

**1.0**  
**SUMMARY OF**  
**PUBLIC HEARING TESTIMONY**



## 1.0 Summary of Public Hearing Testimony

On November 12 and 14, 2002, a Public Hearing was held at the Salem High School Gymnasium in Salem and the McLaughlin Middle School Cafeteria in Manchester respectively. This was a joint Public Hearing with NHDES and USACOE. The purposes of the hearing were:

- to determine, in accordance with the provisions of RSA 230:45 and the Surface Transportation and Uniform Relocation Assistance Act of 1987, whether there is occasion for the laying out of improvements to a section of I-93 in the Towns of Salem, Windham, Derry, Londonderry and the City of Manchester;
- to receive testimony, in accordance with RSA 482-A and administrative rule WT202.01, on NHDOT's permit application to fill wetlands associated with the I-93 improvements;
- to fulfill USACOE's responsibilities under Section 404 of the Clean Water Act, on NHDOT's permit application to discharge fill material into the waters of the United States associated with the I-93 improvements;
- to comply with the FHWA's public involvement and NEPA regulations regarding the Draft Environmental Impact Statement.

The Special Committee appointed by the Governor and Executive Council to conduct the Public Hearing included Councilor Ruth Griffin, Chairperson, Councilor Raymond Wieczorek, and Councilor David Wheeler. Collis Adams (NHDES), Col. Thomas Koning and Maj. Brian Green (USACOE), and Kathy Laffey and Walter Waidelich (FHWA) discussed their agencies' respective roles in the hearing and project approval process. NHDOT and consultant staff gave presentations on the project alternatives, summarized the range of impacts and described the Preferred Alternative.

Several hundred people attended each of the two regionally located hearings. At both hearing locations, the plans were available for public viewing several hours before the hearing convened. At that time NHDOT and consultant personnel were available to informally answer questions from the public on an individual basis. Following the presentations the hearing was open to public comments. A total of 66 commentators provided oral testimony - 28 in Salem and 38 in Manchester. In addition, NHDOT received 214 letters during the public comment period which extended to December 16, 2002. Following the comment period, NHDOT produced a transcript of the proceedings, compiled with all the written testimony received, and provided copies to NHDES, USACOE, and FHWA.

The majority of those who commented at the Public Hearing also followed up with written testimony. Several letters from the same individual, town, or organization addressing the same topic were received. A number of letters commented on more than one issue. In addition, among the written comments were several petition/multiple signature responses including the following:

- 71-person citizens petition supporting the project (submitted by Sen. Chuck Morse).
- 37 State Legislators representing the communities in the corridor signed a letter supporting the project.

- 30-person petition from the Brady Avenue area in Salem opposing property acquisition in that area for rail corridor.
- 78-person petition from West Shore Area in Windham opposing Exit 3 Park and Ride location and access.
- 42-person petition requesting Hackett Hill area as mitigation.

In a tally of the hearing responses the following general points can be noted:

- 147 responses, including multi-signatory letters, were in favor of the project. 28 responses specifically opposed the project. There were a number of responses regarding specific issues or concerns with the project, as summarized below. While the connotation of many of these responses were negative, with concerns about potential growth impacts associated with widening I-93, they did not state opposition to the project, and many acknowledged the need for some level of improvement on I-93.
- Of the 280 total pieces of testimony received, 136 were from within the 5 communities through which the project passes, and 90 were from within communities in the secondary impacts study area. It should be noted that 8 of the 18 communities in the secondary impacts study area commented officially, either through their Conservation Commission or elected Town Officials or both. All 5 corridor communities commented in favor of the project, though some with concerns about potential growth impacts.
- Of the 280 pieces of testimony received, 71 were from impacted property owners, 105 were from concerned citizens, 26 were from concerned groups or organizations, and the remaining 78 were from Town, Regional, State or Federal official or agency.

The comments made at the Public Hearing or in written testimony fall into general categories as follows:

1. About 103 commentators, including communities, organizations, and citizens, expressed concern that widening the highway would bring more growth and development pressure to the region than would otherwise occur. They expressed concerns about the potential ramifications relative to urban sprawl, changes to the rural character of their communities, their overall quality of life, and the strain additional growth will put on municipal services.

