

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM: Stephen G. LaBonte
Administrator



DATE: May 8, 2023

AT(OFFICE): Bureau of Right-of-Way
Dept. of Transportation

SUBJECT: **Granting an Easement over State-Owned Land in Milford**

TO: Tracie Sales, Rivers & Lakes Programs Manager, tracie.j.sales@des.nh.us
Department of Environmental Services

The Department of Transportation (Department) would like to grant an easement over a parcel of state-owned land located on NH Route 101A (Nashua Road) in the Town of Milford.

This easement would be 0.65 +/- of an acre for which a 34' x 42' above ground water booster and access drive will be constructed. This pump station will supply water to the Town of Milford from the Pennichuck Water Works Amherst location and provide redundancy to Milford's town water supply.

The Department's Bureau of Environment (BOE) noted that due to this parcel being within a quarter mile of the Souhegan River it is subject to RMAC review for the potential disposal of this parcel. The BOE has also requested that the local advisory subcommittee review the request as the parcel is within 250 feet of the Souhegan River, a designated river.

I have attached the review of this parcel by the Department's BOE, for your review and files.

Please review this request through the Designated Rivers Management Advisory Committee to determine if this property is surplus to the needs and interests of the State for the purpose of disposal.

Should have any questions, please contact Sandra J. Newman, of the Department's Bureau of Right-of-Way, either via email at sandra.j.newman@dot.nh.gov or by phone at (603) 271-4267.

SGL/SJN/jl
Attachments

cc: Thomas Quarles, Chairman of Statewide Public Water Access Advisory Board,
tquarles@devinemillimet.com
Michele L. Tremblay, RMAC Chair, mlt@naturesource.net
David Packard, LMAC Chair, appliedforce52@gmail.com
Garret Graaskamp, LMAC Vice Chair, Garret.Graaskamp@wildlife.nh.gov
Nisa Marks, RMAC & LMAC staff, nisa.m.marks@des.nh.gov

REQUEST FOR SURPLUS LAND REVIEW ACTION

Name of Agency Requesting Action: Department of Transportation.

Location of Property: NH Route 101A (Nashua Road)

Acreage: 0.65+/- of an acre

Tax Map/Lot #: Map 44 Lot 9

Requested Action: To be declared surplus for the purpose of disposal.

Agency Contact Person: Sandra J. Newman, Property Agent, at 603-271-4267

Please provide the following information, if known, about the property. Attach map(s) showing the location of the property.

1. **What is the current use for this property?** Unoccupied vacant land
2. **What is the proposed use of this property?** Booster pump station
3. **Are there any structures located on this property?** No
If so, how many and what kind? N/A
4. **Are there any water resources related to this property?** Yes
If so, please indicate the size or extent of such resources. Parcel is within ¼ mile of the Souhegan River.
5. **Please list any other significant resources known to be located on this property.**
None known.
6. **Was this property purchased with federal highway funds?** Yes X No
7. **Is access to this property available?** Yes X No

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

DATE: September 24, 2021

FROM: Matt Urban
Chief, Operations Management Section

AT (OFFICE):
Department of Transportation
Bureau of Environment

SUBJECT: Surplus Land
Milford
SP-083121

TO: Andrew Pacuk
Bureau of Right-of-Way

The subject land parcel has been reviewed to determine if there are any environmental concerns relative to its proposed release.

Based on the Attached evaluation, the Bureau of Environment does not object to the transfer of this property.

The subject parcel is located within 1/4 mile of a Designated River (Souhegan River), please coordinate with the NHDES Rivers Coordinator prior to disposal of this parcel.

In accordance with the Stewardship and Oversight Agreement between DOT and FHWA, FHWA review is not necessary.

If you have any questions or require additional information, please contact Matt Urban @ X-7969 or matt.r.urban@dot.nh.gov

MRU: mru
encl.
c.c.
Stephen LaBonte, via email
Adam Smith, via email
Lisa Weir, via email
Sandra Newman, via email

**Classification and/or Review of
Surplus Land**

Property Name: Milford
Assoc. Project: Milford – Amherst P72589
Federal No.: F-018-(14)
State No.: P72589

Date: 09-09-2021
Originating Bureau: Right-of-Way
BOE Database No.: SP-083121

Property Location & Description: The subject parcel of state owned land consist of ± 1.23 acres and is located on Nashua Street in the Town of Milford. The parcel was acquired in 1970 for the Milford-Amherst P72589 project, town records indicate this parcel as being located in the Commercial Zone.

Explanation of what prompted disposal of property: The Department received a request from the Pennichuck Water Works for a 300 ft² easement located on Nashua Street in the Town of Milford.

Bureau of Environment Reviewer: Dillan Schmidt
Environmental Parameters: Possess, Absent, Unknown

P	A	U	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Building or Structures
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Surface Waters
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Wetlands
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Prime Wetlands (on or adjacent to property)
<input type="checkbox"/>	<input checked="" type="checkbox"/>		100 yr Floodplain
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Source Water Protection Area
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Prime Farmland (local or statewide importance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NHB Threatened or Endangered Species / Critical Habitat
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Historical Architectural Resources
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Archeological Resources
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contamination Issues
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Recreation Use
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lake Access / Adjacent (within 250 feet)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	River Access / Adjacent (within 250 feet)
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Designated River (within 0.25 miles)
<input type="checkbox"/>			Other

Potential Impact Discussions:

Field Review: 09-17-2021

Existing site conditions: The parcel is located on Nashua Street and has one point of access. There are no structures or buildings present. The parcel is relatively uniform except for a depression area on the Western boundary which was most likely incorporated for drainage purposes. The depressed area was saturated with standing water present. On the South-Eastern boundary, there is a small stream which appears to be seasonally occurring within a thick, overgrown wooded area with limited access. The parcel is comprised of mostly overgrown grass like terrain with shrubs and bushes throughout and most of the terrain has likely been graded. There are small woody debris and vegetation piles along parcel boundaries which are most likely from maintenance. The entire parcel had signs of human activity including the presence of garbage/litter throughout, especially along the railroad. There were also signs of human camping on the parcel such as tarps, clothing,

garbage, etc. There were two features present: a fire hydrant within the parcel boundary and a maintenance access hatch door.

A review of desktop resources determined that the site is within a Pennichuck Water Works Source Water Protected Area, there is adjacent access to Souhegan river to the North within 250' separated by the railroad, a 1970 Right-of-Way plan (sheet 14) shows two foundations and a gravel driveway, neither of these were visible during field review. There is adjacent access to Souhegan river the North within 250' separated by the railroad. and there is a wetland present within Eastern half the parcel boundaries. No other valued resources from above were present. A NH Natural Heritage Bureau Landowner Request database review was conducted (NHB File-ID #3729) and found no known occurrence of state or federally listed species is known to occur onsite. Multiple Plant Species and Vertebrate Species were identified to occur within a mile of the site, although a field review did not reveal evidence of these species onsite.

A cultural review was completed by the NHDOT's Cultural Resource Program and they have made a determination that there will be no potential to cause effect to above ground or below ground resources.

Contamination Review:

According to NHDES OneStop the parcel is not associated with a remediation site, therefore there are no contamination concerns from a point- source perspective. There are no known concerns from a contamination perspective associated with the subject parcel, however statewide analytical data collected by NHDOT, as well as nationwide information, indicates that roadside soils commonly contain metals and Polycyclic Aromatic Hydrocarbons (PAHs) at concentrations above background conditions. These "Limited Reuse Soils" (LRS) when excavated shall be addressed in accordance with applicable NHDES rules.

