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*Victoria F. Sheehan*  
Commissioner

**THE STATE OF NEW HAMPSHIRE**  
DEPARTMENT OF TRANSPORTATION



*William Cass, P.E.*  
Assistant Commissioner

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

Bureau of Right-of-Way  
March 30, 2022

**REQUESTED ACTION**

Pursuant to RSA 4:39-c and 228:31, authorize the New Hampshire Department of Transportation (Department) to grant an access point through the Controlled Access Right-of-Way (CAROW) on the easterly side of NH Route 12 in the Town of Fitzwilliam. The sale will be directly to Keith and Terry Gustafson (Grantees), for \$6,100.00, which includes a \$1,100.00 administrative fee, effective upon Governor and Executive Council approval.

The Department's Bureau of Finance and Contracts determined this parcel was originally purchased with 80% Federal Funds and 20% Highway Funds.

Funding is to be credited as follows:

04-096-096-960015-0000-UUU-402156 Administrative Fee	<u>FY 2022</u> \$1,100.00
04-096-096-960015-0000-UUU-409279 Sale of Parcel (20% of \$5,000.00)	<u>FY 2022</u> \$1,000.00
04-096-096-963515-3054-401771 Consolidated Federal Aid (80% of \$5,000.00)	<u>FY 2022</u> \$4,000.00

**EXPLANATION**

The Department received a request from the Grantees to acquire an access point through the Controlled Access Right of Way, on the Easterly side of NH Route 12 in the Town of Fitzwilliam.

The construction of NH Route 12 through this area was completed in 1959. At that time, the Commissioners Return of Highway Layout for the project granted one access point, fifty feet in width, on the east side of NH Route 12. The subject parcel was subsequently subdivided, reference can be made on plan titled, Minor Subdivision of Map 4 Lot 79, created by GRAZ Engineering, LLC, dated

December 12, 2005. The Grantee has stated that their existing access point, which is located in the commercial u-shaped driveway of Lot 79-1, has grossly deteriorated affecting their safety upon entering and exiting. This has also affected their mail delivery and emergency medical services. This requested access point, which is in addition to the current access point, would be utilized as a definitive shared driveway, with mailbox accessibility, and E911 signage servicing both Lot 79-2 and 79-3.

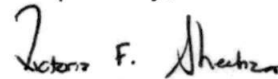
Pursuant to RSA 4:39-c, the granting of this access point was reviewed by the Department and determined to be surplus to our operational needs and interests. The sale will include the following conditions:

- This access point will be restricted to service only the two single-family residential lots, identified on the Fitzwilliam Tax Records as Map 4 Lots 79-2 and 79-3.

At the March 28, 2022, meeting of the Long Range Capital Planning and Utilization Committee, the request (LRCP 22-005) was approved allowing the Department to grant this access point directly to Keith and Terry Gustafson for the market value of \$6,100.00 which includes the administrative fee of \$1,100.00.

The Department respectfully requests authorization the granting of this access point as noted above.

Respectfully,




Victoria F. Sheehan  
Commissioner

VFS/SJN  
Attachments

**STATE OF NEW HAMPSHIRE**  
**INTER-DEPARTMENT COMMUNICATION**

**LRCP 22-005**

**FROM:** Stephen G. LaBonte   
Administrator

**DATE:** January 31, 2022

**AT:** Dept. of Transportation  
Bureau of Right-of-Way

**SUBJECT:** Granting of an Access Point in Fitzwilliam  
RSA 4:39-c

Approved by the Long Range  
Capital Planning and  
Utilization Committee  
March 28, 2022

**TO:** Representative John Graham, Chairman  
Long Range Capital Planning and Utilization Committee

**REQUESTED ACTION**

The New Hampshire Department of Transportation (Department), pursuant to RSA 4:39-c, requests authorization to grant an access point through the Controlled Access Right of Way (CAROW) on the easterly side of NH Route 12 in the Town of Fitzwilliam. The access point will be granted directly to the Keith and Terry Gustafson (Grantees) in the amount of \$6,100.00, which includes an \$1,100.00 administrative fee, pursuant to RSA 4:40, III-a. The sale will be subject to conditions as specified in this request.

**EXPLANATION**

The Department received a request from the Grantees to acquire an access point through the Controlled Access Right of Way, on the Easterly side of NH Route 12 in the Town of Fitzwilliam.

