

**THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

**CITY OF CONCORD'S NOTICE OF CORRECTIONS TO  
APPLICANTS' RESPONSES TO COMMITTEE MEMBERS' QUESTIONS  
DURING THE MARCH 16, 2016 SITE VISIT**

The City of Concord, by and through its attorneys, the Office of the City Solicitor, hereby provides the following corrections to the Applicants' Responses to the Committee Members' Questions During the March 16, 2016 Site Visit, stating as follows:

**I. BACKGROUND**

1. On May 11, 2016, Northern Pass Transmission LLC and Public Service Company of New Hampshire d/b/a Eversource Energy (collectively, the "Applicants") provided additional information relative to questions posed to Terrence DeWan, the expert retained by Northern Pass Transmission, LLC to address visual impacts. Mr. DeWan's follow-up responses were attached as Attachment A.

2. The City of Concord has reviewed the follow-up responses provided by Mr. DeWan with respect to the sites located in Concord, New Hampshire during the site visit on March 16, 2016. The City of Concord now files this notice to address incorrect information that has been provided in response to the following two questions<sup>1</sup>:

- "What is East Sugar Ball Road Trail? How will it be impacted by the Project?" (Attachment A, Page 13).

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<sup>1</sup> This correction only relates to the two questions referenced herein. The City of Concord reserves the right to further comment and/or contest Mr. DeWan's statements relative to whether the project is visible from Hoit Road Marsh and Snow Pond. (Attachment A, Pages 11-12)

- “There is some construction occurring on the north side of Portsmouth Street. Is it related to future residential development? Will there be a vegetative buffer left adjacent to the trail?” (Attachment A, Page 14)

3. In response to both of those questions, Mr. DeWan incorrectly stated that there is a residential development called “Whispering Heights” that is being developed on a 271.5 acre parcel. Mr. DeWan incorrectly assumed this information based on a sign on Portsmouth Street, which he claims states that “an 87-lot cluster development entitled Whispering Heights will be built on a 271.5-acre parcel on the north side of Portsmouth Street.” (Attachment A, Page 14). This statement is incorrect because there is no residential development currently proposed for that site. It is also unclear what sign Mr. DeWan is referencing. During a recent inspection by the City of Concord’s Senior Planner, the only sign located in the area was an overturned and decayed sign located on the ground near Portsmouth Street. Exhibit A (Photographs taken May 23, 2016). Based on the foregoing and as further discussed below, it does not appear that Mr. DeWan performed adequate due diligence to determine the purpose of the construction activities. The purpose of this notice is to correct the record.

4. The proposal for the Whispering Heights residential subdivision project was abandoned by its developers several years ago. The City of Concord purchased the 270 acre property in 2013 for \$1,025,000 to assist in protecting that land, and the area is now commonly referred to as Broken Ground. There are no current or future plans for a residential subdivision to be constructed on this land. To the contrary, 91.1 acres of the land has been put into a conservation easement that is held by the New Hampshire Department of Environmental Services, and is recorded at the Merrimack County Registry of Deeds at Book 3447, Page 770.

5. With respect to the current construction activity and clearing viewed near Portsmouth Street during the site inspection, Mr. DeWan incorrectly states that this construction

relates to a residential subdivision. The current construction instead relates to the construction of two substations. By way of background, the City of Concord conveyed 45.2 acres in 2015 to Unitil for the construction of two substations. Exhibit B (City Council Resolution, Concord Conservation Commission Minutes, Quitclaim Deed).<sup>2</sup> These substations are needed by Unitil to ensure that it can deliver reliable energy to the Concord area, and the location of the substations was chosen because it was determined by the City of Concord's Conservation Commission to have the least visual impact in the area due to surrounding tree buffers. *Id.* In exchange for the parcel of land that was recently conveyed to Unitil, Unitil agreed to release all of its "Reserved Substation Rights" and to modify its "Reserved Transmission Rights" set forth in its Conservation Easement Deed, which would have allowed it to construct substations on other property owned by Unitil that is protected by a conservation easement. *Id.* The property recently conveyed to Unitil is required to remain open to the public for hiking and other activities, and approximately three miles of trails are being constructed in the area. It should be noted that the transmission substation needed for this reliability project is owned and being constructed by Eversource. *Id.* Mr. DeWan's statement that the construction activity is for a residential subdivision is incorrect, and it is concerning that he is unaware that Eversource is actively involved in the construction project.

