

THE STATE OF NEW HAMPSHIRE

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IN RE: MERRIMACK, 10136, X-A001(265)
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Public hearing held before the Special Committee,
David Wheeler, Executive Councilor, Chair; Russell
Prescott, Councilor; and Joe Kenney, Councilor, at the
Merrimack Town Hall, 6 Baboosic Lake Road, Merrimack,
New Hampshire, on Tuesday, September 25, 2018,
commencing at 7:00 p.m.

Court Reporter: Michele M. Allison, LCR, RPR, CRR
NH LCR No. 93 (RSA 310-A)

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SPEAKERS

- Jennifer Reczek - Project Manager, DOT
- Dave McNamara - Project Manager, Stantec
- Ron Crickard - Environmental Manager, DOT
- Steve LaBonte - Assistant Administrator, Right-of-Way, DOT

OTHER ATTENDEES FROM DOT

- Peter Stamnas - Director of Project Development
- Trent Zanes - Design Group Leader, Highway Design
- Samantha Fifield - Senior Design Engineer, Highway Design
- Paul Coddington - Chief of Administration, Right-of-Way
- Susan Hubschmann - Hearings Coordinator, Right-of-Way
- Dena Rae - Chief Agent, Right-of-Way
- Linda Schoffield - Agent, Right-of-Way

1 MR. WHEELER: So I will open this meeting. I
2 am Executive Councilor Dave Wheeler. Merrimack is in
3 my district and therefore I'm chairing this meeting
4 tonight. This is a Special Committee appointed by the
5 governor and the Executive Council. Executive
6 Councilor Russell Prescott is with us here tonight,
7 and we expect Councilor Kenny here shortly. He has
8 the longest drive and in this weather he may be
9 delayed a little bit, but he should be here.

10 This hearing is concerned with proposed
11 improvements to Route 101A from Craftsman Lane to
12 Continental Boulevard, and on Craftsman Lane at the
13 intersection with Boston Post Road. It is pursuant to
14 RSA 230:14 and the Surface Transportation and Uniform
15 Relocation Assistance Act of 1987.

16 The purpose of this hearing is to determine
17 the necessity of the occasion of the layout and to
18 hear evidence of the economic and social effects of
19 such a location and its impact on the environment and
20 its consistency with the goals and objectives of such
21 local planning as has been undertaken by the towns.

22 Following the hearing, this committee will
23 evaluate all matters brought to our attention and make

1 definitive decisions relative to this layout that you
2 see over here.

3 A representative from DOT will contact each
4 property owner that is affected and discuss individual
5 concerns. It is therefore important that all
6 individuals desiring to make requests or suggestions
7 about this project, to do so tonight. I would remind
8 you that you have ten days from the date of this
9 hearing to submit any other material you would like
10 considered by this committee.

11 At this time I would ask Jennifer Reczek
12 from -- the project manager for this project to
13 present in a formal manner the layout which she has
14 proposed. After that we'll open the floor to those
15 who would like to address the committee.

16 I will request that all desiring to speak
17 upon recognition by me, step up to the microphone,
18 state their name and address, and the recorder would
19 like you to spell your name to make sure that we have
20 it correct, and make your statement. Please print
21 your name and address on the sign-up sheet. This
22 hearing is being recorded and a transcript will be
23 available later.

1 So Jennifer, take it away.

2 MS. RECZEK: Thank you, Councilor Wheeler,
3 and members of the Special Committee. Good evening,
4 Ladies and Gentlemen. Can you hear me? My name is
5 Jennifer Reczek. I'm the project manager for the
6 Department and it's my pleasure to be here tonight on
7 behalf of the Department.

8 As Councilor Wheeler mentioned, tonight's
9 meeting is a public hearing to present the
10 Department's layout for the proposed project on
11 New Hampshire 101A.

12 I would first like to introduce the other
13 people representing the Department tonight. I've got
14 Ron Crickard from the Bureau of Environment on the far
15 side. I've got Steve LaBonte to my direct left from
16 our Bureau of Right-of-Way. Dave McNamara is at the
17 boards. He works for our consulting firm, Stantec,
18 who are our partners on this project in developing the
19 engineering.

20 Here with us tonight we also have Peter
21 Stamnas, the director of project development at the
22 back of the room, and Trent Zanes and Sam Fifield from
23 the Bureau of Highway Design. We also have Tracy

1 Tufts and Walter Woo who are part of the Stantec team.

2 New Hampshire 101A is an important east-west
3 commuter route providing access to the turnpike and
4 into Nashua. In an effort to improve this corridor a
5 master plan was created in 2002 that outlines
6 recommended land-use guidelines and transportation
7 improvements between Milford and Nashua.

8 On the transportation side, this study
9 identified many deficiencies throughout the corridor.
10 These included roadways and intersections without
11 adequate capacity for today's traffic, intersection
12 safety concerns, and poor pedestrian accommodations
13 due to the lack of sidewalks or crosswalks.

14 Of the many projects identified in this
15 corridor plan this was one of the midterm projects
16 that was moved forward by the Nashua Regional Planning
17 Commission and was first added to the state's ten-year
18 Transportation Improvement Plan in the 2015-2024
19 version.

20 The project being presented tonight is one of
21 many steps in improving the capacity in the corridor
22 with a future project also identified in the Nashua
23 section of the roadway.

1 The project that we are presenting proposes
2 to widen the section of 101A between Boston Post Road
3 and Continental Boulevard. It proposes improvements
4 to the intersection of 101A and Continental Boulevard,
5 and also proposes to reconfigure the intersection of
6 Craftsman Lane and Boston Post Road, which is
7 currently used as a bypass for the lights on 101A.

8 These plans were presented at a public
9 informational meeting in July 2015 to the town council
10 of Merrimack in June of 2018 and again at a public
11 informational meeting in August of 2018. Based on
12 some of the feedback that we received, we were able to
13 make some modifications to these plans. Those changes
14 that we were able to make has been included in the
15 plans that are shown tonight. Once we've completed
16 this presentation I will turn the meeting back to
17 Special Committee Chairman Wheeler to receive any
18 comments or questions from those in attendance.

