

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



Franklin, X-A000(737), 13928A

Categorical Exclusion/*de minimis* 4(f) Determination



April 2015 Final

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Introduction

This report documents the anticipated effects associated with this Categorical Exclusion project as detailed in 23 CFR 771.117(d)(1). Previous documents for this project were provided by CLD Consulting Engineers in 2004 and the NHDOT in 2013, however, the project parameters have changed, so the NHDOT is issuing this updated report.

Existing Conditions

This project is located at the intersection of US Route 3 and Industrial Park Drive (IPD) in the City of Franklin, NH and is to address safety improvements to the intersection and upgrade the pavement northward to NH Route 127 (Exhibits 1, 2, 3 and 4).

The project area consists of a mix of residential, business and rural properties. US Route 3 is a main north-south connector between Concord, Boscawen, Franklin and surrounding communities. A former railroad line is directly parallel to US Route 3 on the east side, with the Merrimack River directly east of the rail line. The rail line was converted to a rail trail that is currently owned by the NH Department of Transportation (NHDOT) and managed by the NH Department of Resources and Economic Development (DRED). On the west side of US Route 3 is a mix of residential and commercial properties. IPD is the main access to several commercial/industrial properties.

US Route 3 was constructed in the 1930's, and the original concrete roadway is still present in the southern part of the project area. The intersection at IPD has a small turning radius for the truck traffic and the sight distance to the north at the intersection is inadequate. There is also a problem with stormwater runoff at this intersection and along the roadway, causing some ponding of water during heavy storms.

The current speed limit on US Route 3 is 50 MPH, which will be maintained. The 2014 traffic data for US Route 3 was 4,400 AADT (Average Annual Daily Traffic) with projected traffic for year 2035 of 5,400 AADT. Currently there is approximately 7 percent truck traffic.

The intersection with US Route 3 and IPD carries a large amount of truck traffic entering and exiting from IPD. Trucks entering from US Route 3 and exiting on to US Route 3 often swing wide into the opposite travel lane. Trucks leaving IPD and turning onto US Route 3 have a short sight distance looking north.

The accident history in the project area includes 14 crashes along the project limits from 2002-2009. Three crashes were at the IPD intersection, one with injuries, three at the Webster Valve driveway of which 2 had injuries and two at the NH Route 127 intersection, one with injuries. Seven out of 14 were related to the intersections. The accident rate is fairly low, however, the accidents that do happen tend to be more severe, most likely due to the 50 mph speed zone through the project area and the impairments noted above.

Purpose and Need

The purpose of this project is to improve the safety of traffic entering and exiting IPD at the intersection, improving the sight distance to the north on US Route 3 and increasing the longevity of the roadway surface. The need for this project is demonstrated by the high severity of accidents, the inadequate sight distance at the intersection and the age of the existing concrete roadway.

Proposed Action

The proposed action will involve reconstructing the intersection of US Route 3 and IPD to add a right turn lane into IPD on the southbound side of US Route 3 which should prevent right turning trucks from entering the northbound lane. The shoulder on the northbound side of US Route 3 will be widened at the IPD intersection to allow through vehicles to go around those waiting to make a left turn into IPD. US Route 3 will have full box

construction to remove the old concrete pavement from approximately 1,500 feet south of the intersection with IPD to approximately 1,300 feet north of the intersection with IPD. US Route 3 will be reclaimed with no widening from this northern reconstruction point, northerly to the intersection with NH Route 127 as this section was re-constructed in 1955. A retaining wall, approximately 9-10 feet high at its maximum, will be constructed on the westerly side of US Route 3, north of the intersection with IPD, to allow some removal of the steep slope and create better sight distance. Aerial utility and waterline relocations are proposed in conjunction with the full box reconstruction in southern portion of the project. Existing drainage patterns have been perpetuated and improvements proposed where necessary. Two slope failures have occurred along the bank of the Merrimack River, within the northern reclamation area of the project. These failures were associated with an existing drainage system which had failed. These existing drainage systems are proposed to be combined and discharged at a more stable location and the failure areas will be stabilized with stone fill.

At the intersection and south of the intersection of IPD, the roadway has a typical section of 11 to 12-foot lanes and 2 to 4-foot shoulders. This project will widen at approximately 1,300 feet north of the intersection to a 12-foot lane and 10-foot shoulder to match into existing (no widening). North of the intersection, US Route 3 is 12 feet wide with 8-foot shoulders and no widening will occur in that part of the project.

The widening on the east side of US Route 3 will be about 2 feet toward the rail trail and the existing cable guardrail will be replaced with W-beam steel guardrail. Impacts to the rail trail will be limited to pipe trenching and temporary use for access to drainage installation locations, and will be returned to pre-construction condition or better at the completion of the project.. Most of the widening will take place on the west side of US Route 3. . The impervious area (pavement) will increase by approximately 5,450 sq. ft. See Exhibit 5 for a view of plan details.

Existing natural and cultural resources and proposed impacts are discussed in subsequent sections of this document.

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 option was not pursued.

5-foot shoulders on US Route 3

Construction of 5-foot shoulders on both sides of US Route 3 was considered, but this would have required greater impacts to private properties and the rail trail corridor. This option was not pursued.

Evaluation of Environmental Effects

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

Social/Economic

Natural

Cultural

Air Quality	Business Impacts	Coastal Zone	Aesthetics
Community Services	Construction Impacts	Endangered Species	Archaeological
Contaminated Properties	Displacements	Floodplains	Historical
Energy Needs	Environmental Justice	Forested Lands	Stonewalls
Farmlands	Land Acquisition	Groundwater	
Land Use	Neighborhoods	Invasive Species	
Noise	Public Lands	Natural Communities	
Recreation	Safety	NH Designated Rivers	
Tax Base	Transportation Patterns	Shoreland Protection	
Utilities		Stream Rechannelization	
		Surface Water	
		Water Quality	
		Wetlands	
		Wild & Scenic Rivers	
		Wildlife/Fisheries	

Discussion of the effects on the resources and issues follows:

Social/Economic Resources

Air Quality

Pursuant to the Clean Air Act Amendments (CAAA) of 1990, this project was examined for potential impacts to local and regional air quality. The proposed project is located within an area of the State that is in attainment with respect to the National Ambient Air Quality Standards (NAAQS) for ozone and all other transportation related criteria pollutants (CO, NO_x, VOCs, PM₁₀ and PM_{2.5}). The project has been included in the *Statewide Transportation Improvement Program (STIP) 2011-2014*, amended August 22, 2011. The proposed effort is not considered a “Regionally Significant Project” as defined in the final Transportation Conformity rules (40 CFR 93.101) or in those rules adopted by the New Hampshire Department of Environmental Services in accordance with the interagency consultation provisions required by 40 CFR 93.105.

When completed, the project is not expected to result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the no-build alternative or contribute to violations of the NAAQS. Consequently, this project is exempt from the conformity requirements of the CAAA.

For the above noted reasons, the Federal Highway Administration (FHWA) has determined that this project will generate minimal air quality impacts for CAAA criteria pollutants and has not been linked with any special mobile source air toxics (MSAT) concerns. Consequently, this effort is exempt from analysis for MSAT. Moreover, Environmental Protection Agency (EPA) regulations for vehicle engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends, conducted by the FHWA using EPA's MOBILE6.2 model, forecasts a combined reduction of 72 percent in the total annual emission rate for the priority MSAT from 1999 to 2050, while vehicle-miles of travel are projected to increase by 145 percent. This will both reduce the MSAT background level as well as the possibility of even minor MSAT emissions from this project.

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. The proposed project is intended to allow vehicles traveling south on US Route 3 to safely and easily bypass vehicles turning right onto Industrial Park Drive. This improvement is anticipated to slightly reduce traffic congestion along US Route 3, and

subsequently is anticipated to have a marginal improvement to CO emissions and other pollutants within the project area.

The project has been designed to maximize capacity and efficiency to the greatest extent practicable in order to minimize congestion and disruptions to traffic flow. Computer analyses of other projects (such as Manchester, 10622A and Londonderry, 12704) with substantially higher traffic volumes, flowing under more restrictive conditions, have consistently yielded maximum CO concentrations well 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.

Business Impacts, Community Services, Land Use and Tax Base

Businesses and Community Services should remain the same or improve due to the addition of the turn lane at the intersection and the widening of US Route 3 around the intersection. There will be some delays on US Route 3 and Industrial Park Drive during construction but access will be maintained for all businesses and residences. There should be no impacts to the Franklin Tax Base or changes in Land Use associated with this project.

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’ noted a closed remediation site at the former “Mike’s Garage” (Parcel 12), several hundred feet north of the intersection work area and a closed site at the former “Public Works Supply” on the southwest corner of the intersection. GEI, Inc. tested the ground water level and determined that the ground water level is below the project work area, which means the excavation should not impact any contaminated water. Parcel 12, currently owned by the City of Franklin, is a closed remediation site, but the City is in process of having any existing contamination removed. NHDES has committed to de-commissioning the monitoring wells on this site prior to the commencement of construction and, as such, there are no further concerns associated with contaminated materials at this site and no further actions required by the NHDOT (Exhibit 6).

The proposed work on the Northern Rail Trail has been reviewed with the NHDOT Contamination Program. As proposed, all disturbed railroad soils will remain on site and therefore will not require transportation or disposal. If soils cannot be re-used on site, the Contamination Program will be consulted and the soils disposed of properly.

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 and it was determined that no protected groups would be affected (Exhibit 7).

Land Acquisition

There will be the need to acquire ROW on both sides of the roadway for the new alignment of US Route 3. Slope easements and drainage easements will also be needed. A final list of acquisition amounts is noted in the chart below.

Parcel Number	Parcel Owner	Permanent Easements Sq. Ft.		Temporary Easements Sq. Ft.		
		Drainage	Slope	Drive	Slope	Construction
1	State of NH (DOT)	2,950	11,900	325	10,825	25,525
1-1	Weglarz, S.	22,975				1,975

2	Allard, J.M. & G. J.			575		
3	Davis, R. M. and D.L.			1,675	225	
4	Moran, E. J. III and Rideout, D. A. and Moran, M. F.			575		
5	Arsenault, E. A.			375		
6	Citimortgage, Inc.	300		375		
7	Garrick Realty Holding Co. LLC.	9,175				
11	Weglarz, S.			1,150		
12	City of Franklin			500		3,325
13	Mullavey, M. L.					2,150
14	Souperon, M.					1,875
15	Mullavey, M. L.					1,175
18	Franklin Lodge BPOE # 1280	29,600			300	5,150
20	Smirnioudis, S and Estate of E. Smirnioudis	2,250				
21	T. N. Peters 2003 Trust and Estate of Paul N. Tardif	950				
Totals		68,200	11,900	5,550	11,350	41,175

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. As this project does not involve the construction of a new highway, the addition of through traffic lanes or alterations to the vertical or horizontal alignment of the existing roadway, the subject project is not a Type I highway project. Since this project is not a Type I highway project a noise impact assessment is not necessary.

The proposed project is not expected to result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility, or any other factor that would cause an increase in noise impacts. As a result, this project is not expected to cause a noticeable change in noise levels once construction is completed.

Public Lands/Recreation

A review of the 'GRANIT' Database, Conservation Lands indicated that there will be no impacts to conservation lands located in the vicinity of the proposed project.

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 8).

The Office of Energy and Planning-Conservation Land Stewardship (CLS) Program Coordinator has reviewed the proposed action. It was determined that there are no CLS Program or Land Conservation Investment Program (LCIP) resources within the project area (Exhibit 9).

The project proposes to impact a historical railbed, the Northern Rail Trail, currently owned by the State of New Hampshire. The Northern Rail Trail is used by the public as a recreational trail and is a 4(f) resource. Work on this trail involves replacing cross pipes at two locations and access to another drainage work location. In all instances, the trail shall be restored back to its original condition upon completion of work.

The project has a *de minimis* use on the Section 4(f) property. Based on the scope of the undertaking; the fact that the undertaking does not adversely affect the function or qualities of the Section 4(f) property on a permanent or temporary basis; and with the agreement from the official with jurisdiction in writing, the proposed action constitutes a *de minimis* use.

The Federal Highway Administration (FHWA) has found that the temporary impacts on this parcel would have a *de minimis* impact as they would not adversely affect the activities, features, and attributes of the park (Exhibit 10). The officials with jurisdiction over the park (Franklin Planning and Zoning) have provided a letter of concurrence with the finding of *de minimis* impact (Exhibit 11).

Safety/Transportation Patterns

There will be some disruption to businesses in the area during construction, but access to all properties will be maintained. The general traffic patterns will not change due to the construction of this project, although the dedicated turn lane, wider travel way with shoulders and better sight distance will allow safer left and right turns at the intersection once the construction is completed. This should also lower the incidence of traffic collisions.

Utilities

The following utility companies have been identified within the project area:

<u>SERVICE</u>	<u>LOCATION</u>
Public Service of New Hampshire (Electric),	Aerial
Fairpoint (Telephone)	Aerial
Metrocast (Cable Television)	Aerial
Franklin Fire Department	Aerial
City of Franklin Water Supply	Underground
Keyspan Gas (Natural Gas)	Underground
Fairpoint Fiber Optics in rail trail bed	Underground

Aerial utilities and underground water lines along US Route 3 within the southern full box construction area of the project will need to be relocated to accommodate the widening. Continued coordination with the utilities will occur to assure that there will not be any interruption in services.

Natural Resources

Endangered Species/ Fisheries /Natural Communities/Wildlife

The NH Natural Heritage Bureau (NHNHB), the NH Fish and Game Commission (NHF&G), and the US Fish and Wildlife Service (USFWS) reviewed the project area in February 2011. At that time, there were no Natural Communities identified in the area, but there were two state listed species identified by the NH Natural Heritage Bureau as potentially being in the project area. These included the Bald Eagle and the Brook Floater mussel. Upon further review from the USFWS and NHF&G, it was determined that the proposed construction would not impact the identified species.

NHNHB was consulted again in September, 2014 due to changes in project scope and the expiration of the initial NHNHB database search. While there is a known record of a species protected by the Endangered Species Act of 1973 located in the vicinity of the project area, there are no anticipated impacts based on the proposed scope of work. No further coordination with NHNHB or NH Fish and Game is required (Exhibit 12).

The project area was also reviewed by the US Fish and Wildlife Service using the online Section 7 Review tool and was found to have no federally protected species in located in the vicinity (Exhibit 13).

Additionally, all clearing areas have been reviewed using parameters agreed upon by the USFWS and will result in “no effect” on the northern long-eared bat (*Myotis septentrionalis*) (Exhibit 14).

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 15) and will therefore not cause a flood hazard.