6. Mr. DeWan's assumptions relative to the Sugar Ball Road trail assessment are also incorrect. (Attachment A, Page 13). This trail is currently utilized, and it is also anticipated to be more heavily utilized in the future to connect the southern neighborhoods to the three miles of new trails that are being constructed at Broken Ground.

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<sup>2</sup> The City of Concord approved Unitil's subdivision and site plan applications. The site plan application is located on the City's Planning Board website at <http://www.concordnh.gov/Archive.aspx?ADID=2134>.

7. Finally, with respect to the tree buffer between the right of way corridor and neighboring homes, Mr. DeWan incorrectly states that the City of Concord owns the land upon which the trees are situated. (Attachment A, Page 14). To the contrary, that parcel of land was conveyed to Unitil as part of the land transaction referenced above. Unitil has committed to not disturb the tree buffer so long as it has access to the substations through the Utility Access Easement Deed, but there is a concern that some of the trees may be removed to the extent they are located within the transmission line easement corridor owned by Public Service of New Hampshire d/b/a Eversource. *Id.* During the site visit, the City of Concord asked whether the trees would remain as a buffer. Exhibit C (Photos of Tree Buffer).<sup>3</sup> Mr. DeWan and Eversource have not yet responded to that question, and Mr. DeWan incorrectly states that the land is owned by the City of Concord.

Respectfully submitted,

CITY OF CONCORD

May 23, 2016

By: 

Danielle L. Pacik, Deputy City Solicitor  
41 Green Street  
Concord, New Hampshire 03301  
Telephone: (603) 225-8505  
Facsimile: (603) 225-8558  
dpacik@concordnh.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of May 2016, a copy of the foregoing was sent by electronic mail to persons named on the Service List of this docket.

May 23, 2016

By: 

Danielle L. Pacik, Deputy City Solicitor

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<sup>3</sup> The relevant tree buffer area is circled in red.

# EXHIBIT A



**MAY 23, 2016 - SIGN LOCATED ON PORTSMOUTH STREET**





MAY 23, 2016 - SIGN AFTER BEING LIFTED FROM GROUND

# EXHIBIT B



## CITY OF CONCORD

*In the year of our Lord two thousand and fifteen*

**RESOLUTION** AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND TRANSACTION BETWEEN THE CITY AND UNITIL ENERGY SYSTEMS, INC. (UNITIL)

*The City of Concord resolves as follows:*

- WHEREAS,** Unitil Energy Systems, Inc. (Unitil) provides electrical power to the majority of businesses and residences of the City and is planning for the expansion of utility infrastructure to meet the City's demand for power over the next 50 years; and
- WHEREAS,** Unitil and the City had previously identified property northerly of Portsmouth Street and southerly of Curtisville Road, consisting of approximately 92 acres, and known as Tax Parcels 113-2-11 and 113-3-2 as an ideal location for the future construction of a substation adjacent to the existing transmission line and to erect local distribution lines to connect into the existing distribution system; and
- WHEREAS,** in accordance with Resolution Number 8113 adopted on November 19, 2007, the City exchanged property rights in its land along the Merrimack River, consisting of approximately 128 acres, and known as Tax Map Parcel 121-1-3, for rights to the City of land northerly of Portsmouth Street and southerly of Curtisville Road, and the City and Unitil placed conservation easements on both parcels, subject to Unitil retaining the reserved right to construct substations and other utility infrastructure on the City parcels northerly of Portsmouth Street and southerly of Curtisville Road;
- WHEREAS,** the conservation easement placed on the land northerly of Portsmouth Street and southerly of Curtisville Road states that the final selection of any substation site and future geographical expansion thereof shall be subject to the approval of the City of Concord Conservation Commission, which approval shall not be unreasonably withheld, conditioned or delayed;
- WHEREAS,** Unitil has notified the City of Concord Conservation Commission that it would be seeking approval for the construction of a distribution substation to be owned and operated by Unitil, as well as a transmission substation to be owned and operated by Public Service of New Hampshire ("PSNH"), both for the purpose of serving Unitil's provision of electrical power to businesses and residences of the City; and
- WHEREAS,** the proposed location for the substations has raised concerns for the City of Concord Conservation Commission because of the close proximity of the beaver pond on Curtisville Road, which contributes to the scenic enjoyment and outdoor recreation for the general public;

## CITY OF CONCORD

*In the year of our Lord two thousand and fifteen*

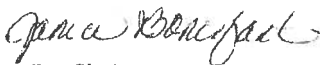
**RESOLUTION** AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND TRANSACTION BETWEEN THE CITY AND UNITIL ENERGY SYSTEMS, INC. (UNITIL)

**WHEREAS,** the City of Concord Conservation Commission has recommended a land transaction in which the City would convey title to Unitil to certain property located off of Portsmouth Street in the City for the construction of substations subject to certain conditions as specified in a motion adopted on January 14, 2015, which includes the requirement that Unitil release and/or amend certain rights to establish substations and to construct transmission lines on property protected by the conservation easement as set forth in the motion; said conditions being intended to protect the environment, to preserve public access to the premises, and to minimize the visual impacts from the surrounding public streets and highways as well as from neighboring residences.

