

New Hampshire Council on Resources and Development

NH Office of Strategic Initiatives
107 Pleasant Street, Johnson Hall
Concord, NH 03301
Phone: 603-271-2155
Fax: 603-271-2615



TDD Access: Relay NH
1-800-735-2964

CORD Meeting
Thursday, May 9, 2019
Johnson Hall, 3rd Floor Conference Room
107 Pleasant Street, Concord, NH
Time: 9:30 A.M.

FINAL AGENDA

I. ROLL CALL AND INTRODUCTIONS

II. MINUTES

Approval of March 28, 2019 draft minutes

III. SURPLUS LAND REVIEW

A. 2019 SLR 002 (Concord)

Request from the Department of Administrative Services to lease roof space on a State office building located at 29 Hazen Drive in Concord and adjacent ground space.

B. 2019 SLR 003 (Berlin)

Request from the Adjutant General's Department to convey armory in City of Berlin.

IV. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

A. Land Conservation Endowment Fund. Discussion regarding endowment disbursement and request for authorization to expend for FYs 2020 and 2021.

B. Request for authorization to delegate authority to the Fish and Game Department to refer encroachment issue to the Attorney General's Office for enforcement of easement conditions against Town of Swanzey.

V. OTHER BUSINESS

Reminder - 2019 Meeting Dates

January 10

May 9

September 21

~~March 28 (rescheduled from March 14)~~

July 11

November 14

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DRAFT Minutes – March 28, 2019

MEMBERS PRESENT

Jared Chicoine, Chair, Director, NH Office of Strategic Initiatives
Stephen McLocklin, Designee, NH Department of Administrative Services
Tracey Boisvert, Designee, NH Department of Natural and Cultural Resources
Christopher Way, Designee, NH Department of Business and Economic Affairs
Shawn Jasper, Commissioner, Department of Agriculture, Markets & Food
Amy Clark, Designee, NH Department of Education
Lori Weaver, Designee, NH Department of Health and Human Services
Tim Drew, Designee, NH Department of Environmental Services

OTHERS PRESENT

Michael Klass, NH Office of Strategic Initiatives
Noah Hodgetts, NH Office of Strategic Initiatives
Tim Camerato, Valley News
Tim McNamara, Lebanon City Council
Chris Christopoulos, Fire Chief, Lebanon Fire Department
Laurel Stavis, NH House of Representatives – Grafton County District 13
Tracie Sales, Rivers & Lakes Programs Manager, NH Department of Environmental Services
Shelley Winters, Rail & Transit Bureau Administrator, NH Department of Transportation
Patrick Herlihy, Aeronautics, Rail and Transit Director, NH Department of Transportation

I. ROLL CALL AND INTRODUCTIONS

The meeting was opened at 9:32 AM by Chairman Chicoine. CORD members and guests introduced themselves.

II. MINUTES - Approval of January 10, 2019 draft minutes

MOTION: On a motion by Commissioner Jasper, seconded by Mr. Way, the January 10, 2019 minutes were approved unanimously by the Council with Ms. Weaver, Ms. Clark, and Mr. Drew abstaining.

III. SURPLUS LAND REVIEW - 2019 SLR 001 (Lebanon)

Request from the Department of Transportation, Bureau of Rail & Transit to lease a parcel of railroad land in the City of Lebanon.

MOTION: Commissioner Jasper at the request of NH DOT moved to withdraw 2019 SLR 001 (Lebanon). The motion was seconded by Ms. Boisvert and approved unanimously by the Council.

IV. OTHER BUSINESS

MOTION: With business completed, Commissioner Jasper moved to adjourn the meeting, which Mr. Way seconded. The motion was approved unanimously by the Council.

Meeting adjourned at 9:36 AM.

DRAFT

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 Concord, NH 03301
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 Fax: 603-271-2615



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 1-800-735-2964

MEMORANDUM

TO: CORD Members and Other Interested Parties <i>Via Email Distribution Lists</i>	Merrimack County Board of Commissioners 333 Daniel Webster Highway, Suite #2 Boscawen, NH 03303 <i>Via Regular Mail</i>
Thomas J. Aspell, Jr. Concord City Manager 41 Green Street Concord, NH 03301 <i>Via Email (citymanager@concordnh.gov)</i>	Michael Tardiff, Executive Director Central New Hampshire Regional Planning Com. 28 Commercial Street, Ste. 3 Concord, NH 03301 <i>Via Email (mtardiff@cnhrpc.org)</i>

FROM: Michael A. Klass, NH Office of Strategic Initiatives
DATE: April 4, 2019

SUBJECT: *State Owned Land, Surplus Land Review, Concord, NH 2019 SLR 002*

RESPONSE DEADLINE: Monday, May 6, 2019

Please review the attached information to determine if your organization has any interest in this transaction. If there is an interest, please provide this office with any comment(s) in writing by the response deadline indicated above. Responses may be emailed to Michael.klass@osi.nh.gov.

The Council on Resources and Development will consider the request at its meeting scheduled for **May 9, 2019**. Information regarding CORD and its meetings may be obtained at: <https://www.nh.gov/osi/planning/programs/cord/index.htm>.

The Department of Natural and Cultural Resources is asked to review this request in accordance with RSA 227-C:9.

Members of the Public Water Access Advisory Board are asked to review this request in accordance with RSA 233-A.

The Lakes Management and Protection Program, through the Rivers and Lakes Program Coordinator, is asked to review this request in accordance with RSA 483-A:5, II.

The Rivers Management and Protection Program, through the Rivers and Lakes Program Coordinator, is asked to review this request in accordance with RSA 483:8, VII and 14.



State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
25 Capitol Street – Room 120
Concord, New Hampshire 03301

Charles M. Arlinghaus
Commissioner
(603) 271-3201

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

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

April 1, 2019

Jared Chicoine, Director
Office of Strategic Initiatives
107 Pleasant Street
Johnson Hall, 3rd Floor
Concord, NH 03301

RE: Proposed Lease of Rooftop and Ground Space to AT&T for Wireless Broadband (Cellular) Antenna Arrays and Supporting Telecommunications Equipment, 29 Hazen Drive, Concord

Dear Director Chicoine:

The Department of Administrative Services (the "Department") proposes to lease to AT&T space on the roof of the State office building at 29 Hazen Drive in Concord for the installation, operation, and maintenance of two (2) wireless broadband antenna arrays and space on the ground adjacent to the building for a supporting telecommunications equipment shed.

AT&T approached the State last year about locating cellular antennas on the roof of 29 Hazen Drive. The proposed lease would be for an initial term of five (5) years with options to extend for up to five (5) additional terms of five (5) years each. Although the antennas will be available for preemptive use by public safety agencies and personnel during a disaster or other public safety emergency as part of AT&T's FirstNet network, the proposed antennas will be operated the vast majority of the time as part of AT&T's commercial wireless broadband network. Therefore, the proposed lease will generate market rent revenues for the State. FirstNet is a federal program pursuant to which AT&T has been awarded the contract to build out and exclusively operate a nationwide public safety wireless broadband network for a term of twenty-five (25) years.

Please submit this proposal to the Council on Resources and Development (CORD) for review at its next meeting scheduled on May 9, 2019. If you have any questions, please contact Jared Nylund at (603) 271-7644.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles M. Arlinghaus".

Charles M. Arlinghaus, Commissioner

Enclosures

Cc: Stephen R. Lorentzen, Administrator of Plant and Property Management
Jared Nylund, Real Property Asset Manager

Council on Resources and Development
REQUEST FOR SURPLUS LAND REVIEW ACTION

Name of Requesting Agency: Department of Administrative Services (DAS)

Agency Contact Person: Jared Nylund, Real Property Asset Manager
Address: 25 Capitol Street, Concord, NH 03301
Phone Number: (603) 271-7644
E-Mail: jared.nylund@das.nh.gov

Applicant Contact Person: same
Address: _____
Phone Number: _____
E-Mail: _____

Location of Property: 29 Hazen Drive, Concord, NH

Acreage: n/a

Requested Action: Lease rooftop space to AT&T for mobile wireless antenna array and ground space for equipment shed adjacent to building

Term of Lease or Easement: Up to 30 years (including all optional extensions), as proposed by AT&T

Please complete ALL questions below, submit one digital copy and one hardcopy original of the complete application to the Office of Strategic Initiatives, Johnson Hall, 3rd Floor, 107 Pleasant Street, Concord, NH 03301, michael.klass@osi.nh.gov.

1. What is the current use of this property?

29 Hazen Drive is a State office building. At present there is no commercial rooftop antenna on site like those proposed. There is, however, a smaller "donor" antenna that receives signals from nearby commercial hilltop tower-mounted cellular antennas to be amplified inside the building pursuant to a U.S. Cellular license from 2017.

2. What is the proposed use of this property if surplus? Please note if proposed use is intended to create a public benefit.

AT&T proposes to mount 2 cellular antenna arrays on the rooftop of 29 Hazen Drive and to construct a supporting telecommunications equipment shed on the ground adjacent to the building. The antennas would be installed, in part, to enable AT&T to meet its partially federally funded FirstNet network build-out obligation to expand its wireless broadband network infrastructure in certain key areas to support preemptive wireless broadband service to public safety personnel in the event of a disaster or other public safety emergency. However, these antennas will be operated by AT&T as commercial mobile wireless antennas when they are not needed for preemptive use by public safety personnel (i.e. the overwhelming majority of the time), so it would not be entirely accurate to say that they are primarily intended to create a public benefit.

- 3. Does the proposed use of this property entail new development?** Yes No
- a. If yes, is it consistent with adjacent and existing development? Yes No
- b. Please describe how the proposed new development differs from or is similar to its surroundings. Also indicate how it may initiate a future change in the use of the property or surroundings.

There are already several antennas mounted on the rooftops of this and adjacent buildings, most of which belong to the State (e.g. the Dept. of Safety at 33 Hazen Drive). The proposed antennas will look different from existing antennas, as they are mobile wireless antenna panels of a type not already mounted on nearby State office buildings on Hazen Drive. However, while they will be clearly visible from the ground, they are small enough that they seem unlikely to dominate nearby views of the building rooftop, especially considering the various large pieces of HVAC, laboratory ventilation, and other air-handling equipment already located there. It is possible, but uncertain how likely, that other wireless carriers may seek to locate similar antennas on this and other nearby buildings.

4. Are there any structures located on this property? Yes No

a. If yes, please describe the structures including how many and what kind.

State office buildings, parking lots, supporting utility infrastructure, etc.

5. Are there historical architectural or archaeological resources identified on this site?

Yes No

a. If yes, describe the resource(s)?

b. If no, contact the NH Division of Historical Resources prior to application submission.

6. Is there any existing development or structures on adjacent sites? Yes No

a. If yes, describe the use and number of structures of adjacent sites.

If no, where is the nearest development? (Describe distance, use, and number)

The building is located within a fully developed State office park, which in turn is located adjacent to a fully developed mixed residential and commercial neighborhood.

7. Does the site represent the entire state property in this location? Yes No

a. If no, please describe its relationship to the entire state holding (percentage of total acreage, percentage of overall rail length, etc).

See item 6 above.

8. Is access to this property available? Yes No

a. If yes, how is the site accessed? (from rail, water, across applicant's property, etc)

The building is publicly accessible via surface driveways and parking areas from Hazen Drive. The rooftop is not publicly accessible and would be accessed via the building interior, so access for AT&T employees and contractors would be by arrangement with DAS and/or affected building tenant agencies.

b. If yes, is there a potential for public access interruption? Yes No

9. Are there water resources related to this property such as:

Lakes/Ponds - Yes No Rivers - Yes No Wetlands - Yes No

a. If yes, please indicate the size or extent of such resources.

b. If yes, is the property located within 250 feet of a lake/pond or river?

c. If yes, please describe any municipal regulations and/or Shoreland Water Quality Protection Act (RSA 483-B) provisions that apply to the development of the property.

d. If there are water resources, please describe current public or private access from the site to the water body. Public Private No Access Available

e. How would the proposal affect the access opportunities described in d?

10. Please identify any other significant resources or sensitive environmental conditions known to be located on or adjacent to this property.

	Yes (property)	Yes (adjacent property)	No
a. Steep slopes.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Wetlands (Prime and NWI)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Threatened or endangered species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Wildlife Action Plan Critical Habitats	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Increased impervious surface	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Potential stormwater flow changes.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Agricultural soils of prime, statewide, or local importance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Potential river channel change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Other special designations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please provide a description for any "yes" responses to question #10.

