



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

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

Bureau of Right-of-Way
December 24, 2021

REQUESTED ACTION

The Department of Transportation, Bureau of Right-of-Way, requests authorization to pay a property owner \$1,000.00 in addition to the \$18,000.00 previously approved by Governor and Council at their meeting on November 10, 2021 (Item # 22). The total award of \$19,000.00 represents an amount greater than \$5,000.00 for the period extending from December 23, 2021 through December 24, 2021, effective upon approval by Governor and Council.

Funding is available based on the following:

FY 2022

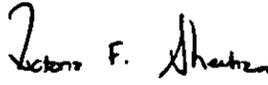
04-096-096-963515-3054
Consolidated Federal Aid
401-500877
Land and Interest in Land

\$1,000.00

EXPLANATION

This contemplated award payment is being submitted for approval to compensate a property owner for impacts resulting from transportation improvement projects. This additional compensation represents a negotiated settlement that avoids additional appraisal costs and risk associated with eminent domain proceedings and is in the best interest of the State. The Department certifies that the payment will be made in accordance with all applicable State and Federal regulations as they relate to property acquisition and relocation.

Respectfully,


Victoria F. Sheehan
Commissioner

VFS/pfc
Attachments



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DEPARTMENT OF TRANSPORTATION



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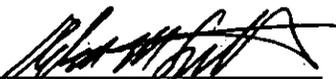
CONTEMPLATED AWARDS

Project: DERRY / LONDONDERRY; IM-0931(201); 13065
(1-93 EXIT 4A - CONSTRUCT NEW INTERCHANGE
AND CONNECTING ROADWAY)

OWNER: [Parcel #0002] MAZZAGLIA FAMILY TRUST & PRIMARY
BANK

0.12 AC RESIDENTIAL LAND	\$1,000.00
(PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)	

TOTAL CONTEMPLATED AWARDS:	\$1,000.00
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ADAM M. SMITH
ASST. ADMINISTRATOR



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



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State House
Concord, New Hampshire 03301

Bureau of Right-of-Way
October 27, 2021

REQUESTED ACTION

The Department of Transportation, Bureau of Right-of-Way, requests authorization to pay property owners \$306,500.00 as documented in the Contemplated Awards List, for amounts greater than \$5,000.00 for the period extending from October 13, 2021 through October 20, 2021, effective upon approval by Governor and Council.

Funding is available based on the following:

FY 2022

04-096-096-963515-3054
Consolidated Federal Aid
401-500877

Land and Interest in Land

\$126,500.00

04-096-096-963015-3049
Nonparticipating Construction/Reconstruction
401-500877

Land and Interest in Land

\$180,000.00

EXPLANATION

These contemplated award payments are being submitted for approval to compensate property owners for impacts resulting from transportation improvement projects. The Department certifies that the payments will be made in accordance with all applicable State and Federal regulations as they relate to property acquisition and relocation.

Respectfully,

Victoria F. Sheehan
Commissioner

VFS/pfc
Attachment



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

CONTEMPLATED AWARDS

Project: DERRY / LONDONDERRY; IM-0931(201); 13065
(I-93 EXIT 4A - CONSTRUCT NEW INTERCHANGE
AND CONNECTING ROADWAY)

- OWNER: [Parcel #0018] FIDEL ARIZA
700 SF DRAINAGE EASEMENT \$50,000.00
STRUCTURES/GARAGE QTY: 1
0.26 AC RESIDENTIAL LAND W/BLDG
(PURCHASE OF LAND AND RESULTANT
DAMAGES-REGULAR)
- OWNER: [Parcel #0003] JOSEPH D. TUFTS & NANCY M. TUFTS
& MERS INC
0.12 AC RESIDENTIAL LAND \$20,000.00
(PURCHASE OF LAND AND RESULTANT
DAMAGES-REGULAR)
- OWNER: [Parcel #0005] MARIA L. RIZZO-ROY & ALAN J. ROY
0.13 AC RESIDENTIAL LAND \$18,500.00
(PURCHASE OF LAND AND RESULTANT
DAMAGES-REGULAR)
- OWNER: [Parcel #0004] CORNELIUS J. DONOVAN & JOYCE LEE
DONOVAN
0.12 AC RESIDENTIAL LAND \$20,000.00
(PURCHASE OF LAND AND RESULTANT
DAMAGES-REGULAR)
- OWNER: [Parcel #0002] MAZZAGLIA FAMILY TRUST & PRIMARY
BANK
0.12 AC RESIDENTIAL LAND \$18,000.00
(PURCHASE OF LAND AND RESULTANT
DAMAGES-REGULAR)

Project: ALSTEAD; 43483
(STABILIZE STONE RETAINING WALL.)

