

1 STATE OF MAINE
 2 DEPARTMENT OF TRANSPORTATION
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 4
 5 IN RE: U.S. ROUTE 1 IMPROVEMENTS
 6 PIN 011584.00
 7
 8
 9 PUBLIC MEETING AT KITTERY TOWN HALL
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 12 Taken by Ronald G. Veno, a Notary Public and Court
 13 Reporter, on September 26, 2007, at the KITTERY TOWN
 14 HALL COUNCIL CHAMBERS, 200 Rogers Road Extension,
 15 Kittery, Maine, commencing at 6:00 p.m.
 16
 17 IN ATTENDANCE ON BEHALF OF THE STATE:
 18 Ernie Martin
 19 Robert Carrell
 20 Luther Yonce
 21 Andy Johnson
 22 Tom Hayden
 23 Randy Dunton - Gorrill/Palmer
 24
 25

COPY

1 also be doing a presentation. Ron Veno, he's our
 2 court reporter. He's recording all the comments, so
 3 it's documented and we'll have that to follow-up on
 4 as well.
 5 How tonight's going to work, Bob's going
 6 to -- we're going to go down through the agenda.
 7 Jonathan is going to get up and say a few words on
 8 behalf of the town. Paul will get up and say a few
 9 words on behalf of KACTS. Bob will get up and do
 10 his presentation on the design. Randy will do a
 11 presentation on traffic and then we'll have a
 12 question and answer, comment period following
 13 Luther's right-of-way process and state right-of-way
 14 process and how that works. Then we'll have a
 15 question and answer period.
 16 Please have all questions pertain to the
 17 project limits from one end to the other. If it's a
 18 specific property owner question, please hang on to
 19 it until after the meeting, we will stay behind and
 20 go over that with you personally. So if it's
 21 specific about the project itself, the speed, if
 22 it's a speed or safety issue, we can put that on the
 23 floor and talk about it. So with that, why don't we
 24 go right into Jonathan Carter.
 25 AUDIENCE MEMBER: Thank you, good evening

1 TRANSCRIPT OF PROCEEDINGS
 2 MR. MARTIN: Good evening. Thank you all
 3 for coming this evening. I'm Ernie Martin, I work
 4 for the Maine Department of Transportation and I'm
 5 the Project Manager for the Kittery Route 1 project,
 6 PIN 11584.
 7 Project limits. Just briefly describe,
 8 that goes from Love Lane north to the roundabout or
 9 traffic circle. Just to go over some housekeeping
 10 rules this evening real quick. Up front here, we
 11 have a copy of the notification that went out via
 12 the newspaper or if you are own a property on the
 13 project, you should have received one of these.
 14 Some comment cards. If you have specific questions
 15 pertaining to your property, please fill one of
 16 these out and leave it behind and we'll follow-up
 17 with you. We have some business cards with my name
 18 and all my contact information if you'd like to take
 19 one of these as well.
 20 With me tonight I have Bob Carrell. He's
 21 the designer for the project. Luther Yonce from our
 22 right-of-way office, he will be doing a
 23 presentation. Randy Dunton from Gorrill Palmer, he
 24 will be talking about traffic. Jonathan Carter,
 25 Town Manager. Paul Schumacher from KACTS, who will

1 to everyone, and thank you for all you folks input
 2 over the last two than a half years. I've been on
 3 board for two and a half years in Kittery and this
 4 has been something that has been moving forward ever
 5 since I've been here, and it's been historically for
 6 probably another five years before that.
 7 I would be remiss by not introducing the
 8 Chair of the Town Council, Glenn Shwaery, right
 9 there, and the Vice Chair, Jeff Thompson, and
 10 Counselor Spiller in the back. And we are here
 11 tonight at the end of the process, the final public
 12 hearing before DOT makes their decisions and moves
 13 forward to advertise for bidders and work towards
 14 getting this project done next year. We as a
 15 community have been waiting for this for some time.
 16 As I referenced, we've been putting our
 17 money aside, we have something on the order of eight
 18 hundred and fifty thousand dollars dedicated towards
 19 this project. That does not include any after
 20 project pedestrian community-friendly type of work
 21 that might be done through the KACTS process. They
 22 have hired an engineering company, Mitchell and
 23 Associates, to think through what could happen on
 24 the roadway to make it more attractive after the
 25 project is done, and once it is completed, we'll be

1 coming back and thinking through capital improvement
2 programs to make that one extra effort to meet the
3 town's needs.

