



TOWN OF MERRIMACK INTER-DEPARTMENT COMMUNICATION

DATE: May 9, 2022

AT (OFFICE): Department of Public Works

TO: Paul Micali, Town Manager

FROM: Dawn B. Tuomala, PE, LLS, CWS
Deputy Director/Town Engineer

SUBJECT: Possible sale of Lot 6E1-15-1 to Gary Bailey
11 Depot Street – Lot 6E-1-15

The request before you tonight is to Enter into a Purchase and Sale Agreement and to Covey the parcel at Tax Map 6E-1, Lot 15-1 (109 Front Street), known as the Old Pump House to Gary Bailey for the purchase price of \$1.00. This is on the basis that the parcel is 0.078 acres, is landlocked, is contained within Bailey's parcel, is the Town's former pump house which is no longer in use, and for these reasons has little value to the Town or anyone else other than Mr. Bailey."

The original 1946 Gerald Hyde plan was located and will be recorded along with the deeds in the Hillsborough County Registry of Deeds. The tax map has shown the lot incorrectly and the original plan identifies where the parcel is actually located.

Mr. Bailey's existing deed includes and encompasses both of the Town of Merrimack's 2 tracts of land within his land description. Mr. Bailey's exterior boundary description will not change in the future. The 2 exclusions to the Town of Merrimack in his deed will no longer need to be excluded. The property will become one again.

The surrounding, abutting properties were also researched; there is no evidence that anyone else has any rights to this spring or the additional surrounding tract of land. This spring and pump house have not been used for quite some time. The Heritage Commission was contacted by General Government and they don't have any historical records for this lot.

Should you have any questions please let me know,

Dawn

CC: Kyle Fox; Director
File

OWNER INFORMATION

Date	Book	Page	Type	Price	Grantor
06/11/1998	5978	0278	U V 50	674	MERRIMACK, TOWN
05/22/1998	5944	831	U V 47		MURRAY, MICHAEL

MERRIMACK TOWN OF
6 BABOOSIC LAKE RD
MERRIMACK, NH 03054

PLUNCH HISTORY

06/08/16 MRUL
06/05/14 INSP MARKED FOR INSPECTION
10/17/00 MRUR

NOTES

VACANT//078 A .08 8X10 SHED OLD COMMUNITYWELL + FRAME COVER, FIRE IN MAIN SHED//DNPU 10X8 SHED W/ NV

EXTRA FEATURES VALUATION

Feature Type	Units	Length	Width	Size Adj	Rate	Cond	Market Value	Notes
SHED-WOOD	270	15	x 18	119	7.00	40	900	
SHED-WOOD	80	10	x 8	260	7.00	60	874	
							1,800	

PARCEL TOTAL TAXABLE VALUE

Year	Building	Features	Land
2016	\$ 0	\$ 1,800	\$ 9,800
		Parcel Total: \$ 11,600	
2017	\$ 0	\$ 1,800	\$ 9,800
		Parcel Total: \$ 11,600	
2018	\$ 0	\$ 1,800	\$ 9,800
		Parcel Total: \$ 11,600	

LAND VALUATION

Zone: RESIDENTIAL Minimum Acreage: 0.92 Minimum Frontage: 150

Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
EXEMPT-MUNIC	0.078 ac	97,800	E	100	100	100	100	100	100	-- LEVEL	10	9,800	0 N	9,800 UNDEVELOPED
	0.078 ac												9,800	UNDRoad: PAVED

