

# **REPORT OF THE MAYOR**

NASHUA, 10136-A

## **NH ROUTE 101A ROAD WIDENING AND IMPROVEMENTS**

### **PUBLIC HEARING**

**AUGUST 18, 2008 – NASHUA COMMUNITY COLLEGE, ROOM 150 - 7:00 PM**

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As a result of the Public Hearing held on August 18, 2008 for the **NASHUA 10136-A** project, the following layout with limitations to access is established as shown on the Hearing Plan and as described below:

The project begins at a point along NH 101A (Amherst Street) just west of the intersection with Celina Avenue in the City of Nashua and continues easterly approximately two (2.0) miles to the intersection with Somerset Parkway.

NH 101A (Amherst Street) in this section is proposed to have three lanes in each direction separated by a fourteen (14) foot wide raised median and one (1) foot wide inside shoulders and five (5) foot wide outside shoulders. At the signalized intersections, a center left turn lane will be provided and the raised median island will be four (4) feet wide at these locations. A five (5) foot wide sidewalk is also proposed along each side of NH 101A (Amherst Street) for the entire length of the project.

Other work included in this project involves minor approach work on the intersecting side roads, modifications to the seven existing signalized intersections, and the construction of an eighth signalized intersection at the intersection of NH 101A (Amherst Street) and Capitol Street.

Portions of Celina Avenue, Nimcor Drive, Cellu Drive, Blackstone Drive, Capitol Street, State Street, Deerwood Drive, Thornton Road, Sunapee Street, Townsend West Street, and Somerset Parkway will all have minor approach work as part of this project.

**The NH Route 101A widening and improvement project does not propose to change any of the existing limitations of access at any of the properties within the project limits:**

**The following decisions are the City's resolution of issues as a result of the testimony presented at the August 18, 2008 Public Hearing and written testimony subsequently submitted.**

- 1) Representative Stephen Stepanek questioned when construction of the project would begin and when the completion of construction could be expected.

*Response:* Construction is scheduled to begin in 2012 and is expected to last between one to one and a half construction seasons. Therefore, construction should be completed by 2013.

Representative Stephen Stepanek questioned if the \$8.6 million estimated cost of construction included an inflation factor and if the City felt that the number used was sufficient.

*Response:* A four (4) percent rate of inflation was used to escalate current construction costs to 2012 estimated values. The City feels that this rate of inflation is adequate.

Representative Stephen Stepanek questioned if the proposed project is phased, what is the time frame for the phasing and over what period of time the phasing would occur.

*Response:* At this point, the City is still planning on constructing this project in its entirety without having to construct the project in phases. If phasing is utilized, it would be subject to the availability of funding.

Representative Stephen Stepanek questioned how would phasing the project impact the estimated cost of construction.

*Response:* Phasing the project would increase the estimated cost of construction for two reasons. First, by reducing the scale of the project, the economy of a larger scale project would be limited. Therefore unit prices would increase as the quantity of these items is decreased when the project is phased. Second, additional work would be required to tie in the first phase into the existing roadway. Likewise, additional work would be required to tie the second phase into the first phase.

- 2) Representative Suzanne Harvey questioned what was meant when “private development money” was mentioned as part of the potential funding sources for this project. She also questioned if tolls were also part of the “private development money.”

*Response:* Tolls are not proposed on NH 101A (Amherst Street) as part of this project. “Private Development Money” is funding that has been or will be obtained from private developers as they seek to change the use or modify the property in some way. The City has used private development money on past projects.

Representative Suzanne Harvey also questioned who owned the utility poles along the proposed project and asked if an agreement with the pole owner had been made on relocating these poles. She also questioned who had the responsibility of maintaining service during the relocation of the utility poles.

*Response:* Verizon (now FairPoint Communications) owns the poles along the proposed project. It is the utility pole owner’s responsibility to relocate their facilities at their expense since they are within the State right-of-way by prescriptive use. This means that if the existing utility poles are in conflict with the proposed project and they are within the existing right-of-way, the utility pole owner must relocate the existing pole. It is also each individual utility’s responsibility to minimize the disruption of service during the utility pole relocation process.

Representative Suzanne Harvey questioned what the proposed project’s impacts were on the existing wetlands, specifically the existing wetland near the Building 19 site.