This bureau does not object to the transfer of the subject property pending further environmental/archaeological review as noted above.

The Bureau of Environment does not object to the transfer of this property.

Recommended Environmental Classification for the Federal Highway Administration is

Class II – Categorical Exclusion (send to the Federal Highway Administration for concurrence)

Class II – Programmatic Categorical Exclusion

Other _____

N/A

The Bureau of Environment does not support the transfer of this property.

Attached:

Location Map:



Railroad Layout or ROW Plan:



Aerial Photo:



NHNHB Letter:



Tax Map:



Photographs:



Electronic copy to originating Bureau to be forwarded to:

Rivers Management Advisory Committee:



Required



Not Required

Lakes Management Advisory Committee:



Required



Not Required

DES Rivers Coordinator (Designated Rivers):




Required



Not Required

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM: Stephen G. LaBonte 
Administrator

DATE: August 31, 2021

AT
(OFFICE): Department of Transportation
Bureau of Right-of-Way

SUBJECT: Easement on State Land in Milford NH

TO: James Marshall, Administrator, Highway Design
Richard Radwanski, District Engineer, District 5
Matt Urban, Chief of Operations Management, Environment
Shelley Winters, Administrator, Rail and Transit
Bill Watson, Administrator, Planning and Community Assistance

The Department (DOT) received a request from Pennichuck Water for a 300 ft² easement on a parcel of State owned land located on Nashua Street in the Town of Milford.

The subject parcel consists of 1.23 ± acres of vacant land, which was acquired in 1970 for the Milford - Amherst P7259 project. Pennichuck Water hopes to acquire the easement to construct a booster station

Town records indicate this parcel as being located in the Commercial Zone.

According to the Stewardship and Oversight Agreement between DOT and the Federal Highway Administration(FHWA), a FHWA review of this parcel is not necessary.

Please review this request to determine if the subject parcel could be considered surplus to your Bureau's current or future needs. If your Bureau has an interest or concern relative to the disposal of this parcel, please notify this Bureau in writing within thirty (30) days.

If you have any questions or concerns with this request please contact Andrew R. Pacuk either via email at Andrew.R.Pacuk@dot.nh.gov or by phone at (603) 271-3987.

Reference can be made to the following Plan: Milford-Amherst F-018-(14), P-72589, Parcel 6, and as shown on the Milford Tax Map, as Map 44, Lot 09.

SGL/ARP/jl
Attachments:

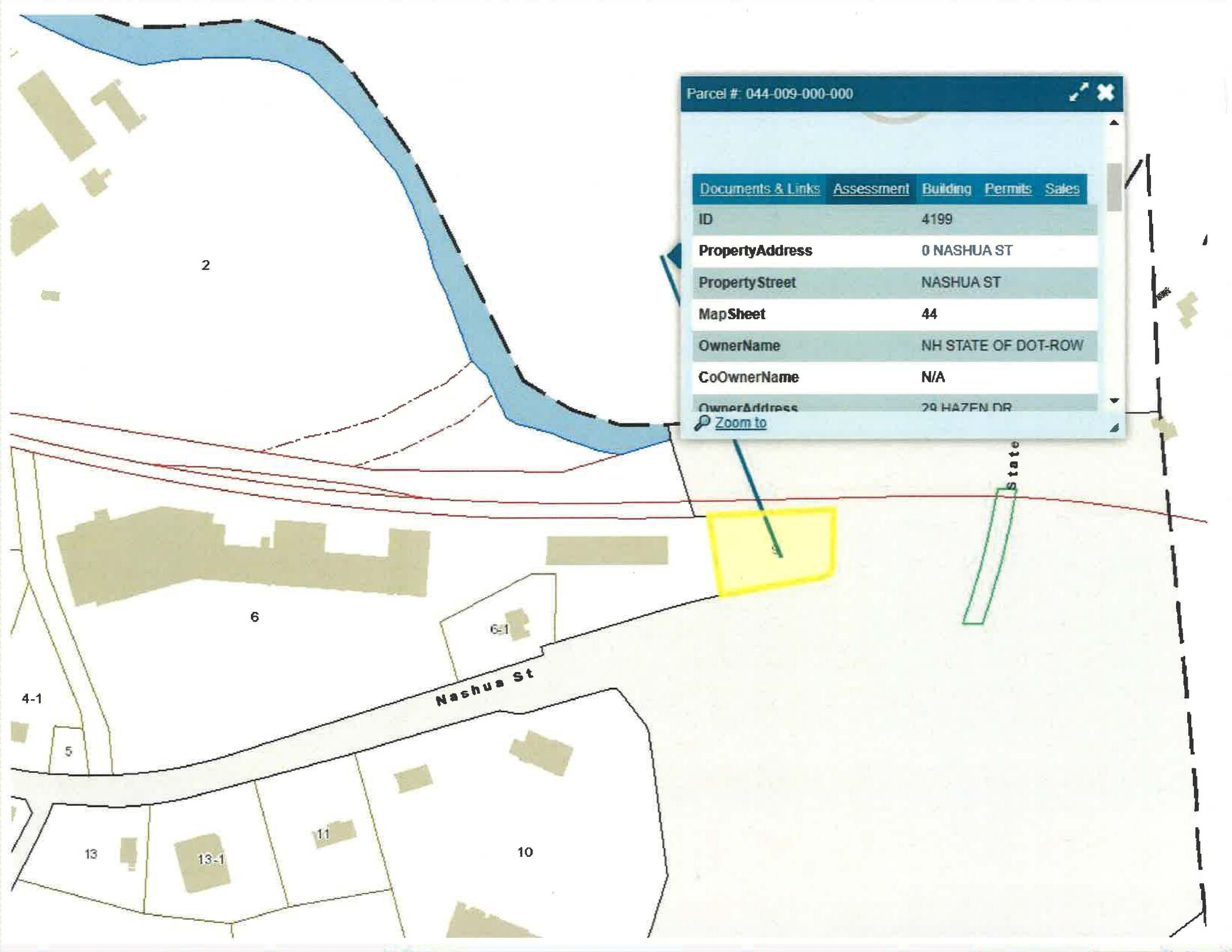
cc: Caleb Dobbins, Administrator, Highway Maintenance
Jennifer Lane, Administrative Assistant, Commissioner's Office
Adam Smith, Assistant Administrator
Lisa Weir, Chief of Property Management

Parcel #: 044-009-000-000

[Documents & Links](#) [Assessment](#) [Building](#) [Permits](#) [Sales](#)

ID	4199
PropertyAddress	0 NASHUA ST
PropertyStreet	NASHUA ST
MapSheet	44
OwnerName	NH STATE OF DOT-ROW
CoOwnerName	N/A
OwnerAddress	29 HA7FN DR

 [Zoom to](#)