Groundwater /Water Quality

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.. As this project will increase the impervious surface by approximately 5,450 square feet, there will be more stormwater generated than the current conditions. The increase of impervious surface is spread out along the entire length of the project, with the most occurring in the vicinity of the IPD intersection for the purpose of widening the roadway. The existing drainage pattern relies heavily on sheetflow, in addition to a closed drainage system, to filter stormwater from the roadway before it enters the Merrimack River to the east of the roadway. The intention of the design is to maintain the existing drainage pattern to the maximum extent possible, with minor improvements to deficient ditchlines and culverts carrying stormwater. Additional stormwater runoff resulting from the increase in impervious surface at the IPD intersection will be collected in the existing drainage structures and transported to an existing swale on the eastern side of the roadway and rail trail. According to hydrological analysis using Hydrocad, the additional stormwater volume in the existing swale in its current condition will remain within an acceptable depth of low range but does not meet the retention time requirements. With minor improvements, specifically the application of a shade tolerant grass seed to establish a grassy bottom in the currently bare swale, this treatment will be sufficient to meet the intent of the Alteration of Terrain (AOT) rules while maintaining a design which impacts the least amount of resources possible according to best engineering judgement. There are no water bodies with transportation related impairments present within the vicinity of the project area. For these reasons, the design meets the intent of the AOT regulations without the creation of new permanent stormwater treatment structures.

A 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.

Invasive Plants

An invasive plant is a non-native plant that is able to persist and proliferate outside of cultivation, resulting in ecological and/or economic harm. Under the statutory authority of NH RSA 430:55 and NH RSA 487:16-a, the NH Department of Agriculture, Markets & Food and NHDES prohibit the spread of invasive plants listed on the NH Prohibited Species List. Oriental bittersweet (*Celastrus orbiculatus*) and autumn olive (*Elaeagnus umbellata*), Type I invasive plants, and Japanese knotweed (*Fallopia japonica*), a Type II invasive plant, were identified within the project area.

The Contractor will be required to prepare an Invasive Species Control and Management Plan prior the start of any earth disturbing or clearing activities. This plan will outline Best Management Practices that will be followed to prevent the spread and introduction of invasive plants during construction.

NH Designated Rivers/ Shoreland Protection

The project is located within the river corridor of the Merrimack River, a NH Designated River per NH RSA 483, the Rivers Management and Protection Act. This Act classifies the entire length of designated rivers using four categories, Natural, Rural, rural-Community and Community. State Regulated protection measures apply to each of these categories. The segment of the Merrimack River adjacent to the project is classified as Rural. As no work is proposed within the Merrimack River itself, no protection measures associated with this classification restrict the construction of the proposed action. The Merrimack River Local Advisory Committee, the organization that oversees the management of this designated river, was initially asked for input on the project in 2010 and requested that any storm water runoff be filtered through drainage swales. Storm water treatment areas have been included in this project (Exhibit 16). Since that time, the Merrimack River Local Advisory Committee also offered suggestions regarding the Standard Dredge and Fill permit application which was submitted to the NHDES Wetlands Program by the Department in November, 2014, to which the Department responded appropriately (Exhibit 17).

Work will occur within the 250 feet of the Protected Shoreland buffer zone of the Merrimack River, therefore a NHDES Shoreland Permit by Notification will be needed. As proposed, there will be a total of 181,786 square feet of impacts to the 150 foot Natural Woodland Buffer and the 250 foot Protected Shoreland Buffer zones.

Wetlands/Surface Water

A NHDES Wetlands Bureau Standard Dredge and Fill Permit will be required for disturbance to jurisdictional wetlands at three locations, totaling 3,194 square feet, due to drainage improvements. Adrainage ditche on the west side of US Route 3 just south of the IPD intersection will be impacted due to the widening of US Route 3 at this location. A drainage ditch just south of the NH Route 127 intersection will be impacted for the purpose of replacing an existing stormwater conveyance pipe. One perennial stream and its banks will be impacted for the purpose of replacing an existing crosspipe,. The Merrimack River, east of the project area, will be the ultimate receptor of water from this project and all appropriate measures will be taken to ensure that there are no stormwater impacts to the surface waters during construction. Significant washouts at two locations caused by failed drainage systems will be repaired and drainage re-routed to outlet at a more stable location, however, overall drainage patterns will not change as a result of this project. See the Water Quality section above.

Cultural Resources

The Department has coordinated with the NH State Historic Preservation Office (SHPO) and the FHWA to locate and identify National Register of Historic Places listed or eligible properties within the project area. The project was reviewed at monthly Cultural Resource Agency Coordination Meetings on February 10, 2011 and August 4, 2011 (Exhibit 18). 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.

Extant Architectural Resources

The NH Division of Historical Resources and the US Army Corps of Engineers requested that NHDOT survey the project area for historic resources. An architectural survey was performed and no buildings within the project area were determined to be eligible for the National Register of Historic Places. The railroad corridor, now called the Northern Rail Trail, was identified as being potentially eligible for listing on the National Register of Historic Places.

Archaeological Resources

A Phase 1A Site Assessment Survey was conducted and the project area was evaluated with a low sensitivity for both Native American and Euro-American archaeological resources. Additionally, project plans call for minimal disturbance both vertically and horizontally. No further archaeological investigation was recommended for the project area.

Effect on Cultural Resources

Per the investigations discussed above, a memo of "No Adverse Effect" was signed by the Department, FHWA and the Division of Historical Resources on September 15, 2011 (Exhibit 19). Subsequent changes in the scope of work involving temporary impacts to the potentially eligible Northern Rail Trail have been reviewed by the Department's Cultural Resources Program, which determined that the existing "No Adverse Effect" memo is still valid and no further coordination is necessary under Section 106 of the Historic Preservation Act.

The Northern Rail Trail is also protected by Section 4(f) of the US Department of Transportation Act as a historical resource. As it was determined that the impacts for this Federal action would result in "No Adverse Effect," FHWA made a finding of *de minimis* impact for the required work.

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, especially for project abutters. One lane alternating traffic will most likely be needed during construction, but access to abutting properties will be maintained for the duration of the project.

Coordination

The proposed design was presented at:

The Cultural Resource Agency Monthly Coordination meetings on 2/10/2011 and 8/4/2011 (Exhibit 18). There were no objections to the project.

The Natural Resource Agency Monthly Coordination meetings on 2/18/2004, 12/17/2008,6/15/2011 and 10/15/2014 (Exhibit 20). There were no objections to the project.

A Public Informational Meeting was held January 25, 2011 in Franklin at the Town Hall.

A Public Hearing was held November 3, 2011. Most of the comments were positive for this project. The NHDOT compiled the comments from the hearing and from letters received after the hearing. They have been addressed in the Report of the Commissioner (Exhibit 21). There have been no changes to this document as a result of the Public Hearing. Advertising is scheduled for May 2015.

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
Franklin Town Officials	Town Officials	12/22/2009	1/5/ 2010
NH Office of Energy and Planning - Floodplain Management Program	Jennifer Czysz	6/9/2011	6/24/2011
NH Office of Energy and Planning – Conservation Land Stewardship Program	Steve Walker	5/27/2011	5/31/2011
NH Fish and Game Department	Kim Tuttle	12/09/08	12/10/08
NH Department of Resources and Economic Development – Parks & Recreation Division	Jane Carey	5/27/2011	5/31/2011
NH Natural Heritage Bureau	Melissa Coppola	12/1/2008 1/25/2011 9/16/2014	12/8/08 2/1/2011 9/18/2014
Lakes Region Planning Commission	Kimon Koulet	12/22/2009	
Upper Merrimack River Advisory Committee	Michele Tremblay	12/22/2009	3/25/2010
NHDES Rivers Management Coordinator	Laura Weit	12/22/2009	
City of Franklin Director of Planning and Zoning	Richard Lewis	12/10/2014	12/11/2014

Summary of Environmental Commitments

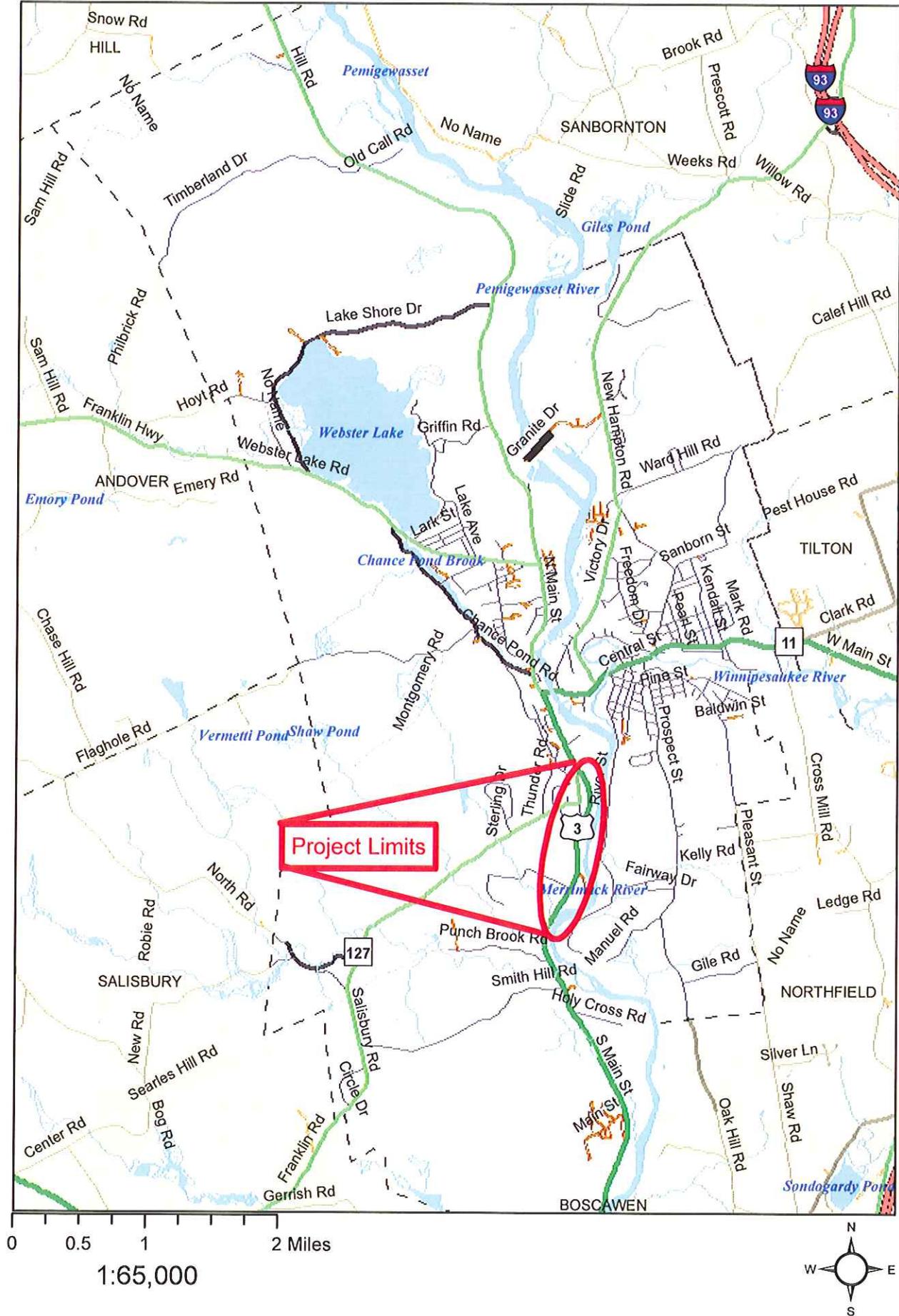
The following environmental commitments have been made for this project.

1. This project requires coverage under the Environmental Protection Agency's National Pollutant Discharge Elimination System's (NPDES) Construction General Permit (CGP). Therefore, a Notice of Intent shall be filed and the Contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP) to be submitted to the Department at least 14 days prior to the commencement of construction (Construction, Environment).
2. 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).
3. Access to all businesses and residences will be maintained throughout the construction period (Construction).
4. All appropriate permits from the NH Department of Environmental Services and US Army Corps of Engineers shall be obtained prior to the commencement of work within jurisdictional wetlands and the protected shoreland of the Merrimack River (Highway Design, Environment).
5. The project area contains invasive plants listed on the NH List of Prohibited Invasive Species (AGR PART 3802.01 and Env-Wq 1300): Oriental bittersweet, autumn olive (Type I) and Japanese knotweed (Type II). Prior to construction, all appropriate Best Management Practices shall be summarized in an Invasive Species Control and Management Plan to describe measures that will be taken during construction to avoid spreading the plants to new sites (Construction, Environment).
6. All soils disturbed on the Northern Rail Trail shall be reused within the existing rail trail corridor. Should removal be necessary, the Bureau of Environment shall be contacted and the soils shall be sampled and characterized by the Department's consultant prior to removal and shall be stored at an approved facility (Highway Design, Construction, Environment).
7. All impacts to the Northern Rail Trail shall be limited to those indicated in the contract. In all instances, the trail shall be restored back to its original condition upon completion of work.