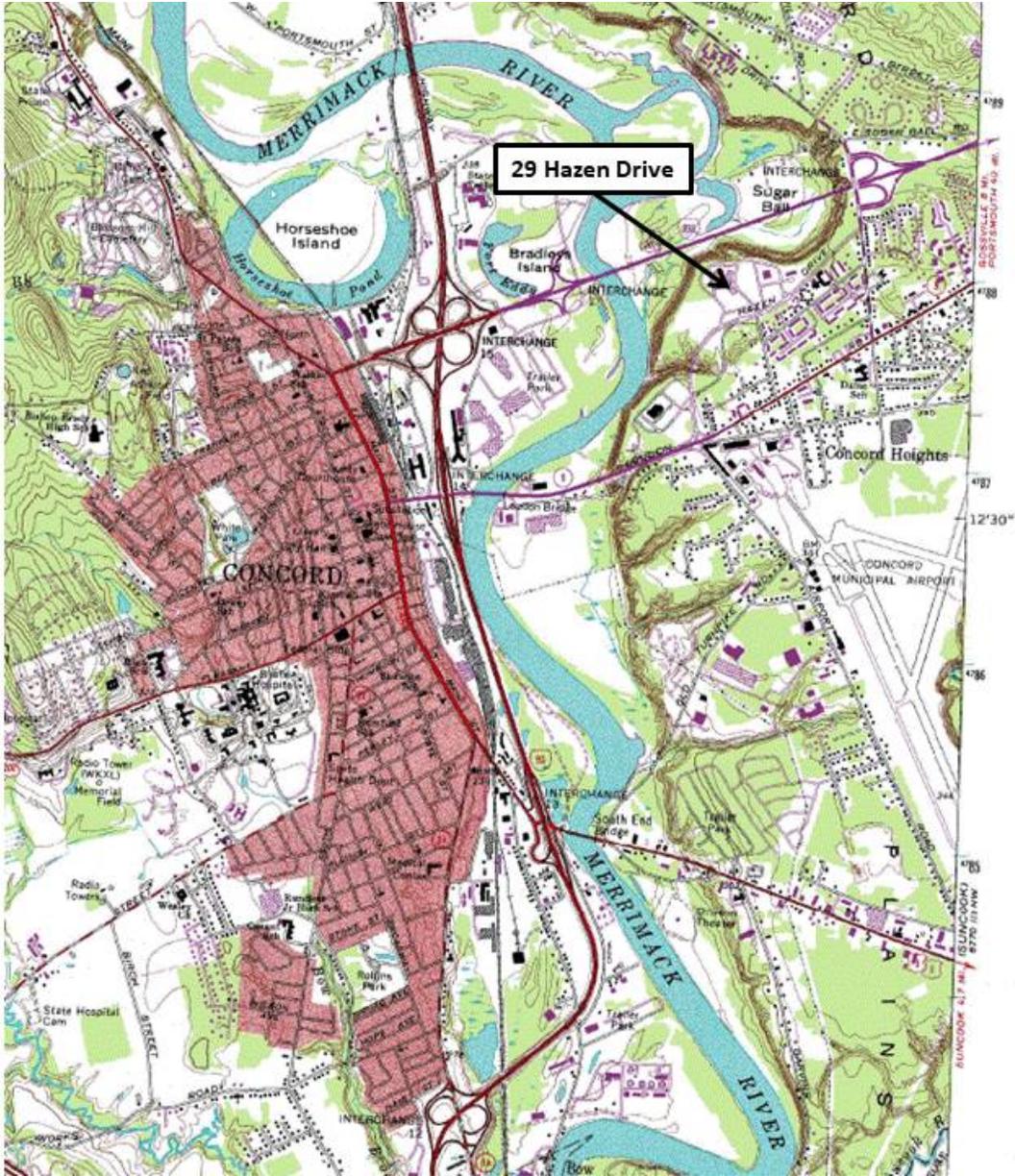
For purposes of this submission I am defining the affected property as the actual building at 29 Hazen Drive and the landscaped area immediately adjacent to the building, even though the parcel of land upon which the building is located extends over 1500 feet westerly from the building to the Merrimack River and over 650 feet northerly from the building to Interstate 393. For that reason, the steep slopes comprising the bluff overlooking the Merrimack River and Interstate 393 adjacent to the Hazen Drive office park are treated here as being located on an adjacent property, as are the riverine and freshwater wetlands located along the easterly shore of the Merrimack River and the southerly side of Interstate 393, respectively.

11. Attach photographs and maps of the property. Maps should highlight the requested property location and help to adequately place the property within its municipality.

- a. Municipal tax map copy showing all abutters
- b. General location map with scale, north arrow, nearby roads, and water bodies/features*
- c. Aerial Photograph*
- d. Any site plans for new or proposed development prepared at the time of application
- e. Maps depicting rail lines, wetlands, conservation lands, rare species and exemplary natural communities or topographic features are welcome but not required

* Maps can be created with GIS, Google, NH GRANIT, or any other readily available mapping service.

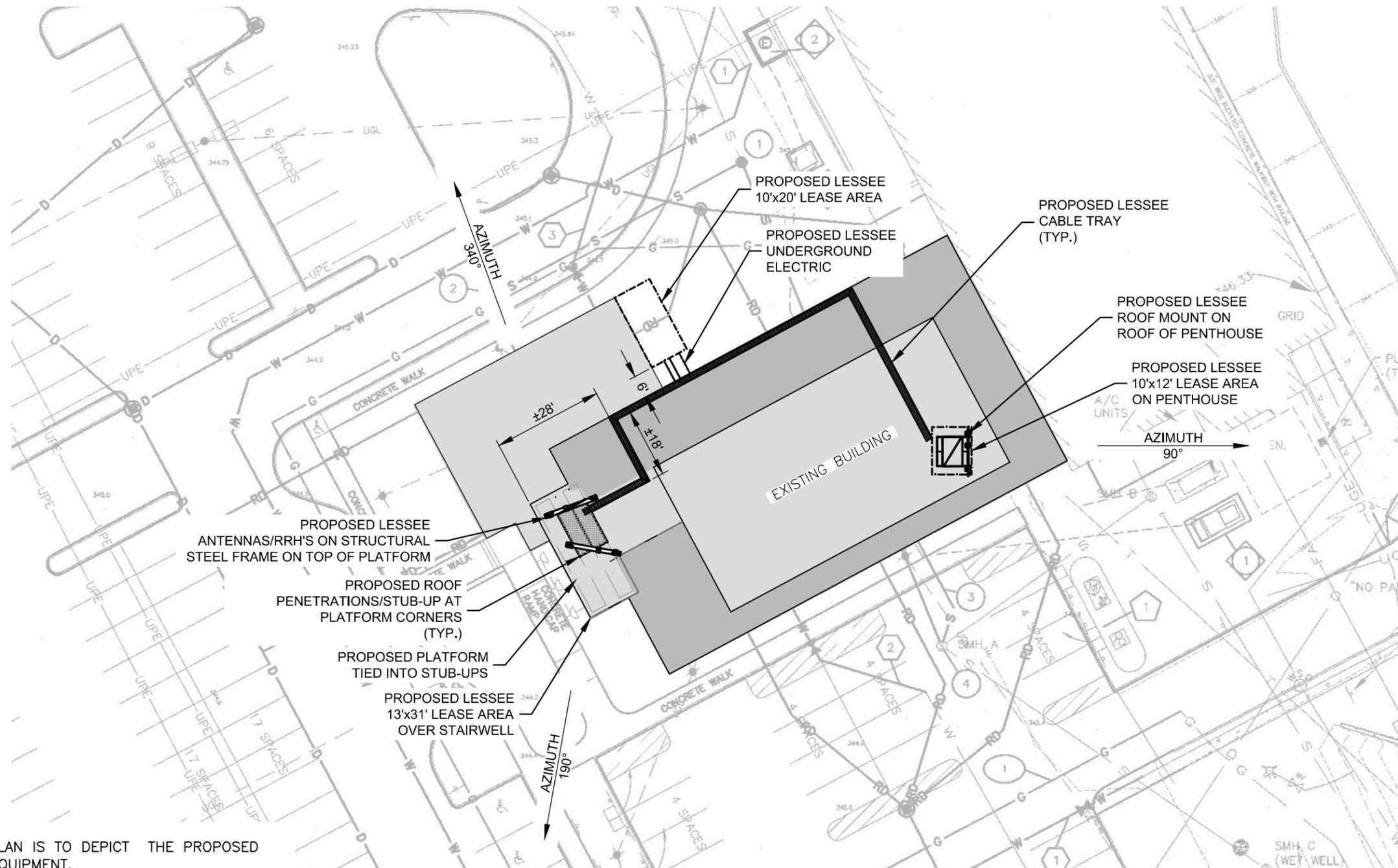
Please paste any maps and photographs submitted as part of this application here.



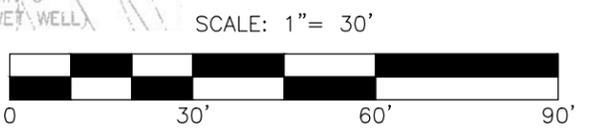
USGS Concord Quad
Location of Building at
29 Hazen Drive
Concord, NH



Aerial View Showing Tax Parcel Boundaries
29 Hazen Drive
Concord, NH



- NOTES**
1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED LOCATION OF LESSEE'S EQUIPMENT.
 2. THIS PLAN WAS PREPARED FROM VISUAL INSPECTION OF THE SITE ON AUGUST 10, 2018 & PLAN OF REFERENCE NO. 1. NO INSTRUMENT SURVEY WAS PERFORMED.



PLAN OF REFERENCE

1. SHEET C4.1 OF "STATE LABORATORY ADDITION BUILDING", PERFORMED FOR: STATE OF NEW HAMPSHIRE D.O.T., PROVIDED BY: PAYETTE ASSOCIATES/ RIST FROST SHUMWAY ENGINEERING, LAST REVISED: APRIL 16, 2002.
2. EE MEMO PREPARED FOR: AT&T, PROVIDED BY: STATE OF NEW HAMPSHIRE DEPARTMENT OF ADMINISTRATIVE SERVICES, DATED: OCTOBER 10, 2018.



1 INDUSTRIAL DRIVE
WINDHAM, NH 03087
(603) 647-8700
www.sfceng.com

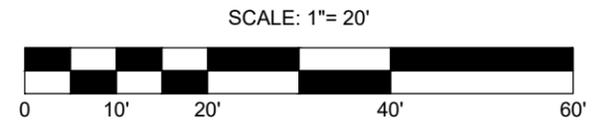
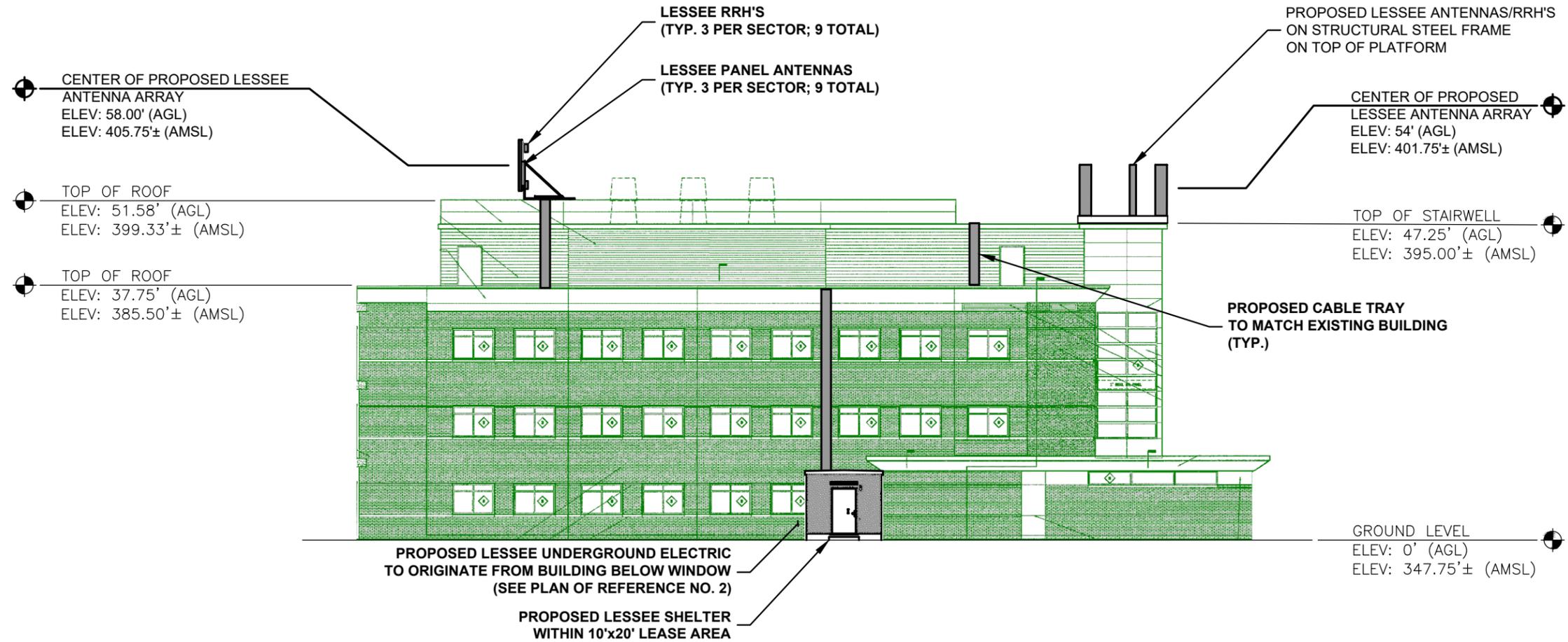
**Lease Exhibit
Plan View**

SCALE: 1" = 30' DATE: 11/30/18

NH2200
29 Hazen Drive
Concord
Merrimack County
New Hampshire

Drawing name: M:\W\ISA\1656810 NH2200 Concord Route 9 - 29 Hazen Drive\AutoCAD\NH2200 RTE9HAZENDR_LE_Rev4.dwg

LATITUDE: 43.219509
 LONGITUDE: -71.515661
 ELEVATION: 344'
 *DATA TAKEN FROM SITE CANDIDATE
 INFORMATION PACKAGE (SCIP)



PLAN OF REFERENCE

1. SHEET A3.00 OF "STATE LABORATORY ADDITION BUILDING", PERFORMED FOR: STATE OF NEW HAMPSHIRE D.O.T., PROVIDED BY: PAYETTE ASSOCIATES/ RIST FROST SHUMWAY ENGINEERING, DATED: MARCH 22, 2002.
2. EE MEMO PREPARED FOR: AT&T, PROVIDED BY: STATE OF NEW HAMPSHIRE DEPARTMENT OF ADMINISTRATIVE SERVICES, DATED: OCTOBER 10, 2018.



