



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

S.A.M.
27

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
State House
Concord, NH 03301

Bureau of Right-of-Way
August 7, 2017

Requested Action

Authorize the Department of Transportation, under provisions of RSA 230:45, to convey a point of access to and from property on the easterly side of New Hampshire Route 125, in the town of Plaistow, known as Parcel No. 342, Project 10044B, "Plan of Plaistow-Kingston" effective upon Governor and Council approval.

Explanation

The subject property, owned by Cottage Plaza Condominium Association, had been granted two points of access for said Parcel No. 342 pursuant to the Report of the Commissioner for the Plaistow-Kingston, 10044B project. The Report of the Commissioner documents that two points of access were to be given to Parcel 342, as a result of the Public Hearing and the Finding of Necessity for the project. One of the two points was inadvertently included in a Declaration of Taking filed with the NH Board of Tax and Land Appeals on February 25, 2015, and a Notice of Condemnation, recorded March 2, 2015 at the Rockingham County Registry of Deeds in Book 5597, Page 2609.

Authorization is respectfully requested to execute a Control of Access Deed to restore the erroneously taken access point.

Respectfully,

Victoria F. Sheehan
Commissioner

VFS/CAS/jl
Attachments



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



JEFF BRILLHART, P.E.
ACTING COMMISSIONER

FEB 25 2015

Anne M. Stelmach, Clerk
NH Board of Tax and Land Appeals
State Office Park South
107 Pleasant Street
Concord, NH 03301

Re: State v. Cottage Plaza Condominium Association

Plaistow-Kingston, MGS-STP-T-X-5375(010), 10044B
Parcel 342

Dear Ms. Stelmach:

Enclosed for filing please find a Declaration of Taking against property owned by the above-named condemnee together with copies thereof for service. This is a land taking by The State of New Hampshire pursuant to the procedures established in RSA 498-A, as amended.

Please issue Order of Notice to the condemnee named on Page 1 of the Declaration.

Kindly forward the Order of Notice to the sheriff of the appropriate county for service on Cottage Plaza Condominium Association. The Return of Service together with statement of fees should be returned to me at this office. For your convenience, I am enclosing an additional copy of this letter for you to forward to the sheriff with the Order of Notice.

Thank you for your cooperation. If there are any questions, please call me.

Very truly yours,

Charles R. Schmidt, PE, Administrator
Bureau of Right-of-Way
Department of Transportation

IRS FORM W-9

- Copy Attached
 Not Available

CRS/jl
Attachments

cc: Clerk of Commission
Karen A. Schlitzer, Senior Assistant Attorney General
/ Bureau of Right-of-Way
Town of Plaistow, Rosemarie L. Bayek, Tax Collector

Bureau of Right-of-Way
JO Morton Building, Room 100
7 Hazen Drive, PO Box 483
Concord, NH 03301-0483
Tel: (603) 271-3222
Fax: (603) 271-6915

BOARD OF TAX AND LAND APPEALS

State of New Hampshire

v.

SERVE:

Cottage Plaza Condominium Association
Gerald Carbone, President
55 Main Street
East Kingston, NH 03827

Docket No. _____

Parcel 342

DECLARATION OF TAKING AND DEPOSIT OF DAMAGES
A PROCEEDING IN REM

NOW COMES the State of New Hampshire, by the Department of Justice, and says:

1. The State of New Hampshire (the "State") is authorized by RSA 230:45 to acquire property for highway purposes by purchase or condemnation in accordance with RSA Chapter 498-A.
2. On June 23, 2004, the Governor and Executive Council of the State appointed a Special Committee to hold a hearing in accordance with RSA 230:45 to determine whether there was occasion for the laying out or alteration of a limited access highway, New Hampshire Route 125 in the Towns of Plaistow and Kingston. The Special Committee held a public hearing on November 3, 2004. The Special Committee's Report dated June 22, 2005, made a finding of necessity for the laying out or alteration of the highway in a location proposed by the Commissioner of Transportation. The Special Committee's Report is a public record available from the State of New Hampshire, Department of Transportation, Bureau of Right-of-Way, in Concord, New Hampshire. On May 5, 2004 and October 20, 2004, the Governor and Executive Council appointed a Commission of three persons to acquire land or other property in the proposed location by purchase or condemnation.
3. Based on a search of the Registry of Deeds, the following party has been identified by the State as Condemnee affected by the highway project:
 - a. Fee Simple Owner: Cottage Plaza Condominium Association is the owner in fee simple of certain property located in the Town of Plaistow, New Hampshire, by virtue of a deed recorded March 19, 1999, at the Rockingham County Registry of Deeds in Book 3375, Page 741; an Affidavit recorded April 5, 2004, at said Registry in Book 4263, Page 2598 and a Declaration of Condominium recorded June 17, 2004, at said Registry in Book 4312, Page 2065.

4. Interests in the property owned by the Condemnee are located within the approved highway layout and are needed for the construction, reconstruction, maintenance and operation of the aforesaid public highway. A portion of the Condemnee's land is required by the State in fee simple. A Control of Access, a drainage easement, a slope easement and a temporary construction easement are also required. The locations of these property interests are depicted on the attached "EXHIBIT A" and they are more particularly described as follows:

Fee Taking:

Taking in fee simple all that land belonging to Cottage Plaza Condominium Association, shown as parcel 342 on a Plan of Plaistow-Kingston, MGS-STP-T-X-5375(010), 10044B, on file in the records of the New Hampshire Department of Transportation and to be recorded in the Rockingham County Registry of Deeds that comes within a distance of twenty-five (25.00) feet Westerly of and parallel with the Service Road Construction Base Line; bounded on the Northeast by land now or formerly Mark A. Marino and Paula F. Marino, bounded on the West by land of the Condemnee and bounded on the Southeast by land now or formerly Berkshire-Dominon Holdings, LLC. Said parcel being triangular in shape.

Containing eleven hundredths (0.11) of an acre, more or less.

Control of Access:

Taking all rights of access, air, view and light over, from and to New Hampshire Route 125, in the Town of Plaistow pertaining to the abutting lands belonging to the Condemnee, its heirs, assigns, executors and administrators, as authorized in RSA 230:45, entitled "Limited Access Highways" with the exception of one (1) point of access on the Easterly side of NH Route 125, along the following described line:

Beginning at a point in the division line between land of the Condemnee and land now or formerly Mark A. Marino and Paula F. Marino; said point being on a course that passes through a point fifty-two and seventy-five hundredths (52.75) feet Easterly of and directly opposite the NH Route 125 Construction Base Line Station 1253+03.54 and a point fifty-two and eighty-seven hundredths (52.87) feet Easterly of and directly opposite Station 1249+65.00; thence, Southerly to the last named point; thence Southerly to a point in the division line between land of the Condemnee and land now or formerly Berkshire Dominion Holdings, Inc., on a course that passes through a point fifty and eighty-nine hundredths (50.89) feet Easterly of Station 1246+50.00.

Drainage Easement:

And also taking the permanent right and easement to construct, reconstruct, maintain, repair and operate ditches, culverts, pipes, catch basins or other facilities for drainage purposes over, under or through land of the Condemnee abutting or near the Service Road in the area shown on the above-referenced Plan in accordance with the standard practice of highway construction.

Containing six hundred fifty (650) square feet, more or less.

Slope Easement:

And also taking the permanent right and easement to construct and maintain slopes and embankments on land of the Condemnee at such an angle as will hold the Service Road and the material in the slopes in repose against ordinary erosion in the areas shown on the above-referenced Plan in accordance with the standard practice of highway construction.

Containing two thousand (2,000) square feet, more or less.

Temporary Construction Easement:

And also taking the temporary right and easement to construct or reconstruct the driveways, on land of the Condemnee, for the purpose of matching the driveways to NH Route 125, as shown on the above-referenced Plan in accordance with the standard practice of highway construction. Said temporary construction easement areas shall be affected for a period of twenty-four (24) months during the construction of the project. The Condemnee shall have unencumbered use of the areas at all other times. Said easement shall expire on December 31, 2033, or one (1) year after completion of the construction for the project, whichever date shall come first.

Containing six hundred seventy-five (675) square feet, more or less.

Containing in all a Control of Access; eleven hundredths (0.11) of an acre, more or less, in fee simple, a drainage easement of six hundred fifty (650) square feet, more or less, a slope easement of two thousand (2,000) square feet, more or less, and a temporary construction easement of six hundred seventy-five (675) square feet, more or less.

Meaning and intending to describe interests in that property, described in a deed recorded March 19, 1999, at the Rockingham County Registry of Deeds in Book 3375, Page 741; Affidavit recorded April 5, 2004, at said Registry in Book 4263, Page 2598 and a Declaration of Condominium recorded June 17, 2004, at said Registry in Book 4312, Page 2065.

