



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Handwritten initials 'sam' and '22' in the top right corner.

Victoria F. Sheehan
Commissioner

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
January 25, 2018

REQUESTED ACTION

Pursuant to RSA 4:39-c and 228:31, authorize the Department of Transportation to transfer a well and a one hundred square foot portion of the NH Route 10 Limited Access Right-of-Way located on the westerly side of NH Route 10 in the Town of Grantham to Northwind Security Products, LLC subject to the conditions as specified in this request. This is a no cost transfer except for the Department assessing an Administrative Fee of \$1,100.00.

Pursuant to RSA 230.45, FURTHER AUTHORIZE the Department of Transportation to emendate the return of highway layout and adjust the limits of NH Route 10 Limited Access Right-of-Way for the disposal of the above mentioned parcel.

04-096-096-960015-0000-UUU-402156
Administrative Fee

FY 2018
\$1,100.00

EXPLANATION

The Department has received a request from the abutter; Northwind Security Products, LLC concerning the opportunity to transfer to them a well and a portion of the NH Route 10 Limited Access Right-of-Way consisting of one hundred (100) square feet (20 feet by 5 feet) located on the westerly side of NH Route 10 in the Town of Grantham.

A well was drilled 15 years ago under a construction project to serve the Bureau of Construction field office and lab trailer for an Interstate 89 construction project in the area. The well was unfortunately drilled exactly on the property line (part on NHDOT property, part on abutting property). When this error was discovered, the abutter apparently agreed to the encroachment onto their property but wanted use of the well. After the project was complete, the NHDOT has had no further use of the well; however the abutter continued their use. No agreement exists for this encroachment or the usage by the abutter.

The development of the abutter's property continues to expand; now with a coffee shop/bakery and day care center among other businesses utilizing the well. Due to this expanded use, the Department of Environmental Services (DES) now classifies this well as a "public water source". Since the well was originally drilled by the Department, DES names the Department as the owners. As a public water source, the well will now need yearly monitoring, testing and inspection, something the Department does not have the resources to perform. Well monitoring costs, based on a master sampling schedule would be at the minimum \$2,000.00 annually, based on testing four (4) times per year. This estimate is provided by the NH Department of Environmental Services Groundwater and Drinking Water Bureau. The abutter,

Northwind Security Products, LLC is willing to assume the necessary monitoring, testing and inspections; however DES requires them to hold a permanent right for the well.

The need for the well and parcel has been reviewed by the Department, which has determined that the subject property is surplus to our operational needs and interest for the purpose of disposal. In reviewing the situation and in that the Department does not want to own and maintain a public water supply, the Department proposes transferring to Northwind Security Products, LLC the well and parcel at no cost, except for the Department assessing an Administrative Fee of \$1,100.00.

This portion of State owned right-of-way was acquired in 1967 for the layout and construction of NH Route 10 through this area. In order to be able to transfer this parcel, the Department wishes to emend the return of highway layout to define this parcel.

Conditions of this transfer will include:

- The Department shall place a reverter clause in the deed which states that when the need for the parcel no longer exists, i.e. the existing well can no longer be maintained or must be replaced, the Grantee shall give notice of that fact to the Department of Transportation and the rights herein granted shall terminate and the land shall revert immediately to the full control of the Department of Transportation. Should the parcel be used for any other purpose without the express written consent of the Department of Transportation and the Federal Highway Administration (FHWA), the parcel shall immediately revert to the full control and possession of the Department of Transportation.
- That its use is restricted to allow the existing well to remain in place and to be maintained. Northwind Security Products, LLC hereby agrees that if the well should ever fail or need to be reconstructed or replaced, that it will not be replaced, or rebuilt on this parcel.
- The Department will not be responsible for replacement of this well due to roadside contamination.
- Access to this parcel will be from the Northwind Security Products, LLC property only. No access will be allowed from the NH Route 10 Limited Access Right-of-Way.
- Northwind Security Products, LLC shall also be responsible, at their expense, to erect a five (5) foot chain link fence along the right-of-way line in accordance with State specifications.
- Northwind Security Products, LLC will be responsible to repair, at their expense, the existing chain link fence and newly installed chain link fence if removed / damaged to access, monitor, maintain, and/or repair the drilled well.

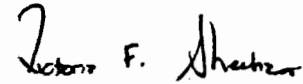
This request has been reviewed by this Department and it has been determined that this well and parcel are surplus to our operational needs and interest.