MUNICIPAL SOFTWARE BY AVITAR

MERRIMACK ASSESSING OFFICE



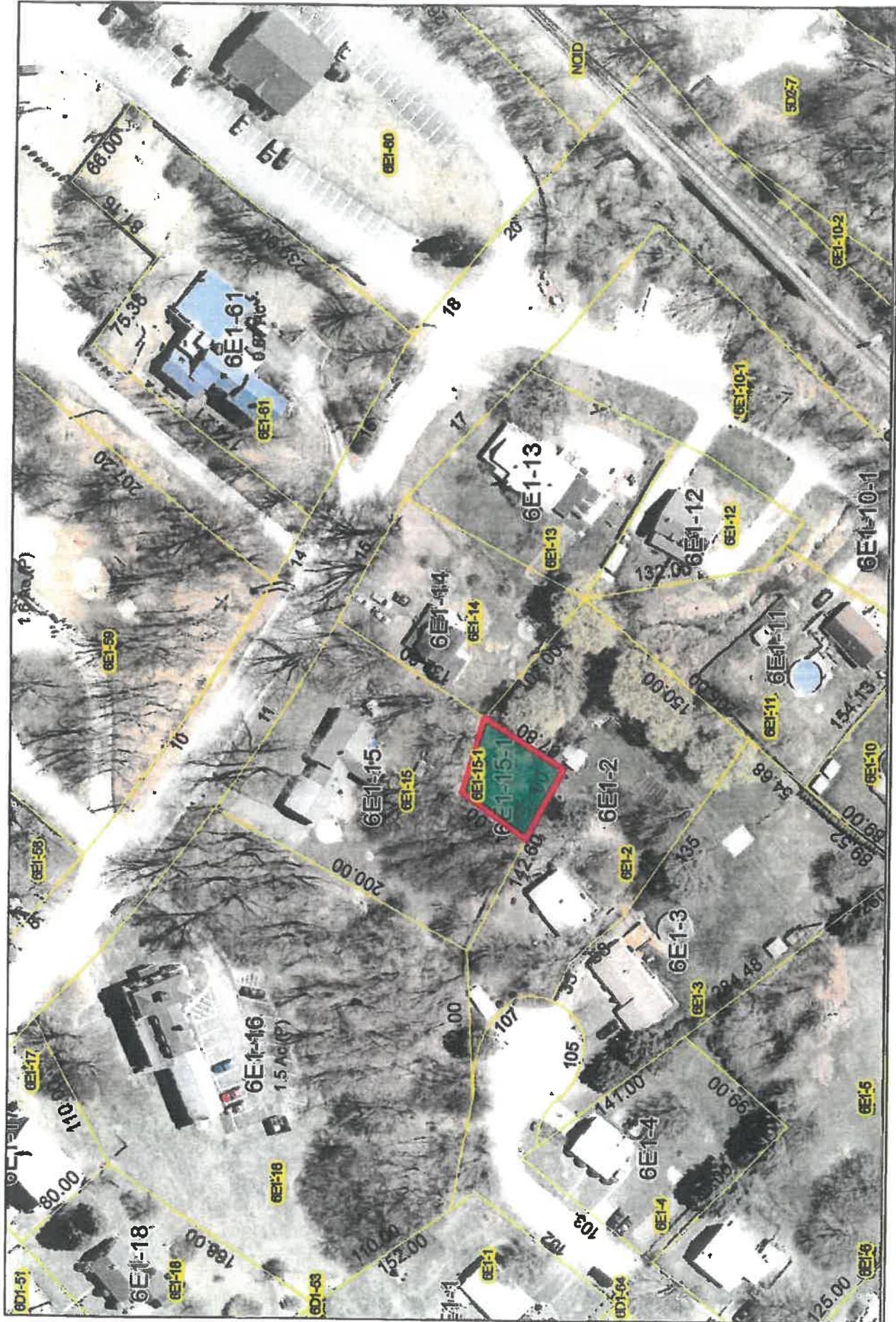
Merrimack, NH



1 inch = 86 feet



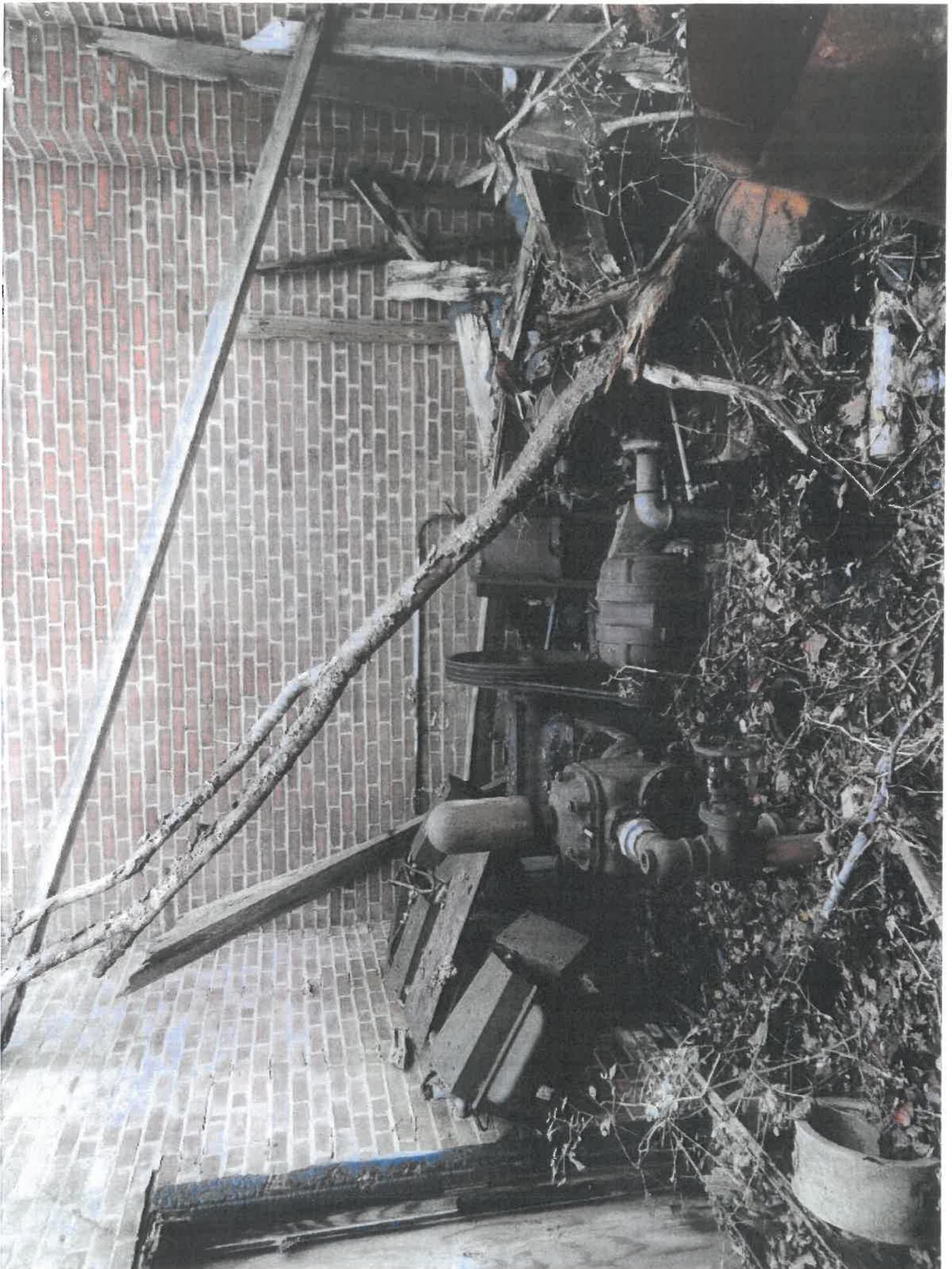
The Town of Merrimack, NH, does not warrant the accuracy or completeness of the information provided regarding all parcels or errors. Overlapping parcels or parcels not shown may be made available upon request to the Planning Department.











