



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

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

Bureau of Right-of-Way
May 24, 2022

REQUESTED ACTION

The Department of Transportation requests placing this item on the Consent Calendar.

Authorize the Commissioner of the New Hampshire Department of Transportation (Grantor), under provisions of RSA 228:31 and 4:39-c IV, to grant a "springing" protective well radius easement to 32 Trolley Car Lane Condominium Association (Grantee), prohibiting subsurface waste disposal within the well-radius easement, unless a signed and recorded well release by the abutting landowner is provided to the Grantee pursuant to RSA 485-A:30-b. The springing easement is being requested as part of the "Derry-Londonderry Project #13065, Exit 4A" and will take effect at such a time as the first lot is sold within the subdivision. Reference plan titled: "Proposed OWTS Plan for Pillsbury Realty Development."

EXPLANATION

This action is necessary to mitigate impacts to the property and septic system from the Exit 4A project. The Grantor hereby declares that the following lots within the subdivision depicted on the above-described plan shall be subject to a protective well radius easement as follows:

- The protective well radius for Map 10 Lot 29C-2A & 2B may extend onto the abutting lot within the subdivision identified as Map 10 Lot 29C-1A & 1B, pursuant to the New Hampshire Department of Environmental Services approval. No subsurface waste disposal shall be permitted within the well-radius easement unless a signed and recorded well release has been provided by the abutting landowner pursuant to RSA 485-A:30-b.
- This is to be a "springing easement" and will take effect at such time as the first lot is sold within the subdivision.

The Department respectfully requests authorization to grant an easement to the Grantee as documented above.

Respectfully,

Victoria F Sheehan
Commissioner

VFS/LMW
Attachments



DEMOLISHED

MAP 10
LOTS 29 C - 1A & 1B
(ACQUIRED BY DOT)

ACQUIRED
BY DOT

447B

EASEMENT
AREA

APPROXIMATE LOT LINE
SEPTIC SETBACK LINE

CARDW

447B

MAP 10
LOTS 29C - 2A & 2B
ABUTTER LOCATIONS AT

Map 10 Lot 29C-1A/1B
State of New Hampshire
PO BOX 483
Concord NH 03302

Map 10 Lot 29C-2A/2B
Pittsbury Realty Development LLC
52 Trolley Car Lane
Londonderry NH

NEW HAMPSHIRE
Designer of
Subsurface Disposal
Systems
Freddin E. Filmore
0823

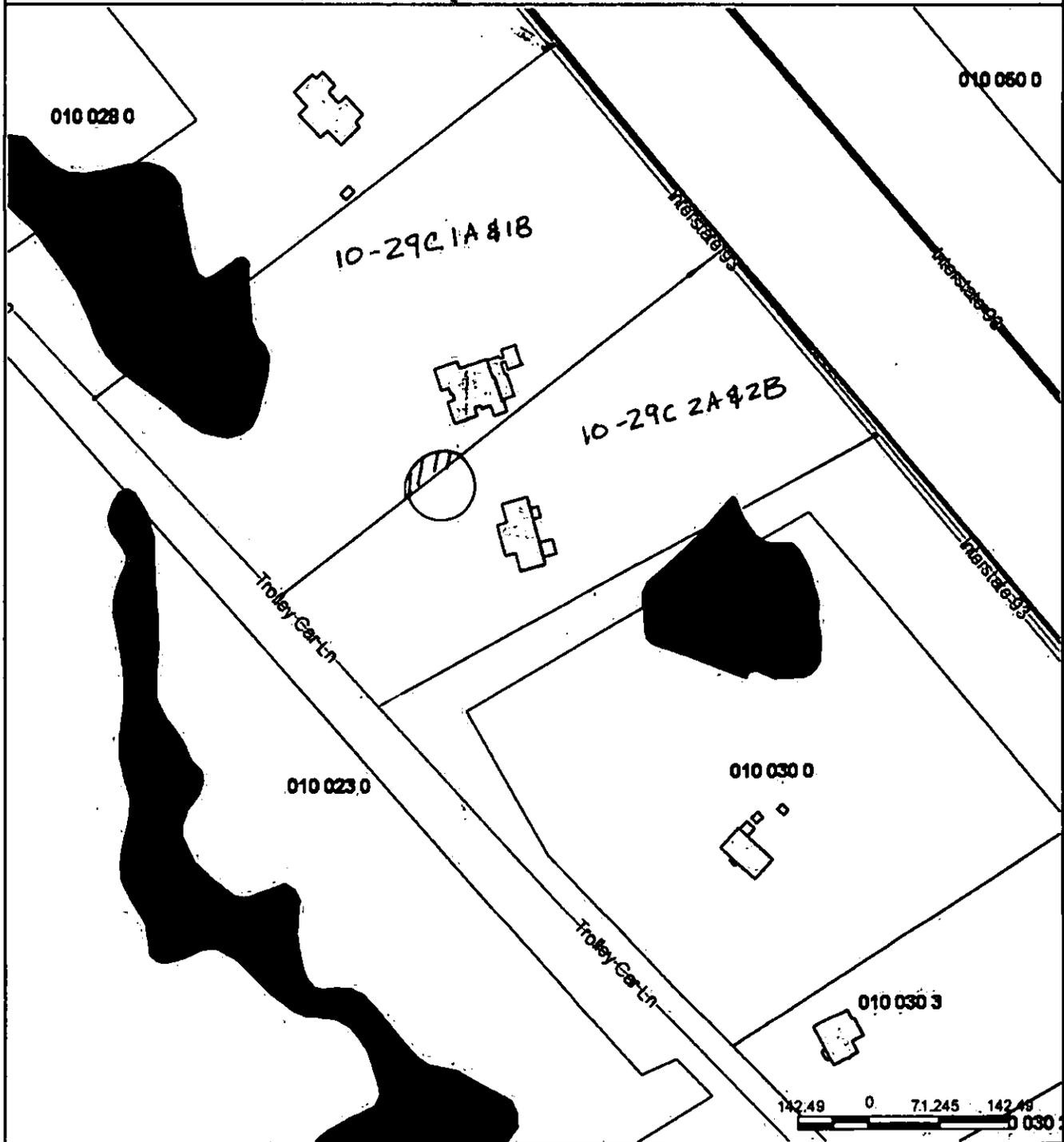
Map 10 Lot 29
Pittsbury Realty Group
100 Perry Street
Hudson NH 03051

