

# REPORT OF THE COMMISSIONER

BEDFORD 13953, X-A000(143)

NH 101

## SPECIAL COMMITTEE PUBLIC HEARING

October 2, 2014 – Bedford High School Cafeteria – 7 PM

---

Bedford, 13953, X-A000(143) - this project will reconstruct approximately 2 miles of NH 101, from Wallace Road to NH 114, to improve safety and traffic operations.

The reconstruction will involve widening the roadway to provide two travel lanes both eastbound and westbound, with a raised median island to govern turning traffic. Sidewalks and landscaping will be incorporated, if the Town of Bedford accepts future maintenance responsibility for these features. There will be minor work on several town roads; Wallace Road, Chestnut Drive, Nashua Road, Bell Hill Road, Pinecrest Drive, Meetinghouse Road, Liberty Hill Road, Bedford Center Road, Shaw Drive, Colonial Drive, Olde Bedford Way, and Constitution Drive.

Limitations of access with the following points granted, is established for this section of NH 101, in accordance with RSA 230:46 and as shown on the Hearing Plan:

Parcel 2	Chalant Too, Inc.	1 point of access
Parcel 4	Tuxman, LLC	1 point of access, shared with parcel 5
Parcel 5	B.J.C Realty, LLC	1 point of access, shared with parcel 4
Parcel 6	Y.R. Limited Partnership	1 point of access
Parcel 8	Greiner Investments, LLC	0 points of access
Parcel 9	Northern New England Telephone Operations LLC	0 points of access
Parcel 11	Bedford Village Shops Condominium Association	1 point of access
Parcel 12	Nodraer Realty Trust	2 points of access
Parcel 13	Diane Lynn Riley Revocable Trust	1 point of access
Parcel 15	State of NH (DOT)	0 points of access
Parcel 16	State of NH (DOT)	0 points of access
Parcel 17	David R. Hall Revocable Trust	0 points of access
Parcel 18	Judith A. Pennock Revocable Trust	0 points of access
Parcel 19	Town of Bedford	1 point of access east of station 150+50

Parcel 20	Keith S. & Gwen M. Duperron	0 points of access
Parcel 21	RBLC Realty Trust	0 points of access
Parcel 22	Global Companies LLC & Exxonmobil Oil Corporation	2 point of access
Parcel 23	Lilikoi Realty Trust	0 points of access
Parcel 24	Kyle Alexander Jean	0 points of access
Parcel 25	TTI Realty Trust	0 points of access
Parcel 26	Bruce A. Biscornet 1998 Trust	0 points of access
Parcel 27	Met Revocable Trust of 2003	0 points of access
Parcel 28	Meetinghouse Road, LLC	0 points of access
Parcel 29	Town of Bedford	0 points of access
Parcel 30	Boston & Maine Corporation	0 points of access
Parcel 31	Town of Bedford	0 points of access
Parcel 35	Susan J.Clark & Aspinwall Trust	0 points of access
Parcel 36	Bank of America, N.A	1 point of access
Parcel 37	Kevin J. Fortier & Lisa Combs-Fortier	0 points of access
Parcel 38	Katherine M. Hanna	0 points of access
Parcel 39	Boston & Maine Corporation	0 points of access
Parcel 39-1	Boston & Maine Corporation	0 points of access
Parcel 39-2	Boston & Maine Corporation	0 points of access
Parcel 40	Estate of Martha W.D. Morford, Charlotte W. Spencer, Grace W. Stone, David Woodbury	0 points of access
Parcel 41	Nancy K. Luongo	0 points of access
Parcel 42	Paula R. Pease Revocable Trust & Richard W. Pease Revocable Trust	0 points of access
Parcel 43	Manessa R. Lins	0 points of access
Parcel 45	Boston & Maine Corporation	0 points of access

