

## REPORT OF THE COMMISSIONER

NASHUA-MERRIMACK-BEDFORD, NON-FEDERAL, 13761

FREDERICK E. EVERETT TURNPIKE

Commission  
PUBLIC HEARING

OCTOBER 3, 2018

7:00 PM

MERRIMACK HIGH SCHOOL

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The following decisions are the Department's resolution of issues as a result of the testimony presented at the October 3, 2018 Public Hearings and written testimony subsequently submitted for the NASHUA-MERRIMACK-BEDFORD, NON-FEDERAL, 13761 project described as:

Widening the Frederick E. Everett Turnpike (FEET) to improve traffic operations and safety. The project will rehabilitate the bridge that carries the FEET over Greeley Street, and will replace the FEET Bridges over Pennichuck Brook, the structure conveying Baboosic Brook beneath the FEET, and the Baboosic Lake Road and Wire Road Bridges over the FEET. The FEET improvements will be comprised of three segments: segment 1 from the vicinity of Exit 8 in Nashua northerly to the vicinity of Exit 10 in Merrimack; segment 2 from the vicinity of Exit 11 in Merrimack northerly to the southern limit of the Bedford toll plaza; and segment 3 from the northern limit of the Bedford toll plaza northerly through the I-293 interchange.

The project will also include approach work on Wire Road and Baboosic Lake Road. Sidewalks will be constructed along both sides of Baboosic Lake Road. A sidewalk will be considered along the northern side of Wire Road.

1. Mr. Nelson Disco, Chairman Merrimack Town Center Committee and Merrimack Planning Board, 6 Baboosic Lake Road, requested that the Wire Road Bridge also have a sidewalk added, or at least accommodations for a future sidewalk be included in the design.

He also provided written testimony supporting the pedestrian improvements on Baboosic Lake Road, and requested similar pedestrian facilities for Wire Road.

*Response:* At the time of the Public Hearing, provisions for sidewalks on Wire Road were not included. Following the Public Hearing, the design was evaluated and a sidewalk on both sides of Wire Road was found to not be feasible due to right-of-way constraints, environmental constraints and sidewalk connectivity/continuity. There is an existing sidewalk on the north side of Wire Road, but no sidewalk on the south side of Wire Road. Therefore from a connectivity standpoint, a sidewalk on the north side of Wire Road is reasonable and will be considered and incorporated as the design progresses. The inclusion of the sidewalk into the construction plans will be predicated on amicable acquisition of necessary right-of-way from the impacted owners, and the Town entering into a Sidewalk Maintenance Agreement with the Department where the Town accepts responsibility for maintenance of the sidewalks.

2. Mr. Councilor Araho, Merrimack, requested that the Wire Road Bridge have a sidewalk added, or at least accommodations for a future sidewalk to be included in the design. He also requested a noise barrier near Exit 12.

*Response:* At the time of the Public Hearing, provisions for sidewalks on Wire Road were not included. Following the Public Hearing, the design was evaluated and a sidewalk on

both sides of Wire Road was found to not be feasible due to right-of-way constraints, environmental constraints and sidewalk connectivity/continuity. There is an existing sidewalk on the north side of Wire Road, but no sidewalk on the south side of Wire Road. Therefore from a connectivity standpoint, a sidewalk on the north side of Wire Road is reasonable and will be considered and incorporated as the design progresses. The inclusion of the sidewalk into the construction plans will be predicated on amicable acquisition of necessary right-of-way from the impacted owners, and the Town entering into a Sidewalk Maintenance Agreement with the Department where the Town accepts responsibility for maintenance of the sidewalks.

