

REPORT OF THE COMMISSIONER

ROCHESTER NHS-027-1 (36) 10620D

SPAULDING TURNPIKE NH RTE 16

PUBLIC HEARING

June 13, 2000

Rochester Recreation Center

7:00 P.M.

AS A RESULT OF THE PUBLIC HEARING ON THE ABOVE REFERENCED PROJECT, THE FOLLOWING LAYOUT IS ESTABLISHED AS SHOWN ON THE PROJECT HEARING PLANS:

Beginning at a point in the existing traveled way of the Spaulding Turnpike (NH Route 16) approximately six-tenths (0.6) of a mile south of its interchange (Exit 12) with NH Route 125 and continuing northerly approximately five (5) miles to a point in the existing traveled way of the Spaulding Turnpike approximately one and two-tenths (1.2) miles north of its interchange (Exit 16) with Chestnut Hill Road Connector in the City of Rochester.

The project involves the reconstruction and reconfiguration of the interchanges along the Spaulding Turnpike at Exit 12 (NH Route 125), Exit 13 (US Route 202), Exit 14 (Ten Rod Road), Exit 15 (NH Route 11) and Exit 16 (Chestnut Hill Road Connector) and connecting streets. NH Route 125 reconstruction begins at its intersection with Main Street (Village of Gonic) and continues easterly approximately seven-tenths (0.7) of a mile to a point in the NH Route 125 traveled way approximately four hundred (400) feet west of its intersection with Brock Street. US Route 202 reconstruction begins approximately three-tenths (0.3) of a mile west of its intersection with Florence Drive and runs easterly approximately six-tenths (0.6) of a mile to US Route 202 intersection with Brock Street and Woodlawn Avenue. Ten Rod Road reconstruction begins approximately two-tenths (0.2) of a mile west of its intersection with Industrial Drive and runs approximately four-tenths (0.4) of a mile to its intersection with Farmington Road. Farmington Road (NH Route 11) reconstruction begins approximately three-tenths (0.3) of a mile west of the Spaulding Turnpike overpass and continues easterly approximately nine-tenths (0.9) of a mile to the intersection with the Home Depot (formerly Rich's Plaza) intersection. Chestnut Hill Road Connector reconstruction begins approximately five hundred (500) feet west of the Spaulding Turnpike southbound ramp at Exit 16 and runs approximately two-tenths (0.2) of a mile easterly to a point in said traveled way.

The layout further includes an extension of Pine Lane (City Street) at Exit 13 for approximately two-tenths (0.2) of a mile on new location to form a new intersection with US Route 202 approximately eight hundred (800) feet west of the Spaulding Turnpike southbound ramps and the discontinuance of the existing Florence Drive intersection with US Route 202. The layout includes the reclassification of a four hundred (400) foot remnant of Ten Rod Road formed by the relocated section of Ten Rod Road to a City maintained street and the layout of approximately three-tenths (0.3) of a mile section of Industrial Way to form a new intersection with Ten Rod Road approximately eight hundred (800) feet west of the Spaulding Turnpike southbound on-ramp at Exit 14.

In addition, the layout includes the acquisition of former City Concrete property (Parcel 136) located off Chestnut Pond Road to mitigate wetland and floodplain impacts as may be required by the federal and state wetland permits.

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FURTHERMORE, AS A RESULT OF THE ABOVE REFERENCED PUBLIC HEARING, THE LIMITATION OF ACCESS ALONG THIS HIGHWAY CORRIDOR SHALL REMAIN AS ESTABLISHED IN UNDER ORIGINAL LAYOUTS FOR LS-1826(1), LS-1827(1), LS-1828(1), AND LS-1828(4) ALONG THE SPAULDING TURNPIKE WITHIN THE CITY OF ROCHESTER. THE FOLLOWING LIMITATION OF ACCESS IS ESTABLISHED AT PROPERTIES WHERE ALTERATIONS ARE REQUIRED BY THE LAYOUT:

NH RTE 16 – SPAULDING TURNPIKE

<u>NORMAN A. RAMSEY</u> (Parcel 30)	(NH RTE 16 STA. 50+00, LT.) Zero (0) points of access along NH Rte 16.
<u>NORMAN A. RAMSEY</u> (Parcel 30A)	(NH RTE 16 STA. 65+00, LT.) Zero (0) points of access along NH Rte 16.
<u>CITY OF ROCHESTER</u> (Parcel 31)	(NH RTE 16 STA. 80+00, LT.) Zero (0) points of access along NH Rte 16.
<u>NORMA J. SANDS</u> <u>ELIZABETH R. YORK</u> (Parcel 32)	(NH RTE 16 STA. 90+00, LT.) Zero (0) points of access along NH Rte 16.
<u>THE FLATLEY COMPANY</u> (Parcel 33)	(NH RTE 16 STA. 100+00, LT.) Zero (0) points of access along NH Rte 16. Access provided via US Rte 202 (Washington Street).
<u>PATRICIA C. KENDALL</u> (Parcel 94)	(NH RTE 16 STA. 105+00, RT.) Zero (0) points of access along NH Rte 16. Access provided via US Rte 202 (Washington Street).
<u>FHP REALTY ASSOCIATES OF NH</u> (Parcel 99)	(NH RTE 16 STA. 112+00, RT.) Zero (0) points of access along NH Rte 16. Access provided via US Rte 202 (Washington Street).
<u>ALAN R. & DENISE M. BROCK</u> (Parcel 44A)	(NH RTE 16 STA. 118+00, LT.) Zero (0) points of access along NH Rte 16. Access provided via Pine Lane.
<u>ALHPONSE S. OUDLETTE</u> <u>REVOCABLE LIVING TRUST</u> (Parcel 100)	(NH RTE 16 STA. 120+00, RT.) Zero (0) points of access along NH Rte 16. Access provided via Woodlawn Avenue.
<u>KEVIN GRONDIN</u> (Parcel 101)	(NH RTE 16 STA. 130+00, RT.) Zero (0) points of access along NH Rte 16. Access provided via Janet Street.
<u>MAURICE M. BROCK</u> (Parcel 109)	(NH RTE 16 STA. 160+00, RT.) Zero (0) points of access along NH Rte 16. Access provided via Ten Rod Road.
<u>ROGER & HEATHER ANN CLOITRE</u> (Parcel 51)	(NH RTE 16 STA. 162+00, LT.) Zero (0) points of access along NH Rte 16. Access provided via Industrial Way.
<u>CITY OF ROCHESTER</u> (Parcel 52)	(NH RTE 16 STA. 165+50, LT.) Zero (0) points of access along NH Rte 16. Access provided via Industrial Way.

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O. L. DEVELOPMENT (NH RTE 16 STA. 180+00, RT.)
(Parcel 122) Zero (0) points of access along NH Rte 16. Access provided via Farmington Road.

TRUE MEMORIAL BAPTIST CHURCH (NH RTE 16 STA. 180+00, LT.)
(Parcel 55) Zero (0) points of access along NH Rte 16. Access provided via Ten Rod Road.

PAUL R. BELCIN (NH RTE 16 STA. 184+00, LT.)
(Parcel 56) Zero (0) points of access along NH Rte 16. Access provided via Ten Rod Road.

STATE OF NEW HAMPSHIRE (NH RTE 16 STA. 198+00, LT.)
(Parcel 122) Zero (0) points of access along NH Rte 16.

LYDALL EASTERN, INC. (NH RTE 16 STA. 205+00, LT.)
TECHNICAL PAPERS DIVISION
(Parcel 64) Zero (0) points of access along NH Rte 16. Access provided via Lydall Way)

ESTATE OF URSULA H. PIKE (NH RTE 16 STA. 225+00, LT.)
BETTY ANN FROHOCK
LOUISE J. BROWN
GERTRUDE F. JACOBS
RUDY JAN WASHUK &
WILLIAM E. & KATHLEEN A. WASHUK
(Parcel 68) Zero (0) points of access along NH Rte 16. Access provided via Chestnut Hill Road.

VINCENT A. & DIANA L. CROUT-HAMEL (NH RTE 16 STA. 235+00, LT.)
(Parcel 69) Zero (0) points of access along NH Rte 16. Access provided via Elmo Lane (private way).

H. WILIAM & CAROL R. COLBATH (NH RTE 16 STA. 250+00, LT.)
(Parcel 72) Zero (0) points of access along NH Rte 16. Access provided via Elmo Lane (private way).

US RTE 202 (WASHINGTON STREET)

WALTER H. & BRENDA J. BARSTOW (US RTE 202 STA. 13+50, RT.)
(Parcel 38) Zero (0) points of access along NH Rte 202. Access provided via Florence Road.

JOHN M. & MARIE D. WILBUR (US RTE 202 STA. 15+00, RT.)
(Parcel 39) Zero (0) points of access along NH Rte 202. Access provided via Florence Road.

CITY OF ROCHESTER (US RTE 202 STA. 14+50, RT.)
(Florence Road) Zero (0) points of access along NH Rte 202. Florence Road to be dead-ended with access via extension of Pine Lane to US Rte 202.

TEN ROD ROAD

DAVDAN ASSOCIATES (TEN ROD ROAD STA. 1201+00, LT.)
(Parcel 125) Zero (0) points of access. Access provided via dead end section of Ten Rod Road.

