

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF ENVIRONMENT**



Bedford, 13527

Environmental Study

**March 2009
Revised, April 2010**

Table of Contents

| | |
|---|----|
| Existing Conditions/Proposed Action | 1 |
| Purpose & Need | 1 |
| Alternatives Considered | 1 |
| Evaluation of Environmental Effects | 2 |
| Social/Economic Resources | 2 |
| Air Quality..... | 2 |
| Business Impacts, Community Services, Land Use and Tax Base | 3 |
| Contaminated Properties | 3 |
| Environmental Justice | 3 |
| Land Acquisition | 4 |
| Noise..... | 4 |
| Public Lands/Recreation | 5 |
| Safety/Transportation Patterns | 5 |
| Utilities | 5 |
| Natural Resources | 6 |
| Endangered Species/Wildlife/Fisheries /Natural Communities..... | 6 |
| Floodplains | 6 |
| Groundwater /Water Quality | 6 |
| Wetlands/Surface Water..... | 7 |
| Cultural Resources | 7 |
| Archaeological/Historical..... | 7 |
| Construction Impacts..... | 7 |
| Coordination..... | 8 |
| Summary Of Environmental Commitments..... | 8 |
| Exhibit 1- Topographic Map of Project Area..... | 9 |
| Exhibit 2- Proposed Alignment of New Bridge and Roadway | 10 |
| Exhibit 3- Air Photo of Project Area..... | 11 |
| Exhibit 4- Photo of Bridge looking south | 12 |
| Exhibit 5- Photos showing deterioration of bridge | 12 |
| Exhibit 6- Reply from NH DRED re: 6(f) properties..... | 14 |
| Exhibit 7- Reply from NHNHB | 15 |
| Exhibit 8- Reply from NHF&G | 16 |
| Exhibit 9- Reply from OEP-Conservation Land Stewardship | 17 |
| Exhibit 10- Map of Conservation Lands in the vicinity of the Project Area. | 17 |
| Exhibit 11- Reply from NHOEP regarding Floodplains in Project Area..... | 18 |
| Exhibit 12- Reply from U.S. Fish and Wildlife Service. | 20 |
| Exhibit 13- Memo from NH Department of Historical Resources. | 22 |
| Exhibit 14- Report of the Commissioner | 23 |
| Exhibit 15- Report of the special Committee..... | 26 |

Existing Conditions/Proposed Action

The proposed action will replace the bridge (189/121) that carries U.S. Route 3 over the F.E. Everett Turnpike (FEET) in the Town of Bedford. The existing bridge was built in 1955 and is 150 feet long and 41.5 feet wide. The bridge is in very poor condition and needs to be replaced.

The current bridge has two travel lanes at 12-feet in width with one to two-foot shoulders and sidewalks on both sides, but the sidewalks do not extend past the bridge. The current speed limit is 35 mph, which will be maintained on the new bridge. The 2008 traffic data had 18,000 AADT (Average Annual Daily Traffic) with projected traffic for year 2011 at 18,700 AADT and for year 2031, 24,200 AADT. Currently there is 8.78 percent truck traffic. This roadway is a main north-south connector between Manchester and surrounding communities and allows access to the F.E. Everett Turnpike and NH Route 101. The accident history in the project area includes twelve accidents, but no injuries. Nine of these were caused by driver error and two involved animal crossings. Three of the accidents involved rear end collisions on US Route 3 South Bound approaching the northern entrance to Hawthorne Drive. These could be a result of higher speeds coming around the curve.

Along US Route 3 and adjacent to the FEET on both sides are commercial areas, with a large shopping center on the west side of the FEET and a hotel on the east side. Northwest of the bridge the area is undeveloped, but there are plans for future development. Directly east and northeast of the bridge the area is undeveloped. A hotel is located farther east of the project area. Current drainage is sheet flow with curbing only located at Hawthorne Drive.

The proposed bridge will be two spans for an overall length of 200 feet and a width of 68 feet. This will allow for future widening of the FEET and lane striping of US Route 3 to four lanes. The new travel lanes will be 12 feet wide, with a raised median, five-foot shoulders and sidewalks on both sides of the bridge, extending from the Lowes/Target intersection to the Hawthorne Drive intersection. The new bridge will be constructed to the north of the existing bridge to allow US Route 3 to remain open during construction. Widening and improvements to the roadway approaches will be constructed approximately 900-feet northwest, to the Lowe's/Target drive and 1800 feet southeast, about 600 feet past the northerly Hawthorne Drive intersection. There will be improvements to this intersection at Hawthorne Drive with dedicated through and left turn lanes, and shared through-right turn lanes. After construction, the existing bridge will be removed. Existing natural and cultural resources along with the impacts are discussed in subsequent sections of this document.

Purpose & Need

The current bridge deck and substructure are in very poor condition and the paint on the steel is deteriorating. The Bridge has a Sufficiency Rating of 28.8 out of 100, which places the bridge on the NHDOT Red List. This means the bridge must have more frequent inspections and may have the weight limit down posted. The bridge guardrail is substandard and the bridge is not currently long enough to accommodate the future widening of the FEET. Also, the Town of Bedford has conducted a corridor study for future development of US Route 3, which proposes access management with a raised median island, four lanes of travel and left turn lanes at signalized intersections. With the addition of the Manchester-Boston Regional Airport Access Road under construction, the US Route 3 corridor will likely have major development within the next several years.

Alternatives Considered

No-Build Alternative

The No-Build alternative does not meet the purpose and need of the project since it would not address the public safety concerns associated with the existing conditions. Failure to address the substandard and existing unsafe conditions would perpetuate the roadway deficiencies, which would likely become more severe if left unaddressed. This alternative also does not allow for the future widening of the FEET.

Re-habilitate the existing bridge

This alternative was not pursued, as it would not allow for the future widening of the FEET. It would also be more difficult to widen the existing bridge to allow for 4 lanes of traffic in the future, due to it's poor condition. To allow for continuous traffic use of US Route 3, a temporary bridge would need to be constructed, and it would be difficult to span the FEET with a temporary bridge.

Build new bridge on existing location with a temporary bridge

This alternative was not pursued, as it would be difficult to construct a temporary bridge over the FEET to maintain traffic throughout the construction period.