4 We are very fortunate that KACTS is a very
5 caring organization because one of the stumbling
6 blocks we've had in the last year or so has been
7 with this project finances. As estimates have come
8 and gone, we found that there hasn't been sufficient
9 funds on the State level to meet the escalating
10 estimates of what the project will cost, and so
11 KACTS -- which is the communities in this area in
12 the comprehensive planning -- metropolitan planning
13 area, have donated the next couple of years funding
14 that would have gone to other projects towards this
15 project, and Paul will be talking a little bit about
16 that. So our neighbors are helping us and we hope
17 to get this project done. Thank you.

18 MR. MARTIN: Thank you. Just to follow-up
19 on Jonathan's funding strategy. The funding
20 strategy is eighty percent funded by KACTS, ten
21 percent by the State and ten percent by the town.
22 So that's where the makeup of the two point eight
23 million which is projected estimated cost right now.
24 And I'll go over schedule and the finalizing of the
25 schedule later on. Paul, would you like to get up?

5

1 This project was actually originally
2 brought up in the KACTS process, and KACTS -- I mean
3 there's monthly meetings and officials from each of
4 the towns get together and discuss projects and
5 planning projects and decide on allocation of
6 funding. This project was actually brought up, I
7 believe, in about 2000 or 2001 and at the time it
8 was the highest priority project for KACTS, and as a
9 regional project due to various things, it's been
10 sort of pushed back and pushed back. And it still
11 remains sort of the -- it still is the highest
12 priority project for the KACTS group and the five
13 towns and they've sort of backed that up by actually
14 borrowing money, because the project was proposed,
15 it was initially proposed so long ago and the costs
16 for construction have gone up so much there was
17 actually a shortage of cash to do the project.
18 KACTS has actually now proposed and decided and
19 voted to sort of borrow money from future KACTS
20 projects in order to get this project done.

21 And I don't know, I think that was --
22 again, I'm filling in for our transportation
23 director who is out of state but I think that was
24 probably about two hundred thousand dollars, two
25 hundred and fifty thousand dollars moved from other

7

1 AUDIENCE MEMBER: Sure.

2 MR. MARTIN: Thanks.

3 AUDIENCE MEMBER: Paul Schrachter, I am
4 actually the Director at the Southern Maine Regional
5 Planning Commission which is located in Sanford. We
6 as an organization provide the staffing to KACTS
7 which stands for the Kittery Area Comprehensive
8 Transportation System -- Survey?

9 MR. MARTIN: System.

10 AUDIENCE MEMBER: Thank you. I should know
11 that, of course, but there is a lot of acronyms
12 being thrown and aired around at various times.
13 Again, we provide the staffing for that
14 organization.

15 KACTS is actually a federal designated area
16 which is shared with Portsmouth. They have their
17 own organization over there. It's called the
18 Metropolitan Planning Organization but it's
19 formulated by the federal government in order to
20 provide highway planning and federal funding for
21 highway projects in areas that are densely
22 populated. KACTS includes Kittery, Elliot, South
23 Berwick, Berwick and Lebanon, I believe, and I don't
24 think -- I think that's about it as far as
25 communities that are within KACTS.

6

1 projects into this one. So we've been involved in
2 the project, it reflects a lot of regional issues
3 and needs and it's supported by all communities
4 within southern York County, so that -- I mean, it's
5 been a long time in coming to get to this point and
6 looking forward to seeing it get done. Thanks.

7 MR. MARTIN: Thank you, Paul. Why don't we
8 go right into Randy.

9 MR. DUNTON: My name is Randy Dunton, I'm
10 from Gorrill Palmer, consulting engineers but until
11 the beginning of this year, I was -- actually was
12 the Maine DOT southern region traffic engineer.
13 I've been asked to come tonight to help answer any
14 questions. I can't speak for DOT but I can tell you
15 what was involved in the past few years as I was
16 Southern Region Traffic Engineer. I'll just speak
17 briefly on some traffic and I'm sure traffic will
18 come up in the question and answer period as well.