Councilor Araho did not provide a specific location for the request for a noise barrier aside from the general description of near Exit 12; there are no noise barriers proposed near Exit 12. Each quadrant of the intersection was evaluated for noise barriers. To qualify for a noise barrier an area must comply with the Department's Noise Policy (*Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I & II Highway Projects*). In order for a barrier to be built in association with a Type I project such as the Nashua-Merrimack-Bedford project, there are 3 conditions that must be met: noise impacts must be identified within a particular common noise environment (neighborhood), and a barrier providing mitigation for those impacts must be found to be both feasible and reasonable. Feasibility involves engineering and safety considerations to ensure a barrier can physically be constructed. Reasonableness ensures that a barrier can be cost effectively constructed to provide enough acoustical benefits to be considered effective. In order for a barrier to be considered reasonable it must not exceed the Department's Effectiveness Criteria of 1,500 square feet per benefitted receptor (home). In the case of the properties around the Exit 12 area, there are multiple homes which are impacted by noise; however the quantity of barrier necessary to provide adequate noise reductions exceeds the Department's Effectiveness Criteria of 1,500 square feet per benefitted receptor (home). Specifically, the southwest quadrant, southeast quadrant, northeast quadrant, northwest quadrant would be 3,654 square feet, 2,907 square feet, 1,829 square feet, and 19,518 square feet per benefitted receptor respectively, which all exceed the Department's Effectiveness Criteria of 1,500 per benefitted receptor. As such, barriers on all 4 quadrants of Exit 12 were found not to be reasonable in accordance with the Department's Noise Policy and thus are not included in association with the Nashua-Merrimack-Bedford project.

3. Mr. Gary LeBlanc, 2 Ministerial Drive, Merrimack (parcel M105), requested a noise barrier adjacent to Ministerial Drive and Davis Road and another noise analysis to verify this neighborhood does not qualify for a noise barrier.  
Mr. Gary Krupp, 4 Ministerial Drive, Merrimack, requested a noise barrier adjacent to Ministerial Drive and another noise analysis to verify they do not qualify for a noise barrier.

*Response:* To qualify for a noise barrier an area must comply with the Department's Noise Policy (*Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I & II Highway Projects*). In order for a barrier to be built in association with a Type I project such as the Nashua-Merrimack-Bedford project, there are 3 conditions that must be met: noise impacts must be identified within a particular common noise environment (neighborhood), and a barrier providing mitigation for those impacts must be found to be both feasible and reasonable. Feasibility involves engineering and safety considerations to ensure a barrier can physically be constructed. Reasonableness ensures that a barrier can be cost effectively constructed to provide enough acoustical benefits to be considered effective. In order for a barrier to be considered reasonable it must not exceed the Department's Effectiveness Criteria of 1,500 square feet per benefitted receptor (home). In the case of the properties adjacent to Ministerial Drive, Davis Road, Vista Way and Roundtree Drive there are multiple homes which are impacted by noise; however the quantity of barrier necessary to provide adequate noise reductions in this area (3,654 square feet per benefitted receptor) exceeds the Department's Effectiveness Criteria of 1,500 square feet per benefitted receptor. Here, multiple homes are known to be impacted by noise so another noise analysis will not be performed as doing so would not change the outcome that noise impacts are known to

exist within this neighborhood. Construction of a noise barrier mitigating these impacts would not be reasonable in accordance with the Department's Noise Policy.

4. Mr. Jack Workman, Camp Sargent Co-op Board Member (parcel M20/M21), expressed support for the project improvements and requested that the noise barrier proposed for the Camp Sargent neighborhood be included as a part of the project.  
Ms. Carol Perkins, Camp Sargent Co-op, Merrimack, (parcel M20/M21), requested a study and a noise barrier.  
Mr. Glenn Garon, Camp Sargent Road Co-op, Merrimack, (parcel M20/M21), requested that the toll booth at Exit 11 be shifted a little further to the south to address noise concerns.

*Response:* There is no work proposed to the toll facilities as a part of this project. As shown at the Public Hearing, there is a noise barrier proposed for the Camp Sargent/Nottingwood Lane neighborhood that will continue to be a part of the project.

5. Mr. Michael Gill, 53 Baboosic Lake Road, Merrimack, (parcel M68), expressed concern related to noise, tree removal, increased drainage onto his property due to the increase in elevation of Baboosic Lake Road, and property acquisitions on his front property line.

*Response:* This location was evaluated for noise impacts as a part of the noise study. The property was found to be impacted by noise, but it was found that a noise barrier could not be constructed at this location that would provide the necessary 7 decibel noise reductions to be considered feasible and reasonable. The maximum reduction that this barrier would provide would be a 4 decibel reduction. As such, in accordance with the Department's noise policy, a noise barrier at this location has not been proposed.

