

**Newington Board of Selectmen**  
**Minutes – July 23, 2007**  
**Town Hall – 6:30 pm**  
**Public Hearing – Shattuck Way and Nimble Hill Road**

*Preliminary*

Chairman Jan Stuart called the meeting to order at 6:30pm and declared the public hearing open on the following:

*The Selectmen of the Town of Newington have received notice from the Commissioner of the New Hampshire Department of Transportation, pursuant to RSA 228:36, that the Commissioner has reassigned portions of Nimble Hill Road and Shattuck Way as Class V highways. In accordance with RSA 230:57, the Selectmen are holding a public hearing on July 23, 2007, at 6:30 PM at the Newington Town Offices to consider the action taken by the Commissioner of the New Hampshire Department of Transportation.*

Present: Chairman Jan Stuart, Selectman Cosmas Iocovozzi, Administrative Assistant Beatrice Marconi, Building Inspector Charlie Smart, D.O.T. Engineer Ralph Sanders, Chris Cross, Justin Richardson (Chr) of the Conservation Commission; Cliff Abbott, Vincent Frank, Jack Pare, Dennis Hebert, Tom Babotas and Mike Marconi – Planning Board Members; Irving Beebe, Barbara McDonald, Chris Bellmare, Rick and Doreen Stern, George Fletcher (7:15pm), and Dorothy Watson (7:54pm).

Selectman Iocovozzi gave an overview of the history on just what brought us to where we are today. Three or four years ago, the Board asked the Town if they could negotiate Nimble Hill Road in an effort to control vehicular traffic in anticipation of the gate opening up to Pease. With the Elementary School on that route and the former summer program as well, the Town wanted say in setting parameters on what can and can't travel that route, the speed, the weight, etc. especially because it is a main vein in and out of town. The State invited the Selectmen to Concord to hear their thoughts. The Selectmen wanted the road to be brought up to a Class A road which encompassed proper drainage, correct amount of hot top, etc. At that time the State offered to create a two way pass, now known as Shattuck Way which originally was not part of the deal. According to Ralph Sanders, that portion of the project cost over \$ 4,000,000 and Nimble Hill was just over \$ 300,000 (upgrade). Because the town did not have the ownership needed at the time to have had Shattuck go all the way to Gosling, this traffic plan we have now was agreed upon by our Planning Board and State. The new flow worked out as safer travel.

Chairman Stuart brought up the check list of items that came as a result of the site walk held Saturday, July 14 and stated that until those items are addressed, she would not be happy accepting the Roads.

- 1) Re-stripe Nimble Hill Road. - Bureau of Traffic will complete – per Ralph Sanders
- 2) Move guardrail back at box culvert stations 400+50 to 500+00 Rt. to accommodate a shoulder for pedestrian traffic. District Construction Engineer Karen Gola spoke with Tom Morgan regarding this request - Ralph Sanders stated that it is unfortunate it was not discussed during the design process. The job is closed out and it was built to plan. Ralph will get a price from the contractor and report back. Justin Richardson reconfirmed the danger for a near incident he had just recently there with a child on a bike.
- 3) Replace delineator at station 504+00 Rt. Patrol 606 completed 7-18-07 per Ralph.
- 4) Clean catch basins on Shattuck Way. Ralph will supply documentation that they have been cleaned.
- 5) Erect End DOT Maintenance signs at the intersection of Shattuck Way & Nimble Hill Road station 505 + 50 and the intersection of Shattuck Way and the north bound on and off ramps. Station 745 + 50.

- 6) Place more erosion stone on the swale next to the Newington cemetery. Patrol 606 completed 7-18-07.
- 7) Copy of the as built plans for the Shattuck Way project to the Town of Newington. Karen Gola will forward a set as soon as the project is processed through engineering audit.
- 8) Copy of the wetland permit for Shattuck Way - will be forwarded to Justin Richardson per Ralph Sanders.

Vincent Frank stated that the catch basins contained hazardous waste coming off the road and that the large mounds across from the Stern residence was laced with cyanide. He went on to comment that the larger trucks could slide due to the Shattuck configuration. The lighting, combined with fog and speed present dangerous travel.