19 The road -- Route 1 is proposed to be a
20 single travel lane in each direction, twelve feet
21 wide with six foot wide shoulders. There will be a
22 sidewalk along the side for almost the entire
23 length. There will be two crosswalks, one here and
24 one here that are proposed.

25 AUDIENCE MEMBER: Can you give me landmarks

3

1 of those crosswalks, please?

2 MR. DUNTON: Sure. This crosswalk is where
3 the town of Kittery owns some property, some
4 right-of-way, and the thought is that that would
5 potentially become a connector. There's -- is there
6 athletic fields?

7 AUDIENCE MEMBER: Yes, Memorial field.

8 MR. DUNTON: Up in that area there. The
9 second crosswalk is in front of Beach Pea, right
10 here.

11 AUDIENCE MEMBER: Thank you.

12 MR. DUNTON: And again there will be a
13 sidewalk along pretty much the entire length. The
14 most you're going to see -- most impact you're going
15 to see when the project is done is that the road is
16 actually going to appear more like a neighborhood
17 road than it does a Route 1 road. It's going to
18 appear narrower because of the curbing, because of
19 the sidewalk, it's going to have more of a
20 neighborhood feel as far -- instead of an arterial
21 or major road. For the most part, driveways
22 remained as they were.

23 The idea in going through was to
24 incorporate what's called access management which
25 basically is to -- it's tough when a road is already

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1 in to retrofit access management which is locating
2 driveways so that they best accommodate both the use
3 as well as the traffic on the adjacent roadway.
4 There is some access management that was
5 incorporated such as some narrowing of some real
6 wide driveways, perhaps some islands to break up
7 real wide curb openings. I don't -- did we close
8 any driveways?

9 MR. CARRELL: Off the top of my head, I
10 can't think of any that we actually closed.

11 MR. DUNTON: The largest access management
12 effort was in this area here because that was the
13 largest wide single opening. The posted speed limit
14 is 35 miles per hour currently. Once the project is
15 done, the town can request of the DOT to review the
16 speed to see if that's still appropriate. For the
17 most part, that's it.

18 Like I said, the biggest access management
19 effort was up in this area here where for instance
20 Beach Pea will remain the same, kind of a counter
21 clockwise in and out, in being here and out being
22 here. Some curbing and some island will be put in
23 here. There will be a single entrance here with
24 single in lane and two out lanes. There will be a
25 right out only entrance over here. There will be

10

1 some spot islands in some locations, again, to try
2 and define entrances, if you will. So it helps
3 clarify for the driver where they're going and where
4 to turn and where not to turn. Anything else that
5 you can think of?

6 MR. MARTIN: Thank you.

7 MR. DUNTON: Mr. Carrell.

8 MR. CARRELL: To correct myself, there was
9 one entrance that we did close, and that was right
10 at the intersection of Sterling Road. The entrance
11 is right next to the road itself, and that
12 particular property had another entrance off the
13 side road, so we felt it would be safer to close
14 that entrance so close to the intersection.

15 First thing I'd like to do is just explain
16 a little bit more about our display, what the colors
17 mean. I had some questions earlier about what
18 different things were.

19 As Ernie explained the project runs from
20 approximately Love Lane north to the rotary. The
21 scale this is drawn at is one inch on paper
22 represents twenty-five feet on the ground. We're
23 showing existing topography with the aerial photo
24 with our proposed design superimposed over that in
25 color. The red line in the center of the roadway

11

1 represents our construction center line and the
2 numbers that you see are what we call stationing,
3 and all that does is help us to reference features
4 on the roadway and be able to note where things are.

5 As Randy said, we have two twelve foot
6 travel lanes, one in each direction and that's in
7 the bright yellow color. The more golden yellow
8 color represents a paved shoulder, six foot paved
9 shoulder. It also represents paved driveways. Now,
10 on this project, at this point we're proposing to
11 pave all the driveways. There's only maybe half a
12 dozen gravel entrances, and there are -- I think
13 there are two or three crushed stone entrances and
14 it may be during our right-of-way process that the
15 property owner would prefer to keep their crushed
16 stone entrance and we can replace a crushed stone
17 entrance with a crushed stone entrance, but at this
18 point, we're proposing paved entrances.