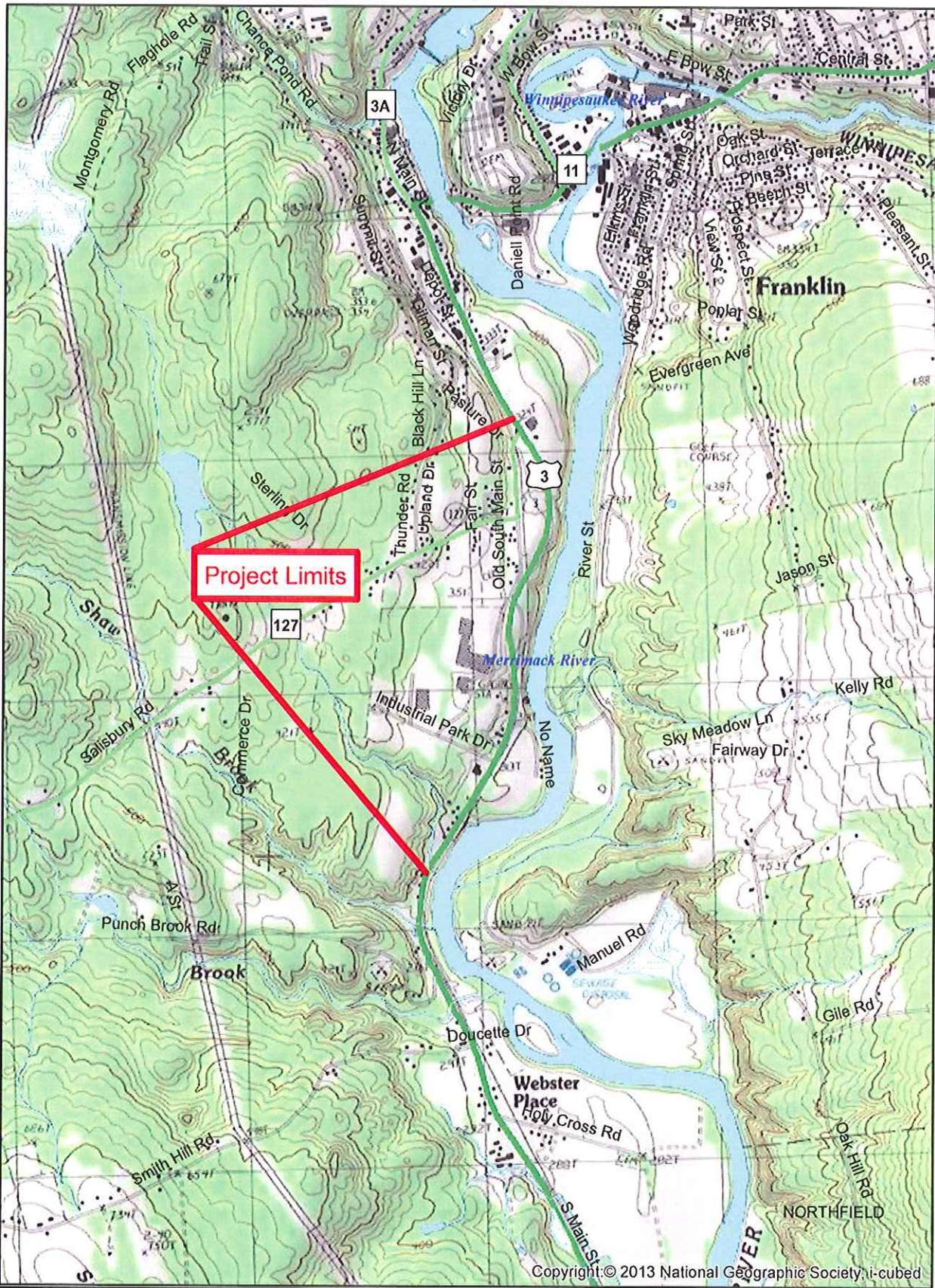
Exhibits

- Exhibit 1. Location Map
- Exhibit 2. Topographic Map
- Exhibit 3. Aerial Photograph
- Exhibit 4. Photographs
- Exhibit 5. Construction Plans
- Exhibit 6. Parcel 12 Monitoring Well Locations
- Exhibit 7. Environmental Justice Population Analysis
- Exhibit 8. Land and Water Conservation Fund Correspondence
- Exhibit 9. Conservation Land Stewardship Program Correspondence
- Exhibit 10. FWA Correspondence Regarding Section 4(f) Impacts
- Exhibit 11. Section 4(f) Correspondence
- Exhibit 12. NH Natural Heritage Bureau DataCheck Results Letter
- Exhibit 13. US Fish and Wildlife Service Section 7 Review Letter
- Exhibit 14. Northern Long-Eared Bat Impacts Note-to-File
- Exhibit 15. Office of Energy and Planning Correspondence
- Exhibit 16. 2010 Upper Merrimack River Local Advisory Committee Correspondence
- Exhibit 17. 2014 Upper Merrimack River Local Advisory Committee Correspondence
- Exhibit 18. Cultural Resources Agency Coordination Meeting Minutes
- Exhibit 19. NH Division of Historical Resources No Adverse Effect Memo
- Exhibit 20. Natural Resources Agency Meeting Minutes
- Exhibit 21. Report of the Commissioner

Franklin 13928A Location Map

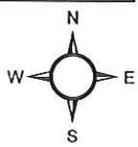


Franklin 13928A Topographic Map



0 0.25 0.5 1 Miles

1:24,000





0 0.1 0.2 0.4 Miles

1:10,000

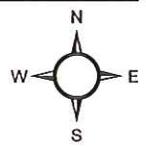




Figure 1. Intersection of Industrial Park Drive and US Route 3 looking south

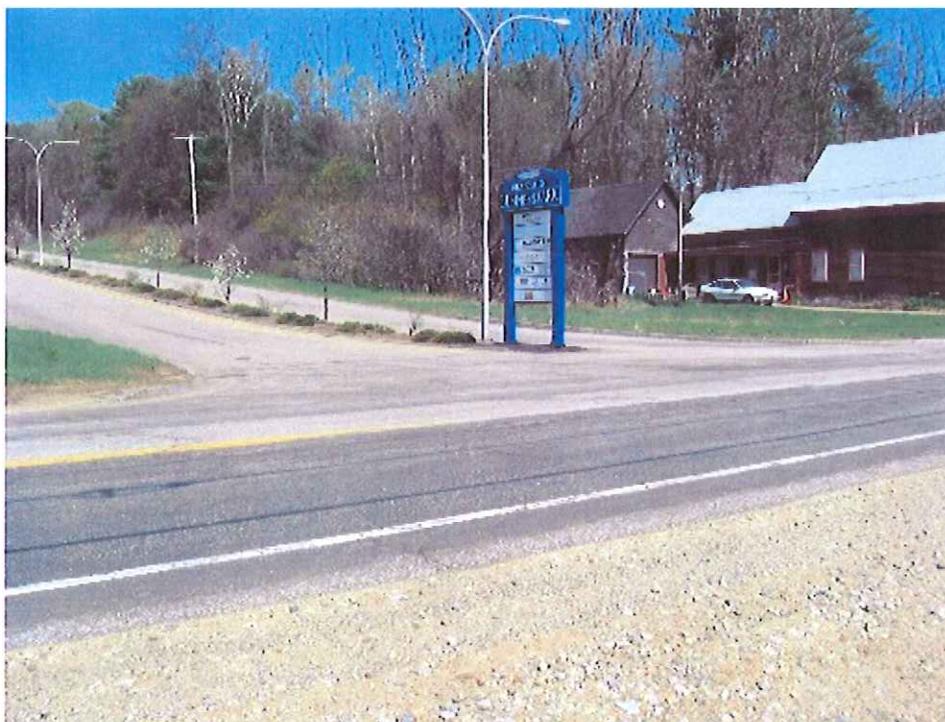


Figure 2. Intersection of Industrial Park Drive and US Route 3 looking northwest



Figure 3. Intersection of Industrial Park Drive and US Route 3 looking north showing poor sight distance



Figure 4. View of existing gravel bottomed swale to be vegetated for permanent stormwater treatment

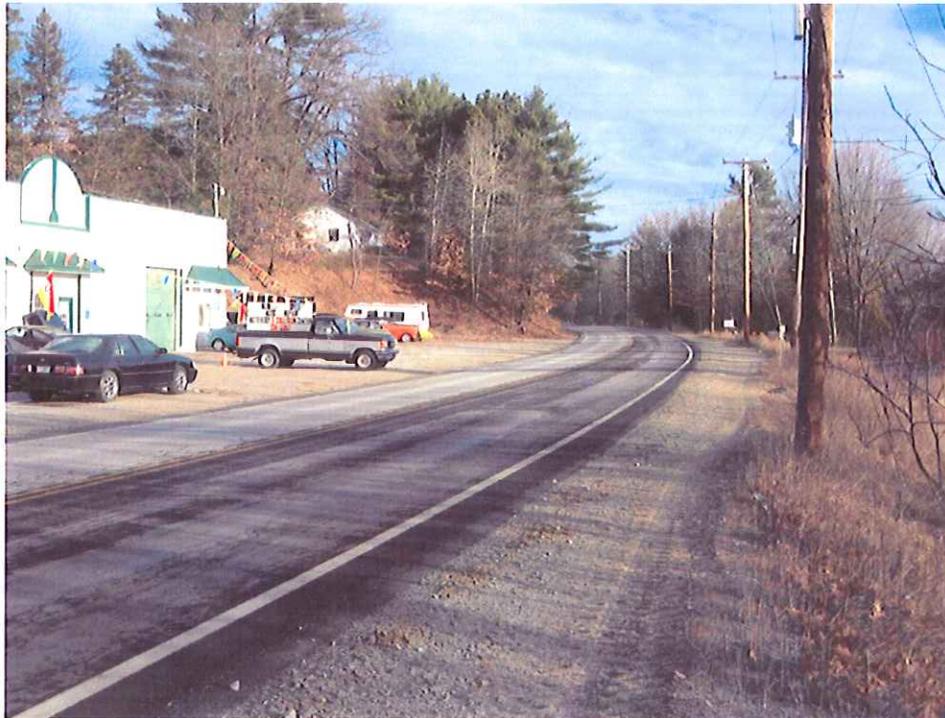


Figure 5. Looking north at former Mike's Service Station location and curve impacting sight distance from US Route 3



Figure 6. View of US Route 3 North, utility poles and rail-trail corridor from south of Industrial Park Drive

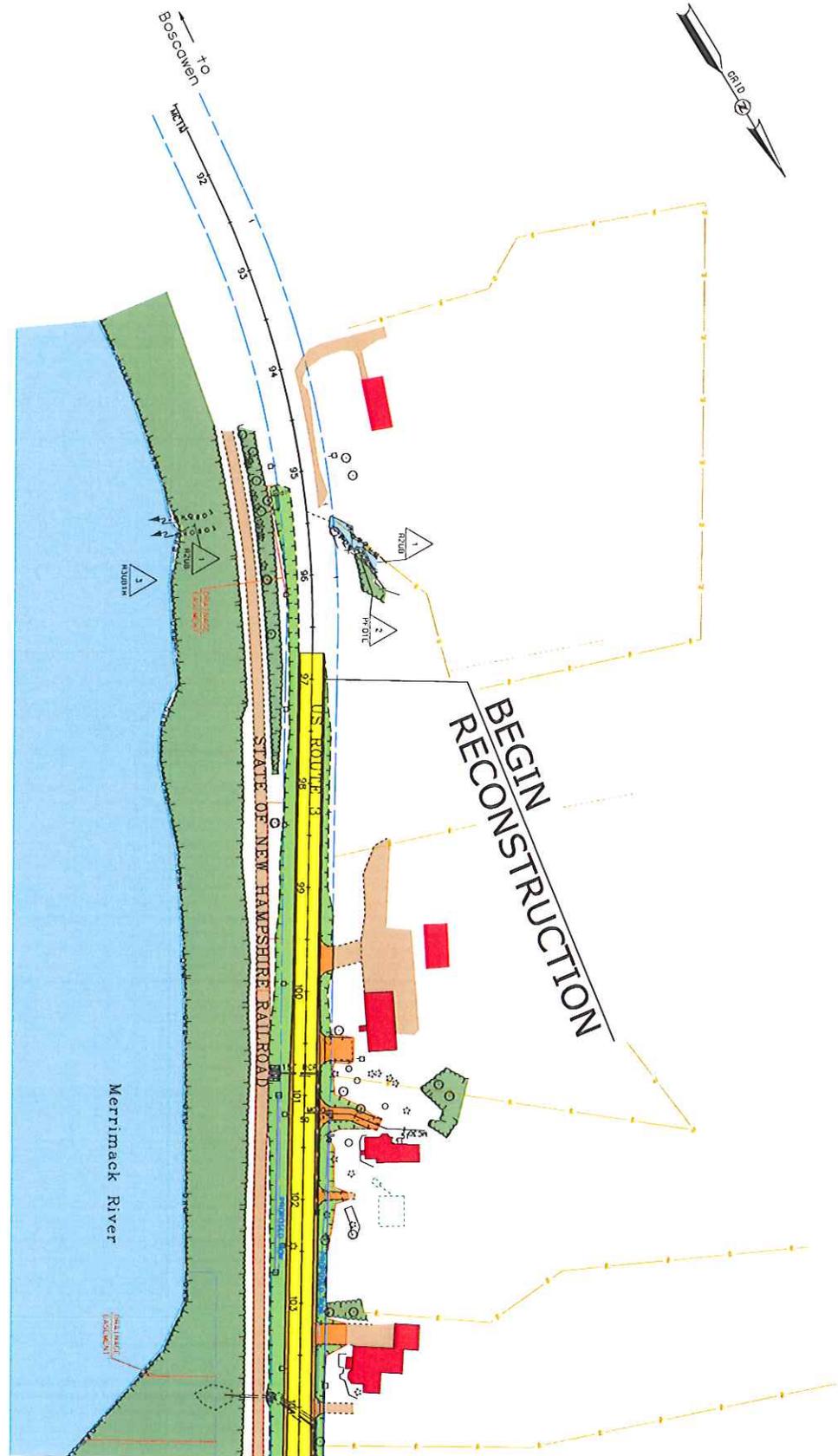


Figure 7. View of US Route 3 South showing edge of pavement to be widened and poor pavement condition from south of Industrial Park Drive



Figure 8. Intersection of US Route 3 and NH Route 127, the northern terminus of the project area

SDR PROCESSED	NAME1	DATE	DATE1	REVISIONS AFTER PROPOSAL				
NEW DESIGN	NAME2	DATE	DATE2	NUMBER	DATE	STATION	STATION	DESCRIPTION
SHEET CHECKED	NAME3	DATE	DATE3					
AS BUILT DETAILS		DATE						

