

## REPORT OF THE COMMISSIONER

BERLIN, X-A000(052), 12958B

N. H. ROUTE 110

Commission  
PUBLIC HEARING

AUGUST 13, 2009 & AUGUST 27, 2009

7:00 PM

BERLIN JUNIOR HIGH SCHOOL & BERLIN CITY HALL

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The following decisions are the Department's resolution of issues as a result of the testimony presented at the August 13, 2009 and August 27, 2009 Public Hearings and written testimony subsequently submitted for the BERLIN, X-A000(052), 12958B project described as:

Alternative 4E, reconstruction of NH 110 on new alignment to create a more direct route for the roadway between Green Street and Wight Street, thus removing through traffic from the largely residential neighborhood. Beginning on Green Street just westerly of the St Lawrence and Atlantic Railroad overpass and extending north approximately three thousand feet (3,000'). The initial reconstruction will follow the alignment of First Avenue then turn and proceed adjacent to the St Lawrence and Atlantic Railroad tracks, rejoining the existing NH 110 alignment on Wight Street in the vicinity of its intersection with Fourth Avenue.

The project will also include minor approach work at the intersections of NH 110 with Gilbert Street, the westerly remnant of Green Street, Roderick Street, Hillside Avenue, Third Avenue, Fourth Avenue, Fifth Avenue, Boulay Street, Sixth Avenue and Duguay Street. Sidewalks will be constructed along both sides of NH 110.

1. Ms. Kathleen Belisle, 128 Green Street, Berlin (parcel 7), requested early acquisition of her property.

*Response:* Due to the project layout this property was shown to be a complete acquisition at the Public Hearing. The Department concurs with this request for early acquisition.

2. Norman & Lorraine Lacroix, 358 Willard Street, Berlin (parcel 8), expressed support for the project and requested early acquisition of their property.

*Response:* Due to the project layout this property was shown to be a complete acquisition at the Public Hearing. The Department concurs with this request for early acquisition.

3. Mr. & Mrs. Leon & Theresa Parent, 746 First Avenue, Berlin (parcels 29, 31 & 33), requested early acquisition of their properties and asked when the acquisitions would occur.

*Response:* Due to the project layout this property was shown to be a complete acquisition at the Public Hearing. The Department concurs with this request for early acquisition. Before the acquisitions can proceed it is necessary to have layout approval by the Hearing Commission, Federal Highway Administration issue a "finding of no significant impact" (FONSI), and appraisals of the properties completed to identify values. It is anticipated these steps will occur in 2010 for these properties.

4. Ms. Kristen Kiernan, .50 Allen Farm Road, Northwood (parcel 38), requested early acquisition of the property on Hillside Avenue so she can proceed with the relocation of the tenants sooner rather than later.

*Response:* Due to the project layout this property was shown to be a complete acquisition at the Public Hearing. The Department concurs with this request for early acquisition.

5. Mr. Randy Hynes, 838 Second Avenue, Berlin (parcel 40), requested early acquisition of his property.

*Response:* Due to the project layout this property was shown to be a complete acquisition at the Public Hearing. The Department concurs with this request for early acquisition.

6. Mary & Albert Guay, PO Box 692, Berlin (parcel 107), expressed support for alternative 4E and requested early acquisition of their property on Hinchey Street.

*Response:* Due to the project layout this property was shown to be a complete acquisition at the Public Hearing. The Department concurs with this request for early acquisition.

7. Mr. Daniel Drazen, 625 Fox Hollow Drive, Hudson, Mortgagee for Gerard Healey, 844 Third Avenue, Berlin (parcel 109), expressed support for the project and requested early acquisition of the property.

*Response:* Due to the project layout this property was shown to be a complete acquisition at the Public Hearing. The Department concurs with this request for early acquisition.

8. Elizabeth & Giuseppe Amato, 587 Western Avenue, Berlin (parcel 16), requested early acquisition of their property on First Avenue, but want to retain whatever portion of the property is not required for the project because they have an auto repair garage on a portion of the property that is not impacted by the project.

*Response:* The Department acknowledges this request for an early acquisition. However, because only a portion of the property will be required for the project, more detailed project plans will need to be developed to ascertain the portion of property needed to complete the project. As a result this acquisition will not be as early as those that involve purchasing the entire property.

9. Helene & Marcel Arseneau, 218 York Pond Road, Milan (parcels 2 & 3, Green Street), expressed support for the project and requested total acquisition of both of their parcels located at 114 and 124 Green Street.

*Response:* As shown at the Public Hearing, the house located on parcel 3 and portions of land from parcel 2 need to be acquired to build the project. Due to the significant change in function of these two properties as a result of the required acquisitions for the project, the Department agrees to purchase parcels 2 and 3 in their entirety.

10. Gary & Nancy Aube, 102 Mannering Street, Berlin (parcel 104), requested the purchase of their entire property as a result of the substantial change in size and function of their lot once the project is complete.

*Response:* As shown at the Public Hearing a significant portion of this property is required for the project leaving the house on a much smaller piece of property and impacting access to the parcel. The Department agrees to purchase the entire property as a result of this substantial change.

