

SPECIAL COMMITTEE/FINDING OF NECESSITY MEETING MINUTES

BEDFORD 13953

J.O MORTON BUILDING, 7 HAZEN DR, CONCORD NH

Date March 11, 2015

Time 9:00AM

NAMES OF SPECIAL COMMITTEE MEMBERS PRESENT

**COUNCILOR CHRISTOPHER PAPPAS- CHAIR
COUNCILOR CHRISTOPHER SUNUNU**

NAMES OF ADDITIONAL PEOPLE PRESENT AT THE MEETING

Victoria Chase, Project Manager
Marc Laurin, Sr. Environment Manager
Jonathan Evans, Air & Noise Program Manager
John Butler, Preliminary Design
Peter Salo, Chief of Consultant Design
Charles Blackman, Project Engineer, Consultant Section
Wendy Johnson, Sr. Consultant Supervisor
Melodie Esterberg, Chief Design Service
Chuck Schmidt, Right of Way Administrator
Nancy Spaulding, Right of Way Engineer
Stephen Bernard, Right of Way Chief Appraiser
John Johnson, Right of Way Agent Supervisor
Julie Owen, Right of Way Clerk IV
Elinore Dunham, Bedford, NH
Madeline Pearson, Bedford, NH
Ashley Scott, Manchester, NH
John Fitzgerald, Woburn, MA
Maria Dolder, Concord, NH
Joseph Beauchemin, Bedford, NH
Attorney John Sokul Concord, NH
Peter Holden, Bedford, NH

DESCRIPTION OF SUBJECT MATTER DISCUSSED

Special Committee Chairperson Councilor Christopher Pappas brought the meeting to order at 9:00AM.

V. Chase introduced the Bedford Project #13953 advising attendees the Department was going to provide an overview of the project, provide additional discussion of key concerns noted in the Report of the Commissioner and then the Department would review the Report of the Commissioner. She noted the goal is to advertise this project for construction in late 2016.

V. Chase called upon C. Schmidt to give an overview of the role of the Special Committee.

C. Schmidt advised that the role of the Special Committee is to determine the Finding of Necessity for the project. The meeting is to determine if the project should move forward. If approved, the Department will move to the next phase. The Commission members will then have a meeting where the Department will show the Commission members the impacts and they will be asked to vote approval or disapproval. Upon their approval the Department then moves forward with Right of Way acquisitions to acquire the necessary property rights

V. Chase noted the goal of the schedule is to issue Right of Way purchase plans at the end of April.

C. Schmidt indicated April is very aggressive.

V. Chase introduced J. Butler to present an overview of the plans and design.

John Butler's overview included the following:

- Highlight of the basic purpose of the project is to widen Route 101 to 5 lanes from Wallace Road to NH 114
- The majority of the work happens between Wallace Road and the Olde Bedford Road/Constitution Drive intersection
- Some minor improvements to Wallace road and Meetinghouse Road
- Two lanes for eastbound right turn at NH 114
- Sidewalks on both sides of NH 101 from Wallace Road to Nashua Road. Sidewalk on the south side only from Nashua Road to Olde Bedford Road/Constitution Drive
- Access management includes limiting turning movement to/from some side roads and driveways
- Service road between Constitution Drive and Carlyle Place is proposed
- Property impacts include strip acquisitions or easements from virtually every property abutting NH 101
- Complete acquisition of three properties is proposed. Will be used to construct storm water treatment measures necessary to comply with DES regulations

Councilor Pappas asked if the proposed sidewalks would require special maintenance by the Town.

J. Butler responded that we had considered using pervious pavement on the sidewalks to help meet storm water treatment requirements, but this is not felt to be necessary.

Councilor Pappas asked if the crosswalks have been modified.

J. Butler responded that the proposed crosswalk location have not been modified from what was shown at the Hearing. Providing crosswalks at all the signalized intersection is an important part of the pedestrian network.