*Response:* The proposed project has a minor impact on one existing wetland on the Building 19 site. The wetland is associated with the outlet of an existing culvert under NH 101A (Amherst Street) located at the northwest corner of the Building 19 property. The proposed project will impact this wetland as the roadway widening will require a modification of the slope. This is the only wetland impacted by the proposed project. The City has made an effort to eliminate or minimize wetland impacts throughout the project.

- 3) Representative Paul Hackel stated that he was concerned about the impact of additional noise on residents along the proposed project, specifically those residents that are located behind Dunkin’ Donuts (471 Amherst Street). He stated that while it has been indicated that a noise barrier would not be effective at this location, something could be done to minimize the impact of noise to the abutters.

*Response:* The increase in noise levels caused by the proposed project does not approach or exceed the Noise Abatement Criteria, as delineated in the NHDOT noise assessment policy, along the entire length of the project. A noise study has been prepared that analyzed the increase in noise levels throughout the project.

It should be noted that an effective noise barrier would be extremely difficult to construct at any location along the proposed project because noise barriers need to be continuous throughout their length (without any gaps). Driveways are present along the roadway that are spaced

relatively close together, rendering a noise barrier ineffective. A noise barrier located behind the commercial properties along NH 101A (Amherst Street) is also not practical because it would need to be located on private land that would have to be acquired by the City. Since the noise analysis does not support the need for a noise barrier, the acquisition of private land by the City would not have any justification.

- 4) Mr. Larry McHugh, President Mark Lawrence Photographers, 444 Amherst Street, expressed objection to the project as proposed. One of the reasons for his objection is that the proposed project will steepen the grade of his driveway and cause a safety concern. Many of the patrons to his business are high school students who drive themselves. He stated that he was also concerned with people leaving his property having to enter a three-lane section, especially those people traveling to Amherst and Milford as they would have to do a U-turn to travel to the west.

Mr. McHugh also stated that the proposed project will decrease the valuation of his property as the project will impact five existing maple trees located along the frontage of this property.

Mr. McHugh also stated that he was concerned about the potential phasing of the project due to the lack of available funding. He questioned whether the City intends to ask the private property owners along the roadway to fund the difference between the estimated cost of construction and the available funding. He also stated that building only the first phase of the project will be like doing half of the "big dig."

*Response:* Under existing conditions, the driveway at 444 Amherst Street has a grade of six (6) percent uphill for twelve (12) feet with a grade of twelve (12) percent uphill for the remainder to the existing parking lot. The project proposes a grade of two (2) percent uphill for fifteen (15) feet followed by a grade of twelve (12) percent uphill to the existing parking lot. This improvement will require driveway reconstruction, but the limits of the reconstruction will not impact the existing parking area. By providing a longer and flatter area adjacent to the roadway, the proposed project will increase the safety of the driveway, especially during winter conditions.

The City will replace any vegetation impacted by the proposed project at this location and has agreed to construct a retaining wall behind the sidewalk and along the driveway to minimize the impacts to this property as much as possible.

As noted above, the City is pursuing every available avenue to secure the required funding to construct this project in its entirety in 2012. Private property owners are not being asked to fund the difference between the estimated construction cost and the available funding. If phased construction is required, it would still provide a benefit to the traveling public within the improved areas.

In order to head west on NH 101A (Amherst Street), it will be necessary for patrons of 444 Amherst Street to make a U-turn at one of the signals along NH 101A (Amherst Street). These movements will be allowed and will be completed during a "protected" phase of the traffic signal cycle. Admittedly, a patron of 444 Amherst Street will be required to cross one additional lane of traffic after entering the traffic stream then is currently required, but U-turns will be allowed at each intersection along NH 101A (Amherst Street).

Mr. Larry McHugh expressed concern that the proposed project will increase traffic congestion on NH 101A (Amherst Street) between Somerset Parkway and the F.E. Everett Turnpike.

*Response:* The proposed project studied the area of NH 101A (Amherst Street) between Celina Avenue and Somerset Parkway. The area between Somerset Parkway and the Turnpike will continue to function poorly if improvements are not made to that section of roadway, but that is not a

justification to ignore improvements needed elsewhere on the corridor. Traffic actions indicate that some drivers currently use the Somerset Parkway to access the F.E. Everett Turnpike southbound rather than continue eastbound on NH 101A (Amherst Street). The proposed project is not expected to change this condition.