1 INDUSTRIAL DRIVE
 WINDHAM, NH 03087
 (603) 647-8700
 www.sfceng.com

Lease Exhibit
Elevation View

SCALE: 1" = 20'

DATE: 11/30/18

NH2200
 29 Hazen Drive
 Concord
 Merrimack County
 New Hampshire

Drawing name: M:\W\ISA\1656810 NH2200 Concord Route 9 - 29 Hazen Drive\AutoCAD\NH2200_RTE9HAZENDR_LE_Rev4.dwg

Klass, Michael

From: Sales, Tracie
Sent: Friday, April 5, 2019 10:40 AM
To: Klass, Michael
Cc: Graaskamp, Garret
Subject: RE: CORD SLR Applications - 2019 SLR 002 (Concord) and 2019 SLR 003 (Berlin)

Categories: CORD

Hello Mike,

Sorry to bother you again, but on behalf of the Lakes Program:

- a. Based on the information provided, both 2019 SLR 002 and 2019 SLR 003, lie outside of the Lakes Management Advisory Committee's area of interest as they are more than 250 feet from any lake or pond, and do not provide access to a lake or pond.
- b. Can you add Garret Graaskamp (Garret.Graaskamp@wildlife.nh.gov) to your list of email recipients, too? He is the new Vice Chair of the LMAC.

Thanks, and have a great weekend,
Tracie

Tracie Sales, Rivers & Lakes Programs Manager
NH Department of Environmental Services
Phone: (603) 271-2959

From: Klass, Michael <Michael.Klass@osi.nh.gov>
Sent: Thursday, April 4, 2019 3:41 PM
To: Klass, Michael <Michael.Klass@osi.nh.gov>
Subject: CORD SLR Applications - 2019 SLR 002 (Concord) and 2019 SLR 003 (Berlin)

Dear All,

Please find the attached Surplus Land Review applications for your review.

As reflected in the cover memos, the comment deadline for these requests is May 6th, 2019, and they are scheduled to be heard at CORD's May 9th, 2019 meeting.

Please contact me if you have any questions.

Best,
Mike

Michael A. Klass
Principal Planner
New Hampshire Office of Strategic Initiatives – Division of Planning
107 Pleasant Street, Johnson Hall, 3rd Floor, Concord, NH 03301
Main - 603-271-2155 | Direct - 603-271-6651
www.nh.gov/osi/planning/

Klass, Michael

From: Drociak, Jen
Sent: Tuesday, April 9, 2019 1:00 PM
To: Klass, Michael
Cc: Sales, Tracie; Michele Tremblay; Larry Spencer
Subject: 2019 SLR 002, 29 Hazen Drive, Concord

Dear Mr. Klass:

On behalf of the New Hampshire Rivers Management Advisory Committee (RMAC), thank you for the opportunity to comment on 2019 SLR 002 in Concord. Under the RMAC's procedures for state property disposal, the chair and vice chair of the RMAC recommend to categorically exclude 2019 SLR 002, 29 Hazen Drive, from a comprehensive review by the full RMAC based on the location (beyond 250 feet from the Merrimack River), that the proposal does not provide access to the river, and the expected *de minimis* impact of the proposed action on the river. The RMAC is not opposed to the proposed lease.

Based on the information provided, the proposed lease at 29 Hazen Drive, Concord lies with the corridor of the designated upper Merrimack River. At its regular monthly meeting on April 8, 2019, the Upper Merrimack River Local Advisory Committee (UMRLAC) reviewed the referenced proposed disposal. The UMRLAC has no comments at this time.

Please feel free to contact me should you have any questions.

Sincerely,

Jen Drociak

Jen Drociak
Watershed Coordinator
Rivers and Lakes Management and Protection Program
Watershed Management Bureau
Water Division / NH Department of Environmental Services
29 Hazen Drive / PO Box 95
Concord NH 03302-0095
(603) 271-8811
Jen.drociak@des.nh.gov
[Rivers Management Protection Program](#)
[Lakes Management Protection Program](#)



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 26, 2019

Michael A. Klass
Principal Planner
Division of Planning
New Hampshire Office of Strategic Initiatives
3rd Floor, Johnson Hall
107 Pleasant Street
Concord, NH 03301

RE: CORD SURPLUS LAND REVIEW (SLR 19-002) – REQUEST TO LEASE ROOFTOP AND GROUND SPACE TO AT&T FOR THE INSTALLATION OF WIRELESS BROADBAND (CELLULAR) ANTENNA ARRAYS AND SUPPORTING TELECOMMUNICATIONS EQUIPMENT, 29 HAZEN DRIVE, CONCORD, NEW HAMPSHIRE

Dear Mr. Klass:

In response to your recent request, the New Hampshire Department of Environmental Services (NHDES) has completed its review of the subject proposal. Based on a review of pertinent files, Geographic Information System databases, and staff discussions, NHDES offers the following findings and recommendations.

Findings by NHDES indicate that any environmental impacts from this proposal would be incidental and temporary, with minimal impacts to public health or the environment. Therefore, NHDES has no additional concerns with this proposal.

Thank you for the opportunity to comment.

Sincerely,

Timothy W. Drew
Administrator
Public Information and Permitting Unit
Office of the Commissioner

Enc.
cc: Robert R. Scott, Commissioner, NHDES
Clark B. Freise, Assistant Commissioner, NHDES
Tracie Sales, Rivers & Lakes Management, NHDES

Klass, Michael

From: Winters, Shelley
Sent: Friday, May 3, 2019 10:20 AM
To: Klass, Michael
Subject: CORD SLR Applications - 2019 SLR 002 (Concord)
Attachments: 2019 SLR 002 (Concord) - Application w cover.pdf

Michael,

Thank you for the opportunity to review CORD SLR Applications - 2019 SLR 002 (Concord). Please be advised that the NHDOT Bureau of Rail & Transit has **no objections** to the proposed lease of rooftop space on 29 Hazen Drive, Concord, NH.

Thank you,
Shelley

Shelley Winters

Administrator, Bureau of Rail & Transit
New Hampshire Department of Transportation
PO Box 483
Concord, NH 03302-0483
Tel: (603) 271-3497

New Hampshire Council on Resources and Development

NH Office of Strategic Initiatives
 107 Pleasant Street, Johnson Hall
 Concord, NH 03301
 Phone: 603-271-2155
 Fax: 603-271-2615



TDD Access: Relay NH
 1-800-735-2964

MEMORANDUM

<p>TO:</p> <p>CORD Members and Other Interested Parties</p> <p><i>Via Email Distribution Lists</i></p>	<p>Coos County Board of Commissioners c/o Jennifer Fish P.O. Box 10 West Stewartstown, NH 03597 <i>Via Email (jennifer.fish@cooscountynh.us)</i></p>
<p>James Wheeler, Berlin City Manager c/o Susan Tremblay 168 Main Street Berlin, NH 3570</p> <p><i>Via Email (stremblay@berlinnh.gov)</i></p>	<p>Michelle Moren-Grey, Co-Executive Director & Chief Executive Officer North Country Council 161 Main Street Littleton, NH 03561</p> <p><i>Via Email (mmoren@nccouncil.org)</i></p>

FROM: Michael A. Klass, NH Office of Strategic Initiatives

DATE: April 4, 2019

SUBJECT: *State Owned Land, Surplus Land Review, Berlin, NH
 2019 SLR 003*

RESPONSE DEADLINE: Monday, May 6, 2019

Please review the attached information to determine if your organization has any interest in this transaction. If there is an interest, please provide this office with any comment(s) in writing by the response deadline indicated above. Responses may be emailed to Michael.klass@osi.nh.gov.

The Council on Resources and Development will consider the request at its meeting scheduled for **May 9, 2019**. Information regarding CORD and its meetings may be obtained at: <https://www.nh.gov/osi/planning/programs/cord/index.htm>.

The Department of Natural and Cultural Resources is asked to review this request in accordance with RSA 227-C:9.

Members of the Public Water Access Advisory Board are asked to review this request in accordance with RSA 233-A.

The Lakes Management and Protection Program, through the Rivers and Lakes Program Coordinator, is asked to review this request in accordance with RSA 483-A:5, II.

The Rivers Management and Protection Program, through the Rivers and Lakes Program Coordinator, is asked to review this request in accordance with RSA 483:8, VII and 14.



STATE OF NEW HAMPSHIRE
THE ADJUTANT GENERAL'S DEPARTMENT

BUSINESS ADMINISTRATION
STATE MILITARY RESERVATION
4 PEMBROKE ROAD
CONCORD, NEW HAMPSHIRE 03301-5652

David J. Mikolaities, Major General
The Adjutant General

Warren M. Perry, Colonel (ret.)
Deputy Adjutant General

Erin M. Zayac
Administrator

Phone: 603-225-1360
Fax: 603-225-1341
TDD Access: 1-800-735-2964

April 3, 2019

Jared Chicoine, Director
New Hampshire Office of Strategic Initiatives
Governor Hugh J. Gallen State Office Park
Johnson Hall, 3rd Floor
107 Pleasant Street
Concord, NH 03301

Dear Director Chicoine:

Please find the enclosed Request for Surplus Land Review Action from the Adjutant General's Department. The Adjutant General has determined that the Department no longer has a need for the Berlin Armory. The department proposes to convey the property either to another state agency or to the City of Berlin. If no interest is expressed by another state agency or by the City of Berlin, the department requests to sell the property.

Please submit this proposal to the Council on Resources and Development (CORD) for review. We respectfully request that this item be placed on the agenda for the May 9, 2019 meeting of CORD in order to ensure timely subsequent review by the Long Range Capital Planning and Utilization Committee and the Governor and Executive Council. If you have any questions, please contact me at 603-225-1361.

Sincerely,

A handwritten signature in blue ink that reads "Erin M. Zayac".

Erin M. Zayac
Administrator

Council on Resources and Development
REQUEST FOR SURPLUS LAND REVIEW ACTION

Name of Requesting Agency: Adjutant General's Department

Agency Contact Person: Erin M. Zayac
Address: 4 Pembroke Road, Concord, NH 03301
Phone Number: 603-225-1361
E-Mail: erin.m.zayac.nfg@mail.mil

Applicant Contact Person: Same as above
Address: _____
Phone Number: _____
E-Mail: _____

Location of Property: 2169 Riverside Road, Berlin, NH 03570

Acreage: 3.4 Acres

Requested Action: State disposal of property

Term of Lease or Easement: n/a

.....

Please complete ALL questions below, submit one digital copy and one hardcopy original of the complete application to the Office of Strategic Initiatives, Johnson Hall, 3rd Floor, 107 Pleasant Street, Concord, NH 03301, michael.klass@osi.nh.gov.

1. What is the current use of this property?

Armory

2. What is the proposed use of this property if surplus? Please note if proposed use is intended to create a public benefit.

n/a

3. Does the proposed use of this property entail new development? Yes No

a. If yes, is it consistent with adjacent and existing development? Yes No

b. Please describe how the proposed new development differs from or is similar to its surroundings. Also indicate how it may initiate a future change in the use of the property or surroundings.

n/a

4. Are there any structures located on this property? Yes No

a. If yes, please describe the structures including how many and what kind.

Armory building and unit storage building

5. Are there historical architectural or archaeological resources identified on this site?

Yes No

a. If yes, describe the resource(s)?

The armory building and site are eligible for listing on the National Register of Historic Places.

b. If no, contact the NH Division of Historical Resources prior to application submission.

6. Is there any existing development or structures on adjacent sites? Yes No

a. If yes, describe the use and number of structures of adjacent sites.

If no, where is the nearest development? (Describe distance, use, and number)

Manufactured home park and residential properties

7. Does the site represent the entire state property in this location? Yes No

a. If no, please describe its relationship to the entire state holding (percentage of total acreage, percentage of overall rail length, etc).

8. Is access to this property available? Yes No

a. If yes, how is the site accessed? (from rail, water, across applicant's property, etc)

Driveway

b. If yes, is there a potential for public access interruption? Yes No

9. Are there water resources related to this property such as:

Lakes/Ponds - Yes No Rivers - Yes No Wetlands - Yes No

a. If yes, please indicate the size or extent of such resources.

The Androscoggin River is directly across the street.

b. If yes, is the property located within 250 feet of a lake/pond or river?

Located within 250 feet of the high water mark of the Androscoggin River.

c. If yes, please describe any municipal regulations and/or Shoreland Water Quality Protection Act (RSA 483-B) provisions that apply to the development of the property.

Shoreland Water Quality Protection Act regulations apply to this property.

d. If there are water resources, please describe current public or private access from the site to the water body. Public Private No Access Available

e. How would the proposal affect the access opportunities described in d?

10. Please identify any other significant resources or sensitive environmental conditions known to be located on or adjacent to this property.

	Yes (property)	Yes (adjacent property)	No
a. Steep slopes.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Wetlands (Prime and NWI)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Threatened or endangered species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Wildlife Action Plan Critical Habitats	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Increased impervious surface	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Potential stormwater flow changes.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Agricultural soils of prime, statewide, or local importance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Potential river channel change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Other special designations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please provide a description for any "yes" responses to question #10.