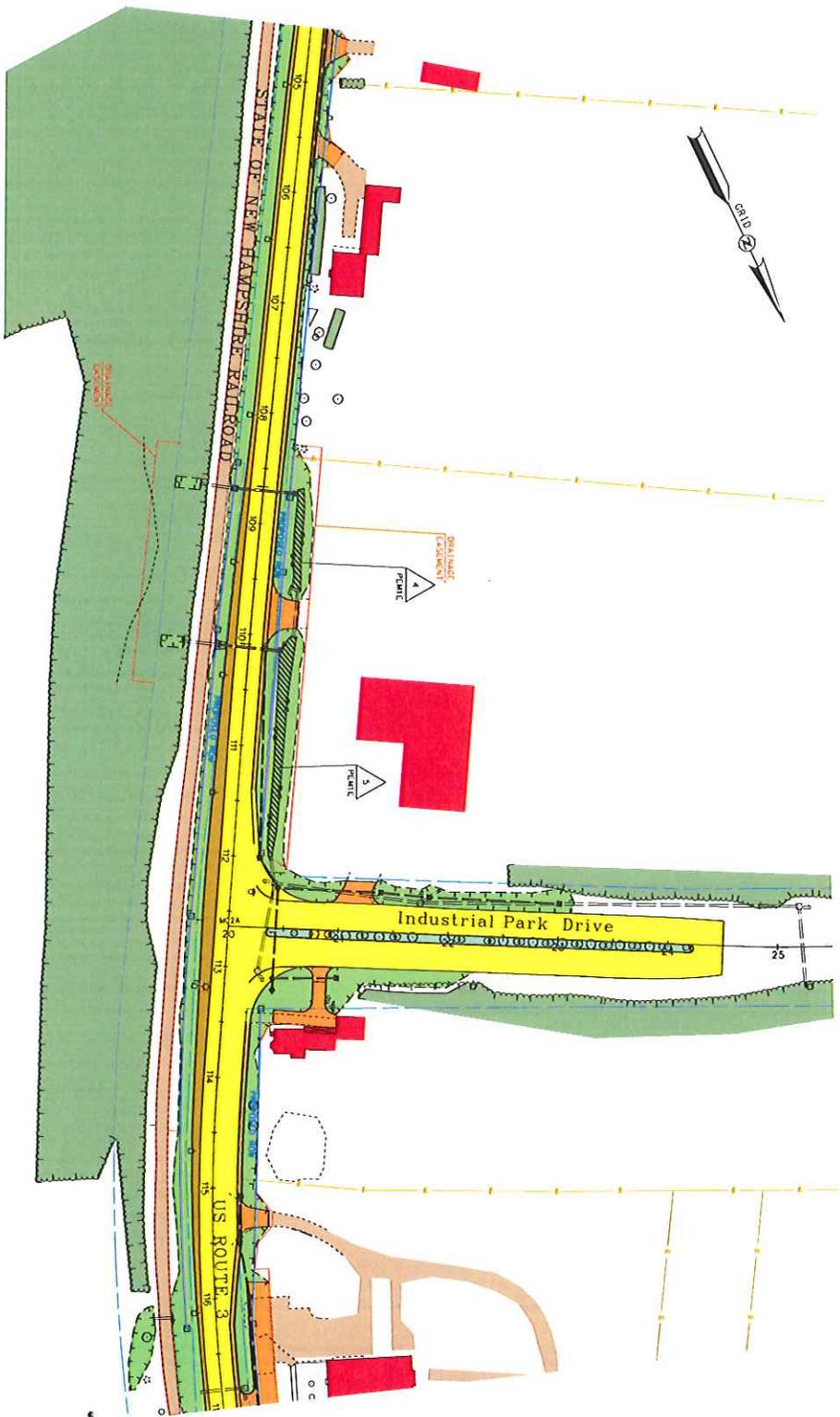


PRELIMINARY PLANS
 SUBJECT TO CHANGE
 DATE: 3/27/2015

STATE OF NEW HAMPSHIRE
 DEPARTMENT OF TRANSPORTATION • BUREAU OF HIGHWAY DESIGN
ENVIRONMENT COLOR PLANS

ENCLOSURE PLANS	13928A	SHEET NO.	1	TOTAL SHEETS	6
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SSA PROCESSED			DATE			REVISIONS AFTER PROPOSAL				
NAME1	NAME2	NAME3	DATE1	DATE2	DATE3	NUMBER	DATE	STATION	STATION	DESCRIPTION
AS BUILT DETAILS			DATE							

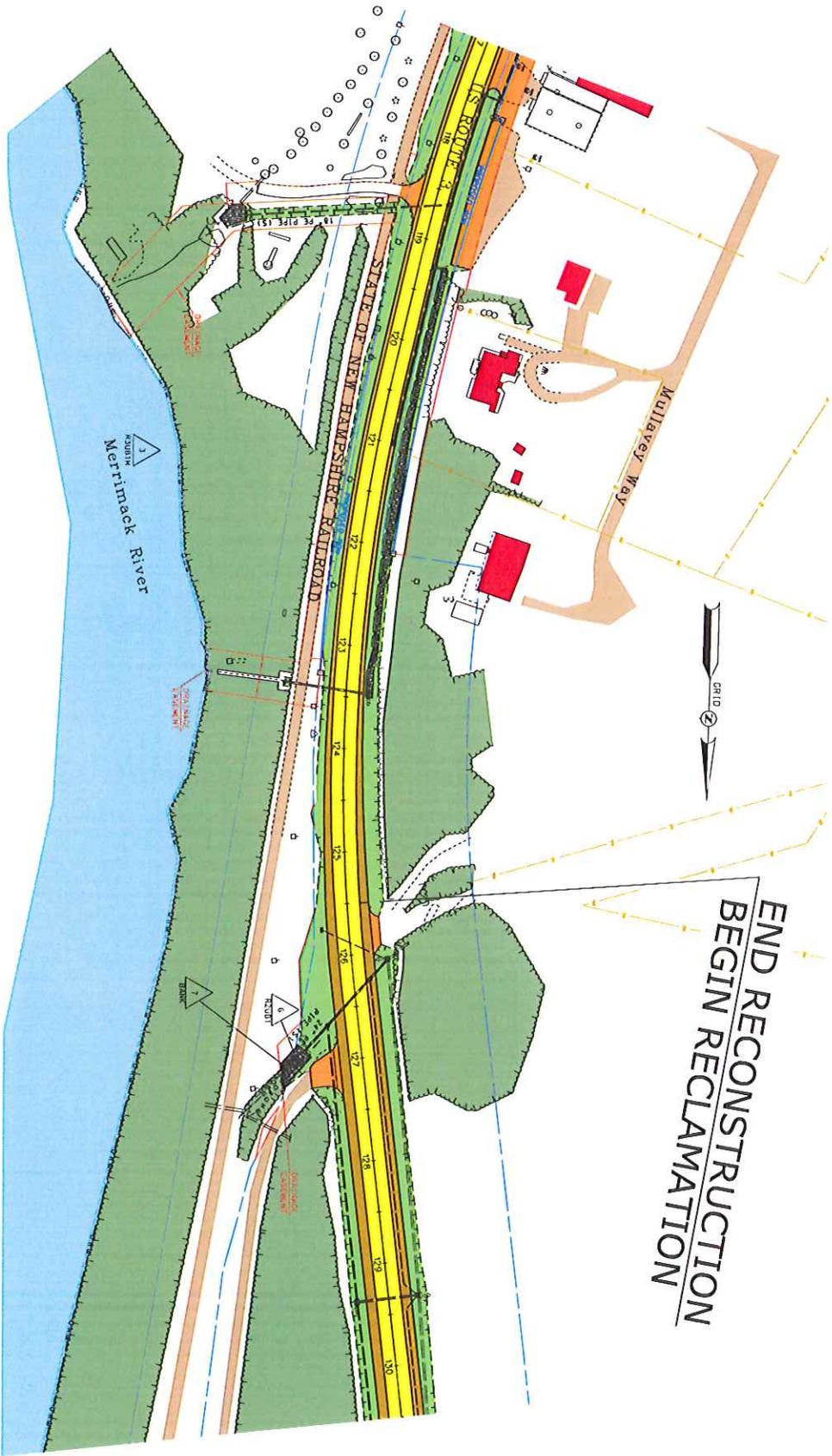


PRELIMINARY PLANS
 SUBJECT TO CHANGE
 DATE 3/21/2015.

STATE OF NEW HAMPSHIRE			
DEPARTMENT OF TRANSPORTATION • BUREAU OF HIGHWAY DESIGN			
ENVIRONMENTAL COLOR PLANS			
ENVIRONMENTAL	STATE PROJECT NO.	SHEET NO.	TOTAL SHEETS
13928A	2	6	

SDR PROCESSED	NAME1	DATE	DATE1
NEW DESIGN	NAME2	DATE	DATE2
SHEET CHECKED	NAME3	DATE	DATE3
AS BUILT DETAILS		DATE	

NUMBER		DATE	STATION	STATION	REVISIONS AFTER PROPOSAL	DESCRIPTION

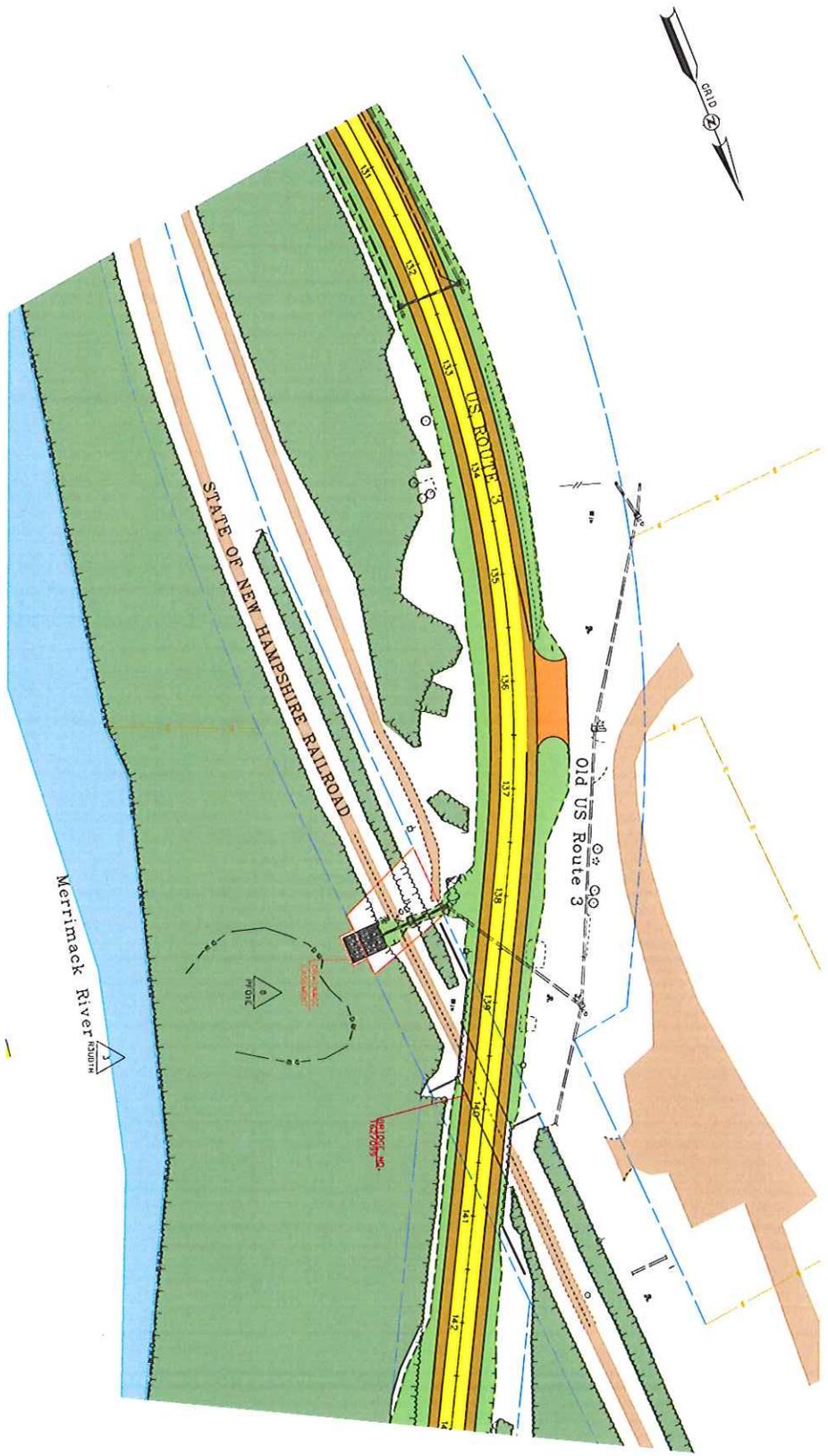


PRELIMINARY PLANS
 SUBJECT TO CHANGE
 DATE: 3/27/2015

STATE OF NEW HAMPSHIRE
 DEPARTMENT OF TRANSPORTATION • BUREAU OF HIGHWAY DESIGN
ENVIRONMENT COLOR PLANS
 ENVIRONMENTAL PLAN NO. 13928A SHEET NO. 3 OF 6

SON PROCESSED	NAME1	DATE	DATE1
NEW DESIGN	NAME2	DATE	DATE2
SHEET CHECKED	NAME3	DATE	DATE3
AS BUILT DETAILS		DATE	

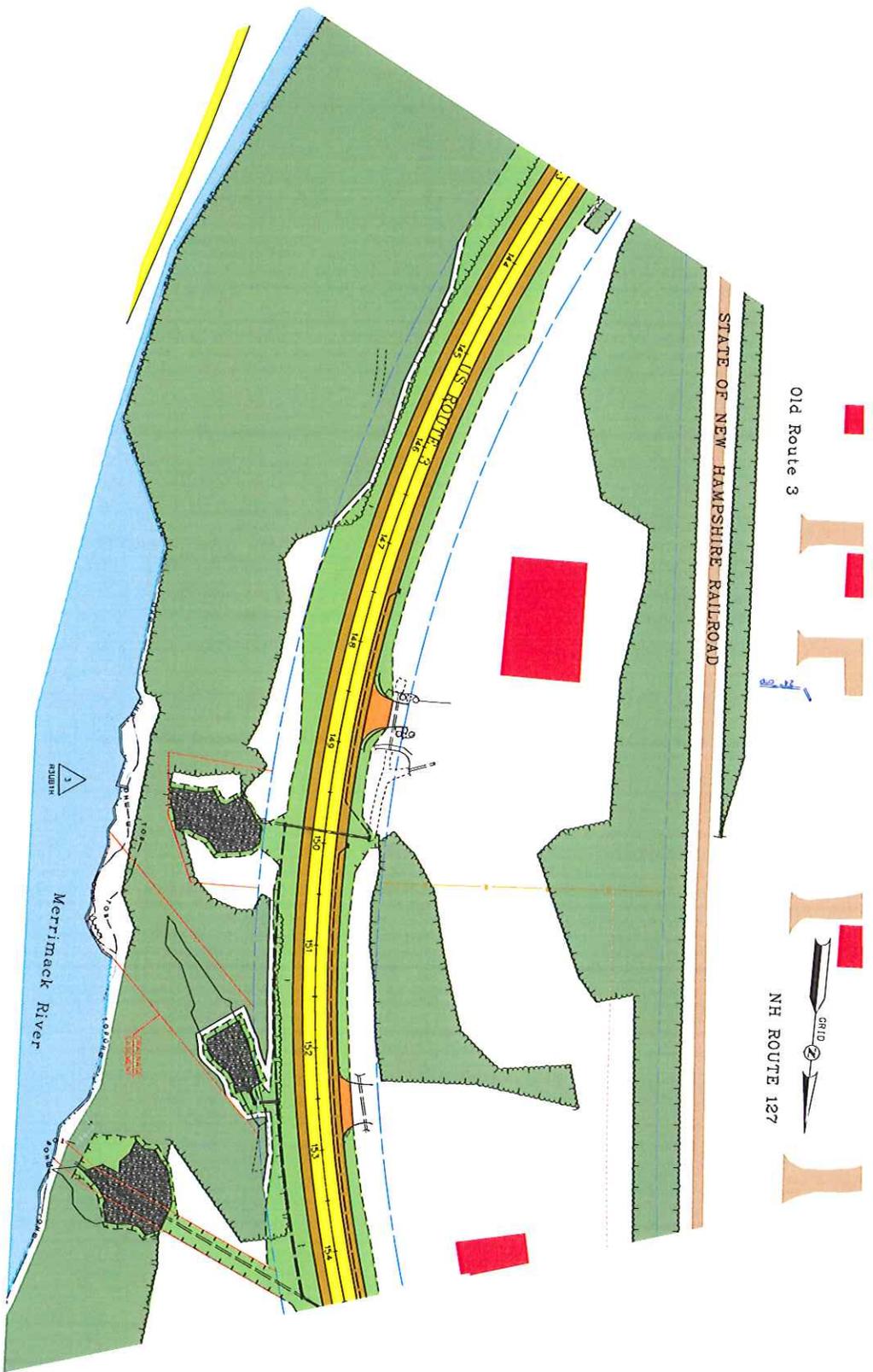
REVISIONS AFTER PROPOSAL			
NUMBER	DATE	STATION	DESCRIPTION



PRELIMINARY PLANS
 SUBJECT TO CHANGE
 DATE: 1/27/2015

STATE OF NEW HAMPSHIRE			
DEPARTMENT OF TRANSPORTATION & BUREAU OF HIGHWAY DESIGN			
ENVIRONMENT COLOR PLANS			
SON	STATE PROJECT NO.	SHEET NO.	TOTAL SHEETS
ENCO10P1010	13928A	4	6

