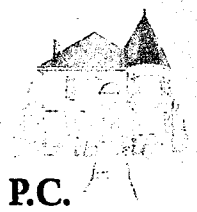


**CRONIN &
BISSON, P.C.**
ATTORNEYS AT LAW



John F. Bisson
Admitted in NH and ME

722 Chestnut Street, Manchester, NH 03104
Phone: (603) 624-4333 Fax: (603) 623-5626
www.croninbisson.com

May 5, 2010

Barbara A. Hogan, Clerk
Cheshire County Superior Court
12 Court Street
Keene, NH 03431

Re: Saint Benedict Center, Inc. v. Town of Richmond and the Town of Richmond Zoning Board of Adjustment,
Docket Nos. 07-E-0101, 08-E-0005, 08-E-0006

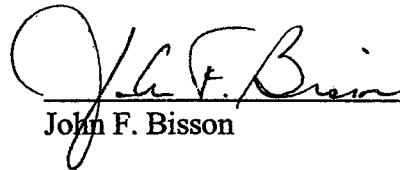
Dear Clerk Hogan:

Enclosed please find the *Surreply to Reply Memorandum to Objection of John Boccalini and Other Interested Parties to Proposed Stipulated Final Order* for filing in the above-captioned matter.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,
CRONIN & BISSON, P.C.

By:


John F. Bisson

JFB:cd
Enclosure

cc: Clients
Michael Tierney, Esquire
Daniel Mullen, Esquire

STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

SUPERIOR COURT
Docket Nos. 07-E-0101
08-E-0005
08-E-0006

Saint Benedict Center

v.

Town of Richmond, Richmond Planning Board, and Richmond Zoning Board of Adjustment

John Boccalini, et al.

v.

Town of Richmond and Richmond Zoning Board of Adjustment

Surreply to Reply Memorandum to Objection of John Boccalini and Other Interested Parties to
Proposed Stipulated Final Order

NOW COME John Boccalini and other interested parties (the "Abutters"), by and through their attorneys, Cronin & Bisson, P.C., and reply to Saint Benedict Center's Reply Memorandum as follows:

1. Saint Benedict Center ("SBC") filed a Reply Memorandum to Objection of John Boccalini and Other Interested Parties to Proposed Stipulated Final Order at the April 27th hearing which they had unilaterally scheduled.
2. SBC raises a number of allegations as to the settlement process which are either false or designed to create a false impression.
3. First, in a footnote, SBC confuses the Abutters with a so-called "informal organization calling itself the Rural Preservation Committee."
4. Although some of the Abutters are affiliated with the Committee, the groups are not the same and except for the purpose of disparaging the Abutters the reference is entirely irrelevant and meaningless.

5. Second, SBC and the Town did not “involve” the Abutters in the first mediation as that mediation arose out of the structuring conference order.

6. The tenor of the allegations as to the second mediation suggest that SBC had a serious interest in involving the Abutters in settlement discussions, when, in fact, they referred to their undersigned counsel as a “speed bump” on the road to settlement.

7. Third, the Abutters did not even know of the third mediation, where the SBC and the Town purportedly came to an agreement, as neither SBC nor the Town advised them of it.

8. In short, SBC did not make any meaningful effort to involve the Abutters as its allegations suggest.

9. In addition, SBC’s arguments presuppose that a settlement has been reached.

10. At the hearing, counsel for the Town represented that the Planning Board, in part, voted to approve the modification of the conditions in a non-meeting with counsel, as opposed to a non-public session.

11. The Abutters represented that they knew of no record of such a vote and it appears that there is good reason for that as there was no vote by the Planning Board on the modified conditions.

12. According to the letter from Marcus Beauregard, a four year member of the Planning Board attached as Exhibit A, “there was no vote made by the Planning Board members at anytime.”

13. This is not the only instance where a claim has been made that the Planning Board undertook a specific action without any public record being offered to establish that the action was properly authorized.

14. For example, SBC asserts that the Board of Selectmen signed a release of the road agreement, which, contrary to the SBC’s assertion, was a condition of the 1988 site plan approval, Zoning Board of Adjustment Record at 66V, at the direction of the Planning Board, but provides no minutes or

other public record of the Planning Board in support of that allegation. RSA 673:9.

15. Thus, whether the Planning Board "voted" to accept the settlement as was represented appears in dispute.

16. The motion to approve the settlement stipulation should be denied.

17. In the alternative, the Abutters respectfully request that the Court conduct an evidentiary hearing to determine whether the Planning Board approved the agreement in accordance with the law and as was represented to the Court.

WHEREFORE, the Abutters respectfully request that this Honorable Court:

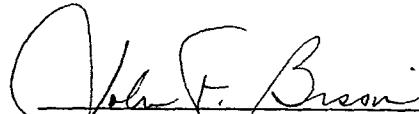
- A. Disapprove the Stipulation for the reasons set forth in the Objection and at the hearing;
- B. Conduct an evidentiary hearing to determine whether the Planning Board approved the Stipulation; and
- C. Grant such other relief as it may deem just and proper.

Respectfully submitted,

JOHN BOCCALINI, ET AL.,
By and through their attorney,
CRONIN & BISSON, P.C.

Dated: May 5, 2010


By:



John F. Bisson, Esquire, NH Bar #10481
Cronin & Bisson, P.C.
722 Chestnut Street
Manchester, NH 03104
(603) 624-4333

Certification

I do hereby certify that a copy of the foregoing Objection was forwarded on this 5 day of May, 2010 by first class U.S. mail, postage prepaid, to Michael Tierney, Esquire, and Daniel Mullen, Esquire.



John F. Bisson, Esquire