See attached maps for Slope and Wetland locations.

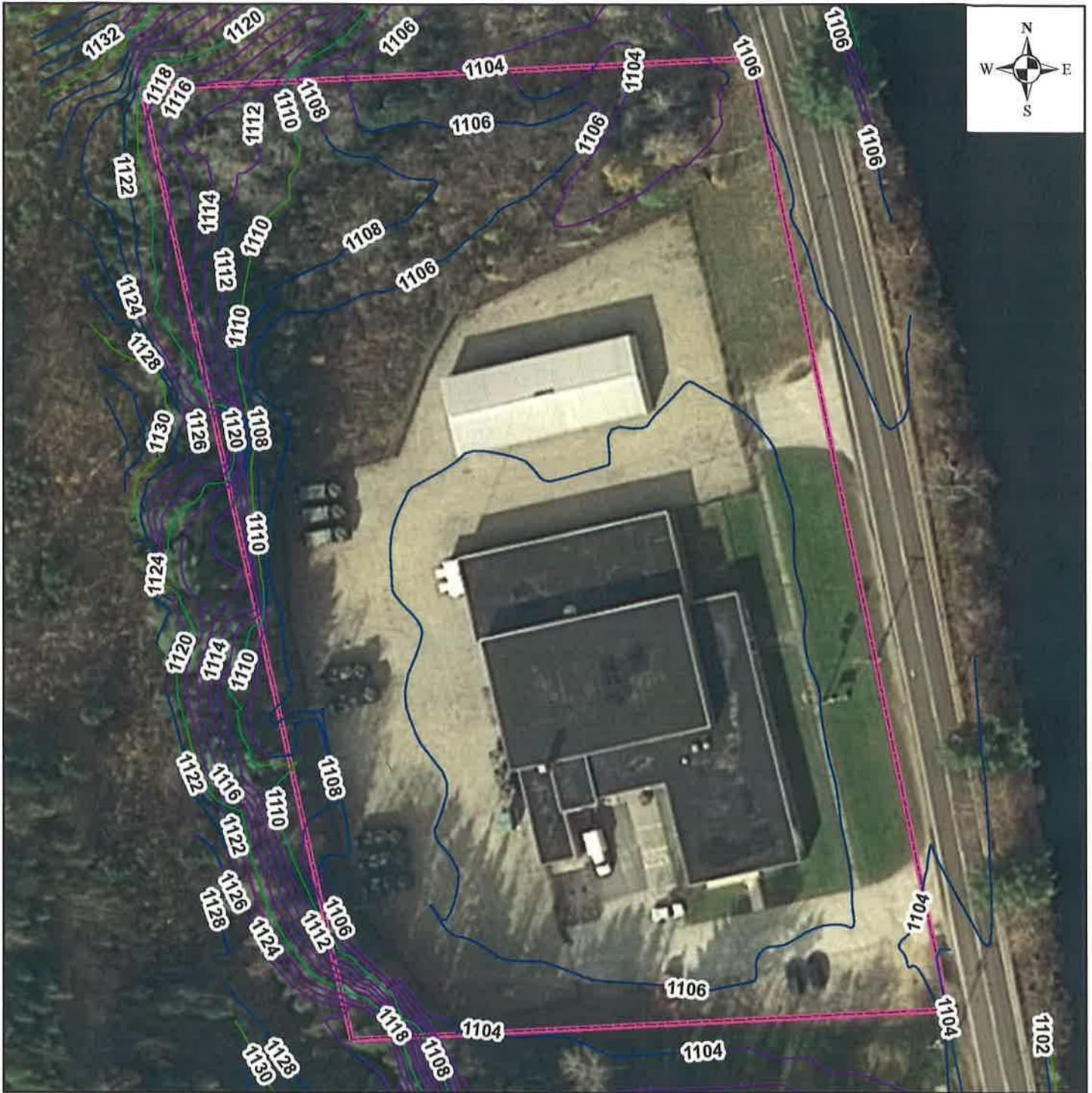
11. Attach photographs and maps of the property. Maps should highlight the requested property location and help to adequately place the property within its municipality.

- a. Municipal tax map copy showing all abutters
- b. General location map with scale, north arrow, nearby roads, and water bodies/features*
- c. Aerial Photograph*
- d. Any site plans for new or proposed development prepared at the time of application
- e. Maps depicting rail lines, wetlands, conservation lands, rare species and exemplary natural communities or topographic features are welcome but not required

* Maps can be created with GIS, Google, NH GRANIT, or any other readily available mapping service.

Please paste any maps and photographs submitted as part of this application here.

Berlin Readiness Center



1:1,245 scale, NAD 1983 State Plane New Hampshire FIPS 2800 feet

Legend

 Installation Boundary

Data Source: ESRI NHDOT 20111014; NHARNG

Disclaimer: No warranty is made by NH National Guard as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the Enterprise GIS database.

Created Date: 2/20/2019 by Becky Carr, NHARNG-FMO-PPB



NHNG Berlin Installation Wetlands



1:1,200 scale, 1"= 100 feet. NAD 1983 State Plane New Hampshire FIPS 2800 feet

Legend

-  Wetland
-  Installation Boundary

Map depicting wetlands at NHNG Berlin Installation.

Data Source: GRANIT, ESRI, NHARNG

Disclaimer: No warranty is made by NH National Guard as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the Enterprise GIS database.

Created February 2019 by Jarred Jones, NGNH-FMO-ENV



Berlin Readiness Center



1:1,245 scale, NAD 1983 State Plane New Hampshire FIPS 2800 feet

Legend

 Installation Boundary

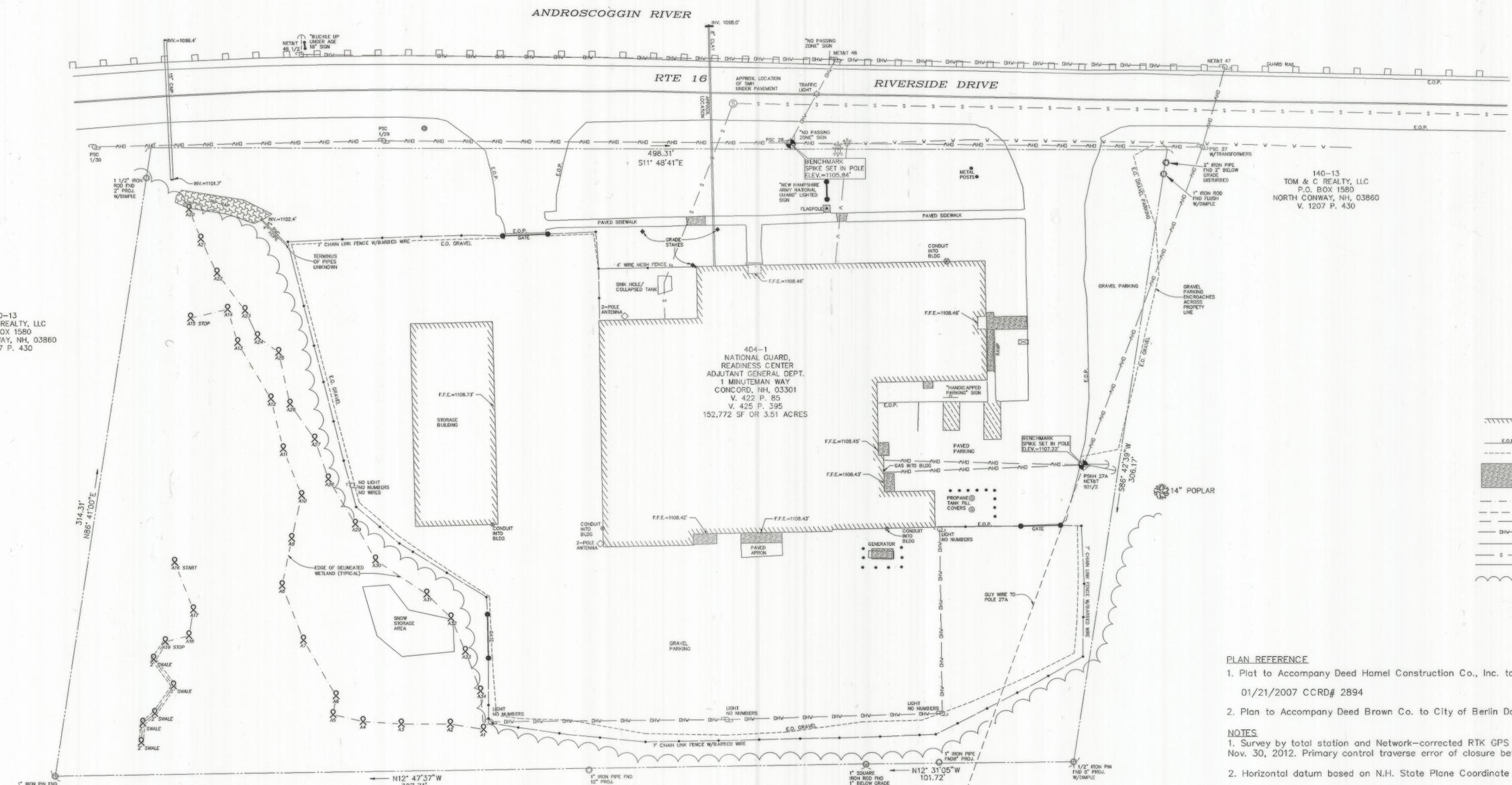
Data Source: ESRI NHDOT 20111014; NHARNG

Disclaimer: No warranty is made by NH National Guard as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This map is a "living document", in that it is intended to change as new data become available and is incorporated into the Enterprise GIS database.

Created Date: 2/20/2019 by Becky Carr, NHARNG-FMO-PPB



CORD p. 26



140-13
TOM & C REALTY, LLC
P.O. BOX 1580
NORTH CONWAY, NH, 03860
V. 1207 P. 430

140-13
TOM & C REALTY, LLC
P.O. BOX 1580
NORTH CONWAY, NH, 03860
V. 1207 P. 430

404-1
NATIONAL GUARD,
READINESS CENTER
ADJUTANT GENERAL DEPT.
1 MINUTEMAN WAY
CONCORD, NH, 03301
V. 422 P. 85
V. 425 P. 395
152,772 SF OR 3.51 ACRES

- LEGEND**
- CONDUIT
 - DECIDUOUS TREE
 - BOLLARD
 - BENCHMARK
 - UTILITY POLE
 - GUY WIRE ANCHOR
 - WETLAND FLAG
 - GRADE STAKE FND
 - IRON PIPE OR STEEL PIN FND
 - DELINEATOR POST
 - SEWER MANHOLE
 - WATER SHUT-OFF
 - HYDRANT
 - ▭ BUILDING
 - E.O.P.
 - EDGE OF PAVEMENT
 - EDGE OF GRAVEL
 - ▨ CONCRETE
 - EDGE OF WETLAND
 - CONTOUR LINE
 - BREAK CONTOUR LINE
 - OHW
 - GUARD RAIL
 - S S S S
 - FENCE
 - TREE LINE

PLAN REFERENCE

1. Plat to Accompany Deed Hamel Construction Co., Inc. to Tom & C. Realty LLC Dated 01/21/2007 CCRD# 2894
2. Plan to Accompany Deed Brown Co. to City of Berlin Dated 04/1955 CCRD# 414/132

NOTES

1. Survey by total station and Network-corrected RTK GPS between the dates of Oct. 15 and Nov. 30, 2012. Primary control traverse error of closure better than 1 in 15,000.
2. Horizontal datum based on N.H. State Plane Coordinate System, N.A.D. 83.
3. Vertical datum based on N.A.V.D. 88.
4. Owner of record: ADJUTANT GENERAL DEPT.
1 MINUTEMAN WAY
CONCORD, N.H., 03301
V. 422 P. 85 V. 425 P. 395
3.51 Acres
5. Underground utilities shown are approximate, based on record information and above ground features, and do not necessarily constitute all underground utilities. Contractors shall call 1-800-DIG-SAFE prior to digging on site.
6. Wetlands delineated by S.W. Cole, Inc. on date of survey.



I certify that this survey plan is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown. I certify that this plan was prepared by me or those under my direct supervision and is based upon actual survey on the ground from October 2012 to January 2013.

Date: 1/18/2013
Tracey T. Sweeney II

REVISION	DATE

GM2 ASSOCIATES, INC.
Engineers, Inspectors, Surveyors...Partners
GM2 Associates, Inc.
197 Loudon Rd., Suite 310
Concord, N.H., 03301
Phone: 603-856-7854

PLAN OF LAND
N.H. ARMY NATIONAL GUARD, BERLIN
ROUTE 16, BERLIN, NH

DATE: JAN. 18, 2013
SHEET: 1 of 2

SCALE: 1" = 30'
30' 60' 120'

Klass, Michael

From: Sales, Tracie
Sent: Friday, April 5, 2019 10:40 AM
To: Klass, Michael
Cc: Graaskamp, Garret
Subject: RE: CORD SLR Applications - 2019 SLR 002 (Concord) and 2019 SLR 003 (Berlin)

Categories: CORD

Hello Mike,

Sorry to bother you again, but on behalf of the Lakes Program:

- a. Based on the information provided, both 2019 SLR 002 and 2019 SLR 003, lie outside of the Lakes Management Advisory Committee's area of interest as they are more than 250 feet from any lake or pond, and do not provide access to a lake or pond.
- b. Can you add Garret Graaskamp (Garret.Graaskamp@wildlife.nh.gov) to your list of email recipients, too? He is the new Vice Chair of the LMAC.

