

REPORT OF THE COMMISSIONER

DURHAM - NEWMARKET, STP-TE-X-5133(009), 13080

N.H. ROUTE 108

PUBLIC HEARING

July 21, 2005 -- OYSTER RIVER HIGH SCHOOL CAFETERIA -- 7:00 PM

The following decisions are the Department's resolution of issues as a result of the testimony presented at the July 21, 2005 Public Hearing and written testimony subsequently submitted for the Durham - Newmarket, STP-TE-X-5133(009), 13080, project described as:

Beginning in the Town of Durham at a point in the existing traveled way of NH Route 108, approximately one thousand (1,000') feet north of the Durham Point Road intersection and continuing south along the approximate existing alignment approximately three and five tenths (3.5) miles to a point approximately two hundred (200') feet south of the NH Route 108 intersection with Bay Road in the Town of Newmarket.

The project is intended to construct shoulders along NH Route 108 to improve safety for motorists, pedestrians and bicyclists. Additional safety improvements will include adding sidewalks along both sides of NH Route 108 in the Town of Newmarket, reconfiguring the Bennett Road and Durham Point Road intersections, as well as adding sidewalks along Durham Point Road and NH Route 108 north of Durham Point Road. (All sidewalk construction is contingent upon signed maintenance agreements with the Towns.)

1. Mr. Todd Selig, Durham Town Administrator, noted that the Durham Town Council supports the overall project to construct shoulders along NH 108 and improve safety.

Mr. John Krause, Durham Town Council, commended the Department on the excellent effort expended to accommodate citizen input and expressed support for the project, particularly the improvements proposed at the Durham Point Road intersection.

Ms. Cynthia Copeland, Executive Director Strafford Regional Planning Commission, expressed support for the addition of the 4' bike shoulders along NH 108 noting the NH 108 corridor serves as an essential link in the regional bike network, and provides a direct connection between the residential areas of Newmarket and the University of New Hampshire (UNH), the area's largest employer. She also noted that the corridor is a major commuting route for UNH students and staff, and that the project is consistent with goals and objectives of the Seacoast MPO Long Range Transportation Plan, completing a significant portion of the Great Bay Bicycle Loop as identified in the plan.

Mr. Michael Hoffman, 300 Durham Point Road, Durham; Ms. Diane Freedman, 28 Laurel Lane, Durham; Mr. Richard Lord, 85 Bennett Road, Durham; Mr. Don Brautigam, 122 Packers Falls Road, Durham; Mr. Scott Hovey, 41 Canney Road, Durham; Ms. Virginia Stuart, 3 Falls Way, Durham; Ms. Beth Olshansky, 122 Packers Falls Road, Durham; Mr. Julian Smith, 246 Packers Falls Road, Durham; Ms. Nancy Pagnotta, 2 Simons Lane, Durham; Ms. Marie Polk, 47 Newmarket Road, Durham expressed support for the addition of bike shoulders along NH 108, noting the improved safety for bicycles and motorists traveling along the corridor.

Response: The Department acknowledges and appreciates the communities' support and will progress the project as presented at the Public Hearing subject to the modifications contained herein.

2. Mr. Todd Selig, Durham Town Administrator, noted that the Durham Town Council has had extensive discussions concerning the Bennett Road Intersection following the receipt of a petition, signed by 183 individuals, which objected to the alterations to the Bennett Road intersection as proposed at the Public Hearing. Mr. Selig further noted that the Town Council, on August 15, 2005, voted to rescind its previous support of the proposed improvements at Bennett Road and encouraged the Department to further develop Option 3 as a viable alternative for the Bennett Road intersection. Option 3 was presented to the Town at a Public Informational meeting in 2004 and includes a modest alteration to Bennett Road at its intersection with NH 108 with the addition of a small traffic island to help delineate the intersection lanes. Lastly, Mr. Selig encouraged Department's representatives meet with Town staff to further discuss Option 3, when appropriate drawings are completed.

A petition signed by 183 individuals expressed strong opposition to the proposed alterations at the Bennett Road intersection particularly noting that Bennett Road is a designated scenic road by a Durham town ordinance and is afforded protection under State RSA 231:157 and RSA 231:158. Further, the petition noted that the layout proposed at the Public Hearing would significantly alter the character of the entrance of Bennett Road, require extensive tree cutting, and diminish the natural beauty and historic qualities of the present entrance to the scenic road.