19 I'll now ask Dave McNamara to explain the
20 plans that you see and present the details of the
21 proposed layout.

22 MR. McNAMARA: Thank you, Jennifer. Good
23 evening, everyone. While we're getting the screen on

1 here, I'll start over at the plan. It'll be easier to
2 see here just to orient everybody a little bit at what
3 this is. You know, 101A, kind of running across the
4 plan here, this is going west to Amherst and Milford
5 and then east into Nashua. The Nashua line is
6 actually right there. And then you see Continental
7 Boulevard going up to the north.

8 So the yellow you see is proposed pavement.
9 In this case a lot of it is matching existing. It's
10 going to be an overlay over existing. There is some
11 widening and some modifications. We'll get to it as
12 this goes on.

13 The lighter green in here is off-roadway
14 impacts, kind of landscaped areas and grass areas.
15 There's kind of medium blue, our stormwater management
16 ponds. They're not -- other than this one, they are
17 not intended to be permanently wet. Again, we'll talk
18 in a little bit more detail about those as this goes
19 on.

20 Purple is a proposed sidewalk or a relocated
21 sidewalk in this case. The orange are driveways;
22 minor side roads that are being impacted to tie back
23 in. Red are the existing buildings.

1 The broken green and blue lines are existing
2 right-of-way lines. A thicker version of those are
3 proposed right-of-way lines. The solid orange are
4 proposed permanent easement lines. And then in here
5 you can see the existing wetlands is kind of this
6 faded blue hatch. So that's what we're looking at on
7 the plan. We'll go through kind of the pieces of the
8 project a little bit.

9 So the project area -- the existing project
10 area of 101A consists of three westbound lanes, two
11 eastbound lanes, and then some combination of
12 combined -- or a combination of raised and painted
13 medians that develop turn lanes at each of the three
14 signalized intersections within the corridor. This
15 section of 101A sees about 42,000 vehicles per day.

16 There is sidewalk on the north side from
17 Boston Post Road to the east and then sidewalk on the
18 south side just east of Continental Boulevard.
19 Despite the sidewalks, there are no existing
20 pedestrian crossings within the project area across
21 101A.

22 So we're looking at the project in three --
23 basically three components: There's the New Hampshire

1 101A and the Continental Boulevard intersection
2 improvements, which is really to develop capacity; the
3 sidewalk connectivity and pedestrian access
4 improvements; and then finally Boston Post
5 Road/Craftsman Lane intersection, which is a
6 traffic-calming safety component of the project.

7 So we'll start with the 101A/Continental
8 Boulevard intersection. The improvements here are a
9 third eastbound lane and then a second right-turn lane
10 from Continental Boulevard and an exclusive right onto
11 Continental Boulevard from 101A.

12 So you can see them a little bit clearer
13 here, the third lane coming through here, which
14 ultimately ties into the three-lane eastbound section
15 going into Nashua east of our project. This is the
16 second right-turn lane from Continental onto westbound
17 101A. And then you can see this exclusive right
18 turning onto Continental Boulevard from westbound
19 101A.

20 So the proposed benefits of Continental
21 Boulevard, when we look at the traffic on these types
22 of projects, we look at existing counts and we
23 generally project them out about 20 years. So on

1 Continental Boulevard, the average at the peak hour,
2 which is the p.m. hour in this case at Continental
3 Boulevard, if no improvements are made, the delay is
4 over three minutes -- the average delay for the
5 intersection is 193 seconds.

6 So that's with the existing configuration
7 that's out there today factored out into the future
8 about 20 years. With the proposed improvements, we're
9 looking at about a 61-second average delay across that
10 whole intersection. So it's about a 70 percent
11 reduction in delay within that intersection based on
12 these improvements.

13 It also incorporates a pedestrian phase, and
14 another thing is we're looking at the signals. We can
15 look at the clearance interval modifications. There
16 has been some concerns raised about cars running red
17 lights in this area and that's one way to mitigate
18 that type of problem.

19 So the next component is the sidewalk
20 connectivity between Continental and Boston Post Road.
21 So as I said, there is a sidewalk on the north side on
22 the westbound side. We're proposing to add one on the
23 south side of 101A, basically adjacent to the easterly

1 lanes over here; add crosswalks at both Boston Post
2 Road and Continental Boulevard; and also improve the
3 bike accommodations at the Continental Boulevard
4 intersection.

5 So this is just a section looking at the
6 widening area here. You can see the existing left and
7 two through lanes and then a little bit of a shoulder
8 over here. We add this travel lane, basically slide
9 the shoulder over, and then add a sidewalk immediately
10 adjacent to the roadway. And then at Continental you
11 can see the crosswalks on all four legs. These would
12 extend across the right-turn lanes in here as well.
13 And then for bicyclists, with that development of this
14 right-turn lane, we keep the bicycle shoulder out so
15 the bicycles cross the intersection with traffic like
16 they should.

17 So the final component of it is the Craftsman
18 Lane traffic calming piece. This reconfigures the
19 Boston Post Road and Craftsman Lane intersection.
20 There is a concern with westbound traffic on 101A
21 using the Craftsman Lane as a cut-through to skip a
22 part of 101A and get out of the traffic a little bit.
23 This will help eliminate that or at least slow it

1 down. It'll also reduce speeds on Craftsman Lane and
2 kind of clean up this really flat Y intersection that
3 exists today.

4 And then the second piece of it, up in here
5 you can see there's actually a town right-of-way that
6 bisects the church parking lot. So the church has --
7 owns both sides of this parking lot, but there is a
8 public access across it. So that represents some
9 safety concerns with the school, with church in
10 accessing both sides of the parking.

11 So as part of the project that would be
12 discontinued. Craftsman Lane will be T'd up onto
13 Boston Post Road in here and then this portion of
14 Craftsman Lane will be abandoned.

15 So we have met with the church about exactly
16 how -- what the final configuration here is going to
17 be. They're looking at some internal options about
18 their best way to internally circulate across this
19 parking lot, so that's an ongoing discussion with
20 them. That will continue.

21 Just a view of the Craftsman Lane that
22 basically we just talked about. Can see it a little
23 bit better up here. That's the cut-through. This is

1 the T'd up Craftsman Lane onto Boston Post Road. Hall
2 Road would remain and tie into Hall Road right in
3 here, and then the abandonment of Craftsman Lane in
4 this section down here.

