

**Hampton I-95 Liquor Properties
NHLC Responses to Buyer/Developer Questions on the RFQ
November 12, 2021**

Item No.	Page No.	Section No.	Inquiry	Reserved for Response
1	-	-	<p>Numerous questions and requests for Reference Documents were received. Each is not listed individually, but rather summarized in this single request item.</p>	<p>Reference documents have been posted to the NHLC website and reference documents provided.</p> <p>Updated T.F. Moran existing conditions pdf plans, Revision 1, dated 11/11/21, adding well locations and protective radius, are also posted along with the Response to RFQ Questions.</p> <p>Updated T.F. Moran existing conditions drawing files in .dwg format, Revision 1, dated 11/11/21 have been posted to a Dropbox. Directions to access these updated CADD files are posted along with the Response to RFQ Questions.</p>
2	4	1.2	<p>Re: “The Buyer/Developer shall provide detailed exterior and interior plans, along with the cost allocated for the liquor stores as part of the final proposal submission.”</p> <p>Has the Commission established a “not to exceed” construction budget for the new NHLC Outlet stores?</p>	<p>Detailed exterior and interior plans, along with cost, will be required as part of the RFP, not RFQ. General site plans only are anticipated as part of the RFQ package.</p> <p>In 2017/2018, the NHLC sought and obtained a capital appropriation for two, new Hampton Outlet stores which the NHLC will own.</p>

3	6	1.3	<p>Since the NHCL is responsible for only the interiors of the 22,000 SF Outlet stores, would the Commission consider demised premises within a larger development like its Hooksett store. Is there a preference for a freestanding store?</p>	<p>There is no requirement for a freestanding store. The final location and integration of the Outlet stores will be determined as part of the RFP process.</p>
4	6	1.4	<p>Per the engineering analysis, NHLC states that the net developable land areas are 11.5 acres on the southbound site and 11.6 acres on the northbound.</p> <p>However, the Underwood appraisal states that the usable land as 7.0579 acres on the northbound site and 13.067 acres on the primary southbound property. To determine the optimal mix and size of development, is the appraisal data more accurate?</p>	<p>The 2017 T.F. Moran existing conditions site plans and are the more accurate reference data source since it was completed after the Underwood Appraisal.</p> <p>Updated T.F. Moran existing conditions plans, Revision 1, dated 11/11/21, adding well locations and the protective radius, are also posted along with the Response to RFQ Questions.</p> <p>Potential buyer/ developers are urged to gather updated information prior to property purchase.</p>
5	6	1.4	<p>Regarding the “average 79,000 vehicles per day”, does the NHLC have a further breakdown by Vehicle Class? Also, has any future or forecast traffic analysis been undertaken, and if so, is this available.</p>	<p>No and no.</p>
6	7	1.5	<p>Does the NHLC or its consultants have data on the capacity of the on-site water wells?</p>	<p>Information is available at:</p> <p>https://www.des.nh.gov/water/groundwater/water-well-inventory</p>

				Search “Water Well”, “Hampton” and “New Hampshire Liquor Commission”
7	7	1.5	In addition to the water wells, electric, and data/phone service, is natural gas readily available?	No.
8	7	1.6	Through its hypothetical build-out exercise, does the NHLC have a rough footprint for the proposed NHLC Outlet stores including the ±22,000 SF building, sidewalks, parking lots, crosswalks, shopping cart corrals, drive-thru pickup lane, etc.? Would 2.5 acres per Outlet store be a reasonable assumption?	The recently constructed Liquor and Wine Outlet store at the Portsmouth Circle is approximately 22,000 +/- SF. Buyer/Developers will propose the size and location of the Hampton I-95 Outlet stores as part of their concept plans for NHLC review and consideration.
9	7	1.6	In deriving the estimate of “65,000 to 70,000+/- square feet of retail and service space” on the southbound site and “55,000 to 65,000+/- square feet on the northbound site”, what floor area ratio (FAR) was used? What were the assumptions about the number of parking stalls per 1,000 GSF of building?	Specific assumptions will not be provided to potential buyer/ developers so as to not bias possible development scenarios.
10	8	2.1	To expedite the creation of a “high-level site development concept”, is it possible to get the T.F. Moran surveys in an AutoCAD format?	See response to Item #1.
11	4		Since the Liquor Commission will have its store on its own parcel of land, completely detached from all other development, is it accurate that the developer/owner of the development parcel will be expected to do the following; Enter onto State property to maintain	Specific details of required maintenance obligations of the Outlet stores will be provided in the RFP.

