

In The Matter Of:
HIGHWAY LAYOUT COMMISSION PUBLIC HEARING
U.S. ROUTE 3 BRIDGE REHABILITATION

November 5, 2018

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STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF RIGHT-OF-WAY
HIGHWAY LAYOUT COMMISSION PUBLIC HEARING
LACONIA, NH: 16144, X-A001(150)

U.S. ROUTE 3 BRIDGE REHABILITATION
Public Hearing held at the Laconia City
Hall, 45 Beacon Street, Laconia, New Hampshire,
on November 5, 2018, in accordance with
RSA 230:14 and the Surface Transportation and
Uniform Relocation Assistance Act of 1987 to
discuss alterations to improve traffic
operations and safety in the town of Laconia,
New Hampshire, commencing at 7:00 p.m.

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1 Ron Crickard, NH Department of Transportation,
2 Bureau of Environment
3
4 OTHER ATTENDEES FROM NHDOT:
5 Sheila Charles, Bureau of Environment, NHDOT
6
7 John "Chip" Johnson, Agent Supervisor, Right-of-Way
8
9 Diane Demakis, Agent, Right of Way
10
11 Paul Coddington, Chief of Administration,
12 Right-of-Way
13
14 Susan Hubschmann, Hearings Coordinator, Right-of-Way
15
16 ATTENDEES FROM CMA ASSOCIATES
17 Liam Kallock
18
19
20
21
22
23

1
2 PUBLIC HEARING THUS HELD BEFORE THE HIGHWAY LAYOUT
3 COMMISSION MEMBERS APPOINTED BY THE GOVERNOR AND
4 EXECUTIVE COUNCIL ON NOVEMBER 5, 2018:
5
6 COMMISSION MEMBERS:
7 Bruce Cheney, Chairperson
8 Robert Hamel
9 Russell Dumais
10
11 NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION MEMBERS
12 PRESENTING:
13 Stephen LaBonte, Assistant Right-of-Way
14 Administrator, NH Department of Transportation,
15 Bureau of Right-of-Way
16
17 Joseph Adams, Project Manager, NH Department of
18 Transportation
19
20 John Sargent, NH Department of Transportation,
21 Bureau of Right-of-Way
22
23

1 PROCEEDINGS
2 CHAIRMAN CHENEY: The appointed hour
3 having arrived, I'll call this meeting to
4 order. My name is Bruce Cheney. I'm the Chair
5 of this Commission, appointed by the Governor.
6 Mr. Hamel, who sits to my left, and
7 Mr. Russell Dumais to my right, are also
8 members of this Commission.
9 Before we begin, please take a moment to
10 familiarize yourself with the exits in case of
11 an emergency. And please silence your phones,
12 so that we're not terrorized by some sound
13 emitting from the back of the room.
14 Before we begin -- I'm sorry. This
15 Hearing is concerned with the proposed
16 rehabilitation of the substructure and
17 replacement of the concrete deck slab of the
18 superstructure of the bridge carrying
19 US Route 3 over New Hampshire Rail Road Bridge
20 Number 131/154. It is pursuant to a Revised
21 Statute Annotated 230:14 and the Surface
22 Transportation and Uniform Relocation
23 Assistance Act of 1987.

1 The purpose is to determine the necessity
2 of the occasion of the layout and to hear
3 evidence of the economic and social effects of
4 such a location, its impact on the environment,
5 and its consistency with the goals and
6 objectives of the local planning as has been
7 undertaken by the City.

8 Following the Hearing, this Commission
9 will evaluate all matters brought to our
10 attention and make a definite decision relative
11 to the layout. A representative from DOT will
12 contact each owner whose property is affected
13 and discuss individual concerns. It is,
14 therefore, important that all individuals who
15 want to make requests or suggestions do so
16 tonight.

17 Immediately after the Hearing, the
18 Commission may reconvene for a meeting to
19 discuss the proposed project. This meeting is
20 a Public Proceeding under Revised Statutes
21 Annotated 91-A. The intent of this meeting is
22 not to continue taking testimony as is done at
23 this Public Hearing, but instead the meeting

1 evening. Thank you for attending,
2 Councilor Kenney.

3 Are there any other elected officials here
4 this evening who wish to...

5 CHAIRMAN CHENEY: Representative
6 Charles St. Clair and the City Manager are
7 here -- Scott Myers.

8 MR. ADAMS: I would like to introduce
9 those from the Department of Transportation who
10 will be involved with tonight's presentation.
11 To my far left is Ron Crickard with the Bureau
12 of Environment, and Steve LaBonte with the
13 Bureau of Right-of-Way is to his left. To my
14 right is John Sargent, who will in a few
15 minutes be explaining the proposed project.

16 Also, I would like to recognize additional
17 individuals in attendance here this evening:
18 Bill Cass, our Assistant Commissioner;
19 Sheila Charles from the Department of -- Bureau
20 of Environment; and Liam Kallock with
21 CMA Associates, the consulting firm working
22 with the Department on this project.

23 We will go through this presentation and

1 serves as a decision-making forum for the
2 Commission. The public may, however, observe
3 the proceeding.

4 At this time, I will ask Joseph Adams,
5 Project Manager, to present, in a formal
6 manner, the layout which he has proposed.
7 After this, I will open the floor to those who
8 wish to address the Commission. I will request
9 that anyone wishing to speak signify their
10 desire to do so by raising their hand, and upon
11 recognition by me, step to the microphone,
12 state your name and address, and make your
13 statement. While at the podium, please print
14 your name and address on the sign-in sheet.
15 This hearing is being recorded and a transcript
16 will later be prepared.

17 Now -- Mr. Adams will now present the
18 layout.

19 MR. ADAMS: Thank you, Chairman, Members
20 of the Commission.

21 Good evening, ladies and gentlemen.

22 First I would like to recognize Executive
23 Council Joseph Kenney in attendance here this

1 then turn the meeting back to the Hearing
2 Commission to receive any questions or comments
3 people might want to express.

4 Tonight we are presenting a project to
5 rehabilitate the bridge that carries US Route 3
6 over the New Hampshire Rail Road Bridge Number
7 131/154. This project is in the State's
8 10-Year Transportation Improvement Plan with
9 funding in fiscal year 2018, and the bridge is
10 #28 on the 2017 Bridge Priority list. This
11 project was reviewed with public officials in
12 May of 2015 and presented at a public
13 informational meeting in June of 2015. We
14 received input as a result of those meetings
15 and have incorporated it into the design along
16 the way. We welcome additional input from
17 tonight's Hearing.