5. The State has complied with the provisions of RSA 498-A:4. A qualified and impartial appraiser has completed an appraisal of all the property interests to be acquired from the Condemnee. On January 5, 2015, the State served by certified mail a written Notice of Offer to purchase the property interest described in Paragraph 4 in the form prescribed by statute.

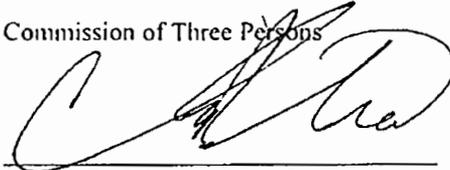
6. The State's offer of compensation was not accepted by the Condemnee within thirty (30) days after service of the Notice of Offer.

7. The State hereby deposits with the Board of Tax and Land Appeals the sum of Twenty-One Thousand Four Hundred Eighty-Five Dollars (\$21,485.00), representing the State's estimate of the amount of just compensation due to the Condemnee.

8. In accordance with RSA 498-A:5 and RSA 498-A:11, the State takes title to and possession of the above-described property interests as of the date this Declaration of Taking is filed.

THE STATE OF NEW HAMPSHIRE

Commission of Three Persons



Charles R. Schmidt, PE, Administrator
Bureau of Right-of-Way
Department of Transportation
John O. Morton Building
7 Hazen Drive
PO Box 483
Concord NH 03302-0483

FEB 25 2015

Date

By its attorneys,

Joseph A. Foster
Attorney General

FEB 25 2015

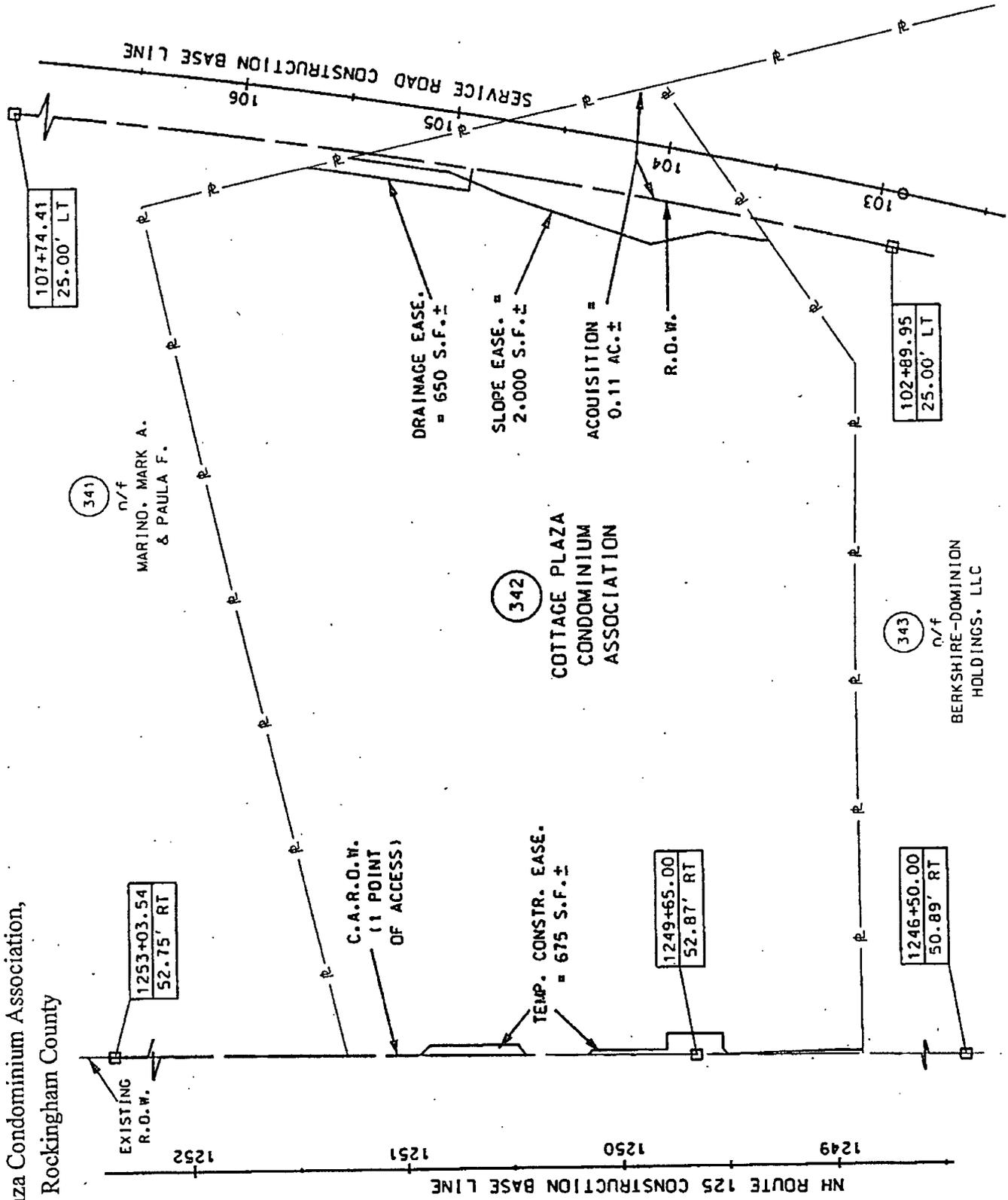
Date

Original signed by

John J. Conforti for

Karen A. Schlitzer
Senior Assistant Attorney General
33 Capitol Street
Concord NH 03301-6397

Land, Easements and Access Rights Acquired by State of New Hampshire
 from Cottage Plaza Condominium Association,
 in Plaistow, NH Rockingham County



Sheet 1 of 1
 PLAISTOW-KINGSTON 10044B

EXHIBIT "A"

Not To Scale

REPORT OF THE COMMISSIONER

PLAISTOW-KINGSTON, MGS-STP-T-X-5375(010), 10044-B

NH ROUTE 125 RECONSTRUCTION

PUBLIC HEARING

November 3, 2004 -- POLLARD SCHOOL GYMNASIUM -- 7:00 PM

As a result of the Public Hearing held on November 3, 2004 for the **PLAISTOW-KINGSTON, MGS-STP-T-X-5375(010), 10044-B** project, the following layout with limitations to access is established as shown on the Hearing Plan and as described below:

Beginning at a point along NH Route 125 at the intersection of East Road and Joanne Drive in the Town of Plaistow and continuing north approximately three and eight tenths (3.8) miles to a point approximately five hundred (500') feet south of the Hunt Road/Newton Junction Road intersection with NH Route 125 in the Town of Kingston. The project will then continue from a point at approximately the southern intersection of NH Route 125 and Old Coach Road in Kingston and continue north approximately one and two tenths (1.2) miles to a point approximately three hundred (300') feet south of the Stoney Brook Road intersection in the Town of Kingston. In addition, the project includes a jug-handle and associated highway widening along the west side of NH Route 125 approximately one thousand (1000') feet north of the Hunt Road/Newton Junction Road intersection with NH Route 125 (NHDOT project no. 10044-C, this project was previously approved and construction began in the spring of 2004).

The section of NH Route 125 to the south of the Hunt Road/Newton Junction Road intersection is proposed to have two lanes in each direction separated by a raised median island and five (5') foot shoulders. The section of NH Route 125 north of the Hunt Road/Newton Junction intersection is proposed to have one lane in each direction and ten (10') foot shoulders.

Other work included with this project involves, construction of a new service road east of and parallel to NH Route 125 from a point one thousand three hundred (1300') feet north of Joanne Drive to Old Road, with a new connector road to this proposed service road starting at a new signalized intersection two thousand one hundred (2100') feet north of Joanne Drive. Danville Road will be reconstructed from the NH Route 125 intersection west approximately six hundred (600') feet and the Danville Road /NH Route 125 intersection will be signalized. NH Route 121A (Main Street) will be reconstructed starting approximately five hundred (500') feet east of NH Route 125 to a point approximately one thousand (1000') feet west of NH Route 125 at the Walton Road intersection, and the existing signals will be replaced. Old County Road will be reconstructed approximately four hundred (400') feet east and approximately four hundred (400') feet west of the NH Route 125 intersection. The NH Route 125/Old County Road intersection will be signalized. Kingston Road will be extended north on new alignment approximately two thousand (2000') feet to intersect with NH Route 125 opposite Roadstone Drive at a new signalized intersection. The existing Kingston Road connection with NH Route 125 will be discontinued. Colonial Road will be reconstructed for approximately one thousand (1000') feet at the north end and this intersection will be signalized with Debra Road, which will be reconstructed for approximately six hundred (600') feet on new alignment to intersect NH Route 125 opposite Colonial Road. The southern connection of Colonial Road and NH Route 125 will be discontinued. The southern intersection of Meeks Road with NH Route 125 will be reconstructed for approximately three hundred fifty (350') feet and the northern intersection with NH Route 125 will be discontinued.