Mr. Larry McHugh expressed concern that the project was only designed for a twenty-year design life. He stated that he felt that roadway projects should be designed for a forty-year design life.

*Response:* It is current engineering practice to design roadway projects for a twenty-year design life.

Mr. Larry McHugh expressed concern that the project will increase speed on NH 101A (Amherst Street) since the roadway will be increased from four lanes to six lanes. He stated that this is a safety issue since there are many driveways located along the corridor.

*Response:* The proposed project is designed to increase the safety of the roadway. By adding an additional lane in each direction, traffic will be reduced in the outer lane and thereby reduce friction and conflicts with the adjacent driveways. Also, the proposed project will not increase the speed limit along NH 101A (Amherst Street). In fact, the traffic signal coordination system will tend to limit driver's ability to exceed the speed limit as they will be forced to travel in platoons based on the proposed signal timing.

It remains the goal of the City to pursue access management along the corridor in the future to reduce the number of driveway openings thereby providing a safer roadway with fewer conflict points.

- 5) Mr. Eric Hodgkins, Hampton Inn, 407 Amherst Street asked if the \$8.6 million estimated cost of construction included any land acquisition costs. He also asked how the land acquisition costs are funded and what the amount of funding available is.

*Response:* The \$8.6 million estimated cost of construction does not include any land acquisition costs. There is a separate funding source for land acquisition that is funded 80% by the Federal Highway Administration and 20% by the New Hampshire Department of Transportation. The funding available for land acquisition is \$250,000 and is available in 2009.

Mr. Eric Hodgkins asked if there was a way to negotiate the right-of way acquisition now. He indicated that he is concerned that the existing trees along his property will be removed and require noise remediation inside the hotel building being constructed. He also indicated that the Nashua Planning Board is requiring that the sidewalks in front of the Hampton Inn along NH 101A (Amherst Street) be upgraded as part of the hotel construction. He stated that it did not make sense to him to have to reconstruct sidewalks that will be reconstructed in a couple of years once the roadway project begins.

*Response:* As part of the final design process for this project, the City will work with the Hampton Inn to retain as many trees as possible in front of this property. However, it should be noted that trees provide little to no noise attenuation.

The City agrees that the portion of sidewalk that needs to be reconstructed as part of the Hampton Inn construction should be done such that it does not need to be reconstructed as part of the roadway project. The City will continue to work with this property owner to properly locate the sidewalk.

- 6) Ms. Abigail Beutler, 6 Guilford Lane stated she believes that the money for this project should be used to enhance the public transportation system. She believes that with the current economy and people wanting to go "green," more consideration should be given to adding a bus lane and constructing parking lots at either end of the roadway rather than widening the roadway to three lanes in each direction.

*Response:* A traffic study was conducted as part of the NH 101A (Amherst Street) corridor study conducted in 2002 and also as part of the preliminary engineering study conducted as part of this project. Both traffic studies conclude that a third lane in each direction is required to provide an adequate Level of Service for the section of NH 101A (Amherst Street) within the project limits. The project also proposes to add bus stop pullouts at key locations and the City will continue to coordinate with bus operators to improve bus service along the corridor.

Ms. Abigail Beutler also expressed concern that there are no existing on-demand pedestrian traffic lights along NH 101A (Amherst Street) within the project limits.

*Response:* As part of the proposed traffic signal reconstruction within the project limits, all of the existing traffic signals and the proposed traffic signal at Capitol Street will include crosswalks, pedestrian actuated push buttons, and dedicated walk phases to allow pedestrians to cross NH 101A (Amherst Street).

- 7) Ms. Peggy McKinnon, Waterford Place, President asked if there were any accommodations being provided at the driveway location for Waterford Place onto NH 101A (Amherst Street) including the addition of a traffic light.

*Response:* There is no traffic signal being proposed at the driveway for Waterford Place. However, drivers wanting to exit Waterford Place onto NH 101A (Amherst Street) should find it somewhat easier after the completion of the proposed project due to the proposed traffic signal coordination system. The proposed traffic signal coordination system will allow cars to travel along NH 101A (Amherst Street) in platoons, or groups, with sufficient gaps in between them to allow drivers to enter from the side roads and driveways.