Thanks, and have a great weekend,
Tracie

Tracie Sales, Rivers & Lakes Programs Manager
NH Department of Environmental Services
Phone: (603) 271-2959

From: Klass, Michael <Michael.Klass@osi.nh.gov>
Sent: Thursday, April 4, 2019 3:41 PM
To: Klass, Michael <Michael.Klass@osi.nh.gov>
Subject: CORD SLR Applications - 2019 SLR 002 (Concord) and 2019 SLR 003 (Berlin)

Dear All,

Please find the attached Surplus Land Review applications for your review.

As reflected in the cover memos, the comment deadline for these requests is May 6th, 2019, and they are scheduled to be heard at CORD's May 9th, 2019 meeting.

Please contact me if you have any questions.

Best,
Mike

Michael A. Klass
Principal Planner
New Hampshire Office of Strategic Initiatives – Division of Planning
107 Pleasant Street, Johnson Hall, 3rd Floor, Concord, NH 03301
Main - 603-271-2155 | Direct - 603-271-6651
www.nh.gov/osi/planning/

Klass, Michael

From: Winters, Shelley
Sent: Friday, May 3, 2019 10:52 AM
To: Klass, Michael
Cc: Butler, Frederick
Subject: CORD SLR Applications - 2019 SLR 003 (Berlin)

Michael,

Thank you for the opportunity to review CORD SLR Applications - 2019 SLR 003 (Berlin) and the intermittent discussions relative to the National Guard property. Below are comments from the NHDOT Bureau of Rail & Transit:

While the Bureau of Rail & Transit is not necessarily interested in owning the property we do have an agency (Tri-County Community Action Program or Tri-County CAP, which provides public transit and specialized transportation for seniors & individuals with disabilities in Coos, Carroll & Grafton counties) that is very interested in utilizing the Berlin National Guard facility. Tri-County CAP is a multi-program agency with many projects and service locations and whose central offices are located in Berlin. Tri-County is funded, in large part, with federal and state funds that are received via contracts with various state agencies including NHDOT and NHDHHS. While Tri-County CAP is not a municipality or State agency, perhaps due consideration can be given to their desire to utilize this proposed surplus property as they are a non-profit agency funded primarily with funds obtained via contracts with State agencies and their mission is to improve the lives and well-being of NH's people and communities?

The Bureau has encouraged Tri-County CAP to work with the City of Berlin to see if the City would be willing to partner with Tri-County CAP to indicate that they are interested in acquiring the property, but as the Bureau is unaware of whether or not the City of Berlin will respond in the affirmative, we wanted to make Tri-County CAP's interest known and explain their relationship to the Bureau and the State.

Thank you for considering and reviewing these comments and please feel free to contact NHDOT Public Transportation Administrator Fred Butler or me should you have questions or need additional information,
Shelley

Shelley Winters

Administrator, Bureau of Rail & Transit
New Hampshire Department of Transportation
PO Box 483
Concord, NH 03302-0483
Tel: (603) 271-3497

TO: Council on Resources and Development (CORD)

FROM: Stephen Walker, Program Director
Conservation Land Stewardship Program (CLS)
Office of Strategic Initiatives (OSI)

RE: Disbursement request from Land Conservation Endowment (LCE) for FY 2020 & 2021

DATE: May 9, 2019

Income disbursed from the Land Conservation Endowment is used to support the Conservation Land Stewardship Program (CLS). These funds support staff positions to steward and monitor Land Conservation Investment Program (LCIP) conservation property interests, as well as a limited number of State-held, non-LCIP conservation easement projects where easement stewardship funds have been deposited into the endowment for that purpose.

The Land Conservation Endowment is managed through the Treasury Department by Fidelity Investments using a “growth with income” investment strategy, which has been approved by CORD.

For fiscal years 2020 and 2021, we are seeking authorization to allow disbursement of up to \$156,000 and \$161,000, respectively, based on OSI budget figures. These amounts are within the Treasury Department’s recommended withdrawal rate of 4% - 5% of the 12-quarter rolling average of the market value.

In addition, the Department of Natural and Cultural Resources (DNCR), through OSI, is seeking authorization to disburse up to an additional \$8,000 each fiscal year. In 2018, endowment contributions totaling \$177,000 were deposited into the LCE for the purpose of monitoring and stewardship of two conservation easements totaling 23,728 acres in the Unincorporated Town of Success. DNCR, which holds the easement, will use the disbursed funds to monitor the easements themselves. This \$8,000 amount is within the Treasury Department’s recommended withdrawal rate. The funds will be disbursed to DNCR through OSI per discussions with the Treasury Department.

Budget Director Jane Lemire and I conferred with staff from the Treasury Department and a Fidelity advisor to discuss the OSI-budgeted disbursement proposal and were advised, given the good performance of the portfolio, the 4.46% and 4.6% disbursements would be supported by the current endowment performance. Upon advice from Fidelity last biennium we have changed the timing of disbursements to better take advantage of good market performance. We now spread out disbursements throughout the year vs. withdrawing only at the end of the fiscal year to ameliorate market risk.

The 12-quarter rolling average of the market value of the LCE at the end of December 2018 and March 2019, respectively, was \$3,622,586.67 and \$3,949,149.58.



New Hampshire Fish and Game Department

11 Hazen Drive, Concord, NH 03301-6500
Headquarters: (603) 271-3421
Web site: www.WildNH.com

TDD Access: Relay NH 1-800-735-2964
FAX (603) 271-1438
E-mail: info@wildlife.nh.gov

Glenn Normandeau
Executive Director

May 1, 2019

Jared Chicoine, Director
NH Office of Strategic Initiatives
Governor Hugh J. Gallen State Office Park
Johnson Hall, 3rd Floor
107 Pleasant Street
Concord, NH 03301

Dear Jared:

The State of New Hampshire holds a conservation easement on 1.6 acres of land acquired through the Land Conservation Investment Program (LCIP) and owned by the Town of Swanzezy located at the south end of Swanzezy Lake. The conservation easement was assigned by the LCIP Board to the Fish and Game Department (NHFG) on June 30, 1992. This property is monitored annually by the Conservation Land Stewardship Program (CLS).

On March 9, 2016 during a monitoring inspection a new shed and earth moving occurring in the area of the property boundary were noted. It was recommended to the Town in the report that survey monumentation be located. Given the proximity of these two activities to the conservation property a second staff person visited the site on March 22, 2016 to verify that there was an area of concern. CLS staff asked the Town to hire a surveyor to relocate the pin to determine if there had been encroachment onto the Town property. Once the survey pin was reset it became evident that the owners of Swanzezy tax map 61, lot 52 had encroached on the Town's property. With the survey completed by the Town in April of 2017, CLS categorized the conservation easement compliance as "Pending" in the April 18, 2017 Monitoring Inspection Report

On July 5, 2017 NHFG staff sent a letter to the Swanzezy Town Administrator informing them that the encroachment by the abutter had put the town in violation of the conservation easement and that remedial action to restore the encroachment area to its original state should be undertaken within a defined timeline.

On September 20, 2017 CLS received a letter from the Swanzezy Code Enforcement Officer stating that the abutter had rectified the situation to the Town's satisfaction by removing a shed that had been on the Town property but were allowed to leave a large boulder and small retaining wall and fill that had been constructed which effectively privatized public land purchased with LCIP funds as the Board of Selectmen had found it impractical to remove the illegal fill.

After receiving the September letter CLS and NHFG staff visited the site to assess the current status of the encroachment. After consulting with the Environmental Protection Bureau of the

Attorney General's Office about the issue a letter, taking into consideration the concerns of the Town, was sent by NHFG Executive Director Normandeau to the Town Administrator on January 19, 2018 laying out six conditions that needed to be met by the abutter to bring the Town back into compliance with the terms of the conservation easement.

On May 2, 2018 NHFG received a response from the Town Code Enforcement Officer questioning the conditions. On July 2, 2018 Director Normandeau responded to the Town's questions and reiterated the steps that needed to be taken and provided a timeline for completion of those tasks. No further response was received from the Town.

In April of 2019 CLS staff visited the site for their annual monitoring and found that none of the required steps had been taken.

NHFG and CLS believe that it is time to take action to cure this breach of the easement. Therefore I am requesting that the Council on Resources and Development delegate authority to the Fish and Game Department to refer this issue to the Attorney General's Office for enforcement of the conditions of the easement against the Town of Swanzey.

Attached please find:

- Swanzey Lake 2017 Easement Monitoring Inspection Report;
- Swanzey Lake 2017 Easement Monitoring Inspection Report, Amended;
- July 5, 2017 letter from NHFG staff to Swanzey Town Administrator;
- September 20, 2017 letter from Swanzey Code Enforcement Officer to Director, Conservation Land Stewardship Program;
- January 19, 2018 letter from NHFG Executive Director to Swanzey Town Administrator;
- May 2, 2018 letter from Swanzey Code Enforcement Officer to NHFG;
- July 2, 2018 letter from NHFG Executive Director to Swanzey Town Administrator;
- July 2, 2018 letter from NHFG Executive Director to Swanzey Code Enforcement Officer; and
- Two photographs showing encroachment area abutting Swanzey tax map 61, lot 52.

If you require any additional information or have questions about the application, please contact Richard Cook, Land Agent at 271-1133.

Thank you.

Sincerely,


Glenn Normandeau, Executive Director



State of New Hampshire
EASEMENT MONITORING
INSPECTION REPORT

Inspection Date: April 18, 2017 Agency / Program: F&G / LCIP
Easement Name: Swanzey Lake Acres: 1.6
Town / Location: Swanzey - Swanzey Lake Rd. AKA: Bennet
Current Owner: Town of Swanzey
Address: PO Box 10009, Swanzey, NH 03446-0009
Phone:
E-mail: Cell:
Owner Contact: Wally Smith, Conservation Commission Chair
Address:
Phone: 352-2212
E-mail: insurance@worldpath.net

Landowner contact prior to inspection: Yes (via email) No

Status: To the best of your knowledge, judgment, and observation, is there compliance with the terms specified in the conservation easement?

No violation observed PENDING (requires further evaluation) NO (see explanation below)

Post-inspection Landowner Communication:

Hi Wally, Please contact our office if you or other Commission members have any questions, concerns, or corrections after reading through the details of this report, or if we can be of assistance in any way. Please also pay special attention to any landowner recommendations, requests, or follow up actions (if any) that may be noted below.

We hope that a concerted effort can be made to get the boundary items listed below addressed this year. We know that the surveyor has had some major health issues that has led to the delay. It might be worth asking him if he will be able to complete the task so the town knows how to proceed. Thanks.

Description of current land use: This is a small property, next to a scenic dam, used regularly by the public for picnics, fishing, and boat access.

Condition of Boundaries: Excellent Good Fair Poor

Recommendation: Much of the boundary is road or lake front. Boundary maintenance is strongly recommended especially along boundaries that abut private property at the northern ends of the property on both sides of the lake. The NE corner pin along the shore is under water at certain times of the year. (Note: GIS shape file in GRANIT is offset to the south and east).

Stewardship / Forestry Plans: Many CEs require a plan for active management, check deed.

Most recent update: Forester: Renewal Date:

Inspection description / observations / comments / management needs / info requests / etc.
List man-made alterations and management activities (conducted or planned) noting extent, location, purpose, individual responsible (if appropriate) – Examples: construction, dredging, filling, trails, timber harvest, clearing new fields, etc. Also, list natural alterations / occurrences - Examples: erosion, fire, ice, invasive species, flora / fauna, etc. Note location and attach maps, photos, and illustrations as necessary and all persons in attendance.

- Parked in parking area and checked E side bound at N end. Noted pipe next to concrete fencepost base. Took photo and placed LCIP boundary tag on small hemlock immediately S of pin. I did not locate any pin near the road to E as survey indicates.
- Searched W bound for N and W pins with no success. Placed LCIP tag on tree at N pin and nearby approximate location of W pin.
- No other activity noted. Possible dam repairs in 2017.

The following additional information / updates are attached to the office copy of report:

GPS Photos Other: Swanzey tax map info

Landowner / Land Manager Recommendations / Requests / Follow up Actions:

- Survey monumentation should be located (or established by surveyor) on the north ends of the property on both the west and east sides of the lake and properly marked where the property abuts private developed house lots. This is particularly important on the western side given that there is a newly constructed shed and landscaping activity in the immediate vicinity of this boundary.

