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# State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES

25 Capitol Street - Room 120

Concord, New Hampshire 03301

[Office@das.nh.gov](mailto:Office@das.nh.gov)

Charles M. Arlinghaus  
Commissioner  
(603) 271-3201

Joseph B. Bouchard  
Assistant Commissioner  
(603) 271-3204

Catherine A. Keane  
Deputy Commissioner  
(603) 271-2059

July 15, 2020

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

## REQUESTED ACTION

Authorize the Department of Administrative Services (the "Department"), acting on behalf of the Department of Environmental Services (DES) pursuant to RSA 4:40, to release to the underlying landowner, Poodle Crossing, LLC, an unneeded access easement appurtenant to State land located in Milford, New Hampshire at the Savage Municipal Water Supply Well Superfund Site along NH Route 101A.

## EXPLANATION

At the request of the underlying landowner, the Department proposes to release a 25-foot-wide access easement that the State of New Hampshire holds across private land located at 633 Elm Street (NH Route 101A) in Milford, New Hampshire, thereby extinguishing the easement. This easement was acquired by the State in 1997 along with an abutting parcel of land as an appurtenance to said parcel. However, due to the existence of other direct access to and from NH Route 101A, the State has never needed or used this easement to access the abutting parcel or for any other reason.

The Savage Municipal Water Supply Well Superfund Site (Site) includes State owned land located at 621 Elm Street (NH Route 101A) in Milford and was discovered in 1983 when volatile organic compounds (VOCs) above drinking water standards were detected in the Savage Municipal Water Supply Well, a water supply for Milford. The Site was added to the National Priorities List in September 1984. The remedy for the OK Tool portion of the Site for which the State of New Hampshire is responsible includes a physical barrier to contain the overburden source area, in conjunction with pumping and treating the groundwater. Construction of a 1,500-foot circumference slurry wall/barrier (containment area) and groundwater treatment plant began in 1997 and was completed in March of 1999.

The subject access easement across the parcel located at 633 Elm Street was acquired by the State along with the abutting former OK Tool Company land at 621 Elm Street in 1997 as part of the remedy at the Site. This tract of State land is comprised of two contiguous parcels with over 600 feet of frontage along Elm Street/NH Route 101A between them, and it has two curb cuts for access to and from Elm Street to conduct the necessary operations and maintenance requirements associated with the OK Tool portion of the Site. The State has never used or required the use of the subject access easement across the abutting parcel located at 633 Elm Street to conduct remedial actions at the OK Tool Source Area (OU-1) or for any other reason, and DES anticipates no need or use for it in the future. The proposed easement release was approved by the Long Range Capital Planning and Utilization Committee on June 22, 2020.

Releasing the subject access easement will allow the owner of the underlying land, Poodle Crossing, LLC, significantly less restricted use and enjoyment of its property without any meaningful reduction in accessibility for the dominant State parcel. As an appurtenant easement, it cannot be conveyed separately from the State parcel that it benefits except to be released to the underlying landowner, and upon release to the landowner the easement will terminate automatically due to the resulting merger of title. Because it is an obsolete title remnant from a time long past, the easement has never had any value to the State. Therefore, the Department proposes to dispose of the unneeded access easement pursuant to RSA 4:40 by releasing it to the underlying landowner free of charge.

Respectfully submitted,



Charles M. Arlinghaus  
Commissioner



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

## State of New Hampshire

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

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

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

June 23, 2020

Charles M. Arlinghaus, Commissioner  
Department of Administrative Services  
25 Capitol Street, Room 120  
Concord, New Hampshire 03301

Dear Commissioner Arlinghaus,

The Long Range Capital Planning and Utilization Committee, pursuant to the provisions of RSA 4:40, on June 22, 2020, approved the request of the Department of Administrative Services, acting on behalf of the Department of Environmental Services, to release to the underlying landowner, Poodle Crossing, LLC, free of charge a perpetual access easement appurtenant to State land located in Milford, NH at the Savage Municipal Water Supply Well Superfund Site along NH Route 101A, and waive the administrative fee required by RSA 4:40, III-a, subject to the conditions as specified in the request dated May 27, 2020.

