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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

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William Cass, P.E.
Commissioner

David Rodrigue, P.E.
Assistant Commissioner

Andre Briere, Colonel, USAF (RET)
Deputy Commissioner

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

Bureau of Right-of-Way
May 28, 2024

REQUESTED ACTION

The New Hampshire Department of Transportation (Department), pursuant to RSA 4:39-c and 228:31, seeks authorization to grant a point of access through the Limited Access Right of Way (LAROW) on the southerly side of NH Route 111 in the Town of Danville. The proposed buyer, the Town of Danville (Town), has agreed to acquire this point of access for \$53,500, which includes the administrative fee of \$1,100. This transaction will take effect upon approval by the Governor and Executive Council.

The Department's Bureau of Finance and Contracts has confirmed that the parcel was initially acquired using 80% Federal Funds and 20% Highway Funds.

Funding is to be credited as follows:

04-096-096-960015-0000-UUU-402156 Administrative Fee	<u>FY 2024</u> \$1,100
04-096-096-960015-0000-UUU-409279 Sale of Parcel (20% of \$52,400)	<u>FY 2024</u> \$10,480
04-096-096-963515-3054-401771 Consolidated Federal Aid (80% of \$52,400)	<u>FY 2024</u> \$41,920

EXPLANATION

As noted above, the Department is processing a request for this point of access through the NH Route 111 LAROW. The area was impacted by the layout and construction of NH Route 111 in 1968. Before the construction of NH Route 111, Huntington Hill Road was a through road. Upon completion of the project, Huntington Hill Road was bisected by NH Route 111 creating Frye Road (f/k/a Huntington Hill Road) to the south of NH Route 111.

A previous request for access at this location was approved by the Department in 2012, the Long-Range Capital Planning and Utilization Committee (June 26, 2012, as LRCP 12-037), and the Governor & Executive Council (November 14, 2012, Item # 157). The sale was never completed due to the developer's loss of financing. Subsequently, the Town has expressed continued interest in linking Frye Road to NH Route 111. If authorized, and upon the completion of the conveyance, Frye Road will become a Class V highway.

The Department supports granting an access point through the LAROW of NH Route 111 in the requested location.

The sale will be subject to the following conditions:

- Only one point of access will be granted on the south side of NH Route 111.
- The Buyer is required to apply for a driveway permit, through the District 6 Office, prior to construction of the intersection of Frye Road and NH Route 111 and is required to follow the guidelines of the driveway permitting process.

At the Long-Range Capital Planning and Utilization Committee meeting on April 12, 2024, the request (LRCP 24-013) was approved, authorizing the Department to proceed with granting this point of access. The sale price is set at the contributory value of \$52,400 with an additional administrative fee of \$1,100.

The Department respectfully requests authorization to proceed with granting this point of access, subject to the conditions noted above.

Respectfully,



William J. Cass, P.E.
Commissioner

WJC/SJN
Attachments

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM: Stephen G. LaBonte
Administrator

DATE: March 20, 2024

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

SUBJECT: Granting of an Access Point in Danville
RSA 4:39-c

TO: Representative Mark McConkey, Chairman
Long Range Capital Planning and Utilization Committee

REQUESTED ACTION

The New Hampshire Department of Transportation (Department), under RSA 4:39-c, requests authorization to grant an access point through the Limited Access Right of Way (LAROW) on the southerly side of NH Route 111 at Frye Road (f/k/a Huntington Hill Road), in the Town of Danville. The request for the access point came from the Town of Danville (Buyer) and will be conveyed for a sale price of \$53,500, which includes the \$1,100 administrative fee. The sale will be subject to conditions as specified in this request.

EXPLANATION

The Department is processing a request for an access point through the NH Route 111 LAROW. The area was impacted by the layout and construction of NH Route 111 through the Hampstead-Danville-Kingston, S-28(10), S-7759 Project in 1968. Before the construction of NH Route 111, Huntington Hill Road was a through road. Upon completion of NH Route 111, Huntington Hill Road was bisected by NH Route 111 creating Frye Road (formerly Huntington Hill Road) to the south of NH Route 111.

A previous request for access at this location was approved by the Department in 2012, the Long-Range Capital Planning and Utilization Committee (June 26, 2012, as LRCP 12-037), and the Governor & Executive Council (November 14, 2012, as #.157). The sale was not completed, due to the developer's loss of financing. Since then, the Buyer has expressed their continued interest in linking Frye Road to NH Route 111. Upon the completion of the conveyance, Frye Road will become a Class V-highway.