5 So with any roadway projects, stormwater
6 management is a critical component. This section of
7 Manchester -- or Merrimack is regulated by the
8 Municipal Separate Stormwater Sewer System, or MS4
9 regulations, which do require increased water quality
10 treatment. So we need to treat 100 percent of the
11 impervious area, 100 percent of the stormwater that
12 falls on the impervious area within the project
13 limits.

14 For this particular project there is some
15 existing treatment around the Continental Boulevard
16 intersection, a couple hundred feet on either side,
17 either approach to it, and that outlets down into the
18 Pennichuck Brook. So we don't have to get into that
19 area as that is already being treated by a system that
20 was put in place about 15 years ago.

21 So that's actually, if you look down in
22 here -- so this area and this area here is all treated
23 through an underground system. That's down here, the

1 limit of our project.

2 So that leaves us basically with the westerly
3 end of the project that we do need to treat. So
4 everything you're looking at here in color, our
5 drainage areas, so all this pavement today, anything
6 that falls on it is untreated. This area here gets
7 collected and it gets piped out ultimately into Stump
8 Pond in the back here.

9 This area here gets picked up and is piped
10 down and sheet flows through outlets on the side of
11 101A, kind of west of our project, ultimately into
12 this wet area at the bottom of the hill. And then
13 this middle section, centered kind of around the Home
14 Depot intersection here, this is all piped into two
15 parallel outlets that go between the Connection, Inc.
16 drive and the auto parts store over here.

17 So what we're proposing is nine new Best
18 Management Practices, or BMPs, in order to treat
19 basically the water on that impervious area. One of
20 them, this one in here we're proposing is essentially
21 a traditional stormwater pond that you're probably
22 used to seeing on the side of the road. It's going to
23 contain water all the time. But the rest are

1 bioretention ponds or swales, which are smaller, dry.
2 They don't retain water and they will dry out after
3 about two, three days after a storm event.

4 The bioretention system is a little bit --
5 part of the reason we're using them is they do have
6 higher treatment efficiencies than kind of the
7 standard detention ponds. They utilize natural
8 filtering media. They are shallow, dry systems, so
9 they kind of work into the landscape a little bit
10 better. They're generally low maintenance.

11 There is a variety of plantings that you can
12 use, kind of balancing aesthetics and maintenance, if
13 you will. All of them will have overflow structures.
14 So as the water rises in them after a certain height,
15 it will flow into an overflow structure and that will
16 just be piped out into the outlets.

17 Some of them -- depending on the
18 geotechnical, in some areas we have some ledge, some
19 areas we have some higher groundwater. They'll be
20 lined underneath. So the water will go through the
21 filter media and get cleaned, then it will get picked
22 up by an underdrain and, again, piped out to the
23 outlets.

1 And then we do have some infiltration
2 requirements through New Hampshire Department of
3 Environmental Services. So we do have to do some
4 groundwater recharge where these systems will
5 infiltrate directly into the groundwater. It looks
6 like from what we're looking at now, one of the ponds
7 up in Craftsman Lane is probably where we'll be doing
8 that in this case.

9 So just a little more detail. Up here is
10 kind of a section along 101A in the widening area.
11 This shows the cut into the slope and then the small
12 bioswale with a fire pond that's right in here and
13 then blending back into the slope.

14 So this is a little bit more detail on the
15 bioretention pond. You'll see the grass media here,
16 which is what we're currently proposing so they can
17 just be mowed on a normal mowing schedule since it's
18 just grass. They sit on a couple inches of loam and
19 then the filter media is this lighter brown in here,
20 which is a combination of compost, sand, and loam
21 basically. And then in the line systems you have this
22 kind of stone reservoir at the bottom and there will
23 be underdrain pipes running through it.

1 So as the water filters through here, it gets
2 cleaned, and then the clean water collects in the
3 stone, gets into the underdrain pipe, and then that's
4 piped out of the system into the closed system and
5 ultimately to the outlets. So in this case we're
6 essentially using all the same outlets that exist
7 today on Craftsman Lane down to the west and then the
8 outlets between the two parking lots.

9 Just to touch on construction a little bit,
10 we're looking at this as a two-season construction
11 project. It's largely to minimize traffic impacts and
12 maintain the flows that are out there. There is a
13 good amount of utility work that we're anticipating
14 between our drainage and some of the utilities that
15 are out there that may need to be relocated.

16 As I mentioned, we have done some preliminary
17 geotechnical investigations. There's pockets of
18 ledge. There are some areas where the groundwater is
19 a little bit higher. We don't anticipate blasting.
20 We anticipate its mechanical means to remove that
21 ledge, but there are -- in either case there are
22 requirements on vibration and noise that the
23 Department has in their standard specs and those can

1 be modified and worked with individual abutters if
2 there are more stringent requirements that they need
3 based on their use of the property. And drive and
4 business access will be maintained during
5 construction.

6 Traffic control during construction: Most of
7 the work that is being proposed is to the outside
8 portion of the roadway. We're widening to the edges.
9 So the intent -- and we anticipate we can maintain the
10 lane configurations in the middle. They may shift
11 around a little bit using some of these median areas.
12 We may take a lane and shift them up or shift them
13 down to create the work zones, but the intent is to
14 keep the two lanes heading east and the three lanes
15 heading west throughout construction for the --
16 outside of work.

17 So a permanent condition during working hours
18 when the contractor is on site with traffic control,
19 there may be lane -- daily lane closures to install
20 drainage or pave or -- but those can be handled on
21 off-peak hours, you know, kind of managed around the
22 traffic. But then when they're gone, the intent would
23 be to keep essentially your existing condition, shift

1 it around a little bit and keep your existing
2 condition in place.

3 Utility coordination, there are a good amount
4 of utilities up here. The verifications are ongoing
5 with the various owners. We do know there's aerial
6 and underground utilities and they're both privately
7 and publicly owned in the project corridor. So any
8 relocations that are required will be done in
9 accordance with the DOT's Utility Accommodation.

10 Right-of-way impacts, there is going to be a
11 little more discussion on kind of the general process,
12 but just to touch on some of specifics here, we are
13 anticipating seven narrow strip acquisitions generally
14 around the Continental Boulevard intersection to
15 accommodate the right-turn lanes and the widening and
16 pushing the sidewalks out, you know, with those lanes.
17 We do not anticipate at this time any full property
18 acquisitions. So it's just minor, small, narrow
19 strips.