Portions of Old Road, Rose Avenue, Jesse George Road, Roadstone Drive, Dorre Road, and the northern connection of Old Coach Road intersecting with NH Route 125 will all have minor approach work as part of this project. Also the northern connection of Walton Road with NH Route 125 will be relocated as part of this project.

To compensate for environmental impacts associated with this project's construction the following parcels, or portions thereof, have been identified for possible acquisition and placement into conservation. In Kingston west of Bayberry Pond and adjacent to the Dorre Road Town Forest, a portion of Tax Map R-5 Lot 1C and a portion of Tax Map R-2 Lot 11 is proposed. In the northwest section of Plaistow just west of NH Route 121A, parcels identified on the Town's tax maps as Map 6 Lot 15, Map 6 Lot 7, Map 7 Lot 3, Map 8 Lot 24, and Map 8 Lot 25 are proposed.

Limitations of access on NH Route 125 are as follows:

PLAISTOW

WILLIAMS, Richard E. & Janice M. (Parcel 101): One (1) point of access; access is also available via East Road.

EIGHTY PLAISTOW ROAD TRUST (Parcel 102): One (1) point of access.

PEST-END, Inc. (Parcel 103): One (1) point of access.

CRANIUM PROPERTIES LLC (Parcel 104): One (1) point of access.

COLONNA, Theresa J. (Parcel 105): One (1) point of access.

WILLIAM A. CONTE MARITAL TRUST (Parcel 106): One (1) point of access.

WILLIAM A. CONTE MARITAL TRUST (Parcel 107): One (1) point of access.

WILLIAM A. CONTE MARITAL TRUST (Parcel 109): Zero (0) points of access; access available via parcel 110.

WILLIAM A. CONTE MARITAL TRUST (Parcel 110): Two (2) points of access.

MEARS REALTY Corp. (Parcel 111): Two (2) points of access.

NNA Associates (Parcel 113): One (1) point of access at the proposed signal.

MINASIAN, Stephen G., BARSAMIAN, Robert P., & SCUDERI, Philip J. (Parcel 114): One (1) point of access.

SENER AUTO REALTY TRUST (Parcel 115): One (1) point of access.

ST GEORGES PLACE LLC (Parcel 116): One (1) point of access.

BEST DRY CLEANERS, Inc (Parcel 117): One (1) point of access.

PORT, Barbara (Parcel 118): One (1) point of access.

132 PLAISTOW ROAD REALTY TRUST (Parcel 119): Zero (0) points of access; access available via Rose Avenue.

JJAMBS LLC (Parcel 120): Zero (0) points of access; access available via Rose Avenue.

2 DANVILLE ROAD REALTY LLC (Parcel 121): One (1) point of access; access also available via Danville Road.

142 PLAISTOW ROAD REALTY LLC (Parcel 128): Two (2) points of access.

VSH REALTY, Inc (Parcel 129): Zero (0) points of access; access via parcel 128.

146 PLAISTOW ROAD REALTY TRUST (Parcel 130): Zero (0) points of access; access available via Jesse George Road and parcel 131.

146 PLAISTOW ROAD REALTY TRUST (Parcel 131): One (1) point of access.

148 PLAISTOW ROAD REALTY LLC (Parcel 132): One (1) point of access.

SMITH, John F. (Parcel 133): One (1) point of access.

SMITH, John F. (Parcel 136): Zero (0) points of access; access available via Main Street.

PPW REALTY TRUST (Parcel 137): Two (2) points of access.

ZACHARY & JOHN REALTY TRUST LLC (Parcel 138): One (1) point of access.

PPW REALTY TRUST (Parcel 139): Zero (0) points of access; access via parcel 138.

LARRY'S CLAM BAR, Inc. (Parcel 140): Zero (0) points of access; proposed connection via parcel 140A.

LARRY'S CLAM BAR, Inc. (Parcel 140A): One (1) point of access.

HAGGETT, Lawrence C. & Verna A. (Parcel 142): Two (2) points of access.

LARRY'S CLAM BAR, Inc. (Parcel 143): Two (2) points of access.

BRIBEC LLC (Parcel 144): One (1) point of access.

GARABEDIAN FAMILY TRUST (Parcel 150): One (1) point of access.

LEBLANC, Virginia P. (Parcel 151): One (1) point of access.

LEBLANC, Virginia P. (Parcel 152): Zero (0) points of access; access available via Old County Road.

SUMMA HUMMA REALTY LLC (Parcel 156): One (1) point of access; access also available via Old County Road.

GRANVILLE REALTY ASSOCIATES (Parcel 157): One (1) point of access; access also available via Old County Road.

HORIZON REALTY ASSOCIATION (Parcel 158): Zero (0) points of access.

NICKY REALTY TRUST (Parcel 159): Zero (0) points of access; access available via parcels 159A, 161, & 162.

NICKY REALTY TRUST (Parcel 159A): Zero (0) points of access; access available via parcels 161 & 162.

GREGOIRE, Richard & Sue E. (Parcel 161): Zero (0) points of access; access available via parcel 162.

214 PLAISTOW ROAD REALTY TRUST (Parcel 162): One (1) point of access.

214 PLAISTOW ROAD REALTY TRUST (Parcel 162A): Zero (0) points of access; access available via parcel 162.

214 PLAISTOW ROAD REALTY TRUST (Parcel 164): Zero (0) points of access; access available via parcels 162 & 162A.

DCF REALTY LLC (Parcel 165): Zero (0) points of access; access available via parcel 165A.

DCF REALTY LLC (Parcel 165A): Two (2) points of access.

PLAISTOW STORAGE REALTY TRUST (Parcel 299): Two (2) points of access.

PLAISTOW STORAGE REALTY TRUST (Parcel 299A): Zero (0) points of access; access available via parcel 299.

PLAISTOW STORAGE REALTY TRUST (Parcel 299B): Zero (0) points of access; access available via parcel 299C or via parcel 299 through parcel 299A.

PLAISTOW STORAGE REALTY TRUST (Parcel 299C): One (1) point of access.

CHAYA BROTHERS REALTY LLC (Parcel 303): One (1) point of access.

NEALE REALTY TRUST (Parcel 304): One (1) point of access.

DODGE FAMILY REAL ESTATE CO. LLC (Parcel 305): Zero (0) point of access; access available via Old County Road.

R&B REALTY TRUST (Parcel 308): One (1) point of access; access also available via Old County Road.

LEBLANC REALTY TRUST (Parcel 309): One (1) point of access.

SASHA REALTY TRUST (Parcel 310): One (1) point of access.

TOWN OF PLAISTOW (Parcel 311): Zero (0) points of access.

TOWN OF PLAISTOW (Parcel 312): Zero (0) points of access.

RAY, Norman E. Jr., RAY, Doris F., & RAY, David M. (Parcel 313): One (1) point of access; access also available via parcel 313A.

RAY, Norman E. Jr., RAY, Doris F., & RAY, David M. (Parcel 313A): One (1) point of access; access also available via parcel 313.

BRESNAHAN REALTY TRUST (Parcel 315): One (1) point of access to be shared with parcel 316 with the driveway located at the property line.

BRESNAHAN REALTY TRUST (Parcel 316): Two (2) points of access with one point of access to be shared with parcel 315 with the driveway located at the property line.

RER REALTY TRUST (Parcel 317): One (1) point of access.

TAYLOR, Richard A. Jr. (Parcel 318): One (1) point of access.

SANBORN REALTY TRUST (Parcel 319): One (1) point of access.

WILLIAM H. SANBORN REVOCABLE TRUST (Parcel 320): Zero (0) points of access; access available via Main Street and parcel 319.

SMITH, John F. (Parcel 322): One (1) point of access.

J&J REALTY TRUST (Parcel 323): Zero (0) points of access; access available via parcel 323-1.

POST FAMILY TRUST CONDOMINIUM ASSOCIATION (Parcel 323-1): One (1) point of access.

SAKKAS LLC (Parcel 324): Zero (0) points of access; access available via parcel 323-1.

ASPROGIANNIS, Dimitrios & Stelios (Parcel 325): Two (2) points of access.

TAVITIAN, Satinig (Parcel 328): Zero (0) points of access; access available via Jesse George Road.

PENTOLIROS, Hope (Parcel 329): One (1) point of access; access also available via Jesse George Road and proposed town road stub.

CASS-OHAN REALTY TRUST (Parcel 330): One (1) point of access; access also available via proposed town road stub.