Parcel 46	Amelia E. Jenkins	0 points of access
Parcel 47	Roland G. Prud'homme Revocable Trust of 2005	0 points of access
Parcel 48	Elinore J. Dunham	0 points of access
Parcel 49	Boston & Maine Corporation	0 points of access
Parcel 50	Steven & Lori Connors	0 points of access
Parcel 51	Boston & Maine Corporation	0 points of access
Parcel 53	Liane A Luke and The Thomas Luke Supplemental Needs Trust	0 points of access
Parcel 54	Keith T. & Susan Chandonnet	0 points of access
Parcel 55	Bedford Management Company	0 points of access
Parcel 56	McQuade Brook, LLC	0 points of access
Parcel 56-1	Carnevale Holdings, LTD	0 points of access
Parcel 57	Pond Haven Associates	0 points of access
Parcel 58	One Constitution Drive, LLC	0 points of access

The following decisions are the Department's resolution of issues as a result of testimony presented at the October 2, 2014 Public Hearing and written testimony subsequently submitted.

1. Elaine Tefft, 7 Meetinghouse Road, parcel 27, (verbal and written testimony) was concerned with potential lack of statewide support and broader public input on the proposed project given the importance of NH 101. She expressed concern about the proposed widening of NH 101, the delay to motorists that the proposed installation of crosswalks on NH 101 would cause, and the effect of noise on abutting properties. She also requested accident and traffic volume data.

*Response:* The Bedford NH 101 project is part of the New Hampshire Department of Transportation's Ten Year Transportation Improvement Plan, signed into Law by the Governor on August 1, 2014. This plan underwent a rigorous public involvement process throughout the state, prior to implementation. Furthermore, the project derived from a comprehensive study of the entire NH 101 corridor from Milford to Bedford. Through both the corridor planning and preliminary design of the specific project, there have been numerous public meetings and opportunity for comment. The widening of NH 101 associated with this project will improve the safety and efficiency of the highway. The crosswalks on NH 101, proposed as part of this project, will be at the signalized intersections, and will be protected by a pedestrian phase of those signals. The pedestrian movement will be considered in the signal timing, phasing and

interconnection. The safe movement of pedestrians along and across NH 101 has been strongly supported by Bedford Town Officials.

The requested traffic volume and accident data has been transmitted to Ms. Tefft.

Noise impacts associated with the project were examined along with potential abatement measures in accordance with the guidelines set forth in the Department's Noise Policy. This analysis indicated that noise levels at seven residential and one commercial receptor are anticipated to approach or exceed the Department's noise abatement threshold criteria. Noise barriers were considered as mitigation, but they did not meet the Department's cost or dimensional effectiveness criteria. As such, in accordance with the Department's Noise Policy, noise abatement has not been included in the proposed project.

2. David Clark, 62 Bedford Center Road, parcel 35, (verbal and written testimony) was concerned with the amount of land being impacted for the sidewalk construction, potential for increased speed of traffic, traffic diversion to local roads during construction, and potential contamination of ground water. He opposes the installation of sidewalks along NH 101. He indicated he also owns 0.1 acre of land south of NH 101.

*Response:* The project design has sought to balance property impacts with widening for improved traffic movement. NH 101 is a developed corridor; impacts to abutting properties are unavoidable. No Change in the current posted speed limit of 40 MPH on NH 101 is anticipated as part of this project.

The intent is to maintain NH 101 traffic during construction, but it is recognized that some amount of inconvenience and delay is inherent in a construction project of this type. Formal diversion of traffic on to local roads during construction is not envisioned, however, some drivers may elect to use alternative routes to avoid the construction zone.

The water quality treatment measures proposed as part of this project are required by regulation in order to permit and build the project. They are designed to remove nitrogen, phosphorus, and suspended solids from stormwater runoff. All water quality treatment measures will be constructed in accordance with NHDES guidelines. Numerous water quality treatment basins of similar design have been constructed throughout the State, with no known history of resultant ground water contamination. Currently there are no formal treatment measures along this segment of the NH 101.