2

6

6-1

4-1

5

13

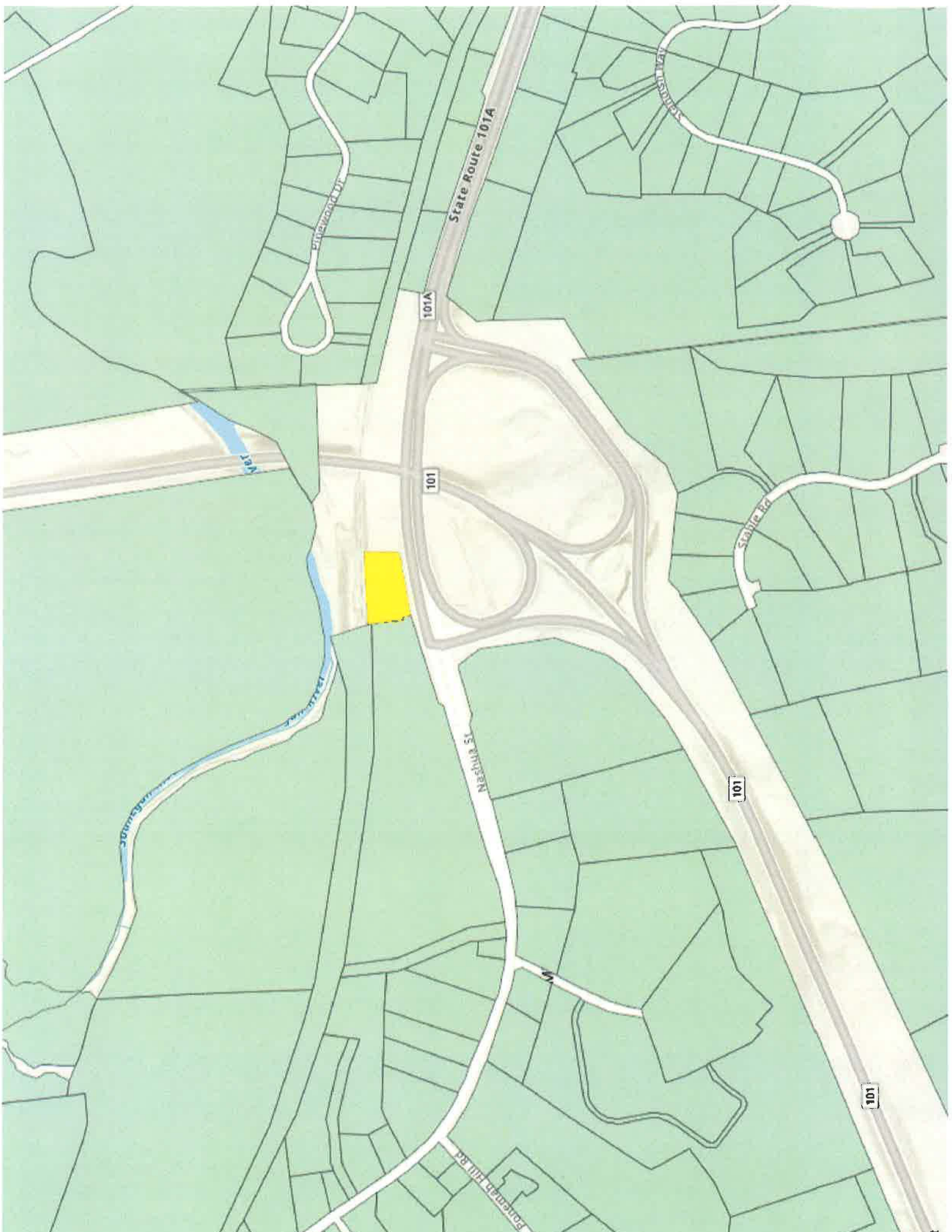
13-1

11

10

Nashua St

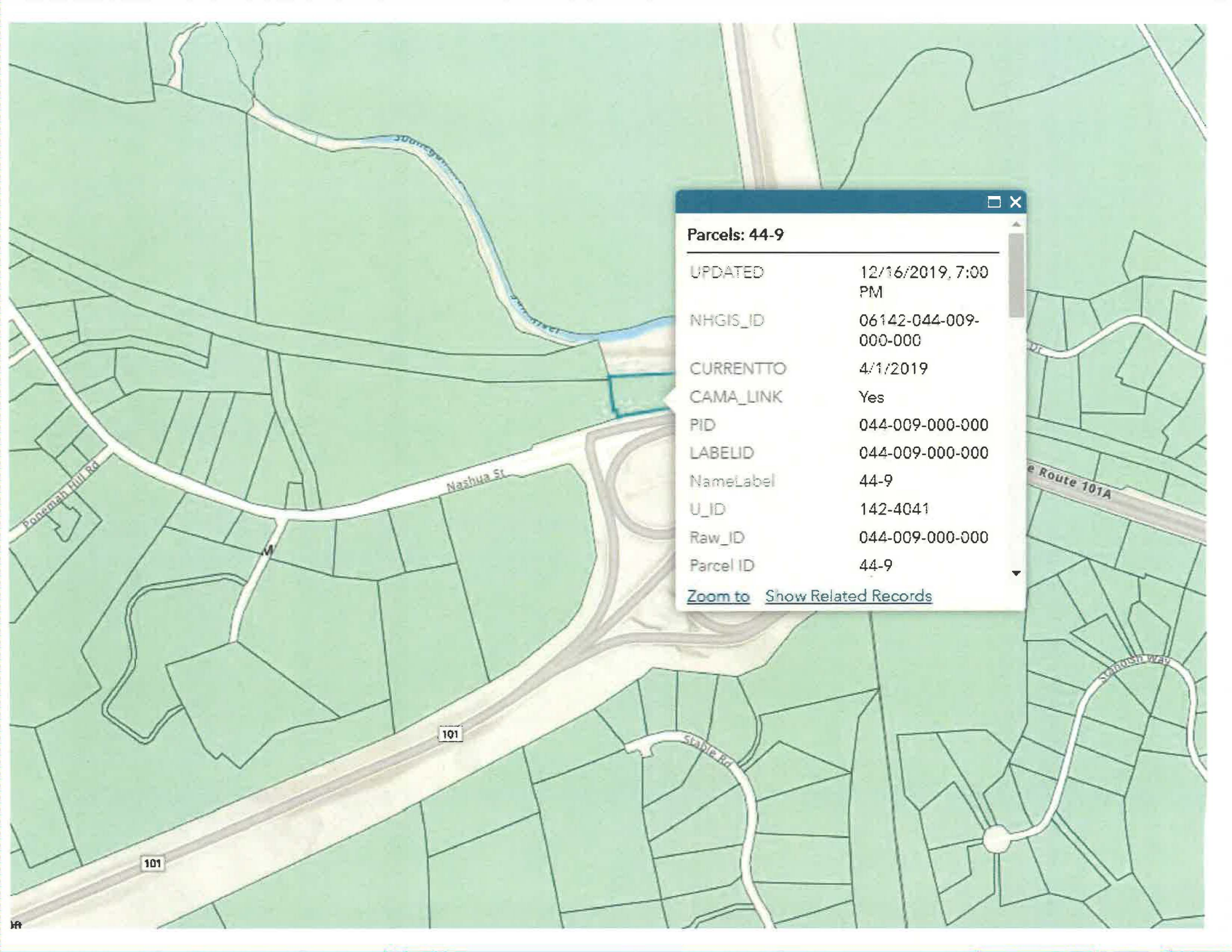
State



Parcel information popup window titled "Parcels: 44-9".

