town cemetery is planned for the rear of the site at the top of the hill sometime in the future. See *Photo 1* and *Access Road Project Site Layout*.

The project originally comprised the new library and an access road to the library and cemetery. It has been divided into two distinct projects, a) the library, b) the access road and parking for the library and cemetery. They are both documented on the included set of plans. This request for project review focuses on the library project, as that is being partially funded with federal funds (an NEH challenge grant.) The Town will build the access road in coordination with the library construction. Since the road work and library construction are interrelated, information on both projects is included herein for the purpose of accessing the library project.

The *Access Road Project Site Layout* shows the placement of the new library building, the access road and parking areas. The library and road projects will convert current farmland to commercial use. Ground disturbance will occur on previously cultivated land to the west of the pond and adjacent wetlands uphill from the pond. The plan shows a small area of impact on existing wetlands related to the access road. Existing stone walls on the East side and West side of the site will not be disturbed.

**Library Project** – The new library is a single story 7600 SF building with front and rear landscaped areas. There are currently no structures or man made features on the site. The site is surrounded by a primarily deciduous forest except the front, South facing view. The library will overlook the Mont Vernon US Post Office situated at the base of the hill along Grand Hill Road and the forest beyond. Two homes on the opposite side of Grand Hill Road have a view of the library site. See Photos

**Access Road and Parking Areas** – A 20 ft wide road and adjacent gravel walkway will extend from the Grand Hill Road up the hill past the library site. One of the homes on Grand Hill Road is directly across from the access road. 26 parking spaces will be provided in two parking areas along the access road beyond the library entrance. A gravel area at the North end of the road will provide sufficient space for a bus or fire engine turn around.

**Ground Disturbance** – The Existing Conditions and Grading plans show the expected areas of ground disturbance for the library and access road projects. 9257 sq ft of wetlands will be regraded in conjunction with the access road project. The library construction site has no direct impact on wetlands. See Photo 13

Site Plans:

Photos 10 and 11 show the existing conditions and topo maps. Photos 12 and 13 show the site layout including the location of the new library. The access road and parking areas are indicated on the West side of the site.

**Architecture** – There are no structures on the site. A US Post Office (less than 50 years old)



NH DOT Name and Number and/or Project Title:		DHR R&C #:
<b>RPR Table 2: properties within the AREA OF POTENTIAL EFFECT; Not yet surveyed</b>		
Resource Identification (Any locational information that is cross-referenced with both mapping and photos; i.e. address, parcel number, mile marker)	Estimated Construction Date	Basis for date: owner info., visual, municipal records etc.
Parcel 4-45 Mont Vernon	N/A No Construction	
**Add rows as necessary		

Photo Log

NH DOT Name and Number and/or Project Title:		DHR R&C #:
RPR Form RPR photo log		
Photo #	NH DHR Inventory # and/or locational information; Include a brief description of the photograph if necessary.	
1	Aerial Photo of Corn Field	
2	North view from Grand Hill Road looking up hill on proposed Access Road.	
3	South view of house across the street from Grand Hill Road at entrance to proposed access road.	
4	West view of Post Office from Access Road entrance.	
5	East view pond from Access Road, 100 ft from Access Road entrance	
6	South View from Library Site looking toward Grand Hill Road	
7	West View from Library Site	
8	East View from Library Site	
9	North View from Library Site	
10	Plans Existing Conditions	
11	Plans Existing Conditions Topo Map	
12	Plans Access Road Project Site Layout	
13	Plans Access Road Project Grading	
14		
	**Add rows as necessary.	
	Informative photo captions can be used in place of a photo log.	





Photo 1 Corn Field





Photo 2 North View from Grand Hill Road





Photo 3 South View of House across the street from Grand Hill Road





Photo 4 North West View of Post Office from Access Road Entrance





Photo 5 East View of Pond 100 ft from Access Road Entrance





Photo 6 South View from Library Site





Photo 7 West View from Library Site





Photo 8 East View from Library Site





Photo 9 North View from Library Site

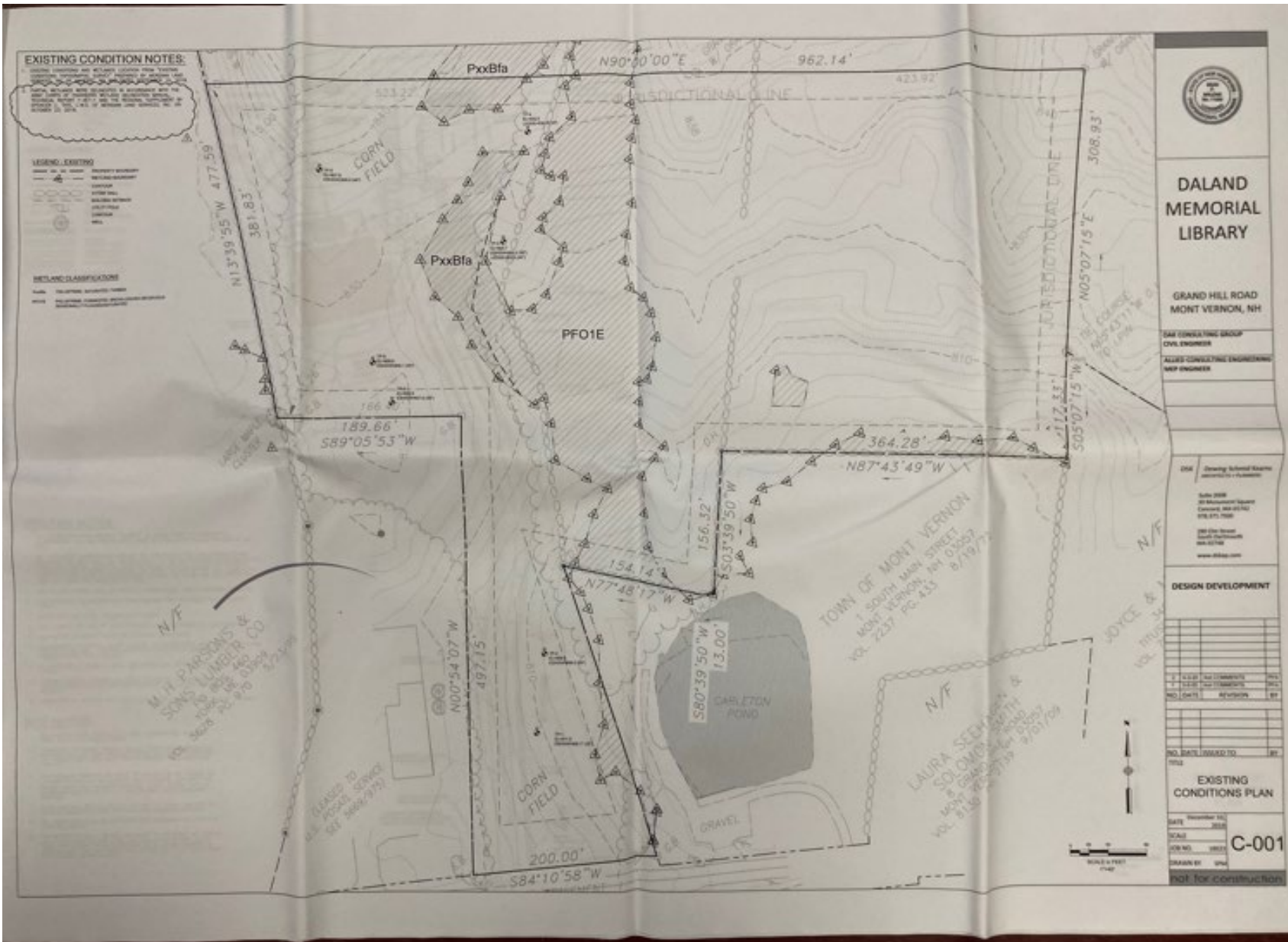
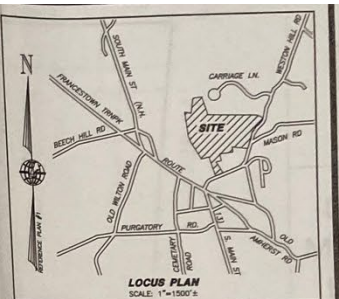


Photo 10 Existing Conditions





- NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE OBSERVABLE EXISTING CONDITIONS TOPOGRAPHY WITHIN 10.3+/- ACRES OF AREA, BEING A PORTION OF LOT 4-45, SITUATED IN MONT VERNON, NEW HAMPSHIRE.
  2. THE OWNER OF RECORD FOR LOT 4-45 IS THE TOWN OF MONT VERNON. SEE H.C.R.D VOL. 5826 PG. 167 DATED JUNE 26, 1997.
  3. THIS PLAN IS PREPARED FOR THE TOWN OF MONT VERNON, DALAND MEMORIAL LIBRARY TRUSTEES, C/O BONNIE ANGULAS, DALAND MEMORIAL LIBRARY, MONT VERNON, NH.
  4. THE 10.3+/- ACRES AREA KNOWN AS THE "JURISDICTIONAL AREA" OF THE DALAND MEMORIAL LIBRARY TRUSTEES IS DEFINED ON REFERENCE PLAN #4.
  5. TOPOGRAPHY WITHIN THE SURVEY LIMITS IS THE RESULT OF AN ON-SITE FIELD SURVEY PERFORMED BY THIS OFFICE ON SEPTEMBER 6 & 7, 2018.
  6. SUPPLEMENTAL CONTOURS AND DETAIL ARE COMPILED PER AVAILABLE PUBLIC SOURCES, INCLUDING: NHPC GIS DATA, NH GRANITE LIDAR DATA, AERIAL IMAGERY, ETC.
  7. PARTIAL WETLANDS WERE DELINEATED IN ACCORDANCE WITH THE ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL TECHNICAL REPORT Y-87-1 AND THE REGIONAL SUPPLEMENT BY SPENCER C. TATE, C.W.S. OF THIS OFFICE ON 8/23/2018. SEE LEGEND FOR APPROPRIATE LINE TYPES & SYMBOLS.
  8. NO WETLAND MAPPING OR SURVEY FIELDWORK OCCURRED IN THE STANDING CORNFIELD.
  9. NO UNDERGROUND UTILITY INVESTIGATION WAS PERFORMED BY THIS OFFICE AT THIS TIME.