20 Permanent easements, as I said, is noted on
21 the plan in orange. These are generally for future
22 maintenance and access by the DOT to maintain the new
23 drainage systems, to maintain traffic signal mast arms

1 and equipment, and retain a small retaining wall if it
2 looks like it's going to be necessary.

3 Temporary easements generally aren't shown on
4 these plans. They will be developed as the process
5 goes on, coordination with the DOT Right-of-Way as
6 well. These are usually for construction access,
7 driveway matches, if they've got to chase a driveway
8 to kind of meet grade, they might have to go past the
9 right-of-way a little bit, and these are put back to
10 the existing condition at the end of construction.

11 There is a contractor staging/storage area
12 shown as a temporary easement on the current vacant
13 parcel down here. It has a potential for the DOT to
14 negotiate and have available for contractors to use
15 for staging.

16 And with that, I'll turn back to Jennifer for
17 the rest.

18 MS. RECZEK: All right. Thank you, Dave.
19 During the public informational meeting we heard
20 several comments regarding blasting, and we understand
21 that that's a concern in this area due to some of the
22 past private development that's occurred.

23 So as Dave mentioned, we are not anticipating

1 blasting at this time, but if it does become
2 necessary, the Department has protocols in place to
3 kind of monitor those operations to prevent damage to
4 any surrounding structures or the environment.

5 Dave also touched on the large number of
6 utilities in the area. Once those conflicts are
7 identified, the Department works with the utility
8 companies to develop relocation plans. And at that
9 point it becomes the responsibility of the utility to
10 work with their clients to coordinate any sort of
11 disruption of service that might be required during
12 that relocation process.

13 So as part of any of our projects the
14 Department must consider and document how our
15 project impacts the environment. At this time I'll
16 ask Ron Crickard to provide a summary of the
17 environmental aspects on the project.

18 MR. CRICKARD: Thank you, Jennifer. Good
19 evening, members of the Committee, Ladies and
20 Gentlemen. Pursuant to the National Environmental
21 Policy Act, the Department has evaluated alternatives
22 to the proposed project and impacts the project will
23 have on surrounding socioeconomic, cultural, and

1 natural resources.

2 The Department has coordinated with federal
3 and state environmental agencies, including the Army
4 Corps of Engineers, U.S. Fish & Wildlife Service,
5 Environmental Protection Agency, and New Hampshire
6 Department of Environmental Services, just to name a
7 few. In addition, input was sought from town
8 officials as well as concerned citizens.

9 After evaluation of information gathered, an
10 environmental document was prepared, and I have a
11 draft of that document available here tonight if
12 anybody would like to review it. I will give you a
13 very brief summary of just some of the environmental
14 impacts that we have studied for this project.

15 The proposed project is expected to improve
16 the flow of traffic. Therefore, the completed project
17 is not expected to noticeably increase noise levels or
18 impact air quality at any adjacent residences.

19 Temporary increases in noise and dust are anticipated
20 during construction of the project, but these
21 temporary increases are expected to return to normal
22 following construction.

23 The proposed project will require impacts to

1 wetlands and surface waters under the jurisdiction of
2 the New Hampshire Department of Environmental Services
3 and the U.S. Army Corps of Engineers. The Department
4 will obtain the necessary wetlands and shore land
5 permits prior to construction. The Department will
6 continue to coordinate with the appropriate agencies
7 to ensure that all wetland impacts are minimized and
8 all permits are secured prior to construction.

9 As mentioned earlier, to promote and protect
10 water quality, the Department has incorporated
11 appropriate stormwater treatment measures into the
12 design of the project. The contractor will also be
13 required to prepare and implement a Stormwater
14 Pollution Prevention Plan during construction.

15 Finally, pursuant to Section 106 of the
16 National Historic Preservation Act, the Department, in
17 coordination with the Federal Highway Administration
18 and New Hampshire Division of Historical Resources,
19 must take into account the impacts of the project on
20 historic resources. The project area has been
21 reviewed for potential historic resources, which can
22 include structures over 50 years old, as well as
23 archaeological sites. No such resources will be

1 impacted by the project. That is that.

2 MS. RECZEK: Okay. Thank you, Ron. As Dave
3 also mentioned in his presentation, the proposed
4 improvements will require acquisition of property
5 rights in the form of easements and strip
6 acquisitions. Again, no complete acquisitions are
7 anticipated at this time.

8 I'd like to ask Steve LaBonte from the Bureau
9 of Right-of-Way to describe the process of acquiring
10 the necessary property rights.

11 MR. LaBONTE: Thank you, Jennifer. Members
12 of the Special Committee, Ladies and Gentlemen, before
13 I go into the right-of-way procedures for this
14 project, there are a couple things I'd like to
15 address.

16 First, as Councilor Wheeler has said, if
17 anyone wishes to submit any additional testimony as a
18 result of this hearing or in regard to these plans,
19 you can address the material to the chairperson of the
20 Special Committee and mail it to the address shown on
21 the hearing handout map within ten days of tonight's
22 hearing and it will become part of the official
23 record.

1 The hearing map I'm talking about looks
2 something -- looks just like this and the address is
3 right here in the upper right-hand corner. It will
4 receive the equal consideration with anything
5 presented tonight. These maps are available from
6 Department staff or down on the table in the lobby
7 downstairs.

8 We also have with us tonight copies of a
9 booklet entitled Public Projects and Your Property,
10 which describes the right-of-way acquisition and
11 relocation assistance procedures that are utilized by
12 the State. That's this green book. Again, that's
13 down on the table in the lobby downstairs. This
14 booklet is especially useful for those property owners
15 affected by this proposed project.

16 If after reviewing the information received
17 at this hearing and during the ten-day period, the
18 Special Committee finds necessity for the layout,
19 several things will happen. The Department will begin
20 to negotiate with owners -- again, the negotiation
21 procedure -- with owners of the property rights
22 necessary for the project.

23 Next, with approval to proceed with the

1 design of this project, the Department will be
2 preparing appraisals for each of the properties
3 affected by the proposed construction you see on the
4 plans. A staff appraiser from the Department or a fee
5 appraiser hired from private industry will contact
6 each affected owner to appraise their property. These
7 appraisals will reflect the fair market value of the
8 property rights needed for the new construction.

