

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

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November 15, 2011

Debra A. Howland, Executive Director
N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: DW 11-242 Lower Bartlett Water Precinct
Request to Expand Franchise



Dear Ms. Howland:

The purpose of this letter is to review the petition of Lower Bartlett Water Precinct (LBWP) in the above-referenced docket and to offer Staff's recommendation. The petitioner seeks to serve an expanded franchise area westerly on Route 302 from its current franchise limits in Bartlett, and to charge its currently authorized tariff rates in the new area. LBWP asserts it has the requisite managerial, technical and financial abilities to serve the area. Based on Staff's review as detailed below, Staff supports granting of the petition. It should be noted that time is of the essence with the Commission's review of this petition; LBWP is extending to serve this area because the water mains in the area were significantly impacted as a result of Tropical Storm Irene in late August.

On October 31, 2011, LBWP filed its petition along with the prefiled testimony of Richard R. Glines, chairperson of the LBWP Board of Commissioners. LBWP is a village district pursuant to RSA 52 that provides water service in the Town of Bartlett, both within and without its corporate boundaries. It is unregulated for service within its boundaries pursuant to RSA 362:2. Since 1996 LBWP has also served outside its boundaries in various franchises granted by the Commission, the most recent in 2007, all as delineated in paragraph 2 of the petition. LBWP now seeks to further expand its outside service area. Staff conducted discovery on LBWP on November 4 and 7, 2011, and the responses are attached.

Franchise areas previously granted LBWP extend to the Jackson town line to the north and along Route 302 to the west beyond West Side Road and The Seasons development to just short of the easterly entrance to Cow Hill Road. The latter extremity of LBWP's service area was granted by Order 23,938 in DW 99-166, as modified by Secretarial letter dated November 15, 2002. The current petition seeks to further extend that area westerly along Route 302 approximately two miles to just east of the Sky Valley Motel and Cottages and the Rolling Ridge development. The remaining

boundaries of the requested area consist of the Saco River to the north and White Mountain National Forest to the south. The Rolling Ridge water system was the subject of dockets DR 98-104 and DW 01-196 and had been placed in receivership. It was ultimately exempted from Commission regulation by Order 25,185 in DW 01-196, issued December 22, 2010.

The filing indicates that various residences and businesses within the proposed franchise extension have requested service, and notes the potential for up to 500 new service connections in the area over time (Glines testimony p. 4, lines 6-12; responses to Staff 1-4 and 1-7). Both LBWP and the NH Department of Environmental Services (NHDES) have affirmed that LBWP has ample water to serve the proposed area (Glines testimony p. 5, lines 7-20; petition para. 13; filing Ex. E), thus satisfying the requirements of RSA 374:22, III regarding the suitability and availability of water for the area.

LBWP maintains that no other entity is currently willing or able to serve the area (petition paragraphs 10 and 11; Glines testimony p. 4, lines 16-25). LBWP and Bartlett Village Water Precinct (BVWP), a separate village district serving the village of Upper Bartlett to the west of the proposed area, both expressed interest in serving the area in docket DW 99-166. Neither was ultimately awarded the franchise, and that docket was closed in 2003. Docket DW 01-196 (Rolling Ridge) reflects further efforts to obtain service from BVWP outside its boundaries. To Staff's knowledge these efforts have been unsuccessful to date. The Town of Bartlett has been notified of the proposed franchise expansion by correspondence dated October 24, 2011, included as Ex. G of the filing. Staff is unaware of any response to date.

The filing indicates that voters of LBWP have approved the proposed expansion (petition para. 12; see specifically Article 6 in the 1998 Annual Meeting minutes attached as Ex. D-2 to the filing). As stated above, the prime impetus for the current petition was significant damage caused by Tropical Storm Irene in late August that impacted the water mains of a homeowner association-owned water system within the proposed franchise area, known as Cow Hill. As a result, the Cow Hill system voted in late September to turn itself over to LBWP (response to Staff 1-3 and related attachments). While funding options for a water main extension to enable LBWP to serve the Cow Hill system are limited, low interest rate emergency State Revolving Loan Fund (SRF) monies have become available through NHDES for the work. The time frame for obtaining SRF financing is tight. NHDES has indicated Commission approval of the franchise expansion is a prerequisite for the funding, which is scheduled for consideration by the Governor and Council at its November 30, 2011 meeting (response to Staff 1-6). The Cow Hill interconnection involves 3,000 feet of new water main along Cow Hill Road (response to Staff 1-8 b)), but will benefit from the town bearing the cost of rebuilding the storm-damaged roadway itself. The goal is to be able to provide water to Cow Hill through the interconnection before winter.