19 We have proposed granite curb, and that's
20 represented with this thick heavy blue line on
21 either side of the road and we're curbing the entire
22 project except for a couple of short locations where
23 we have guardrail and box culverts, in one area here
24 and another area here, and we're eliminating curbing
25 on the left side of the road. We're keeping the

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1 curb on the right hand side because we have a paved
2 sidewalk. The paved sidewalk is represented in
3 gray, and individual walkways to people's homes
4 where there is a walkway now, that's also colored
5 gray.

6 The existing right-of-way is represented by
7 this heavy blacked dashed line. And right now,
8 today, there's a hundred foot right-of-way for
9 roughly two thirds of the project. It then narrows
10 down to the sixty foot total width right-of-way
11 including both sides of the road. That was
12 established in 1925, that right-of-way. We're only,
13 I believe, and Luther can correct me if I'm wrong, I
14 believe we only have one small take up by the
15 rotary, and that's represented in this reddish pink
16 line here on the corner.

17 Since last fall, we've worked on our
18 entrances, we've determined our entrance locations
19 and extents, and those are shown in the golden
20 yellow color. We've established our limits of earth
21 disturbance where we'll be loaming and seeding when
22 we're on our slope lines. That's represented in
23 this light green. We've designed an all new closed
24 drainage system with catch basins, manholes,
25 culverts and underdrains to take care of the water

13

1 a deficiency in the stopping sight distance to the
2 roadway down here in the sag, actually it's
3 headlight sight distance in the sag by the Lions
4 Club, and there's also some sight distance issues
5 here at the crest of the hill by Page Street. And
6 you can't probably from where you're sitting see
7 very well the dashed line which represents the
8 existing roadway surface on the center line, and the
9 solid red line which represents our finished
10 construction line.

11 The finished grade line of the roadway.
12 There's currently -- today there's a lack of access
13 control. There's wide open spaces on either side of
14 the roadway which allows vehicles to move on and off
15 in an erratic manner. The curbing will help that.
16 The existing guardrail that's there now is in very
17 poor condition, it's not functioning correctly, it's
18 unsafe. Today there is no safe pedestrian walkway,
19 and there are high traffic volumes on this roadway,
20 so it is somewhat unsafe for pedestrian movement.

21 The existing drainage system is substandard
22 and incomplete. There's minimal underdrain to drain
23 the gravel base of the roadway and that's important
24 because if we don't take care of the water in the
25 roadway, over time that can lead to premature

15

1 in the roadway. We have tree removals marked in red
2 and we don't have a large number of them, and I
3 believe all the ones that we have are located within
4 the existing right-of-way. And I also believe that
5 we're marking them remove because they're within our
6 highway clear zone which is a zone of safety for the
7 speed of the roadway that we need to clear of
8 obstacles. Clearing limits are shown with a blue
9 line, a thin blue line. You'd have to see it up
10 close to see it but it's there.

11 Proposed crosswalks, Randy pointed out just
12 two of them, clear colored in black, cross hashing
13 here by the town right-of-way to the ball field, and
14 in front of Beach Pea and Terra Cotta Pasta. Why do
15 we need to tear the road up and rebuild it now.

16 Probably everybody in this room knows why
17 but the pavement is in very poor condition. There's
18 a lot of cracking and rutting and patching that's
19 been going on. The road bed is deteriorated. They
20 have discovered voids underneath the concrete core
21 of the roadway which could compromise the structure
22 in the future.

23 Our records indicate that this road was
24 originally built in the 1920's. It doesn't meet
25 current standards for safety or structure. There's

14

1 failure of the pavement.

2 Currently there's the annual average daily
3 traffic on the roadway is ten thousand thirty cars a
4 day. It's projected in twenty years to be twelve
5 thousand forty, and that's a twenty percent increase
6 in cars.