The approximate six foot increase in the elevation of Baboosic Lake Road is needed to accommodate the widening of the FE Everett Turnpike (from approximately 88 - 92 feet wide to 120 feet wide) as the new Baboosic Lake Road Bridge will need to be a longer span to accommodate this widening, the bridge must be higher by to accommodate the required 16.5 foot vertical clearance of on the FE Everett Turnpike. Widening of Baboosic Lake Road from 28 feet wide to 32 feet wide is needed to accommodate a wider shoulder used adjacent to sidewalks. In addition, there will be an additional six foot wide sidewalk added to the north side of the road to accommodate pedestrian facilities. The vertical and horizontal changes cause the footprint of the work to be wider, which requires tree clearing. The majority of the trees proposed to be cleared near this parcel are within the Right-of-Way, many of which need to be removed to allow for a better elevation match between the driveway and the new roadway.

Adding a sidewalk in front of the parcel requires the construction of raised curbing, such that the sidewalk is higher than the roadway. To address drainage concerns, a closed drainage system will also be constructed. The closed drainage system will capture roadway runoff and will minimize roadway runoff entering the property.

The property acquisitions on this property are easements needed for the construction of the project. The majority of the impacts to the parcel are temporary easements needed to accommodate the proposed driveway match into the residence.

6. Ms. Rosemarie Rung, 21 Ministerial Drive, Merrimack, requested more information on the number of trees that were going to be removed to see if there were any alternatives to the tree removal and if there was anything that could be done to lessen the noise impacts. She requested a sidewalk on Wire Road. She also requested to not exclude future opportunities for recreation with the bridges, such as the Baboosic Brook Bridge for kayaking.

*Response:* There will be some clearing within the Right-of-Way adjacent to the FE Everett Turnpike; however this tree clearing has been minimized as a part of the proposed alternative. Consideration to limiting tree clearing will be assessed during final design.

To qualify for a noise barrier an area must comply with the Department's Noise Policy (*Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I & II Highway Projects*). In order for a barrier to be built in association with a Type I project such as the Nashua-Merrimack-Bedford project, there are 3 conditions that must be met: noise impacts must be identified within a particular common noise environment (neighborhood), and a barrier providing mitigation for those impacts must be found to be both feasible and reasonable. Feasibility involves engineering and safety considerations to ensure a barrier can physically be constructed. Reasonableness ensures that a barrier can be cost effectively constructed to provide enough acoustical benefits to be considered effective. In order for a barrier to be considered reasonable it must not exceed the Department's Effectiveness Criteria of 1,500 square feet per benefited receptor (home). In the case of the properties adjacent to Ministerial Drive, Davis Road, Vista Way and Roundtree Drive there are multiple homes which are impacted by noise; however the quantity of barrier necessary to provide adequate noise reductions in this area (3,654 square feet per benefited receptor) exceeds the Department's Effectiveness Criteria of 1,500 square feet per benefited receptor.

At the time of the Public Hearing, provisions for sidewalks on Wire Road were not included. Following the Public Hearing, the design was evaluated and a sidewalk on both sides of Wire Road was found to not be feasible due to right-of-way constraints, environmental constraints and sidewalk connectivity/continuity. There is an existing sidewalk on the north side of Wire Road, but no sidewalk on the south side of Wire Road. Therefore from a connectivity standpoint, a sidewalk on the north side of Wire Road is reasonable and will be considered and incorporated as the design progresses. The inclusion of the sidewalk into the construction plans will be predicated on amicable acquisition of necessary right-of-way from the impacted owners, and the Town entering into a Sidewalk Maintenance Agreement with the Department where the Town accepts responsibility for maintenance of the sidewalks.

The Baboosic Brook Bridge, as proposed, will not preclude opportunities for future recreation.

7. Mr. George May, 157 Naticook Road, Merrimack, requested that signs be erected at all water crossings (Pennichuck Brook, Naticook Brook, Baboosic Brook, Dumpling Brook and the Pointer Club Brook), similar to the existing sign at the Souhegan River, to identify the water body.

Mr. May also provided written testimony reiterating his request for water crossing signs. He requested that the Souhegan River have a sign identifying it as a NH Protected River. He also asked for protection of these water bodies during construction and pre-treatment of stormwater before it enters the water bodies.