V. Chase introduced W. Johnson to give a brief overview of the proposed storm water treatment measures.

W. Johnson indicated a need to address storm water management on the project. The primary focus is on quantity and quality of water based on pre- condition and post-condition. W. Johnson gave a brief description of the following:

- 3 major water sheds sections
- The design constraints
- Storm water basins
- Low impact development techniques (LID) (i.e. bio retention, tree box filters)
- Traditional Best Management Practices (BMP) (i.e. ponds, swales)
- Combination of LID and Traditional BMP techniques

V. Chase introduced J. Evans for an overview of the Department's noise abatement.

J. Evans indicated that the entire project was evaluated for potential noise impacts associated with the proposed project. During the course of this evaluation, noise impacts were identified at seven residential receptor locations and one commercial receptor location. As a result, the Department evaluated 4 separate noise barriers to provide mitigation for the anticipated impacts. This evaluation indicated that three of the four barriers were not eligible for construction as they did not meet the Department's cost reasonableness criteria. The fourth barrier was found not to be feasible as it would not provide at least a 5 decibel noise reduction at at least one impacted receptor. As such in accordance with the Department's Noise Abatement Policy, noise mitigation has not been proposed in association with this project.

Councilor Pappas asked if the raise in elevation of the road has an effect on the noise quality.

J. Evans noted that changes in the proposed roadway elevation were accounted for in the project noise evaluation.

V. Chase then proceeded to review the Report of the Commissioner briefly reviewing the resolution of issues.

Overview in regards to David Clark's Property Item # 2:

Councilor Pappas asked if the Department felt confident that there will be no ground water contamination to the well on the Clark parcel as a result of the proposed BMP.

V. Chase noted that there is no water treatment in place today, and there is no known contamination due to the roadway. The well is approximately 300 feet away from and 30 feet above the Clark well.

Councilor Sununu asked for the general direction of the ground water.

W. Johnson noted it changes per watershed area and identified the direction.

Councilor Sununu asked how deep the well was.

W. Johnson indicated the Department does not know the depth of the well, however the BMP meets all required setbacks by the NHDES and noted that Mr. Clark's leach field is closer to his well than the proposed burp will be.

Overview in regards to Bruce Biscornet's property Item # 3:

V. Chase described that Mr. Biscornet has a large pond surrounded by Arborvitae. The Biscornet's hired an arborist who believes the salt is killing the trees and as a result is requesting measures to be taken to protect his Arborvitae. V. Chase noted that these Arborvitae are very close to the road and the Department has committed to doing our best not to impact the Arborvitae and have taken all efforts to be sensitive to that.

Councilor Pappas asked what other measured were taken.

V. Chase explained that all of the storm water from the pavement will run away from the Arborvitae. Snow from the sidewalk will be plowed out of the street and then pushed back to the sidewalk which will likely cause some salt exposure.

Councilor Pappas asked how close the road is going to get to these trees.

J. Butler noted the roadway measured from the existing edge of pavement to the proposed edge of the pavement will be about 18 feet close to the Arborvitae.

Councilor Pappas noted that is a tricky one. He questioned if the Arborvitae die, what recourse would they have.

V. Chase explained she thinks it would be a hard case to prove that we are liable.

Councilor Pappas asked if there was anything we can do that is hardier to create a buffer?

V. Chase explained the Bisornet's did ask for a large berm and wall. She explained that this request will impact the Arborvitae and the wetlands and would be costly. Anything between the sidewalk and the Arborvitae could affect the Arborvitae.

Councilor Pappas asked is there any ability to reshape the road.

V. Chase explained that the Arborvitae trunk may be as shown but the majority of the roots extend to the canopy

J. Butler further showed the Councilors critical cross sections that showed the spacing between the Arborvitae and the sidewalks as well as the slope to show the difficulty in considering a berm or wall.

Councilor Pappas asked the life span of the Arborvitae and noted that they have already been there for 36 years.

V. Chase replied she did not know.

Councilor Pappas asked how many Arborvitae are there.

V. Chase noted about 78.

Councilor Pappas asked how tall they are.

J. Butler replied about 18'.

Councilor Pappas asked what can be done. Will the Department keep options open to have discussions in the future?

V. Chase noted the Department will keep options open if there is another proposal that is reasonable.

Councilor Sununu asked what the cost will be to replace all the Arborvitae.