Sincerely,

*/s/ Michael W. Kane*

Michael W. Kane  
Legislative Budget Assistant

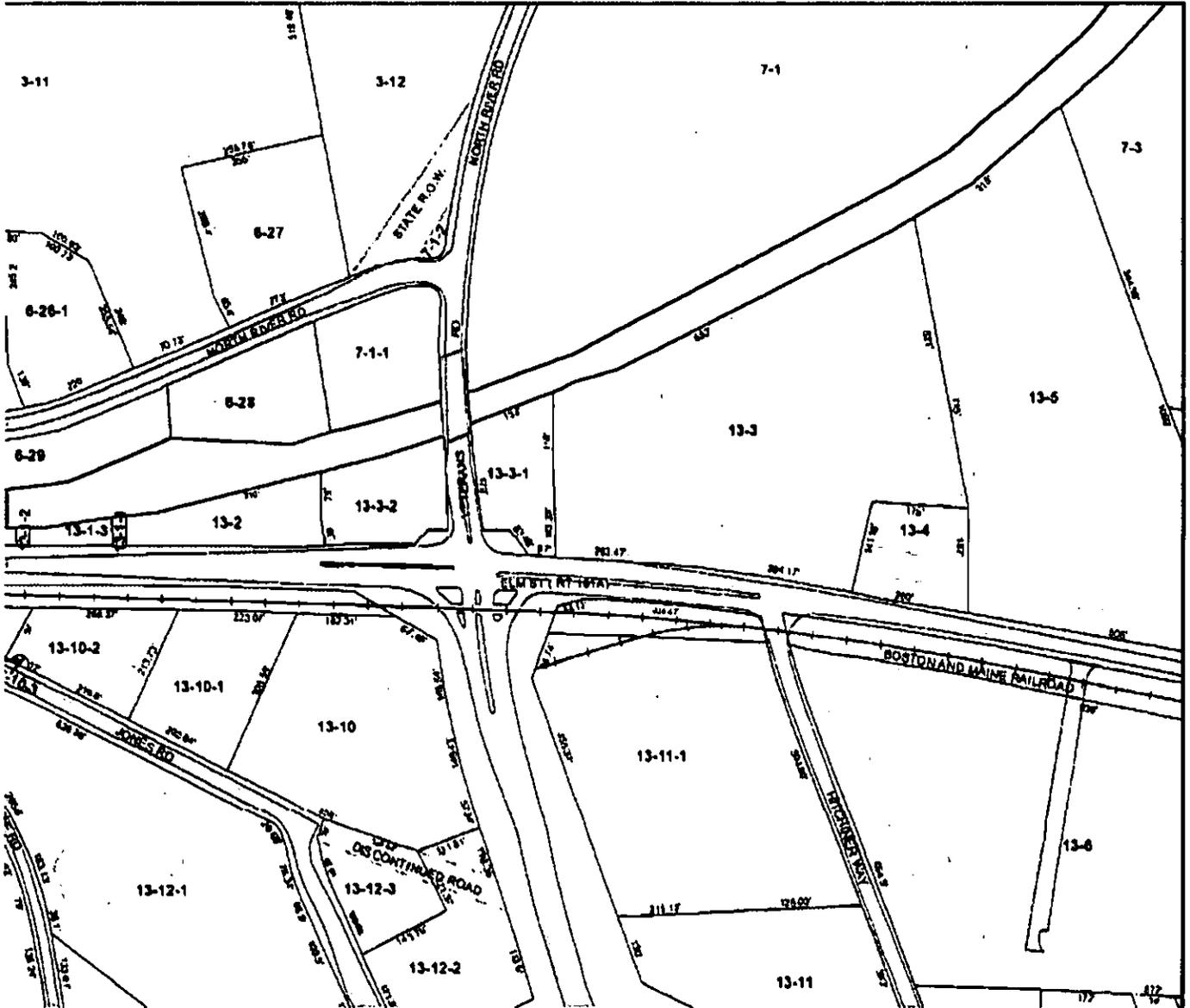
MWK/pe  
Attachment

Cc: Jared Nylund, Real Property Asset Manager

**Milford Tax Map**

The 25 foot right-of-way is on lot 13-3-1 (633 Elm Street) at the corner of North River Road and Elm Street (Rt. 101A).

