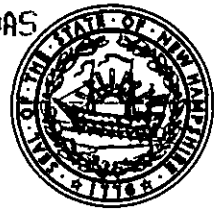




The State of New Hampshire JAN22'20 AM10:07 DAS
Department of Environmental Services



407
41

Robert R. Scott, Commissioner

January 15, 2020

His Excellency, Governor Christopher T. Sununu
and The Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 4:29, authorize the Department of Environmental Services (NHDES) to enter into two (2) Easement Deeds, one with Mr. Donald Buskey of Swanzey, NH and the other with Messrs. Richards and James French of Barnstable, MA, to provide rights of access needed to reconstruct the state-owned Weeks Crossing Dam in Warren, NH.

EXPLANATION

On July 1, 2017, the state-owned Weeks Crossing Pond Dam in Warren was destroyed during a flooding event. While the state owns the dam, it does not own the land or easements necessary to reconstruct the dam, which needs to be located just upstream of the former dam site to meet current dam safety standards.

Under RSA 482:57, the NHDES is responsible for the repair and reconstruction of state-owned dams. To reconstruct the dam, NHDES needs easements from the owners of the properties at the dam site to access the site. The owners of the two abutting properties on which the easements are needed, Mr. Donald Busby and Messrs. Richards and James French, are willing to provide NHDES the necessary easements. Pursuant to RSA 482:44, the acquisition of these easements was authorized by the enactment of Chapter 195 of the Laws of 2019. Although the law authorized the expenditure of one dollar for the acquisition of these easements, the property owners are providing them at no cost, as reflected in the deeds.

The Easement Deeds have been approved by the Office of the Attorney General as to form, execution, and content.

We respectfully request your approval of these easements.



Robert R. Scott, Commissioner

CHAPTER 195
SB 121-FN - FINAL VERSION

19-0252
08/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to acquisition rights and easements at Weeks Crossing Dam in the town
of Warren by the department of environmental services.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 195:1 New Paragraph; Acquisition by State of Certain Rights and Easements. Amend RSA
2 482:48 by inserting after paragraph X the following new paragraph:
3 XI. For a consideration of \$1, the department of environmental services may accept an
4 easement from the property owners of all rights necessary to access, repair, reconstruct, maintain,
5 and operate Weeks Pond Dam in the town of Warren for the purpose of repairing and reconstructing
6 such dam. The rights and easements the department is authorized to acquire for the benefit of the
7 state shall be exempt from taxation as long as the easements are held by the state. With the
8 exception of such \$1 consideration, nothing in this paragraph shall mandate or authorize the
9 expenditure of any funds or capital relative to the provisions of this paragraph.
10 195:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 10, 2019
Effective Date: September 08, 2019

Return to:
NH DES Dam Bureau
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that I, **Donald Buskey**, of 188 Sawyers Crossing Road, Swanzey, New Hampshire 03446, owner of a certain parcel of land located on the northeastern side of Gould Hill Road in the Town of Warren and County of Grafton, New Hampshire, do hereby grant and convey to the **STATE OF NEW HAMPSHIRE** acting by and through the Department of Environmental Services, having an address of 29 Hazen Drive, P.O. Box 95, Concord NH 03302-0095, certain easement rights for the purposes of accessing, constructing, monitoring, maintaining, repairing, reconstructing, or removing the dam known as "Weeks Crossing Dam" (herein after referred to as "the Dam"); and also granting the easement rights necessary to store and stage personnel, machinery, materials and equipment on the Easement during periods of operation, maintenance, repair, reconstruction, replacement, removal or emergency response relating to the Dam.

Said easement rights are granted in a limited area (herein after referred to as "Easement") as shown on the below referenced plan and being further described and defined to wit:

Beginning at the southwest corner of the herein described Easement on the northeasterly right-of-way of Gould Hill Road. Said point of beginning also being near the southerly edge of an existing driveway entering onto Gould Hill Road, thence;

Northwesterly along the right-of-way of Gould Hill Road a distance of 43 feet, more or less, to a point at land now or formerly of French, thence;

Northeasterly, along land of French, a distance of 27 feet, more or less, to the high water mark on the southerly side of Weeks Crossing Pond, thence;

Easterly along the said high water mark, a distance of 91 feet, more or less, to a point, thence;

Southeasterly through land of the Grantor, a distance of 13 feet, more or less, to a point, thence;

Southwesterly, through land of the Grantor, a distance of 102 feet, more or less, to the point of beginning.

Containing 2,950 square feet, more or less, and being depicted on a plan entitled "*Access & Maintenance Easement Plan, on Tax Map 221 Lot 17 & 18, Weeks Crossing Dam #244.07, Warren, NH*" dated January 2019, prepared by the Dam Bureau of the New Hampshire Department of Environmental Services, and on file for the public with the Dam Bureau. A copy of said plan is also attached hereto as ATTACHMENT A.