UPDATED	12/16/2019, 7:00 PM
NHGIS_ID	06142-044-009-000-000
CURRENTTO	4/1/2019
CAMA_LINK	Yes
PID	044-009-000-000
LABELID	044-009-000-000
NameLabel	44-9
U_ID	142-4041
Raw_ID	044-009-000-000
Parcel ID	44-9

[Zoom to](#) [Show Related Records](#)



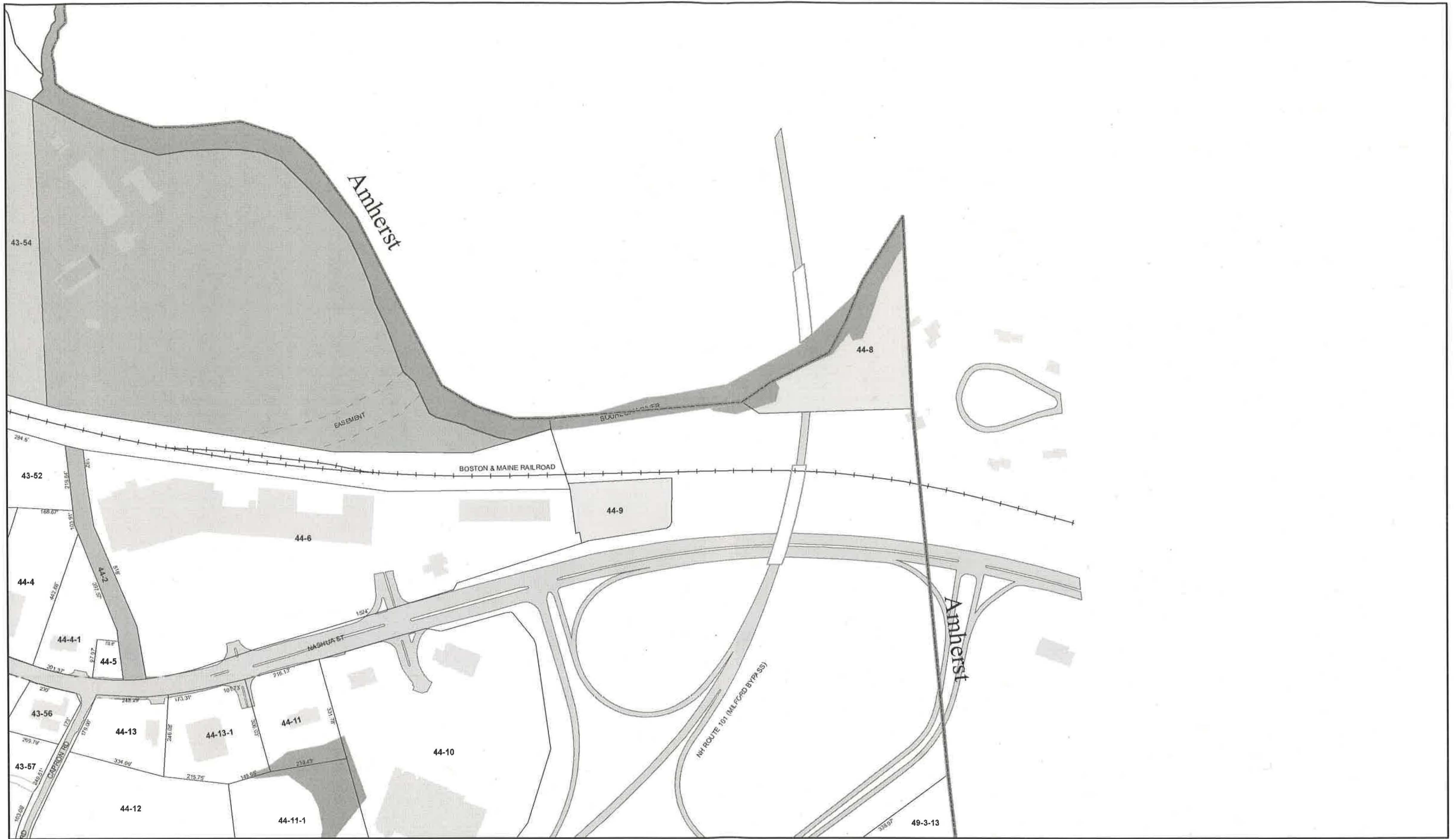
Whichuck Water Works™ GIS Reference Map

A horizontal toolbar containing several icons: an information icon (i), a hand cursor, a red pushpin, a yellow ruler, a blue 'b' icon, a green leaf, a red pencil, and a black wrench. Below the icons is the text "Close tool tray to resume operation".

Close tool tray to resume operation



-71.616713, 42.823582



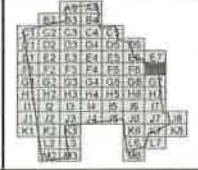
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 Precision Mapping Geospatial Solutions.
 11 Pleasant Street, Littleton, NH 03561
 800 322.4540 - www.cai-tech.com



- | | | |
|-----------------|----------|---------------------------|
| Parcel | Class VI | Abandoned/Discontinued Rd |
| Town Owned Land | Wetlands | Conservation Easement |
| Cemetery | Water | Easement |
| State | Road | Private |

MILFORD, NH

This document has been prepared to show approximate lot location only. Information shown is not to be used for deed descriptions. The Community Development Department maintains a continuing program to identify and correct errors. The Department makes no claims to the validity or reliability, or to any implied uses of this representation.



Date:
April 2018
 1 inch approx. 300 feet



Milford - SP-083121



0 50 100 200 Feet

1:1,000

Milford - SP-083121



Parcel Location

USGS The National Map; National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed February, 2020.

0 0.25 0.5 1 Miles

1:24,000



Photo 1: south boundary facing parcel entrance.



Photo 2: East across Southern boundary towards Nashua Street.



Photo 3: Northwest across center of boundary facing railroad track



Photo 4: South facing North towards Nashua Street



Photo 5: Western drainage depression



Photo 6: Saturated bottom of drainage depressio



Photo 7: Maintenance access hatch with electrical box and fire hydrant within parcel limits.



Photo 8: Evidence of human activity; tarp with clothing, blanket, garbage, etc.

NHDOT Cultural Resources Review

For the purpose of compliance with regulations of the National Historic Preservation Act, the Advisory Council on Historic Preservation's *Procedures for the Protection of Historic Properties* (36 CFR 800), the US Army Corps of Engineers' *Appendix C*, and/or state regulation RSA 227-C:9, *Directive for Cooperation in the Protection of Historic Resources*, the NHDOT Cultural Resources Program has reviewed the proposed project for potential impacts to historic properties.