			<p>the exterior of the State-owned building? Will this include landscaping, maintenance, snow plowing, etc., on the grounds? Does this include maintenance of the exterior HVAC systems, utilities, structures, etc.? Does this include capital replacement of exterior systems, HVAC systems, etc.? Does this include parking lot maintenance and replacement, etc.,? All at the developer/owner's expense?</p>	
12	5	1	<p>Who is expected to maintain the on and off ramps from Rt 95? These would be part of the State ownership parcel. Is the developer going to be required to plow, perform maintenance and/or replacement if deteriorated at their own expense?</p>	<p>The Buyer/Developer will be required to maintain the on and off ramps at the point where ownership changes from NHDOT to the Buyer/ Developer. Limits of this will be identified in the RFP.</p> <p>Specific details of required maintenance obligations will be provided in the RFP.</p>
13	2	1.1	<p>Whereas the transfer of title of the surplus property will occur after the construction of the Liquor Stores are complete, accepted and fully operational, is it the intent of the Commission to delay the development and construction of the development parcel until that date? Which could delay the rest of the project's completion by 1-2 years.</p>	<p>It is the intent of the NHLHC to enter into an agreement with the selected Buyer/ Developer to begin construction immediately following the completion of the RFQ and RFP process. Construction may begin at that time.</p> <p>Terms of the transfer will be included in the Purchase and Sale Agreement and associated Development Agreement.</p>

14	8		An acknowledgement of proposed contract terms, business operations, processes, target-market opportunities, and desired NHLC outcome are required. Could you please be more explicit as to which contract terms and business operation that are being referred to?	Contract terms in the RFQ refers to the sale of the surplus property to the selected Buyer/Developer at the agreed to price and negotiation of remaining purchase and sale and associated development agreement terms.
15			On the northbound side, the DOT has recorded a conservation easement that states the land not within the DOT plan for the rest stop shall remain untouched. Will this easement remain? If so, the buildable area on the northbound side would shrink from 11.6 acres to about 7 acres.	DAS has determined that this conservation easement is not enforceable.
16			On the northbound side, the largest portion of buildable area is in the floodplain. The town of Hampton requires that any new development be at least 18 inches above federal floodplain elevations. The town of Hampton is the only town in the State that requires town wetlands permit as part of their approval process. They have a fulltime wetland coordinator. Will we be required to meet this ordinance? If so, there will be a significant amount of fill required to make the site buildable.	Potential Buyer/ Developers will be required to meet all federal, state, and local ordinances that may apply.
17	4	1.2	Pursuant to the RFQ transfer of title to the surplus property will occur after the construction the facilities is complete accepted and fully operational. Will the State of New Hampshire or the Buyer/Developer be pulling the permits for the new development?	It is the intent of the NHLC that the Buyer/ Developer will obtain all required permits for the project.