DANOS, Aristotelis (Parcel 333): One (1) point of access.

PRECIOUS REALTY LLC (Parcel 334): One (1) point of access to be shared with parcel 335 with the driveway located at property line; access also available via the proposed service road.

107 PLAISTOW ROAD REALTY TRUST (Parcel 335): One (1) point of access to be shared with parcel 334 with the driveway located at property line; access also available via the proposed service road.

DUARCHY REALTY LLC (Parcel 336): Zero (0) points of access; access available via parcel 337.

125 EQUITABLE LLC (Parcel 337): One (1) point of access; access also available via the proposed service road.

DUARCHY REALTY LLC (Parcel 338): One (1) point of access.

BACZAK, Inc. (Parcel 339): Zero (0) points of access; access available via proposed service road connector.

BARONS INDUSTRIAL PARK CONDO ASSOCIATION (Parcel 340): Zero (0) points of access; existing driveway to become Town maintained service road connector.

MARINO, Mark A. & Paula F. (Parcel 341): Zero (0) points of access; access available via proposed service road connector.

COTTAGE PLAZA LLC (Parcel 342): Two (2) points of access.

DAKOTA REALTY Corp. (Parcel 343): One (1) point of access.

BGC REALTY TRUST (Parcel 344): One (1) point of access.

PLAISTOW REALTY TRUST (Parcel 345): Two (2) points of access.

COTTAGE PLAZA LLC (Parcel 346): Zero (0) points of access; access via parcel 346A. (See finding No. 21)

COTTAGE PLAZA LLC (Parcel 346A): One (1) point of access. (See finding No. 21)

PROCESS ENGINEERING, Inc. (Parcel 347): One (1) point of access. (See finding No. 21)

MILLS, Ronald G. & Carol K. (Parcel 348): One (1) point of access. (See finding No. 21)

AARON M. SINGER REALTY TRUST (Parcel 349): One (1) point of access.

AMERICAN OIL CHANGE Corp. (Parcel 350): One (1) point of access.

MACISAAC, John (Parcel 351): One (1) point of access.

DAVEY, Joseph (Parcel 352): One (1) point of access.

DAVEY, Joseph (Parcel 353): One (1) point of access.

KINGSTON

STATE OF NH (formerly Leate-Varney) (Parcel 1): One (1) point of access.

GEOFFROY, Robert, C. (Parcel 2): One (1) point of access.

GEOFFROY, Robert, C. (Parcel 3): One (1) point of access.

BAYBERRY PARK LTD (Parcel 4): One (1) point of access.

JASE REALTY TRUST (Parcel 5): One (1) point of access.

MATHEWS, Gary & MATHEWS, Robert G. (Parcel 6): One (1) point of access.

HANSON, Michael E. & Angelina D. (Parcel 7): One (1) point of access.

LEATE, George W. Jr. & Kathleen A. (Parcel 23): Two (2) points of access.

SANDRA R. PHILBRICK LLC (Parcel 24): One (1) point of access with access located on Old Coach Road.

SAMOISSETTE, Richard A. & Brenda J. (Parcel 25): Two (2) points of access.

TOWN OF KINGSTON (Parcel 26): Two (2) points of access.

TASBAK LLC (Parcel 53): One (1) point of access.

TASBAK LLC (Parcel 54): One (1) point of access; access shall be entrance only, exit shall be via parcel 53 or parcel 52.

TUPELO, LLC (Parcel 55): One (1) point of access.

TUPELO, LLC (Parcel 56): One (1) point of access.

TUPELO, LLC (Parcel 57): Zero (0) points of access; access available via Parcel 56.

JOHN D. LANCASTER TRUST (Parcel 58): One (1) point of access.

YOUNG, Roger S. (Parcel 59): One (1) point of access.

JEFF-RE REALTY TRUST (Parcel 168): Two (2) points of access.

WILLIAM S. BARTLETT, JR. REVOCABLE TRUST (Parcel 169): Two (2) points of access.

STATE OF NH (Parcel 169-1): Two (2) points of access as established by deed (Book 1575, Page 154) recorded in the Rockingham County Registry of Deeds on February 7, 1961.

GALLOWAY, John & Brenda Rose (Parcel 172): One (1) point of access identified as Roadstone Drive, a private road.

BROX INDUSTRIES Inc. (Parcel 173): One (1) point of access.

DONNA C. DAMPHOUSSE REVOCABLE TRUST (Parcel 174): Two (2) points of access.

DONNA C. DAMPHOUSSE REVOCABLE TRUST (Parcel 174A): Zero (0) points of access; access available via Dorre Road.

WHITNEY, Robert W. & Donna Y. (Parcel 178A): Two (2) points of access with one access to be entrance only and the second access to be exit only.

WHITNEY, Jason T. (Parcel 179): One (1) point of access.

R&C LIVING TRUST (Parcel 180): One (1) point of access.

FREDERICK, Kenneth D. (Parcel 181): One (1) point of access.

SPE REAL ESTATE LLC (Parcel 182): One (1) point of access.

HARRON CABLEVISION OF NH, Inc. (Parcel 183): One (1) point of access.

SWANBURG, Judith A. & Lloyd G. (Parcel 184): Zero (0) points of access (property to be acquired).

CHAMBERS, Michael J. (Parcel 186): One (1) point of access.

STANLEY, Joshua R. (Parcel 189): One (1) point of access.

KAUNAS LLC (Parcel 190): Two (2) points of access.

RD 125 REALTY Corp. (Parcel 191): One (1) point of access.

SAMOISSETTE, Richard A. & Brenda J. (Parcel 193): Zero (0) points of access; access available via Old Coach Road.

NASON, Glory M. (Parcel 194): Zero (0) points of access; access available via Old Coach Road.

NH PEABODY LLC (Parcel 195): Two (2) points of access.

SEACOAST DIGITAL COMPUTERS, Inc. (Parcel 201): One (1) point of access.

ROBERT H. BAXTER REVOCABLE TRUST (Parcel 202): One (1) point of access.

ROBERT H. BAXTER REVOCABLE TRUST (Parcel 202B): Two (2) points of access with one access to be entrance only and the second access to be exit only.

SEBETES, John Peter Jr. (Parcel 205): Zero (0) points of access; access available via Old Coach Road.

STATE OF NH (Parcel 206): One (1) point of access; access to be shared with parcel 207 at the property line.

BSS REALTY TRUST (Parcel 207): Two (2) points of access; one access to be shared with parcel 206 at the property line.

MOTIVA ENTERPRISES LLC (Parcel 208): One (1) point of access located opposite improved Meeks Road.

WHITE, Frank A. & Elisabeth C. (Parcel 209): One (1) point of access.

EARLY, Richard P. Sr. & Dorothy (Parcel 210): Zero (0) points of access.

CAMPERS INN OF KINGSTON, Inc. (Parcel 211): One (1) point of access.

FLAIR REALTY LLC (Parcel 212): Two (2) points of access with one access to be exit only.

FLAIR REALTY LLC (Parcel 213): One (1) point of access to be entrance only and shared with parcel 214 at property line, exit via parcel 212.

FLAIR REALTY LLC (Parcel 214): One (1) point of access to be entrance only and shared with parcel 213 at property line, exit via parcel 212.

STATE OF NH (Parcel 250): Zero (0) points of access. Zero (0) points of access along NH 125 was previously established within the existing LAROW under project S-4515 e. 1963.

CAMPERS INN OF KINGSTON, Inc. (Parcel 252): Zero (0) points of access.

LUPACZYK, Stephen E. & LEWIS, Darcy (Parcel 253): Zero (0) points of access; access available via Meeks Road.

BOISSELLE, Ronald N. (Parcel 254): Zero (0) points of access; access available via Meeks Road.

OVITT LLC (Parcel 258): Two (2) points of access.

OLOFSON, Kerry & Troy (Parcel 264): Zero (0) points of access; access available via Meeks Road.

MORRISSEY, Leonard P. & Erna P. (Parcel 265): Zero (0) points of access; access available via Meeks Road.

RODGERS, Mary L. (Parcel 266): Zero (0) points of access; access available via Meeks Road.

PARKER REALTY TRUST (Parcel 267): One (1) point of access.

PARKER REALTY TRUST (Parcel 268): Zero (0) points of access; access available via parcel 267.

INTERNATIONAL MINERALS & CHEMICAL Corp. (Parcel 269): One (1) point of access.

111 MAIN LLC (Parcel 270): One (1) point of access.

KAUNAS LLC (Parcel 271): One (1) point of access.

MAILLE, Richard & LINNEHAN, Renate (Parcel 272): One (1) point of access.

COMEAU FAMILY REALTY TRUST (Parcel 273): Two (2) points of access.