Representative Dennis Abbott; Ms. Diane Freedman, 28 Laurel Lane, Durham; Ms. Monica Smith, 246 Packers Falls Road, Durham; Mr. Henry Smith, 28 Woodman Road, Durham; Mr. Scott Hovey, 41 Canney Road, Durham; Mr. Julian Smith, 246 Packers Falls Road, Durham; Mr. Roland Beaudet, (parcel 31); objected to the proposed improvements to the Bennett Road intersection noting that the present configuration works well and allows vehicles and bicyclists making right turns onto Bennett Road to efficiently exit from NH 108 up the steep grade without having to stop on the highway. They noted the majority of the drivers utilizing the intersection are frequent users familiar with the deficient crest, steep slope, and quick descent to the intersection. Further, they noted that the majority of motorists using Bennett Road travel to and from Durham diminishing the need to re-align the intersection to a 90-degree crossing. Lastly, re-aligning the intersection to a 90-degree crossing would make winter travel up the steep grade more difficult. They suggested improved signing be added to alert motorists of the deficient crest on Bennett Road. Mr. Henry Smith also requested NH 108 be widened along its southern approach to the Bennett Road intersection to allow through traffic to avoid queued vehicles waiting to make a left-turn onto Longmarsh Road.

Mr. Richard Lord, 85 Bennett Road, Durham; Mr. & Mrs. Drapeau, 4 Sullivan Falls, Durham; Ms. Virginia Stuart, 3 Falls Way, Durham; Ms. Beth Olshansky, 122 Packers Falls Road, Durham; Mr. Don Brautigam, 122 Packers Falls Road, Durham; objected to the proposed improvements at Bennett Road, noting that Bennett Road is a designated scenic road protected by state law and local ordinances. They requested that any improvements be made within the present alignment of the road to address the safety concerns while preserving the aesthetic and historic nature of the road.

Ms. Cynthia Copeland, Executive Director Strafford Regional Planning Commission; noted that the existing configuration of Bennett Road and its intersection with NH 108 is deficient and in need of corrective action. Ms. Copeland encouraged the Department to continue to closely work with the Town to develop a design that is safe, efficient, and sensitive to the character of the area. She suggested that if a compromised design cannot be developed, that the Bennett Road intersection improvements be progressed as part of a separate project to avoid undue delays to the development of the rest of the project.

Mr. John Krause, Durham Town Council; Mr. Richard Kelley, Chairman of the Durham Planning Board; Mr. David LeGault, 11 North Main Street, Newmarket; Ms. Nancy Pagnotta, 2 Simons Lane, Durham; expressed support for the proposed improvements at the Bennett Road intersection.

Response: At the request of the Durham Town Council, in response to the large number of Durham residents objecting to the improvements at the Bennett Road intersection as proposed at the Public Hearing, and following additional meetings and discussions with Town Officials, the Department proposes to construct minor improvements to the Bennett Road intersection. Work on Bennett Road is proposed to be limited to the removal of a small amount of pavement in the northwestern corner of the intersection to reduce the expanse of pavement that presently exists. The existing pavement edge in the southwestern corner is proposed to be maintained. Ten-foot shoulder areas on NH 108 are proposed in the immediate vicinity of the intersection to allow vehicles to decelerate in the paved shoulder when approaching the intersection while making a right turn and to utilize the paved shoulder to bypass queues vehicles in the travel way waiting to make a left turn onto Longmarsh Road. These improvements at the Bennett Road intersection are identified on a plan titled “Minor Corner radius Modification Option 3B” that was endorsed by the Durham Town Council at a meeting on June 4, 2007.

The aforementioned improvements essentially maintain the present configuration of Bennett Road; eliminate a majority of the tree clearing on Bennett Road that was required under the previous proposal, and considerably reduce the impacts to private property in vicinity of the intersection.

The Department will coordinate with the Town of Durham to add improved signing on Bennett Road, in order to provide advance warning of the deficient crest vertical curve and limited visibility approaching the stop condition at the intersection.

3. Mr. John Krause, Durham Town Council, expressed support for the improvements proposed at the Durham Point Road intersection.

Representative Emma Rous expressed thanks for the sensitivity exhibited by the Department to address historic and environmental concerns, particularly at the Durham Point Road intersection.

Ms. Diane Freedman, 28 Laurel Lane, Durham, suggested the current two-way configuration at both of the Durham Point Road entrances be maintained. She recommended a left-turn lane be added on NH 108 to allow vehicles on NH 108 to by-pass vehicles making a left-turn onto Durham Point Road. Ms. Freedman suggested that a bicycle/pedestrian/jogging lane is preferable to sidewalks along NH 108 and Durham Point Road since sidewalks are typically more difficult to maintain in the winter and are of lesser priority than the roadway, and given the narrow rural roadway, an adjoining lane offers greater flexibility for recreational use than a raised sidewalk.