WALTER G. & GAIL I. GADBOIS (TEN ROD ROAD STA. 1201+50, LT.)
(Parcel 127) Zero (0) points of access. Access provided via dead end section of Ten Rod Road.

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VOILA H. JOLIN
(Parcel 129)

(TEN ROD ROAD STA. 1202+50, LT.)

Zero (0) points of access. Access provided via dead end section of Ten Rod Road.

CITY OF ROCHESTER
(Industrial Way)

(TEN ROD ROAD STA. 1212+00, LT.)

Zero (0) points of access. Access provided via relocation of Industrial Way to Ten Rod Road.

GEORGE E. & ANN D. STEARNS
(Parcel 53)

(TEN ROD ROAD STA. 1215+00, LT.)

Zero (0) points of access. Access provided via dead end section of Ten Rod Road.

RESOLUTION OF ISSUES

The following are my decisions for resolutions of issues raised at the Public Hearing:

1) Hans Stoeckler, Robert Gustafson (Thompson Arms, Parcel 122) and Plant Manager Mike Haley expressed concerns during and after the hearing for the accuracy of hearing plans portraying the existing site conditions within the Thompson Arms property. Mr. Stoeckler and Mr. Haley stated in their written comments; “The false, erroneous and incomplete information would clearly prejudice Thompson’s interests” and the misinformation “was intended to avoid and abandon the use and application of good faith, reasonable, and proper engineering designs that would allow the expansion project to go forwards but, at the same time, without damaging Thompson’s manufacturing capability and property interests.”

The plan detail presented was obtained in 1990 by aerial photography. The information represents the corresponding of roadway and topographic conditions and driveway accesses. Certain detail information was updated by subsequent survey, as needed. The existing site conditions along the Thompson Arms property were field reviewed prior to the Public Hearing and, as determined by Department engineering staff, the internal site alterations (i.e.: expansion of industrial buildings) would not have been physically impacted by the recommended layout. At the time of the site review with the property owners, they agreed to provide to the Department existing ground information showing the current site conditions and building locations. Unfortunately, the owners failed to provide (and have not yet done so) this data for preparation of the project’s hearing plan.

Subsequent to the Public Hearing, the Department obtained new ground model data, overlaid this information, and concluded no alterations to the proposed layout would result given the updated site conditions. The Department will coordinate with the owners of Thompson Arms to ensure the accuracy of site conditions as approved by the City of Rochester for their businesses at this location. The allegation that a misrepresentation of site conditions will prejudice Thompson Arms property interest is unfounded. Final design plans will be based upon the updated survey data prior to the development of final Right-of-Way plans.

2) Hans Stoeckler, Robert Gustafson (Thompson Arms, Parcel 122) and Plant Manager Mike Haley expressed concern for the loss of property and existing parking along Farmington Road resulting from the highway widening along NH Route 11 and the Right-of Way acquisition. They further expressed concern for the Thompson Arms to expand the commercial/industrial use within the property to meet their facility’s future needs due to the loss of property and planned future parking. Mr. Stoeckler requested the following: (a) the construction of retaining walls along NH Route 11 (Farmington Road) so Thompson Arms would remain in compliance with the local zoning ordinances to maintain its present and future manufacturing and retail capacity; (b) the installation of a drainage system within the northwesterly section of their property to prevent flooding of the existing parking area due to storm-water and ice/snow runoff from the proposed expanded State highways; and (c) the construction of a retaining wall along the rear of the property to maintain the existing fire access way of which a portion is leased to Thompson within the State’s Limited Access Right-of-Way;

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The loss of parking and commercial property resulting from the project will be included as an element of Right-of-Way compensation in accordance with State and Federal laws. The Department will minimize impacts to existing parking where feasible. Requests for construction of retaining walls and/or special slope treatments along Farmington Road will be reviewed during final design. A retaining wall will be incorporated during final design if determined to result in less monetary damages than undertaking the standard slope treatments.

The Department recognizes the existing site elevations beyond the State Right-of-Way within the northern portion of the Thompson Arms property result in ponding of runoff within the gravel area. This pre-existing drainage condition is not solely attributed to highway drainage and runoff. The Department will install a closed drainage system along the Exit 15 northbound off-ramp to NH Route 11 and Farmington Road. This drainage system will divert pavement surface runoff away from the low basin where the Thompson Arms buildings exist. The storm drainage and runoff within the Thompson Arm's 13-acre property remains the responsibility of the owner. The Department will coordinate with any engineering consultant contracted by the property owner to determine if reasonable, cost-effective measures can be undertaken to address the drainage problem caused by the general low elevations of the existing site.

The Department recognizes the importance of this access way for fire protection as well as a private access for the site's manufacturing operation along the rear of the property. The Department will evaluate what reasonable, cost-effective means are available to maintain the lease agreement for the fire access way. Should the ultimate solution involve additional costs beyond the expense of the normal highway slope treatments, the burden of the added costs will be the responsibility of the property owner and will be addressed through final Right-of-Way negotiations.