After a departmental review, it was determined that granting this access point is surplus to the Department's operational needs and available for disposal. This access point will be conveyed with the following conditions:

- Only one point of access will be granted on the south side of NH Route 111.
- The Buyer is required to apply for a driveway permit, through the District 6 office, to construct the intersection of Frye Road and NH Route 111, and is required to follow the guidelines of the driveway permitting process.

A Staff Appraiser from the Department evaluated the property and concluded it does not have an independent highest and best use. They then prepared a contributory value appraisal using the sales comparison approach that adheres to the requirements of the Right of Way Manual and the Uniform Standards of Professional Appraisal Practice. The contributory value as of August 9, 2023, was determined to be \$52,400.

The Department respectfully requests authorization to grant this access point as outlined above.

SGL/SJN/jl
Attachments



Location of Access

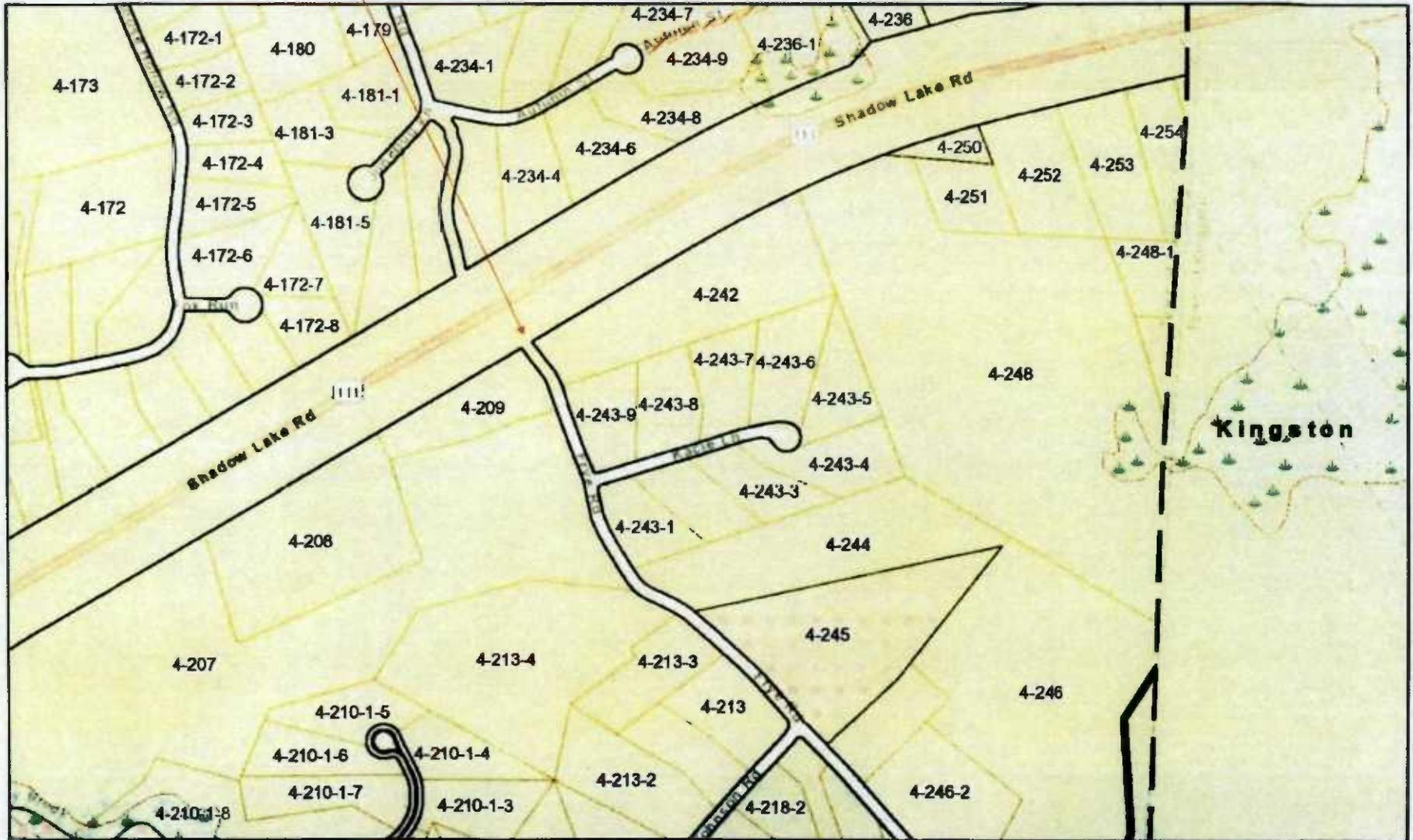
Danville, NH



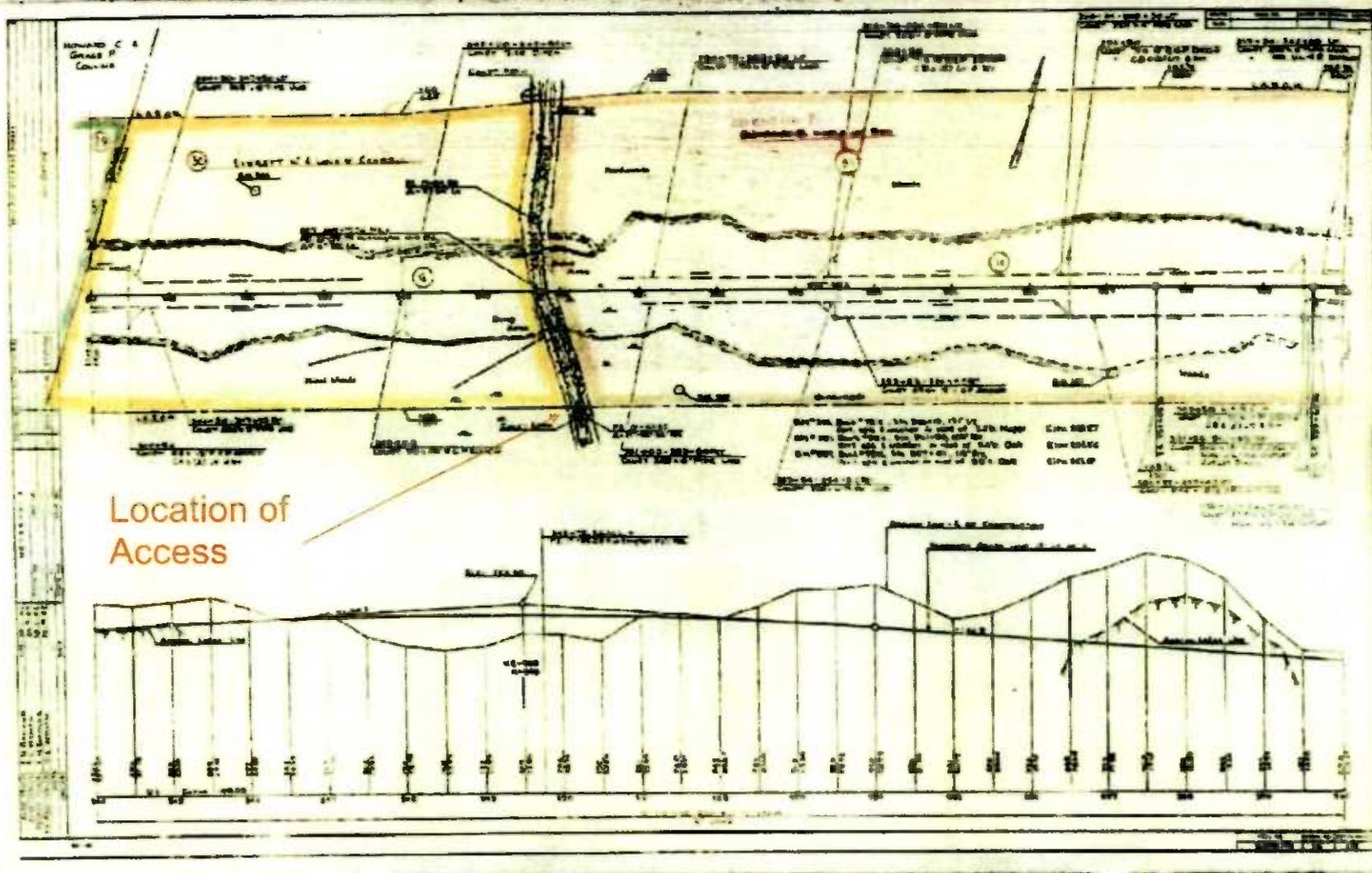
August 2, 2022

1 inch = 551 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

His Excellency, Governor John H. Lynch
and the Honorable Council
State House
Concord, New Hampshire 03301

Bureau of Right-of-Way
October 9, 2012

REQUESTED ACTION

Pursuant to RSA 4:39-c and 228:31, AUTHORIZE the Department of Transportation to sell and grant an access point through the Limited Access Right-of-Way of NH Route 111 for the connection of Frye Road and NH Route 111 in Danville to the Town of Danville for twenty-five thousand five hundred (\$25,500.00) dollars plus a one thousand one hundred (\$1,100.00) dollar Administrative Fee, effective upon Governor and Executive Council approval.