Mr. Gary Valentine, 17 Deer Meadow Road, Durham, suggested the sight distance be reviewed for vehicles heading south on NH 108 and desiring to make a left-turn onto Durham Point Road. He noted that the existing visibility is somewhat hindered by the road’s curvature.

Mr. David LeGault, 11 North Main Street, Newmarket, suggested the new sidewalk proposed along the southerly side of Durham Point Road would be better situated along the northerly side of Durham Point Road with a pedestrian crossing located mid-block on Durham Point Road at the top of the road’s crest. He felt locating the pedestrian crossing away from NH 108 would increase safety for pedestrians.

Response: The Department believes the proposed layout for Durham Point Road as depicted at the Public Hearing improves safety for all users (i.e., motorists, bicyclists, pedestrians, joggers) of the Durham Point Road intersection area, while minimizing impacts to the Durham Historic District. Maintaining the existing two-way configuration on the southern leg of the intersection, as suggested by Ms. Freedman, is problematic and unsafe due to the severely deficient width (approximately 14' at its present narrowest point) for two-way travel, and due to the steep downgrade and severely skewed junction for vehicles exiting the southern leg of the intersection onto NH 108. Improving the geometry at that location and widening the roadway would result in unacceptable impacts to private property and the historic district. Maintaining the existing width and configuration for a one-way condition (from NH 108 onto the southern leg) allows the historic character of the area to be preserved and eliminates the safety concerns associated with the deficient width and intersection geometry.

The visibility along NH 108 will be improved for vehicles desiring to make a left onto Durham Point Road as some of the existing vegetation along the inside of the curve will be cut back to accommodate the proposed widening for the shoulder construction and associated roadway embankment work.

The proposed sidewalk provides good, safe connectivity between the existing sidewalks along the easterly side of NH 108 and the southerly side of Durham Point Road. A pedestrian crossing is proposed at the intersection of the two roads, in a location that is commonly expected by motorists and has appropriate sight distance. Introducing a sidewalk along the northerly side of Durham Point Road, as suggested, would result in considerably more impacts to the area and would necessitate a mid-block pedestrian crossing in a location with poor visibility that would be unexpected and less safe.

4. Mr. Richard Kelley and Ms. Julie Pinkham Kelley, 47 Stagecoach Road, Durham; Mr. David Glista, 28 Ross Road, Durham, requested the Department extend the sidewalk proposed along the easterly side of NH 108 from Simons Lane in Newmarket to Stagecoach Road in Durham. They noted this (approximately 2000') extension of sidewalk would serve a large residential area of 65 to 70 homes, providing the opportunity for safe pedestrian access for the neighborhood to downtown Newmarket.

Response: The Department has reviewed the area and is amenable to the extension of the sidewalk from Simons Lane, which is located at the Durham / Newmarket town line, to Stagecoach Road in Durham assuming the following stipulations: the additional easements and/or property rights necessary for the sidewalk construction can be secured from the property owners in an amicable manner without the benefit of eminent domain; the additional impacts to wetlands (estimated to be 0.1 acre) will be permitted; and the Town of Durham agrees to accept maintenance responsibilities (both winter and summer maintenance) for the sidewalk in accordance with its accepted policies and practices as mandated in RSA 231:92-a. A municipal agreement between the Town and the Department documenting maintenance responsibilities will need to be executed prior to this sidewalk (and the other sidewalks) being incorporated into the project.

5. Ms. Marguerite Mathews and Mr. Robert Tucker, 288 Newmarket Road, Durham (parcel #19), expressed the following concerns relative to the project's potential impact to their home, which is presently shielded by a ledge outcrop intermixed with trees and vegetation:
 - a) They requested the removal of the rock outcrop and existing vegetation along their property's frontage be minimized to the greatest extent possible.
 - b) They questioned how the temporary construction easement would be utilized during construction and how the access to their property would be affected.
 - c) They expressed concern that the ledge removal operation (i.e. blasting) would potentially damage their home's foundation (which consists of dry-laid

fieldstone), their septic system, and their three-year old well. They requested construction activities be avoided that may potentially damage their foundation, well, and septic system.

- d) They requested that every effort be made to limit the removal of trees that will further expose their home to the highway, including the area of the proposed drainage easement located on the adjacent property to the north.
- e) They questioned how the efforts to minimize tree and ledge removal would be coordinated with them during construction, and how long the work along their property frontage would take.
- f) They requested a pre-construction and post-construction survey of the vegetative buffer, foundation, and well be completed with copies of the inspection reports provided to them. They questioned how their interests would be protected if construction related damage occurs.
- g) They questioned whether a pre-construction and post-construction valuation of their property will be completed to assess the project's impact on their property.
- h) They suggested consideration be given to lower the posted speed limit of NH 108 from 45 mph in light of the future increased bike and pedestrian activity.