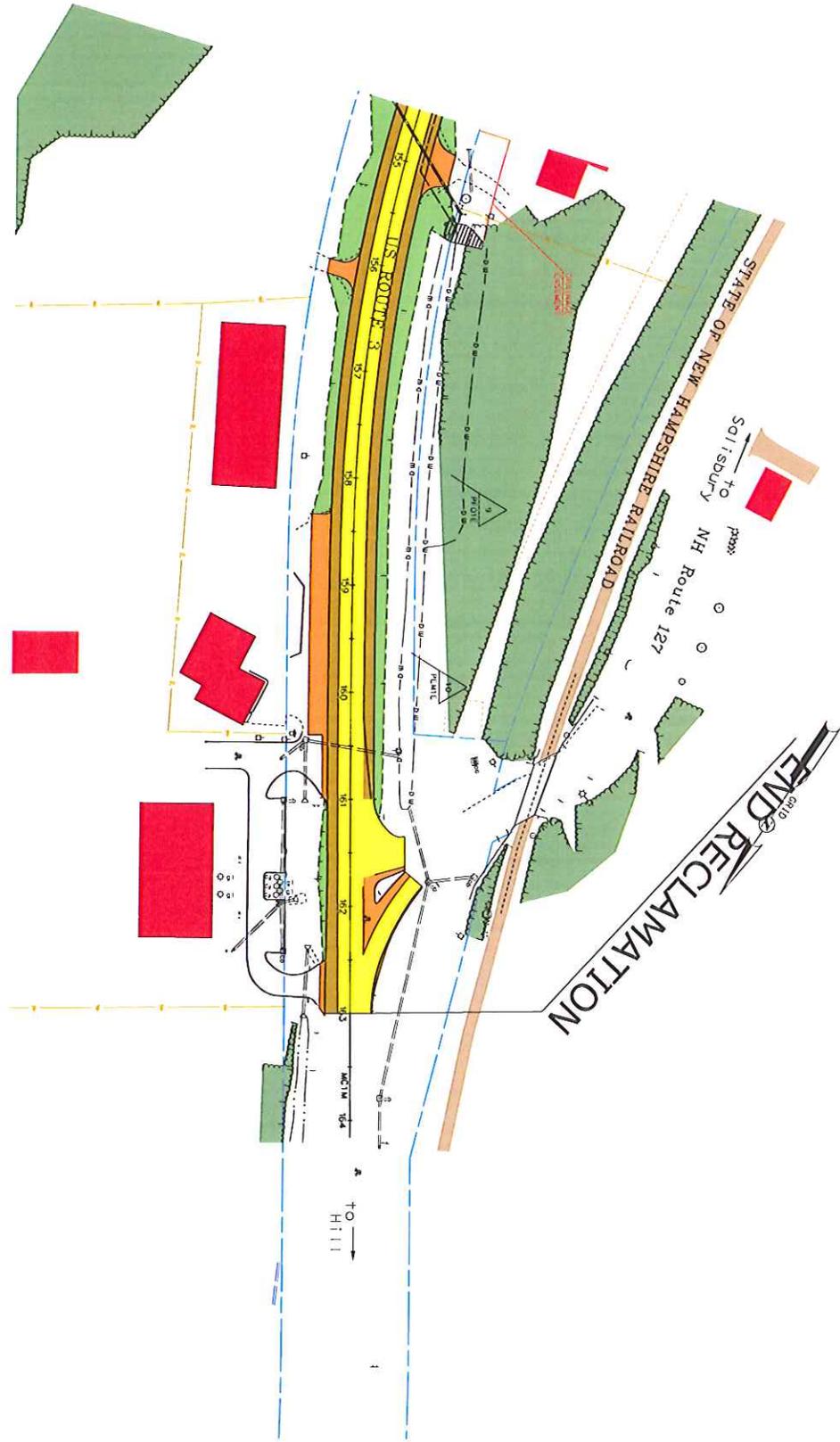
SOR PROCESSED			DATE			REVISIONS AFTER PROPOSAL		
NAME1	DATE1	DATE1	NUMBER	DATE	STATION	STATION	STATION	DESCRIPTION
NAME2	DATE2	DATE2						
NAME3	DATE3	DATE3						
AS BUILT DETAILS		DATE						



PRELIMINARY PLANS
 SUBJECT TO CHANGE
 DATE 3/27/2015

STATE OF NEW HAMPSHIRE			
DEPARTMENT OF TRANSPORTATION • BUREAU OF HIGHWAY DESIGN			
ENVIRONMENTAL COLOR PLANS			
DATE	STATE PROJECT NO.	SHEET NO.	TOTAL SHEETS
ENCO 06/1/08	13528A	3	6

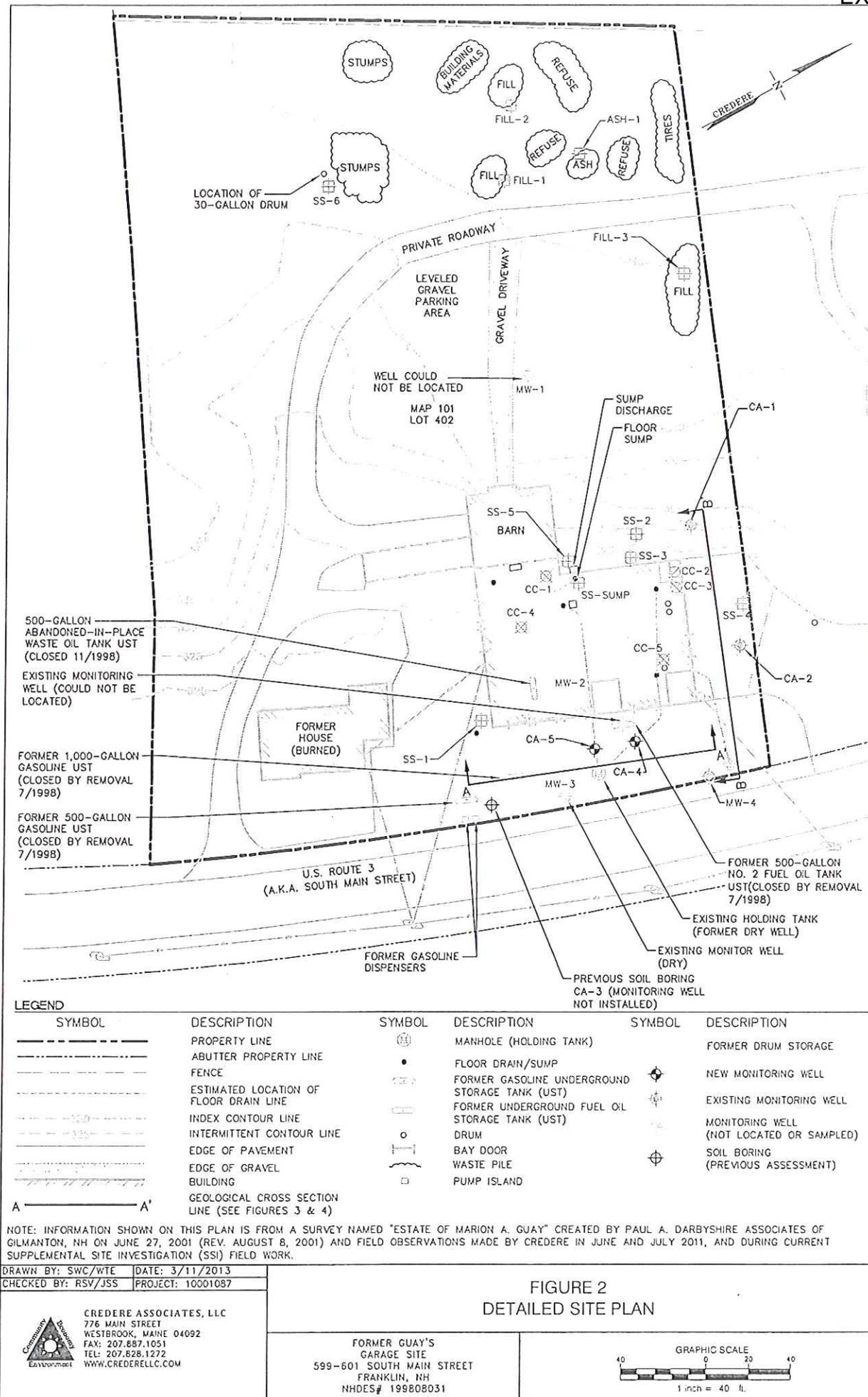
DESIGN PROCESSED	NAME1	DATE	DATE1	REVISIONS AFTER PROPOSAL				
NEW DESIGN	NAME2	DATE	DATE2	NUMBER	DATE	STATION	STATION	DESCRIPTION
SHEET CHECKED	NAME3	DATE	DATE3					
AS BUILT DETAILS		DATE						



END RECLAMATION

PRELIMINARY PLANS
SUBJECT TO CHANGE
DATE 3/27/2015

STATE OF NEW HAMPSHIRE			
DEPARTMENT OF TRANSPORTATION - BUREAU OF HIGHWAY DESIGN			
ENVIRONMENTAL COLOR PLANS			
NO. 1	STATE PROJECT NO. 13928A	SHEET NO. 6	TOTAL SHEETS 6
ENVIRONMENTAL PLANS			



LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
	PROPERTY LINE		MANHOLE (HOLDING TANK)		FORMER DRUM STORAGE
	ABUTTER PROPERTY LINE		FLOOR DRAIN/SUMP		NEW MONITORING WELL
	FENCE		FORMER GASOLINE UNDERGROUND STORAGE TANK (UST)		EXISTING MONITORING WELL
	ESTIMATED LOCATION OF FLOOR DRAIN LINE		FORMER UNDERGROUND FUEL OIL STORAGE TANK (UST)		MONITORING WELL (NOT LOCATED OR SAMPLED)
	INDEX CONTOUR LINE		DRUM		SOIL BORING (PREVIOUS ASSESSMENT)
	INTERMITTENT CONTOUR LINE		BAY DOOR		
	EDGE OF PAVEMENT		WASTE PILE		
	EDGE OF GRAVEL		PUMP ISLAND		
	BUILDING				
	GEOLOGICAL CROSS SECTION LINE (SEE FIGURES 3 & 4)				

NOTE: INFORMATION SHOWN ON THIS PLAN IS FROM A SURVEY NAMED "ESTATE OF MARION A. GUAY" CREATED BY PAUL A. DARBYSHIRE ASSOCIATES OF GILMANTON, NH ON JUNE 27, 2001 (REV. AUGUST 8, 2001) AND FIELD OBSERVATIONS MADE BY CREDERE IN JUNE AND JULY 2011, AND DURING CURRENT SUPPLEMENTAL SITE INVESTIGATION (SSI) FIELD WORK.

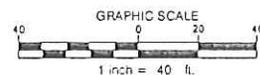
DRAWN BY: SWC/WTE DATE: 3/11/2013
 CHECKED BY: RSV/JSS PROJECT: 10001087

**FIGURE 2
 DETAILED SITE PLAN**



CREDERE ASSOCIATES, LLC
 776 MAIN STREET
 WESTBROOK, MAINE 04092
 FAX: 207.887.1051
 TEL: 207.828.1272
 WWW.CREDERE.LLC.COM

FORMER GUAY'S
 GARAGE SITE
 599-601 SOUTH MAIN STREET
 FRANKLIN, NH
 NHDES# 199808031



STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
INTER-OFFICE COMMUNICATION

DATE: March 10, 2011

FROM: *JA* Jay Ankenbrock, Chief of Labor Compliance

TO: Alex Vogt, Project Manager, Bureau of Highway Design

RE: Environmental Justice Population Analysis, Project: Franklin 13928-A

The attached analysis and recommendations are provided pursuant to Title VI of the Civil Rights Act of 1964 and Executive Orders 12898 & 13166. The intent of these statutes is to ensure fair and full participation and the equal receipt of benefits under Federally-assisted programs. Your efforts to accommodate and encourage participation by traditionally underserved groups, where significant, will ensure program access and minimize the potential for disproportionate project impacts on protected groups.

The table entitled "EJ Population Analysis" shows the presence of protected groups that might be impacted by the project. Personnel responsible for project planning/design and the coordination of public meetings/hearings should use this analysis to guide their outreach efforts under Title VI and in support of developing a context sensitive solution. Based on the availability of information and where appropriate, we have included specific outreach recommendations to facilitate public comment from underrepresented groups.

Please note 2000 Census data was used for this analysis as the 2010 data has not been loaded into the database.

If you have questions regarding this analysis, please contact me @ 271-2467.