*Response:* The general information sign for the Souhegan River will be retained as a part of the project as it is a regionally significant geographic feature that is of interest to the traveler. The remaining water crossings would not warrant specific signing as are not obvious to most travelers. In addition, excessive use of such informational signs can dilute the effectiveness of more relevant regulatory, warning, and directional signs and contribute to distracting travelers from the task of driving. These signs will not be included as a part of the project cost.

During the design of the project areas for proposed pre-treatment of stormwater as identified on the Hearing Plan will be designed and incorporated in to the Construction plans. During construction activities the water bodies will be further considered as the development of the Stormwater Pollution Prevention Plan is developed. The Contractor develops this plan in accordance to their construction sequencing with the goal to minimize disturbance and avoid adding sediment into water bodies.

8. Ms. Sonya MacDonald, 97 East Ridge Road, Merrimack, (parcel M44), inquired when they would be notified if they were going to have Right-of-Way impacts. She requested consideration for a noise barrier. She requested to know what the water quality treatment

area adjacent to the property would look like. She also asked what to do if there is damage to the property during construction.

She also provided written testimony similar to the hearing and further requested that the project minimize tree clearing and to shift the water quality treatment area.

*Response:* All property owners/associations that are proposed to have Right-of-Way impacts were notified in writing prior to the Hearing. The East Ridge Condominium Association was notified of the proposed impacts.

East Ridge Condominiums is located adjacent to the FE Everett Turnpike separated by an existing berm that reduces the noise to the condominiums. The area was evaluated for noise impacts; however the maximum existing noise levels are 57 decibels and are not anticipated to exceed 60 decibels upon completion of the project. As these noise levels do not exceed the Department's 66 decibel Noise Abatement Criteria at this location is not impacted by noise nor would it be impacted by noise upon completion of the project. As such, a barrier will not be constructed at this location.

The proposed stormwater treatment area is intended to capture and treat stormwater from the FE Everett Turnpike before it enters Naticook Brook and will be sized accordingly for this purpose. The swale will be adjacent to the FE Everett Turnpike and will be located at about the same elevation as the FE Everett Turnpike, where there is an existing berm. This proposed treatment swale is anticipated to be fully contained within the NHDOT Right-of-Way, but will require relocation of the existing berm closer to the residences. Relocation of the berm will perpetuate the noise protection provided by the existing berm. The property rights being sought at this location are to reconstruct the existing berm that is adjacent to the new treatment area. Reconstructing the berm will require the removal of some trees however the removal of these trees is not anticipated to result in a noticeable increase in noise levels at the properties adjacent to the stormwater treatment area. Shifting the treatment area will not be possible as the treatment is needed prior to the water entering Naticook Brook.

All due caution will be used to prevent damage to adjacent properties. NHDOT includes requirements within the construction contract to minimize the potential for damage to abutting properties; ultimately, during Construction the contractor will be responsible for all damage claims. If you feel there has been damage during construction, contact our Bureau of Construction (603-271-2571) who will place you in contact with the contractor to resolve these issues.

9. Mr. Jamie Page, Boomer, Executive Park Drive, Merrimack, (parcel M38), requested that the berm and the trees adjacent to Boomer be removed for better visibility of the commercial structures.

*Response:* The Hearing plan does reflect removal of trees and a reduction, not a full removal, of the berm at this location for the installation of a drainage ditch.

10. Mr. Paul Micali, Assistant Town Manager for the Town of Merrimack, Mallard Point Homeowner's Association, Merrimack, requested graffiti proof noise barriers, and a sidewalk on Wire Road. He expressed concern for tree clearing with the raise in grade for the FE Everett Turnpike by six feet, and asked if a noise barrier or berm could be added near Baboosic Brook.

*Response:* While graffiti proof barriers are not realistically feasible, consideration will be given to barrier designs which would be less susceptible to graffiti or more favorable to its removal.