The construction of NH Route 12 through this area was completed in 1959. At that time, the Commissioners Return of Highway Layout for the project granted one access point fifty feet in width, on the east side of NH Route 12. The subject parcel was subsequently subdivided, reference can be made on plan titled, Minor Subdivision of Map 4 Lot 79, created by GRAZ Engineering, LLC. Dated December 12, 2005. The Grantee has stated, that the existing access point, which is located in the commercial u-shaped driveway of Lot 79-1, has grossly deteriorated affecting their safety upon entering and exiting. This has also affected their mail delivery and medical services. This requested access point, which is in addition to the current access point, would be utilized as a definitive shared driveway, with mailbox accessibility, and E911 signage servicing both Lot 79-2 and 79-3.

After a departmental review, it was determined that the granting of this access point is surplus to the Department's operational needs and available for disposal. This access point will be conveyed with the following condition:

- This access point will be restricted to service only the two single-family residential lots, identified on the Fitzwilliam Tax Records as Map 4 Lots 79-2 and 79-3.

A Staff Right-of-Way Appraiser from the Department evaluated the subject area. They then prepared two appraisals, for the contributory value for each residential lot this access point would service. The subject area's combined contributory value as of November 15, 2021 was concluded to be \$5,000.00.

The Department respectfully requests authorization to grant this access point as outlined above.