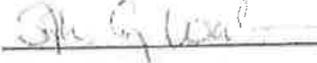
CLS post-report follow-up needed? No Yes:

- Updated boundary shapefile attached to 2017 MIR for F&G to correct with GRANIT

To Review During Next Monitoring Visit:

- Check progress on boundary and add tags if appropriate

Monitored by: Tracey Boisvert, Program Director and / or
 Stephen Walker, Stewardship Specialist

Signature:  (signed original in file)

Address: NH Office of Energy and Planning
Conservation Land Stewardship Program
107 Pleasant Street / Johnson Hall
Concord, NH 03301
603-271-2155

<http://nh.gov/oepp/programs/CLSP/index.htm>

E-Mail: tracey.boisvert@nh.gov

E-mail: steve.walker@nh.gov

cc (electronic): NH Fish & Game

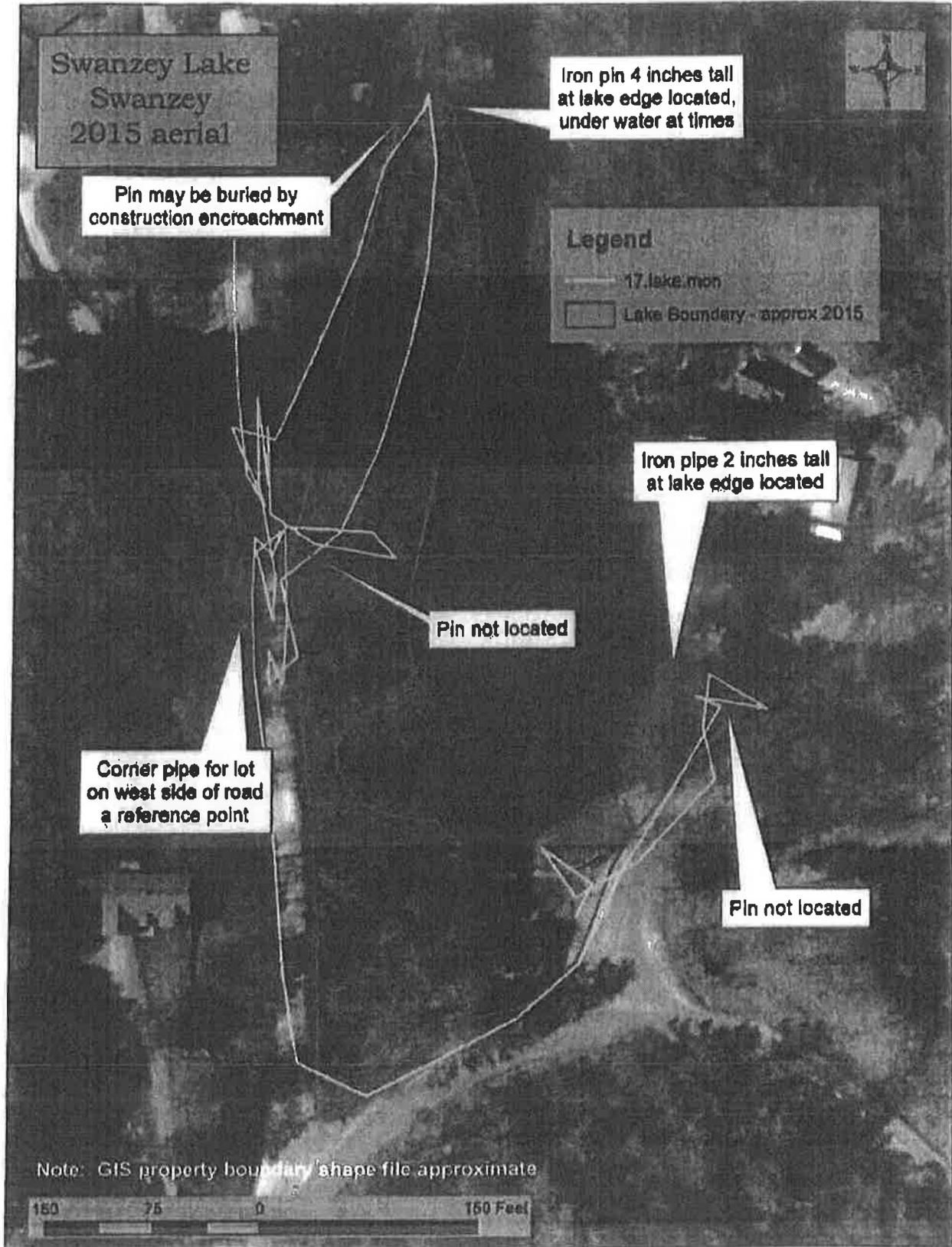


Photo # 01

Direction of View: W

Description:

Iron pipe believed to be corner, also note fence.

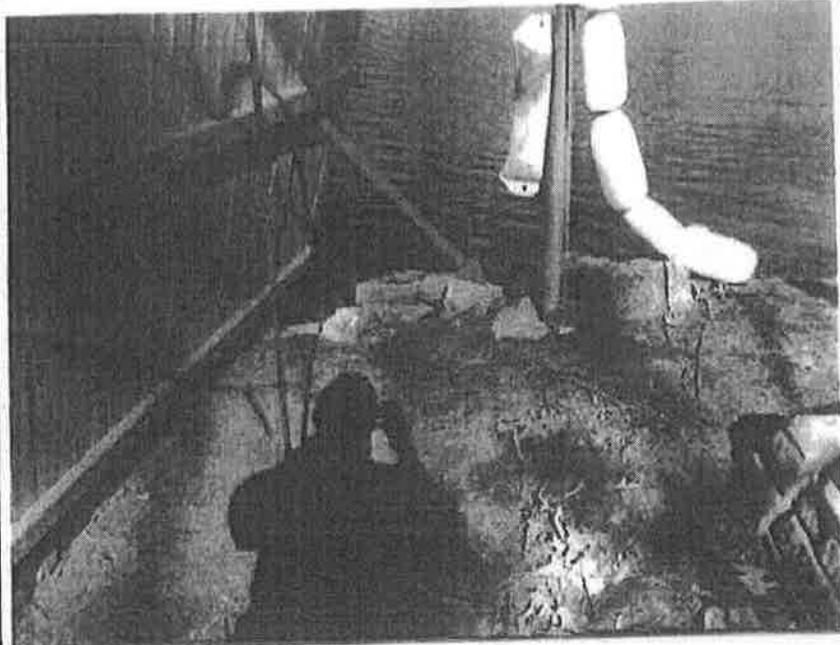
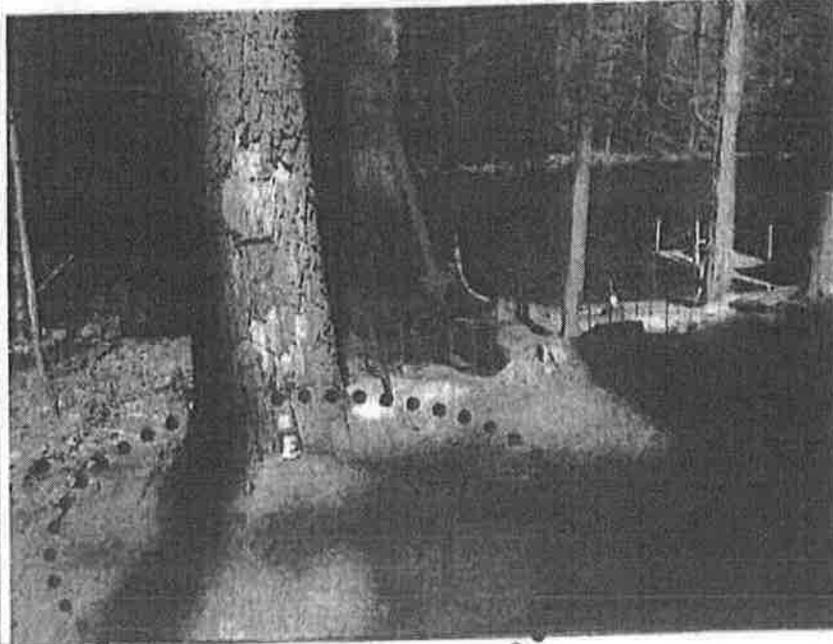


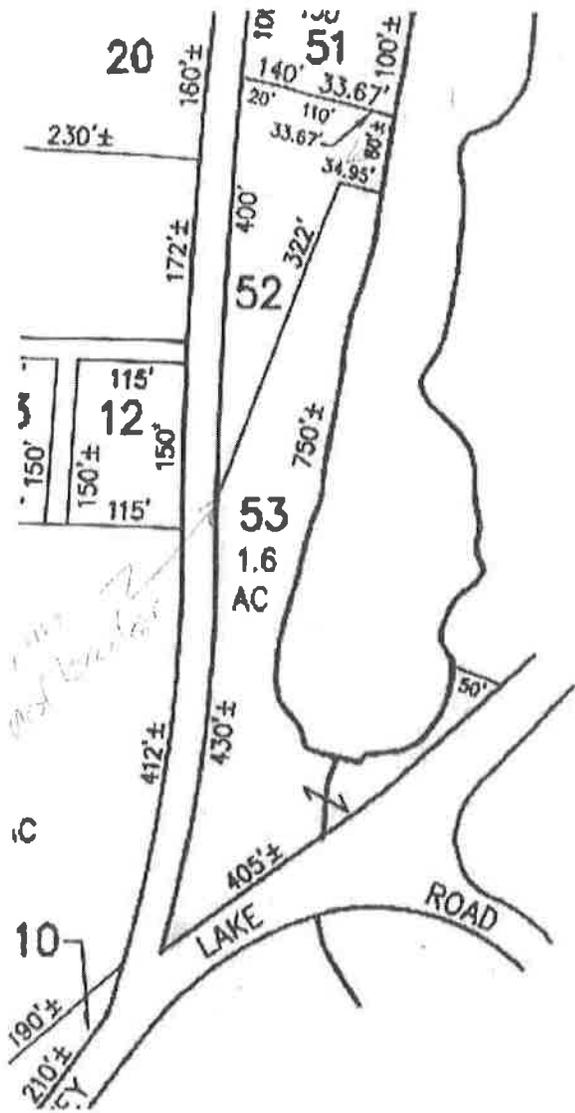
Photo # 02

Direction of View: W

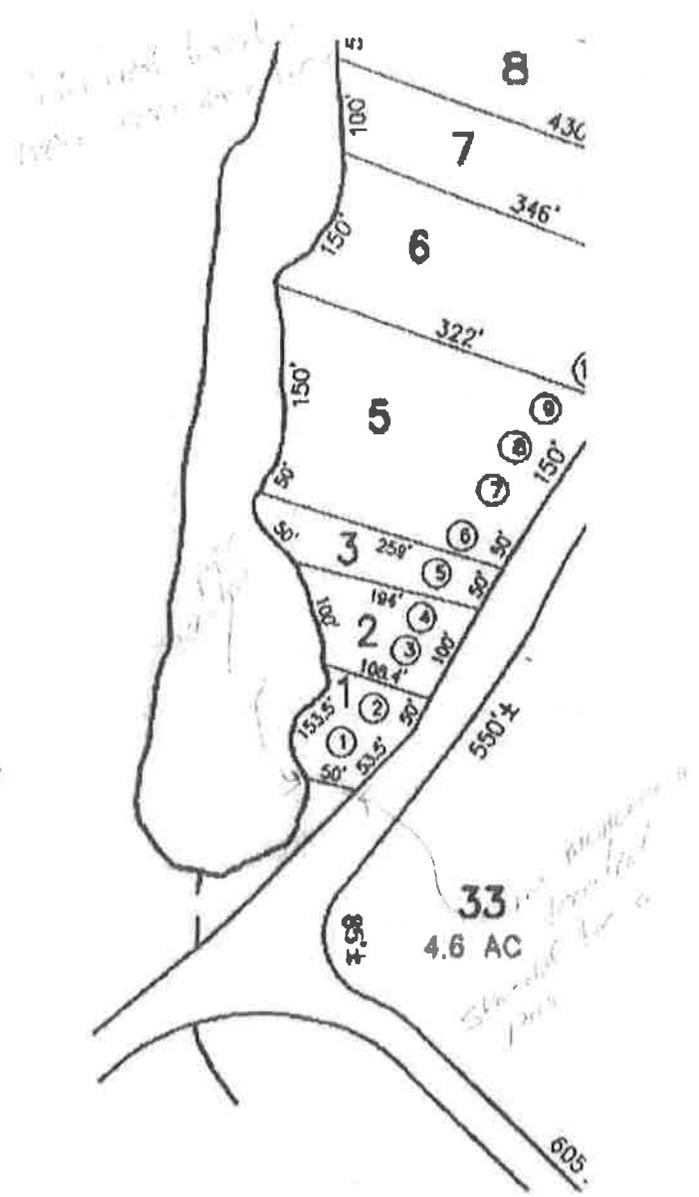
Description:

Arrow shows W corner. No pin located for E corner.





tax map 61



tax map 45



State of New Hampshire
EASEMENT MONITORING
INSPECTION REPORT

Inspection Date: April 18 & May 5, 2017 Agency / Program: F&G / LCIP
Easement Name: Swanzey Lake Acres: 1.6
Town / Location: Swanzey - Swanzey Lake Rd. AKA: Bennet
Current Owner: Town of Swanzey
Address: PO Box 10009, Swanzey, NH 03446-0009
Phone:
E-mail: Cell:
Owner Contact: Wally Smith, Conservation Commission Chair
Address:
Phone: 352-2212
E-mail: insuranc@worldpath.net

Landowner contact prior to inspection: [X] Yes (via email) [] No

Status: To the best of your knowledge, judgment, and observation, is there compliance with the terms specified in the conservation easement?

[] No violation observed [] PENDING (requires further evaluation) [X] NO (see explanation below)

Post-inspection Landowner Communication:

Hi Wally, Please contact our office if you or other Commission members have any questions, concerns, or corrections after reading through the details of this report, or if we can be of assistance in any way. Please also pay special attention to any landowner recommendations, requests, or follow up actions (if any) that may be noted below.