At the time of the Public Hearing, provisions for sidewalks on Wire Road were not included. Following the Public Hearing, the design was evaluated and a sidewalk on both sides of Wire Road was found to not be feasible due to right-of-way constraints, environmental constraints and sidewalk connectivity/continuity. There is an existing

sidewalk on the north side of Wire Road, but no sidewalk on the south side of Wire Road. Therefore from a connectivity standpoint, a sidewalk on the north side of Wire Road is reasonable and will be considered and incorporated as the design progresses. The inclusion of the sidewalk into the construction plans will be predicated on amicable acquisition of necessary right-of-way from the impacted owners, and the Town entering into a Sidewalk Maintenance Agreement with the Department where the Town accepts responsibility for maintenance of the sidewalks.

Regarding the raise in grade for the FE Everett Turnpike, the raise in grade proposed for the FE Everett Turnpike is three feet, not six feet, to accommodate the taller bridge structure to pass the stormwater at Baboosic Brook under the FE Everett Turnpike. This three foot raise in grade is isolated to a few thousand feet on either side of Baboosic Brook and will match into the existing vertical grade of the FE Everett Turnpike prior to the Wire Road overpass. The changes on the FE Everett Turnpike have no effect on the needed six foot raise in grade for Wire Road.

This area was evaluated for noise impacts; however the maximum existing noise levels are 62 decibels and are not anticipated to exceed 63 decibels upon completion of the project. As these noise levels do not exceed the Department's 66 decibel Noise Abatement Criteria this location is not impacted by noise nor would it be impacted by noise upon completion of the project. As such, a barrier will not be constructed at this location.

There will be some tree clearing within the Right-of-Way adjacent to the FE Everett Turnpike; however this tree clearing has been minimized as a part of the proposed alternative. Consideration to limiting tree clearing will be assessed during final design.

11. Representative Robert L'Heureux, Town of Merrimack, requested a full interchange at Exit 12 citing that the State owns the land. He also requests an evaluation of a berm at Exit 13 that has created concerns about sight distance limitations, specifically requesting a field review of the site.

*Response:* In 2004, the Nashua Regional Planning Commission (NRPC) published a study outlining some of the issues involved with potentially completing the Exit 12 interchange. This would require construction of a northbound on-ramp and a southbound off-ramp. The improved access to the FE Everett Turnpike would result in traffic pattern changes and would require significant property acquisition. The majority of the land in the northeast quadrant is privately owned. This Exit 12 concept appeared as a project in the 2011-2035 Metropolitan Transportation Plan (MTP), but was removed in the 2013-2040 MTP. The Department is currently working with the Town of Merrimack and Representative L'Heureux as part of the highway safety sub-committee to discuss Exit 12 access, as well as congestion and operational issues along US Route 3 near Bedford Road. Constructing a full interchange is beyond the intended scope of the project to widen the FE Everett Turnpike and therefore this is not part of the Nashua-Merrimack-Bedford project.

Regarding the concern about sight distance limitation in Bedford where the Exit 13 southbound off and northbound off ramps merge; the area in question was previously reviewed for this concern and modifications to the berm adjacent to the bridge abutments and additional signing were made at that time. There will be a field meeting set up, as requested, to review the locations as was agreed to at the Hearing. Any work at this location is outside the scope of work for the Nashua-Merrimack-Bedford project and will be addressed as an operational issue.

12. Mr. Nat Fairbanks, 5 Sandhill Drive, Merrimack, requested to know what was done after finding out there was an initial issue with the noise report. He asked if the profile changes were accounted for in the noise analysis. He also asked for a sidewalk on Wire Road.

*Response:* The Department appreciates the residents of the Clay Street Neighborhood identifying and bringing inconsistencies in the original noise report to the attention of the Department. Upon further investigation, the Department agreed that there were inconsistencies and as such, the noise report was modified and then reviewed by an

independent third party consultant to ensure that the issues were adequately addressed and that there were no additional inconsistencies at this or any other location within the project corridor. The outcome of this independent, third party review determined that the inconsistencies in the original report had been adequately addressed and that the results and conclusions in the revised noise report were valid. The noise analysis took into consideration the raise in elevation (profile) of all roadways.