Response: It is recognized that continued growth and development pressure is a concern in the region. The amount of growth and the possibility of additional growth have been considered and evaluated as documented in the Draft Environmental Impact Statement and are discussed in further detail in the Final Environmental Impact Statement. Continued growth is an issue of broad significance to the region and the State, and is not specific to the project. Causal links between improvements to an existing link in the transportation system and additional growth is at best speculative. The Delphi study conducted as part of the project to consider the issue of secondary growth indicates that the region, influenced by I-93, may grow in population by nearly 25% by the

year 2020 whether the highway is widened or not. Widening the highway may result in an additional 7% of growth in the same time frame. Where and how this future growth will occur will be heavily influenced by local land use planning policy and practice and a number of other factors besides transportation infrastructure. In recognition of the interrelationship between land use and transportation, and the adverse effect unplanned growth poses for the State's transportation system (as well as numerous other systems and resources), but understanding that land use policy is the prerogative of the local communities, funding for a technical planning assistance program, to help the communities in the I-93 region better plan their local land use, is proposed as an overall enhancement to the project. More detail of this technical assistance program, as envisioned at this time, is contained in the FEIS.

2. About 153 commentors, including a number of communities, organizations, and citizens, expressed concern that the proposed mitigation plan was inadequate and should be expanded to address the potential impacts associated with the additional growth that may occur due to widening the highway. Many people felt that, in addition to the 5 corridor communities that would experience direct impacts to resources from the widening of the I-93 corridor, mitigation should be provided for communities outside those directly impacted by the widening to offset growth and development pressure and preserve open space in these communities located within the secondary impact study area and beyond. Many urged consideration of a mitigation plan similar to that espoused by the US Environmental Protection Agency, which advocated substantially higher acreage of preservation, in larger tracts with potentially higher ecological value including locations removed from the immediate corridor communities. A number of citizens, elected officials and transportation groups opposed the expenditure of additional transportation funds for mitigation purposes and considered the size and cost of the mitigation package proposed in the DEIS adequate with respect to the project impacts. Individual comments from property owners, either for or against the use of their property for mitigation were also received.

Response: While preserving open space and maintaining community character are important statewide issues, it is not the project's responsibility to provide mitigation for growth that is uncertain and speculative in terms of magnitude, location, and time frame. In addition, it would be expected that the development resulting from such future growth as may occur would be appropriately mitigated by the responsible developer in accordance with local, State and Federal regulations. It is not a reasonable use of transportation funds to support these broader conservation needs. The project's mitigation package as proposed in the DEIS, (preservation and enhancement of approximately 650 acres and other project enhancements) has been expanded as described in the FEIS to include more than 1000 acres and funding towards further protection of water resources in the Lake Massabesic area. The proposed project mitigation addresses the direct impacts to natural and cultural resources, and in doing so the overall functions and values of the impacted resources are not diminished. The USEPA has indicated they do not intend to veto the project on the basis of the project mitigation.

3. About 97 commentors expressed concern that mass transit, and commuter rail alternatives in particular, should be more thoroughly considered and included as part of the project. Many of those supporting rail service suggested that rail service is necessary to provide a more balanced and sustainable long-term solution to growth and congestion. A number of those supporting rail alternatives favored specific corridors, most notably the abandoned Manchester-Lawrence Railroad

corridor. Opposition was also expressed relative to providing a rail element as a major part of the project construction. Those in opposition to a rail component expressed concern about the cost of the service relative to the likely ridership, the impacts to their properties, and the legality of the diversion of highway funds for non-highway purposes.

Response: Mass transit modes of transportation, including rail alternatives, were thoroughly considered and evaluated in terms of their ability to address the safety and capacity deficiencies of I-93 relative to its existing and future level of service. The evaluations are documented in the FEIS. The studies indicate that the implementation of such modes at this time would not provide adequate relief for I-93 to alleviate the need to widen the highway or reduce in a substantive way the magnitude of the improvements proposed. In addition, mass transit alternatives would not address the safety concerns identified, nor the conditions of the highway's aging infrastructure. In considering the reasonable range of alternatives, there was consensus that mass transit alternatives either by themselves or in conjunction with other modes, did not fulfill the project purpose and need. The highway requires reconstruction and widening to address both the immediate and future transportation needs of the corridor, regardless of what alternative modes of transportation might also be made available.