KINGSTON MEMORIAL POST #1088 VFW (Parcel 274): One (1) point of access.

KINNEY, Wayne E. (Parcel 275): One (1) point of access shared with parcel 275A at property line.

KINNEY, Wayne E. (Parcel 275A): One (1) point of access shared with parcel 275 at property line.

TOWN OF KINGSTON (Parcel 278): Zero (0) points of access; access available via Colonial Road.

CARA MARIA REALTY TRUST (Parcel 279): One (1) point of access.

CROWELL, Phyllis L. (Parcel 282): Zero (0) points of access; access available via Colonial Road.

BURTT, Irene M. (Parcel 283): One (1) point of access for existing 50' right of way established by deed (Book 2662, Page 1749) recorded at the Rockingham County Registry of Deeds on February 20, 1987.

JODA NEW VENTURE LLC (Parcel 284): Zero (0) points of access; access available via 50' right-of-way on parcel 283.

CARRIKER, Russell L. (Parcel 285): One (1) point of access.

TOWN OF KINGSTON (Parcel 286): Zero (0) points of access.

PREMIER REALTY TRUST (Parcel 287): One (1) point of access.

MASSAPAUG REALTY TRUST (Parcel 288): Zero (0) points of access; access available via Kingston Road Extension.

R&G REALTY TRUST (Parcel 290): One (1) point of access; additional access available via Kingston Road Extension.

NICOR, Inc. (Parcel 290-1): Zero (0) points of access.

STATE OF NH (Parcel 290-2): Zero (0) points of access (parcel will be eliminated by new ROW).

DAHER, Carlos M. & Christine (Parcel 291): One (1) point of access.

THOMAS, Russell K. Jr. (Parcel 292A): Zero (0) points of access; access available via Kingston Road Extension.

STATE OF NH (Parcel 293): Zero (0) points of access; access available via Kingston Road Extension.

The above limitations of access are established in accordance with RSA Section 230:46.

The following decisions are the Department's resolution of issues as a result of the testimony presented at the November 3, 2004 Public Hearing and written testimony subsequently submitted.

- 1) Ms. Marilyn Senter, Chairperson of Plaistow Board of Selectmen, expressed gratitude and satisfaction with the current proposal. She noted support from the Board of Selectmen, Police Department, and Fire Department. She also noted interest and support for a raised median further south of the project limits to resolve the serious safety concerns on NH 125 between the state line and Westville Bridge.

Mr. Glenn Coppelman, representing the Kingston Planning Board, expressed support for the project with the exception of the construction timeline for the Kingston segments. He advocated the northern segments of the project be constructed sooner than planned should additional funding become available.

Representative Kevin Camm expressed support for the project stating that he is in favor of the improvements to the highway as they are proposed.

Mr. Glenn Greenwood, Rockingham Planning Commission and Chairman of the project's Advisory Task Force, noted that there was a remarkable degree of cooperation between both Towns in progressing the project's design forward and commended the Department on the incorporation of access management into the project. He explained that in his opinion the long-term integrity of the corridor will be increased resulting in less need for future public expenditures to protect the safety of the corridor.

Response: The Department acknowledges and appreciates the communities' support. Access management is and will continue to be an important component of the project to effectively preserve the corridor's capacity and enhance the long-term safety along NH 125. The Department is committed to incorporate the access management elements of the project and balance the transportation, mobility, and safety needs of the corridor with the access concerns of the abutting property owners.

Should additional funding become available, the Department, through the 10-Year Plan process, will look to advance segments of the project to be constructed sooner than currently planned.

- 2) Representative Kevin Camm noted a concern from some business owners regarding the raised median and the ability of customers to readily reverse direction to access properties. He questioned whether "U-turns" would be permitted at the signalized intersections.

Mr. Daniel Mastroianni, 3 Newton Junction Road, Kingston, (owner of parcels #55, #56, & #57) expressed objection to the proposed raised median stating that it will negatively affect his business at 49 Route 125 (parcel #56). He suggested, if the raised median is installed, that an opening in the median be provided to allow vehicles access to his property at 49 Route 125 (parcel #56).

Mr. Thomas Greer, 59 Route 125, Kingston, (owner of parcels #52, #53, & #54) expressed objection to the raised median citing the larger volume of truck activity into his growing business located at 59 Route 125 (parcels #52 & #53). He acknowledged the need for the widening of NH 125, but suggested two-way left turn lanes would be preferable.

Mr. Donald Reis, 87 Plaistow Road, Plaistow, (part-owner of parcels #344 & #345) expressed concern that the raised median will negatively affect his business located at

87 Plaistow Road (parcel #345). He stated that 40% of his customers travel from the north and will either need to use the service road to gain access to his business or will need to travel past his business and turn around at East Road/Joanne Drive.

Response: The Department believes the proposed raised median is the safest and most cost-effective treatment to handle the growing volume of traffic (23,000 vehicles per day (vpd) on NH 125 just north of East Road in 2001 and projected to exceed 31,000 vpd in twenty years) and the inherent conflict between the through traffic seeking to travel through the corridor and the local traffic seeking to access the adjacent businesses and abutting properties. The numerous uncontrolled driveways along the corridor, not only adversely affect the efficient flow of traffic, but in certain cases lead to potentially hazardous and confusing situations as motorists try to enter and exit the highway. National studies have shown that raised medians reduce crashes by over 40% in urban areas and 60% in rural areas. The safety benefits of raised medians become more pronounced where traffic volumes exceed 20,000 vpd.

The Department has tried to balance the safety and transportation issues and the access concerns of the businesses and abutting property owners. Directional median openings are provided at various locations along the corridor, to provide left turn access into properties from NH 125. Left turns out of properties will be precluded at these locations. "U-turns" will be permitted at the directional median openings and at all the signalized intersections to provide the ability for passenger cars to reverse direction. Trucks and vehicles with trailers will need to travel to the proposed "jug-handle", "slip-ramp", and designated truck turn locations to be afforded an opportunity to reverse direction. Six such truck-turn locations have been incorporated into the project.

Directional median openings have been provided to allow passenger cars full access from NH 125 into parcel #53 (Mr. Greer's property) and parcel #56 (Mr. Mastroianni's property) to reduce the effect of the median on those businesses. Passenger cars leaving those businesses will have an opportunity to turn around, if so desired, at the Hunt Road / Newton Junction Road signalized intersection. Trucks leaving those businesses will need to travel to the proposed "jug-handle", approximately 1000' north of the Hunt Road / Newton Junction Road intersection, to change direction and head south. A "slip-ramp" is provided at the new Debra Road / Colonial Road intersection for large trucks heading south needing to access parcels #53 and #56 but unable to utilize the directional median openings.

The Department acknowledges that the raised median will preclude direct left-turn access to a fair amount of properties along the NH 125 corridor and a percentage of the vehicles will need to travel further to reach a property. However, overall travel along the corridor is envisioned to be safer, more orderly, and more efficient when the project is completed. The Department plans to provide adequate signage along the corridor to clearly identify turn-around locations and access avenues.

- 3) Mr. Donald Clark, 10 Walton Road, Plaistow; Mr. & Mrs. James & Barbara Follet, 13 Walton Road, Plaistow; Ms. Marvellen Pelletier, 22 Walton Road, Plaistow; Ms. Virginia Waltz, 2 Walton Road, Apt. 2A, Plaistow; Ms. Cecile McKinney, 2 Walton Road, Apt. 3H, Plaistow; Mr. & Mrs. Cort and Barbara Dixon, 24 Shady Lane, Plaistow; requested Walton Road's connection with NH 125 be discontinued. They expressed concern with the current high volume of traffic and unsafe speed on Walton Road, and that Walton Road was being used as a "cut-through" to avoid the traffic signals at the Main Street / NH 125 intersection. Further, they fear the proposal would add more traffic onto Walton Road.

Mr. & Mrs. Cort and Barbara Dixon (owner of parcel #147), requested Walton Road's connection with NH 125 not be relocated aside their residence and in the vicinity of their driveway. They expressed concern with a diminished quality of life due to headlight splash and increased noise adversely affecting their property. They noted concern with reduced safety exiting their driveway onto the relocated entrance of Walton Road. Additionally, they stated that all of the business traffic accessing Sawyer's Function Hall (parcel #148) would be directed towards their home and would need to pass their residence should the proposal be constructed.

✓ Mr. Ron LeBlanc, 57 Meditation Lane, Atkinson, NH, (owner of parcels #148, #308, & #309) expressed concern and objection to the proposal to relocate Walton Road's connection with NH 125 from in front of Sawyer's Function Hall (parcel #148) further south towards Shady Lane. He noted that considerable traffic and congestion is evident in the vicinity of the banquet facility during election periods (voting occurs at the facility), and expressed concern that congestion would worsen if the entry way is moved to the south.