Selectman Iocovozzi went on to say that the Town has no jurisdiction over the Pease gate, however can implement weight limits that can restrict heavy vehicular traffic on Nimble. Chairman Stuart said that her fear is that if we did accept the road, imposed limits of any kind that may displease the State, they could just as easily turn around and take the road back. Selectman Iocovozzi agreed, but said it would be a long process with hearings, Legislature votes, etc.

Irv Beebe is concerned with speed and cut through traffic.

Nimble Hill Road is a Class II highway per Ralph.

Chairman Stuart noted that during the site walk, the group spoke of the installation of flashing lights. Selectman Iocovozzi commented by saying that this could be a consideration for the future. Dennis Hebert asked Ralph about the design load to which Ralph responded he wasn't sure but did note that there are no limits on it now. Selectman Iocovozzi said that in the design, it was stated to be built to handle the heavy trucks. Ralph said once it becomes ours, we can post the weight/speed to our desire.

Barbara McDonald asked if the Planning Board voted to accept the road and Dennis Hebert said that the Planning Board has nothing to do with the acceptance of this road. Barbara spoke of lack of hydrants, proper lighting, intersection lighting, etc. as stipulated in our ordinance book and asked the Selectmen if they had intentions of asking for these requirements. Selectman Iocovozzi answered no. Generally, says Chris Cross, when the Planning Board does get involved, those regulations are addressing a road built by a developer, a new road, in hopes of turning it over to the town once this project is complete. This particular re-class/acceptance process we are discussing this evening constitutes a different set of regulations-other than what is in our ordinance book. If the Town had built this, it would have cost us \$4,000,000, says Selectman Iocovozzi, and look at the other benefits too like safety, easy access, flow, etc. It's for our people and businesses. At \$1,800 per mile per year (1.52 miles) the cost will be minimal compared to what we have gained. (The State calculated \$1,400 per mile for that stretch). Sand, salt, mow = \$1,800 p/mile. Cos went on to say that it didn't have to go to a Town vote as he said the people voted the Board to negotiate years ago. Chairman Stuart felt it should go before the people and questioned Selectman Iocovozzi's calculations. She felt new hires on a permanent basis will be needed to maintain and plow as it must be opened at all times. Chairman Stuart said the costs will be extremely high. When the sidewalk plowing was questioned, Ralph stated that if the town chooses not to plow, then so be it. There was no requirement stating that if one exists, it must be cleared in the winter. Selectman Stuart spoke of this unfunded mandate and stated she and Cos were not on the same page. Selectman Iocovozzi mentioned the truck we just bought in anticipation of gaining the road. Selectman Iocovozzi said this road will be ours, we can't say no to the State, however Selectman

Stuart said Dover said no to the State and they backed down. Justin Richardson said you don't want to sue the State. It will be *extremely* costly. Chris Cross said that access to the transportation network is one of the things we, as a town must provide. We are receiving revenue basically because of this improvement. It is attracting commercial and industrial businesses, which we benefit from. Chris felt that once the other bridge is attached, lighting will be installed because then of its length.

Is this a mandate? (asks the Board) If we do not accept the roads will it revert to us anyways? Would it revert to the abutters? (asks Justin Richardson) Was the site walk and this public hearing unnecessary? If State abandons, what then if we do not react? It is the Legislature pushing this, not the State.

Irv Beebe asked if this acceptance would be all or nothing and Selectman Iocovozzi answered it is all or nothing as we can't pick and choose portions to accept.

Barbara McDonald was concerned that the same action could take place on S. Newington Road. She went on to say that she found four Town Meetings whereas via Town vote roads were accepted and she asked that in this circumstance, the people be given the same opportunity. Chairman Stuart said she would encourage that, however Selectman Iocovozzi said that the situation changed when during a Town Meeting the Selectmen were given the authority to accept roads. To change that rule, it would have to go back to the people. Chairman Stuart still felt differently.