SGL/SJN/jl  
Attachments

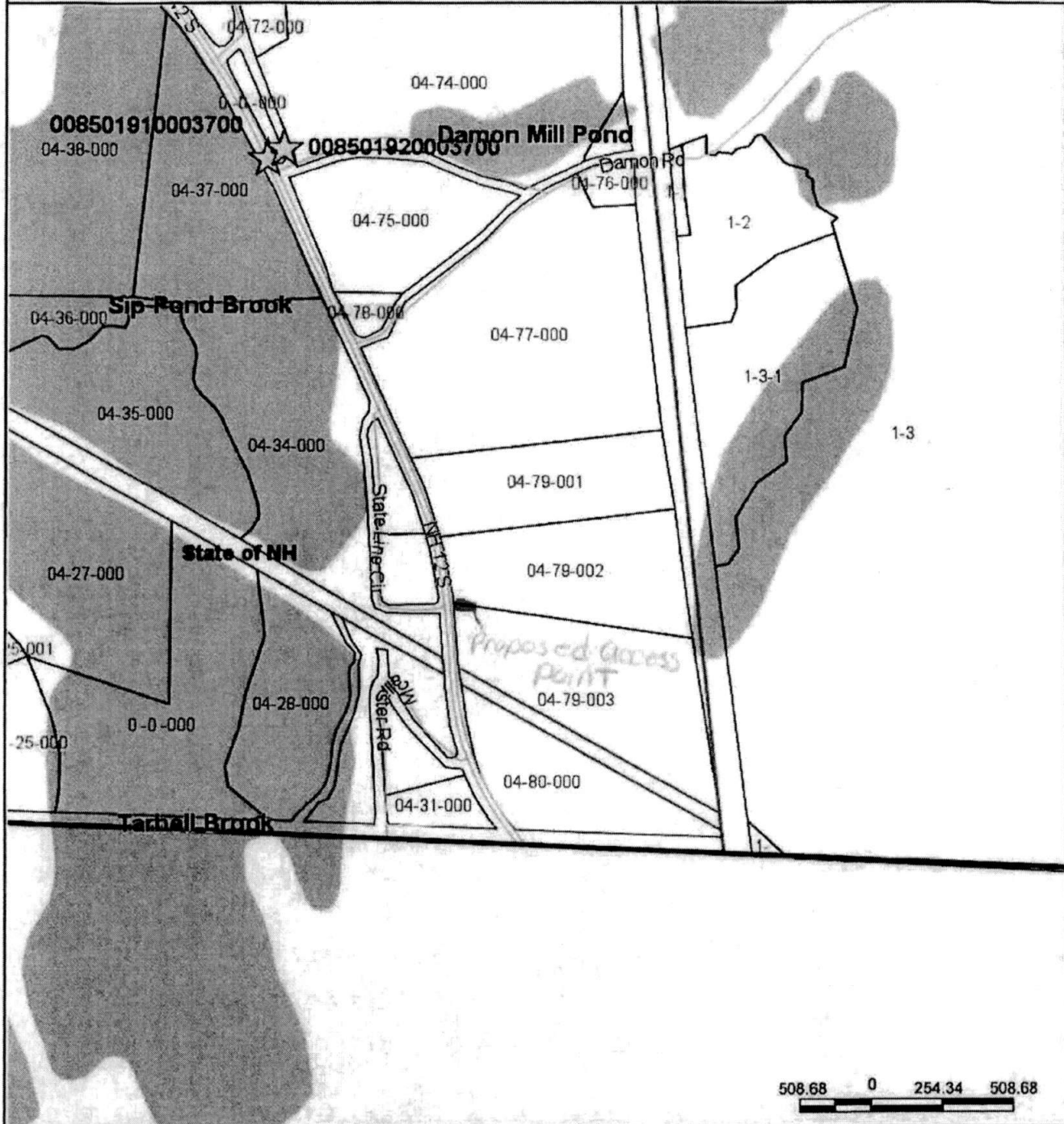






STATE OF NEW HAMPSHIRE  
DEPARTMENT OF REVENUE  
ADMINISTRATION

MOSAIC PARCEL  
MAP SHARING  
POOL

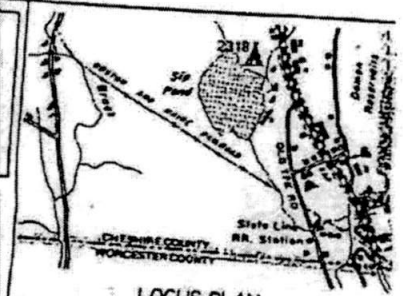
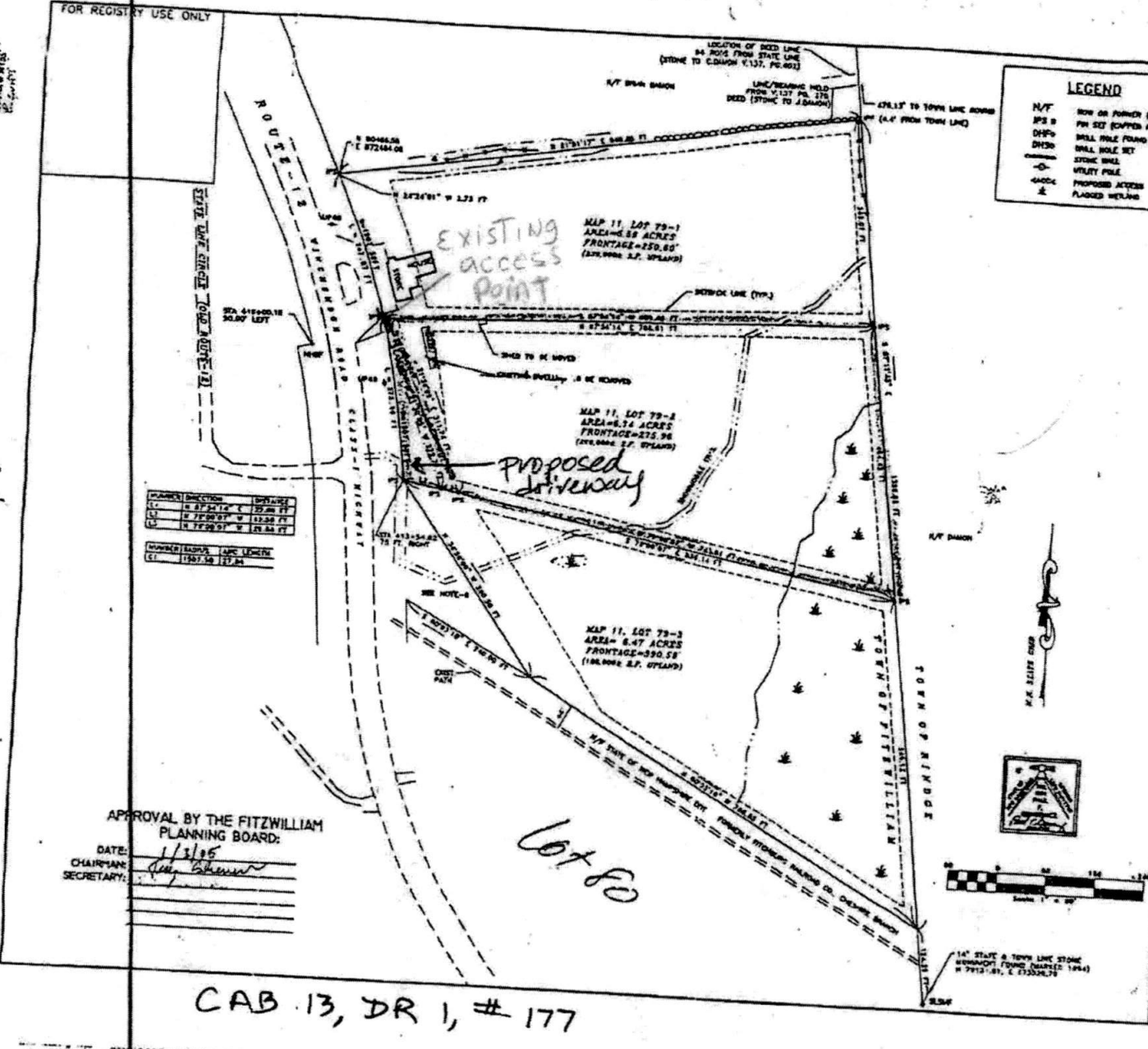


