

PRUNIER & PROLMAN, PLLC
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Nashua, New Hampshire 03063-1981
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www.prunierlaw.com

GERALD R. PRUNIER
1940 - 2022

ANDREW A. PROLMAN
aprolman@prunierlaw.com

May 23, 2023

By email: sgiovannucci@northfieldnh.gov

Wayne Crowley, Chair
Town of Northfield Planning Board
21 Summer Street
Northfield, NH 03276

Re: Cross Mill Village

Dear Chairman Crowley and Members of the Planning Board:

Please accept the following on behalf of our client, K & M Developers, LLC (“K & M”). K & M signed Purchase & Sale Agreement with D & M Barton Limited Partnership to purchase and build out the remaining 60 units of the Cross Mill Village Condominium project. Before Manny Sousa and K & M commit millions of dollars to acquire and finish the project, we would like to confirm the approved status of Cross Mill Village with the Planning Board. To that end, we propose the following for discussion at your June 5, 2023 hearing to establish a framework moving forward.

At a duly noticed public hearing:

1. We would ask the Board to approve a major site plan application for the resubmittal of the Cross Mill Village project in its entirety as depicted on Merrimack County Registry of Deeds Plan No. 17292, dated March 8, 2005, and as amended by this Board’s approval of Phase 1 of the project pursuant to your May 2, 2022 Notice of Decision (collectively, the “Plan”).
2. Amend the Plan to include certain amenities and minor modifications K & M intends to build with the project.
3. Establish surety amounts for the remainder of the project to be posted with the Town pursuant to Continental Paving, Inc.’s proposal dated March 8, 2023.

Wayne Crowley, Chair
Town of Northfield Planning Board
May 23, 2023
Page 2

4. Establish inspection escrow accounts with the Town for third party review of infrastructure work.
5. Approve the Plan at one hearing to allow K & M to close its purchase with D & M.
6. Establish an annual project update/compliance hearing schedule.

We would suggest that a special meeting of the Board for the public hearing on the major site plan application review is appropriate so Cross Mill Village would be the only item on your Agenda. Finally, should the Board approve the Plan as requested, we ask that the Notice of Decision be recorded with the Merrimack County Registry of Deeds.

We believe this proposal will get a good project back on track.

Thank you.

Sincerely,



Andrew A. Prolman

AAP/jd

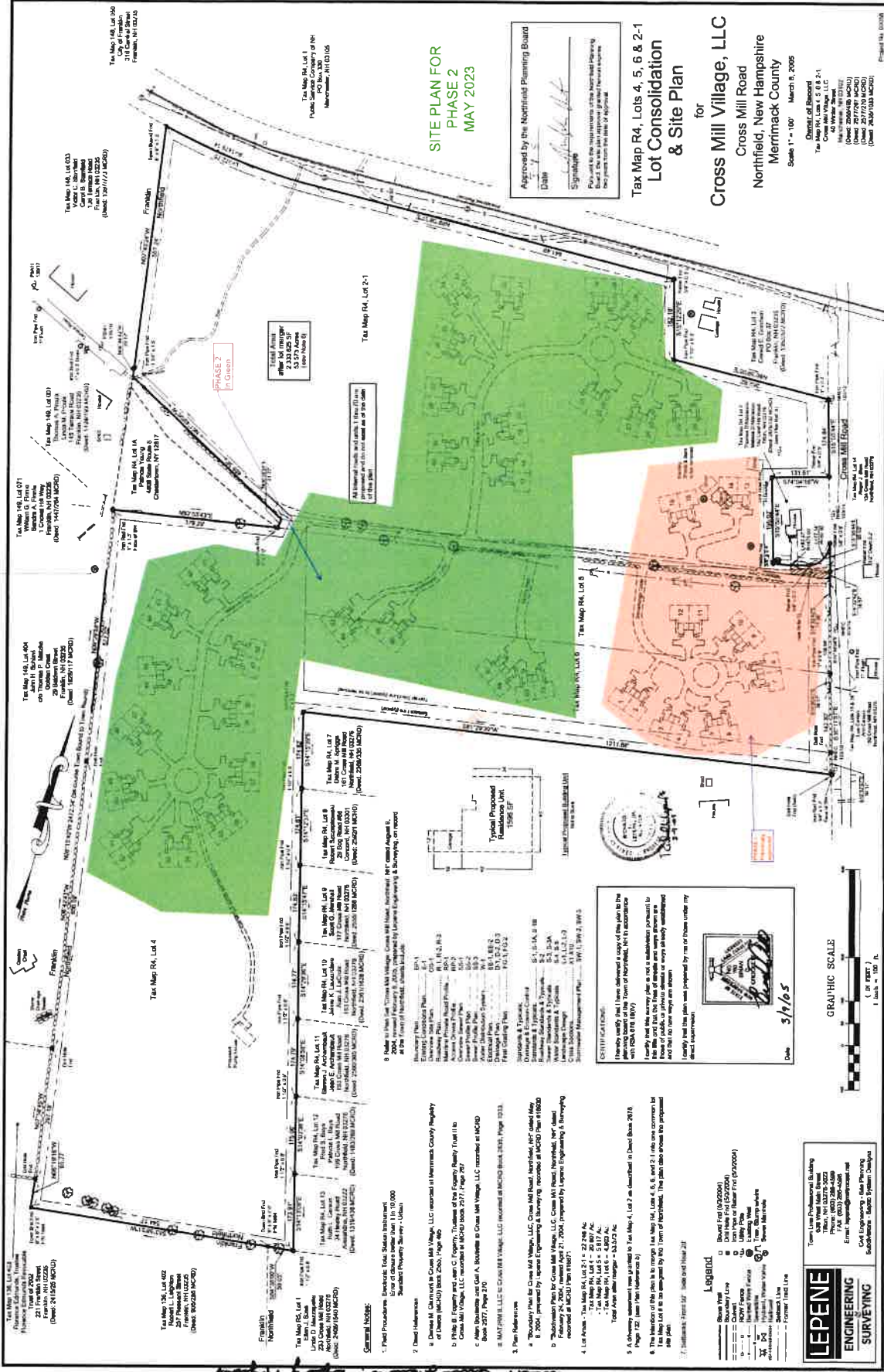
cc: K & M Developers, LLC
Stephan Nix, Esq.