18 John Sargent with the Bureau of Bridge
19 Design will now explain the proposed layout and
20 the plans that you see.

21 MR. SARGENT: Hello, everyone.

22 John Sargent with New Hampshire DOT. I'm just
23 going to try and give you a quick background on

1 this particular bridge.
2 The original bridge that's there now is
3 currently on the Red List. It went on in 2009,
4 and is #28 on the Bridge Priority List at the
5 present time. The inspection reports rate the
6 superstructure, which is the deck area, as a 4,
7 which is considered poor condition. The
8 substructure, which is the abutments and wings,
9 rate at a 5, which is a fair condition. We
10 talked with our geotechnical engineers, and
11 although the substructure is quite old, it has
12 been stable and appears to be in a
13 configuration that we can rehab and get a lot
14 more additional life out of it.
15 So in order to remove this bridge from the
16 Red List, we're proposing to remove the deck
17 slab on the top. A little background on this
18 bridge: It was built in its current
19 configuration 1933. The original split stone
20 abutment that you can see when you're out there
21 is the original 1848 abutment. In 1948 -- I
22 mean, in 1933 they widened the 1848 abutment by
23 pouring a mass gravity wall on one side, and

1 hitting the substructures, so it shouldn't be
2 an issue.
3 We have utilities in the sidewalk. We
4 have transverse utilities along -- longitudinal
5 utilities. These are all currently in the
6 process of being moved and will be up on the
7 poles out of the way before construction ever
8 starts.
9 It's an area of very heavy traffic. It
10 ranges from somewhere around 9,000 to 14,000
11 cars per day, depending on the time of year.
12 It -- about 5 percent of that is truck. It has
13 a very long detour. And we're right here up --
14 the traffic circle's right here by the Weirs
15 (indicating). This little red circle
16 (indicating). I don't know if you can see it.
17 It's where the bridge is located. You have a
18 fire station just beyond the traffic circle,
19 and another one down here (indicating). It's
20 a -- the loop is about 18-miles, or about 28
21 minutes to respond.
22 Back in 2015 when we met with the City, we
23 kind of talked about a couple of different

1 then poured a concrete deck on top with no -- a
2 deck slab supports itself in that manner.
3 The proposed rehab is to remove the deck
4 slab, a couple of stones on the top, so they
5 can cast a level bearing pad surface. We're
6 going to put some -- next some voided slab
7 beams, which are concrete, and they basically
8 will look just like the concrete structure that
9 you currently see out there now. It will have
10 about a five-inch over pour over it that
11 creates the cross-flow of 2 percent drain
12 water. And we'll put the sidewalks back.
13 Then we'll move down to the substructure.
14 We'll repoint the 1848 portion of the
15 substructure. On the mass concrete portion of
16 the substructure, we'll do a little chipping of
17 the pour concrete and patch that up. All this
18 work is intended to stay within the
19 right-of-way.
20 There are some invasive species in the
21 area, but we're not affecting them. There's a
22 lot of utilities in the area. There's sewer
23 lines underneath the abutments, but we're not

1 approaches. One was to do as you see on larger
2 bridges where we repair one half at a time and
3 try to maintain traffic throughout. But with
4 Lake Shore Ave and Channel Lane being so close,
5 and the heavy traffic volumes, trying to get a
6 light sequence that would work without backing
7 this place up is very difficult. And the other
8 thing is it would take much longer for that
9 construction. That construction would take,
10 probably, four months.
11 So back in 2015 when we met with the City,
12 it was decided then by -- the best approach was
13 to just close the road and do a 30-day,
14 consolidated construction. We chose the time
15 of year which is limited, between March 15 and
16 May 15, for the contractor because the
17 snowmobiles stop running on March 15. The
18 train starts running May 15. March 15 is
19 beyond sort of the ski season, and the school
20 spring break season is when they get a lot of
21 traffic going across the ski area.
22 So the approach we have right now is to
23 replace this in a 30-day window within the

1 60-day window. If it's a mild winter, the
2 contractor can get out there earlier. If it's
3 a rough winter, we'll be out there a little bit
4 later.

5 What we would do is put the voided slabs
6 in place, and at that point he'd probably put
7 jersey barriers on each side so traffic could
8 start to move again. And he could work behind
9 the barriers to do the little bit of clean-up
10 work of the rails and so on.

11 I think that pretty much covers it.

12 Does anybody have any questions?

13 MEMBER OF PUBLIC: Is this -- as I
14 understand it, there are two bridges.

15 Is this the one that -- you can't really
16 see the road?

17 MR. SARGENT: Yes, yes. This is --

18 MEMBER OF PUBLIC: This isn't the one over
19 the -- over the --

20 MR. SARGENT: Over the Weirs, no.

21 MEMBER OF PUBLIC: -- the lake. Okay.

22 MR. SARGENT: No. This is a little one.

23 It's right by the Weirs Beach sign. And they

1 it, whether it's the machines or soon to be the
2 railroad, pedestrians -- do you put it as a --
3 like a no-motion zone, if you will, where
4 nothing is actually able to go under it while
5 you're actually constructing it?

6 MR. SARGENT: Yes, yes. Because that's
7 why the window was chosen, because March 15 is
8 the last that the snowmobiles get the use of
9 the track. And sometimes it's less than that,
10 depending on the snow season. So they wouldn't
11 be allowed to use the tracks at that point.

12 The rail starts at May 15, but they do
13 have the option to run some maintenance
14 vehicles up through there to inspect before the
15 season gets started. That will have to be
16 coordinated with the contractor at the present
17 time.

18 The way we envision it is this is the
19 railroad's dead area (indicating). We need to
20 stay out of it. But we're allowed to put some
21 staging -- I wish I had gotten a better
22 picture. It's a little hard to see -- put some
23 staging up and under here to catch the debris

1 are probably about 50, 60 --

2 MEMBER OF PUBLIC: Is it the one that the
3 trains go through?

4 MR. SARGENT: And the train goes under.

5 MEMBER OF PUBLIC: Okay.

6 They're the only ones that go under?

7 MR. SARGENT: Yeah.

8 The other thing that was important to the
9 City, and we agree with them, is to get an
10 emergency detour -- a detour for emergency
11 vehicles during this 30-day window. And that's
12 kind of what we're here to discuss tonight.