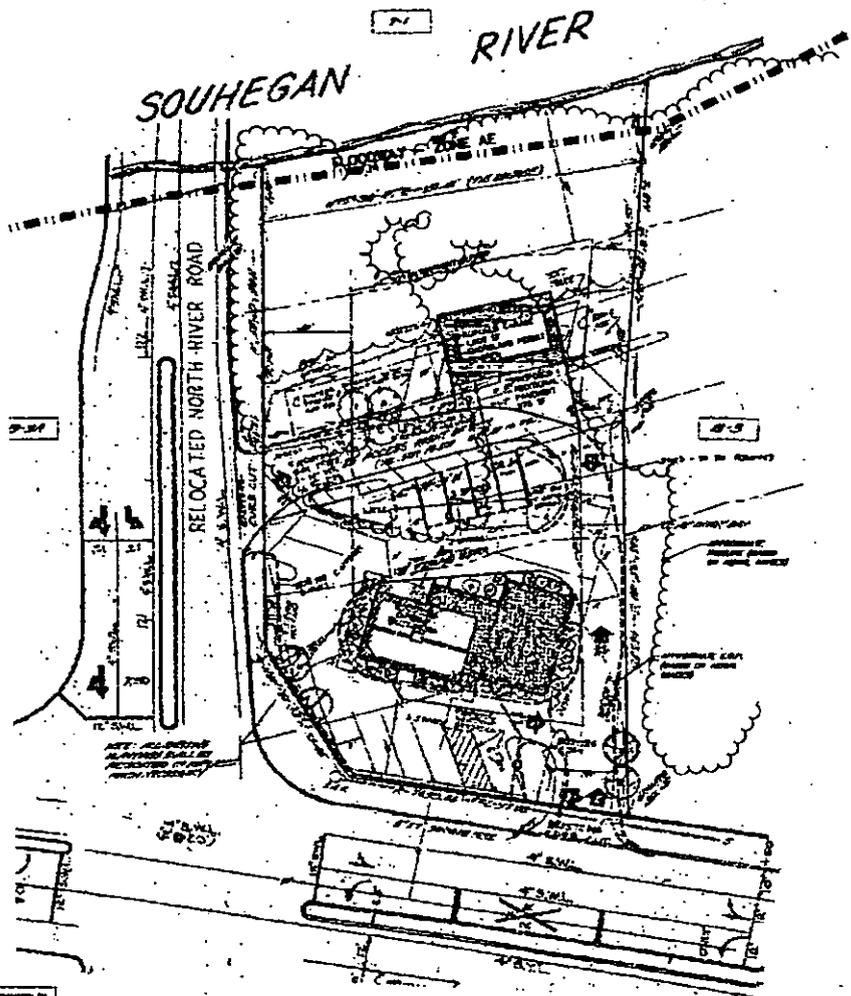
The lots shown as 13-3 and 13-4 are owned by the State of New Hampshire and are part of the Savage Municipal Water Supply Well Superfund Site (OK Tool).



**Aerial photograph**

See labels for the approximate location of 25 foot right of way on Lot 13-3-1, the OK Tool treatment plant on Lots 13-3 and 13-4 and the two curb cuts on Elm Street, the State maintains for access to the OK Tool site and treatment plant area.





**REFERENCE PLANS**

1. SEE PLAN FOR THE LOCATION OF THE PROPERTY AND THE LOCATION OF THE PROPERTY ON THE TAX MAP.

**NOTES**

1. THIS CONCEPTUAL SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE PROPERTY IS ZONED AE (ARTISAN/ENTREPRENEUR) AND THE PROPOSED USE IS PERMITTED BY THE ZONING ORDINANCE.
3. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING CODE AND ALL APPLICABLE REGULATIONS.
4. THE PROPOSED PARKING STALLS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE AND ALL APPLICABLE REGULATIONS.
5. THE PROPOSED LANDSCAPING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE AND ALL APPLICABLE REGULATIONS.
6. THE PROPOSED UTILITY LINES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
7. THE PROPOSED SIGNAGE IS TO BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
8. THE PROPOSED ACCESSORY BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING CODE AND ALL APPLICABLE REGULATIONS. THE PROPOSED PARKING STALLS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE AND ALL APPLICABLE REGULATIONS. THE PROPOSED LANDSCAPING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE AND ALL APPLICABLE REGULATIONS. THE PROPOSED UTILITY LINES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS. THE PROPOSED SIGNAGE IS TO BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS. THE PROPOSED ACCESSORY BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.

TAX MAP 13 LOT 3-1  
**CONCEPTUAL SITE PLAN 'A'**  
 63 ELM STREET  
 BELFORD, NH  
 OWNED BY  
 POOLE CROSSING LLC  
 PREPARED FOR  
 JAY STEEL INC.  
 SCALE: 1"=20'  
 DECEMBER 04, 2019




	TFM 100 Elm Street Belford, NH 03003 Phone: (603) 432-4400 Fax: (603) 432-4401 www.tfm.com	100 Elm Street Belford, NH 03003 Phone: (603) 432-4400 Fax: (603) 432-4401 www.tfm.com
	DATE: 12/04/19 SHEET NO.: 1/1	SHEET TITLE: CONCEPT A

**RETURN TO:**

Thomas F. Quinn, Esq.  
Law Office of Thomas F. Quinn, Prof. Corp.  
62 Elm Street  
Milford, NH 03055

**RELEASE OF EASEMENT**

The **STATE OF NEW HAMPSHIRE**, acting through its Department of Administrative Services pursuant to RSA 4:40, as authorized by the Governor and Executive Council on \_\_\_\_\_, 2020 (Meeting Agenda Item # \_\_\_\_\_), with a mailing address of Department of Administrative Services, Office of the Commissioner, 25 Capitol Street, Concord, New Hampshire 03301 (the "State"), for consideration paid, grants to **POODLE CROSSING, LLC**, a New Hampshire limited liability company, with a mailing address of 47 Governor Wentworth Road, Amherst, New Hampshire 03031 (the "Grantee"), with **QUITCLAIM COVENANTS**,