3) Dick Poulin (Poulin Auto Country) expressed concern for the Right-of-Way acquisition along the frontage of the Chrysler-Plymouth-Jeep Dealership (Parcel 115), temporary construction easements and the permanent drainage easements along the rear of the property. He indicated this would result in the loss of commercial display area for the automobiles, require adjusting the business's driveways along Farmington Road and create an unacceptable internal traffic flow within the property and in front of the present showroom. Mr. Poulin requested the Department work directly with Poulin Auto Country to establish an acceptable driveway access for the business and to minimize the loss of commercial property. Mr. Poulin pointed out the design plans do not show the location of the Public Service Right-of-Way across the Chrysler-Plymouth-Jeep Dealership (Parcel 115) property and requested it be considered. Mr. Poulin expressed concern for further impacts to his property caused by the City's envisioned connector road running between Wakefield Street (NH Route 108) and Farmington Road (NH Route 11), which would intersect opposite the new Ten Rod Road intersection on Farmington Road and consequently through the dealership's showroom.

The loss of parking and commercial property resulting from the project will be addressed as an element of Right-of-Way compensation in accordance with State and Federal laws. The temporary construction easement will be required only during the construction phase. The Department will coordinate directly with Poulin Auto Country to attempt to establish driveway configurations that are mutually acceptable. The existing Public Service easement will be located and shown on the final design and Right-of-Way acquisition plans.

Addressing the location of a future City Street linking Wakefield Street (NH Route 108) and Farmington Road (NH Rte 11) is beyond the scope of this project.

4) Dick Poulin (Poulin Auto Country) expressed concern for the impacts to the Chevrolet-Oldsmobile Dealership (Parcel 118) resulting from the temporary construction easements along the frontage of the commercial property. Mr. Poulin questioned the need for the acquisition of a permanent drainage easement between Parcel 118 and the Furniture Off-Price Outlet (Parcel 117) when an existing drainage easement is located between Parcel 118 and the Macca property (Parcel 120). Mr. Poulin explained Poulin Auto Country is currently purchasing the adjacent Furniture Off-Price Outlet (Parcel 117) and intends to apply to the Department of Environmental

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Services (NHDES) to incorporate this property into the Brownfield program due to the former landfill location. He inquired as to what affect the project might have on this designation.

Temporary construction easements will be required only during the construction phase and on an interim basis only. The loss of parking and commercial property resulting from the temporary easements will be addressed as an element of Right-of-Way compensation in accordance with State and Federal laws. Drainage easements will be refined during final design. Any approved monitoring systems in place for the Brownfield program or any other federal or state programs will be identified during final design. The Department will evaluate project impacts during final design and coordinate with the property owner and NHDES. Any pre-existing conditions or requirements imposed upon the property owners by permits issued through NHDES programs remain the responsibility of the owners. Should monitoring wells be impacted by the road widening, the replacement of the wells will be addressed through the Right-of Way process.

5) William Albee (Granite Ford, Parcel 116) requested assurance from the Department that the highway project will not affect the ongoing ground water management and current permit conditions for his property in conjunction with the Brownfield program through NH Department of Environmental Services (NHDES).

The monitoring programs required by NHDES for properties developed on the former Rochester landfill site will continue to be the responsibility of the property owner and/or permit applicants. Any approved monitoring systems in place will be identified during final design. The Department will evaluate project impacts during final design and coordinate with the property owner and NHDES. Any monitoring wells impacted within the limits of the Farmington Road expansion will be addressed through the Right-of-Way process.

6) William Albee (Granite Ford, Parcel 116) inquired whether Granite Ford would be required to submit a driveway application to District Highway Maintenance Office for the reconstruction of the driveway accesses at the dealership property on Farmington Road.

No driveway permit application will be required for improvements to existing accesses undertaken by the project. Any expansion of existing accesses beyond that identified by the project and/or new access points will require an application in accordance to the Department's Administrative Rules.

7) Scott Brock (Brock's Plywood Sales, Parcel 109, 109A & 109B) requested the construction of a retaining wall along the northbound off-ramp at Exit 14 to Ten Rod Road at Exit 14 to minimize impacts and loss of usable commercial property. He further requested two driveway entrances to be provided for Brock's Plywood Sales along Farmington Road (NH Route 11) and the former section of Ten Rod Road, and requested consideration of an exchange for needed Right-of-Way along the Spaulding Turnpike for land along the former Ten Rod Road.

