

**CITY OF NASHUA**  
**Petition for Valuation Pursuant to RSA 38:9**  
**DW 04-048**

**City of Nashua's Responses to Pennichuck's Public Interest Data**  
**Requests - Set 1 Round 1**

Date Request Received: May 5, 2005

Date of Response: June 10, 2005

Request No. 1-73

Respondent: Brian A. McCarthy

**Request:** Please indicate with specificity what watershed property Mr. McCarthy is referring to on page 2 of his testimony. Your listing should also set forth the most recent assessed value of such property for real estate tax purposes.

**Response:** The primary watershed parcel remaining is parcel M of the Sasaski report. Despite the fact that "a good part of that site overlies a very high yield ground water aquifer," as so stated by Pennichuck engineer Tom McAloon at the Aldermanic Planning and Economic Development Committee meet dated 8/30/94, the company has had plans for over 10 years to develop the site for office space and/or for a golf course. Parcel M includes:

| Parcel ID | Assessed \$  |
|-----------|--------------|
| H-577     | \$25,300     |
| H-523     | \$520,000    |
| H-645     | \$7,359,500  |
| H-634     | \$4,500,000  |
| H-633     | \$4,283,100  |
| H-576     | \$14,943,200 |
| H-575     | \$1,400      |
| H-635     | \$7,400      |

The City had to step forward and purchase the developable parcels of Parcel M to prevent it from being developed by the water company. The City has since purchased additional parcels totaling over 100 acres in the vicinity of Parcel M and assisted in the donation of approximately 80 acres to the NH Audubon Society. The company went so far as to call Aldermen in pursuit of escape clauses from the City's water supply protection district ordinance so they could develop Parcel M.

The company has never purchased or bought land for watershed protection with the small exception of one lot, lot H-632. The company purchased

the lot in September 1999, subdivided the lot into two lots and sold one of the two lots as a house lot in 2001. The house that was subsequently built on the lot is entirely within the 300-foot setback from Bowers Pond. The 1998 Pennichuck Water Works Watershed Management Plan recommends “a minimum of 400’ buffer around the chain ponds ...” Lot H-632 is located in the PBB subwatershed, which has an imperviousness of 29%, according to the 1998 PWW Watershed Management Plan. The report states that “Shueler (1994) suggests that the cycle of stream and water quality degradation begins at approximately 10% imperviousness. He also suggests that once background loads exceed 20-25%, it may be difficult or impossible to fully restore water quality.” (page 9-2) By selling property within the 300’ buffer as recommended by the Sasaki Report or 400’ as recommended in the 1998 PWW Watershed Management Plan, the company demonstrates an inconsistent concern for the watershed and the utilization of its buffers.

The company has consistently failed to pursue the purchase of buffer land, such as the Sanderson farm property, Best Ford property, which at this point is all paved, and has never objected to the development within the watershed. Although Pennichuck claims to have made an offer to buy the Sanderson property, according to the 6/18/98 planning board minutes, the attorney for the Sanderson property stated “his clients have never been approached by Pennichuck to have the land purchased. He said it is important for the Board to take into consideration that this land belongs to his client and you can’t take land away without just compensation. He said if Pennichuck thought this was so important they should have purchased it and they have the right to do that through eminent domain as they are a water company.”

Pennichuck’s protection of the watershed appears to be inconsistent with the company’s short-term goals for revenue and profit generation. The company’s own sale of lands within the buffer zone and the proposal to develop Parcel M demonstrate the company’s lack of concern for the watershed.

When Mr. McCarthy refers to others involved, he specifically refers to the fact that the purchase of Parcel M and the water supply protection district ordinance (without the amendment requested by Pennichuck CEO Arel) passed the Board of Aldermen. Others believe what Mr. McCarthy believes and Mr. McCarthy is echoing the general sentiment of the City and the character and nature of their voting record on these issues. When the City introduced its water supply protection plan, the only objection to the plan was Pennichuck itself. The ordinances are in effect today and they are City ordinances, they are not ordinances that were proposed by, adopted by, or advanced by Pennichuck.