11. Kevin & Karen Spencer, 9 Oldham Road, Raymond (parcel 32), expressed support for alternative 2, which would keep proposed NH 110 more southwesterly of their property thus eliminating the impact to their property. If alternative 4E, which was presented at the Public Hearing as the preferred alternative, proceeds, they requested to know when the appraisal of their property impacts would begin. They also are concerned with the "fair market value" approach to the purchase of property in this current down economy.

*Response:* Alternative 2 was presented at previous public meetings along with other alternatives. As it does not provide as much overall benefit to the community and historic district it was not selected as the preferred alternative. Alternative 4E was selected as the preferred alternative and presented at the Public Hearing.

As shown at the Public Hearing the house located on this property needs to be acquired for the project. Due to the significant change in function of this property as a result of the required acquisition for the project the Department agrees to purchase the entire parcel. All the acquisitions associated with the project will be appraised and acquired in conformance with Federal regulations and guidelines. The appraisal will provide the fair market value of the property at the time of the appraisal. The fair market value will be reflective of property values within the general area of the property being appraised. Before the acquisition can proceed it is necessary to have layout approval by the Hearing Commission, Federal Highway Administration issue a "finding of no significant impact" (FONSI) and an appraisal of the property completed to identify its value. It is anticipated these steps will occur in 2010 for this property.

12. Normand Roy, 195 Wight Street, Berlin (parcel 149), noted the shared drive shown on the Public Hearing plan is incorrect; there is only a single, unshared driveway that accesses his property. He further noted the catch basin grate on Wight Street in front of this property appears to be loose as it is loose when a vehicle drives over it. Due to the small size of this parcel he suggested the entire property be purchased if any acquisition is necessary.

*Response:* The plans will be corrected to show only a single drive to this property. The condition of the catch basin grate has been brought to the attention of the Berlin Public Works for their action as appropriate. As the proposed roadway is essentially in the same location as the existing roadway in the vicinity of this property, only minor redefinition of the right-of-way is anticipated. This redefinition of right-of-way will require some acquisition of the property, but is not sufficient to warrant purchase of the entire property.

13. Marc & Ginger Gagne, 191 Paris Road, Stark (parcel 147), requested purchase of their property on Wight Street due to the proximity of the building to the roadway.

*Response:* As the proposed roadway is essentially in the same location as the existing roadway in the vicinity of this property, the Department does not propose to purchase the property as requested.

14. Wayne & Deborah Andrews, 133 Ash Street, Nashua (parcel 18), expressed safety concerns associated with increased traffic in front of their property on First Avenue once the proposed NH 110 is constructed. Currently First Avenue is a dead end street so traffic is mostly associated with residents living in this area. They requested their entire property be purchased as part of the project due to the significant change in setting created by the increase in traffic.

*Response:* The proposed NH 110 will curve away from this property resulting in the roadway being further from the property than existing First Avenue. As there is minimal, if any, direct impact to this property as a result of the project, the Department does not propose to purchase the property as requested.

15. Leona St Hilaire & Raymond Leclerc, 17 Hinchey Street, Berlin (parcels 100 & 102), requested the proposed driveway to parcel 102 be changed to be more parallel to the side of the building. They also suggest a sidewalk be constructed on the southerly side of Hinchey Street, on the easterly end, to provide pedestrian access to this section of roadway and to help divert roadway runoff away from the building and assist in the collection of storm water.

*Response:* The Department will coordinate the location of the proposed driveway to parcel 102 with the owner to make the proposed change as accommodating as possible. Pedestrian access to Hinchey Street will be coordinated with the City, and storm water collection will be addressed appropriately as the project proceeds through design and construction.

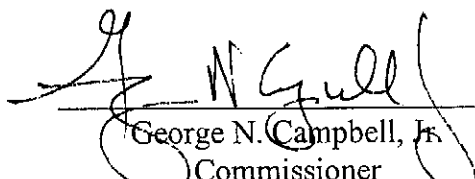
16. Anthony Harp, 99 Granite Street, Berlin, suggests bicycle pathways be included within the project.

*Response:* The project includes paved shoulders on both sides of the roadway that will provide space for bicycle travel.

17. Mr. Patrick MacQueen, City Manager, 168 Main Street, Berlin, expressed support for Alternative 4E. He noted the Environmental document should better explain the census block income data. He has concerns with the potential historic mitigation costs. While recognizing they are necessary, he notes they also need to be reasonable in keeping with the current state of the neighborhood, called the Berlin Heights Historic District.

*Response:* The Department appreciates support for the proposed alternative 4E. The Final Environmental Assessment document will better address the census block income data as it applies to the differing household income groups. Historic mitigation is a necessary component of the project cost and the Department understands and agrees with the desire of the City to keep cost at a reasonable amount. The Department will continue to involve the City in the development of the required mitigation.

Date: 3/12/10

  
George N. Campbell, Jr.  
Commissioner  
N.H. Department of Transportation