A certain interest in a parcel of Grantee's land located at 633 Elm Street, Town of Milford, County of Hillsborough, State of New Hampshire, said interest being more particularly described as follows:

Any and all rights of ingress across said parcel of Grantee's land as were acquired by Quitclaim Deed of the O.K. Tool Company, Inc., dated March 26, 1996, recorded in the Hillsborough County Registry of Deeds at Book 5824, Page 75, together with any and all rights of egress across said parcel of Grantee's land as were acquired or referenced by Restriction of Access Deed of the O.K. Tool Company, Inc., dated August 27, 1990, recorded in the Hillsborough County Registry of Deeds at Book 5214, Page 578.

Meaning and intending to describe an interest in that certain parcel of Grantee's land described in Warranty Deed of New Bridge Trust, Inc., dated May 14, 2018, recorded in the Hillsborough County Registry of Deeds at Book 9072, Page 1787, and being shown as "Lot 13-3-1" on a certain plan entitled "Subdivision Plan of Land, O.K. Tool Company, Inc., Milford, New Hampshire," Scale: 1"=50', dated December 2, 1985, prepared by Monadnock Survey, Inc., recorded in the Hillsborough County Registry of Deeds as Plan No. 19019 (the "Plan").

By executing and delivering this Release of Easement, the State hereby grants, transfers, releases, waives, and terminates all right, title, and interest in and to any appurtenant access easement or right-of-way across said parcel of Grantee's land providing access from or to North River Road, so-called, to or from the State's abutting parcel of land located at 621 Elm Street, said parcel being shown as "Lot 13-3" on the Plan.

The Premises are conveyed subject to any liens, restrictions, and encumbrances of record.

The Premises are not homestead property.

Pursuant to Rev. 802.03(a), the Grantee shall be liable for payment of any real estate transfer tax imposed by RSA Chapter 78-B.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2020.

STATE OF NEW HAMPSHIRE  
By and through its  
DEPARTMENT OF ADMINISTRATIVE  
SERVICES

By: \_\_\_\_\_  
Charles M. Arlinghaus, Commissioner

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_ 2020, personally appeared the above-named Charles M. Arlinghaus, known to me (satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he is the duly authorized Commissioner of the New Hampshire Department of Administrative Services and that he executed the foregoing instrument for the purposes therein contained.

\_\_\_\_\_  
Notary Public / Justice of the Peace  
My Commission Expires: \_\_\_\_\_

(SEAL)

# State of New Hampshire

## Department of State

### CERTIFICATE

I, William M. Gardner, Secretary of State of the State of New Hampshire, do hereby certify that POODLE CROSSING, LLC is a New Hampshire Limited Liability Company registered to transact business in New Hampshire on December 05, 2016. I further certify that all fees and documents required by the Secretary of State's office have been received and is in good standing as far as this office is concerned.

Business ID: 760918

Certificate Number: 0004953186



IN TESTIMONY WHEREOF,  
I hereto set my hand and cause to be affixed  
the Seal of the State of New Hampshire,  
this 13th day of July A.D. 2020.

A handwritten signature in black ink, appearing to read "Wm Gardner".

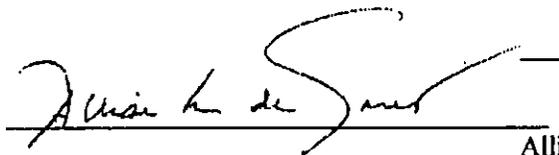
William M. Gardner  
Secretary of State

**POODLE CROSSING, LLC**  
**MEMBER'S CERTIFICATE OF INCUMBENCY AND AUTHORITY**

I, Allise de Smet, being a duly authorized Member of Poodle Crossing, LLC, a New Hampshire limited liability company (the "LLC"), do hereby certify as follows:

1. All of the duly qualified Members of the LLC are as follows: John R. Siemienowicz and Allise de Smet.
2. The LLC has been duly and properly authorized to take all actions necessary or desirable to accept the release by the State of New Hampshire (the "State") of a certain access easement crossing land of the LLC located at 633 Elm Street, Milford, New Hampshire.
3. The Members of the LLC have been duly and properly authorized to take such actions on behalf of the LLC as we may deem, in our discretion, to be necessary or desirable to further the transaction contemplated hereby.
4. Any and all prior actions taken by me or any other duly qualified Member of the LLC on behalf of the LLC in furtherance of, or in connection with, the transaction contemplated hereby are hereby ratified and affirmed as the duly and properly authorized actions of the LLC.

Executed this 13th day of July, 2020.



Allise de Smet, Member