Encls: EJ Population Analysis

Cc: Peter Crouch, Traffic Systems Engineer, Bureau of Traffic
Charlie Hood, Administrator, Bureau of Environment

RECEIVED
BUREAU OF ENVIRONMENT

MAR 10 2011
11
NH DEPARTMENT OF
TRANSPORTATION

EJ Population Analysis for Project: Franklin 13928-a

STUDY AREA	AVG% Elderly Population (P8)	AVG % Minority Population (P6)	AVG % Low-income Population (P87)	AVG% Disabled Population Sensory (P41)	AVG% Physical	AVG% LEP (P19)
Impacted Area – Merrimack County US Census Tract # 430.01, Block Groups 1 & 2.	8.87%	2.08%	16.79%*	2.75%	7.40%	1.25%
Surrounding Area Merrimack County, Census Tract #430.02, Block Groups 4 & 5. Merrimack County, Census Tract #430.01 Block Group 3. Merrimack County, Census Tract #440 Block Group 1. Merrimack County, Census Tract #380 Block Group 1.	19.88%	4.68%	8.54%	3.78%	10.01%	0.76%
REMARKS: * The population percentage identified is meaningfully greater than the surrounding area and constitutes an EJ population. Characteristics of this particular study area indicate that targeted outreach efforts to solicit public participation should be taken. LEP Definition: Where there is a population of people who speak English as a second language less than well (“not well” or “not at all” as indicated by the U.S. Census data). When a particular LEP language group constitutes 5% of the impacted population, the Department is required to translate public information meeting notices and take appropriate measures to ensure language access. If this requirement exists, the Project Manager should contact the Title VI Coordinator for further assistance.						

Impacted Area: The impacted area was defined by the project limits and the area in the immediate vicinity that most closely corresponds to the boundaries of Census Tracts and Block Groups

Surrounding Area: All Census Tracts and Block Groups outside of, and immediately adjacent to, the impacted area

Special Considerations: Special consideration should be given to any project features that affect pedestrian accessibility. This project constitutes an alteration in accordance with Title II of the Americans with Disabilities Act. As such, minimum ADAAG accessibility requirements apply, unless deemed technically infeasible. For more information, I have provided a link to the Draft Public Rights-of-Way Guidelines (PROWAG). Although these guidelines will not be enforceable until they have been adopted by the US DOJ and US DOT, the FHWA considers them to be the most current recommended best practices in pedestrian facility design: <http://www.access-board.gov/rowdraft.htm#Text>.

Outreach Recommendations: In consideration of the populations above, we are providing contact information for all known agencies and subsidized housing units serving the above groups within the project area. These contacts should be included in your notification list for public information meetings and hearings related to this project:

<u>Resident/Agency Address</u>	<u>Org/Housing Type</u>	<u>Contact Name/Number</u>
Peabody Home 24 Peabody Place Franklin, NH 03235	Retirement Home	603-934-3718
Community Action Program 82 Elkins Street Franklin, NH 03235	Low Income Outreach	Gail Lyman 603-934-3444
TRIP Center PO Box 182 Franklin, NH 03235	Senior Outreach	Nancy Marceau 603-934-0219
Franklin City Welfare Office 316 Central Street Franklin, NH 03235	Low Income	Sharon Stephen 603-934-3404

State of New Hampshire
INTER-DEPARTMENT COMMUNICATION

To: Cathy Goodmen
Senior Environmental Manager
NH Dept. of Transportation

From: Jane Carey
Program Specialist
Division of Parks and Recreation

Date: May 31, 2011

Subject: Franklin, X-A000 (737), 13928A

This communication is in response to your memo dated May 27, 2011 regarding the plan to address the safety of traffic entering and leaving Industrial Park Drive, in Franklin, NH. There are eight Land and Water Conservation Fund (LWCF) properties located in the City of Franklin, NH.

They are project numbers and names:

33-00024	Odell Park
33-00134	Franklin Parks System
33-00210	Odell Park Rink
33-00274	Franklin Parks System II
33-00404	Franklin Community Schools
33-00559	Odell Park Improvements
33-00587	Odell Park Playground
33-00616	Franklin Gateway Park & Recreation

Upon review of the information provided in your memo and map, I find no significant impacts to the recreational value of any 6(f) property in Franklin. Unless changes to the proposed project occur, no further approval is required from this office.

Feel free to contact me at 271-3556 or at Jane.Carey@dred.state.nh.us , should you have any questions.

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

Sent: Tuesday, May 31, 2011 9:18 AM

To: Catherine Goodmen

Subject: RE: NHDOT Project in Franklin, NH

Hi Cathy, Hope you had as restful and productive a long weekend as I did. There are no LCIP properties in the project area. Thanks. Stephen

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

From: Catherine Goodmen [mailto:CGoodmen@dot.state.nh.us]

Sent: Friday, May 27, 2011 11:18 AM

To: Walker, Steve

Subject: NHDOT Project in Franklin, NH

<<CLS ltr.doc>> <<Topo Map of Franklin.doc>> Steve, here is a letter and maps of a project in Franklin.

Thanks.

Cathy Goodmen

Senior Environmental Manager

Bureau of Environment, NHDOT

603-271-6781 fax- 603-271-7199

cgoodmen@dot.state.nh.us

 Please consider the environment before printing this email

Melilotus Dube

From: Melilotus Dube
Sent: Friday, March 06, 2015 6:44 AM
To: 'Jamie.Sikora@dot.gov'
Subject: RE: NHDOT Franklin 13928A 4(f) Impacts

Thanks for your prompt response, Jamie! Yes, the project did receive a No Adverse Effect determination, and based on my coordination with Jill regarding the changes to scope that impact the rail trail, she does not have any concerns from a historical standpoint so I believe the current determination still applies. I will move forward with the de minimis finding at this point.

Have an enjoyable weekend!
Meli

From: Jamie.Sikora@dot.gov [<mailto:Jamie.Sikora@dot.gov>]
Sent: Wednesday, March 04, 2015 12:43 PM
To: Melilotus Dube
Subject: RE: NHDOT Franklin 13928A 4(f) Impacts

Hi Meli,

It sounds as if the Section 4(f) de minimis impact would apply. The Northern Rail Trail is also historic resource so as long as there's a No Adverse Effect determination under Section 106 than the de minimis is okay. If for some reason an Adverse Effect was determined then you couldn't process as a de minimis and a full blown Section 4(f) evaluation would have to be completed, but I doubt that's the case for the work proposed. You may want to revisit Section 106 if needed, but you could coordinate with Jill Edelmann to confirm what you might have to re-examine for Section 106..

Jamie

Mr. Jamison S. Sikora
NH Division Environmental Programs Manager
Federal Highway Administration
53 Pleasant Street, Suite 2200
Concord, NH 03301
jamie.sikora@dot.gov
(603) 410-4870
Fax (603) 228-2829

From: Melilotus Dube [<mailto:MDube@dot.state.nh.us>]
Sent: Wednesday, March 04, 2015 12:22 PM
To: Sikora, Jamie (FHWA)
Subject: NHDOT Franklin 13928A 4(f) Impacts

Hello Jamie,

NHDOT is in the process of re-issuing the Categorical Exclusion for the subject project. The previous document was approved in 2012, however, due to changes in project scope and the addition of work impacting a 4(f) resource, it is necessary to update the document. The project involves the reconstruction of the intersection of US Route 3 and Industrial Park Drive (IPD) in Franklin, NH. This will include a full box construction and roadway widening from 1,500 feet south of the intersection with IPD to 1,300 feet north of the intersection. Work in the form of pavement reclaim and resurfacing will extend from this point northerly to the intersection of US Route 3 and NH Route 127, no widening will occur in this area. The IPD intersection area will be widened from the existing 12 ft lanes/4 ft shoulder to a 12 ft lane/10 ft shoulder to allow for a safer truck turning radius onto IPD. Additionally, there will be some drainage improvements to

replace failed pipes and flow patterns that have caused two major washouts on the slope between the roadway and the Merrimack River near the northern terminus of the project area. This project was most recently presented at the October 15, 2014 Natural Resource Agency Meeting, primarily to discuss the proposed wetland impacts associated with roadway widening and drainage improvements.

The new impacts to the recreational 4(f) resource- the Northern Rail Trail- are necessary for the proposed drainage improvements. The work involves replacing failed pipes that go under the trail in two locations and for access to another pipe at the third location. All impacts are temporary and the trail will be restored back to its original condition upon the completion of work. I have coordinated with our Cultural Resources Program and the Officials with Jurisdiction (City of Franklin Planning and Zoning Director) who both agree that the work constitutes a *de minimis* impact and do not require further coordination. I would like to check in with you to confirm that you agree with this *de minimis* finding before moving forward with the document any further.

If you have any questions or need more information, please let me know!

Thanks

Meli

Melilotus M. Dube
Environmental Analyst
NHDOT Bureau of Environment
7 Hazen Drive
Concord, NH 03301
(603) 271-1612
mdube@dot.state.nh.us

Melilotus Dube

From: Dick Lewis <dlewis@franklinnh.org>
Sent: Thursday, December 11, 2014 4:42 PM
To: Melilotus Dube
Subject: RE: NHDOT Franklin 13928A 4(f) Resource Impacts

Meli,

Thanks for the plans and related information for this project and the specific questions you have for me.

I have reviewed the information you provided and I would agree with the conclusions of the Advisory Council, from their meetings and discussions of 2/10/11 and 8/8/11, that there will no adverse effect from the proposed work in the area of the Northern Rail Trail.

The work you describe for the three station points will be *de minimis*, and the assurances that the trail will be restored at each work zone ensures that the integrity of the trail and the benefits it provides will be protected.

I have no reservations about this work moving forward through the review and permitting process, and I know that the City of Franklin looks forward to getting this project underway.

Thank you for contacting this office about these issues. If you have any other questions please feel free to contact me anytime.

Dick Lewis
Director of Planning and Zoning
City of Franklin
934-2341

From: Melilotus Dube [<mailto:MDube@dot.state.nh.us>]
Sent: Wednesday, December 10, 2014 2:08 PM
To: 'dlewis@franklinnh.org'
Subject: NHDOT Franklin 13928A 4(f) Resource Impacts

Hi Dick,

This email is to follow-up our recent phone conversation regarding impacts to the State of New Hampshire Rail Trail, a protected 4(f) resource, as a result of proposed construction on US Route 3 in Franklin. At this time, all proposed will be temporary and are necessary for the proposed maintenance/upgrade to drainage structures along Route 3. Please review the following information and let me know if the proposed work poses anything other than a *de minimis* impact to the rail trail.

I am attaching the section of our wetland plans that also indicate the proposed drainage work which will impact the rail trail. I have hand-marked the locations to call them out a bit more clearly. The descriptions of proposed impacts at each location are as follows (as provided to me by our design team):

1. Station 118+75: Construct new 18" PE pipe approx. 12 feet below existing trail surface. The trail will be restored back to original condition.
2. Station 123+45: There will more than likely be vehicles accessing this location from Weglarz driveway (Sta. 118+65) and travelling along the trail (approx. 500') to get to this outlet in order to construct a header, provide materials for sluice rehabilitation, and possibly slip lining operations. The trail will be restored to original condition afterwards.

3. Station 138+50: The existing pipe under the rail trail will be replaced with a 30" RCP (existing structure is a 30" CMP), and a headwall and stone outlet will be constructed. The drainage structure along the edge of the trail looks to be in fair condition, but may need to be replaced upon inspection in the field during construction. Either way, the trail will be restored back to original condition afterwards.

I am also attaching a topo map of the project area and the signed No Affects memo from the NH Division of Historical Resources for your reference. If there is anything else that I can provide you, please let me know.

Thank you for your help in this matter,

Meli Dube

Melilotus M. Dube
Environmental Analyst
NHDOT Bureau of Environment
7 Hazen Drive
Concord, NH 03301
(603) 271-1612
mdube@dot.state.nh.us



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Melilotus Dube, New Hampshire Department of Transportation
7 Hazen Drive

Concord, NH 03301

From: NH Natural Heritage Bureau

Date: 9/18/2014 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 9/16/2014

NHB File ID: NHB14-3505

Applicant: Bureau of Highway Design

Location: Franklin

US Route 3 from 900 feet south of the intersection with Industrial Park Drive north to the intersection of NH Route 127

Project

Description: Repaving, shoulder widening and the addition of a turning lane at the intersection of Industrial Park Drive, as well as the installation of guardrail north to the intersection of NH Route 127. Drainage improvements along the entire stretch and repair of several eroding slopes.

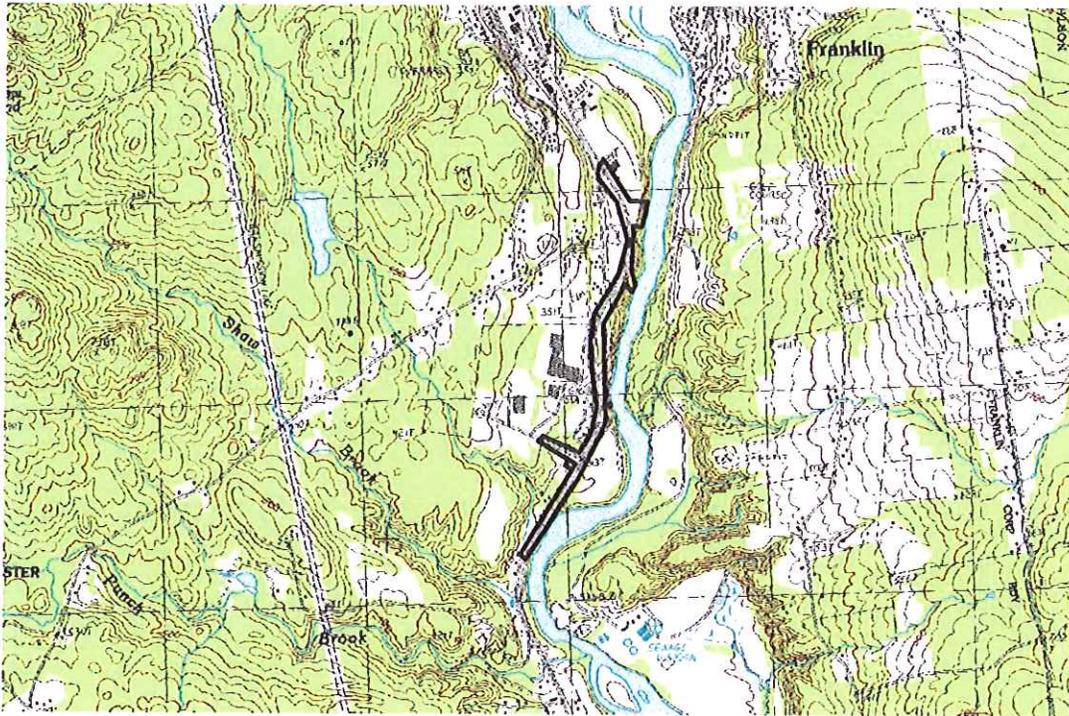
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 9/16/2014, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: **NHB14-3505**





United States Department of the Interior



FISH AND WILDLIFE SERVICE

New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087
<http://www.fws.gov/newengland>

January 7, 2015

To Whom It May Concern:

This project was reviewed for the presence of federally listed or proposed, threatened or endangered species or critical habitat per instructions provided on the U.S. Fish and Wildlife Service's New England Field Office website:

<http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm> (accessed January 2015)

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. No further Endangered Species Act coordination is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your cooperation. Please contact Maria Tur of this office at 603-223-2541 if we can be of further assistance.