LBWP asserts it has the requisite managerial, technical and financial abilities to serve the proposed area. The Commission has consistently found LBWP, in part through the superior service it provides, to have adequate qualifications in these regards (see franchise expansion orders referenced in petition para. 2). The current filing delineates the operational, legal, engineering and accounting expertise available to LBWP (Glines testimony at p. 6, lines 11-20 and attachment). Existing LBWP facilities are adequate to serve the Cow Hill portion of the requested area (response to Staff 1-10). Service by LBWP would also extend fire protection into the area as water main extensions and hydrants are installed (Glines testimony p. 8).

LBWP has indicated that it intends to charge its currently authorized tariff rates in the new franchise area. Those rates are essentially the same rates it charges inside its boundaries, with the exception that the inside-precinct rate includes a tax component. While LBWP lacks the ability to assess taxes outside its corporate boundaries, it applies an equivalent charge to outside customers using the same tax rate and the customer's assessed property value. See, for example, Order 24,811 in DW 07-084 (December 28, 2007) authorizing service to the Sacoridge development, and response to Staff 1-1 a).

LBWP has also indicated a desire to reserve its rights to charge a 15% premium, as referenced in RSA 362:4, III-a, in the proposed area at some point in the future (petition para. 8; Glines testimony p. 6, lines 1-9; response to Staff 1-1 b)). However, given that the automatic regulatory exemption component of the statute applies only to service to "new customers" (RSA 362:4, III-a, (a) (1)), Staff suggests that any future application of a higher rate to then-existing customers would require explicit Commission authorization (see RSA 362:4, III-a (b)). In this regard Staff recommends LBWP seek an opinion from the Commission if in the future it wishes to charge the premium to customers who have to that point been paying the equivalent precinct rate.

LBWP provides water service to some 1200 customers in and outside its boundaries in the Town of Bartlett. Staff believes LBWP, through the materials provided in the current filing and as affirmed in past Commission orders, has demonstrated that it has the technical, managerial, financial and other capabilities to enable it to serve the proposed area. The proposed expansion would enable efficient service to prospective customers in the area and would include fire protection. LBWP asserts it will provide the same quantity and quality of water in the proposed franchise as it does within its boundaries. For these reasons, Staff concurs with LBWP's request that it provide service to, and charge its existing rates in, this additional area, and that it continue to be exempt from Commission regulation in this regard in accordance with the provisions of RSA 362:4, III-a. Staff recommends the Commission approve the petition, and suggests that an order nisi with a limited comment period may be appropriate to ensure the Town of Bartlett, Bartlett Village Water Precinct, existing LBWP customers, and prospective customers within the proposed area, are aware of the proposal and have opportunity to comment.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Douglas W. Brogan
Utility Engineer

Attachments

cc: Service List

**Lower Bartlett Water Precinct
Request for Franchise Expansion
DW 11-242
Staff Data Requests – Set 1**

RESPONSES BY LOWER BARTLETT WATER PRECINCT ('LBWP')

Staff 1-1

In DW 07-084, LBWP indicated it would be charging outside-precinct customers (Saco Ridge customers) an annual charge of \$1.25 per \$1,000 of valuation in consideration of certain water system costs recovered from in-precinct customers through the precinct tax rate. a) Is LBWP charging this amount to any outside-precinct customers? b) Does LBWP propose to charge customers in the new franchise area this same amount?

LBWP Response:

- a) **LBWP is a village district pursuant to RSA Ch. 52. It operates as a distinct municipality from the Town of Bartlett, but its boundaries are contained within the boundaries of the Town of Bartlett. LBWP issues bills for water services directly to its customers located within the Precinct boundaries and to franchise customers who are located outside of the Precinct boundaries, but within the boundaries of the Town of Bartlett. Operations outside of the Precinct's boundaries are conducted pursuant to franchises issued by the New Hampshire Public Utilities Commission. Businesses and individuals within LBWP boundaries are required to pay base charges for water received, meter charges, and municipal tax based on the assessed value of the property at the rate established by the New Hampshire Department of Revenue Administration. In addition, municipal customers pay a capacity fee (presently \$4,000) to connect to the water system. Businesses and individuals within LBWP franchise areas pay the same amounts for water service, meter charges and capacity fees plus an annual charge equivalent to the tax paid by municipal customers, which is again based on the assessed value of the property, all of which is set forth in the rate information attached as Exhibit B (see page 4, item 3). The annual charge varies from year to year and depends on the tax rate set by the Department of Revenue Administration for that year.**
- b) **LBWP intends to charge customers in the new franchise area in the same manner as it charges other franchise customers. LBWP is presently evaluating whether it will charge the 15% premium permitted by RSA 362:4, III-a (e) to new customers within existing franchise areas and in the new franchise area and seeks permission to do so.**

Staff 1-2

Re: petition paragraph 8 and Glines testimony on page 6. Please clarify that rates to be charged in the proposed new franchise area are the same as within the corporate boundaries of the precinct.

LBWP Response:

See Response to Data Request Staff 1-1.

Staff 1-3

The October 24, 2011 letter from LBWP to the Bartlett Selectmen, attached to the petition as Exhibit G, references an emergency at Cow Hill as the impetus for this franchise expansion. Please provide details on the nature of the emergency.

LBWP Response:

The so-called "Cow Hill Water System" suffered significant damage as a result of Hurricane Irene, which has created an emergency situation and is the impetus for this franchise expansion request. LBWP has received requests from representatives of the Cow Hills Water System (see documents attached) and the New Hampshire Department of Environmental Services (NHDES) to provide water service to that area as soon as possible. Richard Skarinka is the person at NHDES with whom LBWP has been in communication about the situation.

Staff 1-4

Re: Glines testimony page 8-9. How many existing systems does LBWP intend to incorporate as a result of this proposed franchise expansion?

LBWP Response:

LBWP intends to provide water service to the former customers of the "Cow Hill Water System" as soon as this franchise extension request has been approved by the New Hampshire Public Utilities Commission. It is the understanding of LBWP that the Cow Hills Water System serves individual properties along Cow Hill Road and the developments of Cathedral Trails I, Cathedral Trails II and Treetops, which are shown on Tax Map 52 included within Exhibit C attached to the Petition. LBWP does not intend to "take over" that system, but rather to provide water service only and acquire such personal property as water pipes and property rights as may be necessary to do so. Representatives of LBWP have had conversations with representatives of other developments along U.S. Route 302 to provide water service to those developments (primarily with developments created by Joseph Berry), but no definitive plans have been finalized at this time.

Staff 1-5

The filing indicates LBWP's belief that the approvals noted in the various LBWP Annual Meeting minutes in Exhibit D are adequate for the proposed franchise expansion (petition para. 12, Glines testimony p. 5, lines 25-26). In this regard:

- a) Please confirm that Article 6 from the 1998 Annual Meeting passed.
- b) To what extent might additional LBWP approvals be necessary for actual water system expansion within the proposed area?

LBWP Response:

- (a) **The minutes of the 1998 Annual Meeting previously provided indicate, on their face, that Article 6 was passed.**
- (b) **Article 6 of the 1998 Annual Meeting provides authority for LBWP to operate in additional franchise areas approved by the New Hampshire Public Utilities Commission. LBWP does not intend to "take over" existing systems, but rather to provide water service to customers of those systems.**

Staff 1-6

Please describe the nature and amount of funding sought or obtained in relation to the current request, such as Rural Development grant and loan funding (Glines testimony p. 3, lines 12-15), SRF or other funding, including any deadlines in these regards.

LBWP Response:

LBWP has explored grant and loan funding from Rural Development for capital improvements to serve the new franchise area. Rural Development does not presently have funds available for this purpose. LBWP has, however, submitted an application through Mr. Skarinka of NHDES for an SRF Loan to serve the Cow Hill area, which application is scheduled to be considered by the Governor and Council at its meeting scheduled for November 30, 2011.

Staff 1-7

Regarding Glines testimony p. 4, lines 8-14 and p. 9, lines 2-6:

- a) Please indicate whether the potential 500 new customers represents people or connections.
- b) Does LBWP have agreements with or current letters of interest from any water systems, businesses or other entities within the proposed area?
- c) Please clarify whether LBWP anticipates any wholesale sales to existing water systems, as opposed to solely acquiring new direct, individual customers of LBWP from such systems through acquisition or replacement of existing facilities.