**NOW THEREFORE BE IT RESOLVED,** by the City Council of the City of Concord that:

1. The City Manager be authorized to negotiate the exchange of property rights between the City and Unitil in accordance with the terms of the motion passed by the Concord Conservation Commission on January 14, 2015, which includes the requirement that Unitil release and/or amend certain rights to establish substations and to construct transmission lines on property protected by the conservation easement as set forth in the motion;
2. A subdivision application for a lot line adjustment may be submitted to the Planning Board by Unitil as the co-applicant with the City for a lot line adjustment to create the boundaries of the property to be conveyed to Unitil;
3. The City Manager be authorized to grant to Unitil and Public Service Company of New Hampshire a non-exclusive access easement across land owned by the City on Portsmouth Street and referred to in the City's Tax Assessment records as a portion of Lot 113-2-27 in accordance with the terms of the motion passed by the Concord Conservation Commission on January 14, 2015 for the sole purpose of accessing the electric utility substations to be developed by Unitil and PSNH, their successors and/or assigns; and
4. This resolution shall take effect upon its passage.

*In City Council*  
February 9, 2015  
Passed

  
City Clerk

**CONCORD CONSERVATION COMMISSION  
MINUTES**

**Regular Meeting  
January 14, 2015**

**Second Floor Conference Room, City Hall  
41 Green Street, Concord, NH**

**Attendance**

Christopher Morgan, Chair, called the meeting to order at 7:00 p.m.

Members present at the meeting included: Chair Christopher Morgan, James Owers, Kristine Tardiff, Frederick Chormann, Tracey Boisvert and Councilor Jan McClure. City Planner Nancy Larson, Assistant City Planner Heather Shank and Administrative Specialist Patricia Murray (excused at 8:20) from the Planning Division also attended the meeting. Ms. Danielle Pacik, Deputy City Solicitor, and Mr. Carlos Baia, Deputy City Manager, were also present.

**1. Non-public session for the discussion of conservation property in accordance with RSA 91-A:3, II(d) (7:00)**

Ms. Tardiff moved to enter into a nonpublic session for the discussion of conservation property in accordance with RSA 91-A:3, II(d). Mr. Chormann seconded the motion, and the motion passed unanimously. The Commission entered into non-public session.

Following the discussion, the Commission moved to exit nonpublic session and seal the minutes. The motion was duly seconded and passed unanimously.

**2. Minutes, December 10, 2014 meeting**

Ms. Tardiff moved to accept the December 10, 2014 minutes as written. Councilor McClure seconded the motion; motion passed unanimously.

**3. New Business**

**a. Discussion of proposed substation on the Unitil conservation easement parcel off of Curtisville Road**

Nick Golan, TF Moran, Jake Dusling and Ken Sprague, Unitil and Atty. Tim Britain, Cleveland, Waters and Bass, were present. Atty. Britain stated Unitil had one revision to the proposed resolution; a provision not requiring any further mitigation. The Commission asked for clarification on the 18,000 square feet of wetlands impact; the 18,000 square feet of impact does not include the buffer, it refers to the permanent impact. The Commission asked about further mitigation; Mr. Golan stated they are requesting no further mitigation requirements in addition to those required by DES. He stated that he has seen mitigation required above and beyond wetlands impacts to include buffer impacts and wanted to make sure all mitigation had been identified. The Commission asked for a number associated with the buffer impacts. The Commission noted that the proposal will be going before Planning Board. The Commission asked about future use and any intentions for use beyond substations because of Unitil's objection to having a restriction in the deed for utility use; Unitil's plan for the use is substations but maybe in one hundred years from now it may not be the best location. A discussion ensued about road improvement; Mr. Dusling stated the road would most likely be plowed in the winter for emergencies; the road will be gravel-based but improved enough to allow large equipment trucks passage; a pole gate

will probably be installed at the Portsmouth Street entrance and another gate will be located further up on Unital's property and substations will be fenced.

