

JUN 14 2016



Town of HAVERHILL, NH

Office of the Selectboard

James R. Morrill Municipal Bldg. 2975 Dartmouth College Hwy. North Haverhill, NH 03774

Telephone 603-787-6800

Fax 603-787-2226

www.haverhill-nh.com

June 10, 2016

Patrick Bauer
Federal Highway Administration
New Hampshire Division
53 Pleasant St
Suite 2200
Concord, NH 03301

New Hampshire Department of Transportation
7 Hazen Drive
P O Box 483
Concord, NH 03302-0483

Re: Rail Trail in Haverhill NH

Dear Mr. Bauer:

David Flynn of the New Hampshire Department of Transportation has told me that I need to send this request again. As discussed with you on the phone back in March, the Town of Haverhill purchased a section of trail referred to as the "Blackmount Branch" in 2004 as reflected on the attached deed. It is a public access trail for hiking, biking, snowmobiling and ATV's. Since part of the purchase was Federal grant monies, we have been advised that the Federal Highway Administration needs to okay and access over this trail. You advised me at that time that you do not deal directly with the Towns in any way but since this has been under discussion since a permit request was received by the NH DOT on 1/11/16 with no resolution, I am sending it directly to you again as I was told to do.

One of the abutters to the property is requesting permission to put a driveway over the top of the trail. It would create a way for traffic to enter the property. There is a plan to build a structure that would sell farm/agricultural products on the opposite side of the trail. The crossings would provide safe access to this building. Haverhill is an agricultural community and our economy is strongly supported by this industry.

There are many other crossings across this trail and with proper signage; they do not impede the use of the trails for others. It is understood that there may be a repayment of some of the funds used for the improvement of the trail based on the portion that would have a granted easement over it. I do not believe that this is a barrier to moving forward.

The Town requests permission from the Federal Highways to allow for these access points; and then the application can be reviewed by the New Hampshire Department of Transportation for issuance of a driveway permit since the access is onto one of their roads. Please advise what further, if anything, we need to do for this request to be considered.

I understand that it can take up to 120 days to respond to this request but I ask for some consideration to move it in a timely manner since we have been working on it since the 1st of the year and receiving different direction for different offices.

Thank you for your consideration.

Respectfully,



Jo A. Lacaillade
Interim Town Manager
Town of Haverhill

Enc.

Cc: Douglas King
8 Eastman Hill Rd
Enfield, NH 03748

517

CROSS INDEX CARD _____
APPRAISAL CARD _____
LOCATION _____
MAP # _____ BOT # _____

QUITCLAIM DEED

KNOW ALL MEN AND WOMEN BY THESE PRESENTS, THAT, The State of New Hampshire, whose mailing address is PO Box 483, 7 Hazen Drive, Concord, New Hampshire 03302-0483, by the Commissioner of The Department of Transportation, pursuant to vote of the Governor and Executive Council on February 14, 2001, (Item # 133), and in accordance with the provisions of New Hampshire Revised Statutes Annotated 228:31, and for consideration paid, hereby grants to the Town of Haverhill, a municipal corporation, whose mailing address is 2975 Dartmouth College Highway, North Haverhill 03774, County of Grafton, State of New Hampshire, with QUITCLAIM covenants:

Two (2) certain parcels of land being adjacent to the railroad right-of-way sometimes referred to as the "Northern", so-called, including but limited to stations, buildings, bridges, structures, crossings, culverts, fixtures and improvements thereon, and including all appurtenances thereto, running through the Town of Haverhill, County of Grafton, State of New Hampshire and being more particularly described as:

Parcel A:

A certain parcel of land beginning at a point designated as Engineering Station 4928+48 ± on Federal Valuation Plan 21 NH-Map 130;

Thence running in a generally northerly direction on federal Valuation Plan 21 NH Map 130 to a point designated as Engineering Station 4934+92 ± on said plan and continuing in a generally northerly direction crossing Court Street to a point designated as Engineering Station 4935+42 ± on said plan.

Said parcel containing a total area of about 55,710 square feet, more or less, or about 1.278 acres, more or less.