This map was compiled using data believed to be accurate; however, a degree of error is inherent in all maps. This map was distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of the maps to define the limits or jurisdiction of any federal, state, or local government. Detailed on-the-ground surveys and historical analyses of sites may differ from the maps.

Exhibit #1

0000429

Worcester/Granston



REFERENCE PLANS & DEEDS

- FOR THE SUBJECT LOT, CONG BOOK 841, PAGE 342, PLAN 0413, MAP, ET
- OTHER PLANS AND DEEDS:
  - 1/4 STATE OF NEW HAMPSHIRE, DIST. CONG BOOK 1836, PAGE 715
  - 1/4 STATE OF NEW HAMPSHIRE, CONG BOOK 1812, DEEDS 1-13
  - 1/4 STATE OF NEW HAMPSHIRE, CONG BOOK 645, PAGE 585
  - 1/4 N. DAVEN, CONG BOOK 1524, PAGE 731
- PLANS:
  - STATE OF NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS & HIGHWAY PROJECT NO. 7813-(11) P.M. PROJECT NO. P-2272, HIGHWAY
  - HIGHWAY, MAP AND TRACK MAP, FITZINGHAM P.L. CO., WILMINGTON SHEETS 5, 6, 11, 12 & 13.

NOTES

- THE PURPOSE OF THIS PLAN IS THE CREATION OF 3 NEW BUILDING LOTS (MAP 1 LOT 79-1, 79-2, 79-3) FROM EXISTING MAP 11, LOT 79.
- ZONING REQUIREMENTS FOR BUILDING DISTRICT:
  - AREA: 150,000 SQ. YDS. (1,500,000 SQ. FT.)
  - FRONTAGE: 300' MINIMUM (250' MIN. WITH 240,000 SQ. FT. - 3.31 AC. AREA)
  - FRONT SETBACK: 25' MIN. SIDE SETBACK: 25' MIN.
  - CONTIGUOUS NON-WETLAND AREA: 10,000 SQ. YDS.
- FIELD SURVEY PERFORMED BY GRAZ ENGINEERING FURNISHES TOTAL STATION & STATIC GPS.
- NO DETERMINATION OF TITLE IS HEREBY MADE OR IMPLIED.
- "GPS" CONSISTS OF 5/8" DIAMETER STEEL MONOPODS BARE WITH PLASTIC CAPS IDENTIFYING "GRAZ ENG. L.L.C."
- THE IRREGULAR TRIANGULAR PIECE OF WETLAND (12' DIAMETER) IS DESCRIBED AS A PILE TYPICAL FOR SHORT DISTANCE IN VOLCANIC PEDESTALS (P3). THERE WAS NO FIELD NOT A GARMENT FOR THE D.D.T. HIGHWAY-1200 BUREAU.
- THIS PROPERTY IS NOT LOCATED IN A MAPPED FLOOD HAZARD AREA.
- I CERTIFY THAT EACH LOT CONTAINS AT LEAST ONE CONTIGUOUS ACRE OF LAND WITH A SLOPE OF LESS THAN 15%.
- BEARING SURVEY IS FROM 1943 (N.H. STATE PLANE COORDINATES).
- THE 25 FOOT WIDE DRIVEWAY ACCESS EASEMENT ACROSS LOT 79-2 IS FOR THE BENEFIT OF LOT 79-3.

APPROVAL BY THE FITZWILLIAM PLANNING BOARD:  
 DATE: 1/21/05  
 CHAIRMAN: [Signature]  
 SECRETARY: [Signature]

Lot 80

CAB 13, DR 1, # 177

MINOR SUBDIVISION  
 OF  
 MAP-4 LOT-79  
 OWNED BY  
 CHARLES A. KIRITSY  
 N.H. ROUTE 12 SOUTH  
 FITZWILLIAM, NEW HAMPSHIRE  
 DECEMBER 12, 2005  
 GRAZ Engineering, L.L.C.  
 323 WEST LAKE ROAD, FITZWILLIAM, NH 03427, (603) 260-8265