Approval of the transfer of this property by the Council of Resources and Development is no longer necessary per RSA 4:39-c whereas the parcel being transferred was originally purchased with Federal Aid Highway funds.

The Long Range Capital Planning and Utilization Committee at their September 19, 2017 meeting approved this request for the Department to transfer, at no cost, a well and portion of the NH Route 10 Limited Access Right-of-Way located on the westerly side of NH Route 10 in the Town of Grantham to Northwind Security Products, LLC and assess an Administrative Fee of \$1,100.00.

Authorization is respectfully requested to transfer this well and portion of the Limited Access Right-of-Way and also emendate the return of highway layout of NH Route 10 Limited Access Right-of-Way as outlined above.

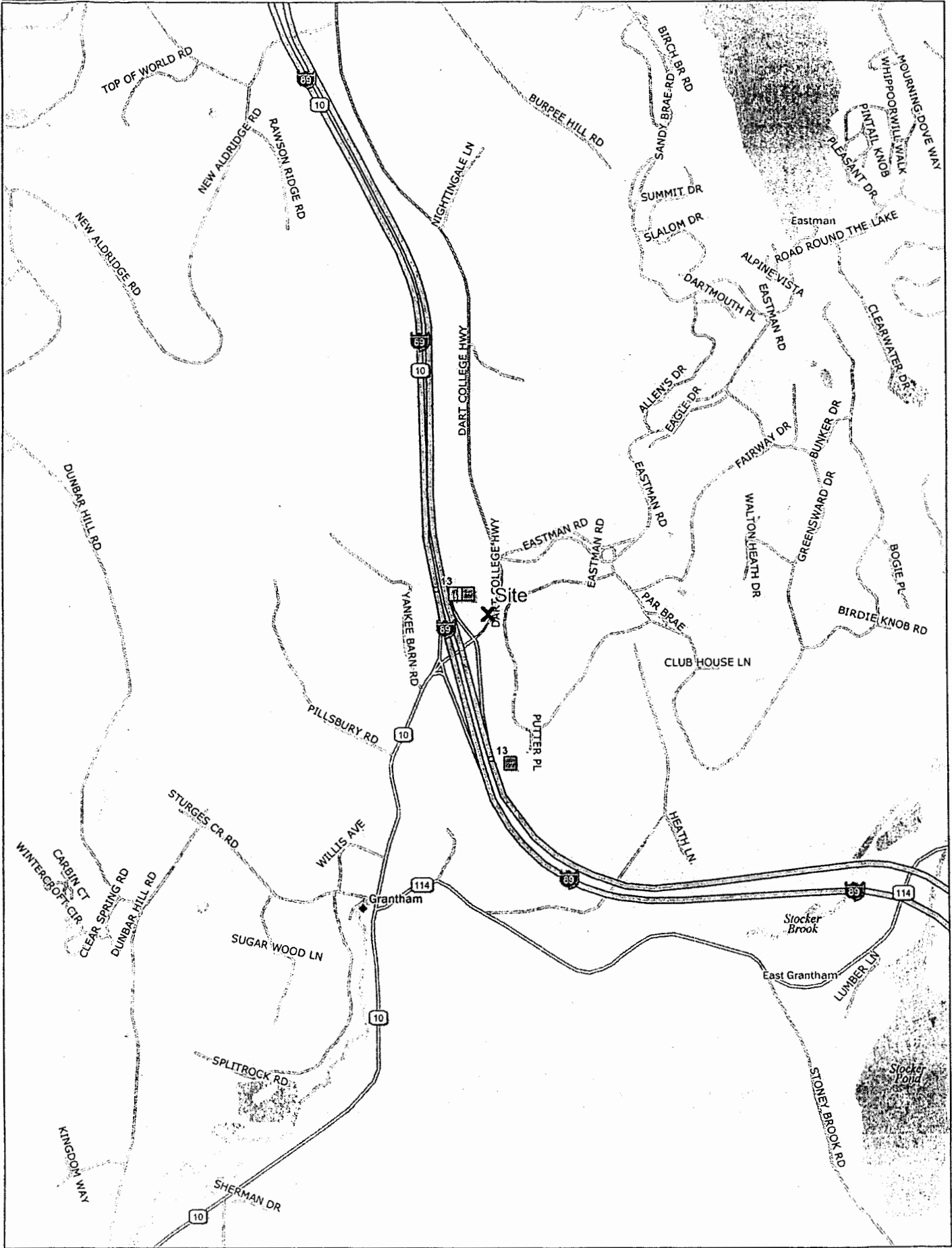
Respectfully,

A handwritten signature in black ink, appearing to read "Victoria F. Sheehan". The signature is written in a cursive style with a large initial "V".