LBWP Response:

- a) **The potential new customers represent new connections.**
- b) **LBWP has received a written request from representatives of the Cow Hill Water System and oral inquiries from Joseph Berry regarding the potential for service to some of the subdivisions he has developed. See Response to Data Request Staff 1-3.**
- c) **Representatives of Cathedral Trails II have indicated a desire to receive a water for that community on a wholesale bulk basis. LBWP is not inclined to provide service on that basis and would prefer to have contracts with individual customers.**

Staff 1-8

Please indicate the following regarding the extent of existing and proposed LBWP water mains in the area (see, for example, Glines testimony p. 3, lines 9-11; Exh. G letter to Town of Bartlett):

- a) **The current limit of LBWP mains at the eastern end of the proposed area.**
- b) **The extent of any immediate main extension anticipated.**
- c) **How far LBWP mains are anticipated to extend within the two year window of RSA 374:27.**

LBWP Response:

- a) **LBWP water mains have been installed in U.S. Route 302 to the westerly end of the franchise awarded in DW 99-166, which is the westerly line of Lot 053R00 approximately 140 feet from the intersection of Cow Hill Road with U.S. Route 302. .**
- b) **LBWP anticipates extending the existing main to the intersection of Cow Hill Road with U.S. Route 302 and then southeasterly, southerly and westerly within Cow Hill Road for a distance of approximately 3,000 feet.**
- c) **Because LBWP is not a public utility pursuant to RSA 362:4, III-a, the LBWP is of the opinion that RSA 374:27 does not apply.**

Staff 1-9

Please describe the necessity and status of any coordination with railroads or NHDOT related to any anticipated system expansion.

LBWP Response:

LBWP has coordinated with NHDOT for the construction of water main within U.S. Route 302. See Trench Permit attached. The anticipated extension to Cow Hill Road does not require any coordination with the Railroad at this time.

Staff 1-10

Does LBWP have the capability as far as system storage and pressures to fully serve the proposed area at this time (Glines testimony at p. 5, lines 19-20), including the fire protection discussed on Glines testimony p. 8? If not, please explain, including any time frames involved.

LBWP Response:

LBWP has existing capacity with respect to system storage and water pressures to fully serve the Cow Hill area at this time. In order to fully serve the entirety of the proposed new area, LBWP will need to construct a new 500,000 gallon storage tank. The engineer for LBWP is presently preparing a master plan for system upgrades. LBWP anticipates that the master plan will be completed in 2012. Actual implementation of the plan will depend on receipt of federal and state funding.

Staff 1-11

To what extent has the public, including prospective customers within the proposed franchise, been made aware of the current proposal?

LBWP Response:

Representatives of Cathedral Trails II and the Town of Bartlett Board of Selectmen are aware of the proposed franchise extension. LBWP is not aware of any opposition to its Petition.

Staff 1-12

Please comment on the likely impact on LBWP rates of any anticipated system expansion in the proposed area.

LBWP Response:

To serve the Cow Hill area LBWP will need additional funding as described in its Response to Data Request Staff 1-6. Although impossible to predict at this time, the debt service for the additional funding will likely result in an increase to LBWP's tax rate.

Staff 1-13

Please comment on the urgency of the current petition to the extent not addressed in the filing or in the responses above.

LBWP Response:

See Response to Data Request Staff 1-3.

VERIFICATION

I swear that all of the factual response set forth above are true and accurate to the best of my knowledge, information and belief.

LOWER BARTLETT WATER PRECINCT

Date: November __, 2011

By: _____

Richard R. Glines,
Chairperson, Board of Commissioners

**STATE OF NEW HAMPSHIRE
COUNTY OF CARROLL**

Personally appeared before me the above-named Richard R. Glines who gave solemn oath that the factual content of the foregoing document is true and accurate to the best of her knowledge and belief this _____ day of November, 2011.

Notary Public

My commission expires: _____

Respectfully submitted,
LOWER BARTLETT WATER PRECINCT
By Its Attorneys,
CLEVELAND, WATERS AND BASS, P.A.

Dated: November 10, 2011

By: 

Timothy E. Britain (#0332)
Fifth Floor, Two Capital Plaza
P.O. Box 1137
Concord, NH 03302-1137
(603) 224-7761

VERIFICATION

I swear that all of the factual response set forth above are true and accurate to the best of my knowledge, information and belief.