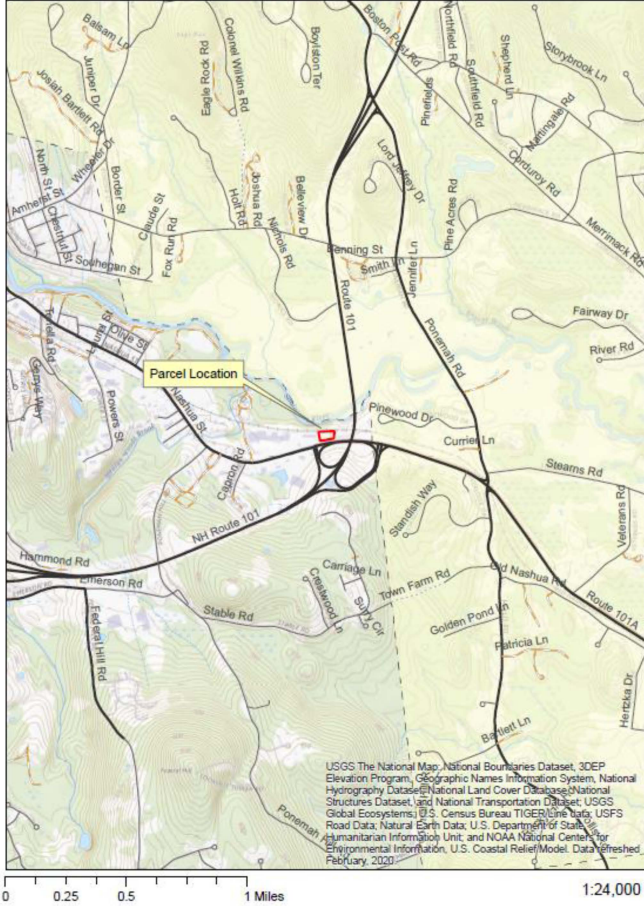
PROJECT PROPOSAL: The Department received a request from the Pennichuck Water Works for an approximate 300 ft² easement to construct a booster station on a parcel of state owned land located on the north side of Nashua Street in the Town of Milford (Milford Tax Map 44, Lot 09). The northern boundary of the parcel is the Boston & Maine Railroad corridor. The parcel (1.23 acres) of vacant land in a commercial zone was acquired in 1970 for the Milford-Amherst P7259 project F-018-(14), P-72589, Parcel 6).

The following is the field review (9-17-2021) summary by Dillan Schmidt:

The parcel is located on Nashua Street and is the only point of access. There are no structures or buildings present. The parcel is relatively uniform except for a depression area on the Western boundary which was most likely incorporated for drainage purposes. The depressed area was saturated with standing water present. On the South-Eastern boundary, there is a small stream which appears to be seasonally occurring within a thick, overgrown wooded area with limited access. The parcel is comprised of mostly overgrown grass like terrain with shrubs and bushes throughout and most of the terrain has likely been graded. There are small woody debris and vegetation piles along parcel boundaries which are most likely from maintenance. The entire parcel had signs of human activity including the presence of garbage/litter throughout, especially along the railroad. There were also signs of human camping on the parcel such as tarps, clothing, garbage, etc. There were two features present: a fire hydrant within the parcel boundary and a maintenance access hatch door.

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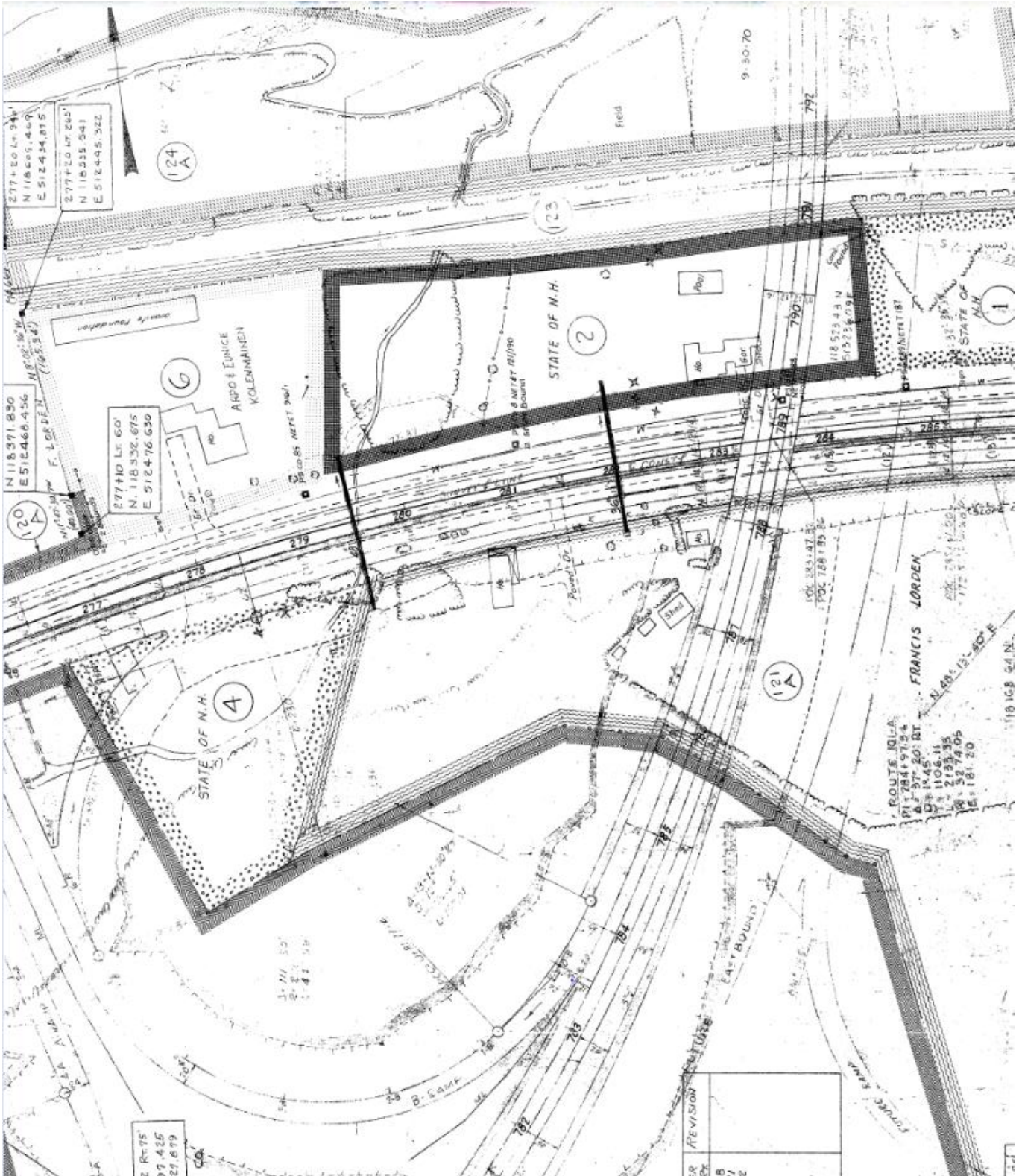
Milford - SP-083121