Evaluation of Environmental Effects

The effects of the project relative to the following social, economic, natural and cultural resources/issues, if applicable, have been reviewed. Resources/issues, which are not discussed in the body of the report, were investigated, however, no impacts were evident and as such these resources/issues are omitted from the environmental documentation. The resources and issues deemed applicable for this project are indicated in **Bold type**.

| <u>Social/Economic</u> | <u>Natural</u> | <u>Cultural</u> |
|--------------------------------|----------------------------|-----------------------|
| Air Quality | Coastal Zone | Aesthetics |
| Community Services | Endangered Species | Archaeological |
| Contaminated Properties | Floodplains | Historical |
| Energy Needs | Groundwater | Stonewalls |
| Farmlands | Natural Communities | |
| Land Use | NH Designated Rivers | |
| Noise | Stream Rechannelization | |
| Recreation | Surface Water | |
| Utilities | Water Quality | |
| Transportation Patterns | Wetlands | |
| | Wild & Scenic Rivers | |
| | Wildlife/Fisheries | |

Discussion of the effects on the resources/issues follows:

Social/Economic Resources

Air Quality

The proposed project is located within a portion of the State that has been classified as a "moderate" ozone non-attainment area pursuant to the Clean Air Act Amendments of 1990. The area is in attainment with respect to the National Ambient Air Quality Standards (NAAQS) for all other criteria pollutants (CO, NOx, VOCs, Pb SO₂ PM₁₀ and PM_{2.5}) and has not been linked with any special mobile source air toxics (MSATs) concerns. The project has been included in the Statewide Transportation Improvement Program (STIP) 2009-2012, dated January 23, 2009. The proposed work is not considered a "Regionally Significant Project" as defined in the final Transportation Conformity rules (40 CFR 51.392) or in the rules adopted by the New Hampshire Department of Environmental Services in accordance with the interagency consultation provisions required by 40 CFR 51.402.

The proposed project includes the reconstruction of one intersection at the US Route 3/Hawthorne Drive intersection. This intersection contains existing traffic signals. The intent of the proposed improvements is to reduce congestion through the project area by increasing the capacity of the intersection. This increase in capacity will be achieved by the addition of through traffic lanes, turning lanes and traffic signal modifications. As a result of the proposed project the Level of Service at the subject intersection is expected to go from an "E" to a "B". As the Level of Service at this intersection is expected to improve, it is assumed that the reconstruction will improve its function and thus will provide an overall reduction in air pollution and fuel use within the project area.

When completed, the project is not expected to result in any meaningful changes in traffic volumes, vehicle mix, or any other factor that would cause an increase in emissions impacts or contribute to violations of the NAAQS. Consequently, this project is exempt from the conformity requirements of the Clean Air Act Amendments (CAAA) of 1990.

Though exempt from the conformity requirements of the Clean Air Act, the National Environmental Policy Act (NEPA) requires consideration of the project's impact on air quality. Of the NAAQS pollutants of concern in New Hampshire, only CO can generally be addressed at the project level. Computer analyses of projects similar in scale to this one have consistently yielded maximum CO concentrations below the one-hour NAAQS of 35 ppm and the eight-hour criteria of 9 ppm. As these projects were found not to have a detrimental impact on air quality, and for the reasons stated above, it can be concluded that this project will also not have an adverse impact on air quality. No further air quality review is warranted.

Business Impacts, Community Services, Land Use and Tax Base

Businesses and Community Services should have no permanent impacts due to this project although there will be some delays during construction. The existing bridge will remain open throughout construction, but there will be some disruption of traffic due to the considerable commercial development along US Route 3, including retail establishments, hotels, restaurants and private businesses. There should be no impacts to the Bedford Tax Base associated with this project.

The proposed action has been reviewed by the Office of Energy and Planning-Conservation Land Stewardship (CLS) Program Coordinator. It was determined that there are no CLS Program or Land Conservation Investment Program (LCIP) resources within the project area (Exhibit 9). A review of the GRANIT Conservation Lands indicate that there will be no impacts to conservation lands located in the vicinity of the proposed project (Exhibit 10).

Contaminated Properties

A field review did not identify the presence of hazardous or contaminated materials within the project limits. An in-house database search of the NH Department of Environmental Services' 'OneStop Environmental Site Information Guide' did not identify hazardous waste generators in the area, nor indicate the presence of hazardous or petroleum related contaminations on properties located within the project limits.

Environmental Justice

Title VI of the Civil Rights Act of 1964 and Executive Orders 12898 & 13166 ensure fair and full participation and the equal receipt of benefits under Federally assisted programs for traditionally underserved groups. The area surrounding the project was studied to determine if there were any protected groups that might be impacted by this project. Several senior living facilities were identified adjacent to the project area and will be included in notification of public meetings.

Land Acquisition

There will be the need to acquire small amounts of ROW on both sides of the roadway for the new alignment of U.S. Route 3. Slope easements and drainage easements will also be needed. Parcels for the stormwater treatment detention ponds will need to be acquired also. A preliminary list of acquisition amounts is noted in the chart below. Final amounts of acquisition will be determined after the Public Hearing.

| Parcel No. | Property Owner | Permanent Easement (sqft) | ROW Acquisition (sqft) |
|----------------------|---|---------------------------|------------------------|
| 8 | 11 South River Road, LLC | 21,900 | |
| 9 | 11 South River Road, LLC | 36,300 | |
| 10 | Rheault, Robert A. & Rheault, Roger | 12,000 | |
| 10A | Rheault, Robert A. & Rheault, Roger | 3,540 | 400 |
| 11 | Bedford Hotel Group, Inc. | 75,125 | 23,850 |
| 11-1 | Spine Realty, LLC | 8,900 | 450 |
| 12 | Vista Heights Properties, LLC | | 6,150 |
| 13 | 258-260 South River Road, LLC | | 1,600 |
| 14 | Berkshire Executive Center, LLC | | 8,950 |
| 16 | DWAH Realty, LLC | 29,900 | 2,800 |
| 17 | Demmerle, William & Geraldine | | 2,550 |
| 18 | Albireo Properties, LLC | 5,500 | 1,600 |
| 19 | An, Kyung & Nam Y. | | 5,200 |
| 20 | Frank A Reynolds Trust Victoria K. Reynolds Trust | 43,500 | 2,100 |
| 24 | Riverwalk At Bedford Condominium Association | 625 | |
| 25 | Monahan-Fortin Properties, LLC | 21,500 | |
| 26 | International Church of the Foursquare Gospel | 16,625 | |
| Preliminary Estimate | | 275,415 | 55,650 |

Noise

The NH Department of Transportation's *Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I Highway Projects* (Noise Policy) provides guidelines for assessing noise impacts and determining the need, feasibility, and reasonableness of noise abatement measures for proposed Type I highway construction and improvement projects. Noise impacts associated with the proposed project were examined in accordance with the guidelines set forth in the Department's Noise Policy. Traffic noise levels associated with this project were developed using the Federal Highway Administration's Traffic Noise Model Lookup Tables. The results of this analysis are considered to be a "worst case scenario" as they do not take into account vegetation and topographical information that would likely result in lower noise levels.