9 Prior to starting the negotiations,
10 appraisals are reviewed separately to see that all
11 appraisals are accurate and have taken into account
12 all applicable approaches to value. The value in the
13 reviewed appraisal will be the offer of compensation
14 used by the Department as a basis for negotiations.

15 An agent of the Department will visit each
16 property owner and discuss each acquisition
17 separately. I urge owners at this time to ask
18 questions and bring up specific factors they feel
19 should be considered. If the property owner is
20 satisfied with the offer, deeds are prepared and
21 ownership is transferred to the State. If the owner
22 is not satisfied with the offer of just compensation,
23 the matter will be referred to the New Hampshire Board

1 of Tax and Land Appeals, where the owner will have the
2 opportunity to make a case for additional
3 compensation. It is important you understand that
4 this can be done with or without an attorney. Either
5 party can appeal the board's decision to the superior
6 court if they are dissatisfied with the board's
7 decision.

8 Anytime after this hearing or before the
9 design approval, all information in support of this
10 hearing is available at the Department's headquarters
11 in Concord for your inspection and copying. If
12 needed, there is relocation assistance available and a
13 right-of-way agent will be assigned to the project as
14 necessary.

15 That's all I have. Thank you, Jennifer.

16 MS. RECZEK: Okay. Thank you, Steve. As
17 noted, following this hearing a transcript will be
18 prepared that will include all testimony that is heard
19 tonight, as well as any written statements that are
20 received within the ten-day comment period, and this
21 will be posted on the project website.

22 We will also be posting the plans from this
23 evening, so please check back on the website for links

1 to other project documents as we continue and the
2 project develops.

3 If support is found for this proposal and the
4 Special Committee finds in favor of the layout, then
5 we will complete the environmental approvals that Ron
6 spoke of and move forward with the final design. The
7 final design includes development of the detailed
8 contract plans, the acquisition of property as needed,
9 the environmental permitting, and then putting the
10 whole package together for contractors to bid on.

11 In addition, the Department has initiated
12 discussions with the Town of Merrimack to enter into a
13 municipal agreement for this project. The agreement
14 is required for the Department to design and construct
15 the improvements at the Craftsman Lane and Boston Post
16 Road intersection since these are town-owned roads.
17 It is also needed to outline the maintenance
18 requirements for the new and reconstructed sidewalks
19 along 101A.

20 So we are hopeful that if all goes well the
21 contract will be ready to advertise in the fall of
22 2020, approximately two years from now. This will
23 allow for construction in the summer of 2021 and 2022.

1 As Dave mentioned, we are planning on the two
2 construction seasons to allow for the existing traffic
3 configuration to be maintained throughout the
4 construction process.

5 The preliminary cost for construction right
6 now stands at about 4.1 million. We're still early in
7 the design, so there could be changes based on the
8 conditions that we find as final design progresses.
9 The funding is coming from 80 percent federal funds,
10 20 percent state funds in the form of turnpike toll
11 credits. We do not anticipate that any town funds are
12 required for this project.

13 Councilor Wheeler, this concludes the
14 Department's formal presentation for the widening of
15 New Hampshire 101A and improvements to the
16 intersection of Craftsman Lane and Boston Post Road.
17 I'd like to thank all of you this evening for
18 attending.

19 At this time I respectfully ask the Special
20 Commission -- the Special Committee to find in favor
21 of the necessity for the layout of the project as
22 presented here this evening. Thank you.

23 MR. WHEELER: Thank you, Jennifer. So this

1 begins the public input portion of our public hearing.
2 I have three speakers that are signed up, and if
3 someone else decides they want to speak after these
4 three, let me know or sign up on the table, or they
5 can get a green card over here, I think, on the table.

6 So with that, we'll call on Bill Boyd. If
7 you could -- just a reminder to state your name and
8 spell your name for our transcriber, please.

9 MR. BOYD: Thank you, Mr. -- Councilor
10 Wheeler, and through you to the membership, to Council
11 Kenney and Council Prescott.

12 My name is Bill Boyd, B-o-y-d. I live at
13 139 Joppa Road in Merrimack, and I'm a public official
14 here in Merrimack. I serve on the town council. So
15 I'm very happy that you folks are here tonight. I
16 want to thank the DOT and the consultants for their
17 presentation tonight.

18 I don't necessarily disagree with what's
19 being proposed. My objection is -- not an objection,
20 just a concern twofold. Number one, the sidewalk on
21 the southbound side of Route 101A I really have a lot
22 of concern, for the simple fact that A, the town's
23 going to assume responsibility for this particular

1 sidewalk and it's difficult to assume responsibility
2 for, in my impression, strictly anecdotal; that you
3 don't have pedestrian traffic to begin with over in
4 that general vicinity. The employees of PC
5 Connection, people that use the church, generally they
6 go out from the building to their car and they're
7 leaving.

8 The more logical place would be to utilize
9 the sidewalks that are on the north side of 101A and
10 strengthen the crosswalks at 101A and Boston Post Road
11 and further strengthen the crosswalks at 101A and
12 Continental Boulevard.

13 Directing pedestrian traffic onto the
14 northbound side -- the northerly side sidewalk on the
15 westbound sidewalk of 101A makes a lot more logical
16 sense for the simple fact that you have neighborhoods
17 on the north side of that road, you have neighborhoods
18 that access this area by Naticook Road, you have
19 people on Amherst and Boston Post Road that access
20 101A, and you have people on Seaverns Bridge Road.

21 So to me it would be logical to strengthen
22 the sidewalk on the northbound side, if anything, to
23 accommodate the myriad of neighborhoods that exist

1 both in Merrimack and Amherst.

2 Number two, the other concern that I have is
3 the proposed layout for Craftsman Lane and Boston Post
4 Road. If you're already going to be improving and
5 trying to calm that particular area, it almost
6 behooves that if the DOT really wants to install
7 sidewalks, that makes more sense to put sidewalks
8 there connecting with Craftsman Lane so people can
9 walk down the road to Joey's Diner, as opposed to
10 having no sidewalks there and using the sidewalks that
11 exist there now and -- I'm not going to say fend for
12 your life, but, you know, it creates an interesting
13 situation if you do have pedestrians in that area that
14 are trying to negotiate that particular part of Boston
15 Post Road and Craftsman Lane.