18	6	1.4	Will the Seabrook Rest Area remain open once this site is developed?	The NHLC is not aware of any plans regarding the existing Seabrook Rest Area.
19	6	1.4	TF Moran performed surveys on both properties, are the northbound and southbound surveys available as CAD or DWG ?	See response to Item #1.
20			How will the NHLC's retained ownership of 22,000 +/- square feet on both the northbound and southbound sides be structured? Will this retained area be subdivided from the respective larger parcels?	Ownership details of the Outlet store parcels will be detailed in the RFP.
21			Will the NHLC's new liquor stores be contractually obligated to maintain their current hours of operation?	The NHLC will determine its hours of operation.
22			In addition to the Reference Documents referenced in the RFQ (and provided at i95HamptonNH.com), will the hypothetical build out plans referenced in Section 1.6 of the RFQ be made available?	No.
23			Is the town of Hampton supportive of this redevelopment? Where do those conversations with the town of Hampton stand? What is the status of the request for a variance to allow fuel and drive-through uses of the properties? What is being done between the NHLC and the town of Hampton from now up until you have signed a partner (Likely to as far out as Q2/2022)? Are you seeking a rezone or overlay district that will allow the type of development that you are contemplating?	The NHLC and its team have met with the Town of Hampton to discuss the proposed sale of the surplus properties and opportunity for the Town of Hampton. Details will be provided at the conclusion of the RFQ process and selection of qualified Buyer/ Developers.

24			What is the status of the highway guide signs “blue signs as it relates to this development? Does the owner/ developer have control of what logos/ information goes on the signs?	Details of allowed signage will be included in the RFP. Allowed highway signage is under the authority of NHDOT and FHWA.
25			After 11/19 (Qualifications package submittal date), please confirm that the NHLC will not be considering any new submittals?	The NHLC reserves the right to accept qualifications packages as defined in the RFQ.
26			After this week, will any future questions for NHLC regarding this RFQ or the RFP be made public?	The NHLC intends to post the responses to questions received by 11/5. Additional information may be provided by the NHLC if required.
27	17	3.2	Please confirm there should be TWO sets of page numbers; one set in the format “1 of x” (x being total pages), and a second set in the format “1-3” (section number – page number in section)	Yes.
28	17	3.2	Per this section, site plans may be printed on 11” by 17” paper. Do they still need to be bound into the same package (in Section III) as the rest of the qualifications content?	11”x17” plans do not need to be bound within the RFQ package.
29	17	3.2	Is there a specific type of binding required?	No.
30	21	3.4	Does “Section VII” of the qualifications content simply require us to restate these acknowledgements with substantially identical wording?	Yes.
31	27	Appendix A, Form 2	Can you please provide an electronic copy of the Transmittal Letter per the note at the bottom of the page? The note seems to suggest that converting the page to Word and typing to fill in the blanks would be prohibited.	An electronic copy of the Transmittal is provided along with the Response to RFQ Questions.

32	12-13	3.1	The RFQ states that packages containing qualifications must be clearly marked with the text at the top of page 13. Is this saying that needs to be on the actual outside of the package/ mailing slip? I note this is slightly different than what needs to go on the cover page per page 18, Section 3.4, and also different than the other language above the table of contents at the top of page 18, Section 3.3.	Yes.
33	4	1.2	The final bullet references Hampton zoning regulations. Are you able to provide any update on the status of efforts to work with Hampton to date, particularly regarding the variance for a fuel service station mentioned at the site visit on 11/1?	See response to Item #23.
34	N/A	N/A	Are you able to confirm that the state is aware of the conservation covenant for the northbound site, restricting the buildable area of the property to only the area of the existing improvements shown on the distributed existing conditions plan (i.e. area of existing building and pavement)?	See response to Item #15.
35	6	1.3	Reference Documents: Are CAD files available for the TFM Surveys Dated October 30,2017 for both NB and SB	See response to Item #1.
36	TFM Survey NB	Notes #13	"Parcel is subject to conservation easements" and "there are no buildable areas on the property beyond the limits of existing improvements". Can the NHLC explain what restrictions these easements present to the NB and SB site redevelopment.	See response to Item #15.