The proposed sidewalks were requested by the town, and are reflective of the 2002 Corridor Study and the town's 2014 Pedestrian & Bicycle Connectivity Master Plan. The Department supports these multi-modal accommodations, with Town commitment to future maintenance.

The NHDOT has found no record of Clark ownership south of NH 101 and encourages the Clarks to forward any deeds or other data of record to indicate ownership.

3. Bruce Biscornet, 21 Meetinghouse Road, parcel 26, (verbal and written testimony) was concerned about losing the trees that line his property along NH 101 and the side roads, increased noise, and loss of privacy to his home. He requested an earth berm and solid fence be constructed along his property.

*Response:* The concern for the bordering trees is understood and has been considered. Measures have been taken to minimize project impacts to the trees. Curbing will be used to contain roadway runoff; the sidewalk panel between the road and sidewalk will be reduced in this area to move the pavement away from the trees; and the roadway embankment will be steepened to reduce the physical impacts to the area. The trees will not be directly impacted by the proposed roadway widening, however, the limit of work will be in close proximity. Given that the trees can remain in place, an earth berm and solid fence are not being considered at this time, as the construction of them would require removal of the trees, and would have increased wetland impacts. There is potential for slope and drainage easements, as well as a strip acquisition of land along NH 101. The property impacts and proximity to the road will be

evaluated and considered as part of the ROW appraisal process, with appropriate compensation developed at that time.

Noise impacts associated with the project were examined along with potential abatement measures in accordance with the guidelines set forth in the Department's Noise Policy. This analysis indicated that noise levels at seven residential and one commercial receptor are anticipated to approach or exceed the Department's noise abatement threshold criteria (this property does not exceed the criteria). Noise barriers were considered as mitigation, but they did not meet the Department's cost or dimensional effectiveness criteria. As such, in accordance with the Department's Noise Policy, noise abatement has not been included in the proposed project.

4. Bedford Police Chief Bryfonski, (verbal comments) stated in response to speed concerns expressed by Bedford Residents at the Public Hearing, that the Bedford Police Department, in cooperation with the NH State Police, has a robust speed enforcement program on NH 101. Chief Bryfonski offered access to this enforcement program to any interested people.

*Response:* The Department appreciates the information about speed enforcement.

5. Paul Brock, 37 Bracken Circle, Bedford, (verbal comments) concerned with traffic safety, specifically with reverse turn movements being allowed at the signalized intersections, as well as the shoulder width, particularly as it relates to safe bicycle usage.

*Response:* The widening of NH 101 associated with this project, and the raised median island, will improve the safety and efficiency of the highway. The signalized intersections will be constructed to allow safe reversal of direction for passenger vehicles by having exclusive left turn lanes and signal phasing. The proposed 4 foot wide shoulder is an adequate width to balance vehicle safety and property impacts, and meets minimum design requirements for safe bicycle travel.

6. John Fitzgerald, 169 Route 101, (Fitzgerald Tile) parcel 12 (verbal and written comment) was concerned with the two alternatives to impact to his property. The first alternative, which impacts the property frontage, eliminates the easterly drive to the property due to difference in the grade (the westerly drive is maintained). The second alternative proposes to acquire the entire property to facilitate construction of a stormwater treatment measures.

*Response:* The NHDOT will move forward with a complete acquisition of the property, promptly upon receiving design and ROW acquisition approvals. This acquisition is required to provide to construction of a stormwater treatment measure.

7. John Sokul, representing parcel 61 (verbal and written comment) representing Donna and Peter Holden, owners of parcel 61, 9 Constitution Drive, raised concern with the proposal to construct a town service road across the Holden property, connecting parcel 57 with Constitution Drive. Mr. Sokul believes this proposal is unconstitutional under State law.