V. Chase noted about \$13,000.

J. Butler explained that would be to replace them with 6'-7' high Arborvitae.

Councilor Pappas asked what the guarantee would be if we put some other tree there would the same thing happen or not. Is there any other comparable project we have worked on where trees have died.

V. Chase indicated she was not aware of any and continued that her hope was that this is dealt with as part of the Right-of-Way acquisition and they feel they have been treated fairly.

Councilor Pappas questioned if there was an acquisition.

V. Chase noted there are impacts and the Department's Right-of-Way Bureau would be talking with them.

Councilor Sununu noted he thought this made sense and should be put into place.

The Councilors indicated a lump sum amount of \$13,000 should be included administratively in the ROW process to cover any future “potential” tree impact. The owner could then supplement the trees as they desired, and the NHDOT will not have liability to tree condition in the future.

Overview on Bedford Police Department Item # 4:

V. Chased stated the Police Chief had concerns about excessive speed.

Councilor Pappas asked how many crosswalks were proposed.

V. Chase pointed out crosswalks at Wallace Road, Meetinghouse Road and Constitution Drive.

Councilor Sununu asked if this will force people to walk across the road dangerously; asking which side the sidewalk was on.

V. Chase noted the sidewalk was on the northerly side of NH 101, but was moved to the southerly side based on public input during the public informational meetings prior to the hearing.

Overview of John Fitzgerald's property Item # 6:

V. Chase explained that this property is a complete acquisition. She further explained that the Federal Government offers resources for relocation and moving benefits, in addition to the acquisition money.

Overview of John Sokul, representing parcel 61: Item # 7:

Councilor Pappas noted he had heard from some of the property owners and Town on this and it seemed like a wild card in the project and felt outside the norm. He noted he did not like it. He further noted he thinks there is another way around it. He suggested a left turn in to the Carlyle Place should solve most of the issues. Councilor Sununu noted redesigning the island back about 100' to the west would make space for the lane.

V. Chase noted that is within the Councilor's authority to indicate that change as part of your approval for project necessity. It was decided to remove the Connector Road from Carlyle Place to Constitution Drive and place a left turn lane into Carlyle Place from NH Route 101.

Overview of Thomas Riley's property Item # 8:

V. Chased noted that the Riley's requested a painted island and not a raised island.

Councilor Pappas asked if this was a new driveway.

V. Chase noted it was recently built, and the property has full access to the Nashua Road signals.

Overview of Amy Jenkins property Item# 9:

V. Chase noted the Jenkins had concerns with the noise level and well water quality. She further noted that the noise level now is very high for the Jenkins.

Councilor Sununu asked if the impacts from the project will increase the noise level from what they have now.

Councilor Pappas asked what happens on the project that the results are far greater than was predicted.

V. Chase noted she is unaware of any existing happening of this.

J. Evans added that the Federal Highway Administration's Traffic Noise Model was used to predict not only the existing noise levels, but those that would exist 20 years from now under the proposed conditions. This traffic noise model has been found to be very accurate and therefore unanticipated future noise impacts are very unlikely.

Overview of Larry Cheatham's property Item # 10:

V. Chase noted Town no longer considering incorporation of seaward facilities. They will be doing sleeves only.

Overview of Susan Tufts-Moore's property Item # 11:

V. Chase noted they supported the project and requested windows to deal with the noise.

Councilor Pappas added we cannot spend Federal Highway dollars on interior improvements.

Overview of Kevin Fortier's property Item # 12:

V. Chase noted the Fortier's had concerns with tree removal and potential impact to his well.

Councilor Sununu noted that his well is beyond the 75' required private well setback from a BMP per NHDES requirements.

W. Johnson notes that it was.

Councilor Sununu asked if there would be a retention basin.

W. Johnson noted yes.

Overview of Manessa Lins property Item #13:

V. Chase explained that the Lins' were in support of the sidewalk however the sidewalk will impact their property. The Department will be obligated to plant some trees, to mitigate impacts to the Historic property.

Discussion not necessarily relevant to item # 13

Councilor Pappas asked if the town wants the sidewalk.