OWNER: [Parcel #11/57] KIMBERLY M. BATES

STRUCTURES/SINGLE FAMILY RESIDENCE QTY: 1 \$180,000.00

(PURCHASE OF LAND AND RESULTANT
DAMAGES-REGULAR)

TOTAL CONTEMPLATED AWARDS: \$306,500.00


STEPHEN G. LABONTE
ADMINISTRATOR

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM: Shannon Donnelly
Right-of-Way Agent

DATE: November 29, 2021

SUBJECT: Request for Administrative Settlement
Derry-Londonderry, IM-093(201), 13065
(Construction Phase 13065A).

AT: Dept. of Transportation
Bureau of Right-of-Way

THRU: Dena Rae
Chief Right-of-Way Agent

TO: Stephen G. LaBonte
Right-of-Way Administrator

A negotiated settlement is recommended for the following owner on the above referenced project:

Parcel # 2 - Mazzaglia Family Trust

Acquisition: Fee Simple Take of .12 of an acre

Appraisal Acquisition Offer	\$18,000.00
Counteroffer (Total)	\$ 1,000.00
Balance of Negotiated Settlement	\$19,000.00

Reason:

On October 11, 2021, a representative from the Department of Transportation presented the Department's offer of compensation for Eighteen Thousand Dollars (\$18,000.00) for a fee simple acquisition of .12 of an acre. Mr. Mazzaglia, Trustee for the Mazzaglia Family Trust, did not agree with the Department's offer of compensation. Mr. Mazzaglia stated that the stream behind his property is now being moved closer, which will limit and restrict his use of the land at the back of his property line, due to the Shoreland Protection Act. The Department's Representative researched Mr. Mazzaglia's concern and determined, based on information obtained from the Department of Environmental Services and RSA 483-B of New Hampshire Statute, the stream did not qualify as an Order Four (4) stream and was not restricted by the Shoreland Protection Act. The Department's representative and Mr. Mazzaglia continued to negotiate without reaching an agreement.

On October 25, 2021, Mr. Mazzaglia sent the Department's Representative a letter, citing numerous reasons to support his counter offer for an additional financial compensation of Two Thousand Dollars (\$2,000.00), for a total financial compensation of Twenty Thousand Dollars (\$20,000.00). He cited the following concerns:

1. The Town of Londonderry will prevent and restrict usage of his land, now that the stream is being moved closer to his property, as the stream will be a designated wetland.
2. Damages exist due to the loss of total land remaining after the Department's taking, decreasing the envelope of land for necessary privacy and reduction in noise.
3. Loss of a limited tree line that stands presently, necessitating future landscaping to cure.
4. The property is "devalued" in the appraisal report for being "near the highway" but the Department states no damages, despite bringing the highway closer.
5. The property was not given a higher value with its close proximity to Woodmont Commons, as all property near this complex have significantly jumped in value.
6. The property is appraised as a single family and should be appraised at its Highest and Best, as a Multi-Family, as the property has been used as such for fifteen years.

After thorough review of Mr. Mazzaglia's points and concerns, the Department's Representative presented the concerns/points raised by Mr. Mazzaglia before the Appraisal Department and Right-of-Way Supervisor. On November 9, 2021, the Department's Representative responded to Mr. Mazzaglia's letter, informing him that after extensive review it was determined that Mr. Mazzaglia's property did meet the necessary requirements for an adjustment of Highest and Best use, from a Single Family Dwelling to a Multi-Family Dwelling. The appraisal report was revised with the stated change. The property did not yield a higher value despite the change. Despite all points and concerns provided by Mr. Mazzaglia, the review of his concerns did not yield a higher value of compensation, and his request for an additional Two Thousand Dollars (\$2,000.00) was denied.

Thereafter, the Department's Representative sent several follow up emails and voice messages to engage Mr. Mazzaglia in further negotiations, with no response from Mr. Mazzaglia.

On November 19, 2021, the Department's Representative and Mr. Mazzaglia had a telephone conversation about Mr. Mazzaglia obtaining an independent appraisal (with reimbursement from the State for up to \$1,000.00), future condemnation proceedings and cost associated with litigation. Following the parties' discussion, the parties reached agreement, agreeing to a negotiated settlement for an additional One Thousand Dollars (\$1,000.00), bringing the total award of compensation to Nineteen Thousand Dollars (\$19,000.00).

Due to the cost involved in performing an appraisal and/or the cost and risk associated with eminent domain proceedings, it is in the best interest of the State of New Hampshire and Mr. Mazzaglia to accept the parcel owner's final counteroffer. The cost associated with the aforementioned will far exceed the cost of this negotiated settlement.

Your concurrence in this settlement is respectfully requested.

Should you have any questions concerning the above-mentioned offer, please do not hesitate to contact me.

I (DAG) concur 
Stephen G. LaBonte,
Right-of-Way Administrator

11/29/21
Date

cc: Dena Rae, Chief Right-of-Way Agent