It is acknowledged that an integrated transportation system including mass transportation and a choice of transportation modes will be increasingly important in addressing New Hampshire's future mobility needs. The Selected Alternative includes the construction of three new park and ride/bus station facilities to support expanded bus service and enhanced ride-share opportunities in the corridor. NHDOT is working to implement both expansion of the commuter bus service operating in the corridor today to provide service at other interchanges, and enhancement of ride-sharing opportunities between southern New Hampshire communities and employment centers along the I-93 corridor in northern Massachusetts. The Selected Alternative also provides flexibility to accommodate, and not preclude, reinstatement of rail service on the Manchester-Lawrence corridor and provides future mass transit opportunities in the corridor by incorporating space within the highway median for a possible future light rail line or other mass transit alternatives. In addition, NHDOT is embarking on a Transit Investment Study in conjunction with the Commonwealth of Massachusetts to consider in more detail the long-term rail and transit needs for the greater I-93 corridor between Manchester and Boston. This joint study is important to meaningfully address the mutual, and interrelated, long range transportation needs of both states within the region served by I-93. Through this study, mass transportation options will be evaluated from a regional perspective in an effort to plan transportation opportunities and prolong the capacity and condition of existing facilities.

4. About 35 citizens, concerned with the magnitude of the project as proposed, preferred that I-93 be widened to only 3 lanes in each direction as opposed to the 4 lanes in each direction proposed. Most of those favoring 3 versus 4 lanes supported a 3-lane widening alternative in conjunction with rail alternatives. Others favored a 4-lane alternative, noting that a 3-lane alternative may require additional widening, and accompanying disruption, soon after the 3-lane construction is complete.

Response: A 3-lane alternative was considered in the evaluation of the project alternatives and is documented in the FEIS. Widening to 3 lanes in each direction would not provide adequate capacity for predicted future travel demand in the corridor, particularly from Exit 3 south. In

addition, widening to 3 lanes in each direction would involve a construction footprint similar in size and impact to the 4-lane alternative as the highway would need to be over-widened to maintain 2 lanes of traffic during construction. As a result, the magnitude of project cost and resource impact associated with 3 lanes approaches the level of cost and impact associated with widening to 4 lanes in each direction. In the final analysis, widening I-93 to 4 lanes in each direction is a reasonable and prudent approach that best serves the transportation needs of New Hampshire for the safe and efficient movement of people and goods.

5. Comment was more closely split with respect to the proposed bike path within the I-93 corridor. About 20 citizens and public officials expressed support for inclusion of bicycle facilities and the proposed bike path in the project layout. About 11 other citizens and public officials also questioned the viability and usefulness of the proposed bicycle path noting the undesirability of the close proximity to the Interstate for bicycle users, and the additional wetland and property impacts.

Response: In recognition of this issue, the NHDOT completed a separate Bikeway Feasibility Study in May 2003 to identify alternative transportation corridors for pedestrian and bicycle travel between Salem and Concord. In the area between Salem and Manchester, the Feasibility Study, after consultation with bicycle groups, advisory committee and public input, recommended the development of a rail trail facility located along the abandoned Manchester – Lawrence railroad corridor, and that the I-93 bicycle path should not be pursued. As a result of these findings, the Selected Alternative for I-93 presented in the FEIS has been modified to not include a bicycle path within the I-93 corridor.

6. A number of comments were received involving the effects of the project on general resources including air quality, noise, wildlife habitat, water quality, and traffic safety along the corridor.

Response: The impacts of the project on these resources have been studied and are addressed in the appropriate sections of the FEIS. These studies have indicated that the project impacts to these resources have been reduced to the extent possible, with appropriate mitigation being provided for unavoidable impacts. The project will improve traffic safety providing needed capacity along the mainline and geometric improvements to modernize and meet demands at the five interchanges along the corridor.

Relative to air quality, the project is in conformance with the New Hampshire Implementation Plan for regional emissions and does not exceed NAAQS standards for air quality.

Noise impacts had been a sensitive and prominent issue throughout the public participation process and mitigation measures were evaluated or considered along the entire corridor, as documented in the FEIS. Sound walls are part of the proposed layout along several residential areas, however, other areas of concern either did not meet the noise criteria or the cost of the barrier relative to the number of receptors receiving a benefit would exceed what is allowable in accordance with NHDOT's Noise Abatement Policy. Privacy fences were also proposed in areas that did not meet the cost reasonableness criteria and will be considered further during final design.

Impacts to wildlife habitat areas and potential for fragmentation are anticipated to be very minor considering this project involves the widening of an existing, established facility. Enlarging major

stream culverts, or increasing bridge spans for wildlife crossing, will be further investigated during final design.