Milford - SP-083121



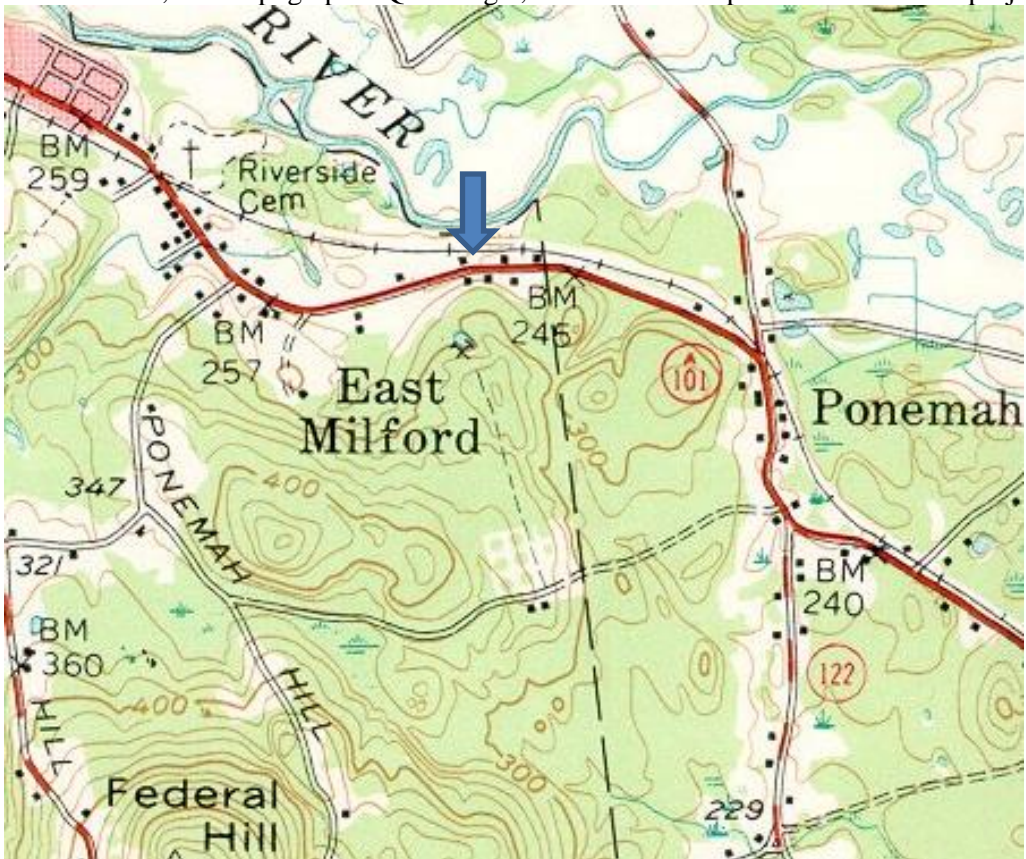
1970 Right of Way Plan of Proposed Federal and Primary Project, Milford-Amherst P-7259B, F018-1(4) (Sheet 14) depicted Parcel 6 (owned by Arpo & Eunice Kolenmainen), which contained a gravel drive, a house, and at the rear of the parcel a rectangular granite foundation adjacent to the B & M Railroad corridor. Parcel 2 to the east owned by the State contained a pool and house with a garage (situated on the east side of the rectangular parcel)



EMMIT Map, 9/15/2021, no cultural resources recorded in or adjacent to the project area



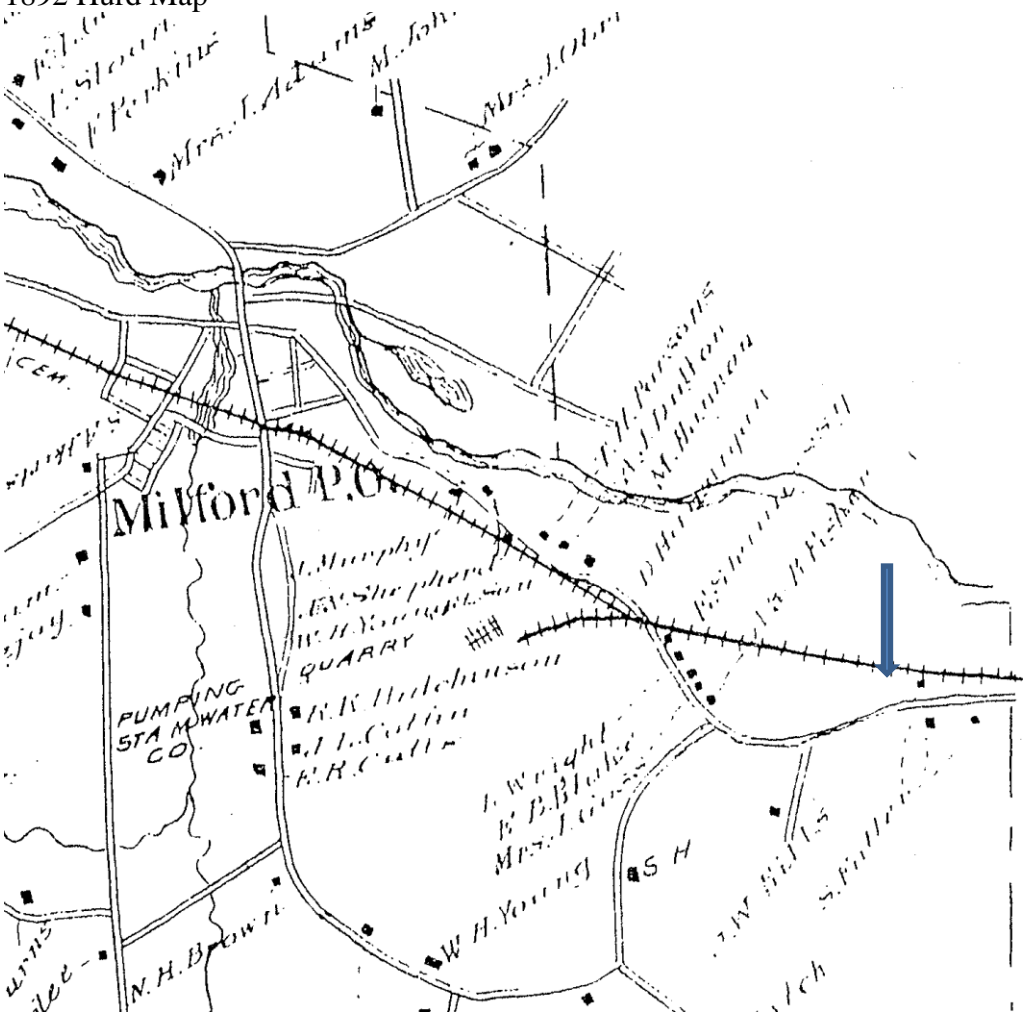
1953 Milford, NH Topographic Quadrangle, structures are depicted in or near the project area