The project area consists of multiple commercial and residential properties. The existing peak hour traffic noise levels throughout the project area are between approximately 59 and 71 decibels. Upon completion of the project future noise levels are expected to increase by less than 3 decibels. As increases of less than 3 decibels are considered undetectable to the human ear, this project will not result in a noticeable change in traffic noise levels at any location.

The Department's Noise Abatement Criteria (NAC) is 67 decibels for residential properties and 72 decibels for commercial properties. Three properties (1 commercial, 2 residential) within the project area (parcels 10, 12 and 6-1) have existing noise levels that approach (within 1 decibel) or exceed the above noted criteria. All three of these properties are located adjacent to and receive the majority of their noise from the FEET rather than US Route 3. Although these properties approach or exceed the NAC the proposed project does not include any alterations to the FEET. As a result, noise abatement for these properties has not been proposed in association with this project. Should a future project be developed along this section of the FEET, a noise analysis and an evaluation of potential abatement would be developed at that time.

Construction activities will temporarily increase noise due to the use of heavy equipment, however these noise levels are expected to return to normal after the project has been completed. For the reasons stated above, this project is not expected to adversely effect noise levels at any of the adjacent receptors.

Public Lands/Recreation

The project is located in the Town of Bedford. The area surrounding the bridge consists of a mix of residential, business and commercial properties. Coordination was established with local and state officials and it was determined that there are no open spaces, public parks, or formal recreational opportunities available to the public within the project limits. The Land and Water Conservation Fund (LWCF) is a program established by Congress in 1964 to create parks and open spaces; protect wilderness, wetlands and refuges; preserve wildlife habitat; and enhance recreational opportunities. Any alteration or conversion of LWCF properties necessitates a 6(f) conversion of property. Based upon a review of their LWCF files, the New Hampshire Department of Resources and Economic Development (DRED) has advised that there are no Section 6(f) parcels present in the project area (Exhibit 6).

Safety/Transportation Patterns

The 2008 traffic volume of 18,000 Average Annual Daily Traffic (AADT) along U.S. Route 3 is projected to increase to approximately 24,000 AADT by the design year of 2031. The potential to add an additional through-lane in each direction allows the NHDOT to improve the efficiency of the bridge and will decrease side road delays and increase safety.

There will be some disruption to business in the area during construction, but access to all properties will be maintained during construction. The general traffic patterns will not change due to the construction of this new bridge, although dedicated turn lanes and through lanes will allow safer left and right turns at the intersections at each end of the project area.

Utilities

| <u>SERVICE</u> | <u>LOCATION</u> |
|---|----------------------|
| Public Service of New Hampshire (Electric), | Aerial |
| Verizon (Telephone) | Aerial & Underground |
| Comcast (Cable Television) | Aerial |
| Pennichuck Water Works (Water Supply) | Underground |
| Keyspan Gas (Natural Gas) | Underground |

Utility poles spanning the FEE Turnpike from east and west may need to be relocated to accommodate the widening. Utility poles along US 3 southeast of the bridge over the FEE Turnpike will need to be relocated to accommodate roadway improvements. Underground telephone running north from the aerial facilities may need to be relocated due to new roadway alignment. Underground natural gas facilities along US 3 south of the bridge over the FEE Turnpike may need to be relocated to accommodate roadway improvements. Continued coordination with the utilities will occur to assure that there will not be any interruption in services.

Natural Resources

Endangered Species/Wildlife/Fisheries /Natural Communities

The NH Natural Heritage Bureau (NHNHB), the NH Fish and Game Department (NHF&GD), and the US Fish and Wildlife Service (USFWS) have reviewed the project area. There were no Natural Communities identified in the area, but there are three state listed species identified by the NH Natural Heritage Bureau as potentially being in the project area. These included the Bald Eagle, the Eastern Hognose Snake and the New England Cottontail. Upon further review from the USFWS and NHF&G, it was determined that the proposed construction would not impact the identified species. (Exhibits 7, 8 & 12).

Floodplains

The NH Office of Energy and Planning's National Flood Insurance Planning Coordinator has determined that the project will not result in any fills within flood zones (Exhibit 11) and will therefore not cause a flood hazard.

Groundwater /Water Quality

An erosion and sediment control and stormwater pollution prevention plan (SWPPP) specific to this project, and appropriate to the contractor's method of operation and schedule, will be submitted by the construction contractor to the Department for review and approval. The sediment and erosion control measures will be installed prior to construction. Monitoring during construction will ensure that impacts to surface waters are minimized to the extent practicable and restricted to the construction phase.

The project is regulated under the National Pollutant Discharge Elimination System (NPDES) Storm Water Construction General Permit, as administered by the US Environmental Protection Agency (USEPA). The project is subject to Notice of Intent, Notice of Termination and other project records by the contractor.

Bedford is included in the MS4 communities (Municipal Separate Storm Sewer System) as such, NHDOT has coordinated with the Town of Bedford to address storm water issues.

As this project will increase the bridge from 41.5 feet wide to 68 feet wide and increase the length, there will be more stormwater generated than the current conditions. At this time there are 2.7 acres of pavement and the proposed design has 4.5 acres of pavement with an increase in 1.8 acres. Rough calculations of the drainage show the existing Q10 to be 15 cfs with the proposed design having a Q10 of 24 cfs. The drainage is currently sheet flow, but the new design will have curbs and sidewalks, so a closed drainage system will be installed. Both ends of the bridge are constructed on ledge and the eastern end of the bridge is the high point of the project area, which prevents the easy construction of a detention pond. Also, much of the area surrounding the project is either currently developed, or is in the process of being developed, complicating the purchase of land for stormwater treatment. The NHDOT is proposing three stormwater detention ponds to treat the project area.

One is at the northwest corner (Parcel (9) of the new bridge location and would treat stormwater coming off the west end of the new bridge and the west side of the project area adjacent to the Lowes/Target shopping center. At the Public Hearing and in letters sent to the Department, the owners of Parcel 9 and Parcel 3 requested the Department change the proposed drainage plan to direct stormwater to the rear of Parcel 9 and not on to Parcel 3. The Department will work with the landowners to design a drainage plan that works with the proposed development of Parcel 9 and future development of Parcel 3.

The second detention basin would be located to the north of the eastern end of the bridge and would treat water flowing from the eastern end of the bridge. The easements for this drainage will cross Public Service of New Hampshire utility corridor, but all work will avoid impacts to any utility poles and guy wires.