Relative to water quality, the project will incorporate best management practices involving extensive use of grass swales and extended detention/retention basins, to treat and improve water quality of runoff from nearly 100% of the highway area - a substantial increase over existing conditions. The proposed layout shifts I-93 further away from the important water bodies of Canobie Lake and Cobbetts Pond to provide enhanced water quality treatment opportunities and enlargement and enhancement of existing wetlands to provide natural attenuation and water quality treatment.

7. Several commentors representing communities within the secondary impact study area and other organizations expressed concern with the public participation process. They expressed concern that there was not sufficient notification of the potential growth impacts to their communities, that there were not public meetings in those communities and that their input was not specifically sought.

Response: The public participation process, used for this project, was extensive and consistent with both State and Federal requirements and policy. Many opportunities were provided for public input into the project development process with more than 50 Advisory Task Force, Public Informational, and Resource Agency review meetings conducted in the communities along the corridor. These meetings were regionally located within the corridor communities and publicly noticed in local, regional, and statewide newspapers. Copies of the DEIS were mailed to State, Regional and Federal agencies; the local governing bodies, planning boards, conservation and historic commissions, and libraries of the five corridor communities; and were available via the internet at the I-93 project web-site. Relevant excerpts from the DEIS, dealing with secondary land use impacts and mitigation, were also mailed to the governing bodies of surrounding communities in the secondary impact study area. In addition, in response to these comments, meetings were held in several communities that requested such meetings. There were ample opportunities to participate and have input into the process.

8. Several officials and a number of citizens expressed concern about the economic impacts in the Exit 3 Interchange area in Windham. Some suggested the project install public sewer as part of the project to offset these impacts and help support economic redevelopment and growth. A number of residents in the South Shore Road area expressed concern about the location and access to the proposed park-and-ride facility.

Response: Relocation assistance will be provided to displaced businesses and NHDOT will work with the business owners to find suitable sites for relocation, including evaluation of state-owned properties in the vicinity. Municipal sewer and water services are, however, municipal issues to be addressed by the community.

As a result of further discussion and coordination with the Town, the layout in the Exit 3 area has been modified to relocate NH 111A to the vicinity of the existing northbound off-ramp. This modification would support existing commercial uses, preserve future economic development opportunities, and be consistent with the Town's planning goals for potential redevelopment in the interchange area. The existing NH 111A (Range Road) would in turn become a local access road

addressing the concerns from the South Shore Road neighborhood regarding the mix of commercial and residential traffic along NH 111A.

9. A number of officials and adjacent property owners expressed concern about proposed median islands along NH 28 at the Exit 5 Interchange restricting access to Town Roads and causing potential impacts to business.

Response: In recognition of the concerns expressed, the proposed median treatment along NH 28 has been modified to provide median breaks and turn lanes at Perkins Road and Auburn Road, and a dual-use center turn lane outside the immediate influence of the signalized intersections to provide left-turn access to adjoining businesses.

10. A number of comments received were requests for early or complete property acquisitions due to impacts associated with the project. A group of citizens along the westerly side of I-93 south of Exit 1 petitioned that the acquisition of their properties be delayed until the proposed rail corridor affecting their properties is imminent.

Response: In general, requests for acquisition were approved provided they were consistent with the design and the level of impact. Requests for early acquisition were generally granted and will be implemented as soon as possible. Requests for complete acquisition were considered on whether the project impacts precluded the use of the property. Where complete acquisition was denied, compensation for partial impacts will be provided for through the right-of-way process. Acquisition of property within the potential rail corridor, south of Exit 1, will not take place until such time as required for use as a transportation corridor unless specifically requested by an affected property owner.

11. A number of comments received were requests for actions related to individual or specific property impacts including stonewalls, wells, vegetative screening, drainage, etc.

Response: Requests for design changes to minimize impacts to specific properties were considered to the extent practical within the context of the project layout and level of design data. In some cases, the comment was positively addressed with minor design changes. Many, however, will be considered and addressed during the development of more detailed final design plans. Unavoidable impacts will be addressed as appropriate as elements of the right-of-way acquisition process.

Individual responses to issues related to the layout or property impacts associated with the project are addressed in the Report of the Commissioner (See Appendix I). Several local municipalities, state and federal agencies, private organizations and citizens supplied written comments pertaining to the DEIS and the Preferred Alternative presented in the document. These comments and associated responses are contained in the ensuing section.