Councilor McClure moved to recommend to the Concord City Council a land transaction whereby the City of Concord would convey title to property located off of Portsmouth Street in the City of Concord, New Hampshire to Unital Energy Systems as proposed with the change of the wording "land exchange" to "land transaction" throughout the document. Ms. Tardiff seconded the motion; motion passed unanimously.

**4. Wetlands Bureau**

- a. Correspondence - none**

**5. Reports**

- a. Trails Committee** – Ms. Larson presented Mr. Klemarczyk's Spears Park logging report. Chair Morgan stated Mr. Klemarczyk had concerns about firewood cutting at the Richards community forest. He also noted some encroachments on Sanborn Road driveways. Discussion ensued regarding policy on issuing COs.

- b. Upper Merrimack River Local Advisory Committee** – Mr. Chormann stated the City of Franklin has written a letter supporting the Wild and Scenic nomination. He stated the Town of Boscawen will not support it. He said he explored the Merrimack River Study done by the Army Corps of Engineers but the report did not include withdrawals from Concord. There are no plans to do further modeling. Nancy will follow up with Phil Bilodeau.

- c. Contoocook and North Branch Rivers Local Advisory Committee** – no update

- d. Forestry** – no update

- e. Street Trees** – no update

- 6. City Council/Planning Board** – Discussion regarding up-lighting ensued.

**7. Easement Stewardship/Monitoring –**

- a.** State of NH Inspection Report; Rossvie Farm – distributed to Commission members.  
**b.** LCIP Property Monitoring – Chair Morgan stated the monitoring of Merullo and Morono Park needs to be done. Councilor McClure and Chair Morgan will go out to the sites.

- 8. City Open Space** – no update

**9. Other Business**

There being no further business, the meeting adjourned at 8:50pm.

A TRUE RECORD ATTEST:

Patricia Murray, *Secretary Pro-tem*

Motion by the Conservation Commission on January 14, 2015 relative to a land transaction with Unitil Energy Systems (hereinafter "Unitil")

The Concord Conservation Commission, pursuant to its authority and for the purposes specified in RSA 36-A, hereby recommends to the Concord City Council a land transaction whereby the City of Concord would convey title to property located off of Portsmouth Street in the City of Concord, New Hampshire, more specifically described as follows:

The land is comprised as portions of land contained in Tax Maps 113-2-9, 113-2-10 and 113-2-19, comprised of 45.2 acres more or less, and referred to as the "Portsmouth Street Property." The Portsmouth Street Property is further described in the plan attached hereto.

The Portsmouth Street Property would be conveyed to Unitil Energy Systems (hereinafter "Unitil") in exchange for the release of certain rights set forth in the Conservation Easement Deed dated March 31, 2009 and recorded at the Merrimack County Registry of Deeds in Book 3119, Pages 0784 to 0801 (hereinafter "Conservation Easement Deed").