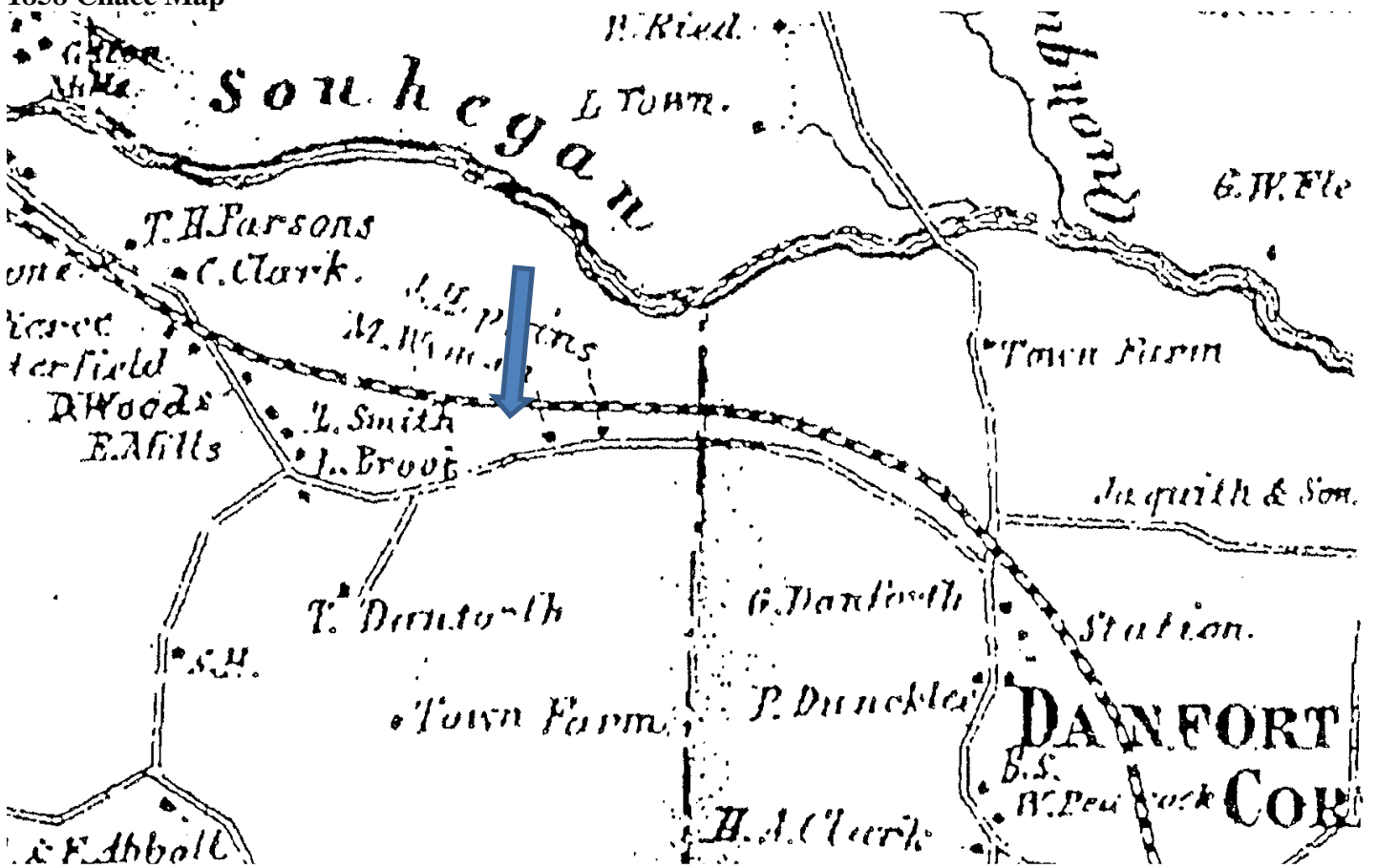
1906 Milford, NH Topographic Quadrangle, one structure is depicted in or near the project area



1892 Hurd Map



1858 Chace Map



Above Ground Review

Known/approximate age of structures:
There are no standing structures located on the parcel.

EMMIT (NHDHR Enhanced Mapping & Management Information Tool) review on September 15, 2021 revealed no individual inventoried properties or historic district in or immediately adjacent to the project area.

The railroad corridor along the northern boundary of the parcel is depicted on the 1858 Chace and 1892 Hurd maps, as well as 20th century maps. Wallace and Mausolf (2001:296) indicate the Milford railroad evolution began with the Manchester & No. Weare RR, followed by Brookline & Milford RR; Manchester & Milford Branch of the Boston & Maine RR; and Fitchburg RR.

No Potential to Cause Effect/No Concerns

Concerns:

Below Ground Review

Recorded Archaeological site: Yes No

Nearest Recorded Archaeological Site Name & Number: 27-HB-0456 W.H. Yound & Son Quarry
 Pre-Contact Post-Contact (granite quarry features inc, water filled quarry, stone rubble)
Another Yound & Son quarry operation was also operating south of the project area (and south of RT 101) as depicted on the 1970 plan (noting granite waste piles).

Yound may actually be Young, as noted in the 1892 Hurd map and in other town histories.

Distance from Project Area: 8380.50 ft southwest of project area

No Potential to Cause Effect/No Concerns

Concerns

EMMIT (NHDHR Enhanced Mapping & Management Information Tool) review on September 15, 2021 revealed no historic or archaeological resources in or immediately adjacent to the project area.

Cartographic review revealed the 1970 map revealed a house and granite foundation and gravel driveway in the project area, while historic 19th century maps depict structures in the surrounding area.

Field walkover on September 17, 2021 by Dillan Schmidt did not reveal evidence of former structures or gravel driveway and noted evidence of relatively uniform landscape suggestive of widespread grading.

Compiled and Reviewed by:

Shelia Charles

9/20/2021

NHDOT Cultural Resources Staff

Date:



New Hampshire Natural Heritage Bureau

DNCR - Division of Forests & Lands
172 Pembroke Road, Concord, NH 03301
Phone: (603) 271-2214 Fax: (603) 271-6488

To: Dillan Schmidt
NHDOT
7 Hazen Drive
Concord NH 03301

From: NH Natural Heritage Bureau

Date: 2021-09-23

Re: Review by NH Natural Heritage Bureau of request dated 2021-09-09

NHB File ID: 3729

Town: Milford, NH

Project type: Landowner Request

Location: NHDOT surplus land

We have searched our database for records of rare species and exemplary natural communities on the property(s) identified in your request. Our database includes known records for species officially listed as Threatened or Endangered by either the state of New Hampshire or the federal government, as well as species and natural communities judged by experts to be at risk in New Hampshire but not yet formally listed.

NHB records on the property(s): **None**

NHB records within one mile of the property(s):

	Last Reported	Listing Status		Conservation Rank	
		Federal	NH	Global	State
Plant Species					
northern wild senna - <i>Senna hebecarpa</i>	2019	--	E	G5	S1
Vertebrate Species					
Grasshopper Sparrow - <i>Ammodramus savannarum</i>	2019	--	T	G5	S2B
Eastern Meadowlark - <i>Sturnella magna</i>	2020	--	T	G5	S3B
Banded Sunfish - <i>Enneacanthus obesus</i>	2006	--	SC	G5	S3
Spotted Turtle - <i>Clemmys guttata</i>	2007	--	T	G5	S2
Wood Turtle - <i>Glyptemys insculpta</i>	2015	--	SC	G3	S3

Listing codes: T = Threatened, E = Endangered, SC = Special Concern

Rank prefix: G = Global, S = State, T = Global or state rank for a sub-species or variety (taxon)

NOTE: This review *cannot* be used to satisfy a permit or other regulatory requirement to check for rare species or habitats that could be affected by a proposed project, since it provides detailed information only for records actually on the property.