Meaning and intending to convey certain easement rights upon a portion of the property conveyed to Myron Albert Buskey by deed dated June 4, 1960, recorded in the Grafton County Registry of Deeds at Book 943, Page 419; and I, Donald Buskey, acquired title through the probate estate of Myron Albert Buskey.

The Easement is authorized pursuant to RSA 482:48 XI. The acceptance of this Easement was approved by the Governor and Executive Council at a meeting held on

In accordance with RSA 78-B:2,I, this deed is recorded without the payment of New Hampshire Transfer Tax.

IN WITNESS WHEREOF, Donald Buskey, has hereunto set his hand and executed this document this _____ day of _____, 2020.

Donald Buskey

date

STATE OF NEW HAMPSHIRE
COUNTY OF _____



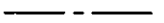




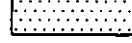

Signed and attested before me on _____, 2020, by Donald Buskey.

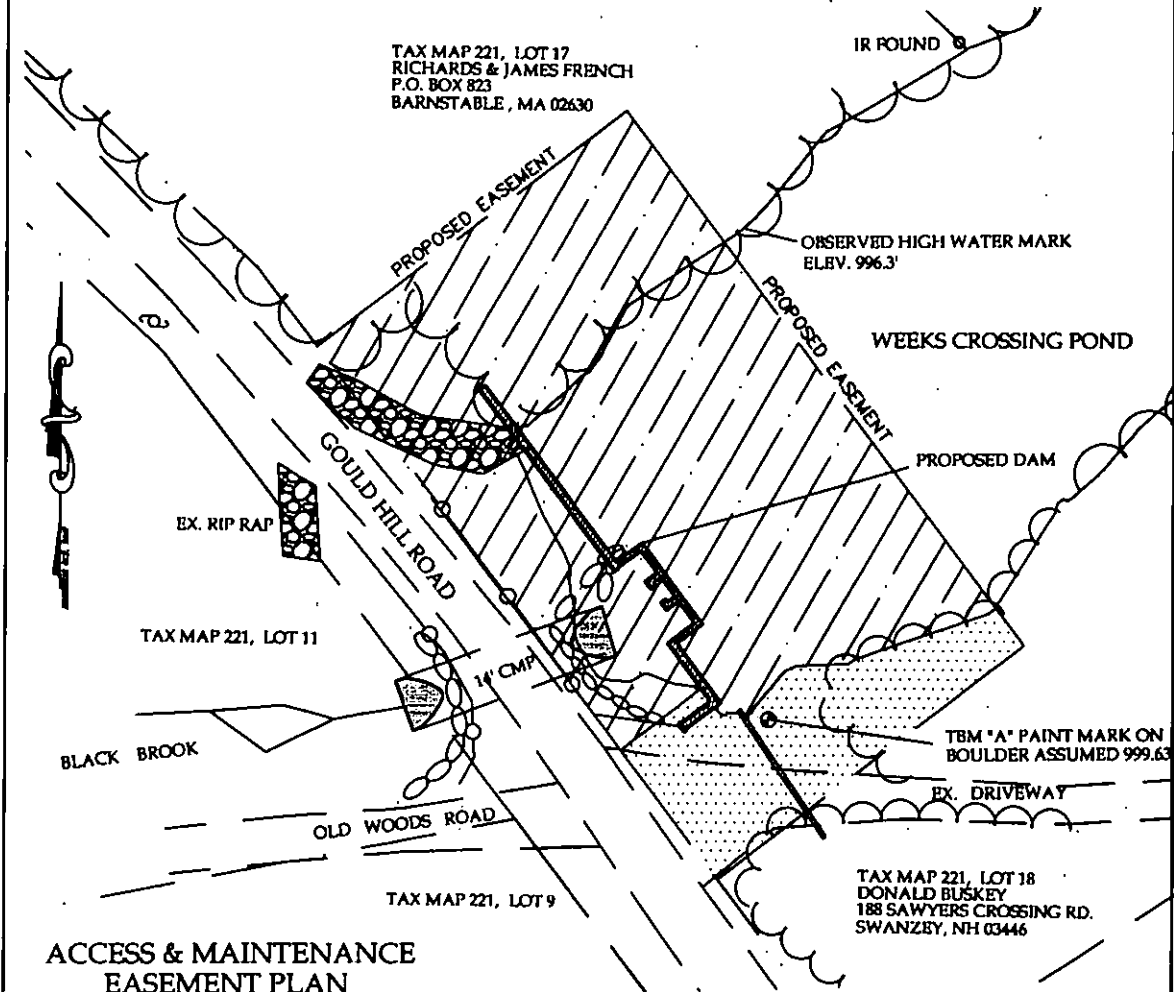
Notary Public/Justice of the Peace [seal]
My Commission Expires: _____

NOTES

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED EASEMENT ON LOTS SHOWN ON WARREN TAX MAP 221, LOTS 17&18.
2. OWNERS OF RECORD:
 - TAX MAP 221, LOT 17
RICHARDS & JAMES FRENCH
P.O. BOX 823
BARNSTABLE, MA 02630
SEE G.C.R.D. BK.1301, PG. 877
 - TAX MAP 221, LOT 18
DONALD BUSKEY
188 SAWYERS CROSSING ROAD
SWANZEY, NH 03446.
SEE G.C.R.D. BK. 943, PG. 419.