The third basin would be located to the southeast, In the rear of Parcel 20, south of the northernmost Hawthorne Drive intersection and on the east side of U/S. Route 3.

At the Public Hearing, the owners of Parcels 10 and 10A were concerned that their water well could be impacted by salt from road treatment. This project will have curbs so all stormwater will be in closed drainage and carried to treatment areas, well away from the water well. This should prevent any contamination due to road salt. Their water well will be monitored prior to and during construction to guard against construction impacts.

Wetlands/Surface Water

There are no surface waters or wetlands directly impacted by this project, although Patten Brook, north of the project area, would be the ultimate receptor of water treated in the westerly and northerly detention ponds. All appropriate measures will be taken to ensure that there are no stormwater impacts to the surface waters during construction. Drainage patterns will not change as a result of this project. A closed drainage system will be installed for this project. See the Water Quality section above.

Cultural Resources

Archaeological/Historical

The National Historic Preservation Act, the Advisory Council on Historic Preservation's *Procedures for the Protection of Historic Properties* (36 CFR 800), and the US Army Corps of Engineers' *Appendix C*, require the identification and evaluation of historic and archaeological resources within any project area impacted by construction and/or excavation. The NH Division of Historical Resources and the US Army Corps of Engineers have coordinated the identification of the resources noted above.

Pursuant to this review, we have determined that the project will have the following effect on the FEET based on the eligibility for the National Register of Historic Places. NH SHPO requested an area form of the FEET for mitigation for this project. If the FE Everett Turnpike were found to be eligible for the National Register of Historic Places, then the bridge would be a contributing resource. The project would then have an adverse effect on the bridge. The completion of the area form for the FE Everett Turnpike would then serve as mitigation for the project. If the F.E. Everett Turnpike were found not to be eligible for the National Register of Historic Places, then there would be no historic properties affected. For either scenario, the Department will conduct all necessary phases of archaeological investigation at the locations of the storm water detention facilities and road widening as the new alignment will be going through land that has probably not been disturbed and the project area is in close proximity to the Merrimack River. This survey will consist of a combined Phase IA and IB archaeological investigation unless resources are discovered, then a Phase II archaeological investigation will need to be conducted to determine eligibility for the National Register of Historic Places. (Exhibit 13).

Construction Impacts

This project is anticipated to cause temporary increases in noise and dust levels within the project area however, they are expected to return to normal after the project is completed. Standard precautionary measures will be employed to minimize these inconveniences, primarily for project abutters. Two-way traffic flow will be maintained at all times on the existing bridge during construction of the new bridge. There will be inconveniences and disruptions to motorists, pedestrians, bicyclists and people wanting to avail themselves of the hotels and commercial establishments in this area, although access to abutting properties will be maintained for the duration of the project.

Coordination

The proposed design was presented at Cultural Resource Agency Coordination meetings on March 8, 2007, November 8, 2007 and November 6, 2008; and at Natural Resource Agency Coordination meetings on April 18, 2007, August 20, 2008 and January 21, 2009.

A Public Informational Meeting was held on March 27, 2008 in Bedford at the Bedford Meeting Room, BCTV Studio, where there was general support expressed for the project.

Letters requesting input on the project were sent to various Federal, State and Local Agencies and/or Officials as noted below:

| AGENCY/ORGANIZATION | CONTACT | LETTER SENT | REPLY RECV'D |
|---|------------------|--------------------|--------------------------|
| Bedford Town Officials | Town Officials | 03/03/2008 | 03/07/2008 03/17/2008 |
| NH Office of Energy and Planning - Floodplain Management Program | Jennifer Gilbert | 03/05/2008 | 03/13/2008 |
| NH Office of Energy and Planning – Conservation Land Stewardship Program | Steve Walker | 03/05/2008 | 03/13/2008 |
| NH Fish and Game Department | Kim Tuttle | 03/25/2008 | 03/25/2008 |
| NH Department of Resources and Economic Development – Parks & Recreation Division | Shari Colby | 03/06/2008 | 04/15/2008 |
| NH Natural Heritage Bureau | Melissa Coppola | 03/03/2008 | 03/20/2008 |
| US Fish and Wildlife Service | Bill Neidermyer | 03/05/2008 | 04/07/2008 |

A Public Hearing was held March 25, 2009 (see Exhibit # 14 and #15)
There was a Special Council Meeting March 10, 2010 at which a finding of need was approved.

Summary Of Environmental Commitments

The following environmental commitments have been made for this project.

1. Prior to the commencement of work, the contractor shall submit an erosion control and stormwater pollution prevention plan (SWPPP) specific to this project and appropriate to the contractor's method of operation and schedule. The plan shall be implemented prior to construction and monitored as required. (CONSTRUCTION/ENVIRONMENT)
2. A Phase IA/IB archaeological survey of the lands used for the new alignment at the northeast corner of the new bridge and the parcels for the stormwater detention ponds will be conducted prior to construction. (ENVIRONMENT-DESIGN)
3. The completion of an historic Area Form of the entire FEET to determine history of construction, eligibility for the National Record of Historic Places, etc. (ENVIRONMENT)
4. Construction of stormwater treatment systems to reduce pollutant loading along the new alignment. (DESIGN/ ENVIRONMENT / CONSTRUCTION)
5. Precautions shall be employed to minimize noise and dust levels during the construction period, primarily for the abutting receptors located adjacent to the project area. (CONSTRUCTION)

6. The existing two-way traffic flow over the FEE TURNPIKE will be maintained at all times on pavement. (CONSTRUCTION)
7. Access to all businesses will be maintained throughout the construction period. (CONSTRUCTION)
8. The Department and Contractor will work with the owner of Parcel 9 to design a stormwater detention system that accommodates the development of Parcel 9 and treats the runoff from the new bridge and roadway.
9. The water well on Parcel 10 will be monitored before and during construction to guard against any construction related contamination.