LOWER BARTLETT WATER PRECINCT

Date: November 10, 2011

By: Richard R. Glines
Richard R. Glines,
Chairperson, Board of Commissioners

STATE OF NEW HAMPSHIRE
COUNTY OF CARROLL

Personally appeared before me the above-named Richard R. Glines who gave solemn oath that the factual content of the foregoing document is true and accurate to the best of her knowledge and belief this 10TH day of November, 2011.

Marilyn C. Lyons
Notary Public
My commission expires: 8-19-14

MARILYN C. LYONS
Notary Public - New Hampshire
My Commission Expires August 19, 2014

Respectfully submitted,
LOWER BARTLETT WATER PRECINCT
By Its Attorneys,
CLEVELAND, WATERS AND BASS, P.A.

Dated: November ____, 2011

By: _____
Timothy E. Britain (#0332)
Fifth Floor, Two Capital Plaza
P.O. Box 1137
Concord, NH 03302-1137
(603) 224-7761

Exhibits to Response to Staff 1-3

COW HILL WATER SYSTEM

CONFIRMATION OF VOTE

BE IT KNOWN, that on September 27, 2011 a quorum vote was reached by mail, e-mail or faxed votes, and two ballot questions were presented to the members as follows:

1. To remain as an Independent Cow Hill Water Company and agree to pay all special assessments.
2. Turn the system over to the Lower Bartlett Water Precinct

There were zero "Yes" votes for question #1 and 66 "Yes" votes for question # 2. Based upon the same, question # 2 was deemed to have passed given the overwhelming vote in favor thereof.

COW HILL WATER SYSTEM

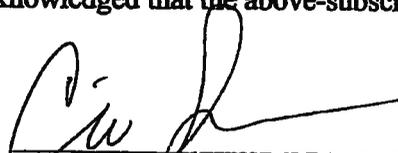


Edmond LeClair, President
Board of Directors

State of New Hampshire
County of Carroll

Personally appeared Edmond LeClair this 30th day of September, 2011, before me, personally appeared the above-subscribed, known to me (or satisfactorily proven) to be the person(s) whose name is subscribed to the within instrument and acknowledged that the above-subscribed executed the same for purposes there contained.

CINDI L. SAVARD, Notary Public
My Commission Expires August 19, 2014



Notary Public/Justice of the Peace
My commission expires: _____

September 28, 2011

Board of Commissioners
Attn: Richard Glines, Chair
Lower Bartlett Water Precinct
PO Box 315
Intervale, NH 03845

Dear Mr. Glines:

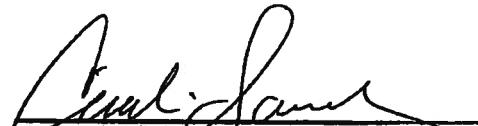
This letter is to inform you that the Board of Directors of CT2 and management of Cow Hill Water system, based upon an affirmative vote of the users to connect with Lower Bartlett Water Precinct - 66-0 authorize the Precinct to begin construction of a water main interconnection and to proceed with the preparation of the documents necessary for a transfer of the Cow Hill Water System to Lower Bartlett Water Precinct.

Sincerely,


Edmond LeClair
Board of Directors

State of New Hampshire
County of Carroll

Personally appeared Edmond LeClair this 30th day of September, 2011, before me, personally appeared the above-subscribed, known to be (or satisfactorily proved) to be the person(s) whose name is subscribed to the within instrument and acknowledged that the above-subscribed executed the same for purposes therein contained.


Notary Public/Justice of the Peace
My commission expires:

CINDI L. SAVARD, Notary Public
My Commission Expires August 19, 2014

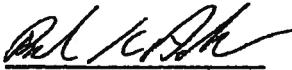
September 28, 2011

Board of Commissioners
Attn: Richard Glines, Chair
Lower Bartlett Water Precinct
PO Box 315
Intervale, NH 03845

Dear Mr. Glines:

This letter is to inform you that the Board of Directors of CT2 and management of Cow Hill Water system, based upon an affirmative vote of the users to connect with Lower Bartlett Water Precinct - 66-0 authorize the Precinct to begin construction of a water main interconnection and to proceed with the preparation of the documents necessary for a transfer of the Cow Hill Water System to Lower Bartlett Water Precinct.

