

## 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.

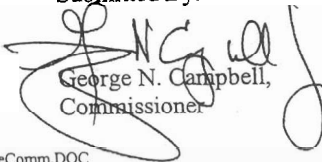
Response: The roadway will be fully reconstructed and its service life significantly extended. US Route 3 south of Bedford Highlands shopping center (Lowe's, Target) is maintained by the Department of Transportation with maintenance costs carried by the Department. Routine maintenance including paving 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.

Submitted By:

Date: 1/19/2010

  
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

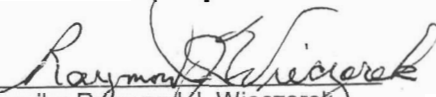
a Commission to serve as alternates to the Special Committee and to purchase the land needed for the project, if approved.


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.

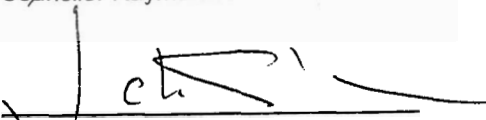
**PROJECT DESCRIPTION**

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

  
Councilor John Shea

SPECIAL  
COMMITTEE