At the time of the Public Hearing, provisions for sidewalks on Wire Road were not included. Following the Public Hearing, the design was evaluated and a sidewalk on both sides of Wire Road was found to not be feasible due to right-of-way constraints, environmental constraints and sidewalk connectivity/continuity. There is an existing sidewalk on the north side of Wire Road, but no sidewalk on the south side of Wire Road. Therefore from a connectivity standpoint, a sidewalk on the north side of Wire Road is reasonable and will be considered and incorporated as the design progresses. The inclusion of the sidewalk into the construction plans will be predicated on amicable acquisition of necessary right-of-way from the impacted owners, and the Town entering into a Sidewalk Maintenance Agreement with the Department where the Town accepts responsibility for maintenance of the sidewalks.

13. Ms. Mirjana Karic, requested a review of the Exit 11 northbound on ramp acceleration lane.

*Response:* This will be evaluated as part of the final design.

14. Ms. Jessica Hudson, 614 Nashua Street, Milford, (parcel M88), requested that the water quality treatment area on her parcel at 20 Wire Road be shifted to avoid impacts to the billboard.

*Response:* The Department has considered this request, and will avoid impacts to the billboard with the proposed water quality treatment area.

15. Ms. Jan Coughlin, 25 Plasic Road, Merrimack, (parcel M59), requested information on construction scheduling and asked if a noise evaluation would be completed at the end of the project.

*Response:* The construction scheduling and phasing are yet to be determined. This will be considered as a part of the final design. For example, there may be one or more specific construction projects/contracts. Work is tentatively scheduled to start in 2021.

The noise evaluations for this and all other projects are performed as part of the environmental impact investigations prior to constructing a project using the future/design year (in this case 2044) traffic counts based off of the Federal Highway Administration's Traffic Noise Model. Noise studies are not completed after project construction, as the traffic conditions used for determining noise impacts (the design year) would not yet have occurred.

16. Mr. Phil Jacobson, 67 East Ridge Road (parcel M44), requested reconsideration of a noise barrier for East Ridge Condominiums.

Ms. Janet Cyr, 93A East Ridge Road, Merrimack (parcel M44), requested reconsideration of the location of the stormwater treatment area near the East Ridge Condominium property and to limit tree clearing in this area.

Ms. Kristin Boschetto, 67A East Ridge Road, Merrimack, (parcel M44), requested reduced tree impacts and a noise barrier.

Mr. James Flessas and Ms. Tina Mortela, 65 East Ridge Road, Merrimack, (parcel M44), requested reconsideration for a noise barrier, reconsideration for the location of the water quality treatment area, and reduced tree clearing.

Ms. Tania Poplar, President of East Ridge Condominium Association, 8 Everett Lane, Merrimack, (parcel M44), requested reduced tree removal, and a noise barrier.

Mr. Kerry Sweeney, 75 East Ridge Road, Merrimack, (parcel M44), requested reduced tree removal, and a noise barrier for noise and safety.

Mr. Scott Owens, Marcus, Errico, Emmer & Brooks, P.C., representing East Ridge Condominium Association, 45 Braintree Hill Office Park, Suite 107, Braintree MA, (parcel M44), requested that a water quality treatment area with less impacts and less tree removal be considered. He also requested a noise barrier.

*Response:* East Ridge Condominiums is located adjacent to the FE Everett Turnpike separated by an existing berm that reduces the noise to the condominiums. The area was evaluated for noise impacts; however the maximum existing noise levels are 57 decibels and are not anticipated to exceed 60 decibels upon completion of the project. As these noise levels do not exceed the Department's 66 decibel Noise Abatement Criteria this location is not impacted by noise nor would it be impacted by noise upon completion of the project. As such, a barrier will not be constructed at this location. In addition, a noise barrier is not designed to be, nor can it be, used for safety purposes as it will not stop or redirect an errant vehicle.

The proposed stormwater treatment area is intended to capture and treat stormwater from the FE Everett Turnpike before it enters Naticook Brook and will be sized accordingly for this purpose. The swale will be adjacent to the FE Everett Turnpike and will be located at about the same elevation as the FE Everett Turnpike, where there is an existing berm. This proposed treatment swale is anticipated to be fully contained within the NHDOT Right-of-Way, but will require relocation of the existing berm closer to the residences. Relocation of the berm will perpetuate the noise protection provided by the existing berm. The property rights being sought at this location are to reconstruct the existing berm that is adjacent to the new treatment area. Reconstructing the berm will require the removal of some trees however the removal of these trees is not anticipated to result in a noticeable increase in noise levels at the properties adjacent to the stormwater treatment area.