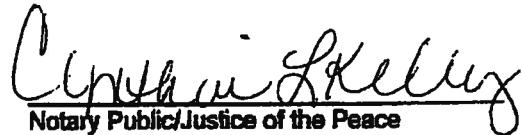
Sincerely,



Board of Directors

State of New Hampshire
County of Carroll

Personally appeared Richard Glines this 30th day of September, 2011, before me, personally appeared the above-subscribed, known to be (or satisfactorily proved) to be the person(s) whose name is subscribed to the within instrument and acknowledged that the above-subscribed executed the same for purposes therein contained.



Notary Public/Justice of the Peace

My commission expires:

3/23/18



Exhibits to Response to Staff 1-9



L. A. DREW INC

GENERAL CONTRACTOR

FAX COVER SHEET

DATE:

11/9/11

TO:

ATTENTION

FAX NUMBER:

224-6457

FROM:

Kyle Drew

RETURN FAX NUMBER:

(603) 356-7621

REFERENCE

L.BWP - Cow Hill Project

NUMBER OF PAGES

6

If any of these fax copies are illegible, or you do not receive the same number of pages stated above, please contact us immediately at telephone number: 603-356-6351

REMARKS:

Trench Permit From NH DOT,



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
DISTRICT ONE

PERMIT NO: 4262
TOWN/CITY: Bartlett
ROAD/ROUTE: US-302
DATE: 10/26/11

TRENCH PERMIT

Brian T. Sohutt, P.E., District Engineer
District One Office
541 Main Street
Lancaster, New Hampshire 03584

Mailed to
DN 10/28/11

I. Pursuant to Chapter 236:9-11 and/or 231:184-186, New Hampshire Revised Statutes Annotated, 1982, and amendments thereto, permission is requested to disturb the pavement, shoulders and slopes within the right-of-way (ROW) of

US-302 in the Town/City of Bartlett for the purpose of
Connecting to and extending an existing water from US-302 to Cow Hill Road.

LOCATION/DESCRIPTION: At the intersection of US-302 and Cow Hill Road. Jack and bore an eight (8) inch water main under US-302.

I/We L. A. Drew, Contractor, and I/We Lower Bartlett Water, Owner agree to conform to the following provisions, instructions and conditions governing the work under this request and to any additional instructions issued by the District Engineer (Engineer) or his representative during the process of the work.

DRAFT

STATE LAW REQUIRES THAT "DIG SAFE" BE NOTIFIED 72 HOURS IN ADVANCE OF EXCAVATION. (1-888-344-7233).

THE DISTRICT CONTACT PERSON MUST BE NOTIFIED AT LEAST FORTY EIGHT (48) HOURS BEFORE PERFORMING ANY WORK.
A COPY OF THIS PERMIT SHALL BE PRESENT AT THE WORK SITE AT ALL TIMES.

- All Work shall be in conformance with the STANDARD SPECIFICATIONS for ROAD AND BRIDGE CONSTRUCTION, NHDOT, 2006 (Standard Specifications).
- In areas where the pavement is to be excavated, it shall be neatly and uniformly cut, with square edges by machine, at each side of all trenches. Every precaution shall be used to prevent undermining of the remaining pavement, utilizing sheeting as required. Undermined areas inadvertently developed shall have the projecting pavement cut square and removed.
- Excavation and handling of material shall be performed in a manner that will minimize trench width and the possibility of cave-ins. Any blasting required shall be cautiously performed to minimize disturbance beyond the trench limits. Overburden will be removed prior to blasting. All blasting operations shall be performed in accordance with STANDARD SPECIFICATIONS for ROAD AND BRIDGE CONSTRUCTION, NHDOT, 2006 (Standard Specifications), Section 203.
- All backfill material in trenches and below base courses shall consist of the excavated material* and shall be compacted at or near optimum moisture content, in layers not exceeding twelve (12) inches, using pneumatic tampers, vibratory compactors or other approved means. This shall include but not be limited to excavation within five (5) feet outside the limits of the pavement. The material shall be compacted to not less than ninety five (95) percent of maximum density as determined by AASHTO T99 (Standard Proctor Test). Water shall be uniformly applied during compaction in the amount necessary for proper consolidation.

*Excavated material shall be suitable for backfill as defined in Standard Specifications, Section 603.3.5.

Permit No.