Victoria F. Sheehan  
Commissioner

VFS/PJM/kjk

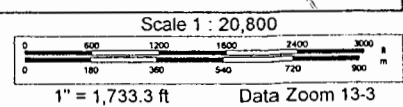
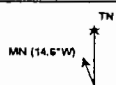
Attachments: Maps, plan



Data use subject to license.

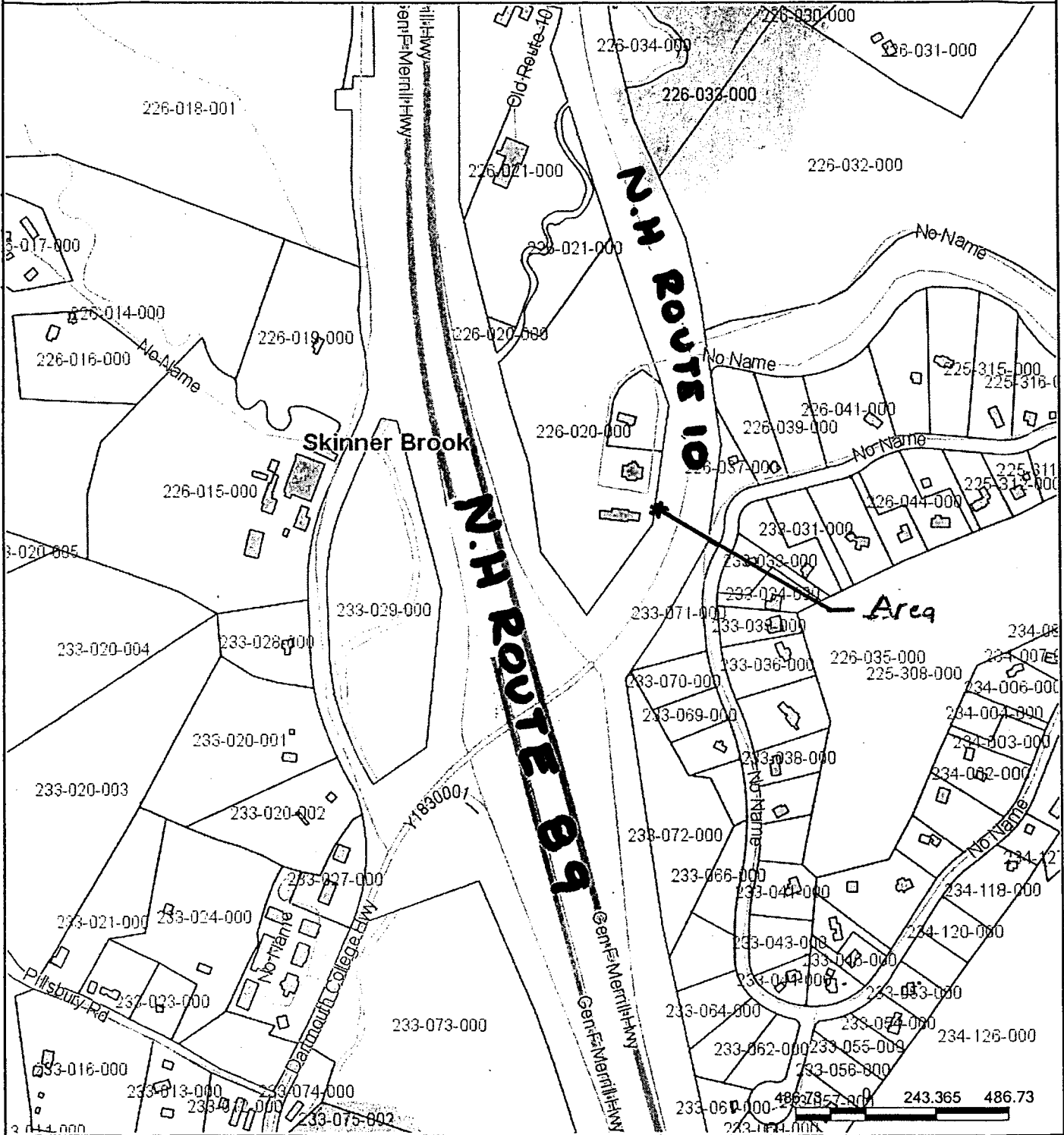
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STATE OF NEW HAMPSHIRE  
DEPARTMENT OF REVENUE  
ADMINISTRATION