7 In our most recent study period for
8 accident crash data, we had twenty-one accidents
9 from January of 2003 to December of 2005, and in the
10 previous study period, there were sixteen so that's
11 a thirty-one percent increase in crashes from one
12 study period to the next, and so there is -- it
13 looks like a trend towards increasing accidents.
14 Probably as the traffic volume increases, that would
15 only get worse.

16 This roadway is classified as a national
17 highway, and it's also classified as a straw net
18 highway which is a strategic highway network for the
19 Department of Defense connecting I assume to the
20 north Portsmouth Naval Shipyard. It's also a
21 principle arterial. One of the primary functions of
22 an arterial roadway is mobility, and we have to meet
23 certain standards where it's national highway that
24 what would be different than a state -- roadway
25 classified as a state highway. So what you're

16

1 seeing for a proposed design is really a compromise.
2 We're trying to balance the differing needs.

3 As we mentioned last fall, there's a lot of
4 competing needs and interests and desires for the
5 roadway, and sometimes those goals are at cross
6 purposes so this is an attempt to balance that.
7 We're addressing safety needs. We're improving the
8 sight distance. We've improved it in this sag, on
9 this crest, and I believe on this crest as well.

10 We're improving the clear zone by providing that
11 safe zone of recovery for a vehicle if it leaves the
12 road. We're clearing that of unnecessary trees and
13 boulders or things that could cause a routine
14 accident to become perhaps a much more serious
15 accident. We're improving the access control to
16 people's properties which is also a safety measure.

17 We're separating the parking from the
18 traffic which is also -- the traffic along the
19 roadway which is also a safety measure. We're
20 updating the guardrail, making that meet current
21 safe standards, so it should be a lot safer than
22 what's there now. We're providing a defined paved
23 shoulder. Right now it sort of varies, it's very
24 indistinct. You don't know exactly where it is
25 relative to the travel lanes or the width of the

17

1 shoulder. It's partly paved in places and partly
2 gravel and the width varies from three feet to six
3 or eight feet. And by providing a consistent paved
4 shoulder, that will help with driver expectation as
5 well.

6 Striping. There will be new striping and
7 signage which should help with safety as well when
8 the project is finished. There's an entrance to
9 this gas station, convenience store here at the
10 rotary which has been a potential traffic hazard for
11 accidents. We're going to be closing that off with
12 an island, and that should help with that hazard.
13 Sidewalk will help with pedestrians. We'll be
14 providing ADA compliant pedestrian ramps at each
15 entrance and side road. Bicycle traffic will be
16 accommodated by a six foot paved shoulder.

17 The minimum required width for bicycles is
18 four feet so we have a six foot shoulder which
19 should be ample for bicycle traffic. I think
20 somebody asked a question at the previous public
21 meeting about striping the shoulder for bicycles,
22 and in general, we do not mark shoulders or mark a
23 shoulder for bicycles because it's a dual purpose.
24 It both functions as the shoulder of the roadway and
25 as a place where bicycles can ride. It's not a

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1 devoted bicycle lane. The granite curb will last
2 longer and be much more attractive than bituminous
3 curb will be. It's more expensive but you'll get a
4 better result.

5 There is some potential for landscaping
6 along here which already has been mentioned will be
7 something the town will be looking into. The
8 structural needs of the roadway will be met because
9 we'll be digging it up, we'll be taking that
10 concrete slab out which is also going to be
11 beneficial in the future when utilities have to make
12 repairs to their system. They are not going to have
13 to be digging down through concrete and try to patch
14 that which leads to more cracking and pavement
15 failure. As I mentioned we'll be improving the
16 drainage system by putting in all new drainage.

17 And I believe that's all I have. Luther is
18 next.

19 AUDIENCE MEMBER: I've got a question.
20 What are the green dots on the map there?

21 MR. CARRELL: These things here?

22 AUDIENCE MEMBER: Yeah.

23 MR. CARRELL: Those are existing trees.

24 AUDIENCE MEMBER: Well, the ones you just
25 pointed to, it looks like they are not much

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1 different in distance from the roadway as the
2 cluster of red down here across from Golden Harvest
3 that you're -- are you taking out all those red dots
4 down there?