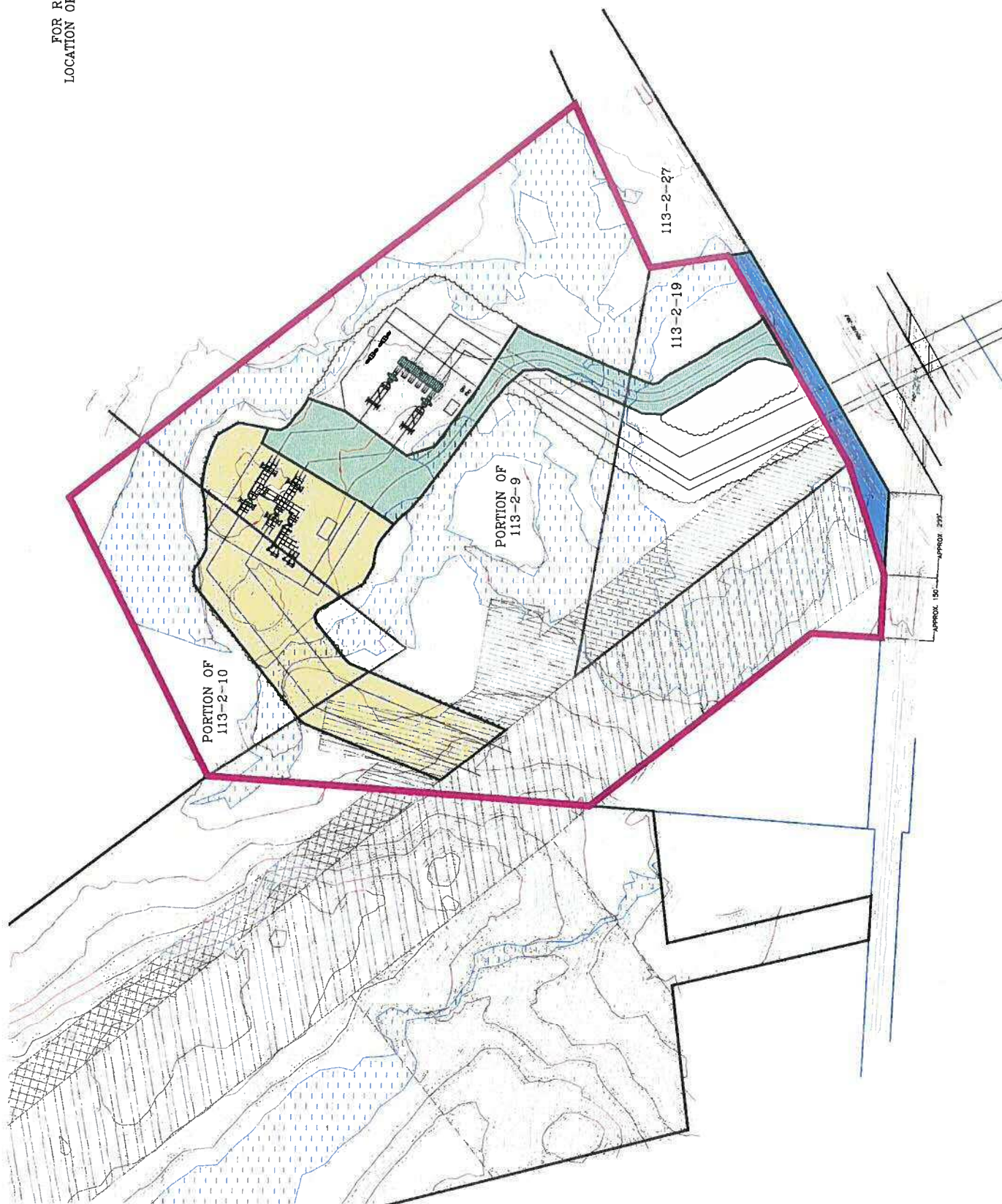
The transaction would be subject to the following conditions:

1. Unitil shall release and/or amend the following reserved rights as set forth in the Conservation Easement Deed:
  - a. Unitil shall release in its entirety any reserved right to establish substations as set forth in the Conservation Easement Deed in Section 3, Reserved Rights, Paragraph C, Reserved Substation Rights.
  - b. With respect to Section 3, Paragraph D of the Conservation Easement Deed concerning Reserved Transmission Line Rights, Unitil shall reduce the width of the corridor for its Reserved Transmission Line Rights to eighty (80) feet, and shall locate such corridor immediately adjacent to the easterly edge of the existing PSNH right-of-way. Except as set forth above, all other rights set forth therein shall remain unchanged.
2. The parties shall file an appropriate document pertaining to the Conservation Easement Deed to reflect the provisions of Paragraph 1 above, and, obtain any necessary approvals from the Charitable Trusts Unit of the New Hampshire Department of Justice in connection therewith.
3. The Conservation Commission shall support the City of Concord providing to Unitil and Public Service Company of New Hampshire, Inc. ("PSNH") a non-exclusive access easement across land owned by the City on Portsmouth Street and referred to in the City's Tax Assessment Records as a portion of Lot 113-2-27 to access the electric utility substations to be developed by Unitil and PSNH, their successors and/or assigns, on the new Portsmouth Street Property. The access easement shall be used solely for electric utility purposes. In the event that the Portsmouth Street Property is no longer used for electric utility purposes, the easement shall not entitle Unitil, PSNH or any other successors or assigns the right to use the access easement for such other non-electric utility purposes.