It has been determined by the Division of Finance that this parcel was originally purchased with 50% Federal Funds and 50% Highway Funds.

Funding is to be credited to the Highway Fund as follows:

Table with 2 columns: Description and Amount. Rows include Administrative Fee (\$1,100.00), Sale of Parcel (\$12,750.00), and Consolidated Federal Aid (\$12,750.00).

EXPLANATION

The Department of Transportation has received a request from the Town of Danville for the granting of an access point through the Limited Access Right-of-Way to provide access to a Town road (Frye Road) and NH Route 111 in Danville (Federal project # Hampstead - Danville - Kingston S-28(10), State project # S-7759).

In 1968, when the current location of NH Route 111 was laid out and constructed through this area, NH Route 111 was designated a Limited Access Right-of-Way (LAROW) highway where access to the new NH Route 111 was not permitted. As part of this construction, Huntington Hill Road (now Frye Road) was bisected by NH Route 111, and Frye Road was not granted access to NH Route 111, dead-ending the road on each side of NH Route 111.

The Department has received a request from the Town of Danville to allow Frye Road to gain access to NH Route 111 to spur commercial development in the area. This would involve the granting of access through the LAROW of NH Route 111 and constructing an at-grade intersection on NH Route 111 with Frye Road. The Town has received proposals for the development of a 53,000 square foot retail center and the development of a medical center and a continual care residential center campus on properties near this proposed access point.

This request has been reviewed by this Department and it has been determined that the granting of this access point is surplus to our operational needs and interest. When originally laid out, NH Route 111 was designed to be a four (4) lane Limited Access highway. NH Route 111 presently functions as a two-lane Controlled Access facility with access via at-grade Intersections at specific locations. Granting of this access point is compatible with the present established character of NH Route 111.

The requested access would support proposed development of land abutting Frye Road and allow access to residential homes and the local roadway networks. This request has been brought forward to the Department previously. The Department has conditionally supported this request.

The Federal Highway Administration's (FHWA) policy is that any change to access control for other than highway purposes is a disposal of rights subject to the payment of fair market value. While the access point does tie into the Town of Danville's road system and serves a highway purpose, the primary intent is for development purposes. Accordingly, the Department is seeking compensation for this break in access.

On June 26, 2012 the Long Range Capital Planning and Utilization Committee amended and approved a request to sell this point of access to the Town of Danville for twenty-five thousand five hundred (\$25,500.00) dollars plus an Administrative Fee of one thousand one hundred (\$1,100.00) dollars.

Authorization is requested for the granting of this access point as outlined above. Following the Governor and Executive Council's approval an access deed will be issued.

Respectfully,



Christopher D. Clement, Sr.
Commissioner

CDC/PJM/dd
Attachments

DEPT. OF TRANSPORTATION
RIGHT-OF-WAY

JUN 29 2012

RECEIVED



LRCP 12-037

JEFFRY A. PATTISON
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MICHAEL W. KANE, MPA
Deputy Legislative Budget Assistant
(603) 271-3161

State of New Hampshire

OFFICE OF LEGISLATIVE BUDGET ASSISTANT
State House, Room 102
Concord, New Hampshire 03301

RICHARD J. MAHONEY, CPA
Director, Audit Division
(603) 271-2785

June 26, 2012

Charles R. Schmidt, P.E., Administrator
Department of Transportation
Bureau of Right-of-Way
John O. Morton Building
Concord, New Hampshire 03301

Dear Mr. Schmidt,

The Long Range Capital Planning and Utilization Committee, pursuant to the provisions of RSA 4:39-c, on June 26, 2012, amended and approved the request from the Department of Transportation, Bureau of Right-of-Way, to grant an access point through the Limited Access Right-of-Way of NH Route 111 for the connection of Frye Road and NH Route 111 in Danville to the Town of Danville for the amended cost of \$25,550, plus an \$1,100 Administrative Fee subject to the conditions as specified in the request dated June 12, 2012.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey A. Pattison".

Jeffrey A. Pattison
Legislative Budget Assistant

JAP/pe
Attachment