16 Lastly, I would also ask them to consider
17 putting sidewalks along Continental Boulevard, on the
18 westerly side of Continental Boulevard up to Naticook
19 Road, to accommodate that particular neighborhood.
20 But from where I sit -- you know, if I'm using a
21 sidewalk and I'm at PC Connection, there's no place
22 for me to go westbound. If I have to go to
23 Frederick's Pastries, if I have to go to Wal-Mart, I'm

1 getting in my car and I'm going there. I'm not
2 walking there. But if I have to go to Target, if I
3 want to go over to Texas Roadhouse, I can easily
4 access the sidewalk right there and walk right down
5 there.

6 To me it's -- I'd rather see a stronger
7 commitment to a bike lane or improved bike passage
8 along that particular section of 101A than the
9 expansion of sidewalks on the southerly side of 101A.

10 MR. WHEELER: Thank you.

11 MR. BOYD: Thank you very much.

12 MR. WHEELER: Any questions for Bill from the
13 Special Committee members? No, we're good. All
14 right. Thank you, sir.

15 MR. BOYD: Thank you very much for allowing
16 me to speak.

17 MR. WHEELER: Thank you. And John from
18 Hinckley, Allen, please.

19 MR. SOKUL: I'm good for now, but thank you
20 very much.

21 MR. WHEELER: You're good for now? Okay.
22 And Bob Pratt?

23 MR. PRATT: Good evening. I'm Bob Pratt,

1 Robert Pratt, P-r-a-t-t. And I represent the
2 interests of Connection, PC Connection, and the
3 owners. And if I could just with a pointer, just for
4 the sake of illustrating the areas that are affected
5 by us.

6 We own 730, 732, which is not illustrated
7 here, which is the former theater that is at Post Road
8 Plaza, and we also own a different parcel, but it's
9 part of the organization 736 Milford Road, which was
10 the former New England Apple Pie.

11 So as you can see, we own a pretty good chunk
12 of the frontage that's affected by that project. And
13 we'd like to say that, you know, overall we don't
14 necessarily have any objection to the project; we have
15 an objection to the design of the project, the way
16 it's presented now. We have met with the design team.
17 We came to the -- I was representing the interest of
18 the owners at the August meeting, and we expressed our
19 concern about a number of things.

20 We are concerned about the slope
21 configuration, which is on the south side of the
22 highway, the impact of the extension of the third lane
23 and the sidewalk will have on the top of that slope,

1 and then the impact that the stormwater management
2 system will have at the base of the slope.

3 Right now you're at -- in most of those
4 areas, I think the worst conditioning you've got is
5 probably about a 3:1 slope, might be getting into a
6 2:1 slope in some areas. But as we get into this
7 design that's been presented to us to date in its
8 current format, it looks like a good portion of that
9 is now going to be a 2:1 slope or greater depending
10 upon how the design configuration of the stormwater
11 management does play at the toe of that slope.

12 We have some concerns also about the traffic
13 count that's on the -- on that segment of the
14 development and whether or not the actual traffic
15 count in the studies took into account not just the
16 entire corridor improvement, but if they took into
17 account just the impact in this area right here.

18 Right now what we see is we see a
19 considerable amount of traffic, and it certainly
20 warrants expansion in the easterly bound lanes there,
21 but we're concerned that without that traffic in the
22 immediate sense having a place to go as it goes
23 easterly before the rest of the corridor is fully

1 developed, that we have the potential of creating
2 stacking lanes that become a larger parking lot in
3 that area.

4 And our concern with that is emergency
5 vehicles. And what we've had a chance to take a look
6 at, and we discussed it amongst the design team also,
7 is that, you know, to our knowledge Merrimack fire
8 trucks have a signalization system on them that
9 actually releases the green light and gets the traffic
10 flowing. Nearly none of the other areas, any of the
11 other -- the towns have any sort of a signalization
12 technology incorporated within their emergency
13 vehicles.

14 We found a number of cases currently where
15 traffic has taken a turn through our parking lot,
16 emergency vehicles actually get beyond this section.
17 And what we're doing now is we're creating that third
18 lane and creating a stacking lane there. As the
19 lights turn red, yes, it will stack up a number of
20 more cars than what you have right now. It will move
21 that traffic west to easterly quickly until it gets to
22 a point where there's no third lane, and that's just a
23 short ways down into Nashua.

1 So I'm concerned that there's going to be
2 some backup there or certainly the potential for it
3 and we ask that that be taken -- a closer look be
4 given to that.

5 We also asked about some of the guardrail
6 systems, because some of the earlier drawings didn't
7 have guardrails. It was explained to us that as we're
8 approaching the 2:1 slope, there's a requirement for
9 guardrails. There's going to be an incorporation of
10 guardrails along the southern side of the sidewalk.
11 So that's great, but that's one more element now that
12 creates a steeper slope as we develop that.

13 That area right now is mowed weekly. It's
14 got an irrigation system in it. Very nice to look at.
15 Very well groomed. That's not going to be the case.
16 We won't have the ability to groom that with a steeper
17 slope. We're not going to have the ability of making
18 that appearance to be a natural appearance and making
19 it to be a pleasant experience when we've got the
20 stormwater management along the toe of that slope.

21 We have talked with the design team. We met
22 collectively at our office to take a look at the
23 possibility of some options. We expressed our concern

1 about the placement of the stormwater management, the
2 style of it, whether it can be relocated on the north
3 side.

4 Unfortunately, the most recent letter that we
5 got from the State was that this was not cost
6 effective; that this was not the most efficient
7 approach. We feel as though that there's a
8 distinction between cost efficiency and quality in
9 design, and we feel as though that we're lacking a
10 little bit on the quality of design, and we would like
11 that to continue.

12 So the bottom line, we're not satisfied with
13 the response that we received from the State, and we'd
14 like that exploration to continue to a better system.
15 We don't think that we have it there now. And we feel
16 as though as this design develops and there's no
17 longer an opportunity for public input, there could be
18 some stumbling blocks when you go from a
19 two-dimensional concept to a three-dimensional design
20 and how that stormwater management is going to affect
21 the slope and our parking lot.