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5. The present surface type shall be restored, by placing similar material to a depth and quality equal to that existing before excavation. Reestablish existing grassland to equal what existed before excavation. Re-establish lawns to pre-construction condition, use a minimum of four (4) inches of loam, lime, fertilizer, similar seed and mulch. The surface shall be reasonably smooth, free of stones larger than four (4) inches, debris and be graded to drain.
6. Within the paved areas, crushed gravel (Standard Specifications, Item 304.3) equal to the existing gravel course shall be placed in layers not exceeding eight (8) inches, loose depth, and thoroughly compacted. An approved bituminous plant mix (meeting Standard Specifications - Division 400 - Section 401) shall be placed and rolled to the adjacent pavement grade, as a temporary patch. Just before completion of the project and after suitable exposure of temporary patches to traffic compaction, the pavement shall be sawn, as directed, on either side of the trench to provide a two (2) foot minimum overlap of the final patch on undisturbed material. Within the sawn limits the existing pavement and temporary patch, the material shall be removed, the sawn edges tack coated and the material replaced with an equal depth of hot bituminous concrete, placed as directed, and compacted to meet the existing pavement edge exactly.
7. Trenches adjacent to and within five (5) feet of the paved roadway and shoulders shall be backfilled and compacted as noted in three (3).
8. Maximum length of trench to be open at one time shall not be more than one hundred (100) feet and no more than zero (0) feet left open at night. Suitable unrestricted ingress and egress to properties abutting the highway shall be maintained at all times. Two-way traffic shall be maintained at all times during nights, weekends and holidays.
9. Traffic must be maintained in accordance with the MUTCD during the performance of the work. Traffic shall be protected by suitable barricades, standard warning and advance warning signs, flaggers during the day and proper lighting at night. Uniformed special traffic officers shall be provided whenever two-way traffic cannot be maintained and at such time as the Engineer deems necessary for the protection of the public. All signs shall be kept clean and in good repair.
10. Detour of state highway traffic requires prior approval and shall be in accordance with an approved Traffic Control Plan.
11. Future surface distortion within the trench area, due to settlement or other causes attributable to the construction shall be corrected as required during construction and for a period of two (2) years following the acceptance of the project by others.
12. The roadway shall be cleared of all foreign material at the end of each working day or as directed by the Engineer.
13. The Engineer shall have the right to suspend any or all construction activities, which, in his opinion are unsafe to the traveling public.
14. Damage to existing drainage structures and systems shall be repaired in a manner approved by the Engineer. Methods and materials utilized shall be subject to prior approval. Drainage structures or systems shall be cleaned of all material that has accumulated as a result of the work.
15. The contractor shall be responsible for the acquisition of all other applicable permits and compliance with all local, state or federal rules, ordinances and regulations.

Permit No.

Page 3

16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION AND MAINTENANCE OF ALL NECESSARY SEDIMENT AND CONTROL FACILITIES REQUIRED TO PROTECT STORMWATER RUNOFF.
17. Damage resulting from work or detoured traffic to the roadway shall be repaired to the Engineer's satisfaction.
18. If a highway sign or guardrail must be moved to allow construction of the facility, said sign and guardrail shall be reinstalled or replaced at end of each work day or replaced by approved temporary devices pending permanent installation.
19. The Engineer may inspect, test or monitor any and all of the contractor's activities within the highway right-of-way to insure compliance with this permit.
20. Following the completion of the construction activities, the Engineer will inspect the completed work. Final acceptance may be reasonably withheld should the work not be completed in a workmanlike manner and in accordance with the terms of this permit.
21. Signs shall be erected in approved locations to indicate the name of utility or municipality responsible for work and the nature of work to be performed.
22. Pipe, equipment and supplies shall not be stored within the State's ROW without prior approval of the Engineer.
23. Photographs or video of sufficient detail to show the existing condition of the area to be disturbed within the ROW shall be furnished to the Engineer prior to the start of work. Photographs of all State underground structures shall be taken just prior to backfill and furnished to the Engineer.
24. All interim yellow centerline pavement markings in place on two-way roadways prior to placement of full MUTCD standard pavement markings shall be removable raised pavement markers. The markers shall be placed in pairs, separated by a lateral space of approximately three (3) inches, using a maximum cycle length of eighty (80) feet. On sections of roadway with severe curvature, lesser cycle lengths should be used so that at least three (3) pairs of markers are visible to approaching traffic at all times.
25. Construction shall be done as shown on the attached plans, typicals and description of work. Any variation shall receive prior approval from the Engineer.
26. The pavement shall not be damaged. Any damage to the pavement caused by construction methods shall be repaired to the Engineer's satisfaction.
27. No work in the highway ROW shall be permitted during the following conditions:
- Incident weather.
 - The hours of darkness**.
 - Saturdays, Sundays or Holidays.
 - During the period from November 15th to April 15th.
- **Work after dark may be permitted if adequate lighting is in place and is sufficient to protect the traveling public and workers.
28. During the hours the job is inactive, a standby crew shall be available in case they are needed for the protection and maintenance of traffic. One or more telephone numbers, which will reach the standby

