

THE STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

SUPERIOR COURT

DOCKET NO.: 07-E-0101, 08-E-0006

Saint Benedict Center  
v.  
Town of Richmond, et. al.

DOCKET NO.: 08-E-0005

John Bocalini  
and  
Kathleen Whitham, et al  
v.  
Town of Richmond Zoning Board of Adjustment

**PROPOSED STIPULATED FINAL ORDER**

NOW COMES the Plaintiff, Saint Benedict Center, and the Defendant, the Town of Richmond, its Planning Board, its Zoning Board of Adjustment and moves that the Court approve this Proposed Stipulated Final Order saying as follows:

**Factual and Procedural Background**

1. Saint Benedict Center [SBC] has operated a church and a school at its monastery at 95 Fay Martin Road in Richmond, New Hampshire since the late 1980s. SBC desires to build a proposed new church/school building. The Town seeks to ensure that new church/school building is built safely and that the resulting site development guarantees the health, safety and welfare of all of the residents of the Town of Richmond.

**Modification of Planning Board Conditions**

2. The Planning Board, in a decision dated May 9, 2007, approved SBC's site plan to

construct the church/school subject to certain conditions.

3. Having made the requisite findings and determinations, the Town invokes its authority under RLUIPA, 42 U.S.C. Section 2000cc-3(e), to modify the planning Board's Site Plan Conditions to the conditions attached as Exhibit A.
4. In addition, although no Court approval of the Town's modification under 42 U.S.C. § 2000cc-3(e) is necessary, the parties jointly request that the Court, pursuant to its authority under RSA 677:15(V), modify the Planning Board's Site Plan Conditions to the conditions attached as Exhibit A.

**Modification of Zoning Conditions**

5. Having made the requisite findings and determinations, the Town invokes its authority under RLUIPA, 42 U.S.C. Section 2000cc-3(e), to modify the Zoning Board of Adjustment's decision to provide that neither a special exception nor a variance is required for either SBC's current or proposed new church/school building.
6. In addition, although no Court approval of the Town's modification under 42 U.S.C. § 2000cc-3(e) is necessary, the parties jointly request that the Court, pursuant to its authority under RSA 677 hold that neither a special exception nor a variance are required for SBC's current use nor its proposed new church/school building.

WHEREFORE, Saint Benedict Center and the Town of Richmond jointly and respectfully requests that this Honorable Court:

- a. Approve this Stipulated Final Order and/or schedule a hearing for approval of this Stipulated Final Order;
- b. Modify the Planning Board Site Plan Conditions of Approval pursuant to its authority

under RSA 677:15 as provided in Exhibit A;

c. Modify the Zoning Board of Adjustment decision to provide that neither a special exception nor a variance are required as provided in paragraphs 5 and 6;

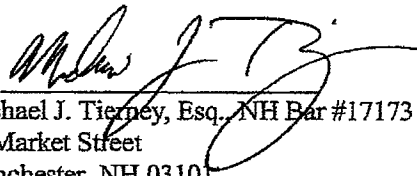
d. Such other and further relief as may be just and equitable.

Respectfully submitted,

Saint Benedict Center,

By its attorneys,  
Wadleigh, Starr & Peters, PLLC

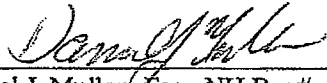
Dated: April 13, 2010

By:   
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THE TOWN OF RICHMOND, ET AL.

By their attorneys,  
RANSMEIER & SPELLMAN

Dated: April 13, 2010

By:   
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Concord, NH 03302-0600  
Tel. (603) 228-0477

Approved and so ordered.

April \_\_, 2010

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Presiding Judge