Response: The following are the Department's responses to the expressed concerns and questions.

- a) The Department has refined the proposed work along the property's frontage to limit the impact to the ledge outcrop and surrounding trees, and will continue to try to minimize impacts along the property's frontage during the project's final design. Removal of the ledge by mechanical means, as opposed to drilling and blasting, will be considered in the interest of minimizing tree clearing.
- b) The temporary construction easement is required for the construction of a drainage pipe beneath the driveway, and to provide access for ledge removal construction equipment to the top of the ledge, if deemed necessary. The depiction of the temporary construction easement crossing the property's driveway will not preclude the owners from accessing the property; access will be specified to be maintained at all times. During the final design stage of the project, drainage and ledge removal will be reviewed and the limits of the easement minimized to the greatest extent reasonable.
- c) As an element of the ledge removal operation, the Department proposes to implement a vibration-monitoring plan, which will monitor ledge removal activities and set vibration limits to minimize vibrations resulting from these construction activities in the area. In addition, a pre- and post-construction survey of the foundation, septic system, and well will be conducted as part of the project.
- d) The Department will limit, to the extent reasonable and practical, the amount of tree removal, which will potentially expose the house to the highway.
- e) During the final design stage of the project, detailed plans will be developed depicting the limits of the proposed tree clearing, slope work, and necessary easements. These plans will form a basis for appraising the impacts to the property and negotiating the acquisition of easements required to complete the work. During construction, a representative of the Department will oversee the work to ensure construction is progressed according to the plans and specifications. This on-site Contract Administrator will also coordinate various aspects of the construction as it affects private properties and property frontages with the respective property owners along the corridor.
- f) As noted in item (c), a pre- and post-construction survey of the foundation, septic system, and well will be conducted. A copy of the report will be provided to the owners. The contract documents will direct that photos and/or video of the property frontage be taken prior to work along the frontage commencing with copies provided to the owners. Extreme care will be exercised to avoid additional impact and/or damage to the property over and above that shown on the plans.
- g) An appraisal of the land impacted based on its highest and best use in accordance with State and Federal law will be completed. The appraisal will consider the before (existing) and after condition in determining fair market value for the property impacts.
- h) Upon completion of the project's construction, the Department's District Office will review the area to determine whether any adjustments to the posted speed

limit are necessary given the geometry of the road, character of the area, and anticipated increased pedestrian and bicycle activity. Appropriate speed limit signs will be provided accordingly.

5. Mr. Michael Hoffman, 300 Durham Point Road, Durham, expressed concern that historic stonewalls along NH 108 are being destroyed by “clear-space treatments”. He noted one stonewall in particular, which is located along the easterly side of NH 108, north of the Durham Point Road intersection, is being threatened by a recently installed drainage swale that is undermining the wall’s foundation. He suggested the embankment be stabilized with riprap.

Response: As a project commitment to mitigate the impacts of the project on historic stonewalls, stonewalls that are directly impacted by construction will be reconstructed in kind where feasible, practical, and constructible. The reconstructed walls are intended to be located at the right-of-way boundary or at a location determined to be most appropriate. The stonewall located along the easterly side of NH 108 north of the Durham Point Road intersection will be reviewed during the final design stage of the project and appropriate measures will be incorporated into the design to stabilize the area and inhibit further erosion of the wall’s foundation.

6. Mr. Paul Dubois and Ms. Sharon Griffin, Trustees for the Mill Pond Trust (parcel #55), requested the Department minimize the land acquisitions and easements affecting the property to the greatest extent possible. They requested the stonewall, if impacted, be re-constructed as close as reasonably possible to its present configuration and appearance, since the property is an integral part of the Durham Historic District.

Tom Chamberlain, representing the Rockingham Land Trust (parcels 53 & 55), noted in December 2004, the Rockingham Land Trust with the Town of Durham secured a conservation easement on 11 to 12 acres of land at the Mill Pond Center. He expressed support for the project, but urged the Department minimize the visual impact of the project on the fields and the Mill Pond Center.

Representative Emma Rous noted that she lived on Durham Point Road and inquired as to the availability of plans for the Durham Point Road intersection and Mill Pond driveway area noting drainage related concerns by the Mill Pond Center. She also questioned the disposition of the stonewall along the Mill Pond Center property, which presently exists in close proximity to NH 108.