Exhibit 1- Topographic Map of Project Area

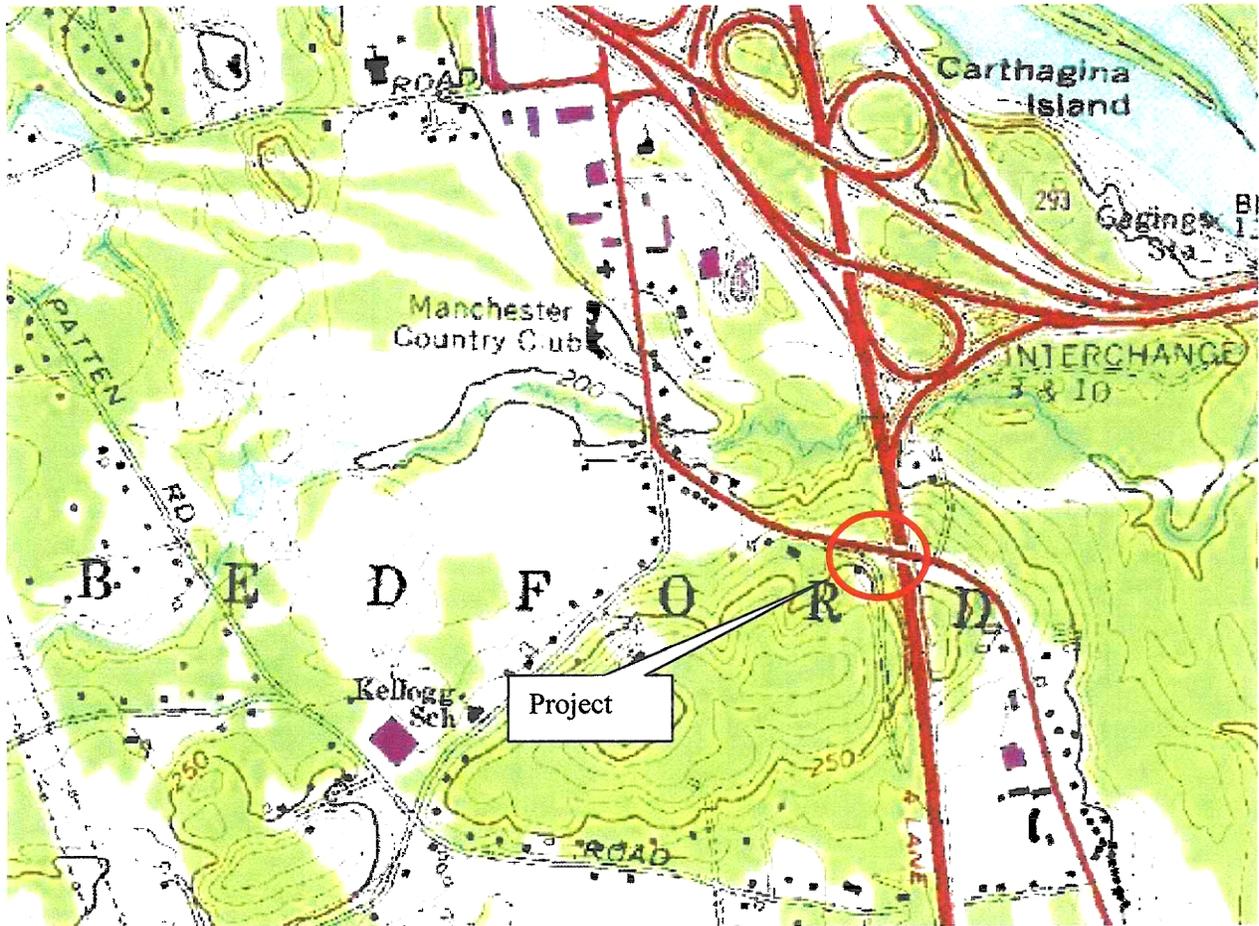




Exhibit 3 - Air Photo of Project Area



Exhibit 4- Photo of Bridge looking south



Exhibit 5- Photos showing deterioration of bridge





Exhibit 6- Reply from NH DRED re: 6(f) properties

State of New Hampshire
INTER-DEPARTMENT COMMUNICATION

To: Erik Paddleford
Senior Environmental Manager
Dept. of Transportation
Bureau of Environment

From: Shari Colby, Community Outreach Specialist
Dept. of Resources and Economic Development
Division of Parks and Recreation

Date: April 15, 2008

Subject: Bedford Bridge Replacement, 13527

This communication is in response to your memo dated March 6, 2008 regarding bridge replacement project in the town of Bedford. I have found that there are no impacts on Section 6(f) protected properties in the project vicinity.

Unless location changes to the proposed project occur, no further approval is required from this office. Feel free to contact me at 271-3556 or at scolby@dred.state.nh.us, should you have any questions.

Exhibit 7- Reply from NHHNB

Memo

NH NATURAL HERITAGE BUREAU

To: Erik Paddieford, NHDOT
 7 Hazen Drive
 PO Box 483
 Concord, NH 03301

From: Melissa Coppola, NH Natural Heritage Bureau
 Date: 3/20/2008 (valid for one year from this date)
 Re: Review by NH Natural Heritage Bureau
 NHB File ID: NHB08-0545
 Project type: Bank Stabilization: Stabilize by
 vegetation, etc.

Town: Bedford
 Location: Multiple, Route 3 Bedford

cc: Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comment: This site is within an area flagged for possible impacts on the state-listed *Aiacmidonta varicosa* (brook floater) in the Merrimack River.

| Invertebrate Species | State ¹ | Federal | Notes |
|---|--------------------|---------|--|
| Brook Floater (<i>Aiacmidonta varicosa</i>) | E | -- | Contact the NH Fish & Game Dept (see below). |
| Vertebrate species | State ¹ | Federal | Notes |
| Bald Eagle (<i>Haliaeetus leucocephalus</i>) | E | M | Contact the NH Fish & Game Dept (see below). |
| Eastern Hognose Snake (<i>Heterodon platirhinos</i>) [*] | T | -- | Contact the NH Fish & Game Dept (see below). |
| New England Cottontail (<i>Sylvilagus transitionalis</i>) | -- | -- | Contact the NH Fish & Game Dept (see below). |

¹Codes: "E" = Endangered, "T" = Threatened, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. For some purposes, including legal requirements for state wetland permits, the fact that no species of concern are known to be present is sufficient. However, an on-site survey would provide better information on what species and communities are indeed present.

Department of Resources and Economic Development
 Division of Forests and Lands
 (603) 271-2214 fax: 271-6488
 DRED/NHB
 PO Box 1856
 Concord, NH 03302-1856

Exhibit 8- Reply from NHF&G

From: Kim A Tuttle [Kim.Tuttle@wildlife.nh.gov]
Sent: Tuesday, March 25, 2008 9:31 AM
To: Erik Paddleford
Subject: RE: Bedford 13527 Bridge replacement NHB08-0545
Erik,

The NHFG Nongame and Endangered Species Program has reviewed NHB 08-0545 for the proposed Rt.3 bridge replacement and associated improvements over the FE Everett Turnpike in Bedford. We do not expect impacts to bald eagle, Eastern hognose snake, and NE cottontail as a result of the proposed construction as habitat for these species likely will not be affected. If any future wetland impacts are anticipated, we would like the opportunity for further review. Please feel free to call me at 271-6544 if you have any other questions regarding this job.