**DRAFT**  
 EXISTING CONDITIONS TOPOGRAPHIC PLAN  
 LAND OF  
**TOWN OF MONT VERNON**  
 TAX MAP 4 LOT 45  
 MONT VERNON, NEW HAMPSHIRE  
 SCALE: 1" = 100'      SEPTEMBER 10, 2018

**MERIDIAN**  
 LAND SERVICES, INC.  
 ENGINEERING | SURVEYING | PERMITTING  
 SOIL & WETLAND MAPPING | SEPTIC DESIGN  
 31 OLD NASHUA ROAD, AMHERST, NH 03051      TEL: 603-673-1441  
 MERIDIANLANDSERVICES.COM      FAX: 603-673-1334

FILE:3961111.gxd      PROJECT NO. 3961.11      SHEET NO. 1 OF 1

Photo 11 Existing Conditions Topo Map





**DALAND MEMORIAL LIBRARY**

GRAND HILL ROAD  
MONT VERNON, NH

DSK CONSULTING GROUP  
CIVIL ENGINEER

ALLEN CONSULTING ENGINEERING  
MEP ENGINEER

---

DSK Dewing Schmid Keams  
ARCHITECTS - PLANNERS

Suite 200B  
30 Monument Square  
Concord, MA 03374  
978.371.7500

202 Elm Street  
South Dartmouth,  
MA 02748  
[www.dskap.com](http://www.dskap.com)

**DESIGN DEVELOPMENT**

NO.	DATE	ISSUED TO	BY

**TITLE**

**SITE LAYOUT AND UTILITIES PLAN**

DATE: December 10, 2019

SCALE: **C-002**

JOB NO. 18023

DRAWN BY: SPW

not for construction

12 Access Road Project Site Layout

Photo





**DALAND  
MEMORIAL  
LIBRARY**

GRAND HILL ROAD  
MONT VERNON, NH

OAK CONSULTING GROUP  
CIVIL ENGINEER  
ALLIED CONSULTING ENGINEERING  
MEP ENGINEER

DSK *Dewing Schmid Koorns*  
ARCHITECTS + PLANNERS  
  
Suite 200B  
30 Monument Square  
Concord, MA 02242  
978.371.7500  
  
280 Elm Street  
South Dartmouth  
MA 02748  
www.dskap.com

**DESIGN DEVELOPMENT**

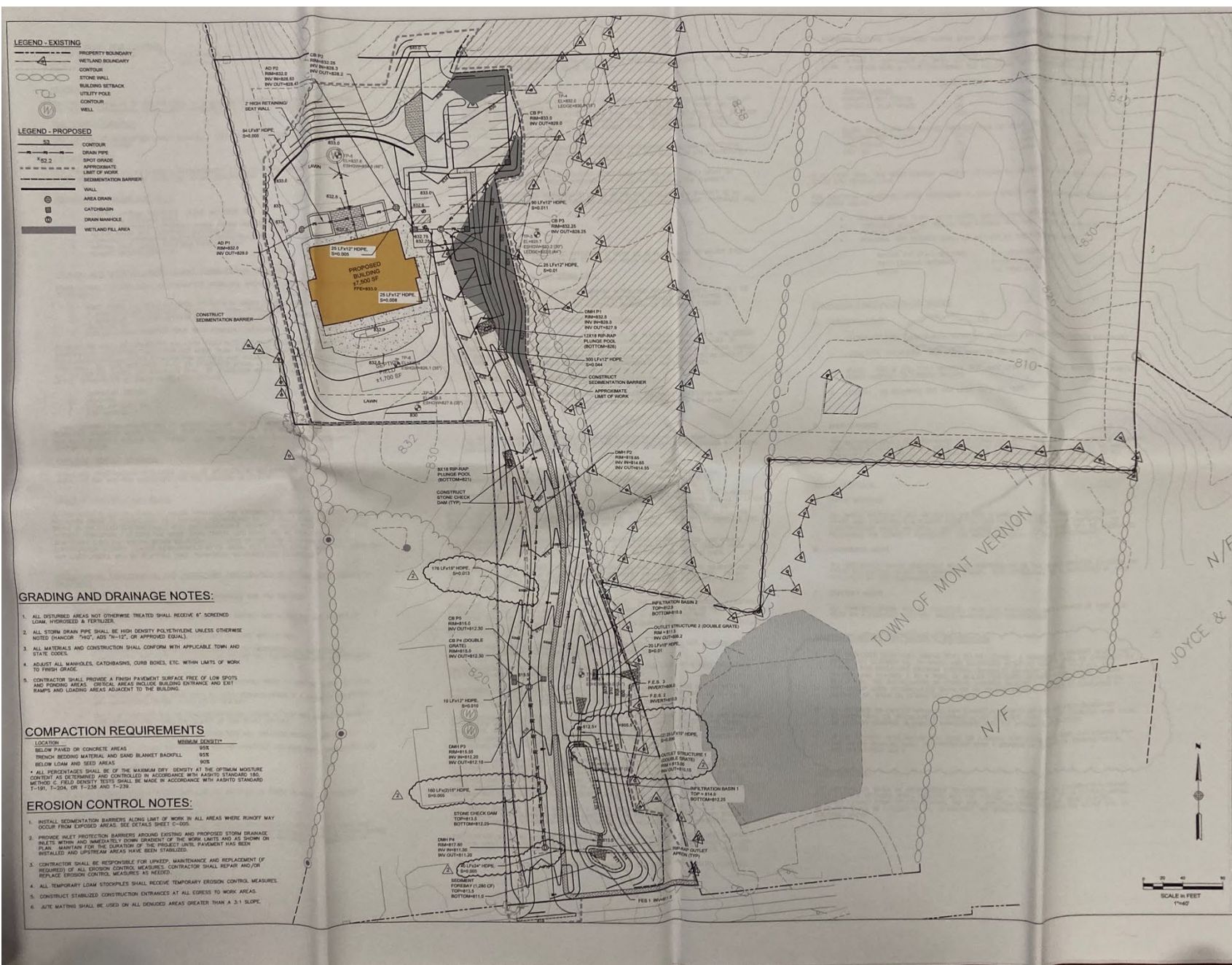
NO.	DATE	REVISION	BY
3	4-21-20	REMOVE CROSSING	PFA
2	4-3-20	ADD COMMENTS	PFA
1	3-9-20	ADD COMMENTS	PFA

NO. DATE ISSUED TO BY TITLE

**SITE GRADING  
AND DRAINAGE  
PLAN**

DATE December 10, 2019  
SCALE 1"=40'  
JOB NO. 18023  
DRAWN BY SP/M  
not for construction

**C-003**



- LEGEND - EXISTING**
- PROPERTY BOUNDARY
  - WETLAND BOUNDARY
  - CONTOUR
  - STONE WALL
  - BUILDING SETBACK
  - UTILITY POLE
  - CONTOUR
  - WELL
- LEGEND - PROPOSED**
- CONTOUR
  - DRAIN PIPE
  - SPOT GRADE
  - APPROXIMATE LIMIT OF WORK
  - SEDIMENTATION BARRIER
  - WALL
  - AREA DRAIN
  - CATCH BASIN
  - DRAIN MANHOLE
  - WETLAND FILL AREA

**GRADING AND DRAINAGE NOTES:**

- ALL DISTURBED AREAS NOT OTHERWISE TREATED SHALL RECEIVE 4" SCREENED LOAM, HYDROSEED & FERTILIZER.
- ALL STORM DRAIN PIPE SHALL BE HIGH DENSITY POLYETHYLENE UNLESS OTHERWISE NOTED OTHERWISE "PVC" AND 7.5" OR APPROVED EQUAL.
- ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE TOWN AND STATE CODES.
- ADJUST ALL MANHOLES, CATCHBASINS, CURB BOXES, ETC. WITHIN LIMITS OF WORK TO FINISH GRADE.
- CONTRACTOR SHALL PROVIDE A FINISH PAVEMENT SURFACE FREE OF LOW SPOTS AND FORGING AREAS. CURB AREAS INCLUDE BUILDING ENTRANCE AND LIFT RAMPS AND LOADING AREAS ADJACENT TO THE BUILDING.