4. Unitil shall be responsible for improving, rebuilding and maintaining that portion of the access driveway within Lot 113-2-27 providing access to the proposed substation facilities to the extent necessary for such access; any locks or gates installed shall first be approved by the City of Concord.
5. The Portsmouth Street Property shall not be posted against, and Unitil and PSNH shall keep access to and use of the property open to the public for transitory, low-impact, non-motorized, non-commercial, passive outdoor recreational and/or educational activities, such as but not limited to hiking, wildlife observation, cross-country skiing, mountain biking and fishing. Unitil and PSNH shall be permitted to reserve the right to post the Portsmouth Street Property against camping and hunting.
6. So long as the property is being utilized for electric utility purposes and Unitil and its successors and assigns has access rights across Lot 113-2-27, Unitil, and its successors and assigns shall not remove the tree buffer that currently exists at the southeastern corner of the parcel immediately west of the PSNH transmission easement to shield the house located at 253 Portsmouth Street.
7. Unitil shall conduct all survey work at its own expense required to create the boundaries of the new Portsmouth Street Property.
8. Unitil shall pay all applicable closing and recording costs relative to the proposed land transaction.
9. The land transaction shall be contingent upon Unitil and PSNH receiving all necessary federal, state and local approvals for the construction of the facilities in locations substantially the same as depicted on the plan attached hereto as Exhibit A. In connection with all such proceedings, the Conservation Commission understands that said design concept or a substantially similar design concept will result in approximately 18,000 square feet of permanent wetland impacts on the Portsmouth Street Property associated therewith.
10. No compensation will be required by either Unitil or the City of Concord for this land transaction.
11. In recommending these actions, the Conservation Commission recognizes that future utility infrastructure to be proposed by Unitil will provide the capacity to meet the electrical service demands for the City of Concord and other Unitil customers for an estimated fifty years into the future.



FOR REPRESENTATIONAL PURPOSES ONLY  
LOCATION OF WETLANDS, PROPERTY LINES, ETC. ARE  
APPROXIMATE



APPROX. 150' — APPROX. 200'

Execution

CITY OF CONCORD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
CITY HALL - 41 GREEN ST  
CONCORD, NH 03301

### **QUITCLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS THAT the **CITY OF CONCORD**, a New Hampshire municipal corporation, with an address of 41 Green Street, Concord, New Hampshire 03301 (the "City") for consideration paid, grants to **UNITIL ENERGY SYSTEMS, INC.**, a New Hampshire corporation, with a mailing address of 6 Liberty Lane West, Hampton, New Hampshire 03842 ("Unitil"), with statutory QUITCLAIM COVENANTS, the following described real property situated in the City of Concord, County of Merrimack, and State of New Hampshire described as follows:

A certain tract of land located in the City of Concord, County of Merrimack and State of New Hampshire, shown on plan entitled "Tax Map 113, Block 2, Lot 9, 10, 19 & 27 – Lot Line Adjustment Plan – Portsmouth Street, Concord, New Hampshire – owned by City of Concord – prepared for Unitil Energy Systems Inc., 6 Liberty Lane West, Hampton, NH 03842," dated March 18, 2015 and revised through April 30, 2015, approved by the City of Concord Planning Board on May 20, 2015 and recorded in the Merrimack County Registry of Deeds as Plan No. \_\_\_\_\_ (the "Plan"), as more fully described in Exhibit A attached hereto and made a part hereof (the "Premises"),

The Premises are hereby conveyed SUBJECT TO certain matters of record as listed in Exhibit B attached hereto.

And the said Grantee by accepting this deed further covenants with Grantor as follows:

1. During such time as the Premises has the benefit of an access easement in, across and over other premises of the City (Tax Map No. 113, Block No. 2, Lot No. 27) pursuant to that certain Utility Access Easement Deed of near or even date herewith (the "Access Easement"), Unitil shall not remove the existing tree buffer that currently exists at the southwesterly most corner of the Premises, as further described below. The existing tree buffer, although not clearly delineated on the Plan, is located

in part within the "Useable Land Rectangle 5,000 SF" and in part within the transmission line easement corridor held by Public Service Company of New Hampshire, doing business as Eversource Energy ("Eversource"), as further shown on said Plan. This covenant is subject to the pre-existing easement rights of Eversource unless subsequently modified or extinguished. This covenant shall automatically terminate upon the City's termination of the Access Easement.

2. The Premises shall not be posted against, and Unitil shall keep access to and use of the Premises open to the public for transitory, low-impact, non-motorized, non-commercial, passive outdoor recreational and/or educational activities, including, but not limited to, hiking, wildlife and nature observation, cross-country skiing, and mountain biking. Unitil shall be permitted to reserve the right to post the Premises against camping and hunting.

Any consent, express or implied, by either party to a breach by any other party of a covenant or condition contained herein shall not constitute a waiver of any prior or succeeding breach of any covenant or condition contained herein.

All covenants herein shall run with the land and shall be binding upon and inure to the benefit of the parties described herein and their successors and assigns. All covenants shall be specifically enforceable.

MEANING and INTENDING to describe and convey (1) the premises conveyed by Tax Collector's Deed from City of Concord to the City of Concord dated April 29, 1994 and recorded in the Merrimack County Registry of Deeds at Book 1955, Page 927 (Tax Map No. 113, Block No. 2, Lot No. 19); and (2) a portion of the premises conveyed by Warranty Deed from Kurt Meisner, Trustee of the Links Realty Trust to the City of Concord dated November 15, 2013 and recorded in said Registry at Book 3420, Page 300 (Tax Map No. 113, Block No. 2, Lot No. 9 and Lot No. 10).