Response: The Department has investigated several different alternatives to improve safety and congestion in the area of the Durham Point Road intersection. The alternative presented at the Public Hearing best balances safety and congestion in the area while minimizing impacts to private property and the historic district to the greatest extent practicable. Due to the close proximity of the stonewall to the existing road, the stonewall along the Mill Pond Center frontage will be impacted by the proposed construction and is proposed to be re-built in kind along the proposed right-of-way boundary (which will be located approximately 12’ off the edge of the new pavement).

In addition to the right-of-way acquisition, easements will need to be acquired to undertake any work (i.e., roadside slope construction, drainage, etc.) beyond the proposed right-of-way boundary. The Department will strive to further minimize the extent of these easements during the final design phase of the project.

A half-sized plan of the Public Hearing Plan was forwarded to each Town following the Public Hearing for their use and records. As additional and more detailed plans of the intersection area and the proposed drainage work are developed, coordination with the Mill Pond Center will be undertaken.

7. Mr. Michael Schidlovsky, 100 Newmarket Road, Durham (parcel #37), requested that he first approve and have a clear agreement on the work proposed on his property, particularly concerning any stonewall alterations, tree removal, tree branch cutting, driveway reconfiguration, and mailbox relocation. Further, he requested that any alterations to the topography of his property be left in a mowable condition.

Response: Prior to commencing with any work on private property, the Department will develop detailed right-of-way plans depicting the limits and nature of the proposed work, along with the easements necessary to progress the work. These plans will be discussed with Mr. Schidlovsky and used to negotiate the terms and conditions of the documents needed, and any special circumstances determined to be appropriate for incorporation into the proposed work.

During the final design process, the Department will strive to further minimize the extent of stonewall alteration, tree removal, tree branch cutting, and driveway reconfiguration.

8. Mr. David LeGault, 11 North Main Street, Newmarket (parcel #102), requested the Department afford him the opportunity to connect his property's sump pump into the proposed highway drainage system. He noted that a low area exists between his property and the adjacent property to the north, which drains to the shoulder area of the road. He suggested this runoff be directed into the proposed drainage system for the project.

Mr. LeGault suggested the Department coordinate with the Town of Newmarket to replace the aging water mains that exist along NH 108 as part of the project.

Response: Due to liability concerns and as a matter of practice, the Department discourages the connection of private lines to the highway's drainage system.

During the project's final design phase, the Department will closely review the area between Mr. LeGault's property and the adjacent property to the north to address drainage issues along the property frontages.

During the project's final design phase, the Department will coordinate with the Town of Newmarket to identify any potential conflicts concerning the proposed work and the existing water line and whether the Town is interested in replacing the existing facility as a non-participating element of the project.

9. Ms. Cynthia Copeland, Executive Director Strafford Regional Planning Commission; requested the Department modify the alignment of NH 108 to avoid impacts to three mature oak trees that are situated along the east side of the highway in vicinity of the Durham Boat Company.

Response: As part of the project's development, the Department investigated an alternative alignment, which avoided impacting the three trees. This alternative alignment involved shifting the centerline to the west several feet, which resulted in severe impacts to numerous trees located along the opposite side of the road, and greater overall impacts (i.e. fill slopes, trees, etc.) to the area.

During the final design phase of the project, the Department will more closely evaluate the proximity of the trees to the new edge of pavement and determine whether any of the three mature trees can be saved without adversely affecting safety.

10. Mr. John L. Ahlgren, Chairman – Newmarket Community Development Corporation, P.O. Box 313, Newmarket (parcels #106 & #107), requested the drainage from NH

108, which is currently directed to a drainage ditch between parcels 106 and 107, be collected in a subsurface drainage system that is tied into the existing system on Dame Road. He stated that the Newmarket Community Development Corporation does not want runoff from NH 108 directed onto their properties, when runoff could be diverted to the existing catch basins. Mr. Ahlgren also requested curb cuts and driveway entrances be provided to both properties from NH 108.

Response: The Department will closely review the drainage conditions in vicinity of parcels 106 and 107 and design the drainage with the intent that runoff from NH 108 is not directed to the properties. The current proposal, as shown at the Public Hearing, depicts new curbing and sidewalk along the parcel frontages. This curbing will help contain the runoff from the highway and collect it in a subsurface system.

An existing curb cut or driveway, which is situated on parcel 107, will be maintained as part of the project. Regarding a new curb cut to parcel 106 from NH 108 (where no driveway presently exists), the owner will need to contact the District Six Office, which is delegated the responsibility for the issuance of driveway permits to the state highway system, and submit an application for a driveway permit. Should the owner obtain the necessary approvals and permits, the Department will incorporate the curb cut layout into the project.

