



STAFF REPORT  
*Public Hearing 11/22/22*

AGENDA ITEM #: #22-129  
COUNCIL MTG. OF: November 1, 2022  
FROM: Dave Caron, Town Administrator  
OFFERED BY: Administration  
PREPARED BY: Administration  
SUBJECT: Abbott Court Development

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#### INTRODUCTION:

To update the Council on progress towards redeveloping Abbott Court and to seek a Supplemental Appropriation for Architectural and Engineering Fees for the parking structure

#### TOWN ADMINISTRATOR COMMENTS

Please see comments within this staff report.

#### BACKGROUND

The Town purchased several properties in the Abbott Court area many years ago and has been attempting to redevelop the property as a stimulus for further economic development in the Downtown. Based upon prior direction from the Council, Economic Development Director Bev Donovan has been working multiple development paths: staff previously engaged with Monadnock Economic Development Corporation and the potential application of New Market Tax Credits, as well as collaborating with private developers (Dick Anagnost and Peter Flotz on separate proposals) to research a private or public/private partnership.

Town staff has been engaged in discussions with Peter Flotz and his Lansing-Melbourne Group for over a year now advancing a vision to redevelop Abbott Court. LMG has made several trips to Derry and has engaged design professionals to test various visions for the property. The Town Council approved a Memorandum of Understanding with LMG on Nov. 2, 2021 which authorized LMG to proceed with a conceptual design and seek zoning variances for the project at Abbott Court. The Zoning Board granted a number of variances in support of the project; however, those approvals were appealed to Superior Court. Superior Court upheld the ZBA's decision and later denied a request for reconsideration. Unfortunately, the plaintiffs have appealed to the NH Supreme Court.

The Town would like to proceed with planning work, including the development of plans and drawings for the parking structure during this appeal period.

DISCUSSION

According to NH law, an appeal to the NH Supreme Court does not stay the ZBA's decision, i.e. work may proceed on the project. Staff recommends proceeding to the next step with the design of the parking structure:

- 1) The Town would own the design.
- 2) Should the Supreme Court overturn the ZBA ruling which may require modification of the building program, the parking structure would still be needed/available for the general public, the revised building program and lease spaces for nearby residential development.
- 3) Should the economy retract to the point where the private development project is delayed, the design of the structure could be implemented at any time.

FISCAL IMPACT:

It is anticipated that the design costs for the structure will be \$845,250. It is recommended that DCC TIF Fund Balance be used which currently maintains a balance of \$2.11M.

RECOMMENDED ACTION BY COUNCIL

Please see Resolution #2022-086.

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# RESOLUTION

Number 2022-086

To Approve a Supplemental Appropriation for Design Fees for the Derry  
Commerce Corridor TIF District Parking Structure

WHEREAS, the Town Charter establishes the Town Council as the appropriating authority of the Town and as such it is empowered by Section 9.6 of the Charter to make supplemental appropriations after the annual budget is adopted; and

WHEREAS, the Town Council pursuant to Resolution #2019-012 established the Derry Commerce Corridor Tax Increment Financing District to include the Downtown area; and

WHEREAS, the Derry Commerce Corridor TIF Implementation Plan cited additional parking and a Downtown Parking Garage as priority improvements; and

WHEREAS, the Town has partnered with LMG NH LLC for a mixed use development at Abbott Court ; and

WHEREAS, funds are available in the DCC TIF Fund Balance for this project;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of Eight Hundred Forty-Five Thousand Two Hundred Fifty Dollars (\$845,250) is hereby appropriated from the DCC TIF Fund Balance for design of the DCC TIF Parking Structure;

FURTHER, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute all documents necessary with LMG NH LLC for the design of the structure.

This Resolution has been adopted by a two-thirds majority of the entire Council as required by Charter and shall take effect immediately upon its passage.

Adopted: November 22, 2022

Attest:

\_\_\_\_\_  
Joshua Bourdon, Council Chair

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Cristina Guilford, Town Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Archival Ref: TC Agenda Item #22-129