Homestead rights do not apply to this conveyance.

**THIS IS A TRANSFER FROM A MUNICIPALITY. THE MUNICIPALITY IS EXEMPT FROM THE NEW HAMPSHIRE REAL ESTATE TRANSFER TAX PURSUANT TO NH RSA 78-B:2, I AND REV 802.03(a).**

This conveyance was authorized by the Concord City Council following a duly noticed public hearing, by Resolution No. 8831, passed on February 9, 2015.

*[The balance of this page is intentionally left blank; signatures follow.]*

EXECUTED this 3<sup>rd</sup> day of September, 2015.

CITY OF CONCORD

Suzanne Stevens  
Witness

By: Thomas J. Aspell, Jr.  
Name: Thomas J. Aspell, Jr.  
Title: City Manager  
Hereunto Duly Authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF MERRIMACK

This instrument was acknowledged before me on this 3<sup>rd</sup> day of September, 2015 by Thomas J. Aspell, Jr., as City Manager, on behalf of the **City of Concord**. The identity of the subscribing party was determined by (check box that applies and complete blank line, if any):

- ☒ My personal knowledge of the identity of said person OR  
☐ The oath or affirmation of a credible witness, \_\_\_\_\_ (name of witness), the witness being personally known to me OR  
☐ The following identification documents:  
☐ Driver's License  
☐ Passport  
☐ Other: \_\_\_\_\_

Suzanne M. Stevens  
Notary Public/Justice of the Peace  
My Commission Expires:

SUZANNE M. STEVENS, Notary Public  
My Commission Expires February 22, 2017

EXHIBIT A

**LEGAL DESCRIPTION**

A certain parcel of land, identified as Lot 113-2-19, situated on the northerly side of Portsmouth Street, so-called, in the City of Concord, County of Merrimack and State of New Hampshire, more particularly bounded and described as follows:

Beginning at a bound found on the northerly sideline of Portsmouth Street at the southeasterly corner of Lot 113-2-24, said bound also being the southwesterly corner of Lot 113-2-19;

Thence proceeding North 03° 01' 39" East by Lot 113-2-24 a distance of 168.05 feet to a bound found;

Thence proceeding North 38° 20 '57" West by Lot 113-2-24 a distance of 666.12 feet to a bound found;

Thence proceeding North 04° 13' 19" East by Lot 113-2-11 a distance of 905.03 feet to a bound found;

Thence proceeding North 63° 09' 01" East by Lot 113-2-10 a distance of 759.09 feet to a bound to be set;

Thence proceeding South 37° 13' 19" East by Lot 113-2-10 a distance of 218.83 feet to Lot 113-2-9;

Thence proceeding South 37° 13' 19" East by Lot 113-2-9 a distance of 648.40 feet to a stone bound to be set;

Thence proceeding South 37° 13' 19" East by Lot 113-2-9 a distance of 650.00 feet to an iron rod to be set at Lot 113-2-27;

Thence proceeding South 65° 18' 51" West by Lot 113-2-27 a distance of 414.80 feet to a bound found;

Thence proceeding South 09° 06' 48" East by Lot 113-2-27 a distance of 187.40 feet to an iron rod to be set;

Thence proceeding South 59° 33' 20" West by Lot 113-2-27 a distance of 572.62 feet to a concrete bound found;

Thence proceeding South  $71^{\circ} 57' 59''$  West by Lot 113-2-27 a distance of 280.82 feet to a stone bound to be set at Portsmouth Street;

Thence proceeding North  $86^{\circ} 58' 21''$  West along Portsmouth Street a distance of 149.55 feet to the point of beginning.

Containing an area of 45.2020 acres or 1,968,999 square feet.