Request for construction of retaining walls along the Exit 14 northbound off-ramp to Ten Rod Road will be reviewed during final design. A retaining wall will be incorporated if an economic analysis determines the costs for the retaining wall construction will result in less or equal monetary property damages compared to using standard highway slope treatments.

The property owner(s) of Brock Plywood Sales may pursue modified locations and/or additional access through the City's driveway permit process for driveways outside the limited access Right-of-Way. Existing driveways will be perpetuated at current locations.

The request for land exchange may have merit and will be reviewed during the final design phase and addressed thought the Department's Right-of-Way acquisition process.

8) Attorney Paul H. Pike, representing Ashland Electric Products, Inc., expressed concern for the impacts to the property caused by the Exit 14 southbound on-ramp reconstruction at Ten Rod Road and proposed Right-of-Way acquisition. He noted the loss of property along the rear of the Ashland Electric Product property would compromise the company's ability to expand the

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business as planned while meeting the City setback criteria. The loss of property along the rear would also create hardships to maintain full vehicular access to the rear overhead doors for the current industrial structure. Attorney Pike requested redesign and/or realignment of the southbound on ramp to significantly lessen the impacts to the property or they will need to seek agreement with the City of Rochester to waive the required setbacks for future expansion.

Request for redesign of the southbound on ramp at Ten Rod Road is granted. The Department has re-evaluated the impacts to Ashland Electric Products, Inc. and has modified the ramp layout to allow a one hundred (100) foot building expansion with a twenty-five (25) foot property setback. All impacts to the property will be appraised through the Department's Right-of-Way acquisition process and compensation will be in accordance with State and Federal law.

9) Heather Cloitre (Ashland Electric Products, Parcel 51), Michael Haley (Plant Engineer for K. W. Thompson Arms Co.) and Robert Gustafson (President of K. W. Thompson Arms Co., Parcel 122) expressed concern for the increase in traffic along Farmington Road resulting from the proposed Home Depot and supermarket complex located at the former Riche's Plaza. Ms. Cloitre requested the improvements incorporate a northbound on-ramp at the Ten Rod Road interchange (Exit 14) to alleviate the traffic congestion. Mr. Haley and Mr. Gustafson requested proper and reasonable public safety traffic controls be incorporated at the proposed expansion of the Spaulding Turnpike and Route 11 at or near Thompson's property to alleviate traffic congestion and prevent accidents caused by the increase in traffic.

Traffic impacts associated with the Home Depot development on Farmington Road will be addressed through the Department's "Policy for Permitting of Driveways and Other Accesses to the State Highway System." Development within the urban compact area is the responsibility of the City of Rochester through their permit process. The Department will construct a five lane roadway along Farmington Road between Ten Rod Road and the Spaulding Turnpike interchange at Exit 15 to accommodate future traffic needs and to maintain lane continuity with offsite improvements required of Home Depot for mitigating its development traffic as established through the Department driveway permit process.

Request for construction of a northbound on ramp at Exit 14 (Ten Rod Road) is denied for safety and environmental reasons. Insufficient spacing between Exit 14 and Exit 15 prohibits a safe ramp configuration. All traffic improvements will be accommodated by the proposed improvements at the Exit 14 (Ten Rod Road) and Exit 15 (NH Route 11-Farmington Road) interchanges and along Farmington Road.

Request for proper and reasonable traffic controls at the Spaulding Turnpike and NH Route 11 is granted. Traffic signals will be installed at the Spaulding Turnpike ramp intersections with NH Route 11 and Ten Rod Road intersection with NH Route 11. Proper signal and lane use signage will be incorporated in accordance with the Manual of Uniform Traffic Control Devices. The combination of the traffic signalization along NH Route 11 at the Exit 15 northbound ramps and Ten Rod Road with the expansion of Farmington Road to a five lane typical (including a center turn lane) will provide reasonable gaps in the traffic flows to enter and exit commercial driveways along this stretch of Farmington Road.

10) Dick Poulin (Poulin Auto Country, Parcels 115 & 118), Heather Ann Cloitre (Ashland Electric Products, Parcel 51) and William Albee (Granite Ford, Parcel 116) expressed concern for customer, employee and truck access during the reconstruction of Farmington Road. Mr. Poulin noted that the construction along Farmington Road would affect customer access to his property and the dealership's ability to keep the displayed vehicles neatly ordered and clean. Mr. Poulin requested consideration of daily construction duration, dust and construction noise controls.

Dust control will be maintained in accordance with the Department's construction specifications. Some temporary construction noise will result from the construction activities but will be limited to reasonable working hours. During final design, traffic control measures and construction phasing will be developed to minimize disruptions caused by construction. A Traffic Control Plan (TCP) will be included in each highway contract. Certain construction operations may necessitate evening and/or nighttime

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construction. These limitations will be identified during final design and be incorporated in the TCP.