LEGEND

-  EXISTING TREELINE
-  EDGE OF GRAVEL
-  EASEMENT LINE
-  EXISTING EDGE OF WATER
-  ADJUTERS PROPERTY LINE
-  GUARD RAIL
-  UTILITY POLE
-  BUSKEY EASEMENT
-  FRENCH EASEMENT



**ACCESS & MAINTENANCE
EASEMENT PLAN
ON
TAX MAP 221, LOTS 17 & 18
WEEKS CROSSING DAM # 244.07
WARREN, N.H.**

ATTACHMENT A

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES DAM BUREAU 29 HAZEN DRIVE CONCORD, NEW HAMPSHIRE 03302	
DATE: JAN. 2019	DAM NUMBER 24407
ENG. BY: DEG	DRAWN BY: PLB
CHECKED BY: MCS	SCALE: 1" = 40'
SHEET 1 OF 1	WEEKS CROSSING EXC

Return to:
NH DES Dam Bureau
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **Richards French** and **James French**, having a principal mailing address of P.O. Box 823, Barnstable MA 02630, joint owners of a certain tract or parcel of land located on the northeastern side of Gould Hill Road in the Town of Warren and County of Grafton, New Hampshire, do hereby grant and convey to the **STATE OF NEW HAMPSHIRE** acting by and through the Department of Environmental Services, having an address of 29 Hazen Drive, P.O. Box 95, Concord NH 03302-0095, certain easement rights for the purposes of accessing, constructing, monitoring, maintaining, repairing, reconstructing, or removing the "Week's Crossing Dam" (herein referred to as "the Dam"); and also the easement rights to store and stage personnel, machinery, materials and equipment on the Easement during periods of operation, maintenance, repair, reconstruction, replacement, removal or emergency response relating to the Dam.

Said easement rights are granted in a limited area (herein after referred to as "Easement") as shown on the below referenced plan and being further described and defined to wit:

Beginning at a point on the northeasterly right-of-way of Gould Hill Road at land now or formerly of Buskey. Said point being the southerly most corner of the herein described easement. Thence;

Northwesterly along the said northeastly right-of-way of Gould Hill Road, a distance of 134 feet, more or less, to a point, thence;

Northeasterly, through the Grantor's property, a distance of 103 feet, more or less, to a point, thence;

Southeasterly through the Grantor's property, a distance of 164 feet, more or less, crossing Weeks Crossing Pond, to the high water mark on the southerly side of Weeks Crossing Pond, at land now or formerly of Buskey, thence;

Westerly along the said high water mark of Weeks Crossing Pond and land of Buskey, a distance of 91 feet, more or less, to a point, thence;

Westerly along land of Buskey, 27 feet, more or less, to the point of beginning.

Containing 15,147 square feet, more or less, and being shown on a plan entitled "*Access & Maintenance Easement Plan, Tax Map 221 Lot 17 & 18, Week's Crossing Dam #244.07, Warren, NH*" dated January 2019, prepared by the Dam Bureau of the New Hampshire Department of Environmental Services and on file with the Dam Bureau. A copy of said plan is attached hereto as ATTACHMENT A,

Meaning and intending to convey certain easement rights upon a portion of the property conveyed to Bertrand C. French by deed dated March 24, 1976, recorded in the Grafton County Registry of Deeds at Book 1301, Page 877; and we, Richards French and James French acquired, title as heirs of Bertrand French, deceased in 2000.

The Access Easement is authorized pursuant to RSA 482:48 XI. This acceptance of this Easement was approved by Governor and Executive Council at a regular meeting held on

In accordance with RSA 78-B:2,I, this deed is recorded without the payment of New Hampshire Transfer Tax.

IN WITNESS WHEREOF, Richards French, has hereunto set his hand this _____ day of _____, 2020.

Richards French

STATE OF NEW HAMPSHIRE
COUNTY OF _____

Signed and attested before me on _____, 2020 by Richards French.

Notary Public/Justice of the Peace [seal]
My Commission Expires: _____

IN WITNESS WHEREOF, James French, has hereunto set his hand this _____ day of _____, 2020.