V. Chase noted the town does want the sidewalk.

Councilor Pappas asked what about the landscaping and the maintenance.

V. Chase noted they are still working on articulating an agreement.

Councilor Pappas asked if the town is given the ability to decide on the scope for the landscaping improvements

V. Chase noted that the Department will put together a proposed design and will present this to the town.

Overview of Elinore Dunham property Item # 14:

V. Chase noted the Dunham's concerns were impacts to their trees, well and noise. The Department will know more when the geotechnical report is complete.

Councilor Pappas asked if anything can be done for a noise or visual buffer.

V. Chase noted the trees will not be impacted

Overview of Christopher Bandazian Town Council Chair-Town of Bedford, property Item # 15:

V. Chase noted Town support for the project.

Overview of Keith Duperron's property Item # 16:

V. Chase noted the Duperron's concerns with the tree line and he will be compensated in the Right-of-Way acquisition process and have the opportunity to replant if he so decides.

Overview of Rita Carroll's property Item # 17:

V. Chase noted the Ms. Carroll support on the project.

Overview of Pond Haven's property Item # 18:

V. Chase noted Pond Haven supported the project.

Overview Michael Chen's property Item # 19:

V. Chase noted the Chen's supported the project but that they suggested rumble stripes to slow down traffic. V. Chase further noted we are not considering rumble stripes, due to the urban nature of this roadway, with noise being a concern, as rumble strips are very noisy.

Councilor Pappas asked if we will have curbing.

V. Chase noted no.

Overview of Raymond Lorden's property Item # 20:

V. Chase noted the Lorden's have asked for full acquisition and we will be acquiring this property.

Overview of Robert Prud'homme's property Item # 21:

V. Chase noted the Prud'homme's had concerns with the tree line and noise. The tree line is tight against his house.

Overview of Christine Buffey's property Item # 22:

V. Chase noted the Buffey's concerns are with the crosswalk at the intersection of NH Route 101 and Nashua Road and suggested an over or an underpass. An over or under pass will not be constructed as part of this project, it is beyond the scope. She further noted that the design will not prohibit any such future improvements in this area.

Overview of Marilyn Brock's property Item # 23:

V. Chase noted the Brock's wanted a separated bike path and an over or an underpass.

Councilor Pappas asked what the shoulder width is proposed to be.

Councilor Sununu asked how wide the sidewalks are.

J. Butler noted the shoulders are 4' without curb and 5' with curb. The sidewalk will be 5' without curb and 6' with curb.

Councilor Sununu asked how the Department will respond to each of these concerns from the testimony received.

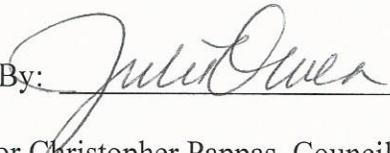
V. Chase noted each of the individuals that provided comments received a letter with a copy of The Report of the Commissioner, including those who submitted written comments after the hearing. The comment period was open for 10 days after the hearing, individuals submit comments and that became part of the hearing transcript.

Councilor Pappas asked are the issues with the design open for discussion.

V. Chase noted, should the Council vote yes, and there is a need for this project the Department will move forward. There can still be minor changes however the Department believes the issues noted have been addressed.

TYPE DECISIONS REACHED

Councilor Pappas and Councilor Sununu voted for the Necessity of the project contingent on: the Department included compensation in the amount of \$13,000.00 in the appraisal/offer to the Biscornet's as settlement for the Arborvitaes and to remove the Constitution Drive connector and provide right turn in and out of Carlyle Place as well as westbound left turn lane into Carlyle Place from the NH Route 101.

Minutes Taken By: 

Dated: 4-10-15

cc: Councilor Christopher Pappas, Councilor Christopher Sununu, Ray Chadwick, Thomas Deblois, Debra Pignatelli, Victoria Chase, Marc Laurin, Jonathan Evans, John Butler, Peter Salo, Charles Blackman, Wendy Johnson, Melodie Esterberg, Chuck Schmidt, Nancy Spaulding, Stephen Bernard, John Johnson
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Noted by: Victoria Chase, John Butler, Jonathan Evans, Wendy Johnson

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