Enclosures: 1. March 8, 2005 Cross Mill Village Plan, Merrimack County Registry of Deeds Plan No. 17292
2. May 2, 2022 Notice of Decision
3. March 8, 2023 Continental Paving, Inc. Estimate
4. April 11, 2023 Authorization from D & M Barton Limited Partnership

EXHIBIT 1

Cross Mill Village Plan, Merrimack County Registry of Deeds Plan No. 17292

26221



**SITE PLAN FOR
PHASE 2
MAY 2023**

Approved by the Northfield Planning Board
 Date: _____
 Signature: _____
 Pursuant to the requirements of the Northfield Planning Board, this plan is hereby approved for recordation.

**Tax Map R4, Lots 4, 5, 6 & 2-1
Lot Consolidation
& Site Plan**
 for
Cross Mill Village, LLC
 Cross Mill Road
 Northfield, New Hampshire
 Merrimack County
 Scale 1" = 100' March 5, 2005

Owner of Record
 The Cross Mill Village, LLC
 Cross Mill Road
 Northfield, NH 03257
 (Owner: 2004/05 MCRD)
 (Owner: 20/02/03 MCRD)
 (Owner: 20/02/03 MCRD)
 (Owner: 20/02/03 MCRD)

Tax Map 148, Lot 402
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 403
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 404
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 405
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 406
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 407
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 408
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 409
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 410
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 411
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 412
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 413
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 414
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 415
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 416
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 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 417
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 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 418
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 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 419
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 420
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 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 421
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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 429
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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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 (Owner: 19/07/03 MCRD)

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Tax Map 148, Lot 438
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Tax Map 148, Lot 443
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 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 444
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 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 445
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 446
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 447
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 448
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 449
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 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 450
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 451
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 452
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 453
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 454
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 455
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 456
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 457
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 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 458
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 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 459
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 460
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 461
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 462
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 463
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 464
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 465
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 466
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 467
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 469
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 470
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 471
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 472
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 473
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 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 474
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 475
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 476
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 477
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 478
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 479
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

Tax Map 148, Lot 480
 City of Franklin
 Franklin, NH 03245
 (Owner: 19/07/03 MCRD)

#17292 Recorded March 10, 2005
 3:20 PM 2005
 1:15 PM

LEPENE
 ENGINEERING
 SURVEYING

100 North Main Street
 Northfield, NH 03257
 TEL: (603) 752-5022
 FAX: (603) 752-5028
 E-MAIL: lepene@lepene.com
 GINA LEPENE, P.E.
 SURVEYING

LEGEND

- Boundary Line
- Lot Line
- Right of Way
- Utility Pole
- Water Main
- Gas Main
- Electric Line
- Drainage Ditch
- Other

CERTIFICATION:
 I hereby certify that I have delivered a copy of this plan to the City of Franklin, New Hampshire, for its acceptance and recording. I also certify that the plan is a true and correct copy of the original plan as shown on the attached sheets and that the same are not subject to any other conditions or restrictions.

Date: 3/19/05

TYPICAL PROPOSED RESIDENCE UNIT
 1500 SF

PHASE 2 CONSTRUCTION

Tax Map 148, Lot 4

GENERAL NOTES:

- Field Procedures: See back of plan.
- Boundaries: See back of plan.
- Other: See back of plan.