Ms. Leigh Komornick, Plaistow Planning Coordinator, stated that the Safety Committee, in a meeting on November 10, 2004, voted unanimously in favor of keeping the Walton Road connection with NH 125 open, as shown on the current plans.

Ms. Marilyn Senter, Chairperson of Plaistow Board of Selectmen, stated in a letter dated December 7, 2004 that the Board of Selectmen met on December 6th to discuss disconnecting Walton Road from NH 125 and after careful consideration, the Board of Selectmen is not in favor of closing Walton Road to through traffic.

Response: The Department is aware that on at least six occasions between May 2003 and December 2004, town-level meetings were held by the Plaistow Board of Selectmen to discuss the closure of Walton Road and seek input from the town's safety officials and the general public. Prior to the project's Public Hearing, in a letter dated March 1, 2004 and more recently in a letter dated December 7, 2004, the Town expressed its position to not close Walton Road to through traffic. Since Walton Road is a town road under the Town's jurisdiction, the Department defers to the Town's position and will maintain Walton Road's connection with NH 125.

In response to concerns raised objecting to the relocation of Walton Road's connection with NH 125, the Department has reviewed the location and proposes to shift the intersection approximately 100' north of the previously proposed location. This new location will better accommodate the driveway to the Dixon residence, as the driveway, being further removed from the new intersection, will be in a safer location. The new location of Walton Road's connection with NH 125, being further removed from the Dixon residence, will also reduce the owner's concerns relative to headlight splash and noise. Additionally, the new location will have the added benefit of providing a more direct connection for business traffic accessing the Sawyer's Function Hall. Traffic seeking to access the Function Hall from NH 125 will not need to pass by the Dixon residence.

- 4) Mr. Robert Whitney, 26 Route 125, Kingston, (owner of parcel #178A), requested a break in the median for the entire length of his property frontage (parcel #178A). He stated that the median, as proposed, would have a negative financial impact on his business.

Mr. Whitney acknowledged that the building on his property was identified as being impacted and acquired by the project. He noted that a double entrance to his property exists today and requested two entrances be provided to his property as part of the project.

Response: The Department has provided a directional median opening (to allow vehicles to make a left from NH 125) at Dorre Road. Since Mr. Whitney's property is a corner parcel with frontage on NH 125 and Dorre Road, full access to the property from NH 125 via Dorre Road will be realized.

The Department is amenable to providing two access points to the parcel from NH 125 with one access being designated as a right-in only and the second designated as a right-out only.

- 5) Mr. Jason Whitney, 26 Route 125, Kingston, (owner of parcel #179) requested a directional median opening be provided to access his property. He suggested the emergency median opening, proposed just north of his property line, possibly serve to provide access to his property or the median opening be enlarged to provide

emergency access and left turn access to his property and the property on the opposite side of NH 125.

Response: The subject residence is adversely impacted by the proposed widening and improvements to NH 125. As such, the building has been identified as an acquisition as part of the project. The Department feels adding another directional median opening in close proximity to the proposed directional median opening at Dorre Road will compromise the long-term safety in the area. In reviewing the overall layout and spacing of access, the Department believes the proposed locations for the emergency median opening and the directional median openings best accommodate access to the surrounding properties while preserving the long-term safety in the area.

- 6) Representative Kevin Camm noted concerns from business owners regarding the type of median treatment proposed for the project. He noted that business owners had expressed concern that the median could become unsightly over a period of time.

Response: The Department proposes to provide a landscaped median as part of the project. The landscaping is envisioned to be of a type capable of thriving in a relatively adverse environment and requiring little maintenance. The landscaping plan will be developed with input from the towns during the project's final design. The Department envisions the Towns of Plaistow and Kingston will be responsible for the maintenance and routine upkeep of the landscaping within their respective communities. Maintenance agreements with the respective Towns to outline responsibilities will be developed and executed during the project's final design.

- 7) Executive Councilor Ruth L. Griffin noted the proximity of the Beede Waste Oil Superfund site, which is situated in the Kelly Brook area, to the potential mitigation parcels proposed in Plaistow, and questioned whether the Superfund site could have an adverse affect on groundwater in the vicinity of the mitigation parcels.

Response: The Beede Waste Oil Superfund site is located approximately ½ mile down gradient of all of the proposed Kelley Brook Conservation Area mitigation parcels. As a general rule, groundwater moves in the same direction as surface watercourses; thus, the groundwater in the vicinity of the mitigation parcels should not be adversely affected by the Superfund site.

- 8) Representative Kevin Camm expressed concern with the amount of land (approximately 98 acres) proposed to be purchased for mitigation. He questioned whether federal funds (80%) would be used to help defray the cost of the mitigation.

Response: The mitigation proposed to compensate for the direct impacts to wetlands as a result of the project is consistent with the mitigation ratios (approximately 14 to 1 in this case) as established in the Code of Administrative Rules of the New Hampshire Department of Environmental Services. The cost of the proposed mitigation will be paid for with federal (80%) and state highway (20%) funds.

- 9) Mr. Laurence Radford, 9 Colonial Road, Kingston, (owner of parcel #277) expressed concern with the layout of his proposed driveway connection. He stated that the realignment and relocation of the end of his driveway would make access in and out of his property more difficult for his 36-foot long motor home and automobile towing operation. He requested his driveway remain in the same location or be flared and widened to accommodate the larger vehicles.

Response: The Department has reviewed Mr. Radford's driveway and re-positioned the driveway to match into the existing drive location. The end of the driveway is proposed to be flared to accommodate a single-unit truck. Some clearing of trees along the inside of the curve south of the driveway will be necessary to provide adequate visibility for vehicles exiting the driveway. A temporary construction easement will need to be procured in order to undertake the clearing.

- 10) Mr. Robert Kalil, 6 Lakeside Drive, Atkinson, (owner of parcel #116) expressed concern with the location of the proposed driveway to his property in Plaistow. He felt that vehicles would have a difficult time entering and exiting his property once NH 125 is widened and the driveway positioned in front of his building. He suggested the driveway be relocated further north and expressed a willingness to re-arrange his parking layout.

Response: The Department has reviewed the driveway to parcel #116 and has revised the location of the driveway to coincide with the circulation aisle of the existing parking lot. The layout will be further refined with input from the owner during the project's final design.

- 11) Mr. Robert Williams, 95A Plaistow Road, Plaistow, (representing Baron's Associates, owner of parcel #340) noted that his property is located to the rear of the buildings fronting NH 125. He noted a multi-business sign advertising his business and others is located adjacent to NH 125 and appears to be impacted by the proposed construction for the access road. He questioned the disposition of the sign.

Response: The sign, if impacted by the proposed work, will be relocated as an element of the right of way negotiations.

- 12) Mr. Steve Marullo, speaking for his mother-in-law, Virginia LeBlanc, 192 Plaistow Road, Plaistow (parcel #152), expressed concern for his mother-in-law, who is 85 years old and has resided in the current address for 50 years. Her residence is impacted and proposed to be removed to accommodate the proposed improvements along NH 125 and at the Old County Road intersection.

Response: The Department acknowledges and is sensitive to Mr. Marullo's concerns regarding his mother-in-law. The Department will make every effort reasonably possible to minimize the level of disruption to Ms. LeBlanc and make the relocation and transition to a new home as smooth as possible.

- 13) Mr. Donald Reis, 87 Plaistow Road, Plaistow, (part-owner of parcels #344 & #345) expressed concern with the location of the proposed service road as it ends at his parking lot and directs vehicles through the parking and service area of his property. He suggested that approximately 20 of his 80 parking spaces would be potentially impacted by the location of the service road.

Response: The Department acknowledges Mr. Reis' concern and has revised the location of the service road to end shy of the property. The new termination of the service road will avoid any impacts to the parking and service area.

- 14) Mr. Kenneth Frederick, 32 Route 125, Kingston, (owner of parcel #181) noted that his property has been identified to be acquired as part of the project and requested, as soon as the project is approved, that the Department acquire his property as an early acquisition. He noted that his property has been on the market and he cannot sell it because of the project's affect on the property.

Response: Due to Mr. Frederick's hardship of not being able to sell his property because of the project's impact on the property, the Department will pursue the early acquisition of Mr. Frederick's property.

- 15) Ron LeBlanc, 57 Meditation Lane, Atkinson, NH, (owner of parcels #148, #308, & #309) expressed concern that the widening of NH 125 in front of his building (parcel #309) will preclude the ability for vehicles to pass along the front of the building, as they can today. He requested that, at the very least, a walkway be provided to allow access to the building's front entryway.