**COMPACTION REQUIREMENTS**

LOCATION	MINIMUM DENSITY*
BELOW PAVED OR CONCRETE AREAS	90%
TRENCH BEDDING MATERIAL AND SAND BLANKET BACKFILL	90%
BELOW LOAM AND SEED AREAS	90%

\* ALL PERCENTAGES SHALL BE OF THE MAXIMUM DRY DENSITY AT THE OPTIMUM MOISTURE CONTENT AS DETERMINED AND CONTROLLED IN ACCORDANCE WITH ASTM STANDARD D698 METHOD C. FIELD DENSITY TESTS SHALL BE MADE IN ACCORDANCE WITH ASTM STANDARD T-99, T-204, OR T-238 AND T-239.

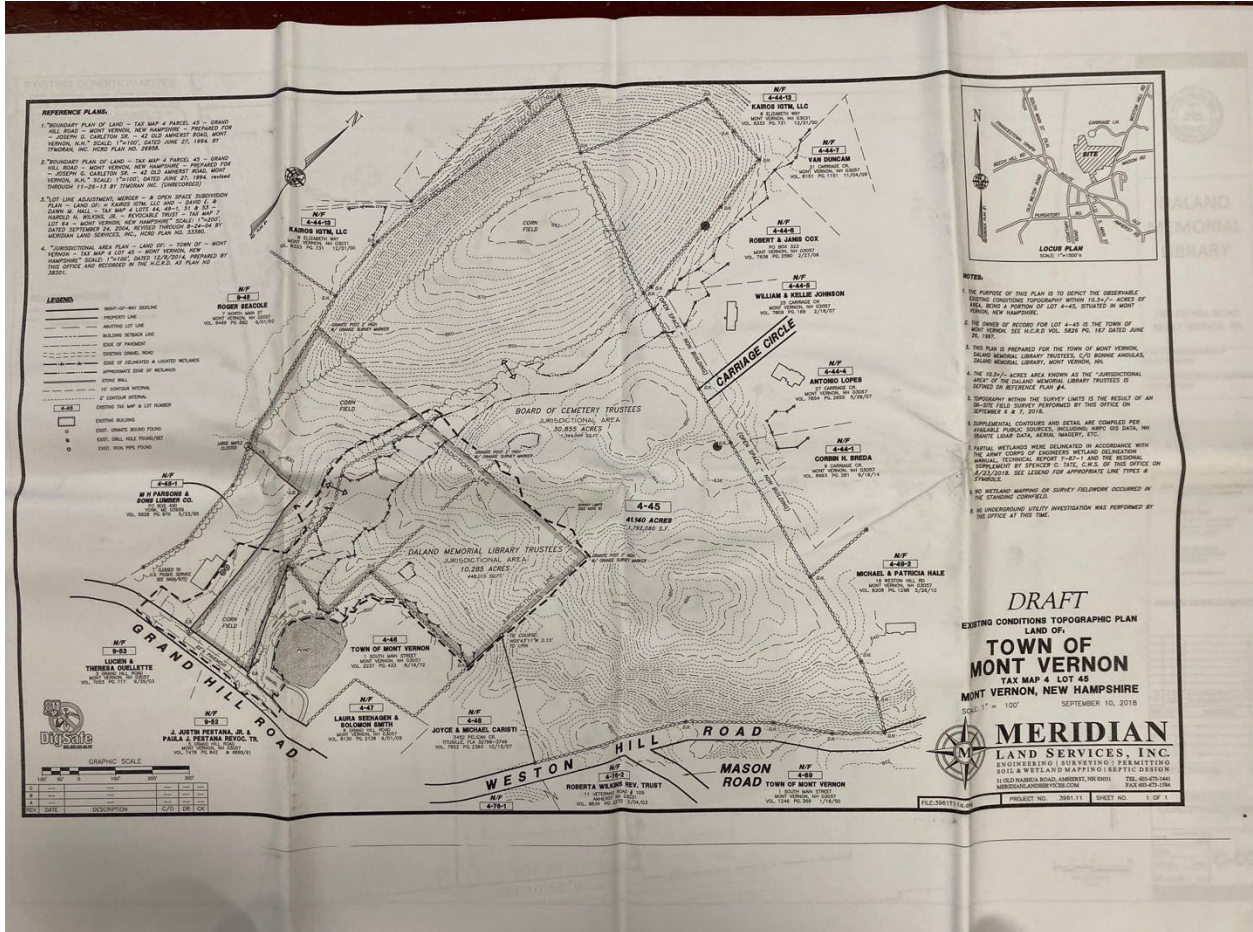
**EROSION CONTROL NOTES:**

- INSTALL SEDIMENTATION BARRIERS ALONG LIMIT OF WORK IN ALL AREAS WHERE RUNOFF MAY OCCUR FROM EXPOSED AREAS. SEE DETAILS SHEET C-1005.
- PROVIDE MULEY PROTECTION BARRIERS AROUND EXISTING AND PROPOSED STORM DRAINAGE INLETS WITHIN AND IMMEDIATELY DOWN GRADIENT OF THE WORK LIMITS AND AS SHOWN ON PLAN. MAINTAIN FOR THE DURATION OF THE PROJECT UNTIL PAVEMENT HAS BEEN INSTALLED AND UPSTREAM AREAS HAVE BEEN STABILIZED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR UNWEED, MAINTENANCE AND REPLACEMENT (IF REQUIRED) OF ALL EROSION CONTROL MEASURES. CONTRACTOR SHALL REPAIR AND/OR REPLACE EROSION CONTROL MEASURES AS NEEDED.
- ALL TEMPORARY LOAM STOCKPILES SHALL RECEIVE TEMPORARY EROSION CONTROL MEASURES.
- CONSTRUCT STABILIZED CONSTRUCTION ENTRANCES AT ALL EGRESS TO WORK AREAS.
- SLICE MATTING SHALL BE USED ON ALL DENUDED AREAS GREATER THAN A 3:1 SLOPE.

Photo 13 Access Road Project Grading



# Attachment 13: Wetlands Delineation Map



# Attachment 14: Solar Energy Preliminary Estimate



## Mont Vernon Solar

### Preliminary Estimate for Daland Memorial Library

### Solar Design Summary

Project Size (DC)	50 Panels	20 kW
Project Size (AC)	2 Inverters	17.6 kW
Annual Generation (kWh)		22,000

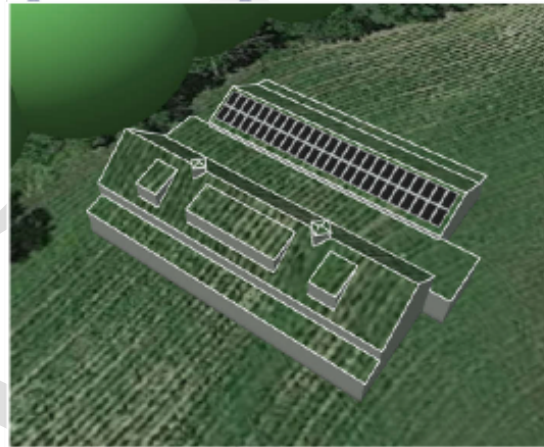
### Investment Summary

Turnkey System Cost (incl. Allowances)	\$84,000
Utility Applications & Upgrades Allowance	\$0
Permitting & Site Preparation Allowance	\$0
Annual O&M (Recommended)	\$0
Investment Tax Credit	-\$25,000
Depreciation Benefits	\$0
Rebate/Grant (Estimate)	\$0
<b>Net investment</b>	<b>\$59,000</b>

*Pricing guaranteed for 30 days. Financing and lease options available.*

### Engineer's Rendering

Preliminary Proposal Date  
October 24, 2022



Grand Hill Rd Mont Vernon, NH (Satellite Data)

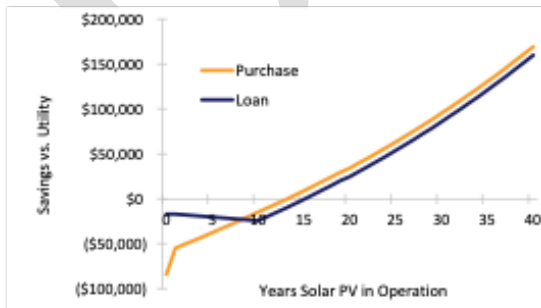
### Project Savings/Revenue

Energy Savings (Year 1)	\$3,753
Renewable Energy Credits (Year 1)	\$550
Simple Payback (Years)	14
25-Year Internal Rate of Return (IRR)	5.95%
25-Year Net Savings (Warranty Period)	\$63,331
40-Year Net Savings (Commercial Lifespan)	\$169,381

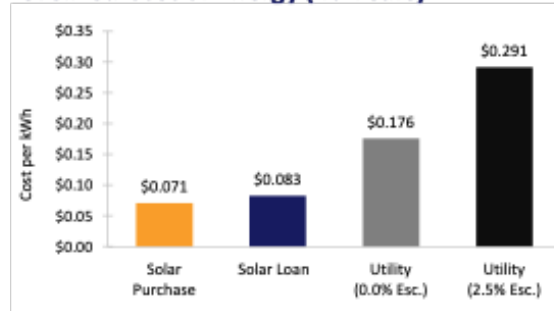
### Environmental Benefits

Annual CO <sub>2</sub> e Offset (pounds)	21,560
Equivalent To...	
Gallons of Gasoline Not Burned	1,100
Passenger Cars Removed From the Road	2
Pounds of Coal Not Burned	10,775
Tons of Waste Recycled	3

### Solar Savings vs. Utility



### Levelized Cost of Energy (40 Years)



## Attachment 15: Legal Counsel and New Hampshire Revised Statutes Annotated (RSA)

**From:** Legal Inquiries <[legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org)>

**Sent:** Wednesday, April 17, 2024 1:53 PM

**To:** David Sturm <[david@dqslaw.net](mailto:david@dqslaw.net)>

**Subject:** Mont Vernon: Zoning question

Good Afternoon David:

New Hampshire has adopted the majority rule that a town is not required to comply with its own zoning ordinance in the erection and construction of public buildings, such as a public library, which is an essential function of government. 8 E. McQuillin, *Municipal Corporations* § 25.15 (1965 rev. vol.); 2 R. Anderson, *American Law of Zoning* § 9.03 (1968); 2 A. Rathkopf, *The Law of Zoning and Planning* 53-1 to 53-6 (1960). “The extent to which any governmental unit shall be immune from zoning requirements is a matter within legislative control; but our enabling act is silent upon the subject. RSA 31:60-89; see Note, Zoning Immunity, 84 Harv. L. Rev. 869, 879-83 (1971).” *McGrath v. Manchester*, 113 N.H. 355, 356 (1973).