Sincerely,

Kim Tuttle
NH Fish and Game
Nongame and Endangered Species Program

-----Original Message-----

From: Erik Paddleford [mailto:EPaddleford@dot.state.nh.us]
Sent: Tuesday, March 25, 2008 9:13 AM
To: Kim A Tuttle
Subject: Bedford 13527 Bridge replacement NHB08-0545

Kim,

Per our telephone conversation this morning, could you review the NHB file # NHB-08-0545 for wildlife impacts. The project involves the replacement of the bridge that carries Route 3 over the FE Everett Turnpike in Bedford. There is associated roadway widening approximately 800-feet to the north of the bridge and approximately 1300 feet to the south of the bridge. There are no wetland impacts expected and the bridge is no over a waterway. Let me know if you need anymore information. Thanks.

Erik H. Paddleford
Senior Environmental Manager
NHDOT Bureau of Environment
7 Hazen Drive
Concord, NH 03302
Ph: 603-271-1627
Fax: 603-271-7199
epaddleford@dot.state.nh.us

Exhibit 9- Reply from OEP-Conservation Land Stewardship

From: Walker, Steve [Steve.Walker@nh.gov]

Sent: Thursday, March 13, 2008 8:27 AM

To: Erik Paddleford

Subject: Bedford 13527

There are no LCIP properties in the project area. Thanks for inquiry. Steve walker

Exhibit 10- Map of Conservation Lands in the vicinity of the Project Area.

Land Conservation: Bedford 13527 Bridge Replacement



Location Map

Map Produced:
October 20, 2008

Legend

- | | | |
|--|---|--|
| <p>Roads</p> <ul style="list-style-type: none"> Class I: primary system Class II: secondary system Class III: state recreational Class IV: within compacts Class V: municipal Class VI: unmaintained municipal <p>Political Boundaries</p> <ul style="list-style-type: none"> State County | <p>Streams</p> <ul style="list-style-type: none"> Perennial Stream Intermittent Stream Canal/Ditch <p>Lakes</p> <ul style="list-style-type: none"> Lake/Pond Reservoir | <p>Rivers</p> <ul style="list-style-type: none"> River Canal/Ditch <p>Conservation Lands</p> |
|--|---|--|

Exhibit 11- Reply from NHOEP regarding Floodplains in Project Area.



JOHN H. LYNCH
GOVERNOR

**STATE OF NEW HAMPSHIRE
OFFICE OF ENERGY AND PLANNING**

4 Chenell Drive
Concord, NH 03301-8501
Telephone: (603) 271-2155
Fax: (603) 271-2615



www.nh.gov/oeep

MEMORANDUM

TO: Erik Paddleford
DOT Bureau of Environment

FROM: Jennifer Gilbert, Assistant State Coordinator
NH Floodplain Management Program

DATE: March 13, 2008

SUBJECT: Bedford, 13527

I am writing in reference to your letter dated March 5, 2008 regarding the above-referenced project.

I have reviewed and enclosed a portion of the Flood Insurance Rate Map for Bedford where the proposed project is located. It appears the proposed project is not located in a special flood hazard area and therefore requires no further action in regards to the requirements of the National Flood Insurance Program.

If you need further assistance, please contact me at 271-2155 or jennifer.gilbert@nh.gov.

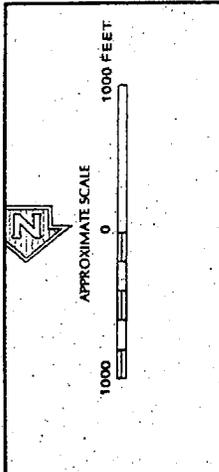
Thank you.

RECEIVED
BUREAU OF ENVIRONMENT

MAR 14 2008

**NH DEPARTMENT OF
TRANSPORTATION**

TDD Access: Relay NH 1-800-735-2964



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
BEDFORD,
NEW HAMPSHIRE
HILLSBOROUGH COUNTY

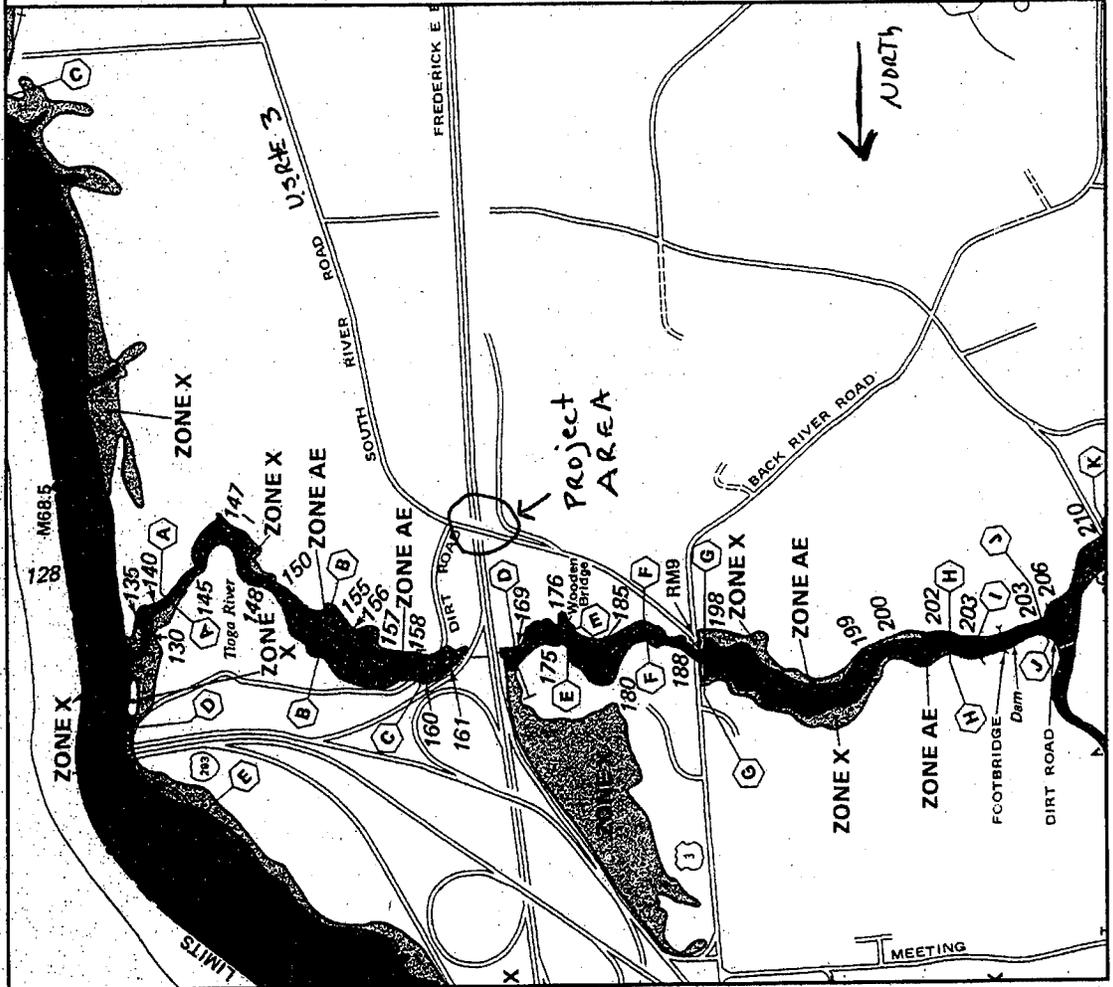
PANEL 5 OF 10
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
330083 01005 C
MAP REVISED:
MAY 2, 1994