MOSAIC PARCEL  
MAP SHARING  
POOL

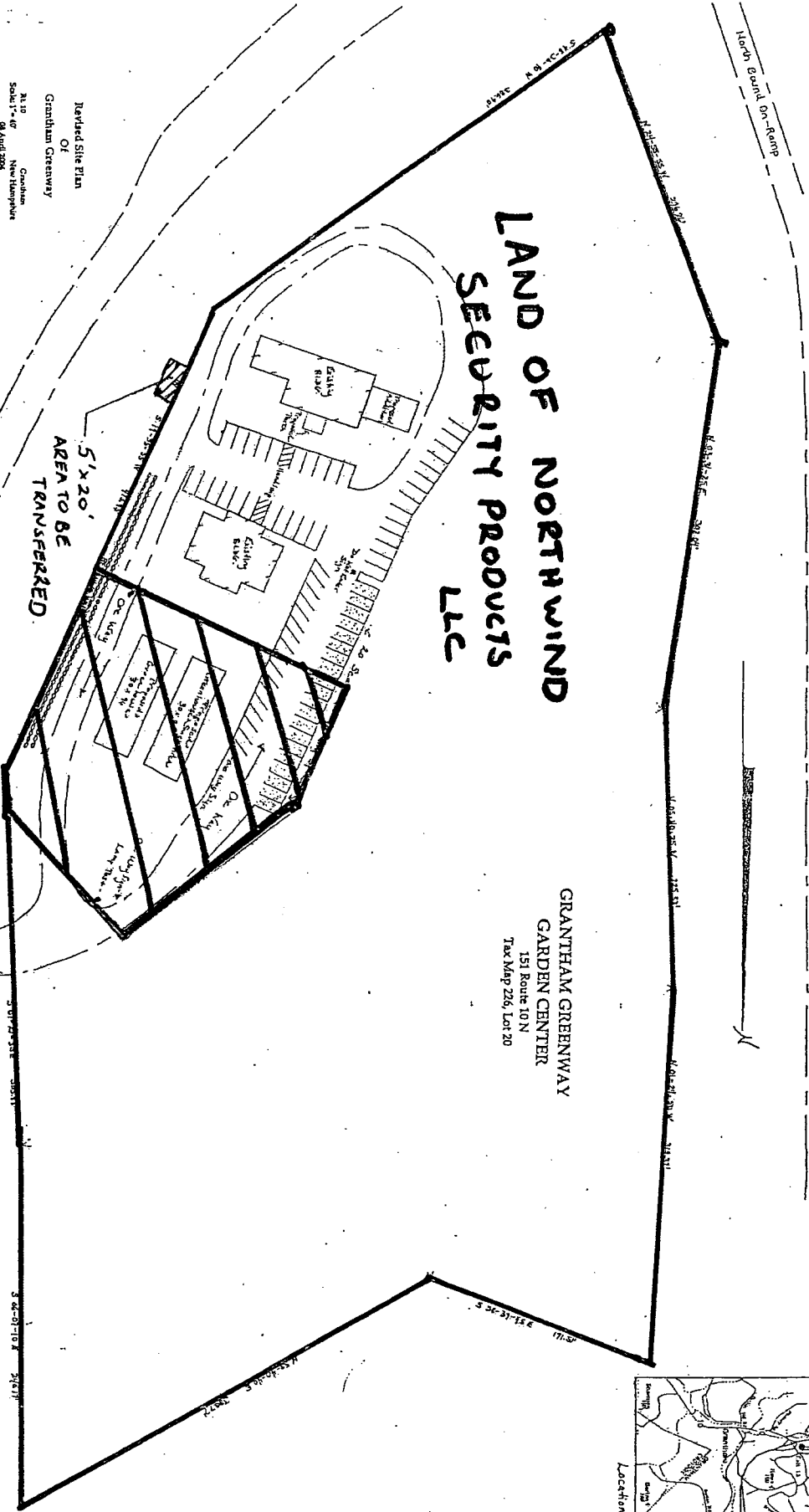


This map was compiled using data believed to be accurate; however, a degree of error is inherent in all maps. This map was distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt 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.