This is an amended 2017 monitoring report based on the new survey information. Rich Cook from NH Fish & Game has sent a follow-up with a letter regarding the encroachments sent to Michael Branley. Please feel free to contact me with any questions. We greatly appreciate the efforts of the SCC to get this figured out. We know it has taken a while and required a lot of extra work and expense. Thanks. [Signature]

Description of current land use: This is a small property, next to a scenic dam, used regularly by the public for picnics, fishing, and boat access.

Condition of Boundaries: [] Excellent [] Good [X] Fair [X] Poor

Recommendation: Much of the boundary is road or lake front. Boundary maintenance is strongly recommended especially along boundaries that abut private property at the northern ends of the property on both sides of the lake. The NE corner pin along the shore is under water at certain times of the year. (Note: GIS shape file in GRANIT is offset to the south and east).

Stewardship / Forestry Plans: Many CEs require a plan for active management, check deed.
Most recent update: Forester: Renewal Date:

Inspection description / observations / comments / management needs / info requests / etc.
List man-made alterations and management activities (conducted or planned) noting extent, location, purpose, individual responsible (if appropriate) – Examples: construction, dredging, filling, trails, timber harvest, clearing new fields, etc. Also, list natural alterations / occurrences - Examples: erosion, fire, ice, invasive species, flora / fauna, etc. Note location and attach maps, photos, and illustrations as necessary and all persons in attendance.

April 18:

- Parked in parking area and checked E side bound at N end. Noted pipe next to concrete fencepost base. Took photo and placed LCIP boundary tag on small hemlock immediately S of pin. I did not locate any pin near the road to E as survey indicates.
- Searched W bound for N and W pins with no success. Placed LCIP tag on tree at N pin and nearby approximate location of W pin.
- No other activity noted. Possible dam repairs in 2017.

May 5:

- Met Town administrator and Town Code Officer at town hall and drove to site
- Observed new survey monumentation on both sides of lake that confirms the two encroachment areas. New photographs added to file.
- Also noted large amounts of woody debris on the W shore. These appear to have been dumped as a part of the dam project. There must have been a barge involved to access the location. This was a contracted job per a state order to repair the dam.

The following additional information / updates are attached to the office copy of report:

GPS Photos Other: NH Fish & Game letter

Landowner / Land Manager Recommendations / Requests / Follow up Actions:

- Follow through with enforcement per the NH Fish and game letter.

CLS post-report follow-up needed? No Yes:

- Updated boundary shapefile attached to 2017 MIR for F&G to correct with GRANIT

To Review During Next Monitoring Visit:

- Check encroachment sites and document corrections

Monitored by: Program Director and / or
 Stephen Walker, Stewardship Specialist

Signature:



(signed original in file)

Address: NH Office of Energy and Planning
Conservation Land Stewardship Program
107 Pleasant Street / Johnson Hall
Concord, NH 03301
603-271-2155

<http://nh.gov/osp/programs/CLSP/index.htm>

E-Mail: trucey.boisvert@nh.gov

E-mail: steve.walker@nh.gov

cc (electronic): NH Fish & Game



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2064

July 5, 2017

Michael Branley
Town Administrator
Town of Swanzey
PO Box 10009
Swanzey, NH 03446

**RE: Bennet – Swanzey Lake LCIP Conservation Easement
Encroachments on east and west sides**

Dear Mr. Branley,

I am writing to you concerning encroachments on the Swanzey Lake Conservation Easement held by the Fish and Game Department. Stephen Walker of the Conservation Lands Stewardship Program has informed us of this issue following the completion of a recent survey.

Our thanks to the conservation commission for their work in getting the survey work completed. The survey confirmed the suspicion that there are two encroachment locations related to the abutting properties on each side of the lake. Both place the town in violation of the conservation easement held by the State of New Hampshire and will need to be corrected. There are multiple reasons within the easement that qualify as violations.

On the east side the abutter will need to remove the fence section and any other personal items from the conservation land. They will need to discontinue their lawn management on the town land and cease any dumping of yard waste. We strongly advise that a more visible permanent marker be installed next to the new survey pin near the road so the boundary can be readily observed. A good choice would be a 5-6 foot steel post that has a boundary tag placed on it. We have conservation boundary signs that we could provide.

On the west side the abutter will need to remove all boulders and fill placed onto the property and restore it to its pre-existing condition as much as is practicable. This usually means bringing it down to the grade and ground level that would be immediately adjacent. It appears the shed structure will need to be moved off the property as well. We again advise placing corner posts next to existing corner pins that make them readily visible, and properly blazing and painting the northwest bound between the two new corner pins.

REGION 1
829B Main Street
Lancaster, NH 03584-3612
(603) 788-3184
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2
PO Box 417
New Hampton, NH 03256
(603) 744-8470
FAX (603) 744-9302
email: reg2@wildlife.nh.gov

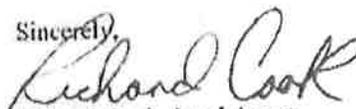
REGION 3
225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

REGION 4
15 Ash Brook Court
Keene, NH 03431
(603) 352-8660
FAX (603) 352-8798
email: reg4@wildlife.nh.gov

A key provision of great importance with state-held conservation easements is the affirmative right of access provided to the public. Having boundaries and ownership clearly delineated is necessary for that right to be maintained in full effect.

We would like to have a set date for the completion of this work so that after the encroachments are corrected we can document the restored areas. We suggest a date such as September 1st to have the shed removed and November 1st to for the remaining to give the landowners sufficient time to get the work completed. Please feel free to contact me in the meantime if you have any further questions.

Sincerely,


Richard Cook, Land Agent

Cc: Steve Walker, CLS



TOWN OF SWANZEY

620 OLD HOMESTEAD HIGHWAY
P.O. BOX 10009
SWANZEY, NH 03446-0009
TOWN HALL (603) 352-7411 FAX (603) 352-6250
WWW.TOWN.SWANZEY.NH.US

September 20, 2017

Stephen G. Walker - Director
Conservation Land Stewardship Program
NH Office of Strategic Initiatives
107 Pleasant Street
Concord, NH 03301

RECEIVED

SEP 26 2017

Facilities Construction and
Lands Division

RECEIVED

SEP 26 2017

OFFICE OF STRATEGIC
INITIATIVES

RE: Bennet - Swanzey Lake LCIP Conservation Easement
Encroachments on east and west sides

Dear Mr. Walker,

Per your letter of July 5th of this year regarding the matter referenced above, the west side encroachment by the owners of Map 61 Lot 52 owned by [REDACTED] and [REDACTED] has been rectified to the Town's satisfaction.

The property owners have removed the shed from their property by way of demolition and the landscaping has been allowed to stay with the provision that this area be allowed to return to its natural state. This decision was made by the Board of Selectmen due to it simply being impracticable due to a lack of site access, potential damage to the easement property and of course the lake itself.

I am currently setting up a meeting between the surveyor and I to better assess the situation on the east side and what actions if any will be required.

The Town appreciates the Conservation Commission's diligence and the State's continued support in our efforts to be good stewards of the lands we've been entrusted with.

I appreciate your time and ask you to contact me with any questions, comments or concerns you may have.

Respectfully Submitted,


Michael F. Jasmyn
Swanzey Code Enforcement Officer

Cc: MB BLB MGB SCC



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3121
FAX (603) 271-1435

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2963

January 19, 2018

Michael T. Branley
Town Administrator
Town of Swanzey
PO Box 10009
Swanzey, NH 03446

RE: Swanzey Lake Conservation Easement Violation

Dear Mr. Branley:

The site visit made by Land Agent Richard Cook and Steve Walker of the Conservation Lands Stewardship Program to the conservation easement property on the southern end of Swanzey Lake known as the Bennett/ Brown Trust parcel confirmed that the owners of Map 61, Lot 52 have encroached onto the town-owned land and that allowing the abutters to continue to use that land as part of their yard places the Town in violation of Paragraphs 2.C and D and in conflict with the Purposes of the easement.

However, the site visit also allowed them to see the constraints which the Town and landowner face to return the area to its previous state.

As the Grantee of a conservation easement donated to the NH Fish and Game Department on April 26, 1991 by the Town we are required by RSA 477:45 – 47 to enforce the conservation restrictions found in the easement. We find ourselves in a position to take steps to enforce these restrictions upon the Town when the Town is not the party responsible for the encroachment. However, we see it as the town's right and responsibility to take steps to ensure that the owners of Tax Map 61, Lot 52, now and in the future, meet the conditions listed below to become and remain in compliance with the Purposes and Use Limitations of the conservation easement.

After discussions with the Department's Lands Team, the Environmental Protection Bureau of the Office of the Attorney General and the Conservation Lands Stewardship Program it has been determined that the following conditions must be met to bring the Town back into compliance with the purposes and use limitations of the conservation easement.

1. The garden border and wood chips must be removed in the area from the corner pin to the large boulder.
2. A fence, a minimum of four feet tall of a stockade or picket "privacy" style, must be erected a minimum of 12 inches inside the landowners side of the boundary from the corner pin to a

REGION 1
629B Main Street
Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2
PO Box 417
New Hampton, NH 03256
(603) 744-5470
FAX (603) 744-6302
email: reg2@wildlife.nh.gov

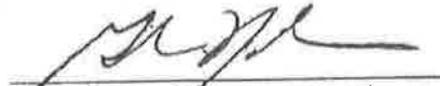
REGION 3
225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

REGION 4
15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8798
email: reg4@wildlife.nh.gov

- point four feet beyond the large boulder and from the corner pin for a length of four feet along the boundary line to the pond.
3. No homeowner use shall be allowed of the large upright boulder placed partially on the conservation easement property by the owners of Tax Map 61, Lot 52.
 4. Vegetation of the Town-owned land must be allowed to naturally revegetate with no maintenance to occur.
 5. Current and future owners of Map 61, Lot 52 must maintain the fence until such time that full restoration of the area of fill placed on the town-owned land has been removed.
 6. It shall be the responsibility of the owners of Map 61, Lot 52 to provide full disclosure of this agreement as part of any property transfers.

The proposed remediation in no way shall prohibit the Fish and Game Department from taking future action requiring full restoration if conditions described above are not instituted and maintained in perpetuity. The Fish and Game Department may erect and maintain corner posts and apply boundary tags as necessary to any and all property boundaries to clearly delineate the boundaries.

In order to be sure that the Town and the landowners have read and accept the conditions described above, both parties must countersign and notarize this letter and return it to the Department to be made a part of the permanent file maintained on this conservation easement property.



 Glenn Normandeau, Executive Director

The Town of Swanzey has read and accepts the conditions on the attached letter as a means of remediating the impacts of the encroachment by the owners of Swanzey Tax Map 61, Lot 52. The Town understands that the proposed remediation in no way shall prohibit the Fish and Game Department from taking future action requiring full restoration if steps described above are not instituted and maintained in perpetuity.

Date: _____

 Chair, Board of Selectmen

Personally appeared _____ of the Chair of the Board of Selectmen this _____ day of _____, 2018 and being duly authorized acknowledged the foregoing on behalf of the Town of Swanzey.

Before me, _____
 Justice of the Peace/Notary Public [seal]
 My commission expires: _____

We, the owners of Map 61, Lot 52 have read and accept the conditions of this letter as a means of remediating the impacts of the encroachment onto town-owned land identified as Map 61, Lot 53. We also understand that the proposed remediation in no way shall prohibit the Fish and

Game Department from taking future action requiring full restoration if steps described above are not instituted and maintained in perpetuity.

Date: _____

Landowner

On this ____ day of _____, 2018, before me personally appeared _____, known to me, or satisfactorily proven, to be the person whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same as their free act and deed for the purposes therein contained.

Notary Public/Justice of the Peace

My commission expires: _____

Date: _____

Landowner

On this ____ day of _____, 2018, before me personally appeared _____, known to me, or satisfactorily proven, to be the person whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same as their free act and deed for the purposes therein contained.

Notary Public/Justice of the Peace

My commission expires: _____



TOWN OF SWANZEY

620 OLD HOMESTEAD HIGHWAY

P.O. BOX 10009

SWANZEY, NH 03446-0009

TOWN HALL (603) 352-7411 FAX (603) 352-6250

WWW.TOWN.SWANZEY.NH.US

May 2, 2018

New Hampshire Fish and Game Dept.
Attn: Steve Walker
11 Hazen Drive
Concord, NH 03301-6500

MAY - 4 2018

RE: Swanzy Lake Conservation Easement Violation

Dear Mr. Walker,

The Town of Swanzy is in receipt of your department's latest letter dated January 19th outlining the actions that the Town of Swanzy and the owners of Map 61 Lot 52 are being mandated to take. I appreciate the time invested by you and your department and am empathetic to the constraints you find yourself in. As a reliable working partner of the State of NH on so many vitally important natural resources like our rivers, lakes, streams, soils, aquifers and conservation lands to our repurposed infrastructure such as the rail trail I remain disappointed that we were not included in any deliberation regarding our fate even though we requested to be in writing, to say nothing of this situation as a whole.