37	7	1.6	Will the NHLC provide the "hypothetical build out of both Northbound and Southbound" sites?	No.
38	5	Relevant information	Can the NHLC detail what local zoning, planning or other approvals or ordinances changes might be needed from the town of Hampton regarding the project?	See response to Item #23.
39	5	Relevant Information	If any local approvals are needed, can the NHLC detail if those applications would be presented by the developer or the NHSLC?	See response to Item #23.
40	5	Relevant Information	The RFQ states "any expansion of use on the existing northbound and southbound parcels will require standard DES permitting process", this contradicts the Conservation Easement on Northbound prohibiting any additional expansion beyond the existing limits. Is the NHLC making modifications to the existing Conservation Covenant to allow for additional expansion on the Northbound site	See response to Item #15.
41			On what basis were the tidal and non-tidal wetlands determined? Is there a wetland scientist's report available for review?	See T.F. Moran Surveyor's Report for the NB and SB properties for information.
42			According to the survey, some of the parking lot area (northbound) and driveways (northbound and southbound) lie within the wetland buffer zones depicted on the survey. Are there any existing permits, including New Hampshire Department of Environmental	NHLC is unaware of any permits relative to this.

			Services wetlands permits, authorizing placement of these portions of the parking lot area in the wetland buffer zones?	
43			The TF Moran “Existing Conditions” surveys of the northbound and southbound sites were prepared in October 2017. In the intervening four years since the sites have been surveyed, have either of the sites been altered in any way not represented or depicted in the 2017 survey?	No.
44			Does the Liquor Commission have any Environmental Site Assessment (“ESA”) reports in its possession, regardless of age, for the northbound or southbound sites? If so, will the Liquor Commission make those ESA reports available for review?	No.
45			On Page 4 of the Request for Qualifications, the New Hampshire Liquor Commission states that it intends to “retain ownership of 22,000 +/- square feet on both the northbound and southbound parcels for the operation of new, state-of-the-art liquor store facilities.” Does each 22,000 +/- square foot retained area include all of the area needed by the Liquor Commission for the liquor store building and the parking necessary for the liquor store’s patrons and Liquor Commission’s employees? Will the State be reserving to itself any temporary or permanent easements relative to its retained property? If so, what will be the general scope of that easement or easements?	<p>The 22,000+/- SF parcels are for the building footprint only. It is assumed that parking would be shared amongst all site uses.</p> <p>Details of any proposed easements or ownership requirements will be identified in the RFP.</p>

46			<p>If the retained 22,000 +/- square foot area on each site does not include parking for liquor store patrons and employees, how large of an area will the State be leasing from a Buyer/Developer on each site for liquor store parking?</p>	<p>See response to Item #45.</p>
47			<p>What is the capacity of each existing well on each site? Will the Commission provide on request the results of each well's water quality test results?</p>	<p>See response to Item #6. Water quality test results are unknown.</p>
48			<p>Have any of the wetlands abutting either the northbound or southbound site been designated as a "Prime Wetland" by the Town of Hampton? If so, which wetlands?</p> <p>Are there any maintenance records available for the sewage system that can be made available upon request? Has the Town of Hampton confirmed the increase in wastewater flows will be acceptable with existing infrastructure?</p>	<p>Designation of wetlands is not known.</p> <p>No existing sewer maintenance records are known to be available.</p> <p>No.</p>
49			<p>Do the gray areas depicted on the TF Moran "Existing Conditions" survey of the northbound site represent the entire developable area on that site?</p>	<p>Yes. Buyer/Developers are encouraged to confirm any existing conditions prior to property purchase.</p>
50			<p>Had the Phase IB/Phase II archaeological report on the southbound site been provided to and considered by the appraiser before he opined on the value of the southbound site?</p>	<p>No. The Phase IB and Phase IIB reports were completed after the appraiser opinion of value.</p>