11. Mr. James Dreher, GM - Durham Boat Company, Inc., 220 Newmarket Road, Durham (parcel #28), expressed concern with the curbing proposed to delineate access along his property frontage, noting that the curbing would restrict access into and out of his property. He stated that if the curbing is constructed, a loading dock at the north end of the property would not be accessible to deliveries by large trucks; boat trailers that need unfettered access would be impeded; parking would be restricted; access out of the property hindered; snow-plowing would be more difficult; and the historic use of the property by semi-tractor trailer trucks and other large trucks would be made more difficult.

Mr. Dreher noted concern with the locations of the proposed driveways and potential visibility problems for vehicles exiting his property. He requested the Department visit the site to better understand the ramifications of the proposed curbing.

Response: Presently, approximately 240 feet of open pavement exists along the property's frontage, along with an unprotected utility pole that is situated in the middle of the paved frontage. Vehicles entering or the leaving the property have uncontrolled access, which can result in haphazard and unsafe movements. Managing access to a relatively high-volume state highway such as NH 108 by defining discrete driveway locations will improve safety for the motorists accessing the property and the traveling public on NH 108. Departmental policy and practice typically allows a maximum of two driveways, each with a maximum width of 50', to single parcels with 500 feet of frontage or less.

At the request of the owner, a site visit was conducted on September 2nd, 2005, following the Public Hearing. Sight distance exiting the new drive locations, the location of the proposed curbing, and site maneuverability was reviewed with the owners. It was noted that the Department believes uninhibited access to and from the site is problematic.

Although the proposed curbing is located completely within the existing right-of-way, in order to allow slightly more room for on-site maneuverability, the width of proposed curbed area shown on the Public Hearing plan will be reduced from approximately 8 feet to 6 feet in width. Access to the gated area at the property's southern end and the loading dock at the property's northern end will not be precluded with the proposed driveway layout. Each driveway will be of sufficient width (50 feet) to allow reasonable entry and exit at each location. Deliveries by trucks and boat trailers are anticipated to be accomplished in a safer manner since turning and backing movements will be made within the property's confines, as

opposed to the existing situation, where portions of the highway are utilized. Although the paved lot is not striped, it appears that some parking that currently is “head-in parking” will need to be altered to “parallel parking” to allow room for vehicular circulation within the site.

Sight distance at each of the proposed driveway locations has been reviewed. The southern driveway will have good visibility for vehicles exiting that location with sight distances of better than 550’ (good for a 50 mph design speed) in both directions. The northern drive will have good visibility in the southern direction (better than 550’) and moderate visibility in the northern direction (approximately 400’) once some trimming of the vegetation within the state’s right-of-way is accomplished as part of the project. The owner is advised to encourage vehicles exiting the property to utilize the southern driveway.

12. Representative Karl Gilbert, Newmarket suggested the intersection corner at the Bay Road / NH 108 intersection be softened to improve safety for the right turn movements from Bay Road onto NH 108. Representative Gilbert noted that it is difficult today for vehicles queued in the right turn lane on Bay Road to enter onto NH 108 without crossing the highway’s centerline. With the addition of a sidewalk at that location, he questioned whether the right-turn movements would be more difficult. He suggested the intersection corner be rounded to allow vehicles to stay within their respective lanes.

Representative Dennis Abbott, Newmarket suggested NH 108 be widened to provide a left-turn lane for southbound vehicles on NH 108 waiting to turn left onto Bay Road. The protected left-turn lane would help to improve congestion at the intersection location.

Response: The Department has reviewed the intersection corner at Bay Road and will modify the corner to allow Single-Unit trucks (SU-Design) to make a right-turn from Bay Road onto NH 108 within the respective lanes, without adversely impacting the park appurtenances, such as the cannon and monument. The utility pole at the intersection corner, which houses several major utility lines, will need to be relocated to accomplished the work.

Due to the right-of-way constraints, particularly the close proximity of the residences along NH 108 opposite Bay Road, the widening of NH 108 to accommodate a left turn lane for vehicles desiring to make left turns onto Bay Road would impose severe and unacceptable impacts on private property. As such, the introduction of a left turn lane is felt to be beyond the scope of this project and not proposed.

13. Mr. David Cataneo and Ms. Kathy Cataneo, 97 Newmarket Road, Durham (parcel #80), suggested that a sharp curve located to the north of their property be softened to improve safety. They noted that wintertime travel is especially dangerous due to the sharp curve with vehicles losing control during a snowstorm. They suggested the curve be softened for safety reasons with an added benefit of shifting the road away from their home, which was built in 1720. Also, they suggested the superelevation in the area of the curve be reviewed to ensure an appropriate cross-slope is provided.