Furthermore, an on-site Contract Administrator from the Department's Bureau of Construction will be assigned to the project. The Contract Administrator will coordinate construction activities with the contractor, address construction issues with the property owners (and area business owners) and ensure compliance with the Department's contract specifications. The Contract Administrator's field office will be located within the project area and will be accessible by phone.

- 11) Mark Ellis requested the construction of an interchange at Walnut Street to the Spaulding Turnpike.

The request for an interchange at Walnut Street is denied for safety and environmental reasons. The inadequate spacing of the interchanges along the Spaulding Turnpike would compromise safety and result in unwarranted environmental impacts to natural and cultural resources.

- 12) Edward Lawrence expressed his support for the improvements and requested consideration of the following safety treatments: reduce the speed limits along the Turnpike, widen the breakdown shoulders along both sides of the travelway (including median), improve the ramp geometric alignments, install a continuous median barrier, provide guardrail along steepened embankments and shallow declines with trees, and to incorporate rough surface treatments along the shoulders.

The posted speed along the Spaulding Turnpike will be consistent with the design of the facility. Appropriate shoulders will be provided along the median and the outside lane. Ramp geometry at all the interchanges will be designed to meet or exceed the design criteria for a modern limited access facility. A median guardrail meeting current standards will be provided. Guardrail will be installed where warranted as determined during the final design process. Rumble strips (rough shoulder texturing) along the Spaulding Turnpike will be considered where appropriate.

- 13) Jim Giarrusso from Bowler Engineering requested on behalf of Getty Petroleum (Parcel 126) to maintain access to Farmington Road and the former section of Ten Rod Road opposite Brocks Plywood Sales.

Maintaining current accesses along Farmington Road and former section of the existing Ten Rod Road is granted.

- 14) Walter Gadbois (Parcel 127) requested early acquisition for property located at 5 Ten Rod Road.

The request is granted. Compensation and relocation assistance will be provided in accordance with State and Federal law.

- 15) David and Denise Lepine (Parcel 128) requested early acquisition for property located at 7 Ten Rod Road.

The request is granted. Compensation and relocation assistance will be provided in accordance with State and Federal law.

- 16) Bruce Jolin, on behalf of Viola Jolin (Parcel 129), requested early acquisition for property located at 9 Ten Rod Road.

The request is granted. Compensation and relocation assistance will be provided in accordance with State and Federal law.

- 17) Attorney Arthur Hoover, representing Davdan Associates (Parcel 124) requested early acquisition for Pizza Hut property located on Farmington Road.

The request is granted. Compensation and relocation assistance will be provided in accordance with State and Federal law.

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18) Murray Gray (Parcel 104) expressed concern for the heavy traffic flow along Walnut Street. Mr. Gray felt the expansion of the Spaulding Turnpike toward his property would increase traffic noise and stormwater runoff into his residential property. Attorney Donald Whittum, representing Murray and Theresa Gray, indicated the relocation of the Spaulding Turnpike closer to the Gray residence would result in substantial impacts in terms of noise, traffic, pollution, and trash. He further expressed his clients' concerns for the effects of the blasting at Exit 12 on their home and the procession of vehicles during construction adjacent to their property. Attorney Whittum noted the property owners would also be impacted by the local City approval for the construction of Home Depot at the end of Twombly Street that would substantially increase the local traffic flows along both Walnut and Twombly Streets as well as the continued nuisance to the homeowners due to City and State maintenance vehicles turning around at Twombly Street (Urban maintenance compact limits for NH Route 202A). Attorney Whittum requested on behalf of Mr. & Mrs. Gray for the Department to acquire their property due to the aforementioned reasons and recommended the property be used as a formal turnaround for State and City maintenance vehicles. Should total acquisition of the property not be approved, Attorney Whittum requested a substantial noise-proof, pollution-proof and trash-proof barrier be provided.

Request for total acquisition is granted. Compensation and relocation assistance will be provided in accordance with State and Federal law. Early acquisition will be provided should the property owner request in writing to the Department.

19) Everett Dupont (Parcel 41), Kent and Jan Melchior (6 Pine Lane) and Dan and Pam Gelinas (7 Pine Lane) expressed concern for the location of the Pine Lane extension intersection with US Route 202 regarding the limited sight distances and high traveling speeds of traffic along this section of the State highway. They requested that Pine Lane not be extended, but rather Florence Drive be relocated along the north side of existing US Route 202 adjacent to the existing Right-of-Way to form a new intersection approximately 500 feet west of its current location and that traffic signals be installed for safety. Walter Barstow (Parcel 38) and Everett Dupont (Parcel 41) requested the discontinued section of Florence Drive at US Route 202 be curbed to prevent vehicles from stopping at this location. John Wilbur requested the speed limit along US Route 202 be lowered.