CONTRACT: Cross Mill Village, LLC
 2005

EXHIBIT 2

May 2, 2002 Northfield Planning Board Notice of Decision



TOWN OF NORTHFIELD

21 Summer Street, Northfield, New Hampshire 03276
Tel. 603-286-7039 Fax 603-286-3328
www.northfieldnh.org



NOTICE OF DECISION

Map/Lot: R04-2-1

D & M Barton Limited Partnership

You are hereby notified that your Site Plan application request to modify the Notice of Decision dated 9/14/2020 in regards to the Major Site Plan application dated 6/7/2020 for Phase 1 (*Millstone Drive from Station 7+00 to Station 705+00 from Cross Mill Road to the intersection with Stonehedge Circle and the entirety of Stonehedge Circle*), known as the Cross Mill Village Project located off of Cross Mill Rd in the R1 zone has been **APPROVED**, by the Planning Board on May 2, 2022 with the following conditions...

- The following **PRECEDENT** conditions must be met prior to any additional construction:
 - Two escrow accounts must be setup with the town,
 - (1) For regrind, reclaim, install binder course, install top course for Phase 1, value = \$50,000.00
 - (2) For inspection of paving and other associated construction activity referenced below, value = \$5,000
- The following **SUBSEQUENT** conditions must be continually complied with:
 - Comply with all DES requirements, State, Federal and town regulations
 - Original approved site plan allowing 55+ age restrictions only must be followed
 - All roadways/streets, trash collections are to remain private
 - Applicant must comply with Bailey Engineering recommendations as appropriate.

This entire application will be reviewed by Planning Board at the May meetings on an annual basis to determine compliance and modifications required, at which time the applicant/owner must present updates on the progress of the project.

Violations of any condition above shall result in placement of a Stop Work Order or a Cease-and-Desist Order as appropriate, on the property by the Code Enforcement Officer, unless the violation of such condition is cured within fourteen (14) days or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

Thank you,

Wayne Crowley

Wayne Crowley, Chair
Planning Board

May 2, 2022

9171 9690 0935 0285 2162 85

EXHIBIT 3

March 8, 2023 Continental Paving, Inc. Estimate

Continental Paving, Inc.

One Continental Drive
 Londonderry, NH 03053
 USA

Phone: (603) 437-5387
 Fax: (603) 437-5393

To: Sousa Realty & Development Co.	Contact:
Address: 46 Lowell Rd Hudson, NH 03051 USA	Phone: (603) 880-7799
Project Name: Sousa - Northfield	Bid Number:
Project Location:	Bid Date:

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
First Phase					
01	Reclaim Stabilized Base, Processed In Place	2,715.00	SY	\$3.00	\$8,145.00
02	HMA, Binder Course, Machine Method	320.00	TON	\$95.00	\$30,400.00
03	HMA, Wearing Course, Machine Method	240.00	TON	\$110.00	\$26,400.00
04	Tack Coat	1.00	UNIT	\$500.00	\$500.00
05	Sweeper	1.00	UNIT	\$600.00	\$600.00
Total Price for above First Phase Items:					\$66,045.00
Second Phase					
01	Reclaim Stabilized Base, Processed In Place	8,390.00	SY	\$2.50	\$20,975.00
02	HMA, Binder Course, Machine Method	980.00	TON	\$90.00	\$88,200.00
03	HMA, Wearing Course, Machine Method	735.00	TON	\$98.00	\$72,030.00
04	Tack Coat	1.00	UNIT	\$700.00	\$700.00
05	Sweeper	1.00	UNIT	\$600.00	\$600.00
Total Price for above Second Phase Items:					\$182,505.00
Total Base Bid Price:					\$248,550.00
As Needed					
06	Adjusting MH, CB, Or DI	0.00	EACH	\$500.00	\$0.00
Total Price for above As Needed Items:					\$0.00

Notes:

- This Proposal will be made Part of any Agreement Between the Two Parties.
- Excludes any Temporary or Permanent Striping and or Marking.
- Prices quoted are based on the current cost index of liquid asphalt materials. Prices are subject to increases at any time as they are not guaranteed by the suppliers. The price index used for preparation of this quote is \$665.00 per liquid ton and will be the basis of escalation for this project.
- This Proposal is NOT Based on any Prevailing Wages Rates - none have been included with quote request.
- Second Phase Unit Pricing Will Prevail for Reclaim and Paving if Both Phases are to be Completed in a Single Mobilization

Payment Terms:

Payment due within 30 days of date of invoice, regardless of when payment is made by Owner.

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: Continental Paving, Inc.</p> <p>Authorized Signature: _____</p> <p>Estimator: _____</p>
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EXHIBIT 4

April 11, 2023 Authorization from D & M Barton Limited Partnership

AUTHORIZATION

TO: Town of Northfield Planning Board
FROM: D & M Barton Limited Partnership
DATE: April 11, 2023
RE: Cross Mill Village Project

As owner of the Cross Mill Village condominium project (Tax Map R4, Lots 4, 5, 6, and 2-1) I hereby authorize Manny Sousa and K & M Developers, LLC, and their engineers and counsel, to work with the Northfield Planning Board to address approval status and development of the Cross Mill Village condominium project.

D & M Barton Limited Partnership

A handwritten signature in black ink, appearing to be "Dwight Barton", is written over a horizontal line. The signature is somewhat stylized and loops around the line.

Dwight Barton, General Partner