Town Administrator Michael Branley and I met with [REDACTED] (the owners of Map 61 Lot 52), and are prepared to sign this document, however we still have some questions. Our questions are, in no particular order:

1. Requirement #2 is "A fence, a minimum of four feet tall of a stockade or picket 'privacy' style, must be erected a minimum of 12 inches inside the landowners side of the boundary from the corner pin to a point four feet beyond the large boulder and from the corner pin for a length of four feet along the boundary line to the pond." We request an explanation to this requirement; both why does a fence need to be constructed and why does it need to be of the type listed? The [REDACTED] have grandchildren and several visitors with small children and are very concerned that this fence may cause them to more easily lose sight of children, especially a concern with the close proximity to the water. I believe we can all agree that the safety of the property's residents, family and visitors is of the utmost importance. If the goal to be accomplished by the fence is a reminder or other physical barrier to not walk/cross the area that's being restored surely a simpler safer alternative is possible?
2. Requirement #3 states "No homeowner use shall be allowed of the large upright boulder placed partially on the conservation easement property by the owners of Tax Map 61, Lot 52." The boulder, is currently incorporated with a fire pit, does that need to be removed?
3. Requirement #6 states "Current and future owners of Map 61 Lot 52 must maintain the fence until such time that full restoration of the area of fill placed on the town-owned land (sic) has been removed." We request clarification of who determines when full restoration has taken place? Is there a process to request a determination? Will your office supply us with grade data? Does someone come out during restoration to verify elevations, property lines and overall satisfaction with the restoration and if so when? The restoration work should not take much more than a day or

- two and bringing a contractor back if the work does not meet approval, especially after the property owner's land has been reseeded and put back in order, seems unreasonable.
4. Is it incumbent on the town to review the insurance coverages of the selected contractors even though they were hired by the property owner?

Thank you for your time and consideration, the Town looks forward to working with you and the property owner to resolve this issue in a timely manner.

Respectfully,



Michael F. Jasmin
Code Enforcement Office Town of Swanzey
PO Box 10009
Swanzey, NH 03446
code@town.swanzey.nh.us
Office - 603-352-7411 ext. 105
Cell - 603-209-4068



New Hampshire Fish and Game Department

HEADQUARTERS: 1176 Sun Drive, Concord, NH 03301-6409
800) 771-3421
FAX: (603) 271-1442

Wildlife
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Hunting
Licenses

July 2, 2018

Michael T. Branley
Town Administrator
Town of Swanzey
PO Box 10009
Swanzey, NH 03446

RE: Swanzey Lake Conservation Easement Violation

Dear Mr. Branley:

The site visit made by Land Agent Richard Cook and Steve Walker of the Conservation Lands Stewardship Program to the conservation easement property on the southern end of Swanzey Lake known as the Bennett / Brown Trust parcel confirmed that the owners of Map 61, Lot 52 have encroached onto the town-owned land and that allowing the abutters to continue to use that land as part of their yard places the Town in violation of Paragraphs 2.C and D and in conflict with the Purposes of the easement.

However, the site visit also allowed them to see the constraints which the Town and landowner face to return the area to its previous state.

As the Grantee of a conservation easement donated to the NH Fish and Game Department on April 26, 1991 by the Town we are required by RSA 477:45 – 47 to enforce the conservation restrictions found in the easement. We find ourselves in a position to take steps to enforce these restrictions upon the Town when the Town is not the party responsible for the encroachment. However, we see it as the town's right and responsibility to take steps to ensure that the owners of Tax Map 61, Lot 52, now and in the future, meet the conditions listed below to become and remain in compliance with the Purposes and Use Limitations of the conservation easement.

After discussions with the Department's Lands Team, the Environmental Protection Bureau of the Office of the Attorney General and the Conservation Lands Stewardship Program it has been determined that the following conditions must be met to bring the Town back into compliance with the purposes and use limitations of the conservation easement.

1. The garden border and wood chips must be removed in the area from the corner pin to the large boulder.

REGION 1
6250 Main Street
Concord, New Hampshire 03301
800) 771-3421
FAX: (603) 271-1442
www.nh.gov/fishandgame

REGION 2
PO Box 21
Swanzey, New Hampshire 03446
800) 771-3421
FAX: (603) 271-1442
www.nh.gov/fishandgame

REGION 3
205 Main Street
Swanzey, New Hampshire 03446
800) 771-3421
FAX: (603) 271-1442
www.nh.gov/fishandgame

REGION 4
100 Main Street
Swanzey, New Hampshire
800) 771-3421
FAX: (603) 271-1442
www.nh.gov/fishandgame

2. A fence, of a style preapproved by the Fish and Game Department, must be erected inside the landowner's side of the boundary from the corner pin to a point four feet beyond the large boulder and from the corner pin for a length of four feet along the boundary line to the pond.
3. No homeowner use, including use as a fire pit, shall be allowed of the large upright boulder placed partially on the conservation easement property by the owners of Tax Map 61, Lot 52.
4. Vegetation of the Town-owned land must be allowed to naturally revegetate with no maintenance to occur.
5. Current and future owners of Map 61, Lot 52 must maintain the fence until such time that full restoration of the area occurs, according to a Fish and Game Department approved restoration plan.
6. It shall be the responsibility of the owners of Map 61, Lot 52 to provide full disclosure of this agreement as part of any property transfers.

The proposed remediation in no way shall prohibit the Fish and Game Department from taking future action requiring full restoration if conditions described above are not instituted and maintained in perpetuity. The Fish and Game Department may erect and maintain corner posts and apply boundary tags as necessary to any and all property boundaries to clearly delineate the boundaries.

In order to be sure that the Town and the landowners have read and accept the conditions described above, both parties must countersign and notarize this letter and return it to the Department to be made a part of the permanent file maintained on this conservation easement property.


Glenn Normandeau, Executive Director

AGREEMENT

The Town of Swanzezy has read and accepts the conditions on the attached letter as a means of remediating the impacts of the encroachment by the owners of Swanzezy Tax Map 61, Lot 52. The Town understands that the proposed remediation in no way shall prohibit the Fish and Game Department from taking future action requiring full restoration if steps described above are not instituted and maintained in perpetuity.

Date: _____

Chair, Board of Selectmen

Personally appeared _____ of the Chair of the Board of Selectmen this _____ day of _____, 2018 and being duly authorized acknowledged the foregoing on behalf of the Town of Swanzezy.

Before me, _____
Justice of the Peace/Notary Public [seal]
My commission expires: _____

We, the owners of Map 61, Lot 52 have read and accept the conditions of this letter as a means of remediating the impacts of the encroachment onto town-owned land identified as Map 61, Lot 53. We also understand that the proposed remediation in no way shall prohibit the Fish and Game Department from taking future action requiring full restoration if steps described above are not instituted and maintained in perpetuity.

Date: _____

Landowner(s)

Date: _____

Landowner(s)

On this _____ day of _____, 2018, before me personally appeared _____ and _____, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same as their free act and deed for the purposes therein contained.

Notary Public/Justice of the Peace
My commission expires: _____



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive Concord NH 03301-6500
PHONE: 603-271-3421
FAX: (603) 271-1438

www.WildNH.com
E-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2963

July 2, 2018

Michael F. Jasmin
Code Enforcement Officer
Town of Swanzy
PO Box 10009
Swanzy, NH 03446

RE: Swanzy Lake Conservation Easement Violation

Dear Mr. Jasmin:

The Department provides the following comments in response to your letter of May 2, 2018.

1. The fence will demarcate what is public land and what is private. The [redacted] action has basically privatized public land placing the Town in violation of the easement. At our on-site meeting the Town and [redacted] requested an alternative to removing the fill placed on the Town's property. This is that alternative. The type of fence should create a barrier between the parcels that cannot just be stepped over or through. If you have an alternative to our current requirement, please provide information to us. We are considerate of safety concerns.
2. The boulder creating the fire pit, which was placed on public land by the abutters, can no longer be used for that purpose. It does not need to be moved if this condition is met.
3. As long as the conditions presented in the letter are met there does not have to be full restoration. If the present or future landowners do not meet the conditions, we will find the Town in violation and take actions to require full restoration. The landowners may choose at any time to undertake a restoration. If the Town and/or the Landowners wish to do full restoration it will be their responsibility to develop a plan to restore the area to its prior condition. The State can review the plan and make a determination that, if implemented as drawn, it will resolve the issue.
4. The issue of insurance coverage of a potential contractor is a town issue.

No matter which option you choose, work must be completed by October 1st of this year. It is important to remember that the abutting landowners are fully responsible for the creation of this violation. The State of New Hampshire has responsibilities for many thousands of miles of boundaries. Survey laws exist for a purpose. It is required that the State of New Hampshire protect these public resources. We are cognizant of the impacts the [redacted] actions have had on town resources as well. The cleanest and clearest solution remains complete restoration. If the

REGION 1
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Concord, NH 03301-4017
PHONE: 603-269-3164
FAX: (603) 269-3172
email: reg1@wildlife.nh.gov

REGION 2
770 Elm Street
12700 Highway 101
Concord, NH 03347
PHONE: 603-271-4347
FAX: (603) 271-4347
email: reg2@wildlife.nh.gov

REGION 3
225 Main Street
Concord, NH 03301-4017
PHONE: 603-269-1055
FAX: (603) 269-3305
email: reg3@wildlife.nh.gov

REGION 4
15 Ash Brook Court
Keene, NH 03424
PHONE: 603-352-8864
FAX: (603) 352-8798
email: reg4@wildlife.nh.gov

alternative offered does not seem satisfactory the abutters can proceed with the restoration option. We hope this input will help you in your efforts to address this violation.

I am reissuing the letter I previously sent to the Town of Swanzey on January 19, 2018 with slightly revised conditions based on the responses in this letter. Please sign the agreement attached to that letter and return it to the Department as soon as possible.

Sincerely,



Glenn Normandeau
Executive Director

AGREEMENT

The Town of Swanzey has read and accepts the conditions on the attached letter as a means of remediating the impacts of the encroachment by the owners of Swanzey Tax Map 61, Lot 52. The Town understands that the proposed remediation in no way shall prohibit the Fish and Game Department from taking future action requiring full restoration if steps described above are not instituted and maintained in perpetuity.

Date: _____

Chair, Board of Selectmen

Personally appeared _____ of the Chair of the Board of Selectmen this _____ day of _____, 2018 and being duly authorized acknowledged the foregoing on behalf of the Town of Swanzey.

Before me, _____
Justice of the Peace/Notary Public [seal]
My commission expires: _____

We, the owners of Map 61, Lot 52 have read and accept the conditions of this letter as a means of remediating the impacts of the encroachment onto town-owned land identified as Map 61, Lot 53. We also understand that the proposed remediation in no way shall prohibit the Fish and Game Department from taking future action requiring full restoration if steps described above are not instituted and maintained in perpetuity.

Date: _____

Landowner(s)

Date: _____

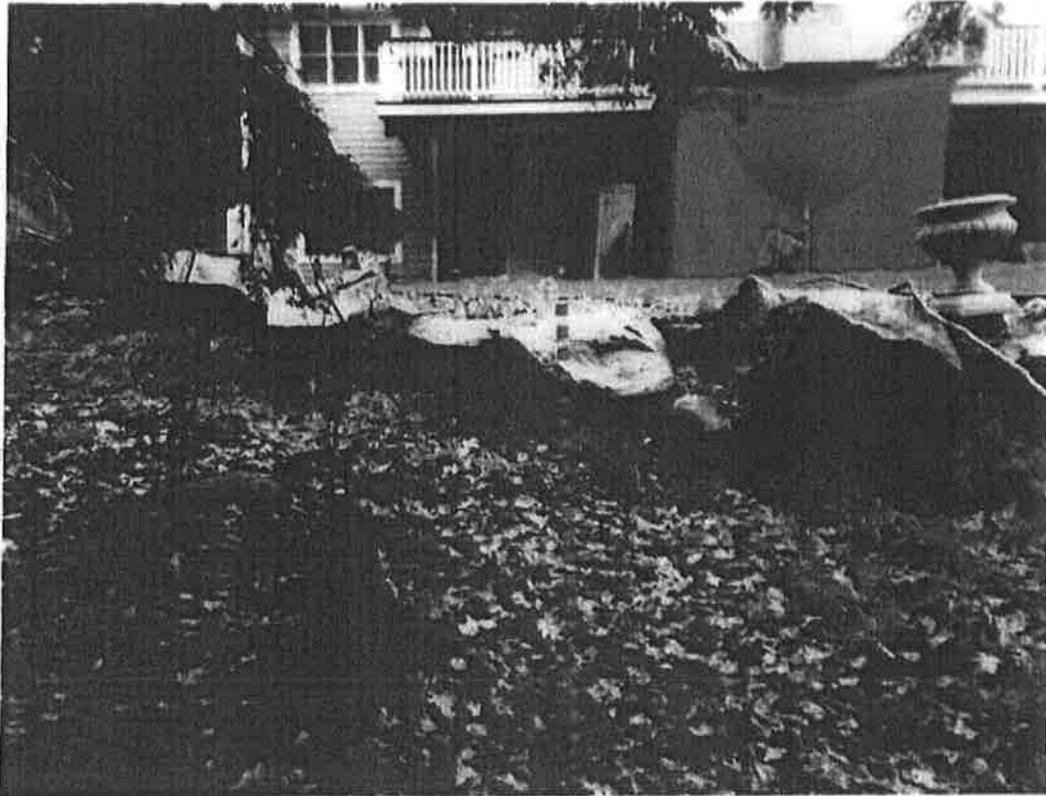
Landowner(s)

On this _____ day of _____, 2018, before me personally appeared _____ and _____, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same as their free act and deed for the purposes therein contained.

Notary Public/Justice of the Peace
My commission expires: _____



Pin in last photo looking SW along next leg with CE to left of red line, bound approximate.



West side looking from lake toward new construction, flag at pin. This occurred after new home built.