22 We're also concerned about the efficiency of
23 the stormwater management system, because everything

1 looks great in October when the water is flowing
2 freely, there's no problems whatsoever. We've
3 illustrated to the design team what happens in January
4 and February when that area has 15, 20 feet of snow
5 built up there for parking lot removal and you run
6 into a stormwater retention area now that's frozen.
7 It's blocked. You can't get that flow there. You
8 can't get the flow there to get it to be filtered to
9 go into the pond that's located just to the east side
10 of our property.

11 So there's some concerns there we feel as
12 though it has to be vetted out. We're far from
13 satisfied yet. Our concerns have not been met.

14 We're concerned about the construction
15 easement that also takes place along with the
16 construction easement -- along with the stormwater
17 management. To give you a sense of that, that whole
18 area that we're talking about, design, which is right
19 along through here, our building is about 900 feet
20 long from one end to the other.

21 Just to give you a sense of dimension, we're
22 looking at that stormwater management that starts well
23 to the east of that and goes nearly the full length of

1 that building. We're not talking about a small layer;
2 we're probably talking about an impact on 10 percent
3 of our parking just during the construction easement.

4 Quite frankly, we don't have those parking --
5 the additional parking available for that to have a
6 10 percent reduction in that. So there has to be some
7 consideration as far as the construction to be able to
8 keep us operational.

9 Jennifer mentioned our concern about ledge
10 removal. We've gone through a considerable amount of
11 pain when we had the Home Depot being developed and
12 that was a lot of open blasting. And the impact of
13 the blast there was actually impacting our data center.
14 We worked with Maine Drilling & Blasting when that was
15 taking place, and they worked with us. They were very
16 helpful. They worked on redesigning the blast.

17 So instead of a great big pow, you ended up
18 with pow, pow, pow, you have a series of blasts. And
19 they were able to get indications on the seismic
20 system they put in. They put in seismographs
21 throughout construction. They were both on our data
22 center floor, around the perimeter of the building and
23 around the perimeter of the property so that they

1 could perform a blast, they could evaluate it and
2 determine what needed to be adjusted to get it to an
3 operational -- so that we could function properly with
4 that.

5 Now we're moving to within the closest spot.
6 Let's say we're moving within 200 feet on the westerly
7 end of our building, to our data center, probably
8 about 1200 feet when you go to the easterly end of
9 that. There are ledge outcroppings there now. When
10 you take borings and you do the test borings, you're
11 going to get indications along the pattern of the
12 boring what the depth the ledge is at. That doesn't
13 mean that that's the profile that you're going to
14 encounter there.

15 You can see the ledge on our properties are
16 exposed, forms of the ledge, as you go along the edge
17 of our parking lot now. They look like boulders. I
18 assure you they are part of the ledge profile there.

19 We don't know what you're going to run into
20 working along the edge of that, because our
21 recollection of the work along 101 (sic) was that you
22 ended up with blasting at 101 and you went -- you went
23 to what they call an overblast condition in which you

1 go down to get all the utilities and anything
2 incorporated within the removal site. And there's a
3 good chance that a number of that debris, the
4 boulders, the wreckage from that, the blast, was
5 pushed onto that slope. So where you may not get many
6 solid ledge all the way down, you will encounter large
7 boulders or ledge outcroppings along that area.

8 We can respect that there will be some of
9 that that can be done either by mechanical removal or
10 by trench blasting. Either one still causes, creates
11 a seismic event, if you will. In order to break the
12 rock, you have to have some impact on it. Whether
13 that's by blasting or by mechanical means, you'll
14 still see the same impact, otherwise, the rock
15 wouldn't break. So we're very concerned about that.

16 We also have primary and secondary
17 telecommunications lines that come in that run right
18 across this area, right near the parking lot. Great
19 care has to be taken to make sure that we stay in
20 business, because we are at a few dollars short of
21 \$3 billion in revenue per year. All of that business
22 from all of our sites across the country, through our
23 distribution center in Wilmington, Ohio, all this

1 processes through that data center. If that goes
2 down, we're out of business. So we're very concerned
3 about protecting that and the manner in which it's
4 taken care of.

5 There's also a septic line that runs, oh,
6 from a pip right about in this area here that runs up
7 along, and there's some disagreement on where that
8 line goes. We have one set of plans that we have
9 which shows a four-inch sewer pressure line that runs,
10 let's say, west to easterly and ties in down by
11 Friendly's. That's going to have to be located and
12 chased, because the State has a different location on
13 that. And quite frankly, we're not in dispute about
14 it. We just don't know. That precedes us, and we are
15 very concerned about that. That, again, puts us out
16 of business. So as you can see, collectively we've
17 got a lot of concerns on this. It hasn't been
18 addressed to our satisfaction.

19 I would like to introduce John Sokul. John
20 will be working with us and helping us to represent
21 our legal needs. And I'd like to ask that any
22 communications we continue to have, that John is also
23 copied on that, and we'll see that you have his

1 address before the -- before we leave tonight.

2 Contractor parking on 736, that's the first
3 that I've heard about that tonight. The people that I
4 represent also own that. Our plans for that building
5 have not been unified as of yet. We really don't want
6 to be constricted on what we can use that for because
7 we have contractor parking in that area. So I think
8 we've got to take a little bit closer look at that and
9 have some more serious discussions about that.

10 So we will put our thoughts together, and you
11 will get formal communication from us within the next
12 ten days. But I need to leave here, if there's one
13 thing I need you to understand is, we are not
14 satisfied with the design of this. We feel as though
15 there needs to be more effort, more collaboration,
16 more cooperation on this, and we need your help with
17 that and would appreciate it. Thank you.

18 MR. WHEELER: Thank you, Robert. John, would
19 you like to give us your presentation?

20 MR. SOKUL: I don't -- excuse me, I don't
21 have a presentation.

22 MR. WHEELER: Okay.

23 MR. SOKUL: I'm just here to represent PC

1 Connections' interest. I did have one question
2 about --

3 MR. WHEELER: Give me your name and spelling,
4 please.

5 MR. SOKUL: John Sokul, S-o-k-u-l.

6 MR. WHEELER: Okay.

7 MR. SOKUL: Hinckley, Allen, H-i-n-c-k-l-e-y,
8 A-l-l-e-n.

9 MR. WHEELER: Thank you, John.

10 MR. SOKUL: I did have one question about the
11 stormwater treatment. When you're treating the
12 impervious, is it the entire impervious in the
13 corridor or is it just the new impervious that's being
14 created by the project?