Approved: August 16, 2018
Posted: August 21, 2018

We are pleased to announce that temporary handicapped parking signs have been added to the Town Hall lower level parking lot to facilitate easier access to the summer concert series at Abbie Griffin Park. Fifteen parking spots have been designated handicapped parking on Wednesdays from 5:00 - 9:00 p.m. There are 16 remaining spots for general parking.

Vice Chairman Koenig informed the viewing audience of an opening on the Zoning Board of Adjustment. Anyone interested in serving on the Board is encouraged to submit a letter of interest within the next week. It is hoped a new member will be appointed at the Council's August meeting.

Consent Agenda - None

Old Business – None

New Business

1. Sale of Town-Owned Property Discussion

Submitted by Deputy Public Works Director / Town Engineer Dawn Tuomala

The Town Council to consider the sale of a small Town-owned landlocked parcel known as tax map parcel 6E-1/015-1, to a direct abutter of the property, in accordance with RSA 47:5.

Dawn Tuomala, Deputy Director/Town Engineer, PWD, stated Mr. Bailey approached the Town Manager regarding this property a few months ago. The parcel is approx. 68' x 64' and is comprised of two different tracts of land. It is surrounded by a lot (owned by Mr. Bailey). Research shows the entire area was actually one larger tract of land that had been split and then split and divided. Mr. Bailey's parcel, which fronts on Depot Street has a description that goes right around the parcel of land that the Town owns. However, there are exceptions within his Deed (both of the tracts of land that the Town owns).

The site has a brick pump house the back side of which has a large concrete pad. The pump house lost its roof some time ago. Research indicates Mr. Bailey's property is the only one remaining that talks about the Town pieces, exclusions, etc. Deputy Director Tuomala stated extensive research was done, and she is comfortable with what she was able to locate. She was unable to locate the second Deed to the Town, but knows it exists prior to 1882.

The matter was before the Council as the result of a request by the Baileys to purchase the property. Deputy Director Tuomala noted a prior instance where the Town allowed for the sale of another land locked parcel.

Chairman Rothhaus spoke of having visited the property and that he was informed the concrete slab is where they stored the water. There is water flowing out of it now. Deputy Director Tuomala commented in all of the Deeds they refer to it as a spring. They don't call it a well. In the Deeds dating back to the 1800s they refer to it as the large spring. There were also other exceptions given to other wells and other springs, but the tract at that point was large, and it could have been anywhere. This has always been referred to as the large spring.

Councilor Thornton commented what was before the Council was consideration of the sale of the property; however, in the summary that was sent to the Town Manager (dated July 13th), Deputy

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Director Tuomala recommends the Town Council contact legal counsel to ensure Town and State laws are followed. He questioned if the request was for the Council to follow-up with legal counsel. Deputy Director Tuomala indicated she would follow whatever direction the Town Manager provided her.

Assistant Town Manager/Finance Director Micali spoke of the sale of the other land locked parcel referenced. With that parcel, a notice was sent to all abutters. A two-week deadline was cited for bid submittals. The high bidder was notified and given X number of days to make the payment. When that occurred, the Deed was transferred over. The two ways to dispose of Town owned property is through auction and sale. Were the Council to approve the sale, certified letters would be sent to all abutters. Town Manager Cabanel commented on having been contacted by one of the abutters indicating there may be an interest.

Councilor Albert questioned if MVD has had any involvement with the pump house. Assistant Town Manager/Finance Director Micali spoke of the roof issue that was brought to the Town's attention a few years back. When made aware of its collapse, the Town went in and did some clean-up. At that time, they reached out to Anita Creager, Chair, Heritage Commission questioning, if the well had any significance. She indicated she was unable to find anything in her records that would indicate it was of historic value.

Councilor Albert questioned if the Council would be required to remove the structure with the sale. Town Manager Cabanel stated the sale would indicate "as is". The Town would also have the property & liability insurance carrier take a look at it from that perspective as well.