17. Mr. Steven Patterson, Merrimack, (parcel M65), requested that the proposed water quality treatment area proposed on the parcel be shifted either to the north or to the south of the proposed location such that it would be on State property as the Department owns both adjacent properties.

*Response:* Parcel M65 is the low point for this road segment, which makes it the optimal location for the water quality treatment facility; however a change in location was considered by the Department. This water quality treatment area can, and will, be shifted off of Parcel M65.

18. Mr. Alex Vogt, 65 Hawthorne Drive, Unit #309, Bedford, requested a paved multiuse path be incorporated in to the FE Everett Turnpike for the length of the project such that it could become part of the NH Heritage Trail. He also requested a trail connection to the Bedford Heritage Trail across the FE Everett Turnpike in Bedford near Bowman Brook at the Goffe Mill Plaza.

*Response:* The Department is in favor of walkable livable communities; however constructing a parallel pedestrian or bicycle facility within any Turnpike Right-of-Way is contrary to state statute as the facility is a controlled access facility (RSA 237:5(c), 237:13 and 230:44 regarding Limited Access). This is also not within the intended scope of the project which is to widen the FE Everett Turnpike. Lastly this facility is not part of the regional plan at this time. Therefore this trail will not be included as a part of the project. If, however, this were to ever be considered in the future there are other hurdles, aside from those mentioned above, that should be considered such as: the required stewardship and maintenance of the trail as these are not State maintained facilities; limited right-of-way width in some area which would require significant property acquisition; bridge needs to achieve water crossings; connectivity to other facilities including trail head parking; and how to design the trail through the overpasses and exit areas as there is not sufficient width at the bridge overpasses to accommodate this type of facility within the FE Everett Turnpike foot print.



Constructing the trail connection in Bedford is physically outside of the work limits of this project and outside the scope of the work for the FE Everett Turnpike widening.

19. Ms. Eileen Cabanel, Merrimack Town Manager, 6 Baboosic Lake Road, Merrimack, requested noise barriers or sound mitigation be provided for the following neighborhoods: East Ridge Condominiums, Back River Road, Ministerial Drive/Vista Way, Roundtree Lane, Sunnydale Drive, Clay Street, Webster Green, Maple Ridge Condominiums, and along the buildings located to the east side of the turnpike north of Exit 12. It was requested that any noise barriers be graffiti resistant. It was requested to include safety fencing on the Wire Road and Baboosic Lake Road overpasses, and to include sidewalk on both sides of the Wire Road Bridge. It was also requested to provide a summary of the procedure used to collect the data for the sound study.

*Response:* As presented at the Public Hearing, the Department evaluated the entire project corridor for noise impacts. To qualify for a noise barrier an area must comply with the Department's Noise Policy (*Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I & II Highway Projects*). In order for a barrier to be built in association with a Type I project such as the Nashua-Merrimack-Bedford project, there are 3 conditions that must be met: noise impacts must be identified within a particular common noise environment (neighborhood), and a barrier providing mitigation for those impacts must be found to be both feasible and reasonable. Feasibility involves engineering and safety considerations to ensure a barrier can physically be constructed. Reasonableness ensures that a barrier can be cost effectively constructed to provide enough acoustical benefits to be considered effective. In order for a barrier to be considered reasonable it must not exceed the Department's Effectiveness Criteria of 1,500 square feet per benefitted receptor (home).

Noise barriers for several of the neighborhoods identified by Ms. Cabanel (Sunnydale Drive, Clay Street, and Webster Green) were found to be impacted by noise and barriers providing protection for these impacts were found to be both feasible and reasonable. As such, barriers at these locations have been proposed and were presented at the Public Hearing. Additional details on these locations can be found in the Environmental Study located at [www.EverettTurnpikeWidening.com](http://www.EverettTurnpikeWidening.com) and were shown on the Public Hearing Plan.

East Ridge Condominiums was evaluated for noise impacts; however the maximum existing noise levels are 57 decibels and are not anticipated to exceed 60 decibels upon completion of the project. As these noise levels do not exceed the Department's 66 decibel Noise Abatement Criteria this location is not impacted by noise nor would it be impacted by noise upon completion of the project. As such, a barrier will not be constructed at this location.