Thus, the town of not required to comply with its own zoning ordinance concerning the use of a parcel for the erection of a public library in a zone that does not specifically allow such a use.

**Stephen Buckley**  
**Legal Services Counsel**  
**NH Municipal Association**  
25 Triangle Park Drive  
Concord NH 03301  
Tel: (603) 224-7447  
Email: [legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org)  
<https://www.nhmunicipal.org/federal-funding-and-resources>

*The attorneys at NHMA provide general municipal legal advice based on the information that is provided by the inquirer. The attorneys at NHMA operate best when they are answering questions of general municipal law—issues of interest to more than just a few communities—especially questions which can be answered by reference to state statutes or court opinions. In the event you have already received legal advice from your town attorney, please understand that NHMA does not provide second opinions and would defer to the advice of town counsel who is in a much better position to advise on specific facts and circumstances. Please read the full legal services FAQ located here: <https://www.nhmunicipal.org/legal-services>.*

### Section 674:54 Governmental Land Use

## TITLE LXIV PLANNING AND ZONING

### Chapter 674

## LOCAL LAND USE PLANNING AND REGULATORY POWERS

### Section 674:54 Governmental Land Uses. –

I. In this section, "governmental use" means a use, construction, or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, the

community college system of New Hampshire, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.

II. The state, university system, community college system of New Hampshire, county, town, city, school district, or village district shall give written notification to the governing body and planning board, if such exists, of a municipality of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. Written notification shall contain plans, specifications, explanations of proposed changes available at the time, a statement of the governmental nature of the use as set forth in paragraph I, and a proposed construction schedule. Such notification shall be provided at least 60 days prior to the beginning of construction. Either the governing body or planning board of the municipality may conduct a public hearing relative to the proposed governmental use. Any such hearing shall be held within 30 days after receipt of notice by the governing body or planning board. A representative of the governmental entity which provided notice shall be available to present the plans, specifications, and construction schedule, and to provide explanations. The governing body or planning board may issue nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations to the sponsor of the governmental use within 30 days after the hearing.

II-a. Any use, construction, or development of land occurring on governmentally owned or occupied land, but which is not a governmental use as defined in paragraph I, shall be fully subject to local land use regulations.

II-b. The construction and operation of any solid waste disposal facility on land owned or occupied by any city or town within another city or town shall be subject to local land use regulations to the same extent as if the land were owned and occupied by a private entity. Nothing in this paragraph shall affect the construction and operation of a solid waste facility on land owned by a solid waste management district formed under RSA 53-A or RSA 53-B or any combination of municipalities authorized by an act of the general court, if the land is located within a city or town that is part of the district.

III. This section shall not apply to:

(a) The layout or construction of public highways of any class, or to the distribution lines or transmission apparatus of governmental utilities, provided that the erection of a highway or utility easement across a parcel of land, shall not, in and of itself, be deemed to subdivide the remaining land into 2 or more lots or sites for conveyance for development purposes in the absence of subdivision approval under this title. For purposes of this subparagraph, "transmission apparatus" shall not include wireless communication facilities.

(b) The erection, installation, or maintenance of poles, structures, conduits and cables, or wires in, under, or across any public highways under RSA 231, or licenses or leases for telecommunication facilities in, under, or across railroad rights of way. For purposes of this subparagraph, "structures" shall not include wireless communications facilities.

IV. In the event of exigent circumstances where the delay entailed by compliance with this section would endanger public health or safety, the governor may declare a governmental use exempt from the requirements of this section.

**Source.** 1996, 262:1. 1998, 281:2. 2007, 29:1, eff. May 14, 2007; 361:32, eff. July 17, 2007.

## *Attachment 16: Build Contract Excerpts Relating to Solid Waste Disposal*

*E. Collection and Disposal of Waste: Collect waste from construction areas and elsewhere daily. Comply with requirements of NFPA 241 for removal of combustible waste material and debris. Enforce requirements strictly. Do not hold materials more than 7 days during normal weather or 3 days when the temperature is expected to rise above 80 deg F (27 deg C). Handle hazardous, dangerous, or unsanitary waste materials separately from other waste by containerizing properly.*

- 1. Comply with Division 01 Section "Execution" for progress cleaning requirements.*
- 2. Provide sufficient quantity of dumpsters at strategic locations within the Contract limit lines for collection of waste from the work of all subcontractors on site.*
- 3. Do not pass materials through open windows, or through window openings when any portion of the window remains in the opening.*

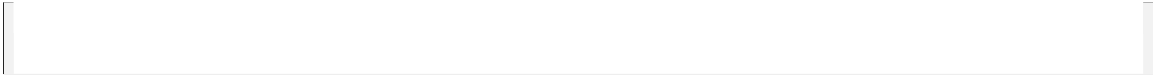
*G. Waste Disposal: Burying or burning waste materials on-site will not be permitted. Washing waste materials down sewers or into waterways will not be permitted.*

### *3.8 DISPOSAL OF SURPLUS AND WASTE MATERIALS*

- A. Remove surplus soil material, unsuitable topsoil, obstructions, demolished materials, and waste materials including trash and debris, and legally dispose of them off Owner's property.*
- B. Separate recyclable materials produced during site clearing from other nonrecyclable materials. Store or stockpile without intermixing with other materials, and transport them to recycling facilities. Do not interfere with other Project work.*



Attachment 17: Farmland Protection Act AD-1006 Form



**DRAFT**

A

12/29/2022

3  
2  
8  
20  
0  
0  
0  
0  
10  
5  
0  
0  
5  
50  
69.3  
50  
119.3

Total impact rating is less than 160.

Spencer Lovette

12/29/2022

## Attachment 18: Planning Board Letter of Support



**TOWN OF MONT VERNON**  
P.O. Box 444  
Mont Vernon, NH 03057  
603-673-6080

November 28, 2023

Re: New Daland Memorial Library Project

Cindy Raspiller  
President  
Daland Library Trustees  
P.O. Box 335  
Mont Vernon, NH 03057

Below please find comments from the Planning Board regarding the New Daland Library Project. These comments will not address the adjacent, required road as that is a separate project. Although the Planning Board has no jurisdiction in the library project, we have held multiple reviews, hearings, and consultations to gather public feedback and provide guidance to the Library Trustees.

Keeping in mind the board's lack of jurisdiction, we are comfortable making the following observations:

- We see no showstoppers in the plan and the current design should serve the residents of Mont Vernon well for many years.
- The proposed updated structure and facilities will enhance the Library Team's ability to continue, and develop, programs for the residents of Mont Vernon.
- The library effort has been developed despite numerous, awkward constraints regarding funding, funding timing, difficult site conditions, and State permits that will, eventually, expire.
- The Trustees have put forth great effort to develop a plan for a site that was bought in 1997. It is not an easy site.

Jim Bird

Chair, Mont Vernon Planning Board



accessible, accountable and responsive. To that end, the public's right of

reimburse the public body or public agency for the attorneys' fees and costs.

## II. PUBLIC MEETINGS

**General Rule: A meeting of a public body must have proper notice and be open to the public.**

### **WHAT IS A MEETING?**

It is the convening of a quorum of a public body, “whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate contemporaneously,” for the purpose of discussing or acting upon any public business. RSA 91A:2, I. This includes work sessions!

What is a *quorum*? A majority of any board or committee constitutes a quorum, unless an applicable law or rule states otherwise. RSA 21:15.

In the rare case that the rules of the body define a quorum as more than a majority (for example, if a municipal charter defines a quorum of the town council as two-thirds of the members), then a meeting occurs when a majority is convened, even if that majority is less than a quorum. This was added in recognition of the fact that even if a simple majority does not constitute a quorum for the purpose of conducting business, that majority will be able to control any decisions when a quorum is actually convened.