Map 10 L
100 Perry St
28 Trolley C
Londonderry, I

TROLLEY CAR LANE

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE
ADMINISTRATION

MOSAIC PARCEL
MAP SHARING
POOL



This map was compiled using data believed to be accurate; however, a degree of error is inherent in all maps. This map was distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of the maps to define the limits or jurisdiction of any federal, state, or local government. Detailed on-the-ground surveys and historical analyses of sites may differ from the maps.

Declaration of Easement

Known all person by these Presents that 32 Trolley Car Lane Condominium Association with a principal place of business being 214 North Main Street, Concord, NH 03301, is the owner of a certain tract or parcel of land, with any buildings thereon, situated at 32 Trolley Car Lane, Londonderry, Rockingham County, New Hampshire, being shown as 32 Trolley Car Lane, Londonderry NH on a plan entitled "Proposed OWTS Plan for Pillsbury Realty Development" Tax Map 10, Lot 29C-2A & B, prepared by Franklin B. Fillmore Jr, dated November 28, 2021, to be recorded at the Rockingham County Registry of Deeds as Plan _____.

The Grantor hereby declares that the following lots within the subdivision depicted on the above-described plan shall be subject to a protective well radius easement as follows:

- The protective well radius for the benefit of the property identified on the Londonderry Tax Map as, Map 10 Lot 29C-2A & 2B, and on the plan titled "Proposed OWTS plan for Pillsbury Realty Development" as 447B, and extending onto the abutting lot within the subdivision, identified on the Londonderry Tax Map as, Map 10 Lot 29C-1A& 1B; pursuant to New Hampshire Department of Environmental Services approval. No subsurface waste disposal shall be permitted within the well-radius easement unless a signed and recorded well-release has been provided by the abutting landowner pursuant to RSA 485-A:30-b.
- This is to be a "springing easement" and will take effect at such time as the first lot is sold within the subdivision.

Meaning and intending to create a springing appurtenant easement on land affected within the reference subdivision.

IN WITNESS WHEREOF The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the Department of Transportation, duly authorized and executed this _____ day of _____, in the year of our Lord, 2022.

Signed, Sealed and Delivered in the presence of:

THE STATE OF NEW HAMPSHIRE

Victoria F. Sheehan, Commissioner
Department of Transportation

STATE OF NEW HAMPSHIRE, COUNTY OF: Merrimack

On this _____ day of _____, 2022, before me, _____, the undersigned officer, personally appeared by Victoria F. Sheehan, Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

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

Notary Public/Justice of the Peace
My Commission Expires: _____