Ms. Peggy McKinnon expressed concern about the difficulty in leaving the Waterford Place property to head east on NH 101A (Amherst Street). Currently, she heads west on NH 101A (Amherst Street) to Sunapee Street and then makes a U-turn on Sunapee Street to gain access to NH 101A (Amherst Street) eastbound.

*Response:* In order to head east on NH 101A (Amherst Street), it will be necessary for residents of Waterford Place to make a U-turn at one of the signals along NH 101A (Amherst Street). These movements will be allowed and will be completed during a "protected" phase of the traffic signal cycle. Admittedly, a resident of Waterford Place will be required to cross one additional lane of traffic after entering the traffic stream then is currently required, but U-turns will be allowed at each intersection along NH 101A (Amherst Street).

- 8) Mr. Morgan Hollis, Esq., Gottesman & Hollis (Representing 436 and 547 Amherst Street) expressed concern about the public necessity for this project based on several reasons. First, the section of NH 101A (Amherst Street) located within the project limits should be viewed as a City commercial street, not as an east-west regional arterial highway, especially since Continental Boulevard serves as a bypass to get to the F.E. Everett Turnpike from NH 101A (Amherst Street) to the west. Second, he stated that the project will only improve one signalized intersection that is currently at an unacceptable Level of Service and that this intersection will be back to a failing condition in nineteen (19) years. Third, he stated that the proposed three-lane section will end to the east of Somerset Parkway as the existing roadway narrows to two lanes. He stated that this location is the cause of the congestion along NH 101A (Amherst Street). He also stated that the existing ten-foot shoulder could be reconstructed as a five-foot roadway shoulder with a five foot sidewalk without any roadway widening.

*Response:* This section of NH 101A (Amherst Street) cannot be viewed only as a commercial street as it is the direct route between Amherst, Milford, Wilton and other points west of Nashua to Nashua and the F.E. Everett Turnpike. Continental Boulevard is not a direct or convenient alternative for those wishing to commute to Nashua or northwestern Massachusetts. Levels of Service will be improved significantly at all but one of the intersections along the corridor in the design year of 2027 with implementation of this project. Using the Weekday PM Peak Hour as an example, the Level of Service is improved at least two levels at all intersections except Somerset Parkway. With the implementation of the proposed project, all of the signalized intersections along the corridor will operate at an acceptable Level of Service (LOS D or better) during the design year of 2027. The location at Somerset Parkway is not the cause of congestion along NH 101A (Amherst Street).

Mr. Morgan Hollis stated that his client at 436 Amherst Street is in opposition to the project and that his client at 547 Amherst Street has some concerns with the proposed layout. The first concern at 547 Amherst Street is that the roadway will be closer to the building. This will increase the likelihood of dirt and rocks from the roadway hitting the building. The roadway being closer to the building will also have a negative financial impact on his client, as it will be difficult to lease the office space. The second concern at 547 Amherst Street is that the project will eliminate some of the existing parking and snow storage areas at the site. The third concern at 547 Amherst Street is that the project will result in more noise and air pollution near the signalized intersection at Blackstone Drive.

*Response:* The proposed roadway will be closer to the existing building than the existing roadway. However, the existing building will be outside the clear zone, as defined by the American Association of State Highway and Transportation Officials, of the proposed roadway and will not be a safety concern. The clear zone is the area adjacent to the traveled roadway that should be free from obstructions and sufficiently flat to enable an errant vehicle to traverse without overturning.

The proposed project layout does not result in any impact to the existing parking at 547 Amherst Street. Also, only minor adjustments will be made to the entrance driveway onto NH 101A (Amherst Street) and should result in a minimal impact to snow storage operations at this property.

Any financial impact to the building due to a loss in property value resulting from the proposed project will be part of the right-of-way acquisition process. At this time, the City does not intend to acquire any property along the corridor in its entirety, but rather take only the amount of land needed to construct the project along the frontage of each property.

As stated in a previous response, the proposed project does not result in noise levels that approach or exceed the Noise Abatement Criteria. Modeling of air quality along the corridor results in concentrations of carbon monoxide well below the 35 ppm one hour standard set by EPA.

Mr. Morgan Hollis stated that he did not feel that the 4% rate of inflation that was used was not realistic at this time. He stated that he had talked to paving contractors and that the cost of liquid asphalt had risen 250% over the past summer.