What is *not* a meeting? The law makes it clear that certain gatherings and communications are *not* meetings subject to the Right to Know law (see RSA 91-A:2, I). They include:

- Strategy or negotiations relating to collective bargaining
- Consultation with legal counsel
- Legislative party caucuses
- Circulation of draft documents which, when finalized, are intended only to formalize decisions previously made in a public meeting (but other provisions of the law may apply—for example, the documents may be subject to disclosure)

It is important to distinguish between non-meetings (which do not exist for purposes of the Right to Know Law) and nonpublic sessions, which are meetings governed by the Right to Know Law.

### **WHAT IS A PUBLIC BODY?**

All “public bodies” are required to have open meetings under the law. Public bodies include all municipal legislative and governing bodies and any “board, commission, committee, agency, or authority” of any municipality. Expressly included are all subcommittees, subordinate bodies, or advisory committees of such bodies. RSA 91-A:1-a, VI. Thus, *any subcommittee of a municipal body is a public body and must comply in all respects with the Right to Know Law.*

On the other hand, staff meetings, department meetings, and meetings among individual officials who are not an official board, committee, commission, etc., are not a meeting. For example, if the road agent, a planning board member and a selectman discuss something, it is not a “meeting” because that group of people has no authority to make any official decision on any

matter. Similarly, if the library employees or the police department have a staff meeting, that is not a “meeting” because those groups of employees are not an official public body.

### **WHAT NOTICE IS REQUIRED?**

All meetings must have at least 24-hour notice (not counting Sundays and holidays) prior to the meeting. Notice must be either published in a newspaper or posted in two public places. RSA 91-A:2, II. Local ordinances can be more strict about notice. If so, they must be complied with. If the municipality or the public body has an Internet website, it may (but is not required to) use the website as one of the two public places for posting notice.

This 24-hour notice is only a minimum under the Right-to-Know Law. Other statutes can require more notice.

**Emergencies.** If a public body has an urgent need for a meeting, leaving no time to give proper notice, the 24-hour requirement is waived, but the nature of the emergency must be stated in the minutes of the meeting. Notice must still be posted as soon as practicable, and any other means that are reasonably available must be employed to inform the public about the meeting. RSA 91-A:2, II.

### **OPEN TO THE PUBLIC**

Anyone (not just local residents) must be permitted to attend any public meeting. They may take notes, tape record, take photos and videotape. However, “open to the public” does not mean that the Right to Know Law grants anyone the right to *speak* at the meeting. RSA Chapter 91-A only assures a right to attend, not a right to participate.

Clearly, public participation must be allowed at meetings which are public hearings. Note that there may be plenty of other reasons to allow public input at specifically designated portions of a meeting. For example, the constitutional due process right to be heard on regulations that may affect citizens’ property rights — or even the political wisdom of being sure that voters’ concerns are heard and addressed — is a strong reason to allow a “public comment” period.

### **MINUTES OF PUBLIC MEETINGS**

Minutes must be kept of all public meetings, and must be available to the public upon request within five business days after the close of the meeting. Minimum content of meeting minutes includes: (1) names of members present; (2) other people participating (it is not necessary to list everyone present, however); (3) a brief summary of subject matter discussed; and (4) any final decisions reached or action taken.

### **NONPUBLIC SESSIONS: EXCEPTIONS TO THE PUBLIC MEETING REQUIREMENT**

Nonpublic sessions are meetings (or portions of meetings) that the public does *not* have the right to attend. Nonpublic sessions are allowed only for the reasons specified in RSA 91-A:3, II. A public body cannot meet in nonpublic session simply for the purpose of deliberation. All deliberations must be done in a public session unless one of the reasons for nonpublic sessions applies.

## Chapter 91-A. Full Text

# ACCESS TO GOVERNMENTAL RECORDS AND MEETINGS

## Section 91-A:1

**91-A:1 Preamble.** – Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

**Source.** 1967, 251:1. 1971, 327:1. 1977, 540:1, eff. Sept. 13, 1977.

## Section 91-A:1-a

### **91-A:1-a Definitions.** –

In this chapter:

- I. "Advisory committee" means any committee, council, commission, or other like body whose primary purpose is to consider an issue or issues designated by the appointing authority so as to provide such authority with advice or recommendations concerning the formulation of any public policy or legislation that may be promoted, modified, or opposed by such authority.
- II. "Governmental proceedings" means the transaction of any functions affecting any or all citizens of the state by a public body.
- III. "Governmental records" means any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term "governmental records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term "governmental records" shall also include the term "public records."
- IV. "Information" means knowledge, opinions, facts, or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic, or other physical form.
- V. "Public agency" means any agency, authority, department, or office of the state or of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision.
- VI. "Public body" means any of the following:
  - (a) The general court including executive sessions of committees; and including any advisory committee established by the general court.
  - (b) The executive council and the governor with the executive council; including any advisory committee established by the governor by executive order or by the executive council.
  - (c) Any board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire and any committee, advisory or otherwise, established by such entities.
  - (d) Any legislative body, governing body, board, commission, committee, agency, or authority of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision, or any committee, subcommittee, or subordinate body thereof, or advisory committee thereto.
  - (e) Any corporation that has as its sole member the state of New Hampshire, any county, town, municipal corporation, school district, school administrative unit, village district, or other political subdivision, and 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.

**Source.** 1977, 540:2. 1986, 83:2. 1989, 274:1. 1995, 260:4. 2001, 223:1. 2008, 278:3, eff. July 1, 2008 at 12:01 a.m.; 303:3, eff. July 1, 2008; 303:8, eff. Sept. 5, 2008 at 12:01 a.m.; 354:1, eff. Sept. 5, 2008.

**91-A:2 Meetings Open to Public. –**

I. For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members, whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, subject to the provisions set forth in RSA 91-A:2, III, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters. "Meeting" shall also not include:

(a) Strategy or negotiations with respect to collective bargaining;

(b) Consultation with legal counsel;

(c) A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2; or

(d) Circulation of draft documents which, when finalized, are intended only to formalize decisions previously made in a meeting; provided, that nothing in this subparagraph shall be construed to alter or affect the application of any other section of RSA 91-A to such documents or related communications.

II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public.

Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras, and videotape equipment, at such meetings. Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. The names of the members who made or seconded each motion shall be recorded in the minutes. Subject to the provisions of RSA 91-A:3, minutes shall be promptly recorded and open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any public body, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the public body, who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or town or guidelines or rules of order of any public body require a broader public access to official meetings and records than

herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter. For the purposes of this paragraph, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.

II-a. If a member of the public body believes that any discussion in a meeting of the body, including in a nonpublic session, violates this chapter, the member may object to the discussion. If the public body continues the discussion despite the objection, the objecting member may request that his or her objection be recorded in the minutes and may then continue to participate in the discussion without being subject to the penalties of RSA 91-A:8, IV or V. Upon such a request, the public body shall record the member's objection in its minutes of the meeting. If the objection is to a discussion in nonpublic session, the objection shall also be recorded in the public minutes, but the notation in the public minutes shall include only the member's name, a statement that he or she objected to the discussion in nonpublic session, and a reference to the provision of RSA 91-A:3, II, that was the basis for the discussion.

II-b. (a) If a public body maintains an Internet website or contracts with a third party to maintain an Internet website on its behalf, it shall either post its approved minutes in a consistent and reasonably accessible location on the website or post and maintain a notice on the website stating where the minutes may be reviewed and copies requested.

(b) If a public body chooses to post meeting notices on the body's Internet website, it shall do so in a consistent and reasonably accessible location on the website. If it does not post notices on the website, it shall post and maintain a notice on the website stating where meeting notices are posted.

III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.

(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.

(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

(d) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

(e) A member participating in a meeting by the means described in this paragraph is deemed



to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.

IV. The provisions of this paragraph allowing for less than a quorum to be physically present for meetings shall apply only to boards, committees, councils, advisory committees and like bodies of state government, not including the general court or either house thereof or any committee of either house, nor the governor and council, the composition of which is permitted by law or regulation to be drawn from individuals who may reside throughout the state of New Hampshire. This paragraph does not apply to boards, committees, councils, advisory committees, or any other components or instrumentalities of county or municipal government. For purposes of this paragraph only the boards, committees, councils, and like bodies to which this paragraph is applicable shall be referred to as "state boards."

(a) A state board covered by this paragraph may vote to allow one or more members to participate in a meeting remotely only when physical attendance at the meeting site is not reasonably practicable. Any reason that such attendance is not reasonably practicable shall be stated in the minutes of the meeting. The authority granted under this paragraph may be revoked, renewed, or modified in the same manner as it is approved.

(b) At least one-third of the total membership of the state board shall be present at the physical location of the meeting. Each member participating electronically or otherwise shall be able to contemporaneously and throughout the meeting see and hear, and be seen and heard by, the other members of the public body attending the meeting and members of the public in attendance at the meeting site. A member participating in a meeting remotely as described in this paragraph is deemed to be present for all purposes, including for determination of a quorum and voting. Each member participating remotely shall identify the persons present in the location from which the member is participating. All votes taken during such a meeting shall be by roll call vote. Members of the public shall be permitted to participate remotely in remotely held state board meetings, including testifying or asking questions as the rules and procedures of the board allow.

(c) No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

(d) In an emergency, when immediate action is imperative and the physical presence requirement is not reasonably practicable within the period of time requiring action, the minimum physical presence required under subparagraph (b) shall not apply. The determination that an emergency exists shall be made by the chair or presiding officer of the state board, and the facts upon which that determination is based shall be included in the minutes of the meeting.