Parcel B:

A certain parcel of land beginning at a point designated as Engineering Station 4935+42 ± on Federal Valuation Plan 21 NH Map 130, and running in a generally northeasterly direction then turning and running in a northwesterly direction to a point designated as Engineering Station 4944+53 ± on said plan.

Said parcel containing a total area of about 204,220 square feet, more or less, or about 4.69 acres, more or less.

Said tracts include a portion of said rail line including all appurtenances thereto and all fixtures attached or affixed thereon. Said right-of-way runs in a generally northwesterly direction and is more particularly defined as shown outlined within heavy dashed lines (— · · —) as shown on federal valuation plans on file in the records of the State of New Hampshire, Department of Transportation, Bureau of Rails and Transit.

Excepting and reserving from the above described parcels two (2) tracts acquired by the State of New Hampshire from the Boston and Maine Corporation by Notice of Condemnation recorded September 19, 1997, in the Grafton County Registry of Deeds in Book 2272, Page 963.

This conveyance is subject to reservations, conditions, covenants and agreements as described in a Release Deed from the Boston and Maine Corporation to the State of New Hampshire, Department of Transportation recorded June 4, 2001, at the Grafton County Registry of Deeds in Book 2544, Pages 556-559.

As a further condition of this instrument, the Town of Haverhill agrees to the following:

1. If at any time the railroad right-of-way herein conveyed, or any portion thereof, is proposed to be sold or otherwise conveyed, the town of Haverhill hereby agrees that it will submit said sale or conveyance to the commissioner of the New Hampshire Department of Transportation, whose address is JO Morton Building, 7 Hazen Drive, PO Box 483, Concord, NH 03302-0483 and the Federal Highway Administration (FHWA) New Hampshire Division, whose address is 19 Chenell Drive, Suite One, Concord, NH 03301, for approval of the sale of that portion or those portions proposed to be conveyed. The New Hampshire Department of Transportation shall have 120 days, from being notified, to exercise the right of first refusal upon that portion or those portions to be sold or conveyed and the right to meet any subsequent bona fide offer by a third party.
2. If the sale of conveyance of all or a portion of the railroad right-of-way occurs as outlined in 1.) above, the Town of Haverhill agrees to reimburse the FHWA the amount of eighty (80%) percent of the current market value of that portion or those portions proposed to be conveyed.

Meaning and intending to convey Parcels A and B of the railroad right-of-way conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded June 4, 2001, at the Grafton County Registry of Deeds in Book 2544, Page 556.

Also excepting and reserving from the above described parcels any and all easements of record.

TO HAVE AND TO HOLD the said premises, with all the privileges and appurtenances thereunto belonging to the said Grantee, to him, his heirs, and assigns forever.

IN WITNESS WHEREOF The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of The Department of Transportation, duly authorization and executed this 13th day of September, in the year of our Lord, 2004.

Signed, Sealed and Delivered
in the presence of:

Diane L. Hartford

THE STATE OF NEW HAMPSHIRE

Carol A. Murray
Commissioner
Department of Transportation

STATE OF NEW HAMPSHIRE,

SS.

A. D., 2004.

On this 13th day of September, 2004, before me, Diane L. Hartford the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF I have hereunto set my hand and seal.

Diane L. Hartford
Notary Public/Justice of the Peace
My Commission Expires: _____
DIANE L. HARTFORD
Notary Public
My Commission Expires June 23, 2009

Joel A. Dupuis REGISTER
GRAFTON COUNTY REGISTRY OF DEEDS

GRAFTON COUNTY
REGISTRY OF DEEDS

CROSS INDEX CARD _____

APPRAISAL CARD _____

LOCATION _____

MAP # 205 LOT # 48

517

QUITCLAIM DEED

KNOW ALL MEN AND WOMEN BY THESE PRESENTS, THAT, The State of New Hampshire, whose mailing address is PO Box 483, 7 Hazen Drive, Concord, New Hampshire 03302-0483, by the Commissioner of The Department of Transportation, pursuant to vote of the Governor and Executive Council on December 17, 1997, (Item # 116), and in accordance with the provisions of New Hampshire Revised Statutes Annotated 228:56, and for consideration paid, hereby grants to the Town of Haverhill, a municipal corporation, whose mailing address is 2975 Dartmouth College Highway, North Haverhill 03774, County of Grafton, State of New Hampshire, with QUITCLAIM covenants:

Certain tracts or strips of land (railroad right-of-way) running through the Town of Haverhill, Town of Haverhill, County of Grafton, State of New Hampshire and being portion of the railroad line sometimes referred to as the "Blackmount Branch" and including all stations, buildings, bridges, structures, crossings, culverts and improvements thereon including all appurtenances thereto, and being more particularly described:

Parcel 1:

Beginning at a point designated as Engineering Station 4308+93± as shown on Federal Valuation Plan V21, Map 118;

Thence running generally in a northwesterly direction to a point designated as Engineering Station 4337+18± (plus a parcel 77 feet in width to the south of said parcel) as shown on Federal Valuation Plan V21, Map 119;

Said parcel containing a total area of about 295,630 square feet, more or less or about 6.79 acres more or less.

Parcel 2:

Beginning at a point designated as Engineering Station 4407+69± as shown on Federal Valuation Plan V21, Map 120;

Thence running generally in a northwesterly direction to a point designated as Engineering Station 4454+20± as shown on Federal Valuation Plan V21, Map 121;

Said parcel containing a total area of about 416,050 square feet, more or less or about 9.55 acres, more or less.

Parcel 3:

Beginning at a point designated as Engineering Station 4671+12± as shown on Federal Valuation Plan V21, Map 125 at the northern side line of the Blackmount Highway;

Thence running generally in a northwesterly direction to a point designated as Engineering Station 4899+40± as shown on Federal Valuation Plan V21, Map 125 through 130;

Said parcel containing a total area of about 2,119,920 square feet, more or less, or about 48.66 acres, more or less.

BK 3057 PG 0726

Said parcels include the entire width of said portion of said rail line. Said right-of-way parcels run in a northerly direction and are more particularly defined as shown outlined within heavy dashed lines (---) as shown on federal valuation plans on file with the Chief Engineer of the Boston and Maine Corporation, Iron Horse Park, North Billerica, Massachusetts, 01862, and the State of New Hampshire, Department of Transportation, Bureau of Railroads and Public Transportation, 1 Hazen Drive, Concord, NH 03302.

This conveyance is subject to reservations, conditions, covenants and agreements as described in a Release Deed from the Boston and Maine Corporation to the State of New Hampshire, Department of Transportation recorded January 28, 1998, at the Grafton County Registry of Deeds in Book 2295, Pages 41-44.

Containing in total 2,831,600 square feet or 65 acres, more or less, and being all that real estate recorded January 28, 1998, at the Grafton County Registry of Deeds in Book 2295, Page 41.

As a further condition of this instrument, the Town of Haverhill agrees to the following:

1. If at any time the railroad right-of-way herein conveyed, or any portion thereof, is proposed to be sold or otherwise conveyed, the town of Haverhill hereby agrees that it will submit said sale or conveyance to the commissioner of the New Hampshire Department of Transportation, whose address is JO Morton Building, 7 Hazen Drive, PO Box 483, Concord, NH 03302-0483 and the Federal Highway Administration (FHWA) New Hampshire Division, whose address is 19 Chenell Drive, Suite One, Concord, NH 03301, for approval of the sale of that portion or those portions proposed to be conveyed. The New Hampshire Department of Transportation shall have 120 days, from being notified, to exercise the right of first refusal upon that portion or those portions to be sold or conveyed and the right to meet any subsequent bona fide offer by a third party.
2. If the sale of conveyance of all or a portion of the railroad right-of-way occurs as outlined in 1.) above, the Town of Haverhill agrees to reimburse the FHWA the amount of eighty (80%) percent of the current market value of that portion or those portions proposed to be conveyed.

Also excepting and reserving from the above described parcels any and all easements of record.

TO HAVE AND TO HOLD the said premises, with all the privileges and appurtenances thereunto belonging to the said Grantee, to him, his heirs, and assigns forever.

IN WITNESS WHEREOF The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of The Department of Transportation, duly authorization and executed this 13th day of September, in the year of our Lord, 2004.

Signed, Sealed and Delivered in the presence of:
Diane L. Hartford

THE STATE OF NEW HAMPSHIRE
Carol A. Murray
Commissioner
Department of Transportation

STATE OF NEW HAMPSHIRE, SS. A. D., 2004.