Sincerely yours,

Thomas R. Chapman
Supervisor
New England Field Office

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF ENVIRONMENT

NOTE TO FILE

Date: March 3, 2015

From: Melilotus M. Dube
Environmental Analyst
Bureau of Environment

Subject: Franklin
X-A000(737)
13928A

RE: Northern Long-Eared Bats

The proposed project involves the reconstruction of the intersection of US Route 3 and Industrial Park Drive (IPD) in the City of Franklin, NH. This work will include a full box construction in the area of the intersection with , including widening the roadway and adding a shoulder for left-turning traffic. North of this reconstruction and extending to the Intersection of NH Route 127, the roadway will be repaved with no widening. Clearing will be necessary for drainage and site-distance improvements will be made throughout the project area, as well as the stabilization of two failed slopes caused by failed drainage systems. .

At this time, the Northern Long-Eared Bat (NLEB) (*Myotis septentrionalis*) is proposed for listing under the Endangered Species Act (ESA) in April 2015, and will receive full protection within thirty days should a final listing determination be made. At that time, all activities that propose take of NLEB or suitable habitat will be required to stop work until an affect determination has been made by the US Fish and Wildlife Service (USFWS). According to USFWS, “take” is defined as any action to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such activity” or “significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavior patterns, including breeding, feeding or sheltering.” Prior to listing and the issuance of additional guidance, NHDOT activities will be reviewed for impacts to NLEB using guidance provided by USFWS New England Field Office and USFWS *Northern Long-Eared Bat Interim Conference and Planning Guidance* document issued January 6, 2014.

Winter Habitat: Clearing, cutting or limbing during the winter hibernation season (November 1-March 31) while trees are not actively used for roosting will not impact NLEB and no further review is necessary.

Summer Habitat: Any tree greater than 3” in diameter at breast height that contains cracks, crevices, cavities or exfoliating bark is considered to be potential habitat statewide during summer roosting season (April 1-October 31). Proposed clearing, cutting or limbing of potential NLEB summer roosting habitat will not be considered “take” of NLEB if all of the following conditions are met:

1. All clearing areas shall begin along the existing forest edge adjacent to the transportation corridor

2. Individual clearing areas that extend more than 10 feet beyond the existing forest edge shall be less than 1 acre in size
3. Individual clearing areas that remain within 10 feet of the existing forest edge may be larger than 1 acre in size
4. Individual clearing areas located in forests that are larger than 5 contiguous acres shall not fragment the forest
5. Individual clearing areas located in forests that are less than 5 contiguous acres may fragment the forest

NLEB are known to be forest interior species and are not likely to be found in forest edges along transportation corridors. In addition, the recent severe decline in population has greatly reduced the likelihood of encountering NLEB in marginal habitat areas including small, fragmented forests.

For these reasons, it was determined that the proposed project will result in “No Effect” on NLEB and no further coordination with USFWS is necessary. If the scope of work changes or the Contractor proposes work in areas that have not been reviewed or does not meet the conditions listed above, the Bureau of Environment shall be notified prior to the commencement of construction.



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/oep

MEMORANDUM

TO: Cathy Goodmen, Senior Environmental Manager
NH DOT

FROM: Jennifer Gilbert
NH Floodplain Management Coordinator

DATE: June 22, 2011

SUBJECT: Franklin, X-A000(737), 13928A

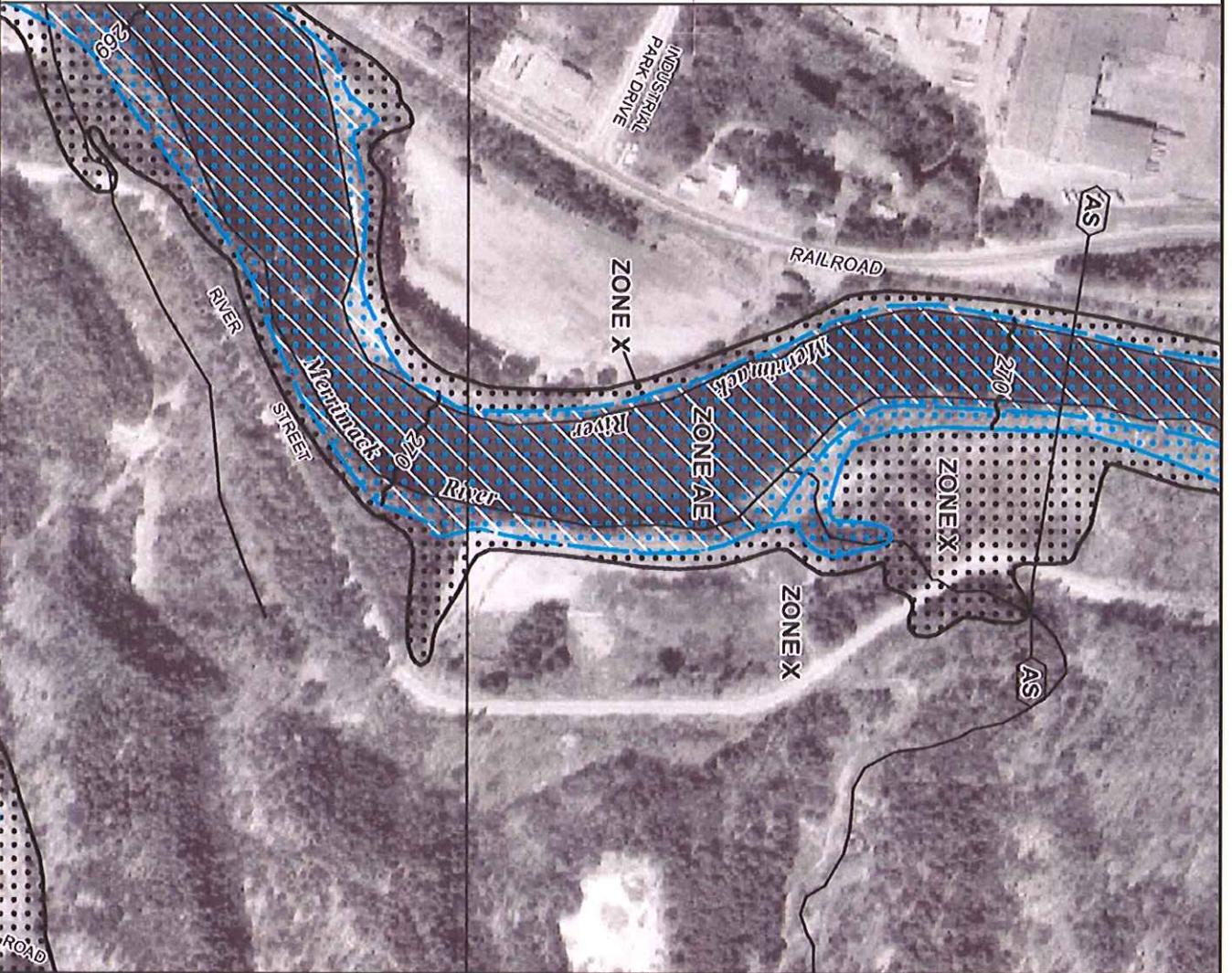
I am writing in reference to your letter dated June 9, 2011 regarding the above-referenced project. I have reviewed the current Flood Insurance Rate Map for the proposed area. It appears the proposed project is not located in a special flood hazard area and therefore requires no further action in regards 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.

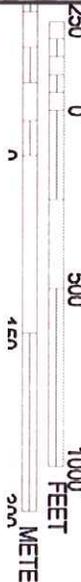
Thank you.

JOINS PANEL 0166

8 11 000m N



MAP SCALE 1" = 500'



FIRM

PANEL 0167E

FIRM
FLOOD INSURANCE RATE MAP
MERRIMACK COUNTY,
NEW HAMPSHIRE
(ALL JURISDICTIONS)

PANEL 167 OF 705
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
 COMMUNITY NUMBER PANEL SUFFIX
 FRANKLIN CITY OF 330113 0167 E
 NORTHFIELD TOWN OF 330118 0167 E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
33013C0167E
EFFECTIVE DATE
APRIL 19, 2010

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MAIL 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.msc.fema.gov

From: Michele L. Tremblay, naturesource communications [MLT@naturesource.net]
Sent: Friday, March 19, 2010 2:45 PM
To: Catherine Goodman
Cc: Steve Landry; Laura Weit; Jennifer Rowden
Subject: Franklin X-A000(737), 13928A
Dear Cathy,

The Upper Merrimack River Local Advisory Committee (UMRLAC) reviewed the request for information on the proposed improvements to US Route 3 and Industrial Park Drive in the City of Franklin, Franklin X-A000(737), 13928A.

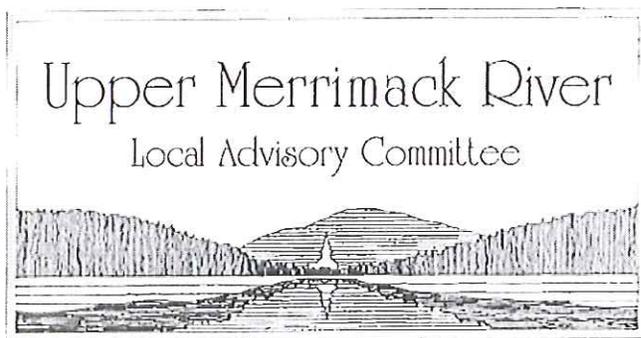
At this time, the UMRLAC's priorities would be to eliminate all off-site runoff that would result from any impervious pavement expansion through stormwater infiltration, such as roadside swales with detention or retention areas.

The UMRLAC appreciates the opportunity to provide comments at this early stage of the Department of Transportation's planning and looks forward to reviewing the full proposal. Please don't hesitate to contact me should you have any questions.

Michele L. Tremblay, Chair
Upper Merrimack River Local Advisory Committee

--
Michele L. Tremblay
naturesource communications
PO Box 3019 • Boscawen NH 03303
603.796.2615 • 796.2600 fax
<http://www.naturesource.net>
<http://www.twitter.com/naturesource>

CC: Steve Landry, Vice-chair, UMRLAC
Laura Weit and JennRowden, Rivers Management and Protection Program, NHDES



BOSCAWEN
BOW
CANTERBURY
CONCORD
FRANKLIN
NORTHFIELD

UMRLAC, PO Box 3019, Boscawen, NH 03303

December 15, 2014

Mr. Gino Infascelli, Wetlands Bureau
NH Department of Environmental Services
PO Box 95
Concord NH 03302-0095

RE: DES Wetlands file #2014-03297 NH Department of Transportation, Franklin, NH

Dear Mr. Infascelli,

At its December 8, 2014 meeting, the Upper Merrimack River Local Advisory Committee (UMRLAC) reviewed the Wetlands Permit Application for the work proposed by the NH Department of Transportation on US Route 3 in Franklin. Based upon the UMRLAC review of the plan, we submit the following comments, questions, and recommendations relative to the proposed scope of work.

1. The package did not include any pre or post-construction stormwater volume estimates, cross-sections or plan views of swales, details specifications for catch basins, headwalls, culverts, and other best management practice information typically provided with these permit applications.
2. There is concern about how this proposal will affect the extensive and excellent work that the Friends of the Northern Rail Trail have recently completed within the proposed project area. Please specify if the trail will be affected and if so, how and what methods and timetable are planned for remediation.
3. There are references to catch basins but the UMRLAC could not find in the proposal details such as the kind of basins (standard, deep sump, etc.), whether or not traps for grease and other floatables would be installed, and other information.
4. Is there a maintenance and inspection schedule required as part of the permit application? If so, can the applicant provide a copy of it to the UMRLAC?
5. How will increased impervious surface with additional runoff be addressed? Will it be absorbed through BMPs or will it be diverted and if so, where and how?

The UMRLAC appreciates the opportunity to submit these comments based upon the review of this application and looks forward to a response from you and/or the applicant. Thank you.

Sincerely,

Michel L. Tremblay
Chair

CC: Jacquie Colburn, Rivers Coordinator, NH Department of Environmental Services
Roy Gilbreth, Chair, Conservation Commission, City of Franklin
Vicki Chase, NH Department of Transportation

**STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION**

		DATE:	December 17, 2014
FROM:	Matt Urban Wetlands Program Manager	AT (OFFICE):	Department of Transportation
SUBJECT	Response to UMLAC Franklin, 13928A (DES#2014-03297)		Bureau of Environment
TO	Gino Infascelli, Public Works Permitting Officer New Hampshire Wetlands Bureau 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095		

Forwarded herewith is the response to the UMLAC letter dated December 15th, 2014.

1. Pre or post-construction stormwater volume estimates, cross-sections or plan views of swales, details for catch basins, headwalls, culverts and other best management practice (BMP) information, are not typically shown on permit applications. These items are addressed through accepted standard practices and specifications. Pre and post-construction stormwater volume estimates are carefully calculated and analyzed as part of the proposed drainage design, the final drainage design is representative of the most appropriate resolution possible within the constraints of the project. The slope lines shown on the wetland plans take into account the excavation limits for basins, headwalls, culverts and other drainage features, to the maximum extent practical.
2. The Department coordinated with the Director of Planning and Zoning from the City of Franklin regarding the proposed project and limited impacts to the rail trail. It was also recognized through a series of site visits that work had recently been completed within the rail trail. The proposed design took into account the improved conditions. Minimal impacts are anticipated, the rail trail surface will be restored to meet or exceed the pre-construction condition at the completion of the project, at locations where impacts did occur.
3. This information is not typically provided within the wetland permit application. Proposed catch basins and drop inlets are standard in most applications within the project, and might vary slightly when project constraints require adjustment of sump depths. No grease traps or other floatables are proposed.
4. Upon project completion, all maintenance work will be turned over to District Maintenance Operations, who perform inspections and necessary maintenance on a routine basis. It should be noted that future maintenance is taken into consideration during the design process.
5. This project is a linear project, the increase in impervious surface is spread over the length of the project. The topography of the site, as well as other site constraints such as adjacent riverbank and rail trail, residential and industrial properties, makes it difficult to provide specific treatment areas without a substantial impact to resources. The roadway runoff is allowed to sheetflow or drain into roadside ditches where feasible, to perpetuate the existing flow conditions, as much as feasible. This topic was discussed at the Natural Resource Agency Meeting held on October 15th, 2014, at which the current design was accepted.