Mr. LeBlanc expressed concern that one of the access points to parcel #308 was proposed to be eliminated. He stated that preliminary plans for further development of

the corner parcel have been completed. He requested an access be provided from the property onto Old County Road opposite the Dodge Agway (parcel #305) driveway.

Response: The Department has reviewed parcel #309 and notes that the building's front entrance is situated only a few feet from the existing right-of-way line. The Department acknowledges that the widening of NH 125 will extend to within 11 feet of the right-of-way line and will eliminate the existing vehicular drive that provides access to the front of the building. The Department proposes to construct a walkway leading from the driveway and parking area to the entrance leading to the front of the building. Modifications to the building front entrance, if necessary, will be handled as an element of the right of way negotiations.

The Department has shown a potential new driveway (identified on the Public Hearing Plan as an orange dashed line) leading from the parking lot on parcel #308 to intersect Old County Road opposite the Dodge Agway driveway. Should the owner provide the necessary temporary construction easements and location for the new driveway, the Department will construct the driveway as part of the project.

- 16) Mr. Val Danos, 113 Plaistow Road, Plaistow, (representing his father, owner of parcel #333) stated that he has received permits to construct a 20,000 square foot building on parcel #333, which is situated at the corner of NH 125 and Old Road. The proposed service road bisects the development's building and parking lot. He expressed concern relative to the proposed service road impacting his development plans, which he and his family have spent four years engineering and acquiring the necessary land and permits.

Response: The Department has reviewed the proposed service road and Mr. Danos' proposed development. Since the development precludes the construction of the service road's connection with NH 125 without severely impacting the development, the Department proposes to terminate the service road shy of Mr. Danos' property and the adjacent wetland.

The service road will still maintain access to the new signalized intersection opposite the former drive-in theater property. Truck turning capabilities lost with the elimination of the service road's connection with NH 125 are proposed to be replaced utilizing Danville Road and Jesse George Road. Minor improvements and widening to Jesse George Road are proposed as part of the project to accommodate trucks using Danville Road and Jesse George Road to change direction.

- 17) Mr. Glenn Coppelman, representing the Kingston Planning Board, questioned whether the Town would be saddled with the responsibility for any contamination on properties being acquired for the project or would the State assume such responsibility.

Response: The Department's current investigations have revealed no major contamination issues within the project limits. Any contamination that exists within the limits of the project layout will be considered as part of the property appraisal process and either be addressed by the responsible party or by the construction contract.

- 18) Mr. Jay Davey, 13 Main Street, Plaistow, (owner of parcels #352 & #353) expressed concern with the proposed acquisition of a corner of his property for the construction of a "jug-handle". He questioned why the service road was not extended to Joanne Drive, in lieu of the "jug-handle", to provide truck-turning capabilities.

Response: The service road is not proposed to be extended to Joanne Drive due to the vast extent of wetlands in the area.

The Department has reviewed Mr. Davey's proposed development plan and the "jug-handle" layout, and will modify the proposed highway improvements to incorporate the driveway from the development into the "jug-handle". The six parking spaces

impacted by the project will be replaced elsewhere on the property when the NH 125 improvements and the "jug-handle" are constructed.

- 19) Ms. Teresa Bolduc, 30 Old County Road, Plaistow, (owner of parcel #154) questioned how much of Old County Road was proposed to be widened in front of her property and what the extent of the proposed work was.

Response: The proposed improvements on Old County Road, in vicinity of Ms. Bolduc's property, are designed to transition into the existing width of Old County Road just west of the property. A minor widening of the pavement of approximately 1' to 5' is proposed along the property's frontage. In addition, the roadside along the property's frontage and the driveway will be re-graded for a distance approximately 10' beyond the existing right-of-way to match the proposed work to the existing driveway and adjacent ground. Temporary drive and construction easements will need to be procured to undertake the work depicted beyond the existing right-of-way line.

- 20) Mr. George Hall, Brox Industries, 1471 Methuen Street, Dracut, MA, (representing Brox Industries, owner of parcel #173) acknowledged the Department's proposal to acquire and remove the existing single family dwelling at the corner of NH 125 and Roadstone Drive. He requested a driveway apron to the property be constructed near the northern property boundary as part of the project.

Response: As part of the project, the Department will construct a driveway apron (30' wide) near the northern limit of the property, as requested.

- 21) Mr. Gerry Carbone, 23 Wentworth Avenue, Plaistow, (owner of parcels #346 and #346A) acknowledged the Department's proposal to remove the existing building on parcel #346 should it remain at the time of construction. He noted his plans to redevelop the property in the future and raise the property to the existing road grade prior to the NH 125 expansion. Also, he noted plans to pursue a common driveway entrance with the adjoining property owners (parcels #347 & #348) to the south in the interest of consolidating their driveways.

Response: The Department acknowledges Mr. Carbone's intent to raise the grade of the property to the existing road grade prior to the proposed NH 125 work.

In the event the elevation of parcel #346 is not raised, the proposed widening of NH 125 will preclude the ability to match into the current driveway due to the existing grade differences. As such, the Department will work with the owner to relocate the driveway to the southern property boundary or onto parcel #346A where the grades are more manageable. The Department will compensate the owner for impacts to the property.

In the event Mr. Carbone (parcels #346 and #346A) and the adjoining property owners (parcels #347, & #348) develop a legal agreement for a common driveway entrance to their properties, and eliminate their current driveways or access points, the Department will construct said common driveway match, in lieu of the currently proposed driveway matches. In doing so, the one point of access to NH 125 for parcels #346A and #348, previously provided in the *Limitations of Access* section of this Report, would be voided.

- 22) Police Chief Stephen Savage, Chairman of Plaistow Highway Safety Committee requested turn lanes (a thru/left lane and a dedicated right turn lane) be provided on Old County Road as part of the project. He noted that a significant industrial subdivision located on Old County Road not far from the intersection generates a considerable volume of truck traffic; a pending 8-lot industrial subdivision on Old County Road is expected to generate increased truck traffic; the commencement of EPA's reclamation project at the Beede Waste Oil Superfund site is expected to generate 50 to 100 trucks per day over an extended timeframe; and the Town's pending recreation field project located off of Old County Road will further increase traffic volumes.

Response: A standard intersection design layout is proposed for the Old County Road intersection. This layout will accommodate striping for separate turn lanes. During the project's final design, the traffic volumes at the intersection will be verified and a separate right turn lane provided if warranted by the traffic volumes.

- 23) Mr. & Mrs. Robert & Anne Lumnah, 135 Route 125, Kingston, (owner of parcel #258) requested a southbound left turn lane be provided in front of their retail property (parcel #258) in Kingston.

Response: The proposed two-way left turn lane on NH 125 will be extended north approximately 800 feet to provide a protected area for left turning vehicles desiring to access the driveway to the retail property.

- 24) Mr. Brian Pendleton, TEC, Inc., Ten New England Business Center Drive, Suite 107, Andover, MA (representing parcel #113) stated that the owner is not opposed to the construction of the future connector roads on the property (parcel #113) in Plaistow. However, he expressed concern that given the location of the signalized intersection, the future connector roads will require the filling of wetlands. He suggested the signalized intersection be moved further north so the connector roads can avoid the wetlands or the portions of the future connector road that impact wetlands be constructed as part of the project.

Mr. Pendleton also noted the following questions concerning the control of access:

- a) Will the project define a single access point for each parcel located along the corridor?
- b) Will the property owners be able to provide input as to where access will be located?
- c) Will an owner be able to relocate an established access point as part of a future project?

Response: The Department has closely coordinated the project with Town Officials and has identified the proposed location of the signalized intersection as the best location to efficiently serve the traffic in the area and best provide the developed properties not too distant access to a signalized intersection. Based on the Town of Plaistow's 2002 Zoning Ordinances concerning wetlands, the Department believes that the owner/developer could procure the necessary permits for the construction of the future connector road since no other viable route to the signalized intersection, which does not cross the wetlands, exists. The design and construction of the future connector road will need to minimize, and possibly mitigate, the impacts to the wetland.

Since the future connector road is intended to primarily serve private interests, the Department does not propose to construct a portion of the road as part of the project. The final design and layout of the future connector road will be at the discretion of the owner/developer.

In response to the above listed questions, the following is provided:

- a) The layout has defined a specific number of access points to each parcel abutting NH 125 and the controlled access right-of-way. The specific number of access points is denoted on the plans and in the *Limitations of Access* section of this Report.
- b) The Department has strived to match into the existing location of driveways where access is intended to be maintained. In locations where a driveway does not exist or the property owner intends to relocate his current driveway, the owner's input will be considered in the final location of the access point.
- c) The owner will be able to relocate his access location as long as the new location is situated such that it does not adversely affect the safe and efficient movement of traffic on the highway and into and out of the property.