# INTERSTATE 89

## LAND OF NORTHWIND SECURITY PRODUCTS LLC

GRANTHAM GREENWAY  
GARDEN CENTER  
151 Route 10 N  
Tax Map 226, Lot 20

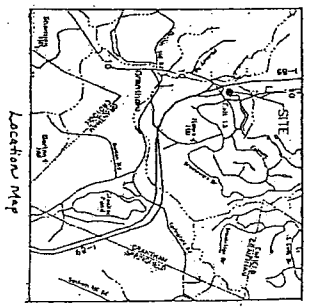


Revised Site Plan  
Of  
Grantham Greenway  
M 10  
Scale: 1" = 40'  
08 April 2006  
Coushram  
New Hampshire

Note: The purpose of this plan is to show buildings that are proposed and  
land on the above parcel. Refer to the "Design Plan" by Show -  
Available for details.

Scale: 1" = 40'

ALH/Surveys - Allan L. Wilson, LIS  
Land Surveying-Scenic System Design-Topographic Mapping  
Coushram, NH 03055 - 603-421-4111 ext. 202





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**New Hampshire Division**

July 19, 2017

53 Pleasant Street, Suite 2200  
Concord, NH 03301  
(603) 228-0417

In Reply Refer To:  
HDA-NH

Ms. Victoria F. Sheehan  
Commissioner  
New Hampshire Department of Transportation  
7 Hazen Drive  
Concord, NH 03302-0483

Attn: Mr. Schmidt

**Subject: Release of New Hampshire DOT owned land and well Located in Limited Access Right of Way of NH Route 10 in Grantham, dated May 31, 2017 and received June 5, 2107.**

Dear Ms. Sheehan:

FHWA reviewed the subject request to dispose of a one hundred-square foot parcel with well located in the Town of Grantham and used for Interstate 89 construction. NHDOT proposes a no-cost transfer to the abutting land owner for their continued use as a water supply and requests FHWA approval of this gratis transfer as being in the public interest; the requested NEPA approval was received June 16, 2017.

FHWA finds this disposal to be in the public interest and approves the disposal as a gratis transfer of the subject parcel to the abutter with the conditions set out in your request. We acknowledge the Department's revision of the associated NH Route 10 highway right of way mapping that depicts the change in the control of access and transfer, per the FHWA request; this mapping change will facilitate the recording of the conveyance deed in the appropriate land records. The conveyance deed will require a reversionary clause as the transfer is gratis, at no cost for the real property interest; please use the example provided.

Please contact me at 207-512-4913 or [mark.hasselmann@dot.gov](mailto:mark.hasselmann@dot.gov) with any questions.

Sincerely,

Mark Hasselmann  
ROW Program Manager



LRCP 17-023

MICHAEL W. KANE, MPA  
Legislative Budget Assistant  
(603) 271-3161

CHRISTOPHER M. SHEA, MPA  
Deputy Legislative Budget Assistant  
(603) 271-3161

State of New Hampshire

OFFICE OF LEGISLATIVE BUDGET ASSISTANT  
State House, Room 102  
Concord, New Hampshire 03301

STEPHEN C. SMITH, CPA  
Director, Audit Division  
(603) 271-2785

September 20, 2017

Charles R. Schmidt, P.E., Administrator  
Department of Transportation  
Bureau of Right-of-Way  
John O. Morton Building  
Concord, New Hampshire 03301

Dear Mr. Schmidt,

The Long Range Capital Planning and Utilization Committee, pursuant to the provisions of RSA 4:39-c, on September 19, 2017, approved the request of the Department of Transportation, Bureau of Right-of-Way, to transfer, at no cost, a well and portion of the N.H. Route 10 Limited Access Right of Way consisting of one hundred (100) square feet located on the westerly side of N.H. Route 10 in the Town of Grantham to Northwind Security Products, LLC, and assess an Administrative Fee of \$1,100, subject to the conditions as specified in the request dated September 7, 2017.

Sincerely,

Michael W. Kane  
Legislative Budget Assistant

MWK/pe  
Attachment