*Response:* The Town of Bedford requested the service road layout in order to provide better connections to Constitution Drive from outlying properties and improve access management. The land being serviced with this town road will not have access to NH 101 directly, the access will be provided via the proposed town service road, to Constitution Drive and the signalized intersection with NH 101. The removal of the existing NH 101 drive for parcel 57 serves a public purpose by improving safety and allowing elimination of a conflict point along NH 101. Construction of the town service road for public purpose is allowable within state statutes. This service road will be a town owned and maintained road once it is constructed by this project.

8. Thomas Riley, 166/168 NH Route 101, parcel 13 & 58, (verbal and written comment) was concerned with the proposed lane use at Constitution Drive and reverse turns movements at all

signalized intersections. He also suggested a painted, versus raised, median island at the Nashua Road intersection so left turns in and out of his property would be allowed

*Response:* The proposed layout at the Constitution Drive intersection with NH 101 has been evaluated, and is considered to be adequate to carry the traffic safely and efficiently. There will be minor modifications to the intersection layout to improve the length of the left turn lanes on NH 101. Complete reconstruction of the intersection and additional work on Constitution Drive is not necessary. U-turning to reverse direction will be allowed at the signalized intersections. The signalized intersections will be constructed to allow safe reversal of direction for passenger vehicles by having exclusive left turn lanes and signal phasing.

A uniform raised median island is an important safety feature of this project, which will restrict left turns into and out of adjacent driveways, control access and improve traffic flow and efficiency. Safe and effective access for parcel 13 is currently provided along Nashua Road, which has signalized intersection control at NH 101.

9. Amy Jenkins, 24 Bedford Center Road, parcel 46, (verbal comments) was concerned with noise and noise abatement in the project.

*Response:* Noise impacts associated with the project were examined along with potential abatement measures in accordance with the guidelines set forth in the Department's Noise Policy. This analysis indicated that noise levels at seven residential and one commercial receptor are anticipated to approach or exceed the Department's noise abatement threshold criteria (including this property). Noise barriers were considered as mitigation, but they did not meet the Department's cost or dimensional effectiveness criteria. As such, in accordance with the Department's Noise Policy, noise abatement has not been included in the proposed project.

10. Larry Cheetham, 34 Bourne Drive, (verbal comments) was concerned with the sidewalk width not being wide enough, signal interconnection, and sewer/water costs.

*Response:* Sidewalks will be incorporated in to the design with a standard width 5 to 6 feet, depending on the location. If the Town of Bedford agrees to maintain them, the sidewalks will be constructed as part of the project. The design of the traffic signals throughout the project will consider interconnection for efficiency and will be coordinated along the corridor. The Town is considering the installation of sewer and water lines where none exist now. If these municipal facilities are incorporated into the construction of this project, there will be an agreement executed between the Town and NHDOT, to outline the costs that will be reimbursed by the Town to the State.

11. Susan Tufts-Moore, 27 Bedford Center Road, (verbal comments) supports the project and plan, supports sidewalks and crosswalks, and believes the Town should accept maintenance of landscaping done as part of the project. She would like noise reduction windows offered to affected abutters.

*Response:* The Department appreciates the support for the project, and layout of sidewalks and crosswalks. There will be continued coordination between the Town and NHDOT, relative to maintenance of the landscaping. The Department's Noise Policy and Federal Highway regulations do not allow for the installation of windows and other interior noise abatement measures for residential properties. Noise barriers were evaluated to provide exterior noise abatement for those highway traffic noise impacts which were identified within the project area. None of the noise barriers configurations were found to be reasonable as they did not meet the Department's cost or dimensional effectiveness criteria. As such, in accordance with the Department's Noise Policy, noise abatement has not been included in the proposed project.

12. Kevin Fortier, 3 Liberty Hill Road, parcel 37, (verbal comments) was concerned with increased noise levels, tree removal, and impact to his well resulting from the proposed roadway project through this historic area.