Maple Ridge Condominiums was evaluated for noise impacts; however the maximum existing noise levels are 60 decibels and are not anticipated to exceed 61 decibels upon completion of the project. As these noise levels do not exceed the Department's 66 decibel Noise Abatement Criteria this location is not impacted by noise nor would it be impacted by noise upon completion of the project. As such, a barrier will not be constructed at this location.

While noise impacts were identified in the following neighborhoods: Vista Way (Ministerial Drive and Roundtree Lane), Harris Ave, Priscilla Lane (east side of the turnpike north of Exit 12), and Back River Road, noise barriers protecting these locations were found not to be reasonable as they exceeded the Department's Effectiveness Criteria. Specifically, the Vista Way, Harris Ave, Priscilla Lane, Back River Road neighborhoods would be 3,654 square feet, 2,907 square feet, 1,829 square feet, and 19,518 square feet per benefitted receptor respectively, which all exceed the Department's Effectiveness Criteria of 1,500 square foot per benefitted receptor. As such, noise barriers providing protection at these locations will not be provided in association with this project.

Safety fencing will be installed on the Wire Road and Baboosic Lake Road Bridges.

While graffiti proof barriers are not realistically feasible, consideration will be given to barrier designs which would be less susceptible to graffiti or more favorable to its removal.

At the time of the Public Hearing, provisions for sidewalks on Wire Road were not included. Following the Public Hearing, the design was evaluated and a sidewalk on both sides of Wire Road was found to not be feasible due to right-of-way constraints, environmental constraints and sidewalk connectivity/continuity. There is an existing sidewalk on the north side of Wire Road, but no sidewalk on the south side of Wire Road. Therefore from a connectivity standpoint, a sidewalk on the north side of Wire Road is reasonable and will be considered and incorporated as the design progresses. The inclusion of the sidewalk into the construction plans will be predicated on amicable acquisition of necessary right-of-way from the impacted owners, and the Town entering into a Sidewalk Maintenance Agreement with the Department where the Town accepts responsibility for maintenance of the sidewalks.

The noise analysis was prepared in accordance with the Federal Highway Administration's regulations regarding the assessment and abatement of highway traffic noise (23 CFR 772 *Procedures for Abatement of Highway Traffic Noise and Construction Noise*), and the New Hampshire Department of Transportation's *Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I & II Highway Projects* (2016). The procedures used for the assessment and abatement of highway traffic noise impacts associated with this project are detailed in sections 3.4 and 4.4 of the Draft Environmental Study for the Nashua-Merrimack-Bedford project which was available for review at the public hearing and is available on the project website [www.EverettTurnpikeWidening.com](http://www.EverettTurnpikeWidening.com).

As was stated at the Public Hearing, it was brought to the attention of the Department that there may have been inconsistencies in the original noise report. Upon further investigation, the Department agreed that there were inconsistencies and as such, the noise report was modified and then reviewed by an independent third party consultant to ensure that the issues were adequately addressed and that there were no additional inconsistencies at this or any other location within the project corridor. The outcome of this independent, third party review determined that the inconsistencies in the original report had been adequately addressed and that the results and conclusions in the revised noise report were valid.

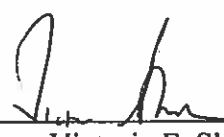
20. Mr. Walter Johnston and Mrs. Marjorie Johnston, 8 Priscilla Lane, Merrimack, (parcel M147), requested that the Department further investigate the Right-of-Way shown for the southwest corner of their property, as it appears to be incorrect. They also asked if a chain link fence could be installed along the Right-of-Way Line between their property and the FE Everett Turnpike which had been discussed previously with the Bureau of Turnpikes. They further requested that a noise barrier not be installed adjacent to their property.

*Response:* The Right-of-Way in the southwest corner of their property was investigated and it was determined that the location of the Right-of-Way line as shown at the Hearing was incorrect. A new plan of the Right-of-Way at this location was developed and recorded at the Registry of Deeds on November 2, 2018.

The chain link fence will be installed along the Right-of-Way as was previously discussed.

A noise barrier has not been proposed adjacent to this property.

Date: 4/3/19

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