(e) Any meeting held pursuant to the terms of this paragraph shall comply with all other requirements of this chapter relating to public meetings not inconsistent with this paragraph, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

**Source.** 1967, 251:1. 1969, 482:1. 1971, 327:2. 1975, 383:1. 1977, 540:3. 1983, 279:1. 1986, 83:3. 1991, 217:2. 2003, 287:7. 2007, 59:2. 2008, 278:2, eff. July 1, 2008 at 12:01 a.m.; 303:4, eff. July 1, 2008. 2016, 29:1, eff. Jan. 1, 2017. 2017, 165:1, eff. Jan. 1, 2018; 234:1, eff. Jan. 1, 2018. 2018, 244:1, eff. Jan. 1, 2019. 2023, 188:1, eff. Oct. 3, 2023.

## **Section 91-A:2-a**

### **91-A:2-a Communications Outside Meetings. -**

I. Unless exempted from the definition of "meeting" under RSA 91-A:2, I, public bodies shall deliberate on matters over which they have supervision, control, jurisdiction, or advisory power only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II or III.

II. Communications outside a meeting, including, but not limited to, sequential communications among members of a public body, shall not be used to circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

**Source.** 2008, 303:4, eff. July 1, 2008.

## **Section 91-A:2-b**

91-A:2-b Repealed by 2012, 232:14, eff. Dec. 1, 2012. –

## **Section 91-A:3**

### **91-A:3 Nonpublic Sessions. –**

I. (a) Public bodies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II. No session at which evidence, information, or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No public body may enter nonpublic session, except pursuant to a motion properly made and seconded.

(b) Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.

(c) All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion.

II. Only the following matters shall be considered or acted upon in nonpublic session:

(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

(d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

(f) [Repealed.]

(g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county or state correctional facilities by county correctional superintendents or the commissioner of the department of corrections, or their designees.

(h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.

(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in

widespread or severe damage to property or widespread injury or loss of life.

(j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

(k) Consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general public or the school district that is considering a contract, including any meeting between the school boards, or committees thereof, involved in the negotiations. A contract negotiated by a school board shall be made public prior to its consideration for approval by a school district, together with minutes of all meetings held in nonpublic session, any proposals or records related to the contract, and any proposal or records involving a school district that did not become a party to the contract, shall be made public. Approval of a contract by a school district shall occur only at a meeting open to the public at which, or after which, the public has had an opportunity to participate.

(l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

(m) Consideration of whether to disclose minutes of a nonpublic session due to a change in circumstances under paragraph III. However, any vote on whether to disclose minutes shall take place in public session.

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. For all meetings held in nonpublic session, where the minutes or decisions were determined to not be subject to full public disclosure, a list of such minutes or decisions shall be kept and this list shall be made available as soon as practicable for public disclosure. This list shall identify the public body and include the date and time of the meeting in nonpublic session, the specific exemption under paragraph II on its face which is relied upon as foundation for the nonpublic session, the date of the decision to withhold the minutes or decisions from public disclosure, and the date of any subsequent decision, if any, to make the minutes or decisions available for public disclosure. Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public as soon as practicable after the transaction has closed or the public body has decided not to proceed with the transaction.

IV. (a) A public body or agency may adopt procedures to review minutes of meetings held in nonpublic session and to determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. If the public body determines that those circumstances no longer apply, the minutes shall be available for release to the public pursuant to this chapter.

(b) In the absence of an adopted procedure to review and determine whether the circumstances no longer apply for meeting minutes kept from the public, the public body or agency shall review and determine by majority vote whether the circumstances that justified

keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. This review shall occur no more than 10 years from the last time the public body voted to prevent the minutes from being subject to public disclosure. Meeting minutes that were kept from the public prior to the effective date of this paragraph that are not reviewed by the public body or agency within 10 years of the effective date of this paragraph shall be subject to public disclosure without further action of the public body.

**Source.** 1967, 251:1. 1969, 482:2. 1971, 327:3. 1977, 540:4. 1983, 184:1. 1986, 83:4. 1991, 217:3. 1992, 34:1, 2. 1993, 46:1; 335:16. 2002, 222:2, 3. 2004, 42:1. 2008, 303:4. 2010, 206:1, eff. June 22, 2010. 2015, 19:1; 49:1; 105:1, eff. Jan. 1, 2016; 270:2, eff. Sept. 1, 2015. 2016, 30:1, eff. Jan. 1, 2017; 280:1, eff. June 21, 2016. 2021, 48:7(I), eff. May 25, 2021; 163:1, eff. Jan. 1, 2022; 172:1, eff. Jan. 1, 2022. 2023, 189:1, eff. Oct. 3, 2023.

## **Section 91-A:4**

### **91-A:4 Minutes and Records Available for Public Inspection. –**

I. Every citizen during the regular or business hours of all public bodies or agencies, and on the regular business premises of such public bodies or agencies, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5. In this section, "to copy" means the reproduction of original records by whatever method, including but not limited to photography, photostatic copy, printing, or electronic or tape recording.

I-a. Records of any payment made to an employee of any public body or agency listed in RSA 91-A:1-a, VI(a)-(d), or to the employee's agent or designee, upon the resignation, discharge, or retirement of the employee, paid in addition to regular salary and accrued vacation, sick, or other leave, shall immediately be made available without alteration for public inspection. All records of payments shall be available for public inspection notwithstanding that the matter may have been considered or acted upon in nonpublic session pursuant to RSA 91-A:3.

II. After the completion of a meeting of a public body, every citizen, during the regular or business hours of such public body, and on the regular business premises of such public body, has the right to inspect all notes, materials, tapes, or other sources used for compiling the minutes of such meetings, and to make memoranda or abstracts or to copy such notes, materials, tapes, or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

III. Each public body or agency shall keep and maintain all governmental records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the governmental records pertaining to such public body or agency shall be kept in an office of the political subdivision in which such public body or agency is located or, in the case of a state agency, in an office designated by the secretary of state.

III-a. Governmental records created or maintained in electronic form shall be kept and maintained for the same retention or archival periods as their paper counterparts.

Governmental records in electronic form kept and maintained beyond the applicable retention or archival period shall remain accessible and available in accordance with RSA 91-A:4, III. Methods that may be used to keep and maintain governmental records in electronic form may include, but are not limited to, copying to microfilm or paper or to durable electronic media using standard or common file formats.

III-b. A governmental record in electronic form shall no longer be subject to disclosure pursuant to this section after it has been initially and legally deleted. For purposes of this paragraph, a record in electronic form shall be considered to have been deleted only if it is no

longer readily accessible to the public body or agency itself. The mere transfer of an electronic record to a readily accessible "deleted items" folder or similar location on a computer shall not constitute deletion of the record.

IV. (a) Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release.

(b) If a public body or agency is unable to make a governmental record available for immediate inspection and copying the public body or agency shall, within 5 business days of a request:

(1) Make such record available;

(2) Deny the request; or

(3) Provide a written statement of the time reasonably necessary to determine whether the request shall be granted or denied and the reason for the delay.

(c) A public body or agency denying, in whole or part, inspection or copying of any record shall provide a written statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(d) If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the public body or agency. No cost or fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

V. In the same manner as set forth in RSA 91-A:4, IV, any public body or agency which maintains governmental records in electronic format may, in lieu of providing original records, copy governmental records requested to electronic media using standard or common file formats in a manner that does not reveal information which is confidential under this chapter or any other law. If copying to electronic media is not reasonably practicable, or if the person or entity requesting access requests a different method, the public body or agency may provide a printout of governmental records requested, or may use any other means reasonably calculated to comply with the request in light of the purpose of this chapter as expressed in RSA 91-A:1. Access to work papers, personnel data, and other confidential information under RSA 91-A:5, IV shall not be provided.

VI. Every agreement to settle a lawsuit against a governmental unit, threatened lawsuit, or other claim, entered into by any political subdivision or its insurer, shall be kept on file at the municipal clerk's office and made available for public inspection for a period of no less than 10 years from the date of settlement.

VII. Nothing in this chapter shall be construed to require a public body or agency to compile, cross-reference, or assemble information into a form in which it is not already kept or reported by that body or agency.

**Source.** 1967, 251:1. 1983, 279:2. 1986, 83:5. 1997, 90:2. 2001, 223:2. 2004, 246:2. 2008, 303:4. 2009, 299:1, eff. Sept. 29, 2009. 2016, 283:1, eff. June 21, 2016. 2019, 107:1, eff. Jan. 1, 2020; 163:2, eff. Jan. 1, 2020 at 12:01 a.m.

## **Section 91-A:5**

### **91-A:5 Exemptions. -**

The following governmental records are exempted from the provisions of this chapter:

I. Records of grand and petit juries.

I-a. The master jury list as defined in RSA 500-A:1, IV.