13 Currently, we have it depicted going
14 through the movie theater, and up the drives,
15 and across the driveway and back up, so that
16 police and ambulances can respond in a
17 reasonable length of time. It would be very
18 short-lived. That's kind of where we are at
19 the present time.

20 Any questions?

21 MEMBER OF PUBLIC: I have a question.

22 When you're physically working on the
23 bridge, anything that's currently going under

1 while they remove the deck. Then they'll swing
2 these voided slabs.

3 And I don't know if you guys have ever
4 seen these. They range from about three to
5 four-feet wide. They're pre-stressed concrete.
6 They're very strong so they stay narrow. Very
7 similar to the structure that's there now.

8 They get swung into place. And as soon as
9 they set them down, they have a lot of
10 strength. You can walk on them. They're
11 together with some high-strength cables, and
12 then we pour the concrete over them.

13 And after that cures, you can start to run
14 vehicles across. It's a very quick -- it's a
15 very strong bridge. And visually and
16 geometrically, it will be very, very similar to
17 what exists. And that's one of the other
18 reasons we really like this; it kind of stays
19 to the feel of what we already have.

20 MEMBER OF PUBLIC: So to follow-up to all
21 that activity that potentially is going on in
22 phases, will you have signage to indicate
23 what's going on?

1 MR. SARGENT: Yes. There is actually this
2 map that I use (indicating) to kind of show the
3 detour route -- has actual signs located at all
4 the different points that will be required for
5 the construction.

6 And the pedestrian -- there's an area just
7 up here (indicating) where they're currently
8 using to get across into Endicott Park. And
9 that probably will be the route they use during
10 that short window when that sidewalk is being
11 repaired -- the right-of-way.

12 MEMBER OF PUBLIC: Thanks.

13 MR. JOHNSON: That's public testimony.

14 You shouldn't be --

15 MR. SARGENT: Okay.

16 MR. ADAMS: Okay.

17 Ron Crickard with the Bureau of
18 Environment will now review the environmental
19 aspects of the project.

20 MR. CRICKARD: Thank you, Joe.

21 Good evening, Members of the Commission,
22 ladies and gentlemen. Pursuant to the National
23 Environmental Policy Act, the Department has

1 would cause an increase in noise impacts. As a
2 result, this project is not expected to cause
3 noticeable change in noise levels once
4 construction is completed. Construction
5 activities will temporarily increase noise due
6 to the use of heavy equipment; however, these
7 noise levels are expected to return to normal
8 after the project has been completed.

9 No surface waters or wetland resources are
10 located within the limits of the project;
11 however, Paugus Bay, Weirs Channel, and
12 Lake Winnepesaukee are all located in the
13 vicinity of the project. These three surface
14 waters are subject to the Shoreland Water
15 Quality Protection Act. Since a portion of the
16 project is located within 250 feet of
17 Weirs Channel, a permit from the New Hampshire
18 DES Shoreland Program will be obtained prior to
19 construction.

20 The Land and Water Conservation Fund,
21 LWCF, is a program established by Congress in
22 1964 to create parks and open spaces. Section
23 6(f) of the Land and Water Conservation Act

1 evaluated alternatives to the proposed project
2 and impacts the projects will have on
3 surrounding socioeconomic, cultural, and
4 natural resources. The Department has
5 coordinated with Federal and State
6 environmental agencies, including the Army Corp
7 of Engineers, US Fish and Wildlife Service,
8 Environmental Protection Agency, and New
9 Hampshire Department of Environmental Services,
10 just to name a few.

11 In addition, input was sought from Town
12 officials as well as concerned citizens. After
13 evaluation of the information gathered, an
14 environmental document was prepared. This
15 document is available on the project website
16 and is also available for review after
17 tonight's Hearing. And I have a copy of it up
18 here (indicating). The following is a brief
19 summary of some of the information contained in
20 that document.

21 The proposed project is not expected to
22 result in meaningful changes in traffic
23 volumes, vehicle mix, or other factors that

1 requires that a conversion of land or
2 facilities acquired with Land and Water
3 Conservation Act funds be coordinated with the
4 Department of Interior. Based on a review of
5 LWCF files, Endicott Rock Park and the Endicott
6 Rock State Historic site are two Section 6(f)
7 properties in the vicinity of this project. No
8 impacts to these Section (f) properties are
9 anticipated.

10 Finally, pursuant to Section 106 of the
11 National Historic Preservation Act, the
12 Department, in coordination with the Federal
13 Highway Administration and New Hampshire
14 Division of Historical Resources, must take
15 into account the impacts of the project on
16 historic resources. The project area has been
17 reviewed for potential historic resources,
18 which can include structures over 50 years old,
19 as well as archaeological sites. Historic
20 resources do exist in the project area and
21 consist of:

22 A. The Boston, Concord & Montreal
23 railroad corridor (eligible for listing on the

1 National Register of Historic Places as a
2 linear historic district).
3 B. Bridge 113/154. Although the bridge
4 is not individually eligible for the National
5 Register of Historic Places, it is a
6 contributing resource to the Boston, Concord &
7 Montreal Railroad, which, as mentioned, is
8 eligible for the National Register.

9 And C. Known archaeological sites.

10 It has been determined that the proposed
11 project would result in an Adverse Effect to
12 the Boston, Concord & Montreal railroad
13 corridor. Appropriate mitigation for impacts
14 to the historic railroad corridor will be
15 provided.

16 The Department has taken steps to avoid
17 impacts to known archaeological sites. The
18 emergency access road will utilize existing
19 travel ways where available and will be
20 constructed by placing geotextile and gravel on
21 top of existing ground where necessary, and no
22 ground excavation will be allowed.

23 If anyone has any comments on the

1 public may observe the proceedings.

2 If the Commission requires additional time
3 to consider the presented testimony, a Finding
4 of Necessity meeting has been scheduled for
5 Tuesday, December 4, 2018.

6 We also have with us tonight copies of a
7 booklet entitled, "Public Projects and Your
8 Property," which is this green booklet
9 (indicating). You can find this on the table
10 outside the chamber. This booklet is
11 especially useful for those property owners
12 affected by this project.

13 If after reviewing this information
14 received at this Hearing the Commission finds
15 necessity for this layout, several things will
16 happen. First, with the approval to proceed
17 with the project -- with the design of this
18 project, the Department will be preparing
19 appraisals for each of the properties impacted
20 by the proposed construction you see on the
21 plans. A staff appraiser from the Department
22 or a fee appraiser hired from private industry
23 will contact each owner to appraise their

1 Environmental Study or any other natural,
2 cultural or socioeconomic resource concerns
3 associated with this project, please bring them
4 to our attention tonight.

5 Thank you.

6 MR. ADAMS: Thank you, Ron.

7 Steve LaBonte with our Bureau of
8 Right-of-Way will now describe the process of
9 acquiring the needed property rights for the
10 project.

11 MR. LaBONTE: Thank you, Joe.

12 Members of the Commission, ladies and
13 gentlemen, before I go into the right-of-way
14 procedures for this project, there's a couple
15 of things I'd like to address.

16 First, immediately after the Hearing, the
17 Commission may reconvene for a meeting to
18 discuss the proposed project. This meeting is
19 a Public Proceeding under RSA Chapter 91-A.
20 The intent of this meeting is not to continue
21 taking testimony as was done during the Public
22 Hearing, but instead the meeting serves as a
23 decision-making forum for the Commission. The

1 property. The appraisals will reflect the fair
2 market value of the property rights needed for
3 the new construction.

4 The appraisals are reviewed separately to
5 see that all appraisals are accurate and have
6 taken into account all applicable approaches to
7 value. The value in the reviewed and finalized
8 appraisal will be the offer of compensation
9 used by the Department as a basis for
10 negotiations.

11 A Right-of-Way agent from the Department
12 will visit each property owner and discuss each
13 acquisition separately. This is an opportunity
14 for the owners to ask questions and bring up
15 concerns. If the property owner accepts the
16 offer, deeds are prepared, ownership is
17 transferred to the State and compensation is
18 provided to the property owner. If
19 negotiations between the owner and the
20 Department fail, the matter will be filed with
21 the New Hampshire Board of Tax and Land
22 Appeals, where the owner will have the
23 opportunity to argue for additional

1 compensation. Please understand this can be
2 done with or without an attorney. After the
3 Board issues its ruling on just compensation,
4 either party can appeal the Board's decision to
5 the Superior Court if they are unsatisfied.
6 All information in support of this Hearing
7 is available at the Department's headquarters
8 in Concord for your inspection and copying.
9 That's all I have, Joe. Thank you.
10 MR. ADAMS: Thank you, Steve.
11 If there is support for the proposal, the
12 Commission finds for the layout, and we gain
13 Federal Highway approval, we will complete the
14 Final Design and right-of-way acquisitions.
15 This includes development of detailed contract
16 plans, purchase of needed property rights, and
17 permitting and advertising the project for
18 contractors to submit bids on. We are hopeful
19 to have the contract ready for advertisement in
20 March of 2019. This would allow time for
21 development of Construction documents and
22 fabrication of precast elements for a bridge
23 closure in the spring of 2020.

1 REP. ST. CLAIR: I can't do it later?
2 CHAIRMAN CHENEY: You can.
3 REP. ST. CLAIR: I'll wait. Thank you.
4 CHAIRMAN CHENEY: You're welcome, I'm
5 sure.
6 City Officials who would like to speak?
7 No?
8 I'll now open the meeting to anyone
9 wishing to speak. Again, I'd like to ask you
10 to raise your hand and, upon recognition by me,
11 come to the microphone, state your name and
12 address and make your statement. Please be
13 sure that you have printed your name and
14 address on the sign-in sheet located on the
15 podium.
16 With that, is there someone who would like
17 to speak?
18 The first lady. Yes.
19 MS. WHITEHEAD: Shall I sign in first?
20 CHAIRMAN CHENEY: Thank you.
21 (Ms. Whitehead signs in.)
22 MS. WHITEHEAD: I'm Jane Whitehead, 245
23 Pleasant Street, in Laconia. I'm Chairman of

1 This property is funded with 80 percent
2 Federal funds and 20 percent State funds. At
3 this time we are not aware of any Town funds
4 that will be required for the construction.
5 Chairman Cheney, that concludes the
6 Department's formal presentation for the
7 US Route 3 bridge rehabilitation project. I
8 would like to thank the Town Officials and the
9 public for their participation thus far. I
10 respectfully ask the Commission to find in
11 favor of the layout of the project as presented
12 here this evening.
13 Thank you.
14 CHAIRMAN CHENEY: Thank you, Mr. Adams.
15 Excuse me.
16 Before I open the Hearing for comment,
17 concerns or questions, I'd like to ask if we
18 have any other Elected Officials with us this
19 evening who would like to be heard.
20 I think that means you, Charlie.
21 REP. ST. CLAIR: Well, I was going to wait
22 and just get in line with everybody else.
23 CHAIRMAN CHENEY: This is your chance.

1 the Heritage Commission in Laconia and I'm an
2 archaeologist. So I have two comments, I
3 suppose.
4 First is, as Chairman of the Heritage
5 Commission, we reviewed this project over a
6 year ago, maybe two years ago. That's when I
7 met you, sir, down at the Department of -- down
8 in Concord. And we reviewed the necessity for
9 this project and approved it.
10 What surprised us when we looked at the
11 bridge, itself, was how beautifully designed it
12 was. It's a lovely little art deco thing. I
13 mean, it was very carefully designed. And I'm
14 happy to hear that you are trying to preserve
15 the aesthetic quality of the bridge as much as
16 you can.
17 And the second is, in my professional past
18 as an archaeologist, I'm curious as to where
19 the sites are that are known to be in the way
20 of the bypass, and what the nature of them is,
21 and what work has been done on them as far as
22 excavation or documentation.
23 MR. CRICKARD: I will attempt to answer

1 your question.
2 There have been numerous discoveries. The
3 whole area near the bridge is a very sensitive
4 area. The site has actually been placed on the
5 National Register of Historic Places as an
6 archaeological site. There's been different
7 investigations, beginning in 1939, that have
8 found different Native American artifacts. We
9 aren't proposing to impact any of those because
10 we're not going below the ground, there.
11 The bridge, itself, has been cleared for
12 archaeology. That's why we're proposing that
13 no excavation be performed. We don't have any
14 testing beyond what's already known. It's on
15 private property at this point. The National
16 Register of Historic Places has more detail on
17 the artifacts that were found. I don't have
18 that information with me tonight.
19 MS. WHITEHEAD: I was just wondering about
20 the impact of the weight of vehicles or
21 something over the potentially fragile context
22 -- archaeological context.
23 Does the textile and gravel preserve it

1 saw your hand up. Please sign in.
2 (Ms. Baldi signs in.)
3 MS. BALDI: I'm Patricia Baldi. I live at
4 87 Shore Drive, and I own the Weirs Drive-In
5 Theater.
6 I'm a little bit confused about this map
7 (indicating). It's not up to scale. The right
8 side looks like -- the right side of the road
9 looks like it's up to scale. The left side is
10 not.
11 MR. ADAMS: It should be to scale.
12 MS. BALDI: It's not.
13 MR. ADAMS: I can take a closer look at
14 that (indicating).
15 MS. BALDI: It's not.
16 And there are a lot of things that I'm
17 concerned about. The pink -- the emergency
18 road that is proposed --
19 MR. ADAMS: Yes.
20 MS. BALDI: -- no cars are going to be
21 allowed on it?
22 MR. ADAMS: Correct.
23 MS. BALDI: Where are the cars going to

1 from the weight of the traffic?
2 MR. CRICKARD: That's our intent -- is to
3 not damage existing ground. Typically when we
4 have resources that we're trying to protect, we
5 don't want to do excavation, this is the type
6 of engineering that we do. It's least damaging
7 in that there's no -- the ground is as it is
8 when we got there. That's the goal.
9 CHAIRMAN CHENEY: Joe, do you want to add
10 anything to that?
11 MR. ADAMS: There's really not too much I
12 can add to that. Bear in mind, this is only --
13 very temporary. It's for a 30-day period and
14 it's only for emergency vehicles. So it's not
15 going to see a lot of traffic. There is
16 pavement in a lot of the areas now that we're
17 going to be sending this traffic on. And where
18 there's not, as John said, we're going to put
19 the geotextile and gravel on top. So I really
20 don't foresee any impacts as you were
21 questioning.
22 MS. WHITEHEAD: Thank you.
23 CHAIRMAN CHENEY: Ms. Baldi, I thought I

1 go?
2 MR. ADAMS: They have the 18-mile detour
3 for 28 minutes, if they were going to start at
4 the site and go all the way around. That would
5 be the official, signed detour.
6 MS. BALDI: The cars would go where?
7 CHAIRMAN CHENEY: Maybe I can help.
8 They'll go down to Elm Street, Mrs. Baldi --
9 across Elm to Parade Road, and up Parade Road
10 towards Meredith.
11 MS. BALDI: So no cars will be allowed in
12 this area at all (indicating)?
13 MR. ADAMS: That's correct.
14 MR. SARGENT: Correct.
15 MS. BALDI: Oh. Okay.
16 MR. LaBONTE: Other than emergency
17 vehicles.
18 MR. ADAMS: Emergency vehicles.
19 MS. BALDI: Now, how were you planning on
20 going through the drive-in? This does not
21 appear to go through the drive-in (indicating).
22 I mean, it appears to be, you know --
23 MR. ADAMS: John's coming around to you.

1 MS. BALDI: Okay.
2 MR. SARGENT: This area should be the
3 opening to the drive-in theater (indicating).
4 Here, the gray area, should all be pavement
5 (indicating). The drive-in theater or the gray
6 area continues further up, but this is sort of
7 a localized map. Property line is running
8 along the fence line about here (indicating),
9 and then this is Thurston's driveway
10 (indicating). Thurston's here (indicating).
11 There's a small area of shrubs --
12 MS. BALDI: As I'm looking at it, it looks
13 like it's not going through the drive-in. It
14 looks like it's going through the trailer park.
15 MR. SARGENT: Actually, maybe it looks --
16 easier to see here (indicating).
17 What we have shown in pink here on the
18 aerial is coming right across here
19 (indicating), down and about through where this
20 fence is onto the driveway.
21 MS. BALDI: Okay.
22 Because that's not the way it is on here
23 (indicating).

1 coming in through the drive-in.
2 MR. SARGENT: Coming right through here
3 (indicating).
4 MS. BALDI: Yeah.
5 MR. SARGENT: And then your screen is here
6 (indicating). Your screen is here
7 (indicating). So we're coming across like that
8 (indicating).
9 MS. BALDI: Okay. You're not talking
10 about the whole --
11 MR. SARGENT: No, no. It's just
12 basically --
13 MS. BALDI: Okay. I see.
14 MR. SARGENT: -- to get an ambulance
15 across here, down across the little bit of --
16 patch of grass. And then right up Thurston's
17 Drive onto Channel Lane, and then right back
18 down like that (indicating).
19 MS. BALDI: Okay. I see.
20 MR. SARGENT: Does that help?
21 MS. BALDI: Yeah. It does, a little bit.
22 The other thing that I'm really concerned
23 about is happening in the spring. We have -- I

1 MR. SARGENT: Okay.
2 MS. BALDI: It should be -- should be
3 going -- going down on here (indicating). This
4 is where stream one is (indicating).
5 MR. SARGENT: Which I believe is right
6 here (indicating).
7 MS. BALDI: Right.
8 MR. SARGENT: If I take this and put it
9 here (indicating) and turn it -- I guess we
10 have to do it -- so we've got it coming in the
11 gate, here (indicating).
12 MS. BALDI: So that is my driveway
13 (indicating)?
14 MR. SARGENT: That should be your driveway
15 (indicating).
16 MS. BALDI: What is the white line?
17 MR. SARGENT: Here (indicating)?
18 MS. BALDI: Yeah.
19 MR. SARGENT: Oh. This is lawn
20 (indicating). Anything that's gray is asphalt,
21 and anything that's white is either forest or
22 trees.
23 MS. BALDI: Okay. But -- so it would be

1 don't know if you're aware of it, but there are
2 all kinds of springs under the drive-in and
3 going down into the lake. And we have to be
4 very careful opening up in the spring. We
5 can't open up until the pavement is solid.
6 And, of course, we're only dealing with cars.
7 And if you're going to have trucks and big
8 vehicles going across the property, it's going
9 to damage it. And this has happened to us
10 before when we sold some of the land to
11 Thurston, and he was a -- developing that area
12 beyond us. He went across our land in the
13 front and he tore it all to pieces. And it
14 resulted in a lawsuit. And, of course, he lost
15 and -- because we had to get it repaired. So
16 it's not suitable for heavy traffic in the
17 spring. Possibly in the fall it would be, but
18 not in the spring.
19 And the other thing is, we try to open in
20 April, and you're proposing to have this going
21 through while we're open. And, you know, I'm
22 just worried about what's going to happen --
23 how we're going to deal with this, and run a

1 business, and have vehicles going through
2 there.
3 So that's my concern. I mean, I'd be
4 willing to cooperate with you, if I could, but
5 these are real issues for me.
6 CHAIRMAN CHENEY: When, Mrs. Baldi, do you
7 normally open the drive-in theater?
8 MS. BALDI: We usually open in April. As
9 soon as the ground is solid enough to handle a
10 car.
11 Because we don't handle trucks and
12 anything heavy, it definitely wouldn't -- I
13 don't feel that it would be ready to handle
14 anything heavy until possibly even -- maybe
15 June -- June or July.
16 I mean, in the spring you can go in there
17 and you can see the water bubbling right out of
18 the pavement. There are all kinds of springs
19 going down into the lake.
20 CHAIRMAN CHENEY: You said you had
21 several.
22 Were there any other issues?
23 MS. BALDI: Well, I think those are

1 or anything?
2 MR. ADAMS: No.
3 MS. BALDI: And no cars?
4 MR. ADAMS: No cars, other than police
5 vehicles for emergency, or anything like that.
6 MS. BALDI: How come --
7 MR. ADAMS: You know, it's only for 30
8 days.
9 THE COURT REPORTER: One at a time please,
10 everyone.
11 MS. BALDI: I mean, how can I show a movie
12 if a police car goes across the -- in front of
13 it, or an ambulance? I mean, this is going to
14 make it --
15 CHAIRMAN CHENEY: I'm sorry. I didn't
16 hear that.
17 MS. BALDI: How can I show a movie if, you
18 know, an ambulance or, you know, something goes
19 across our -- right in front of the screen?
20 MR. ADAMS: That is a concern, yes.
21 MS. BALDI: That's going to be a problem
22 unless I close. I close, usually, Labor Day.
23 So in the fall, I think it'd be a little bit

1 probably the main ones, so...
2 CHAIRMAN CHENEY: I'm led to believe that
3 her property would be restored.
4 MR. ADAMS: Correct. Any damage that was
5 done as a result of any of the emergency
6 vehicles --
7 MS. BALDI: But what if you couldn't get
8 it finished before, like, Memorial Day? I
9 mean, I definitely have to be open by Memorial
10 Day. I have a very short season.
11 MR. ADAMS: Most likely by Memorial Day, I
12 think we would be able to. As John has said,
13 there's a window period when a contractor would
14 be allowed to get in and do that work --
15 MS. BALDI: And what if it --
16 MR. ADAMS: -- which is when this detour
17 would be in place, which -- and that ends
18 May 15. So he would have to be out of there by
19 May 15 --
20 MS. BALDI: There wouldn't be any digging?
21 MR. ADAMS: -- and then restore this back
22 (indicating).
23 MS. BALDI: There wouldn't be any digging

1 better.
2 MR. ADAMS: We take these things into
3 consideration when we try and determine the
4 best time frame in which to do construction.
5 And there's no perfect time to do it. You're
6 always going to have someone that's going to be
7 affected.
8 MS. BALDI: And also, the other thing that
9 concerns me is, you know, I want you to put up
10 some kind of fencing on one side. The side
11 that -- because from the trailer park there are
12 children out there, and there are animals, you
13 know, dogs and things like that. I wouldn't
14 want them to get hit, you know. So I'd want
15 something to protect them --
16 MR. ADAMS: We can definitely take a look.
17 MS. BALDI: -- so they wouldn't get in the
18 roadway; okay.
19 MR. ADAMS: Okay.
20 MS. BALDI: Thank you.
21 CHAIRMAN CHENEY: Thank you.
22 Would the gentleman -- sir?
23 MR. THURSTON: Yes. Jeff Thurston,

1 Thurston's Marina.
2 I heard some wording tonight that had me
3 concerned, and I know a clarification will help
4 a lot. And that is the acquisition of property
5 as it related to evaluations and what have you,
6 and clarification on what you meant by that,
7 please -- the right-of-way.
8 MR. LaBONTE: Okay.
9 So in order for us to have -- be able to
10 use an access easement -- an easement is a
11 property interest; okay. So we're not actually
12 buying any fee or permanent acquisition. What
13 we'd be doing is purchasing the right to allow
14 first responders, basically, to use that route.
15 And that's a temporary easement.
16 MR. THURSTON: That's what I hoped was --
17 during this particular time frame.
18 MR. LaBONTE: Yeah, yeah.
19 MR. THURSTON: And then again, we don't
20 even know that a vehicle will ever go over it.
21 It's August, you know -- working on the hope
22 that we don't have anybody go over it. But if
23 it does avoid an 18-mile bypass...

1 how the access to that is achieved -- who can
2 get in.
3 And so some of those details, I look
4 forward to a resolution on so we can make this
5 thing happen for you. I think the timing on
6 our particular part is as good as it's going to
7 get. Because I can tell you, the fall would be
8 horrifically bad. Given the amount of boat
9 traffic that we have to transport on that
10 section of road to the storage of 500 boats on
11 our back lot, that road becomes very, very
12 busy.
13 Fortunately, as early as your folks are
14 talking about, it's less of an issue -- not
15 that it won't be trafficked, but it's more
16 likely to be less of an issue in April because
17 ice is typically still on the lake for a good
18 portion of April in a normal winter.
19 But I do want to work and see what we can
20 do to make this possible, and I appreciate this
21 Commission's effort to get this thing done.
22 Look forward to helping.
23 CHAIRMAN CHENEY: Thank you, Jeff.

1 Certainly, when we spoke about this
2 project a couple years ago -- I think the need
3 to fix this bridge is a community effort. And
4 I know my family and I would like to see that
5 done. And if this part of our property
6 (indicating) allows that to happen, that's
7 fine. Obviously, we're an ongoing business.
8 At that time of year we can, in fact, be busy.
9 And I know our police and fire department
10 emergency vehicles will use their due diligence
11 as they pass through that area, because there
12 are heavy equipment pieces that are running, as
13 well that are there. But that can all be
14 discussed, I know, with them, and I'm confident
15 that it will be reached. But, again, it is a
16 concern.
17 And, again, access to the gate will be, I
18 assume, on a key basis. I don't want that to
19 be a public passage for anybody -- they can get
20 around this after hours, or what have you. So
21 we're going to have to work on some sort of an
22 arrangement regarding the gate that we have --
23 the fence that we have with the gate on it, and

1 Is there anyone else who wishes to speak?
2 Yes, sir.
3 MR. DeMATOS: My name's Jose DeMatos. I
4 live at 112 Weirs Boulevard and own Channel
5 Waterfront Cottages, and also Weirs Beach
6 Convenience and Gifts. Let me get that down
7 here, real quick.
8 (Mr. DeMatos signs in.)
9 MR. DeMATOS: First of all, I hope that
10 the Daily Sun is here this evening with the
11 headline tomorrow that the public is going to
12 have to drive 18 miles for a possible 30 days
13 as a detour, because I think the public would
14 be up in arms if they knew. And hopefully
15 after this meeting the public will know a lot
16 more about that, because it's quite an
17 inconvenience.
18 I'd like to know if the parking lot has
19 been considered to be used. I know we
20 snowmobile right off the railroad tracks. We
21 go right over the sidewalk onto
22 Lakeside Avenue.
23 Can vehicles drive down there and -- a

1 temporary motion, you know? A way to just get
2 over that the same way the snowmobiles go onto
3 Lakeside Avenue, so the traffic just slows and
4 continues. There's no detour.
5 CHAIRMAN CHENEY: Have you gentlemen
6 looked at that possibility?
7 MR. ADAMS: I'm not sure.
8 MR. SARGENT: I'm not 100 percent.
9 Are we talking Endicott Park?
10 MR. DeMATOS: Well, not into the park, but
11 if you were to cross over the Weirs bridge and
12 then go into the driveway --
13 CHAIRMAN CHENEY: Endicott Park?
14 MR. DeMATOS: Yeah. It should be down to
15 the parking lot and then right here in front
16 of (indicating) -- right out to Lakeside Ave.
17 When we snowmobile, we cross right here and we
18 access this way (indicating). So if cars could
19 just simply drive into the parking lot, come
20 across the railroads, which are going to be
21 closed anyway because you're going to be
22 working on that bridge, then they could just
23 drive right onto Lakeside, come off Route 3

1 MR. DeMATOS: This proposed sidewalk;
2 right -- that purple?
3 MR. ADAMS: Yes, on the bridge. Correct.
4 MR. DeMATOS: That exists.
5 It'll just be replaced?
6 MR. SARGENT: Correct.
7 The bridge is yellow. The purple beside
8 the bridge is the sidewalk. The other, lighter
9 purple is the emergency detour.
10 MR. DeMATOS: So that sidewalk won't be
11 open, either, for walking?
12 MR. SARGENT: Correct. And the pedestrian
13 bypass is similar to what you were describing.
14 Down Lakeshore Drive there's a pedestrian
15 crossway that gets you down into Channel Park,
16 and allows the people to get by that way while
17 that sidewalk is being replaced.
18 Just to go back a second, Jose. In
19 that -- sort of the same route you were talking
20 about possibly putting cars through, I
21 believe -- if I understood you correctly. And
22 we did look at that. There were a couple of
23 obstacles that made that a very difficult one.

1 into here (indicating), right up back on and
2 just bypassing that whole bridge. I'm not sure
3 what the topography is there, but I think it
4 certainly is something to look into.
5 Also, anything after May 1 is going to be
6 disruptive to anything in the Weirs. The
7 Mt. Washington Cruise Ship does their Mother's
8 Day Cruise. If there's any type of delay, that
9 goes into that. It's going to be extensive.
10 So much more traffic in the spring than there
11 would be in the fall. So the window of 10/15
12 to 12/15 or even 10/30 to 12/30 is less -- way
13 less disruptive than the spring window.
14 And also, I would think that the weather
15 would be more cooperative, where you're not
16 going to have frost on the ground, you're not
17 going to have snow on the ground -- waiting for
18 snow to melt, you know -- that kind of stuff.
19 The purple is showing to be a proposed
20 sidewalk. That's an existing sidewalk now.
21 That's just going to be replaced or
22 widened?
23 MR. SARGENT: Correct.

1 One, it means making a railroad crossing
2 suitable for cars, which is already in
3 existence just in front of Thurston's. So it
4 resolves that.
5 And the other thing is that park is 6(f)
6 land, which have a great deal of requirements
7 to impact in any manner. So we went to the one
8 that seemed to be the least impact to
9 everybody.
10 MR. DeMATOS: But that's simply for
11 emergency vehicles. Not for the public to
12 continue -- not to have the 18-mile detour?
13 MR. SARGENT: Correct.
14 MR. DeMATOS: Right.
15 I'm not suggesting that be for the
16 emergency vehicles. I'm suggesting that the
17 flow of traffic continue uninterrupted for
18 those 30 days by using the park.
19 MR. SARGENT: And --
20 MR. ADAMS: That would be an impact to the
21 park.
22 MR. CRICKARD: I'll just add to that.
23 The park has additional protection from

1 not only Section 6(f) of the Land and Water
2 Conservation Fund Act I mentioned -- it also is
3 afforded protection under Section 4(f) of the
4 U.S. Department of Transportation Act, which
5 protects historic resources and park and
6 recreation areas. There's just a higher level
7 of scrutiny. And we'd have to really defend
8 reasons for interrupting park service.

9 So they would allow that extra protection.
10 And we felt that we had other alternatives that
11 avoided that resource.

12 MR. SARGENT: And that was one of the very
13 first options we looked at. Because visually,
14 when you walk out there it seems like a -- very
15 straightforward to approach it. But as we got
16 into it, there were a lot of issues with it.

17 MR. DeMATOS: So perhaps just a different
18 time frame -- not the spring. Making it the
19 fall might be, you know, a lot less disruptive.

20 MR. SARGENT: Well, the constraints on a
21 6(f) park are year-round.

22 MR. DeMATOS: No, beside the park, just as
23 another topic to consider.

1 a manageable period of time, there was some
2 inconvenience for a couple weeks, but they did
3 it in rapid speed, where the Piermont bridge
4 was done within a manner of about four to six
5 weeks. And while everybody had to suffer the
6 pain initially, it really worked out for the
7 better and everybody was quite impressed with
8 the rapid activity that took place to get that
9 job done.

10 So a project like this, questions are,
11 will the contractor work 24/7? By working
12 24/7, does that provide any inconvenience to
13 the general public? Could be sound, it could
14 be traffic -- whatever it might be.

15 There's also concerns about what happens
16 along the way. That's just doing a contracting
17 job. But I think DOT, given the past
18 experience and what they've proven to do
19 projects like this in the past, that they're
20 going to get it done within that window.

21 And I think that's really the biggest
22 concern, probably, from the public standpoint:
23 Can they do it within that window? And,

1 MR. SARGENT: Oh, I'm sorry. I'm sorry.
2 Yes, something to consider.

3 MR. DeMATOS: Thank you.

4 CHAIRMAN CHENEY: Is there anyone else?
5 Councilor Kenney?

6 COUNCILOR KENNEY: Yes.

7 CHAIRMAN CHENEY: Pleased to have you.

8 COUNCILOR KENNEY: First of all, it wasn't
9 that long ago, two years ago, a similar
10 situation in another community took place.
11 There's a little town called Piermont where
12 they were rehabilitating the bridge, and it was
13 going to shut down their little village.

14 And we had several Public Hearings. They
15 were concerned about the school on the Vermont
16 side of Route 25, for the buses and safety
17 vehicles couldn't kind of come back and forth.
18 And the local market was concerned about the
19 economy of their store, along with other
20 businesses.

21 But what I found with DOT is when they
22 abbreviate the window and they work diligently
23 through a contract to get that work done within

1 generally, the cost estimates are probably
2 going to go up, because they're going to do it
3 in an abbreviated time. But this is an
4 important project that probably needs to get
5 that attention and pay the guy -- the team a
6 little extra money to get it done on time.

7 So I have no-doubt confidence in DOT and
8 who they hire to get the job done. Having said
9 that, my office is always available to assist
10 in any manner with DOT. But they have good
11 track records. So I just want to turn that to
12 your attention.

13 CHAIRMAN CHENEY: Thank you, Councilor.
14 Representative St. Clair.

15 REP. ST. CLAIR: Hi. Good evening.

16 I'll admit that I was taken off guard with
17 the detour. I thought it was going to be for
18 all vehicles to go down the road over the
19 tracks and back up. That being said, my
20 question is, is it -- I heard 18 miles; is that
21 correct, sir?

22 CHAIRMAN CHENEY: 18.

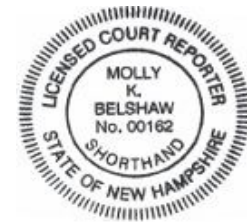
23 REP. ST. CLAIR: Is that round trip or

1 one-way?
 2 CHAIRMAN CHENEY: One-way.
 3 REP. ST. CLAIR: One-way.
 4 So if I -- so it's one-way. So if I live
 5 on the north side of the bridge and I want to
 6 get my mail, are we talking 36 miles?
 7 MR. SARGENT: No. The 18 miles is one
 8 complete circle. So if I start on one side of
 9 the bridge and I want to just get to the other
 10 side of the bridge, and I drive the whole
 11 circle, minus the bridge length, it's 18 miles.
 12 REP. ST. CLAIR: So if I've got to come
 13 back, it's another 18 miles back?
 14 MR. SARGENT: Yes, I suppose.
 15 REP. ST. CLAIR: So that would be 36
 16 miles.
 17 MR. SARGENT: Yes.
 18 REP. ST. CLAIR: That's a lot. And I
 19 understand the nature of the beast, here, and I
 20 get that. But I was -- I guess echo
 21 Councilor Kenney's statement.
 22 I really hope that the State will, and
 23 this Commission will, consider 24-hour

1 So I really, strongly encourage the powers
 2 that be -- I guess all of you -- to take that
 3 into consideration. And remember, 36 miles,
 4 not 18. So that's all.
 5 Thank you.
 6 CHAIRMAN CHENEY: Thank you.
 7 Is there anyone else who wishes to speak
 8 to the Commission?
 9 There being no indication of anyone
 10 remaining who wants to be heard, this Hearing
 11 is now adjourned at 7:55 in the p.m.
 12 (The hearing adjourned at 7:55 p.m.)
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1 construction. I know that will add to the
 2 cost, I guess. But what cost is there if we
 3 don't do that? Not just to businesses in the
 4 area, because granted, there's not a ton of
 5 business up there as compared to maybe further
 6 down into the city. But there are a lot of
 7 people both directions.
 8 And, again, that's not even mentioning
 9 mail. Because the Post Office up there -- most
 10 of the people up there don't get their mail
 11 delivered. They, in fact, go to their PO
 12 Boxes. That's just the way it is. And you
 13 have to remember, that would be a 36-mile trip
 14 to get your mail.
 15 So I don't know what the cost would be. I
 16 mean, I've encouraged even our City to do
 17 projects overnight because it'll just get it
 18 done quicker. I don't think it's going to
 19 impose any safety issues. And the sound up
 20 there, with all due respect to anybody who
 21 lives near the bridge, and I can't think of a
 22 lot -- the reality is that that will just make
 23 it done a lot quicker.

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<p>#</p>	<p>address (6) 6:8,12,14;22:15;27:12,14</p>	<p>animals (1) 40:12</p>	<p>arrived (1) 4:3</p>
<p>#28 (2) 8:10;9:4</p>	<p>adjourned (2) 55:11,12</p>	<p>Annotated (2) 4:21;5:21</p>	<p>art (1) 28:12</p>
<p>A</p>	<p>Administration (2) 3:11;20:13</p>	<p>anticipated (1) 20:9</p>	<p>artifacts (2) 29:8,17</p>
<p>abbreviate (1) 50:22</p>	<p>Administrator (1) 2:14</p>	<p>appeal (1) 25:4</p>	<p>aspects (1) 17:19</p>
<p>abbreviated (1) 52:3</p>	<p>admit (1) 52:16</p>	<p>Appeals (1) 24:22</p>	<p>asphalt (1) 34:20</p>
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