Response: The Department has re-reviewed the crash data and geometric conditions in the area. The existing horizontal curve has a radius of 550 feet, which when properly superelevated is adequate for a design speed of 40 mph. The posted speed is 35 mph. The crest vertical curve, which is situated just north of the relatively sharp curve, represents more of a potential concern in the area due to the limited visibility (adequate for approximately 35 mph) offered to motorists traveling either north or south. To improve this condition, a significant alteration to the road’s profile along with a major shift in the centerline of the roadway would be required, resulting in a major reconstruction of approximately 750 feet of NH 108 along with significant impacts to private property. This type of reconstruction is felt to be beyond the scope

of the project and, based on prior public meetings, would not be acceptable or supported by the community. The proposed addition of 4-foot paved shoulders will provide some added safety benefit in terms of reducing the potential for run-off-the-road type of accidents. During the final design stage of the project, the area will be reviewed relative to the superelevation provided.

14. Mr. Wesley Smith, 73 Newmarket Road, Durham (parcel #74), questioned the intent of the drainage easement proposed on his property, noting the potential for contamination of the property's well given its location in close proximity to the proposed easement. He also questioned whether a dust abatement program would be implemented during the project's construction to control dust.

Response: The drainage easement proposed on Mr. Smith's property is intended for the purposes of constructing and maintaining a new drainage structure envisioned to collect runoff from a roadside ditch along the easterly side of the road and convey it beneath the highway to the opposite side. During the final design stage of the project, the Department will review the drainage needs in the area and the extent of the proposed drainage easement, and will minimize the size of the easement to the extent practicable.

Although the drainage collected in the area of the drainage easement is not envisioned to adversely affect the well, the Department proposes to initiate a well testing and monitoring program to gather pre- and post-construction data on the existing well. Should the well be adversely affected by the project, the Department will take corrective action.

During construction, some levels of dust and inconvenience will be evident in the project area. The Department's contractor will be required to control dust and keep it within reasonable limits as established in the Department's specifications.

15. Ms. Marie Polk, 47 Newmarket Road, Durham (parcel #65), expressed concern for the high levels of noise generated by large trucks traveling through the historic district, particularly the noise made when large trucks traveling northbound downshift on NH 108 as they approach Durham Point Road. Ms. Polk requested consideration be made for measures to slow the trucks prior to the downgrade and to reduce truck noise that detracts from the historic charm of the area.

Ms. Polk also advocated that improved signing and enforcement of the posted speed limit be provided to improve safety along NH 108 in the area of the historic district.

Response: The area just south of Bennett Road through the Durham Historic District is currently down posted to a 35 mph speed limit, which should provide adequate distance for trucks to slow down as they travel through the historic area.

During the final design stage of the project, signing along the entire corridor will be reviewed and an appropriate level of signing, in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), will be provided. Enforcement of the posted speed limit is the responsibility of the police departments in accordance with their rules and regulations.

16. Ms. Nancy Pagnotta, 2 Simons Lane, Durham (parcel #93), expressed concern that if blasting is utilized to remove the ledge along her property frontage, that the blasting operation may adversely impact the property's well. She questioned what measures are available to protect her property's well.

Response: The Department proposes to implement a vibration-monitoring plan as an element of the ledge removal operation, which will monitor ledge removal activities and set vibration limits to minimize vibrations resulting from these construction

activities in the area. Also, the Department proposes to initiate a well testing and monitoring program to gather pre- and post-construction data on the existing well. Should the well be adversely affected by the project, the Department will take corrective action.

17. Mr. Fred Schnur, 7 Laurel Lane, Durham (parcel #48), questioned the nature and extent of the proposed drainage easement shown on his property and whether the area would be restored to its pre-existing condition with trees, shrubs, etc. replaced once construction is completed.

Response: The drainage easement is required to construct an extension of the existing culvert and maintain the existing drainage that continues through the area. Although some tree cutting will be necessary to construct the shoulder widening and culvert extension, clearing will be minimized to the degree practicable and the drainage easement limited to only that which is necessary to ensure proper drainage. The impacted area is proposed to primarily be landscaped with humus and grass cover.

Prior to commencing with any work on private property, the Department will develop detailed right-of-way plans depicting the limits and nature of the proposed work, along with the easements necessary to complete the work. These plans will form a basis for appraising the impacts to the property and negotiating the acquisition of the easements.