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.fema.gov



ETH
RCC



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087
<http://www.fws.gov/northeast/newenglandfieldoffice>

April 7, 2008

Reference: Project Bridge replacement, 13527 Location Bedford, NH

RECEIVED
BUREAU OF ENVIRONMENT

APR 09 2008

**NH DEPARTMENT OF
TRANSPORTATION**

Erik Paddleford
NH Dept. of Transportation
P.O. Box 483
Concord, NH 03302-0483

Dear Mr. Paddleford:

This responds to your recent correspondence requesting information on the presence of federally-listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required.

This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

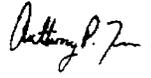
In order to curtail the need to contact this office in the future for updated lists of federally-listed or proposed threatened or endangered species and critical habitats, please visit the Endangered Species Consultation page on the New England Field Office's website:

www.fws.gov/northeast/newenglandfieldoffice/EndangeredSpec-Consultation.htm

In addition, there is a link to procedures that may allow you to conclude if habitat for a listed species is present in the project area. If no habitat exists, then no federally-listed species are present in the project area and there is no need to contact us for further consultation. If the above conclusion cannot be reached, further consultation with this office is advised. Information describing the nature and location of the proposed activity that should be provided to us for further informal consultation can be found at the above-referenced site.

Thank you for your coordination. Please contact us at 603-223-2541 if we can be of further assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Anthony P. Tur". The signature is written in a cursive style with a prominent initial "A".

Anthony P. Tur
Endangered Species Specialist
New England Field Office



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



GEORGE N. CAMPBELL, JR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

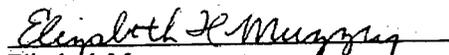
Bedford
13527

Effect Memo

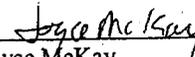
Pursuant to meetings and discussions on November 8 and March 8, 2007 and November 6 and 13, 2008, and for the purpose of compliance with the regulations of the National Historic Preservation Act, the Advisory Council on Historic Preservation's *Procedures for the Protection of Historic Properties* (36 CFR 800), and the US Army Corps of Engineers' *Appendix C*, the NH Division of Historical Resources and the US Army Corps of Engineers have coordinated the identification and evaluation of historic and archaeological resources with plans to replace the bridge (189/121) that carries US Route 3 over the F.E. Everett Turnpike, improve the bridge's approaches, and add facilities for storm water detention. The bridge is located in the Town of Bedford, New Hampshire.

Pursuant to this review, we have determined that the project will have the following effect based on its eligibility for the National Register of Historic Places. If the FE Everett Turnpike were found eligible for the National Register of Historic Places, then the bridge would be a contributing resource. The project would then have an adverse effect on the bridge. The completion of the area form for the FE Everett Turnpike would then serve as mitigation for the project. If the F.E. Everett Turnpike were found not to be eligible for the National Register of Historic Places, then there would be no historic properties affected. For either scenario, the Department would conduct all necessary phases of archaeological investigation at the location of the storm water detention facility.

No further survey is required. We will continue to consult, as appropriate, as this project proceeds.


Elizabeth Muzzey,
State Historic Preservation Officer

Concurred with by the NH Department of Transportation

Date: November 13, 2008 By: 
Joyce McKay,
Cultural Resources Manager

c.c. Beth Muzzey, NHDHR
Cathy Goodmen, NHDOT

Steve Liakos, NHDOT

S:\PROJECTS\DESIGN\13527\memo.doc

REPORT OF THE COMMISSIONER

BEDFORD PUBLIC HEARING

BEDFORD

13527

SPECIAL COMMITTEE PUBLIC HEARING

March 25, 2009 McKelvie Middle School, Bedford, NH 7:00 PM

This project involves the replacement of the US Route 3 bridge over the F.E. Everett Turnpike in the Town of Bedford and associated improvements to US Route 3. The new bridge will be constructed adjacent to and immediately north of the existing bridge, and will provide additional width to accommodate future traffic. The US 3 reconstruction will begin approximately 800 feet north of the F.E. Everett Turnpike at the driveway to the Bedford Highlands shopping center (Lowe's, Target) and extend south approximately 3,200 feet to a point approximately 700 feet south of the intersection with Hawthorn Drive.

The following decisions are the Department's resolution of issues as a result of testimony presented at the March 25, 2009 Public Hearing and written testimony received during the comment period.

1. John Levinstein, 11 South River Rd. LLC. (Parcels 8 and 9) stated that he has an approved plan to develop his property with a fast-food restaurant, office building and retail building. He expressed concern that the existing cross drainage under US Route 3 conveys runoff from Target/Lowe's onto his property. His development plan would incorporate this cross drainage as part of his proposed treatment area. Mr. Levinstein requested that the Department not simply extend the pipe outlet onto his property but instead coordinate the drainage design with the proposed development's treatment area. In addition, the Department's proposed treatment area near the FE Everett Turnpike is a concern as it is located in a buildable area that would significantly affect the ability to develop the parcel. Mr. Levinstein requested that the Department revise the drainage to the rear of his property for treatment.

Daniel J. Kalinski, Esquire, representing Sakkara Properties, LLC, 201 South River Rd. (Parcel 3) wrote objecting to John Levinstein's request to revise the Department's proposed treatment near the FE Everett Turnpike. He was concerned about diverting water flow towards and onto the Sakkara Properties as it may negatively impact the future use of the Sakkara Properties.

Response: The highway drainage will be designed with outlet treatment coordinated with the 11 South River Rd., LLC development's treatment area provided that the development's treatment area can accommodate the runoff volume. The Department will work with 11 South River Rd., LLC to locate the water quality treatment areas as unobtrusively as possible as long as the locations do not cause permitting issues. Additional water flow from the highway will not be diverted onto the Sakkara Properties.