*Response:* While the cost of pavement has risen sharply in the recent past, a four percent rate of inflation over the next four years is deemed realistic based on historical trends. Liquid asphalt only accounts for no more than 6% of the material by weight of asphalt pavement.

Mr. Morgan Hollis expressed concern about the environmental impact of the proposed project on Round Pond and the Birch Ponds. The proposed project will

increase stormwater runoff and pollutant and salt loadings to both of these environmental resources.

*Response:* The proposed project will not directly impact Round Pond or the Birch Ponds. Under existing conditions, there is no stormwater discharge from NH 101A (Amherst Street) into Round Pond. There is one discharge point from NH 101A (Amherst Street) into the Birch Ponds through a watercourse located along the western edge of the Building 19 property. Under the proposed condition, there will continue to be no stormwater discharge from NH 101A (Amherst Street) into Round Pond. The stormwater discharge point from NH 101A (Amherst Street) into the watercourse along the western edge of the Building 19 property will be maintained. A stormwater treatment unit will be constructed at this location to mitigate any impact on stormwater caused by the proposed project and significantly reduce the volume of pollutants that currently enter the ponds.

Mr. Morgan Hollis expressed concern about the addition of traffic signal at Capitol Street and that it would increase noise and air pollution at that intersection.

*Response:* A noise study and air quality study were performed to determine the impact of the proposed project. Both studies concluded that the proposed project would have no significant impact on noise and air pollution.

Mr. Morgan Hollis expressed concern that by adding capacity to NH 101A (Amherst Street), traffic from the west that currently uses Continental Boulevard to access the F.E. Everett Turnpike will use NH 101A (Amherst Street) instead. This will increase traffic along NH 101A (Amherst Street) within the project limits.

*Response:* Current traffic data does not indicate that a significant amount of traffic uses Continental Boulevard as a bypass for NH 101A (Amherst Street) to access the F.E. Everett Turnpike. Therefore, increasing the capacity of NH 101A (Amherst Street) within the project limits is not expected to draw traffic off of Continental Boulevard onto NH 101A (Amherst Street).

- 9) Ms. Karen Goodman, Southern New Hampshire University, 546 Amherst Street expressed concern that the proposed roadway will be closer to the existing building than the existing roadway. She stated that currently, the existing windows along the front of the building are damaged by debris from the roadway. She also stated that noise is a problem in the classrooms located along the front of the building. She asked at what point a building being close to the road becomes a safety problem.

*Response:* Under existing conditions, the Southern New Hampshire University building is located outside the clear zone for the existing roadway. Under proposed conditions, the building will continue to be located outside the clear zone for the proposed roadway. Therefore, there should not be a safety concern.

Ms. Karen Goodman also expressed concern about the impact of the proposed project on the existing sign for the University. The proposed project will impact the sign and she asked if the University would have to bear the cost to relocate the sign.

*Response:* If the proposed project impacts the existing sign, the cost to relocate the sign will be paid for by the proposed project. The property owner would either be given a "cost to cure" through the right-of-way acquisition process or the sign would be relocated by the City as part of the proposed project.

- 10) Mr. George Kessler, (owner of Blushing Rose, 4 Sunapee Street) expressed concern about the proposed roadway being closer to the existing building at 4 Sunapee Street. He stated that his glass greenhouses will suffer more impacts from rocks and debris from the roadway as part of the proposed project. He also stated his concern that by moving the utility poles back further, they will obscure the sign for his

business. He also stated his concern about the impact on his business during construction.

*Response:* Under both the existing and proposed conditions, the existing greenhouse building is located outside the clear zone of the roadway. Therefore, there should not be any safety concern at this site. If the existing sign is impacted or significantly obscured by the proposed project, it will be relocated through the right-of-way process.

The City will ensure that the Contractor maintains driveway access to the properties along the project at all times during construction. The City will also require the Contractor to control dust along the project during construction to minimize the negative effects of construction on business owners.

- 11) Representative Jack Kelley, Nashua Wards 5, 8 & 9, (representing Community Council at 440 Amherst Street) inquired about the amount of property along the front of this property that will be acquired by the City as part of this project. He also stated that the Community Council plans to add a second driveway access point at this location to create a looped driveway to allow for easier movement of the busses.