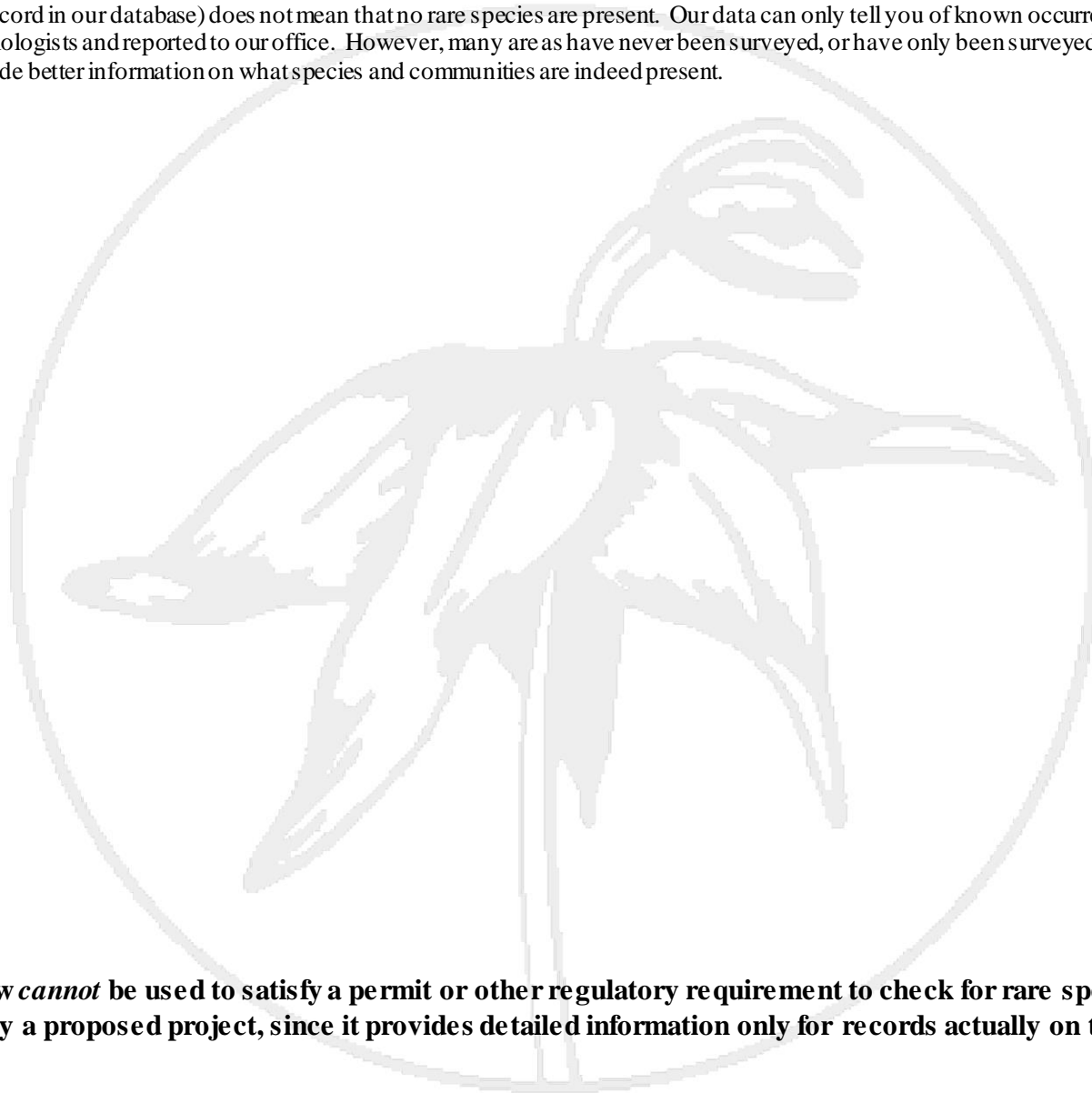


New Hampshire Natural Heritage Bureau

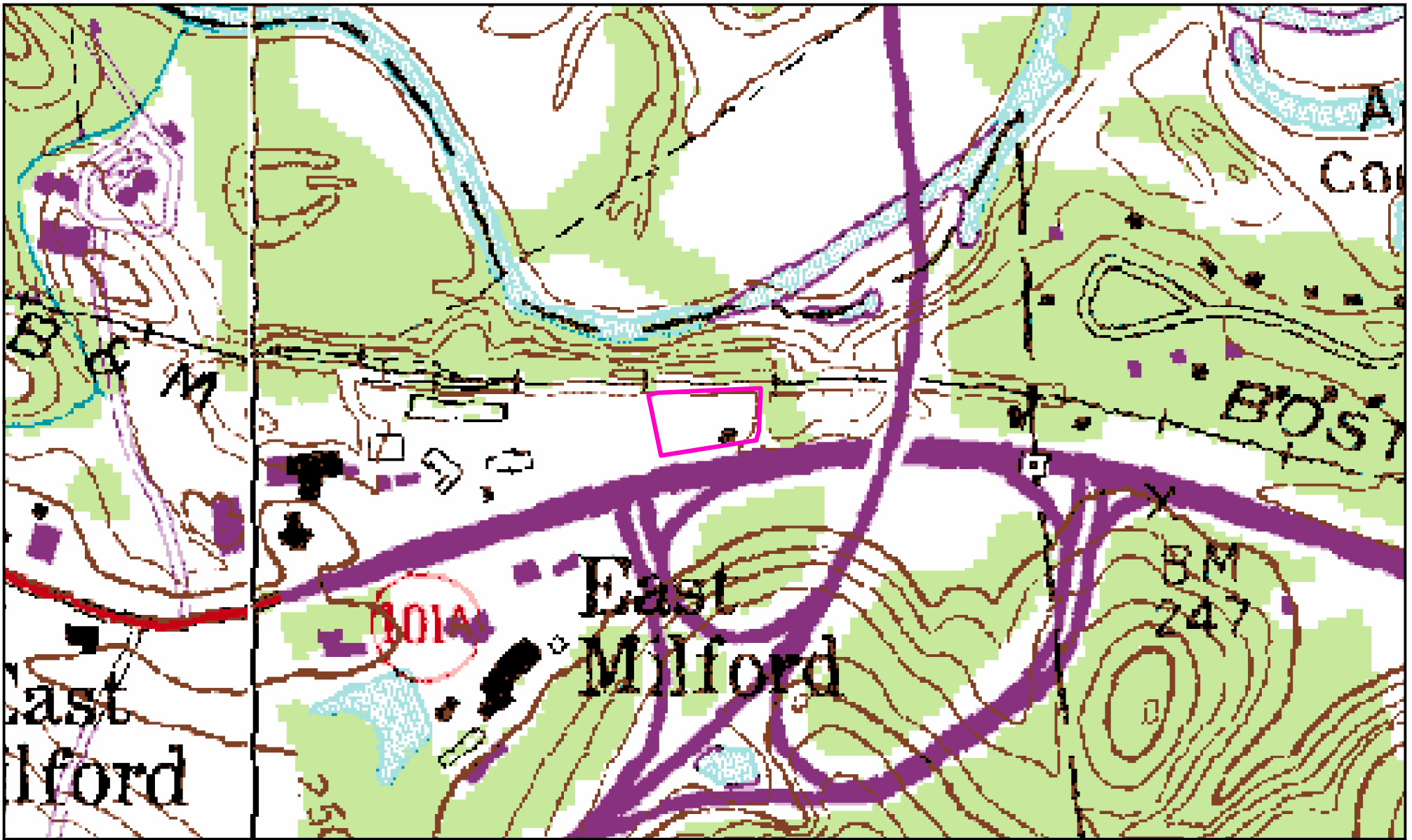
DNCR - Division of Forests & Lands
172 Pembroke Road, Concord, NH 03301
Phone: (603) 271-2214 Fax: (603) 271-6488

Rank suffix: 1-5 = Most (1) to least (5) imperiled. "--", U, NR = Not ranked, B = Breeding population, N = Non-breeding, H = Historical, X = Extirpated.

A negative result (no record in our database) does not mean that no rare species are present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.








NOTE: This review *cannot* be used to satisfy a permit or other regulatory requirement to check for rare species or habitats that could be affected by a proposed project, since it provides detailed information only for records actually on the property.



Natural Heritage Bureau Landowner Report

Project ID Number: 3729

NOTE: Any rare species and/or exemplary natural communities in this area are not shown unless they occur, at least in part, within the property bounds.

	# of Records
 Property Bounds	
 Plant Occurrence:	0
 Animal Occurrence:	0
 Natural Community:	0
 Ecological System:	0