On this 13th day of September 2004, before me, Diane L. Hartford, the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF I have hereunto set my hand and seal.
Joel A. Dupuis REGISTER
GRAFTON COUNTY REGISTRY OF DEEDS

Diane L. Hartford
Notary Public/Justice of the Peace
My Commission Expires: _____
DIANE L. HARTFORD
Notary Public
My Commission Expires June 23, 2009



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

District 2 Office, 8 Eastman Hill Rd., Enfield, NH 03748



William Cass, P.E.
Assistant Commissioner

January 11, 2016

Haverhill,

Please find attached a driveway permit application for Peter L Roy on NH 10 (S0000010) for your information and review. This letter does not convey any form of approval of the application.

If you have any concerns or wish to provide input please contact Douglas King at (603) 448-2654.

Sincerely,

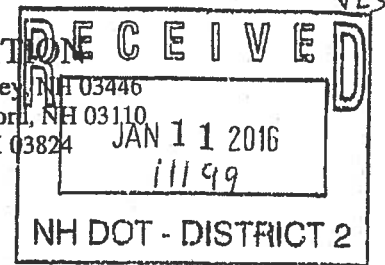
Douglas R. King, PE
NHDOT District 2

603 448-2654
ext 308

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

District 1, 641 Main St, Lancaster, NH 03584
District 2, 8 Eastman Hill Road, Enfield, NH 03748
District 3, 2 Sawmill Rd, Gilford, NH 03249

District 4, 19 Base Hill Road, Swanzey, NH 03446
District 5, 16 East Point Drive, Bedford, NH 03110
District 6, PO Box 740, Durham, NH 03824



APPLICATION FOR DRIVEWAY PERMIT

Pursuant to the provisions of Revised Statutes Annotated, Chapter 236, Section 13 (printed on reverse of application) and amendments thereto, and Declaratory Ruling 2000-01, permission is requested to: (select one): Construct / Alter
(Indicate quantity of) 1 driveway entrance(s) to my property on the (select): North / South / East / West side of
NH Route 10 or Street/Road: Haverhill In the Town of
at a location which will meet the requirements for safety specified in said statutes.

The driveway entrance(s) requested is (are) for access to: Residence / Business / Farmstand
Residence, Industry, Business, Subdivision, Other

Describe nature and size of industry, business or subdivision: Retail store for farm produce

Feet (select): North / South / East / West of Utility Pole Number:
180 Feet (select Feet or Miles): North / South / East / West of Road or Junction: Pettigrew Lane

Town Tax Map # 000-205 and Lot # 000033

As the landowner (or designated applicant) I agree to the following:

- 1. To construct driveway entrance(s) only for the bonafide purpose of securing access to private property such that the highway right-of-way is used for no purpose other than travel.
2. To construct driveway entrance(s) at permitted location(s).
3. To construct driveway entrance(s) in accordance with statutes, rules, standard drawings, and permit specifications as issued by the New Hampshire Department of Transportation.
4. To defend, indemnify and hold harmless the New Hampshire Department of Transportation and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of this permit.
5. To furnish and install drainage structures that are necessary to maintain existing highway drainage and adequately handle increased runoff resulting from the land development and obtain all easements thereto.
6. I am the owner or a duly authorized agent of the owner of the parcel upon which the driveway will be constructed. I have provided accurate and complete title and subdivision information concerning the parcel to the Department. I understand that the Department is relying on this information in considering this application and that the Department does not perform independent title research or make judgments about title or access disputes.
• For new driveway(s), include copy of current deed and, if not the same, previous deed dated prior to July 1, 1971 of the parcel. If this parcel is part of a larger tract subdivided after July 1, 1971, then provide complete subdivision plans and deed history dating back to at least July 1, 1971.
• Attach sketch or plan showing existing and proposed driveway(s) and the adjacent highway indicating distance to town road, town line, or other readily identifiable feature or landmark and also to the nearest utility pole (including pole numbers)

Signature of Landowner (Applicant)

Peter L. Roy

Printed Name of Landowner

Date: 1/6/15

Mailing Address

North Haverhill, NH 03774

Town/City, State, Zip Code

Telephone Number(s)

Contact /Agent, if not Landowner:

