

REPORT OF THE COMMISSIONER

MERRIMACK, X-A001(265), 10136D

NH ROUTE 101A WIDENING

Special Committee

PUBLIC HEARING

September 25, 2018 -- Merrimack Town Hall -- 7:00 PM

Merrimack 10136D, X-A001(265). This project will widen NH 101A to add a third eastbound through-lane to match the three existing westbound lanes. The widening begins approximately 550 feet west of Boston Post Road and extends easterly approximately 0.65 miles to approximately 700 feet east of Continental Boulevard. The project also includes improvements to the intersection of Craftsman Lane and Boston Post Road. These improvements include approximately 200 feet of Craftsman Lane and extend approximately 50 feet north and approximately 400 feet south of its new intersection with Boston Post Road. Sidewalks around the intersection with Continental Boulevard will be reconstructed if the Town of Merrimack accepts future maintenance responsibility.

No change to the existing limitation of access on NH Route 101A, as previously established under P-1330-A and 10103, is proposed.

The following decisions are the Department's resolution of issues as a result of the testimony presented at the September 25, 2018 Public Hearing and written testimony subsequently submitted:

1. William Boyd, Merrimack Town Council, Timothy McGrath, President of Connection (Parcel 10), and John H. Sokul of Hinckley Allen representing Connection (Parcel 10), voiced concern with the proposed sidewalk on the eastbound side of NH 101A between Boston Post Road and Continental Boulevard. Additionally, Mr. Boyd suggested that sidewalks be added along Boston Post Road and the west side of Continental Boulevard.

Response: The Department will continue the existing pedestrian access along the west bound side of NH 101A. The proposed sidewalk along the easterly side of NH 101A will be converted to a maintenance panel in front of the guardrail, if appropriate, and the proposed crosswalk across NH 101A at Boston Post Road will be removed. Additionally, the Department will evaluate the extension of the sidewalk along Boston Post Road to Craftsman Lane to determine if the sidewalk extensions can be accommodated within the existing Right-of-Way. The addition of sidewalk on the westerly side of Continental Boulevard is beyond the scope of the project and would likely require additional impacts to private property. The Department will continue to coordinate the sidewalk design and layout with the Town and document through maintenance agreement(s).

2. John H. Sokul of Hinckley Allen representing Connection (Parcel 10), expressed concern about the length of the crosswalk and the need for a safe, ADA compliant crossing.

Response: Pedestrian accommodations will comply with applicable ADA standards. The timing for the crosswalk access at signalized intersections will be designed to allow adequate time for safe crossing.

3. William Boyd, Merrimack Town Council, inquired as to whether the NHDOT is required to follow the Town of Merrimack's blasting ordinances.

Response: A limited amount of ledge removal is anticipated on this project. Excavation of ledge will be done in accordance with the Department's Standard Specifications. While the Department is not required to follow local ordinances, every reasonable effort will be made to address the main objectives of the Town's blasting ordinance where practical. The Department will coordinate with the Town of Merrimack's Public Works Director or designated person.

4. Timothy McGrath, President of Connection (Parcel 10), Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10), John H. Sokul of Hinckley Allen representing Connection (Parcel 10) and Steven Keach of Keach-Nordstrom representing Connection (Parcel 10), noted that there is ledge present along the southern edge of NH 101A and that the vibrations from ledge removal could disrupt sensitive equipment in Connection's data center, thereby impacting business operations.

Response: A geotechnical report will be completed to identify the subsurface conditions along the project, including the area of slope widening and proposed stormwater treatment areas. All ledge removal will be completed in compliance with the Department's Standard Specifications. Within the Standard Specifications, the contractor will be required to develop a blast vibration and monitoring plan, which will include a pre-blast condition survey. In consideration of Connection's concern for disruption of sensitive equipment in their data center caused by vibrations during ledge removal, conditions will be placed in the contract to limit the impact through the development of pre-blast evaluation. Connections noted they successfully worked with the blasting company to develop parameters on the blasting during construction of the Home Depot.

5. Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10) and John H. Sokul of Hinckley Allen representing Connection (Parcel 10), noted the existing communications lines from the Connection's property to those within the NH 101A Right-of-Way are critical to the business operations and that any interruption in service would be disruptive to Connection's business. Mr. Pratt also noted there is a private sewer line located within the slope between NH 101A and Parcel 10 that serves Connection's facility.

Response: The existing locations of surface and underground public utility lines have been verified by the respective utility owners. Necessary utility relocations will be identified during the final design phase and coordinated with the appropriate utility company in accordance with the Department's Utility Accommodation Manual. The utility companies will need to coordinate any potential disruption of service with property owners, as well as, the timing and duration for such disruption. The Department will review its administrative records for any record of the Department's approval for the placement of a private sewer within the State's Controlled Access Right-of-Way and coordinate any needed relocation through the property owner.

6. Timothy McGrath, President of Connection (Parcel 10), Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10), John H. Sokul of Hinckley Allen representing Connection (Parcel 10) and Steven Keach of Keach-Nordstrom representing Connection (Parcel 10), are concerned that the re-grading of the slope between NH101A and the Connection property will damage the existing well-maintained grass and require removal of trees planted within the Right-of-Way, thereby diminishing the visual appeal of the property and removing the acoustic buffer between the State highway and Connection's parking lot.

Response: The existing area within the Right-of-Way along the frontage of the Connection property will be impacted in order to accommodate the widening along NH 101A. The Department will evaluate the design to minimize the impacts to existing trees and vegetation to the extent practicable. Provisions for landscaping will be considered during final design to re-establish low maintenance vegetation along the slopes. While there will be a visual loss of the trees, the existing vegetation does not meet the minimum requirements necessary to provide an acoustic buffer and noise analysis has shown that no noise impacts are predicted as a result of this project.

7. William Boyd, Merrimack Town Council, asked who is responsible for treating stormwater under the Municipal Separate Storm Sewer System (MS4) General Permit.

Response: The Department is responsible for ensuring the compliance of the State highway system under the MS4 General Permit.

8. Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10), and John H. Sokul of Hinckley Allen representing Connection (Parcel 10), inquired about the stormwater treatment requirements of the MS4 permit and underscored that the Department should not treat more runoff than required.

Response: The MS4 permit, as issued by Environmental Protection Agency's (EPA), addresses stormwater treatment requirements. The regulatory requirements for MS4 can be found on the New Hampshire Department of Environmental Services' (NHDES) website, as well as, EPA's website. It requires that either 1 inch of stormwater runoff from the impervious area of a redevelopment site be treated by Best Management Practices (BMP); or

that 80% of the average annual load of Total Suspended Solids (TSS) and 50% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface be removed through the use of BMPs.

The inclusion of water quality measures is necessary to provide the stormwater treatment as required under the MS4 permit. Based on the requirements of the permit, the Department has proposed water quality measures that treat the entire impervious area of the project as the most practicable means.

9. Timothy McGrath, President of Connection (Parcel 10), Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10), John H. Sokul of Hinckley Allen representing Connection (Parcel 10) and Steven Keach of Keach-Nordstrom representing Connection (Parcel 10), believe that the three bio-retention Best Management Practices (BMP) shown in the Right-of-Way along Parcel 10 pose a risk to the structural integrity of the parking lot and are unsightly.

Response: In order to meet the requirements of NHDES and EPA through compliance with MS4 permit, the Department will need to construct BMPs as part of this project. Multiple types of stormwater treatment BMPs were evaluated during Preliminary Design and based on the available undeveloped land in the project area, the site topography, and presence of ledge in the project area, three bio-retention systems were proposed within the existing State Right-of-Way between NH 101A and the Connection parking lot. Accommodating the treatment systems within the State's Right-of-Way will reduce the property impacts with the use of the full extended use of the public property.

The Department does not believe the bio-retention areas need to be considered unsightly. The bio-retention filters were selected for this site based on their ability to be integrated and blended into the surrounding landscape as noted within the guidance from NHDES, adaptability to small spaces and low maintenance requirements. Each system will be designed to pass storm flows exceeding the required water quality treatment volume. Additionally, they will be designed with appropriate grading and suitable landscaping to blend into the topography and minimize visual impacts. The proposed systems will be appropriately engineered to pose no risk to the structural integrity of the parking lot.

10. Timothy McGrath, President of Connection (Parcel 10), Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10), John H. Sokul of Hinckley Allen representing Connection (Parcel 10) and Steven Keach of Keach-Nordstrom representing Connection (Parcel 10), request that the stormwater treatment BMPs be relocated to the north side of NH 101A or the grass area between Connection and the auto parts store.

Response: The Department has investigated the feasibility of developing alternative systems to the north side of NH 101A, in the area between Connections and the auto parts store (Parcels 10 and 11) and within the Right-of-Way in front of Parcel 6.

For the areas on the North side of NH 101 and in front of Parcel 6, it was determined that these locations would require permanent acquisitions of private property, add significant cost to the project and increase the construction impacts. Therefore, the request cannot be accommodated.

The area between Connection and the auto parts store (Parcels 10 and 11) has two drainage systems located within it and is subject to several existing drainage and access easements. Construction of a BMP in this area would require permanent property acquisition, including maintenance access and continued access for the adjacent parcels. Removal of the existing landscaping between the two parcels and construction of a fence around the BMP would be necessary due to the required depth. Additionally, future maintenance of the existing private drainage facilities would cause disturbance to the BMP. Therefore, this request cannot be accommodated.

11. Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10), John H. Sokul of Hinckley Allen representing Connection (Parcel 10) and Steven Keach of Keach-Nordstrom representing Connection (Parcel 10), questioned the suitability of bio-retention BMPs given New Hampshire's cold winter climate and that Connections uses this area of the Right-of-way for snow storage.

Response: The proposed BMPs, including the bio-retention systems, are stormwater treatment practices included in the NHDES Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection and Design and in compliance with MS4 regulatory requirements. The BMPs provided in this manual take into account New Hampshire's climate conditions. A similar bioretention system is utilized to treat runoff from the parking lot of the Pennichuck Square Shopping Center, on the corner of Continental Boulevard. That BMP uses bark mulch and small plantings rather than grass for the surface treatment.

Using the State Right-of-Way for private snow storage is not appropriate. The Department's development of BMP's within the existing Right-of-way may require modifying the current winter plowing operation for snow removal within the Connection parking lot.

12. Timothy McGrath, President of Connection (Parcel 10), Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10), John H. Sokul of Hinckley Allen representing Connection (Parcel 10) and Steven Keach of Keach-Nordstrom representing Connection (Parcel 10) are concerned with the proposed slope of the embankment abutting Parcel 10 and recommend the installation of retaining walls to reduce the slope impacts and make it easier to maintain.

Response: The proposed slopes to the west of the proposed stormwater treatment areas are no steeper than existing grades that are currently being maintained within the frontage of Connection. Therefore, those areas can be maintained in the same manner as the existing.

In the area of the BMPs, the Department will evaluate and pursue the installation of retaining walls within the existing Right-of-Way, if feasible. The evaluation will include an assessment of subsurface conditions (geotechnical stability and ledge identification) to determine if a wall can be accommodated and whether additional ledge removal will be necessary. Should additional ledge removal be necessary to construct the retaining wall, the Department will proceed with the alternative as presented at the Hearing to reduce the risk for vibration impacts due to ledge removal to affect Connection's business operations.

13. Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10), John H. Sokul of Hinckley Allen representing Connection (Parcel 10) and Steven Keach of Keach-Nordstrom representing Connection (Parcel 10) stated concern about impact that the easement shown on Parcel 10 adjacent to the stormwater treatment BMPs will have on Connection's parking.

Response: The drainage easement is necessary to allow for the construction and future maintenance of the treatment BMPs. The Department will include contract provisions for the construction work in this area to be completed outside of normal business hours. The system is expected to be inspected and maintained twice annually, with more in-depth maintenance required every few years. This work will be coordinated with Connection to minimize impacts during the maintenance operations.

14. Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10), and John H. Sokul of Hinckley Allen representing Connection (Parcel 10) voiced concern that the construction easement shown on the currently vacant Parcel 6 will render the property unusable.

Response: The proposed easement is intended to be a temporary construction easement and will be in use while the project is under construction for staging of materials and construction equipment on this vacant parcel. The Department will re-evaluate the area needed for staging and determine if the size of the easement can be reduced and/or eliminated through identification of other alternative locations. Should the parcel be re-developed prior to the Contract Plans being finalized, the Department will work with the owner to reach a mutually agreeable solution.

15. Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10) expressed concern that the additional through lane and proposed intersection improvements at Continental Boulevard will create traffic backups, restrict Emergency Responders and encourage the public to use the Connections parking lot as a cut-through.

Response: The additional eastbound lane, which matches the westbound configuration, will provide increased capacity and decrease delay times at this intersection, creating a reduction in the current queues of traffic during peak hours flows. Based on the improved efficiency for traffic flows at the Continental Boulevard and Boston Post Road intersections, the

Department believes there is a reduced likelihood of traffic diversion through Connection's parking lot.

The traffic signals will be equipped with an Opticom emergency preempt system, which allows emergency vehicles to trigger the light in advance of their approach to clear the intersection prior to their arrival.

16. Robert Pratt, VP of Connection representing G&H Post and H&G Post (Parcels 6 & 10) requested a summary to show what things had changed on the plans based upon the Public Meeting in July 2015, Town Council meeting in June 2018 and Public Meeting in August 2018.

Response: The proposed project contains several modifications, including the bike lane through the Continental Boulevard intersection, additional crosswalks located at all four legs of the Continental Boulevard intersection, adding the crosswalk at Boston Post Road, narrowing Boston Post Road in the area of the existing Craftsman Lane intersection, and relocating the larger stormwater treatment area at the intersection of Craftsman Lane and Boston Post Road across Craftsman Lane into the area of existing pavement that will be removed as part of the intersection realignment.

1/11/19

Date



Victoria F. Sheehan
Commissioner
N.H. Department of Transportation