25) Mr. Francis X. Quinn, Jr., 82 Court Street, Portsmouth, (representing parcel #172) stated that the owners are opposed to the proposed construction of the future connector roads within their parcel, particularly from Dorre Road to Roadstone Drive, as the roads would cross over sensitive wetlands. Mr. Quinn suggested there are alternative routes available that would not impact parcel #172 and preserve the wetlands between Dorre Road and Roadstone Drive.

✓ Ms. Brenda Galloway, P.O. Box 809, Plaistow, (owner of parcel #172), expressed objection to the future connector roads connecting to Roadstone Drive, which they own and maintain. She stated the future connector roads would have an adverse impact on their business, which operates out of Roadstone Drive.

Response: The future connector roads depicted on the Public Hearing Plan are a planning tool to be used by the towns of Plaistow and Kingston to better manage future access along the corridor and to provide as many commercial properties as possible access to signalized intersections. These connections are not proposed to be constructed as part of the project. The connector road locations would be determined by the owner/developer and constructed by same as redevelopment of properties along NH 125 occurs. The towns (more specifically the Planning Boards) would work with the owner/developer to incorporate elements of the future connections into the individual site plans. In certain instances, this may mean the construction of a portion of the new road, or the provision of an easement or an internal parking lot connection between adjacent properties.

26) Mr. & Mrs. David & Marjorie Joy, 9 Meeks Road, Kingston, (owner of parcel #260) acknowledged the need to widen NH 125 in vicinity of Meeks Road to provide 10' wide shoulder areas. However, they expressed concern that needless inconvenience for the residents of the Meeks Road area will result should the northern end of Meeks Road be discontinued and the southern end improved. They suggested the proposal for Meeks Road is unnecessary and both ends should remain open for travel.

Response: Under the existing conditions, both the north and the south ends of Meeks Road intersect NH 125 at highly skewed angles and along relatively steep vertical grades. The poor intersection alignment at each end currently limits visibility. The proposed layout will improve the NH 125 intersection at the south end of Meeks Road while eliminating the intersection at the north end. Where the north end currently exists, a turn-around will be provided. Access to NH 125 at both locations is not necessary given the relatively low volume of traffic that is generated along Meeks Road. Of the two locations, the south end of Meeks Road intersects NH 125 at a more moderate grade of 4.5% as opposed to the steeper 6.2% grade of NH 125 in the vicinity of the north end intersection. The proposed improvement will eliminate the skewed angle and better align the south end intersection directly opposite the driveway to the gasoline station on the west side of NH 125. In addition, the improvement will provide a two-way left turn lane on NH 125 at the south end of Meeks Road. This will result in safer and more efficient access to Meeks Road.

27) Ms. Phyllis Crowell, 27 Route 125, Kingston, (owner of parcel #282) requested evergreen trees be planted to replace the trees that will be removed in front of her home. She requested the two culverts that cross her land be replaced and drainage adequately designed to eliminate drainage problems on her property and pavement cracking on Colonial Road. She expressed concern with the loss of access from NH 125 to her property, noting that oil delivery trucks would not be able to service her home via Colonial Road due to the steep slopes and constraints within her property. She requested the path from NH 125 to the existing steps be maintained.

Response: During final design, the Department will look to minimize impacts to the trees along the property's frontage. The resulting loss of trees and natural vegetation will be treated as an element of the right-of-way negotiations.

The Department will closely review the drainage conditions in the vicinity of Ms. Crowell's property during the project's final design. Runoff from NH 125 will be controlled through the use of curbing, and drainage will be adequately designed to

reduce the drainage related problems emanating from the highway and negatively affecting her property.

For safety considerations, access from NH 125 to the property is proposed to be precluded. The oil company (Buxton Oil) serving Ms. Crowell's property was contacted to discuss issues concerning oil delivery via Colonial Road. A representative of Buxton Oil stated that oil deliveries can be made to Ms. Crowell's home from her driveway off Colonial Road.

The existing path located within the confines of the property's boundaries will not be impacted by the proposed work along NH 125.

- ✓28) Mr. Mark Taitz, Continental Biomass Industries, Inc. (CBI), 22 Whittier Street, Newton, NH, noted his firm's interest in acquiring parcel #347 (formerly owned by Process Engineering, Inc.). He stated that a purchase and sales agreement has been signed by CBI to purchase the property. He requested notification of all future meetings. He also requested a copy of an enlarged plan showing the proposal for NH 125 and the service road from Joanne Drive to Old Road.

Response: The Department acknowledges CBI's interest in parcel #347 and will notify Mr. Taitz of all future meetings concerning the property. An excerpt of the Hearing plan showing the proposed improvements along NH 125 and the proposed service road has been forwarded to CBI under separate cover.

- ✓29) Mr. Thomas Greer, 59 Route 125, Kingston, (owner of parcels #52, #53, & #54) requested a third driveway be provided at the southern end of parcel #54 to largely service truck access.

Response: One point of access, as an entrance only driveway, is proposed for parcel #54. The exit is intended to be via parcel #53 or #52. The owner, at his discretion may submit an application for the driveway to the Department's District Six Maintenance Office. The driveway, once constructed, will be matched into by the project.

- ✓30) Mr. Daniel Mastroianni, 3 Newton Junction Road, Kingston, expressed concern that the proposed future connector road shown through the middle of his property (parcels #55, #56, & #57) would direct commercial truck activity through a residential area on Happy Hollow Road.

Response: The future connector roads are a planning tool to be used by the towns of Plaistow and Kingston to better manage future access along the corridor and to provide as many commercial properties as possible access to signalized intersections. These connections are not proposed to be constructed as part of the project. The connector road locations would be determined by the owner/developer and constructed by same as redevelopment of properties along NH 125 occurs. The towns (more specifically the Planning Boards) would work with the owner/developer to incorporate elements of the future connections into the individual site plans. In certain instances, this may mean the construction of a portion of the new road, or the provision of an easement or an internal parking lot connection between adjacent properties.

One of these potential future connections extends from the Landscapers Depot (parcels #52, #53, & #54) southward to the planned signalized intersection at Colonial Road / Debra Road. The layout of the future connections in this area would likely not occur unless parcels along this section of the corridor are redeveloped and some transformation of the residential properties close to NH 125 to commercial properties results. The connections would most likely be incorporated into future site plans with the actual connections potentially closer to NH 125, away from the predominantly residential areas.

- 31) Mr. Daniel Mastroianni requested the early acquisition of the house located on parcel #56, which is adversely impacted by the proposed improvements to NH 125 and identified to be acquired as part of the project.

Response: The Department will pursue the acquisition of the residential building on parcel #56 along with all the necessary easements and right-of-way on parcels #55, #56, and #57 as expeditiously as possible, once layout approval is received, the Federal Highway Administration issues a finding of no significant impact (FONSI) for the project, and right-of-way acquisition plans are prepared.

- 32) Mr. Robert McGirr, 34 Old Mill Road, Falmouth, ME, stated that he is one of five trustees of Frog Pond Realty Trust, which owns an approximate 44-acre parcel (Map 6, Lot 15) that has been identified as a potential mitigation property in the Town of Plaistow. He noted that the Trust is interested in the preservation of the parcel, but is concerned with the financial implications of the property being identified as potential mitigation for the project. He noted the parcel is under continual development pressure and requested action on the future disposition of the parcel be advanced as quickly as possible.

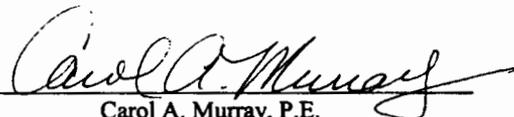
Response: The Department will pursue the early acquisition of a conservation easement on the subject 44-acre parcel under the protective buying provisions of the federal regulations (23 CFR 710.503).

- 33) Mr. Robert Greenough Emerson III, 638 Main Street, Hingham, MA, expressed adamant objection to the total acquisition of his land (Map 7, Lot 3) that has been identified as a potential mitigation parcel in the Town of Plaistow. He stated that the property has been in his family for 240 years, is landlocked, and no interest exists to develop or sell the property. He suggested his family's long-term ownership is complementary to the conservation interests in the area and money allocated for mitigation should be used elsewhere. He noted that at some point in the future, he may be interested in granting a permanent conservation easement with or without restrictions.

Response: The Department plans to pursue the acquisition of a conservation easement on a separate parcel (Map 6 Lot 15) to fulfill the mitigation requirements for the project. Although the subject parcel was identified as a potential mitigation parcel, the Department, at this time, does not plan to pursue its acquisition.

4/15/05

Date



Carol A. Murray, P.E.

Commissioner

N.H. Department of Transportation

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