Deborah Veillette, 11 Depot Street

Read the following into the record:

"In addressing the Town Council tonight, I Gary Bailey, would like you to be aware of my request to take over this property. I took the initiative to take care of Lot #6E1-15-1 seven years ago. I was also given a key to the pump house to oversee the care of the property by Adam Jacobs five years ago when I originally requested to take over this property. I have been maintaining the parcel since then, with the Town's permission. Merrimack removed some rotting trees, at my suggestion to Adam, for safety purposes at that time. Presently, while maintaining the property, I have made a small dirt road for access to help with the upkeep, which includes pruning, cleaning, and checking on the trees for rot, maintaining the pump house, which has no roof, as best as I possibly can.

I have verbal estimates for all the work needed, from trained professionals. These estimates are for a new roof for the pump house along with major brick repairs, cleaning the brush, and rotted trees around the parcel. The estimated total is at least \$11,000, which is due to property neglect for many years.

I will make the lot eye pleasing and the Town will be collecting tax monies that I am sure you would prefer to have. This is a win/win situation for all parties. If given the land, which was originally on our Deed, I will follow through on my commitments to put the parcel in proper order. As anyone can see in the Town records, my bills are always paid on time, and I am a stand up person.

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It was brought to my attention that the water pipes laying alongside the property may be asbestos; I am not 100% sure. But I would request that if they are found to be asbestos the Town remove the hazardous asbestos pipes that were left on the property as long as I have owned mine. At this time, I welcome any questions that you may have, and I thank you for all your time."

Gary Bailey, 11 Depot Road

Stated the only major problem they have at the moment is the water pipes. He thought they were concrete but was told they are not. They could be asbestos. They are 7-10' long by about 6" in diameter. There are 4-5 pipes. They are in the water (stream that runs between the buildings and eventually into the river).

Councilor Healey questioned if there is a plan to utilize the water. Mr. Bailey stated he is uncertain. He commented it would be great to use the building as a little workshop. When it was first erected it fed water to the first homes in Merrimack. It would be nice to erect a plaque or something similar or at least place a roof on it. He commented with a new roof and brickwork, clearing of the debris, etc. it would look beautiful and would be something Merrimack would value.

Councilor Harrington commented on the prior practice suggesting that is the path to take. Councilor Boyd indicated concern with the issue of asbestos and the mitigation that would be required. The Town would be asked to incur the cost to address that. Town Manager Cabanel spoke of additional work that needs to occur. If the Council has an interest in Town staff pursuing this, the materials can be tested to determine if asbestos, and, if that is the case, an estimate could be sought. When all of the information is known it could be brought before the Council.

Mr. Bailey questioned the will of the Council with regard to a cost share (50/50) for the cost of removal, if found to be asbestos.

MOTION made by Councilor Thornton and seconded by Councilor Harrington to consider the sale of a small Town-owned landlocked parcel known as tax map parcel 6E-1/015-1, to a direct abutter of the property, in accordance with RSA 47:5, contingent upon findings and legal concerns that may result from further review of the parcel. MOTION CARRIED 7-0-0

2. Watson Park Fencing Proposal

Submitted by Town Manager Eileen Cabanel

The Town Council to discuss and consider fencing options for the Watson Park parking lot.

During the Retreat, the Council spoke of updates/enhancements desired for Watson Park. Councilor Albert spoke of fencing he had seen in another park that he believed would make Watson Park more attractive as well as prevent the parking that occurs on the parcel itself. During the 4th of July holiday, a deplorable mess was left at Watson Park, which spurred the discussion of having a fence erected. Funds are available from the FY18 budget.

The plan, along with a few fencing options, went before the Parks and Recreation Committee. The Committee stated the desire for the appearance to be a little less industrial and more attractive. They also wanted to make the parking lot area larger. The difficulty in this parcel is the restrictions imposed. Any work on the property requires a Soil Management Plan be prepared and approved by the State. The Soil Management Plan Director Fox has done for the other amenities being discussed for