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crew, shall be furnished to the following people: The NHDOT Lancaster Dispatch, the local police chief, the local superintendent of public works or road agent (if the project is municipally owned) and the local NHDOT highway patrolman foreman.

29. The owner shall, upon project completion, submit a complete set of "as-built" drawings to the Engineer.

The standby contact people will be: (List two)

NAME:	<u>Kylar Drew</u>	<u>Ronald Smith</u>
ADDRESS:		
CITY/TOWN:	<u>Intervale, NH</u>	<u>North Conway, NH</u>
TEL# (DAY):	<u>603-356-6351</u>	<u>603-662-8254</u>
(NIGHT):	<u>603-356-7809</u>	<u>603-356-6351</u>

II. I/We, the Contractor, agree to save harmless the State of New Hampshire from any and all claims arising from the construction, trench settlement, pavement damage or other deficiencies attributable to the said construction for a period of two (2) years following the acceptance of the project by the Owners.

I/We, the Contractor, agree to assume such additional cost as the State may incur by reason of failure to perform this work in the manner prescribed above and in accordance with said plans and specifications, and are familiar with the penalty imposed by Chapter 236, RSA 1982, and amendments thereto.

I/We, the Contractor, agree to furnish a continuing surety bond in the amount of \$8,000.00 dollars guaranteeing the fulfillment of the provisions, instructions and regulations prescribed herein, and any later instructions that may be issued by the District Engineer during the performance of the work. Following the acceptance of the project by the Owners, the bond amount may be reduced to ten (10) percent of the surety bond or \$2,000.00 guaranteeing satisfactory maintenance of the disturbed areas for a period of two (2) years.

CONTRACTOR: L. A. Drew

ADDRESS: P.O. Box 1030
Intervale, NH 03045

PHONE: 603-356-6351

BY: 

PRINTED NAME: Kylar Drew

TITLE: VP

III. I/We, the Owners, agree to save harmless the State of New Hampshire from any and all claims arising from the construction, maintenance and operation of the said facility and its appurtenances and agree to obtain permits from the Engineer before performing any future excavation for maintenance or renewal of the facility or appurtenances thereto within the ROW limits.

I/We, the Owners, agree to assume such additional cost as the State may incur due to the maintenance, operation, renewal or extension of said facility or appurtenances thereto within the highway limits.

I/We, the Owners, understand and agree that this permit is for the right of construction, operation and future maintenance of the said facility and occupancy is by sufferance only, with the State

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reserving the right to require, in event of future alterations of the highway or highway ROW, certain alterations, relocations or complete removal of said facility.

I/We, the Owners, agree to perform required alterations, relocations or removal of said facility promptly and at our own expense upon notification by the State.

OWNER: Lower Bartlett Water Precinct
ADDRESS: P.O. Box 315 Intervale, NH 03845
PHONE: 603-356-6738

BY: [Signature]
PRINTED NAME: Richard Glines
TITLE: Chairman

IV. Permission for the above described construction, maintenance and operation is granted, subject to the instructions, regulations, conditions and agreements above.

This permit does not abrogate the rights of adjoining owners.

DRAFT

WORK TO BEGIN: 10/31/11
WORK TO END: 11/8/11

Date: _____

By: _____
District Engineer
For Director of Administration
NH Department of Transportation

Before using permit, The Contractor shall notify the District Office and Patrol Foreman:

District One Office
641 Main St.
Lancaster, NH 03584
Tel.: (603) 788-4641

Patrol Foreman in Charge:

Kenneth Crowther

Patrol Foreman Telephone #:

603-383-9447

DISTRIBUTION: District Office, Patrol Foreman, Utility Owners and Contractor