18. Mr. David Glista, 28 Ross Road, Durham, requested the posted 35 mph speed limit zone be extended from the Durham townline to north of Stagecoach Road to improve the safety of travel on NH 108.

Mr. Glista requested that “Bike Route” signs and markings be installed along NH 108 on the shoulder pavement to highlight the shoulders are to be used for bike travel.

Response: Upon completion of the project’s construction, the Department’s District Office will review the area to determine whether any adjustments to the posted speed limit are necessary given the geometry of the road, character of the area, and anticipated increased pedestrian and bicycle activity. Appropriate speed limit signs will be provided accordingly.

During the project’s final design, the Department will coordinate with the Town staff for input regarding bicycle signing and markings, and will install the signing and markings as part of the project should the Town agree to the maintenance responsibilities for these items. A memorandum of understanding between the Department and Town, which records the installation and outlines the maintenance responsibilities, will need to be executed prior to the incorporation of these items.

19. Mr. Richard H. Lord, 85 Bennett Road, Durham, expressed concern that additional impervious area was being added between the roadway and the Lamprey River adversely affecting (with increased salt runoff) the wetlands that buffer the River. He also expressed concern that the impacts to the wetlands in the Lamprey River basin are proposed to be mitigated in the Oyster River watershed and that no mitigation is proposed within the Lamprey River watershed.

Response: The Department has coordinated the proposed project with a host of natural resources agencies (including the Army Corps of Engineers, Environmental Protection Agency, National Park Service, NHDES Wetlands Bureau, NH Fish and Game Department, US Fish and Wildlife Service, among others) as is the typical practice for most Department projects. It was agreed at these meetings that the incremental additional pavement width associated with the proposed improvements to this existing facility would not substantively affect the surrounding natural resources. Furthermore, the formalization of the 4-foot shoulders will not require or result in

additional salt usage. Upon completion of the project, the condition of the pavement will be improved, potentially requiring less salt use for winter maintenance.

The proposed project involves impacts within both the Lamprey River and Oyster River watersheds. The Department's proposal to partner with NH Fish and Game Department, National Estuarine Research Reserve and The Nature Conservancy to create/ enhance wildlife habitat on the Powers parcel was reviewed and concurred by the resource agencies to be suitable mitigation for the anticipated impacts resulting from the project. Further, it is important to note that the two watersheds are hydrologically connected by an unnamed watercourse that flows under the roadway at this location.

20. Ms. Beth Olshansky, 122 Packers Falls Road, Durham, suggested a more attractive alternative to the "trashcan type" of terminal end unit be utilized for the ends of guardrail on the project.

Response: The Department has adopted the Energy Absorbing Guard Rail Terminal (EAGRT) as the new standard terminal end unit, which has been crash-tested and deemed crash-worthy, and felt to be more attractive than the Eccentric Loaded Terminal (ELT) unit ("trashcan type").

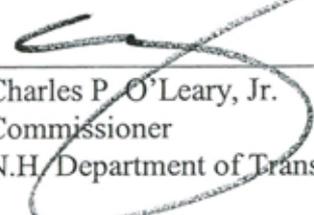
21. Ms. Diane P. Freedman, 28 Laurel Lane, Durham (parcel #42), expressed concern that the Public Hearing was scheduled in July, a time when interested parties in the college community would be unavailable to attend; that the certified mailing process created needless delay, complication, and expense; and that the Hearing Notice and map lacked sufficient information to know precisely what the project involved and how one might be affected.

Response: The Department shares Ms. Freedman's concern with the Public Hearing schedule, but notes the Hearing was very well attended with over 60 people in attendance. Numerous comments were offered at the Hearing along with a large amount of correspondence received during the 10-day comment period, all of which were included in the official Public Hearing record. Additionally, several public informational meetings (November 19, 2002, March 23, 2004, and March 24, 2004) were held in both communities, which afforded ample opportunities for input from interested parties in the college community and for abutting property owners to find out specifically what the project involved and how they may be affected.

Relative to the certified mailing process, the Department is required by law (RSA 230:18) to provide notice to the owners of properties potentially impacted by the project by certified mail.

The intent of the Hearing notice and map is to advise recipients of the proposed project's location and provide a general description of the proposed work. Routinely, potentially affected property owners contact the Project Manager to get more specific information regarding the project and potential impacts on their property or they view the Department's website where Public Hearing plans are posted electronically. It is viewed as economically impracticable to mail plans of sufficient size to adequately convey the proposed work and potential impact to all the property owners possibly affected.

23 July 07
Date


Charles P. O'Leary, Jr.
Commissioner
N.H. Department of Transportation