*Response:* Noise impacts associated with the project were examined along with potential abatement measures in accordance with the guidelines set forth in the Department's Noise Policy. This analysis indicated that noise levels at seven residential and one commercial receptor are anticipated to approach or exceed the Department's noise abatement threshold criteria (including this property). Noise barriers were considered as mitigation, but they did not meet the Department's cost or dimensional effectiveness criteria. As such, in accordance with the Department's Noise Policy, noise abatement has not been included in the proposed project.

Water quality is proposed to be addressed through the installation of storm-water treatment systems, as part of the project. Water quality treatment measures will be in conformance with the NHDES Regulations and Guidelines. Numerous water quality treatment basins of similar design have been constructed throughout the State, with no known history of resultant ground water contamination. The project design is a balance of impacts to historic resources and private property. This balance will continue throughout the project design.

The concern with tree removal and his well will be considered as the design progresses. The well will be noted on the plans so that preconstruction surveys can be done, and caution taken during construction. The ROW acquisition process will provide compensation as appropriate. The water quality treatment measures at the intersection of NH 101 and Liberty Hill Road will be landscaped with these concerns considered.

13. Manessa Lins, 2 Liberty Hill Road, parcel 43, (verbal comments) was concerned with property impacts, increased noise, lighting, and sidewalk construction on the south side of NH 101 (between Meetinghouse Road and Constitution Drive).

*Response:* The proposed sidewalk between Meetinghouse Road and Constitution Drive is located on the south side on NH 101 to accommodate the residential properties and improve access to the northerly part of the Town. The sidewalk is not proposed to be illuminated.

The ROW acquisition process will provide compensation as appropriate for the property impacts. The parcel is considered historic, and landscaping will be required as mitigation for the impact to the historic nature of the property.

Noise impacts associated with the project were examined along with potential abatement measures in accordance with the guidelines set forth in the Department's Noise Policy. This analysis indicated that noise levels at seven residential and one commercial receptor are anticipated to approach or exceed the Department's noise abatement threshold criteria (this property does not exceed threshold). Noise barriers were considered as mitigation, but they did not meet the Department's cost or dimensional effectiveness criteria. As such, in accordance with the Department's Noise Policy, noise abatement has not been included in the proposed project.

14. Elinore Dunham, 5 Shaw Drive, parcel 48, (written comment) was concerned with project impacts to her trees, windows of her house, her water well, and an increase in traffic noise.

*Response:* The property impacts are preliminary at this time, but the design will consider these concerns as final design details are developed. The ROW acquisition process will provide compensation for impacts as appropriate. The water quality treatment area will be landscaped with privacy concerns considered in the design. The windows and water well will be noted on the plans so that preconstruction surveys can be done, and caution taken during construction.

Noise impacts associated with the project were examined along with potential abatement measures in accordance with the guidelines set forth in the Department's Noise Policy. This analysis indicated that noise levels at seven residential and one commercial receptor are anticipated to approach or exceed the Department's noise abatement threshold criteria (this property does not exceed the threshold). Noise barriers were considered as mitigation, but they did not meet the Department's cost or dimensional effectiveness criteria. As such, in accordance with the Department's Noise Policy, noise abatement has not been included in the proposed project.

15. Christopher Bandazian, Town Council Chair, Steve Daly, Town Manager – Town of Bedford, (written comment) expressed support for the project, are continuing to consider their position relative to sidewalk and landscape maintenance, and request the NHDOT be sensitive to vegetative screening for abutting properties along the project, as well as working with abutting properties currently under development.

*Response:* The NHDOT appreciates the project support and will continue to collaborate with the Town to develop suitable maintenance agreements. The NHDOT will work with property owners during the final design aspects of the project to address specific concerns and minimize impacts to the degree practicable.

16. Keith Duperron, 64 Pinecrest Circle, parcel 20, (written comment) expressed concern with the installation of a sidewalk on the south side of NH 101 from Nashua Road to Meetinghouse Road, and project impacts to his property and trees.