James French

STATE OF NEW HAMPSHIRE
COUNTY OF _____


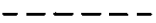
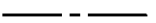






Signed and attested before me on _____, 2020 by James French.

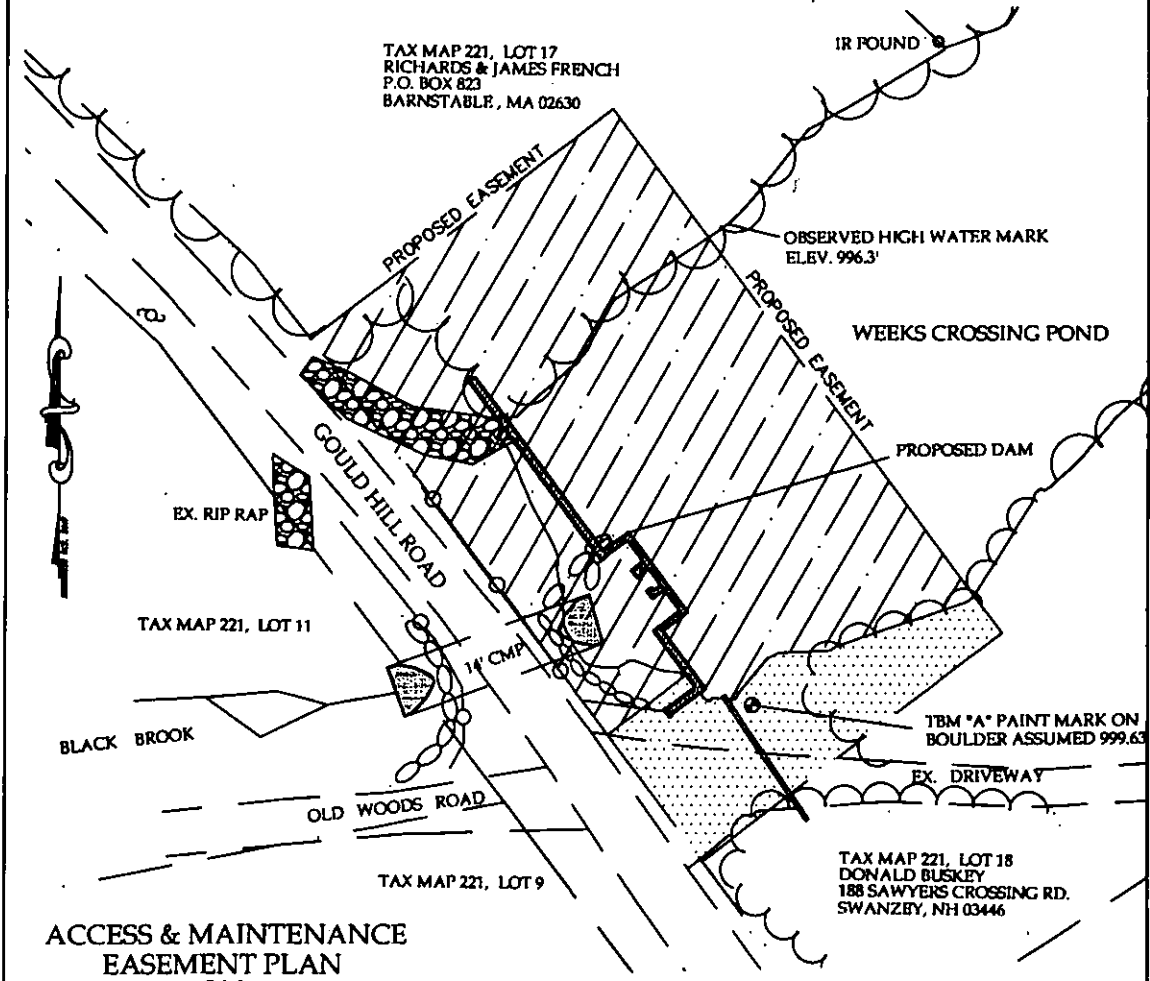
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My Commission Expires: _____

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DONALD BUSKEY
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SWANZEY, NH 03446.
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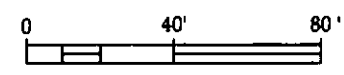
LEGEND


-  EXISTING TREELINE
-  EDGE OF GRAVEL
-  EASEMENT LINE
-  EXISTING EDGE OF WATER
-  ADJUTERS PROPERTY LINE
-  GUARD RAIL
-  UTILITY POLE
-  BUSKEY EASEMENT
-  FRENCH EASEMENT



**ACCESS & MAINTENANCE
EASEMENT PLAN
ON
TAX MAP 221, LOTS 17 & 18
WEEKS CROSSING DAM # 244.07
WARREN, N.H.**

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SHEET 1 OF 1	WEEKS CROSSING DYC	