15 MS. RECZEK: In this area with the MS4, it is
16 a hundred percent of the impervious area that the
17 project is touching.

18 MR. SOKUL: Thank you.

19 MR. WHEELER: All right. Thank you, John.

20 MR. PRATT: Excuse me, can I say something
21 else?

22 MR. WHEELER: Sure. Go ahead. Say your name
23 again for the record so we know who's speaking when we

1 do the transcript, please.

2 MR. PRATT: Bob Pratt, P-r-a-t-t. Jennifer,
3 I'm curious about that. You said that it's the entire
4 impervious area, but I notice that on the north side
5 of 101A that you're utilizing, or at least
6 incorporating the piping for the existing structures,
7 at least it looks like that on the concept drawings,
8 that those -- that that water -- the stormwater that
9 goes into those structures goes directly into a
10 42-inch line which goes directly into the fire pond,
11 irrigation pond, whichever you would like to refer to
12 it as, which is on the east side of it.

13 And the reason I'm making that point is
14 because the use of that existing system, there is no
15 pretreatment whatsoever there. If there's any
16 treatment at all, it's restricted to the sumps within
17 the catch basins. You're just picking up particular
18 matter. You're not picking up anything that has a
19 potential for contamination, petroleum products,
20 low-level BOCs, nitrates. You're not picking up
21 anything within that system.

22 So I'm curious, and I don't understand
23 enough, and I know that MS4 is new to all of us to

1 some degree, but I don't understand how we can take
2 one tactic for the north side of the road, which is
3 untouched, which you said that's going to be part of
4 this, and then take a different tactic for the south
5 side, which requires not only the sumps for the
6 initial treatment, but then pretreatment within the
7 bioswales. So I'm not quite getting that. I'm
8 wondering if you can clarify that.

9 And one thing that I didn't ask when I was up
10 before, can you show us what was changed on these
11 drawings since the last time we met in August? You
12 said that there had been some improvements on this,
13 some modifications. I understand there may have been
14 something on Craftsman Lane. I'm more interested in
15 the 101A itself. Can you let us know what there was
16 for a difference between what we saw in August and
17 what we're seeing now?

18 MR. WHEELER: Is this something the
19 Department can -- chooses to explain right now?

20 MS. RECZEK: I'm not sure that we're prepared
21 to answer all of those questions, but to clarify,
22 again, with the MS4, the pervious areas that we're
23 touching we need -- I'm sorry, the impervious areas

1 that we're touching we need to treat. So if we're not
2 touching it with construction, it's not within the
3 treatment limits that are required.

4 MR. PRATT: So for clarification, it's not
5 the entire width, north to south width of 101A; what
6 you're addressing under the MS4 guidelines, the MS4
7 requirements, is strictly the widening of the travel
8 path, the sidewalk, if you elect to do that, and any
9 other disturbances that you've got with impervious
10 materials along that area?

11 MS. RECZEK: Generally whatever is shown in
12 yellow, so it would be the entire width of the
13 roadway.

14 MR. PRATT: But the entire width of the
15 roadway does not go into pretreatment.

16 MR. WHEELER: This is going to take a little
17 more discussion and maps and -- and a longer
18 discussion, but I would encourage both parties to have
19 that discussion --

20 MR. PRATT: Thank you.

21 MR. WHEELER: -- after the hearing.

22 MR. PRATT: Thank you.

23 MR. WHEELER: Is there anyone else who would

1 like to give us their input on this project? Bill,
2 you want to have a further comment?

3 MR. BOYD: If I could, Mr. Chairman?

4 MR. WHEELER: Yes, sir.

5 MR. BOYD: Thank you.

6 MR. WHEELER: Say your name again for the
7 record, please, Bill.

8 MR. BOYD: Again, for the record, Bill Boyd,
9 B-o-y-d, 139 Joppa Road in Merrimack, Merrimack town
10 council. Is it okay to ask Jennifer a question
11 through you?

12 MR. WHEELER: You can ask her a question and
13 if she has a simple answer, she'll answer, if not, we
14 can have a further discussion.

15 MR. BOYD: Perfect. Who's going to be --
16 under the MS4 permit, who will be responsible for
17 treating the water?

18 MS. RECZEK: I'm not sure I -- in terms of
19 the design?

20 MR. BOYD: Is it going to be the Town of
21 Merrimack that will be assuming the responsibility of
22 treating that water or will it be the State of
23 New Hampshire?

1 MS. RECZEK: For the maintenance of those
2 BMPs?

3 MR. BOYD: No, I know the BMPs will be your
4 responsibility. I'm talking about the actual water
5 treatment like the filtration.

6 MS. RECZEK: So that's done in the swales. I
7 guess maybe that might be a better answer --

8 MR. BOYD: Second question: The Town of
9 Merrimack has a comprehensive blasting ordinance that
10 was put into effect back in 2010 to accommodate the
11 growth over at the Merrimack Premium Outlets. Does
12 the State's blasting requirements supersede the town's
13 blasting requirements or do they compliment each
14 other?

15 MS. RECZEK: I don't have the expertise on
16 the blasting. We do have people within the Department
17 that deal with that on a regular basis, so we'll have
18 to look into that.

19 MR. WHEELER: We'll get you an answer, Bill.

20 MR. BOYD: I appreciate that, Mr. Chairman.
21 Thank you.

22 MR. WHEELER: Yeah. Is there anyone else who
23 would like to give their public input? Does the

1 Department have anything further?

2 MS. RECZEK: We do not.

3 MR. WHEELER: Okay, then we will close this
4 hearing.

5 (At 7:58 p.m. the hearing concluded.)

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I, Michele M. Allison, a Licensed Court Reporter, Registered Professional Reporter and Certified Realtime Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenotype notes of the hearing taken at the place and on the date hereinbefore set forth.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties in the action to which this hearing was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

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Michele M. Allison, LCR, RPR, CRR
N.H. Licensed Court Reporter
No. 93 (RSA 310-A)

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