*Response:* The sidewalk construction will remain on the southerly side of NH 101 to maximize accessibility for the residential neighborhoods on the south side of NH 101, and is in accordance with input from town officials. The project impacts to the property, including the trees, are not yet fully determined. The property impacts will be minimized as much as practicable. All impacts will be appraised and compensated as part of the ROW acquisition process.

17. Rita Carroll, 41 Veronica Drive, (written comment) expressed support for the project as proposed, indicating it is in keeping with the vision of the corridor study done in 2002, and she is encouraging the towns' commitment to maintain the landscaping features of the project.

*Response:* The NHDOT appreciates the project support and will continue to work with the Town to bring the project details forward.

18. George Moore, Devine Millimet law firm, representing parcel 57 (Pond Haven Associates), (written comment) supports the layout of the town service road connection to Constitution Drive

*Response:* The NHDOT appreciates the support for the service road as proposed and will move ahead with the final design details as part of this construction project.

19. Michael Chen, 20 Shaw Drive, (written comment) supports sidewalk construction throughout the project, on the south side of NH 101, between Nashua Road and Constitution Drive, encourages signal coordination, and suggests shoulder rumble strips.

*Response:* The NHDOT will move forward with sidewalks as proposed, but construction of the sidewalks will require a Town commitment to future maintenance. The design of the traffic signals throughout the project will consider interconnection for efficiency and will be coordinated along the corridor. The traffic speeds on NH 101 do not support installation of shoulder rumble strips. Additional concerns with rumble strips at this location are the proximity to residences (noise concerns) and the impediment to bicycle usage on the shoulders.

20. Raymond Lorden, parcel 10, (written comment) was concerned with magnitude of property acquisition proposed along his frontage. He is concerned with the proximity of the road to his building, and requests a complete acquisition.

*Response:* The NHDOT is proposing a complete acquisition of this parcel, required for construction of water quality treatment measures associated with the project.

21. Robert Prudhomme, 11 Shaw Drive, parcel 47, (written comment) was concerned with project impacts to his property, specifically trees and noise.

*Response:* The project impacts to the property, including the trees, are not yet fully determined. Property impacts will be minimized as much as practicable. All necessary acquisitions will be appraised and compensated as part of the ROW acquisition process.

Noise impacts associated with the project were examined along with potential abatement measures in accordance with the guidelines set forth in the Department's Noise Policy. This analysis indicated that noise levels at seven residential and one commercial receptor are anticipated to approach or exceed the Department's noise abatement threshold criteria (this property does not exceed the threshold). Noise barriers were considered as mitigation, but they did not meet the Department's cost or dimensional effectiveness criteria. As such, in accordance with the Department's Noise Policy, noise abatement has not been included in the proposed project.

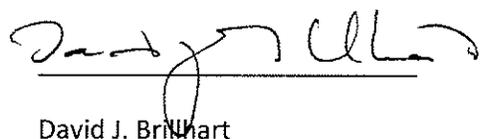
22. Christine Buffey, 24 Plummer Road, (written comment) expressed concern with crosswalk installations along NH 101 and requests an over or under pass as a safer pedestrian accommodation.

*Response:* The project design includes pedestrian accommodations at the signalized intersections, with intention of providing improved safety for people crossing NH 101. Installation of an over or under pass is not considered part of the scope of this project, but NHDOT encourages the Town of Bedford to pursue the effort as a separate project. The project design, as proposed, does not preclude an over or under pass at a future time.

23. Marilyn Brock, 37 Bracken Circle, (written comment) requests a separate bike path be constructed, instead of sidewalks, as well as an over or underpass at Nashua Road.

*Response:* The proposed sidewalk is located to minimize property impacts, while providing for pedestrian movement. This is a developed corridor, a separate bike path would increase property and wetland impacts throughout the corridor and is not considered feasible or prudent. An over or underpass at Nashua Road is not part of the scope of this project. The project design does not preclude construction of an over or under pass in the future. The Town of Bedford can pursue that effort as a separate project.

Date: 2/11/15



David J. Brinhart

Acting Commissioner

NH Department of Transportation