*Response:* A width of approximately 6' will need to be acquired along the front of this property. The second access point is being considered by the City.

Representative Jack Kelley also asked if the coordination of the traffic lights would increase speeds along the section of roadway located within the proposed project limits.

*Response:* The proposed project will not increase the speed limit along NH 101A (Amherst Street) as part of the improvements. In fact, the coordination system will tend to limit driver's ability to exceed the speed limit as they will be forced to travel in platoons based on the proposed signal timing.

- 12) Mr. Jack Gill, Mark Lawrence Photographers, 440 Amherst Street expressed concern about the need for sidewalks along the entire length of the project. He stated that in the seven to eight years he has been in business, only one person has walked into his establishment.

*Response:* The need for sidewalks along the corridor is apparent due to the existence of worn paths in the grass along both sides of the roadway. Also, by adding sidewalks and providing safer pedestrian access along the entire corridor, it is expected that pedestrian traffic would increase along this section of NH 101A (Amherst Street).

Mr. Jack Gill also expressed concern that by adding pedestrians to the corridor, traffic will be slowed by pedestrians crossing the roadway and forcing traffic to stop.

*Response:* Pedestrians will only be permitted to cross the roadway at the signalized intersections. The proposed signals are designed to have a dedicated pedestrian phase where pedestrians will cross the roadway while all traffic is stopped at the intersection. With the dedicated pedestrian phase, the traffic signals will operate at an acceptable Level of Service in the design year with the implementation of the proposed project. It could also be expected that the increase in pedestrian traffic would result in lesser vehicular traffic along the corridor, thereby allowing the roadway to operate more efficiently.

- 13) Ms. Lisa and Mr. Marco Rancourt, 12 Berwick Street, Nashua objects to the proposed project as it will increase noise levels at their property which is located behind Dunkin Donuts (471 Amherst Street). They stated they would like to see a noise barrier from Sunapee Street to Thornton Road.

*Response:* The increase in noise levels caused by the proposed project does not approach or exceed the Noise Abatement Criteria as delineated in the NHDOT noise assessment policy along the entire length of the project.

A noise study has been prepared that analyzed the increase in noise levels throughout the project. As part of the analysis, existing noise levels were monitored along the corridor at selected locations. The monitoring locations selected provide a good representation of the existing noise levels throughout the corridor. The presence of vegetation provides little to no attenuation of noise.

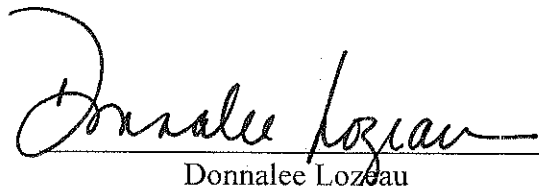
It should be noted that an effective noise barrier would be extremely difficult to construct at any location along the proposed project because noise barriers need to be continuous throughout their length (without any gaps). Driveways presently along the roadway are spaced relatively close together, rendering a noise barrier ineffective. A noise barrier located behind the commercial properties along NH 101A (Amherst Street) is also not practical because it would need to be located on private land that would have to be acquired by the City. Since the noise analysis does not support the need for a noise barrier, the acquisition of private land by the City would not have any justification.

- 14) Ms. Lucie Bryar, 27 Watersedge Drive, Nashua has indicated her support for the proposed project, specifically for the reason that it will provide for a bicycle lane, add sidewalks along the entire length of the proposed project, and add crosswalks with pedestrian signals at each signalized intersection. She did state that she would like to see proposed bus shelters constructed at the bus stop locations. She also stated that she would like signage for the bicycle lane to ensure that vehicles know that the five-foot shoulder is a bicycle lane. She also stated that the timing of the pedestrian phase at the signalized intersections should be long enough to allow people to cross the roadway.

*Response:* The City appreciates the support and will continue to work with the bus company regarding the placement of bus shelters during the final design process. Currently, the bus company is not in support of placing the bus shelters along the corridor due to the maintenance effort they require. The City will also look at providing signage and pavement marking for the bicycle lane during the final design process. The proposed pedestrian traffic signals will be timed to allow pedestrians adequate time to safely cross the street.

1-7-09

Date



Donnalee Lozau

Mayor

City of Nashua, New Hampshire