*[The balance of this page is intentionally left blank.]*



## EXHIBIT B

### **Tax Map No. 113, Block No. 2, Lot No. 19**

1. Rights of access, air, view and light as conveyed to the State of New Hampshire by deed of Melvina Maxner dated June 8, 1977 and recorded in the Merrimack County Registry of Deeds at Book 1296, Page 426.
2. Current Use Taxation by the City of Concord for land of predecessor-in-title Melvina Maxner recorded in the Merrimack County Registry of Deeds at Book 1276, Page 1006.
3. Possibly subject to terms of Boundary Line Agreement by and between Ernest A. Boulay and Wilfred M. Deyo (prior owners of locus parcel) and Christopher Edmunds (owner of abutting parcel) dated November 25, 1974 and recorded in the Merrimack County Registry of Deeds at Book 1233, Page 82. See also recorded Plan #3874 of said Registry.
4. Matters set forth on Plan entitled "Subdivision Plan for Boulay & Deyo Property Portsmouth St., Concord, NH" recorded in the Merrimack County Registry of Deeds as Plan #5978.
5. Plan entitled "Easement Plan for Tax Map No. 113, Block No. 2 Lot No. 19 & 27 Property at Portsmouth Street & Interstate Route 393 Concord, NH 03301 Merrimack County", prepared for Unitil Energy Systems, Inc., dated May 8, 2006 and recorded in the Merrimack County Registry of Deeds on December 30, 2008 as Plan #19146.
6. Utility Easement from the City of Concord to Unitil Energy Systems, Inc. dated December 31, 2008 and recorded in the Merrimack County Registry of Deeds at Book 3119, Page 779.

### **Tax Map No. 113, Block No. 2, Lot No. 9**

7. Possibly subject to Easement from Alfred H. Boulay to Public Service Company of New Hampshire dated August 20, 1928 and recorded in the Merrimack County Registry of Deeds at Book 502, Page 51.
8. Easement from Mary E. Boulay to Public Service Company of New Hampshire dated August 25, 1950 and recorded in the Merrimack County Registry of Deeds at Book 688, Page 226.

9. Possibly subject to Easement from Mary E. Boulay to Concord Electric Company dated October 29, 1956 and recorded in the Merrimack County Registry of Deeds at Book 798, Page 459.

10. Possibly subject to utility easement from Ernest A. Boulay to Concord Electric Company dated December 10, 1973 and recorded in the Merrimack County Registry of Deeds at Book 1197, Page 251.

11. Boundary Line Agreement between Ernest A. Boulay and Wilfred H. Deyo dated November 26, 1974 and recorded in the Merrimack County Registry of Deeds at Book 1233, Page 82.

12. Easement from Milton A. Cate and Jeannette Cate to the City of Concord dated January 14, 1984 and recorded in the Merrimack County Registry of Deeds at Book 1465, Page 620.

13. Rights of access, air, view and light as well as slope and embankment easements granted to the State of New Hampshire by deed of Ernest A. Boulay and Wilfred H. Deyo dated June 22, 1977 and recorded in the Merrimack County Registry of Deeds at Book 1303, Page 105.

14. Current Use Taxation by the City of Concord for land of predecessor-in-title Milton A. and Jeannette Cate recorded in the Merrimack County Registry of Deeds at Book 1399, Page 190.

15. Matters set forth on plan entitled "Plan of Cate Subdivision, Lot 4170, Concord, NH" recorded in the Merrimack County Registry of Deeds as Plan #6694.

16. Matters set forth on a plan entitled "Compass & Tape Survey prepared for Jeannette M. Cate, Portsmouth Street, Concord, NH" recorded in the Merrimack County Registry of Deeds as Plan #14313.

17. Matters set forth on a plan entitled "Easement Plan of Land Lot 113-2-9 Land off Portsmouth St. Concord, NH", dated December 20, 2005 and recorded in the Merrimack County Registry of Deeds as Plan #17870.

18. Utility Easement from Kurt Meisner, Trustee of Links Realty Trust to Unitil Energy Systems, Inc. dated May 5, 2006 and recorded in the Merrimack County Registry of Deeds at Book 2889, Page 1068.

19. Application for Current Use by the City of Concord dated April 2, 2015 and recorded in the Merrimack County Registry of Deeds at Book 3475, Page 2167.

**Tax Map No. 113, Block No. 2, Lot No. 10**

20. The conveyance from Lura A. LeCain to Milton A. Cate dated March 30, 1971 and recorded in the Merrimack County Registry of Deeds at Book 1092, Page 310 contains the following statement: "Access to the subject premises formerly was by means of Frost Road (now discontinued) from South Curtisville Road." No further indication is made as to what the access to the property is at the time of conveyance, nor is there any instrument of record which indicates the access for this parcel.

21. Current Use Taxation by the City of Concord for land of predecessor-in-title Milton A. Cate recorded in the Merrimack County Registry of Deeds at Book 1276, Page 1002.

22. Matters set forth on a plan entitled "Compass & Tape Survey prepared for Jeannette M. Cate, Portsmouth Street, Concord, NH" recorded in the Merrimack County Registry of Deeds as Plan #14313.

# EXHIBIT C