The lead people to contact for this project are Victoria Chase, Project Manager, Bureau of Highway Design (271-2230 or vchase@dot.state.nh.us) or Melilotus Dube, Environmental Analyst, Bureau of Environment (271-1612 or mdube@dot.state.nh.us).

MRU:mru
Enclosures

cc:
BOE Original
Jacquie Colburn, Rivers Coordinator, NHDES
Roy Gilbreth, Chair, Conservation Commission
City of Franklin
Michele Tremblay, Chair, Upper Merrimack River Local Advisory Committee
Vicki Chace, NHDOT
Margarete Baldwin, NHDOT

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Minutes for SHPO- August 4, 2011

Franklin, 13928A, X-A000(737), Continued review of project to improve the intersection of US Route 3 and Industrial Park Drive in Franklin, NH. The project will include full reconstruction of US Route 4 approximately 1000 feet north and south of the intersection with Industrial Park Drive. This will include constructing a right turn lane south bound on the west side, before the intersection, adding 4-foot shoulders and a 12-foot bypass shoulder on the east side of the northbound lane at the intersection. Alex Vogt presented proposed impacts to the Northern Rail Road Trail Corridor due to widening of US Route 3 and subsequent new guard rail and utility poles. NHDOT wishes to purchase additional right of way at various locations along the project area for the Highway as the existing right of way is very narrow and will not allow for the widening and maintenance. The utility poles should be placed 8 feet from the face of the guardrail. The proposed right-of-way would be approximately split between the highway and the center of the rail-trail. The project will also improve the drainage culverts at some locations, which may impact the rail-trail corridor. The project is to advertise in autumn of 2013 and start construction in 2014.

Alex Bernhard of the Friends of the Northern Rail Trail, Merrimack County, FNRT, noted that they have a grant to improve the trail with the addition of ballast and trimming of the vegetation. This work will begin in autumn of 2011. E. Feighner noted that there is some erosion at the north end of the project on the east side of the rail bed. If NHDOT goes out of the shown disturbed area, archaeology testing will be needed due to the close proximity to the Merrimack River. L. Black noted that there appears to be no concerns with above ground resources and no major impact to the RR line. It was noted that the trail will most likely have temporarily short closures if any drainage work has to be done to some of the culverts. A. Bernhard noted that this project will be beneficial as it will improve the drainage in the area. This project is classified as 'No Adverse Effect'

SHPO meeting minutes Feb 2011

Franklin, 13928A, X-A000(737)

This project is for safety improvements to the intersection of US Route 3 and Industrial Park Road in Franklin, NH. Currently the roadway has eleven feet wide travel lanes with little or no shoulders. There is a large amount of truck traffic that enters and exits Industrial Park Road. Trucks entering from US Route 3 southbound have to swing wide into the northbound lane as the radius at the intersection is too small. Also the sight distance for trucks entering US Route 3 is poor to the northerly direction. This project will widen US Route 3 to add a southbound right turn lane on US Route 3 into Industrial Park Road, widen the radius at the intersection, improve the northerly sight distance, add a wider shoulder on US Route 3 on the northbound side for through traffic to avoid vehicles turning left into Industrial Park Road, re-pave US Route 3 north of the intersection to NH Route 127 and conduct a full box re-construction of US Route 3 south of the intersection for approximately 1000 feet to remove the old concrete road bed and widen the road slightly to provide 4-foot shoulders.

Cathy Goodmen and Jon Hebert presented this project. There are several buildings in the project area that will have right of way impacts due to the widening of US Route 3. Several of these building were constructed more than 50 years ago and may be eligible for the National Historic Register. Jon Hebert described the project parameters and what the right of way impacts would most likely be. Cathy Goodmen showed some air photos of the area and the relation of the buildings to the project. Cathy and Joyce McKay noted that they would go out to the project area when the snow level has dropped and take photos of the buildings to determine which ones may need surveys performed.



THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION



GEORGE N. CAMPBELL, JR. COMMISSIONER

JEFF BRILLIANT, P.E. ASSISTANT COMMISSIONER

Franklin X-A000(737) 13928A

No Adverse Effect Memo

Pursuant to the meetings and discussions on February 10 and August 8, 2011, and for the purpose of compliance with regulations of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Procedures for the Protection of Historic Properties (36 CFR 800), the NH Division of Historical Resources (NHDHR) and the NH Division of the Federal Highway Administration (FHWA) have coordinated the identification and evaluation of historical and archaeological resources with plans to improve the intersection of US Route 3 and Industrial Park Drive. Work will include adding a right turn lane on the southbound side of US Route 3, widening shoulders and purchasing additional ROW to increase the existing narrow ROW corridor. Improved drainage will also occur between the roadway and the rail bed.

Based on a review pursuant to 36 CFR 800.4, we determined that the Northern Railroad is potentially eligible for the National Register of Historic Places. Applying the criteria of effect at 36 CFR 800.5, we mutually agreed that the project will have no adverse effect on this property, as no major work will impact the rail line and will most likely improve drainage along the rail bed. No additional survey is required, however if NHDOT goes outside of previously disturbed areas, all necessary phases of archaeology will be completed.

In accordance with the Advisory Council's regulations, we will continue to consult, as appropriate, as this project proceeds.

Signature of Patrick Bauer, Administrator, Federal Highway Administration, dated 9/15/11

Signature of Jill Edelmann, Cultural Resources, NHDOT, dated 9/15/2011

Concurred with by the NH State Historic Preservation Officer:

Signature of Elizabeth H. Muzzey, State Historic Preservation Officer, NH Division of Historical Resources, dated 9-8-11

c.c. Chris St. Louis, NHDHR Cathy Goodmen, DOT Jamie Sikora, FHWA Alex Vogt, DOT

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NRA Dates For 13928A

Date

12/17/2008 Franklin, TCSP X-A000(117), 13928A

This project will rehabilitate the intersection of US Route 3 and Industrial Park Drive. This project was previously presented at the February 18, 2004 resource agency meeting. Cathy Goodmen presented an overview of the project, which consists of the widening of radius at the intersection to allow easier entry and exit at Industrial Park Drive and to fix the sight distance on US Route 3 as there is a large amount of truck traffic entering and exiting Industrial Park Drive. The road will be widened to allow a right turn lane on the southbound side of US Route 3.

Mike Dugas reviewed the plans of the proposed work. The widening on the east side of the road will be about 2 feet toward a rail/trail and guardrail will be installed. There will be no impacts to the rail trail. Most of the widening, will take place on the west side of the road. Sight distance improvements will consist of the removal of some trees and fencing on an abutters parcel on the west side of the road. There will be impacts to an existing ditch line, but this will be re-constructed and used for stormwater treatment, thereby replacing the functionality of the wetland. The impervious area (pavement) will increase from 40,000 sq ft to 46,000 sq ft.

Vernon Lang asked if the treatment area is in previously disturbed areas. C. Goodmen noted that the Department would use the ditch line to treat the stormwater excess.

G. Infascelli asked if there would be any work in areas under the jurisdiction of the Comprehensive Shoreland Protection Area (CSPA) and if work would occur within ¼ mile of the Merrimack River, which is designated pursuant to RSA 483 in this area. C. Goodmen noted that there would be no impacts to CSPA land as the work is beyond the 250 foot CSPA buffer of the Merrimack River. Work is, however, within ¼ mile of the Merrimack River, so she would coordinate with the Local Advisory Committee.

Carol Henderson asked if the Department would be replacing the culverts, and if so, she recommended that the Department do so in accordance with the NH Stream Crossing Guidelines. M. Dugas indicated that it is not yet known whether there will be any culverts replaced. C. Goodmen noted that these culverts don't carry streams; they carry storm water runoff.

G. Infascelli noted that the previous NH Fish and Game comments requested that construction not occur in the winter, as there are roosting Bald Eagles along the Merrimack River nearby.

R. Roach noted that the project qualifies for a NH Programmatic General Permit.

After the meeting, a review of 2004 documents, noted that the Upper Merrimack River Local Advisory Committee had reviewed this project in April 2004 and had no objections.

This project was previously reviewed on the following date: 2/18/2004.

Date

6/15/2011 Franklin, X-A000(737), 13928A

This project will improve safety at the intersection of US Route 3 and Industrial Park Drive in Franklin, NH. The project will include: widening of US Route 3 to add a southbound right turn lane, improve sight distance at the intersection for the large amount of truck traffic entering and exiting Industrial Park Drive, reconstructing a portion of US Route 3 south of the intersection, and repaving US Route 3 from the intersection, north to the intersection with NH Route 127. A low retaining wall will be installed at the curve just north of the Industrial Park Drive intersection to be able to cut back a steep slope for better sight distance and 2 to 4 foot shoulders will be added to the roadway. Approximately 5 drainage crossings will be rehabilitated/or replaced, likely in-kind.

The only wetland impact will be related to replacing an existing drainage ditch with a new one parallel to the existing. There will be the need for a Shoreland permit as some of the reconstruction of US Route 3 will occur within the 250 buffer of the Merrimack River. The NHHB report noted Brook floater mussels and Bald eagles in the area, but the project should not impact the Brook floater mussels, and the project will be removing only a few large trees.

Rich Roach asked where the water from the ditches would go. Jon Hebert indicated that it would be directed to new and existing drainage swales, which will ultimately drain to the Merrimack River. There is a remediation site at a former service station adjacent to the project. This site is closed, but the contractor could encounter some contamination from it. Monitoring of the excavation will take place. Rich Roach indicated that the project would qualify for the NH PGP.

This project was previously reviewed on the following dates: 2/18/2004 & 12/17/2008.

10/15/2014

Corey Spetelunas gave an overview of the project and summarized previous Natural Resource Agency Coordination Meetings. The purpose of this project is to increase safety for the traveling public on US Route 3 in Franklin by upgrading the roadway, widening the shoulders and improving the intersection with Industrial Park Drive by adding a southbound right turn lane and improving sight distances for the heavy truck traffic at this location.

C. Spetelunas indicated that the project has changed slightly to include impacts to the historic rail trail adjacent to US Route 3 at two locations for the purpose of repairing/replacing drainage structures. These impacts have been reviewed by the NHDOT's Cultural Resources Program and Contamination Programs. All soils excavated as a result of these impacts shall remain within the rail trail footprint.

C. Spetelunas gave an overview of the proposed wetland impacts. Area 1 involves filling a man-made drainage ditch as a result of widening the roadway and moving the ditch slightly. Area 2 involves replacing a 24" corrugated metal pipe, headwall repair, and stabilization at the outlet of a culvert that currently carries stormwater from closed drainage systems and multiple other unknown sources. Gino Infascelli asked if this is a perennial stream and if work will need to meet the stream crossing rules. Meli Dube replied that the 24" pipe carries a perennial stream. Area 3 involves impacts to a manmade drainage ditch due to the sliplining of an existing 36" corrugated metal pipe with a 30" plastic pipe as well as the installation of an underdrain outlet. G. Infascelli requested that the application package clarify stream and wetland classification, the need for addressing stream crossing rules, and overall impacts, as these issues were unclear in the presentation.

C. Spetelunas indicated an erosion control plan has not yet been created and that the wetland impacts may change slightly due to potential temporary impacts associated with erosion control measures. The permanent impact to wetlands is anticipated to be approximately 2,700 square feet.

C. Spetelunas gave a brief description of the drainage improvements and repair at two locations that have previously failed and caused large slope failures. The input to these areas will be diverted to a new location that is shallower and more stable.

Lori Sommer agreed that all work is for the maintenance of existing infrastructure and mitigation would not be required.

This project was previously reviewed on the following dates: 2/18/2004, 12/17/2008, 6/15/2011.

REPORT OF THE COMMISSIONERFRANKLIN PUBLIC HEARING

FRANKLIN
X-A000(737)
13928A

COMMISSION PUBLIC HEARING

November 3, 2011 Paul Smith Elementary School, Franklin, NH 7:00 PM

This project will reconstruct the intersection of US 3 and Industrial Park Drive to improve safety, and will rehabilitate a segment of US 3. The proposed intersection improvements will widen US 3 to provide a southbound right turn lane into Industrial Park Drive as well as a widened northbound bypass shoulder. The intersection improvements will include the reconstruction of US 3 extending approximately 0.2 miles south and 0.2 miles north of the intersection. The project will also rehabilitate US 3 beginning approximately 0.2 miles north of Industrial Park Drive and extending north approximately 0.8 miles to the intersection of NH 127.

The following decisions are the Department's resolution of issues as a result of testimony presented at the November 3, 2011 Public Hearing and written testimony received during the comment period.

1. Mr. Jim Aberg, Executive Director of the Franklin Business and Industrial Development Corporation, spoke in favor of the project. The improvements would improve the safety and operation for trucks serving the industrial park.

Response: The support for the project is acknowledged.

2. Ms. Elizabeth Tobey, expressed concerns with the posted 50 mph speed limit on US 3 and especially vehicles traveling well over the posted limit.

Response: This section of US 3 is relatively rural with an alignment and expectation to travel at 50 mph. Enforcement of the posted speed limit is a police function.

3. Ms. Nita Tomaszewski, Director of the Franklin Northern Rail Trail of Merrimack County, inquired if the project would impact the rail trail that was recently improved with hard pack. She mentioned that there is an old culvert under the rail trail opposite Industrial Park Drive and asked how it will function with the additional flow so as to not cause water onto the trail.

Response: The improvements are designed to not impact the rail trail. However, as the drainage design is completed any culverts that need to be replaced due to the condition or to handle additional flow will be addressed. If a new culvert is constructed the rail trail will be restored to its original condition.

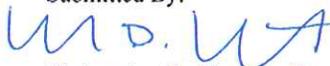
4. Mr. Stanley Weglarz, 602 South Main Street, (Parcels 1-1, and 11), Stated that the existing driveway to his property at the north corner of Industrial Park Drive US 3 is very close to the intersection making it difficult to exit onto US 3. He requested a driveway to his property be provided from Industrial Park Drive for safer access.

Response: The Department concurs with the request. During the final design of the project a driveway to Industrial Park Drive will be included if the City of Franklin also concurs with the request.

5. Mr. Michael Mullavey, 31 Mullavey Way, (Parcel 15), speaking as a property owner and on behalf of Watts Water Technologies stated support for the project. He expressed concern for the loss of tree buffer due to the proposed retaining wall along the hillside below his house. He requested that a sufficient amount of trees be replaced.

Response: During construction the amount of tree cutting will be kept to a minimum. After the wall is constructed, some trees will be planted as needed to restore the buffer.

Submitted By:



Christopher D. Clement, SR
Commissioner

Date: 2/21/12