2. Jim Mayo, Public Service of New Hampshire 330 North Commercial St., Manchester, NH, expressed concern about the proposed temporary access road and drainage being located within the utility corridor right-of-way. Three major power lines are located in the right-of-way which makes a sharp angle point requiring guy wires that can not easily be modified. Mr. Mayo felt that the temporary access would impact the guy wires and should preferably be outside of the utility right-of-way.

Response: After further review, the Department has determined that temporary access for Station Road within the utility line corridor is not necessary. Easements for drainage to cross the utility corridor and access to maintain the drainage and treatment areas will still be required within the utility corridor. The drainage and maintenance access will be designed to avoid impacts to poles and guy wires.

3. Mr. Robert Rheault, 233 South River Road (Station Road) and Rodney L. Stark, representing Robert Rheault and Roger Rheault, (Parcels 10, and 10A), expressed opposition to the raised median at Station Road as it would restrict access to right in and right out. He noted that the Rheaults have operated an excavation business for 40

years and that their trucks and equipment need adequate access. The raised median would create a severe hardship. In addition, they mentioned that their well is close to the proposed work and they are concerned that salt from the roadway may affect the well. Mr. Stark expressed concern with the proposed temporary construction access and requested that sufficient access be provided to the property at all times during construction.

Response: The proposed raised median will be modified to allow left turns into Station Road. However, left turns out of Station Road will not be allowed as there are safety concerns with crossing multiple lanes and merging into traffic flow. The well is located approximately 80 feet beyond the extent of the driveway reconstruction. US Route 3 will be curbed with catch basins that will collect and convey the salt laden runoff to treatment areas that are away from the well. Prior to and during construction the well will be monitored to guard against construction action impacts. Based on comments received and after further review, the temporary access for Station Road within the utility line corridor is not necessary. Adequate access to Station Road can be provided during construction by shifting and phasing the construction.

4. Mr. John Zdziarski, 32 West Drive , expressed concern regarding the future cost to maintain the sidewalks and roadway. He inquired what it will cost the Town of Bedford and what the service life of the roadway will be.

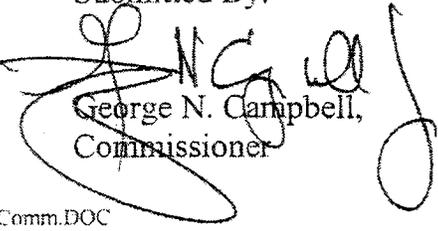
Response: The roadway will be fully reconstructed and its service life significantly extended. US Route 3 south of Bedford Highlands shopping center (Lowe's, Target) is maintained by the Department of Transportation with maintenance costs carried by the Department. Routine maintenance including paving overlays will occasionally be required (anticipated every 8 to 12 years) to maintain the service life. Sidewalks will be constructed with the project, however the maintenance responsibilities of the sidewalks will be the Town of Bedford's. A municipal agreement that delineates these responsibilities will be executed between the Town and the Department prior to construction. The cost to maintain sidewalks can vary from community to community depending on local policy and practices, the equipment used and amounts of snow in a given year.

5. Mr. Bill Demmerly, 265 South River Road. (Parcel 17), expressed concern with vehicles that cut across the end of his driveway. In addition, water flowing off the roadway onto his property causes erosion. Mr. Demmerly requested that the curbing be extended southerly past his driveway to control these problems.

Response: The curbing and pavement will be extended to just south of Mr. Demmerly's driveway to correct these issues.

Date: 1/19/2010

Submitted By:


George N. Campbell,
Commissioner

REPORT OF THE SPECIAL COMMITTEE

FOR

BEDFORD, 13527

MARCH 25, 2009 MCKELVIE MIDDLE SCHOOL 7:00 PM

Upon the foregoing Petition, the Governor and Executive Council assembled on September 17, 2008, appointed:

- Hon. Raymond J. Wieczorek, Councilor, District No. 4, Manchester
- Hon. Raymond S. Burton, Councilor, District No. 1, Bath
- Hon. John Shea, Councilor, District No. 2, Nelson

a Special Committee to hold a hearing in accordance with the provisions of Chapter 230:45, RSA, to determine whether there is occasion for the laying out of the highway.

On August 13, 2008 the Governor and Executive Council appointed:

- Real Pinard, Manchester
- Lee Adams, Manchester
- Ray Chadwick, Bedford

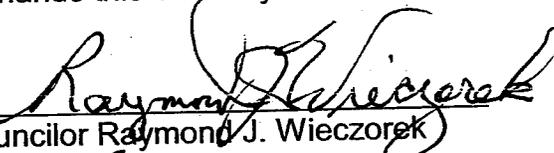
a Commission to serve as alternates to the Special Committee and to purchase the land needed for the project, if approved.

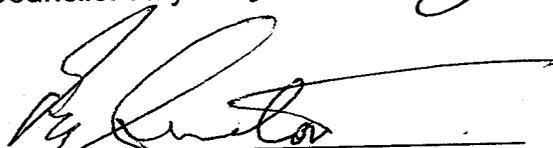
Upon said hearing held in the McKelvie Middle School at 108 Liberty Hill Road in the Town of Bedford, NH on March 25, 2009, after interested parties appeared, and having heard and read all of the evidence the Special Committee received, for the accommodation of the public there is occasion for the laying out of the highway petitioned for and the limitation of access.

PROJECT DESCRIPTION

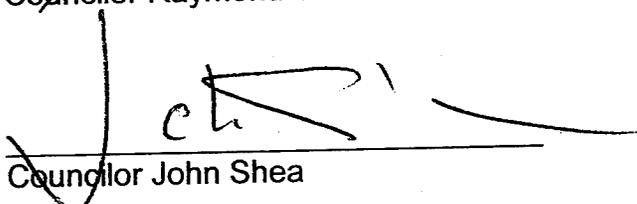
This project involves the replacement of the US Route 3 Bridge over the F. E. Everett Turnpike in the Town of Bedford and associated improvement to US Route 3. The new bridge will be constructed adjacent to and immediately north of the existing bridge and will provide additional width to accommodate future traffic. The US Route 3 reconstruction will begin approximately 800 feet north of the F. E. Everett Turnpike at the driveway to the Bedford Highlands Shopping Center (Lowe's, Target) and extend south approximately 2,400 feet to the intersection with Hawthorne Drive.

Given under our hands this 10th day of March 2010.


 Councilor Raymond J. Wieczorek


 Councilor Raymond S. Burton

SPECIAL COMMITTEE


 Councilor John Shea