- II. Records of parole and pardon boards.
- III. Personal school records of pupils, including the name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the assessment under RSA 193-C:6.
- IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a public body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.
- V. Teacher certification records in the department of education, provided that the department shall make available teacher certification status information.
- VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
- VII. Unique pupil identification information collected in accordance with RSA 193-E:5.
- VIII. Any notes or other materials made for personal use that do not have an official purpose, including but not limited to, notes and materials made prior to, during, or after a governmental proceeding.
- IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of the members of a public body.
- X. Video and audio recordings made by a law enforcement officer using a body-worn camera pursuant to RSA 105-D except where such recordings depict any of the following:
- (a) Any restraint or use of force by a law enforcement officer; provided, however, that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.
  - (b) The discharge of a firearm, provided that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.
  - (c) An encounter that results in an arrest for a felony-level offense, provided, however, that this exemption shall not apply to recordings or portions thereof that constitute an invasion of privacy or which are otherwise exempt from disclosure.
- XI. Records pertaining to information technology systems, including cyber security plans, vulnerability testing and assessments materials, detailed network diagrams, or other materials, the release of which would make public security details that would aid an attempted security breach or circumvention of law as to the items assessed.
- XII. Records protected under the attorney-client privilege or the attorney work product doctrine.
- XIII. Records of the youth development center claims administration and the YDC settlement fund pursuant to RSA 21-M:11-a, with the exception of settlement agreements, which shall remain subject to RSA 91-A:4, VI, and, after a claim has been finally resolved, such other records the release of which would not constitute a violation of other provisions of law or an unwarranted invasion of a claimant's privacy.

**Source.** 1967, 251:1. 1986, 83:6. 1989, 184:2. 1990, 134:1. 1993, 79:1. 2002, 222:4. 2004, 147:5; 246:3, 4. 2008, 303:4, eff. July 1, 2008. 2013, 261:9, eff. July 1, 2013. 2016, 322:3, eff. Jan. 1, 2017. 2018, 91:2, eff. July 24, 2018. 2019, 54:1, eff. Aug. 4, 2019. 2021, 163:2, eff. July

30, 2021. 2022, 122:3, eff. May 27, 2022.

### **Section 91-A:5-a**

**91-A:5-a Limited Purpose Release.** – Records from non-public sessions under RSA 91-A:3, II(i) or that are exempt under RSA 91-A:5, VI may be released to local or state safety officials. Records released under this section shall be marked "limited purpose release" and shall not be redisclosed by the recipient.

**Source.** 2002, 222:5, eff. Jan. 1, 2003.

### **Section 91-A:6**

**91-A:6 Employment Security.** – This chapter shall apply to RSA 282-A, relative to employment security; however, in addition to the exemptions under RSA 91-A:5, the provisions of RSA 282-A:117-123 shall also apply; this provision shall be administered and construed in the spirit of that section, and the exemptions from the provisions of this chapter shall include anything exempt from public inspection under RSA 282-A:117-123 together with all records and data developed from RSA 282-A:117-123.

**Source.** 1967, 251:1. 1981, 576:5, eff. July 1, 1981.

### **Section 91-A:7**

[RSA 91-A:7 effective until July 1, 2025; see also RSA 91-A:7 set out below.]

#### **91-A:7 Violation. –**

- I. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court.
- II. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint with the ombudsman under RSA 91-A:7-a and in accordance with RSA 91-A:7-b.
- III. A person's decision to petition the superior court forecloses the ability to file a complaint with the ombudsman pursuant to RSA 91-A:7-b.
- IV. A person's decision to file a complaint with the ombudsman forecloses the ability to petition the superior court until the ombudsman issues a final ruling or the deadline for such a ruling has passed.

**Source.** 1967, 251:1. 1977, 540:5. 2008, 303:5, eff. July 1, 2008. 2018, 289:1, eff. Jan. 1, 2019. 2022, 250:2, eff. July 1, 2022.

### **Section 91-A:7-a**

[RSA 91-A:7-a repealed by 2022, 250:6, effective July 1, 2025.]

**91-A:7-a Office Established. –**

There is hereby established the office of the right-to-know ombudsman to be administratively attached to the department of state under RSA 21-G:10. The ombudsman shall be appointed by the governor and council and shall have the following minimum qualifications:

- I. Be a member of the New Hampshire bar.
- II. Have a minimum of 5 years full-time practice of law in any jurisdiction.
- III. Be experienced with and knowledgeable of the provisions of this chapter and all New Hampshire laws regarding right-to-know.
- IV. Annually, complete a minimum of 3 hours of continuing legal education courses or other training relevant to the provisions of this chapter.

**Source.** 2022, 250:3, eff. July 1, 2022.

**Section 91-A:7-b**

[RSA 91-A:7-b repealed by 2022, 250:6, effective July 1, 2025.]

**91-A:7-b Complaint Process. –**

- I. Any party aggrieved by a violation of this chapter shall have the option to either petition the superior court or file a signed, written complaint, along with a \$25 fee, with the office of the ombudsman, established under RSA 91-A:7-a. The ombudsman shall have the discretion to waive the \$25 fee upon a finding of inability to pay. Any signed, written complaint filed with the ombudsman shall attach, if applicable, the request served on the public agency or official and the written response of the public agency or official. The complaint shall be deemed sufficient if it states facts constituting a violation of this chapter.
- II. Once a complaint has been filed and provided by the ombudsman to the public body or public agency, the public body or public agency shall have 20 calendar days to submit an acknowledgment of the complaint and an answer to the complaint, which shall include applicable law and, if applicable, a justification for any refusal to or delay in producing the requested governmental records, access to meetings open to the public, or otherwise comply with the provisions of this chapter. This 20-day deadline may be reasonably extended by the ombudsman for good cause.
- III. In reviewing complaints, the ombudsman shall be authorized to:
  - (a) Compel timely delivery of governmental records within a period not less than 14 days or more than 30 days unless an expedited hearing is warranted, regardless of medium and format, and conduct a confidential in-camera review of records where the ombudsman concludes that it is necessary and appropriate under the law.
  - (b) Compel interviews with the parties.
  - (c) Order attendance at hearings within a reasonable time if the ombudsman determines that a hearing is necessary. Such hearings shall be open subject to the provisions of RSA 91-A.
  - (d) Issue findings in writing to all parties.
  - (e) Order a public body or public agency to disclose requested governmental records within a reasonable time, provide access to meetings open to the public, or otherwise comply with the provisions of this chapter, subject to appeal.
  - (f) Make any finding and order any other remedy to the same extent as provided by the court under RSA 91-A:8.
- IV. The ombudsman may draw negative inferences from a party's failure to participate and comply with orders during the review process.
- V. The ombudsman shall determine whether there have been any violations of this chapter and



issue a ruling within 30 calendar days following the deadline for receipt of the parties' submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner where necessary.

VI. The ombudsman shall, where necessary and appropriate under the law, access governmental records in camera that a public body or public agency believes are exempt in order to make a ruling concerning whether the public body or public agency shall release the records or portions thereof to the public. The ombudsman shall maintain the confidentiality of records provided to the ombudsman by a public body or public agency under this section and shall return the records to the public body or public agency when the ombudsman's review is complete. All records submitted to the ombudsman for review shall be exempt from the public disclosure provisions of RSA 91-A during such review.

VII. Nothing in this section shall affect the ability of a person to seek relief in superior court under RSA 91-A:7, I in lieu of this process.

**Source.** 2022, 250:3, eff. July 1, 2022.

### **Section 91-A:7-c**

[RSA 91-A:7-c repealed by 2022, 250:6, effective July 1, 2025.]

#### **91-A:7-c Appeal and Enforcement. –**

I. Any party may appeal the ombudsman's final ruling to the superior court by filing a notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is issued. The ombudsman's ruling shall be attached to the document initiating the appeal, admitted as a full exhibit by the superior court, considered by the judge during deliberations, and specifically addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a superior court from staying an ombudsman's decision pending appeal to the superior court.

II. On appeal, the superior court shall treat all factual findings of the ombudsman as prima facie lawful and reasonable, and shall not set them aside, absent errors of law, unless it is persuaded by a balance of probabilities on the evidence before it that the ombudsman's decision is unreasonable.

III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the deadline has passed, follow up with all parties, as required, to verify compliance with rulings issued.

IV. The ombudsman's final rulings which are not appealed may be registered in the superior court as judgments and enforceable through contempt of court. If such action is necessary to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the noncompliant public body or public agency.

**Source.** 2022, 250:3, eff. July 1, 2022.

### **Section 91-A:7-d**

[RSA 91-A:7-d repealed by 2022, 250:6, effective July 1, 2025.]

**91-A:7-d Rulemaking. –**

The ombudsman shall adopt rules pursuant to RSA 541-A relative to:

- I. Establishing procedures to streamline the process of resolving complaints under this chapter.
- II. Hearing procedures.
- III. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-A:7-c.

**Source.** 2022, 250:3, eff. July 1, 2022.

## **Section 91-A:8**

**91-A:8 Remedies. –**

I. If any public body or public agency or officer, employee, or other official thereof, violates any provisions of this chapter, such public body or public agency shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter, provided that the court finds that such lawsuit was necessary in order to enforce compliance with the provisions of this chapter or to address a purposeful violation of this chapter. Fees shall not be awarded unless the court finds that the public body, public agency, or person knew or should have known that the conduct engaged in was in violation of this chapter or if the parties, by agreement, provide that no such fees shall be paid.

II. The court may award attorney's fees to a public body or public agency or employee or member thereof, for having to defend against a lawsuit under the provisions of this chapter, when the court finds that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive.

III. The court may invalidate an action of a public body or public agency taken at a meeting held in violation of the provisions of this chapter, if the circumstances justify such invalidation.