51			Is the State willing to operate the existing Liquor Store at less than 100% capacity during construction?	Existing store operations during construction will be identified in the RFP.
52			How many parking spaces need to be available for during construction?	See response to Item #51.
53			Are port-o-potties acceptable restroom facilities during construction?	See response to Item #51.
54			Will the State consider alternative proposals for temporary closure of either existing liquor store, should the developer justify better long-term outcome to the Liquor commission?	See response to Item #51.
55	5	1.2	Have these areas of phase 2 Archaeological (South Bound Parcel) findings been reviewed at the state level?	Yes. Findings of the Phase II reports have been reviewed and accepted by DHS.
56	5	1.2	Are there additional setbacks to "No Building" areas outside what is shown as the red circle on the reference documents?	Limits of the "No Disturbance" area are outlined in the Phase II report. No additional setbacks are required.
57	7	1.5	Where is the location of the existing wells for both the North and South Sites	See response to Item #1.
58			Is there any soils information available regarding the ability for infiltration and structural stability?	No.
59			Does a well capacity analysis exist to determine current capacity of wells on north and south bound parcels.	See response to Item #6.
60	7	1.5	Is there an opportunity for a municipal water connection in the future?	Unknown.
61			Has an environmental study been performed on the site for any	The NHLC has not conducted a site environmental study.

			contamination issues with soils or other environmental contaminants	
62			Who owns the R.O.W. for the Highway. is it State or Federal ownership	Highway R.O.W is owned by the State of New Hampshire.
63	21	3.4	Section VI of Section 3.4, Financial Capacity, requires documented proof of bonding capability. Can you please advise what exactly you need for this? Without detail on, for example, the actual scope of the build (which is TBD based upon what zoning, etc. will allow), what will be required for the financial guarantee bond, etc. it's going to be hard for anyone to underwrite this. Would a letter of credit form a financial institution to cover bonding requirements suffice?	Yes.
64			Is NHLC or KWCLCG paying a buyer broker fee and if so how much?	The NHLC is not responsible for a buyer broker fee. The buyer's broker will be responsible for working with KW to negotiate compensation.
65	2 of 27	1.1	The second to last paragraph states that the undeveloped area on both sites is estimated to incorporate 120,000 +/- square feet of appropriate uses in addition to a new liquor outlet on each site, each 22,000+/- square feet. Please describe how NHLC arrived at these figures, including the data upon which NHLC relied	See response to Item #9.
66	4 of 27	1.2	The second and third bullets describe the size of the liquor store property as "22,000+/- square feet". Please clarify whether this refers to total property area or floor space.	See response to Item #45.

67	8 of 27	2.1	Please specify the “proposed contract terms” referenced in the last bullet point under the heading “Request for Qualifications (RFQ)”.	See response to Item #14.
68	19 of 27	3.4	In the “Table of Contents” paragraph, there is a reference to Section 4.3 as the outline to which the Table of Contents must conform. Because there is no Section 4.3 in the RFQ, should this reference be to Section 3.3, “Qualifications Organization”?	Yes.
69	21 of 27	3.4	Please clarify whether “documented ability to raise sufficient capital to construct the project” requires documentation of financial commitments specific to this project, or whether evidence of the Buyer/Developer’s past experience and current ability to raise capital for a project of this type is sufficient. Please provide specific examples of information that satisfies this criterion.	One example would be a letter of credit from a financial institution showing capacity to cover anticipated capital and bonding requirements would satisfy this requirement. Another example would be a statement showing available capital on hand in anticipated amount necessary to complete the project.
70	Handout at Site Conference		Please explain how NHLC arrived at the “potential final value of \$50-\$70 million for both sites. Also, please clarify whether “final value” refers to post-development value, or some other value, and explain what that value includes/represents.	KW developed a Basis of Value report using the conceptual layouts identified to create this value. The Basis of Value report is not available as a public document.
71	17 of 27	3.2	Please clarify whether resumes and components that are not subject to the 15-page limit must contain Time New Roman font size 11, with 1-inch margins, and be double sided.	They do not.

72	P. 7 of Underwood Appraisal Report (1/15/18)	Easements and Encroachments	The “Easements and Encroachments” section of the January 15, 2018 Underwood Appraisal Report (p. 7) states that the northbound site (#76) is encumbered by a conservation easement that includes all unimproved land. Please provide a copy of this easement document, and the book and page number where the easement document is recorded.	See response to Item #15.
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