Doreen Stern says a lot of the area is an off ramp – not a town road. She felt it will be expensive and loud with the Jake brakes, speed, as it is such a large curve. More patrols will add to costs as well. Chairman Stuart said if we want more patrols in that direct area, we could be looking at hiring another officer, over the two we have during the day on patrol.

Selectman Iocovozzi said as we get closer to the extension of Shattuck to Gosling, the situation will change once again due to the traffic being afforded yet another travel option.

Nimble Hill Road is an easement road. The property owner's line goes to the center line. Justin asked again, what if the easement is abandoned. Now the property owners own to the center line? Selectman Iocovozzi had no answer.

Chairman Stuart wanted a more concise answer to the question 'do we have to acquire – and what if we don't want to/is it automatic. Do we have a choice?' When asked what is next step for the Town, Chairman Stuart felt she personally would prefer another public hearing and also a town vote.

Selectman Iocovozzi said he was unhappy with the new Legislature rulings on roads and the Title Bureau as the waters were clouded when they got involved.

Another benefit, should the Town gain ownership of Nimble Hill Road/Shattuck Way is that the driveway cut decisions then become those of the Town's wishes.

As it was left, Selectman Iocovozzi said the Town needed clarification on whether the State was abandoning these roads – and if so, would we not need a town vote or would it automatically come to us. No titles have been forwarded.

Ralph Sanders said the best he knew, it had gone through the Legislature and had to go one more time for formal approval. Once they vote on that, it soon becomes town owned. This started several years ago when a problem in another community happened with the State upgrading a road for a

Town then after the fact, the Town refused it. To end cases like this, the State enacted legislation to prevent this from happening that declared that after the completion of the project, it was so written so that the Town does not have a choice.

Selectman Iocovozzi stated that after Mike Burrige left the State, the legislature adopted these changes. Mike helped delay the process by tying both the Shattuck Way project with Nimble Hill. The problem is that we are dealing with the title bureau and it is difficult to get information. Ralph says this is an act. They must comply. An act of the legislature.

Chairman Stuart states she finds this frustrating due to the process they went through such as the site walk, public hearing, and what is the point in going to a Town vote if, in fact, it is not a debatable issue?

Selectman Iocovozzi said, we still do need a few answers, however our site walk, our public hearing and our punch list was necessary. The Legislature has certain requirements once the process begins. Chairman Stuart stated that those that came out deserve an answer as to whether another public hearing should be scheduled and should the Town vote on it and she went on record as saying yes, both should occur. Maybe Mr. O'Leary from DOT should come down here. Barbara McDonald felt the situation was a bit convoluted.

Ralph Sanders asked the Board to look at the paragraph in the letter dated June 4 which indicates this issue was discussed on several occasions and that previously, the town agreed that upon completion of the project, the road would be turned over to the Town. The letter stated that as of June 14, the State would no longer be maintaining these road areas.

Chris Bellmare suggested the Board write an official letter to the State indicating that until the entire punch list items are addressed, the Town will not accept the June 14 turn over. Issues may hang out there and without a formal response, perhaps nothing will get done.

The guard rail is the biggest issue in Selectmen Iocovozzi's mind as agreed upon by Chairman Stuart. She went on to say that at some point we must stand up and say no, it is unacceptable. Selectman Iocovozzi was concerned about the box culvert cover and whether or not there was enough soil to push the rail back.

Barbara McDonald asked if the Board should contact our Representatives on our concerns.

Selectman Iocovozzi said that up until these improvements, people used to go around Greenland to get on to the Spaulding. This is a key part of the Town. Nimble is our main street bringing our facilities together.

Barbara McDonald stated that she felt there were back room deals going on between Selectman Iocovozzi and the State after listening to him promote the concept. Selectman Iocovozzi responded by saying that he has found in life that those people who think this way - live this way themselves.

At 7:59pm, the public hearing was closed, however a continuation of the subject will occur once the needed information is gathered. It will be reposted. At 8:00 the meeting came to a close and was adjourned.

Respectively Submitted,  
Beatrice Marconi  
Administrative Assistant