IV. If the court finds that an officer, employee, or other official of a public body or public agency has violated any provision of this chapter in bad faith, the court shall impose against such person a civil penalty of not less than \$250 and not more than \$2,000. Upon such finding, such person or persons may also be required to reimburse the public body or public agency for any attorney's fees or costs it paid pursuant to paragraph I. If the person is an officer, employee, or official of the state or of an agency or body of the state, the penalty shall be deposited in the general fund. If the person is an officer, employee, or official of a political subdivision of the state or of an agency or body of a political subdivision of the state, the penalty shall be payable to the political subdivision.

V. The court may also enjoin future violations of this chapter, and may require any officer, employee, or other official of a public body or public agency found to have violated the provisions of this chapter to undergo appropriate remedial training, at such person or person's expense.

**Source.** 1973, 113:1. 1977, 540:6. 1986, 83:7. 2001, 289:3. 2008, 303:6. 2012, 206:1, eff. Jan. 1, 2013.

## **Section 91-A:8-a**

91-A:8-a Repealed by 2017, 126:2, eff. November 1, 2017. –

## **Section 91-A:9**

**91-A:9 Destruction of Certain Information Prohibited.** – A person is guilty of a misdemeanor who knowingly destroys any information with the purpose to prevent such information from being inspected or disclosed in response to a request under this chapter. If a request for inspection is denied on the grounds that the information is exempt under this chapter, the requested material shall be preserved for 90 days or while any lawsuit pursuant to RSA 91-A:7-8 is pending.

Source. 2002, 175:1, eff. Jan. 1, 2003.

## **Procedure for Release of Personal Information for Research Purposes**

### **Section 91-A:10**

#### **91-A:10 Release of Statistical Tables and Limited Data Sets for Research.** –

I. In this subdivision:

(a) "Agency" means each state board, commission, department, institution, officer or other state official or group.

(b) "Agency head" means the head of any governmental agency which is responsible for the collection and use of any data on persons or summary data.

(c) "Cell size" means the count of individuals that share a set of characteristics contained in a statistical table.

(d) "Data set" means a collection of personal information on one or more individuals, whether in electronic or manual files.

(e) "Direct identifiers" means:

(1) Names.

(2) Postal address information other than town or city, state, and zip code.

(3) Telephone and fax numbers.

(4) Electronic mail addresses.

(5) Social security numbers.

(6) Certificate and license numbers.

(7) Vehicle identifiers and serial numbers, including license plate numbers.

(8) Personal Internet IP addresses and URLs.

(9) Biometric identifiers, including finger and voice prints.

(10) Personal photographic images.

(f) "Individual" means a human being, alive or dead, who is the subject of personal information and includes the individual's legal or other authorized representative.

(g) "Limited data set" means a data set from which all direct identifiers have been removed or blanked.

(h) "Personal information" means information relating to an individual that is reported to the state or is derived from any interaction between the state and an individual and which:

(1) Contains direct identifiers.

(2) Is under the control of the state.

(i) "Provided by law" means use and disclosure as permitted or required by New Hampshire state law governing programs or activities undertaken by the state or its agencies, or required by federal law.

(j) "Public record" means records available to any person without restriction.

(k) "State" means the state of New Hampshire, its agencies or instrumentalities.

(l) "Statistical table" means single or multi-variate counts based on the personal information contained in a data set and which does not include any direct identifiers.

II. Except as otherwise provided by law, upon request an agency shall release limited data sets

and statistical tables with any cell size more than 0 and less than 5 contained in agency files to requestors for the purposes of research under the following conditions:

(a) The requestor submits a written application that contains:

(1) The following information about the principal investigator in charge of the research:

(A) name, address, and phone number;

(B) organizational affiliation;

(C) professional qualification; and

(D) name and phone number of principal investigator's contact person, if any.

(2) The names and qualifications of additional research staff, if any, who will have access to the data.

(3) A research protocol which shall contain:

(A) a summary of background, purposes, and origin of the research;

(B) a statement of the general problem or issue to be addressed by the research;

(C) the research design and methodology including either the topics of exploratory research or the specific research hypotheses to be tested;

(D) the procedures that will be followed to maintain the confidentiality of any data or copies of records provided to the investigator; and

(E) the intended research completion date.

(4) The following information about the data or statistical tables being requested:

(A) general types of information;

(B) time period of the data or statistical tables;

(C) specific data items or fields of information required, if applicable;

(D) medium in which the data or statistical tables are to be supplied; and

(E) any special format or layout of data requested by the principal investigator.

(b) The requestor signs a "Data Use Agreement" signed by the principal investigator that contains the following:

(1) Agreement not to use or further disclose the information to any person or organization other than as described in the application and as permitted by the Data Use Agreement without the written consent of the agency.

(2) Agreement not to use or further disclose the information as otherwise required by law.

(3) Agreement not to seek to ascertain the identity of individuals revealed in the limited data set and/or statistical tables.

(4) Agreement not to publish or make public the content of cells in statistical tables in which the cell size is more than 0 and less than 5 unless:

(A) otherwise provided by law; or

(B) the information is a public record.

(5) Agreement to report to the agency any use or disclosure of the information contrary to the agreement of which the principal investigator becomes aware.

(6) A date on which the data set and/or statistical tables will be returned to the agency and/or all copies in the possession of the requestor will be destroyed.

III. The agency head shall release limited data sets and statistical tables and sign the Data Use Agreement on behalf of the state when:

(a) The application submitted is complete.

(b) Adequate measures to ensure the confidentiality of any person are documented.

(c) The investigator and research staff are qualified as indicated by:

(1) Documentation of training and previous research, including prior publications; and

(2) Affiliation with a university, private research organization, medical center, state agency, or other institution which will provide sufficient research resources.

(d) There is no other state law, federal law, or federal regulation prohibiting release of the requested information.

IV. Within 10 days of a receipt of written application, the agency head, or designee, shall

respond to the request. Whenever the agency head denies release of requested information, the agency head shall send the requestor a letter identifying the specific criteria which are the basis of the denial. Should release be denied due to other law, the letter shall identify the specific state law, federal law, or federal regulation prohibiting the release. Otherwise, the agency head shall provide the requested data or set a date on which the data shall be provided.

V. Any person violating any provision of a signed Data Use Agreement shall be guilty of a violation.

VI. Nothing in this section shall exempt any requestor from paying fees otherwise established by law for obtaining copies of limited data sets or statistical tables. Such fees shall be based on the cost of providing the copy in the format requested. The agency head shall provide the requestor with a written description of the basis for the fee.

**Source.** 2003, 292:2, eff. July 18, 2003.

## **Right-to-Know Oversight Commission**

### **Section 91-A:11 to 91-A:15**

91-A:11 to 91-A:15 Repealed by 2005, 3:2, eff. Nov. 1, 2010. –

*Attachment 20: Public Hearing Notices*

**THE  
DALAND MEMORIAL LIBRARY:  
A NEW LIBRARY VISION**

Tuesday, November 13, 2018

6:30pm

Mont Vernon Village School MPR

The Mont Vernon Library Trustees, along with the team from DSK Architects + Planners, invite you to the public presentation of "A New Library Vision".

DSK has taken input from the community and combined it with updated land surveys, a professional library needs assessment, and input from the library trustees and library staff to present the town with **The architects will be** a plan for a new library. **the design, preliminary** Come see the first images and layouts of the future library along with cost estimates and hear the plans for a library capital campaign.

Mont Vernon residents are encouraged to attend.

All ages welcome.



# NEW LIBRARY PROJECT INFORMATION SESSION

Tuesday, February 22nd  
6:30pm

Mont Vernon Village School MPR

The Mont Vernon Library Trustees are inviting residents to attend a New Library Project Information Session on Tuesday, Feb. 22nd at 6:30pm in the Mont Vernon Village School Multi Purpose Room.

The Library Trustees along with members of the Library Building Committee and the Mont Vernon Library Charitable Foundation will be presenting up to date information about the new library project including design work, cost estimates, and fundraising goals. Residents are encouraged to attend to share comments, concerns, and ask questions.

For more information about the new library project visit the library website at <https://dalandlibrary.com/library-building-project/>.

For donation and foundation information visit the Mont Vernon Library Charitable Foundation site at [www.mvlcf.org](http://www.mvlcf.org).





# NEW LIBRARY PROJECT INFORMATION SESSION

Thursday, March 2nd

6:30pm

Mont Vernon Village School MPR

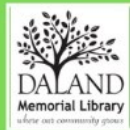
The Mont Vernon Library Trustees are inviting residents to attend a New Library Project Information Session on Thursday, March 2nd at 6:30pm in the Mont Vernon Village School Multi Purpose Room.

The Library Trustees along with members of the Library Building Committee, the board of the Mont Vernon Library Charitable Foundation, representatives from Turnstone Corporation and DSK Architects will be presenting up to date information about the new library project including warrant article information.

Residents are encouraged to attend to share comments, concerns, and ask questions.

For more information about the new library project, visit the library website at <https://dalandlibrary.com/library-building-project/>.

To make a donation to the Mont Vernon Library Charitable Foundation visit [www.mvlcf.org](http://www.mvlcf.org)



## **LIBRARY BUILDING COMMITTEE PRESENTATION**



**Wednesday  
December 6th @ 6:30  
at the  
Mont Vernon  
Village School**

DRAFT