Request to relocate Florence Drive is denied for safety and environmental reasons. The new US Route 202 intersection for the extension of Pine Lane will be designed to provide safe intersection sight distance. Proper intersection signage will be provided. The speed limit to be posted will be evaluated during final design. Request to curb the existing Florence Drive approach to US Route 202 is granted.

20) Kent and Jan Melchior (6 Pine Lane), and Dan and Pam Gelinas (7 Pine Lane) expressed concern for impacts to their properties and the loss of landscaped rock walls caused by the Pine Lane extension. They indicated the Pine Lane extension would result in loss of privacy and increased traffic along Pine Lane. Mr. & Mrs. Melchior requested compensation for the loss of privacy caused by the street extension and to restrict further homes from being developed along the extension of Pine Lane through Parcel #37. Mr. & Mrs. Melchior requested further refinement of property impacts along their property caused by the Pine Lane extension and compensation for all impacts. Mr. & Mrs. Gelinas requested the extension of Pine Lane be connected by extending the existing Right-of-Way at the end of Pine Lane thus causing fewer impacts to existing landscape amenities and utility services. John Davis (5 Pine Lane) requested improvements be undertaken for the remainder of Pine Lane.

Request to extend Pine Lane through an extension of the existing Right-of-Way is granted. Subsequent to the Public Hearing, further ground model details were obtained along this portion of Pine Lane. The alignment has been modified to extend Pine Lane along the existing Right-of-Way and to minimize impacts to the landscape amenities and utility services. Additional refinements to minimize impacts will be reviewed during final design.

The remaining impacts to properties will be evaluated through the Department's normal Right-of-Way acquisition procedures. Compensation for loss of privacy is not permitted

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under current State law and, therefore, is denied. Request to acquire development rights to restrict further residential development along the extension of Pine Lane is denied. Future development and re-development of the adjacent properties remains a local land use and zoning decision under the jurisdiction of the City.

Request to upgrade the remainder of Pine Lane to the intersection of Florence Drive is granted. A pavement overlay will be provided to mitigate traffic rerouting from Florence Drive to Pine Lane.

21) Hans Stoeckler, Robert Gustafson (Thompson Arms, Parcel 122), Thompson Arms Plant Manager Mike Haley, Kent and Jan Melchior (Pine Lane), Jason Talon (Twombly Street), Murray Gray (Parcel 104, Walnut Street), Attorney Donald Whitem (Parcel 104), John Wilbur (Parcel 39, Florence Drive), Everett Dupont (Parcel 41, Florence Drive), Drucilla Bickford (Birch Street), and Michael and Sandra Cote (Parcel 103, Janet Street) requested noise barriers and abatement measures be implemented to reduce the noise from the Spaulding Turnpike.

Noise abatement measures along the industrial and commercial property of Thompson Arms are not warranted based on the Department's "Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I Highway Projects." Landscape enhancements will be considered during final design.

Noise impacts were re-evaluated along the project limits with special emphasis on Birch Street, Walnut Street, Janet Street and Florence Drive neighborhoods. Only the residential properties within the Walnut Street area slightly exceed the allowable threshold levels in accordance with the Department's noise abatement criteria. The construction of noise barriers and/or other mitigation measures at Walnut Street have been determined not to be cost effective due to the elevation of the Spaulding Turnpike over the neighborhood properties and the residual noise transmitted along the local street system. However, the Department will install an eight (8) to ten (10) foot high wooden privacy fence along the Right-of-Way at Birch Street, Janet Street and Florence Drive neighborhood where the loss of natural vegetation results in an increased line of sight between the highway and the residential properties, and where the installation of fence can be accommodated to avoid existing wetlands.

22) Jennifer Edgerly (Parcel 57) expressed concern for the amount of wetlands being impacted by the project and the effects to the wildlife.

The project's impacts to the environment have been documented in the Environmental Assessment. The highway alterations have been designed to minimize and balance the environmental impacts. Wetland impacts will be mitigated in accordance with federal and state wetland permit requirements. Wildlife corridors are being enhanced at the Cocheco River crossings with longer bridges to allow the construction of wildlife platforms adjacent to the river system.

23) John Wilbur (Parcel 39) expressed concern for the past removal of ledge, which occurred across the street from Florence Drive on private property and the resulting property damage and increase in highway noise. He requested that property impacts due to similar ledge removal along the Spaulding Turnpike be taken into consideration.

The improvements along the Spaulding Turnpike just north of Exit 13 (US Route 202) will necessitate the removal of ledge. All ledge removal will be performed in accordance with applicable provisions of the Department's specifications and in compliance with Federal and State regulations. The contractor will be required to submit a blasting plan, which includes a "pre-blast" condition survey of neighboring structures and to monitor blasting vibrations by a seismologist or blasting consultant.

24) Dick Kane (Parcel 33) inquired as to the type of median divider that will be constructed along US Route 202 in front of the Flatley Company property (Parcel 33) and requested the impacts to the property be recognized in the Right-of-Way appraisal.

The median along US Route 202 will consist of a painted median due to the limited existing development along this highway section. However, significant change or expansion of existing land uses may revise this treatment depending upon traffic volumes

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and egress and access requirements. All impacts to Parcel 33 will be evaluated through the Department's Right-of-Way acquisition procedures and will be compensated in accordance with Federal and State law.

- 25) Steve Anciaux (Parcel 25) expressed concern as to the details of the multi-lane transition and lane reduction along NH Route 125 at Exit 12.

The lane use and transitions along the whole project have been designed in accordance with Department standards and National recognized design criteria.

- 26) David Cormier (Proprietor, 125 Quickie on Parcel 29) requested the Department to work with him as to the potential business encroachment within the State Right-of-Way at that location.

The Department will coordinate with the existing property owner and tenant as to resolution of property encroachments along NH Route 125. Should it be determined the property is needed for highway purposes, removal of the encroachments will be required.

- 27) Howard and Kathy McPherson (Parcel 54) requested a traffic signal be installed at their driveway on Ten Rod Road to assist them in entering and exiting their residential driveway and for it to be operational during the busy peak traffic periods along Ten Rod Road

Request for traffic signals is denied. However, the installation of traffic signals at the Exit 14 northbound off-ramp and Ten Rod Road will create gaps in traffic flow and improve traffic movements along this section of Ten Rod Road.

- 28) Hans Stoeckler, Robert Gustafson (Thompson Arms, Parcel 122) and Kent and Jan Melchior (6 Pine Lane), expressed concern for increased vehicle emissions due to the increased traffic, installation of traffic signals and general highway improvements. Mr. Stoeckler questioned the effects this project will have on clean air mandates through the Environmental Protection Agency for the seacoast area. Mr. & Mrs. Melchior questioned how this air pollution would affect families.

Vehicle emissions and federal compliance are addressed in the project's Environmental Assessment. The improvements to be undertaken will create efficient movement of traffic and result in overall improvements to air quality and decreased vehicle emissions over the no-build condition. The corridor improvements meet and exceed the compliance requirement for air quality standards outlined by the 1990 Clean Air Act Amendments and the NH State Implementation Plan as approved by the Environmental Protection Agency.

- 29) Vince and Diana Crout-Hamel (Parcel 69) expressed concerns for (a) the level of improvements to the southbound loop ramps at Exit 16 (may promote higher speeds and failure for on-ramp traffic to yield to southbound traffic on the Turnpike), (b) the loop ramp adjustments at Exit 16 requiring acquisition of additional Right-of-Way, (c) the loss of privacy due to the removal of woods and natural forested buffer thus increasing traffic noise and affecting wildlife habitat and (d) the potential effects caused by the project to the open pond within their property. Mr. and Mrs. Crout-Hamel requested plantings and appropriate measures to offset the loss of screening. They further requested the project's drainage be designed so no runoff from the State highway will be directed toward the pond or any portion of their property where drainage problems already exist.

The interchange loop ramps at Exit 16 have been designed in accordance with Department design standards for the appropriate 30 mph design speed criteria. The layout and lane configuration will provide for improved traffic merging and yielding along the Spaulding Turnpike.

The impacts, including the loss of forested buffer, caused by the improved ramp configuration at Exit 16 will be evaluated through the Department's Right-of-Way acquisition procedures. The property owners will be compensated for property impacts in accordance with Federal and State law. Request for replacement of forested buffer will be addressed, as an element of right-of-way impacts.

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The highway drainage will be refined during final design. The Department will attempt to minimize highway related drainage into Parcel 69. No highway drainage outfall will be directed to the pond without appropriate water quality measures being implemented.

30) Vince and Diana Crout-Hamel (Parcel 69) expressed concerns for the existing condition of Elmo Lane. Elmo Lane was constructed during the original Exit 16 Turnpike construction to provide access to Chestnut Hill Road for their property. They indicated the lack of City maintenance has resulted in unacceptable surface conditions, unchecked settlement and culvert failures making the road impassable. Mr. & Mrs. Crout-Hamel requested an engineering review of Elmo Lane and implementation of improvements for the access way.

Request for an engineering assessment of Elmo Lane is beyond the scope of this project. Elmo Lane is a private road and is to be maintained in accordance with a road maintenance agreement recorded at the Strafford County Registry of Deeds (Book 1768 Page 0048).

Date: _____

Carol A. Murray, PE
Assistant Commissioner
New Hampshire Department
of Transportation