5 MR. MARTIN: Why they're green is those are
6 ones survey physically picked up so they show up on
7 our maps. There is no real delineation whether
8 they're going to stay or go but the red ones
9 delineated are inside the right of way.

10 MR. CARRELL: I think you'll find -- I'll
11 scale it off for you but I believe those are closer
12 to the roadway.

13 AUDIENCE MEMBER: But they're all behind
14 the sidewalks, right?

15 MR. CARRELL: Yes, on this side, yes.

16 MR. MARTIN: There is also the potential
17 for utilities, to need some trees to be deleted as
18 well and moved. Luther?

19 MR. YORKE: Whenever the Department takes
20 on a road enhancement project like this, we try to
21 stay within the existing right of way whenever
22 possible. As has been previously brought out right
23 about here which is where the motel is on the
24 southern end, it's a hundred foot wide right-of-way
25 which was acquired in 1925, and from the same point

20

1 north to the rotary is a sixty-six foot wide
2 easement for highway purposes that was also acquired
3 in 1925.

4 We've done a really good job. Bob's worked
5 extra hard to try and keep all the impacts inside
6 the right-of-way. However, you know, sometimes a
7 street, driveway, sloping is going to come or just
8 exceed the right-of-way, a drainage pipe where the
9 rip-wrap is going to be just outside the
10 right-of-way. These are going to be permanent takes
11 for the damage easements and the slope easement.

12 We may have some areas like right here on
13 the driveway where we will need a temporary
14 easement. The area that you're seeing here is the
15 area of work. When you actually are approached by
16 members of the DOT, the area that we will be
17 discussing with this individual will be slightly
18 larger. It will probably be another five or six
19 feet beyond this area of work.

20 Obviously if there's a line here on the
21 ground and we're tapering to fill into it, you're
22 going to need an area to stand behind to rake and
23 shovel and everything to get it there so it's a work
24 area. It's not -- I don't want to say a work area,
25 it's the area for the work men to stand in to do

21

1 their job. It's not the area that we're actually
2 going to be disturbing on the face of the earth.

3 We have one acquisition on a permanent fee
4 basis. A lot of temporary easements which will go
5 away as soon as the project is completed. We do
6 have some damage easements. We do have I think
7 possibly a slope or two.

8 Trees, let's go ahead, it's already been
9 brought up. Anything within the right-of-way, this
10 hundred foot strip, is owned by the State of Maine.
11 We received a warranty deed from the federal
12 government in 1925, the easement for highway
13 purposes in 1925. The only significant building,
14 this chicken house. There was about six people who
15 owned this entire mile, five or six of them were
16 here and then one was the federal government.
17 Virtually every building that is there today has
18 been built since 1925.

19 There are a lot of private property
20 improvements in the State's right-of-way. A lot of
21 them. The State has been a good neighbor. We've
22 allowed you to be there, we now need to use our
23 land. There are fences there, there's flower beds,
24 there's lamp posts, there's signs. We need to move
25 them all. We need to move most of them. We're

22

1 going to still try to be a good neighbor.

2 I'm just going to pick a random spot on
3 the face of the earth and say this one right here is
4 a tree. We have no need for this tree to be removed
5 for the road. Listen to me very carefully again.
6 We have no need for this tree to be removed for the
7 road. Please don't call me up when someone cuts
8 that tree down. The utilities may need to take that
9 tree down to restring their wires. It's inside the
10 right-of-way. So there's different competing
11 entities. Just because the DOT may not need to take
12 that area or trim it for a road project, the utility
13 companies may.

14 I'm not going to stand here -- there is no
15 one from utilities here to tell us at this time
16 which trimming of trees they need to do and which
17 they don't. That tree is in the right-of-way, it's
18 subject to moving at any time.

19 That said, we're going to do everything we
20 can to minimize our impacts and keep them down and
21 trying to work as we already have. Bob's worked,
22 Emie's working with them, I've been behind the
23 scenes working with property owners and we try to
24 keep our impacts to a minimum.

25 If you have a property currently for sale

23

1 or you plan on putting your property up for sale, as
2 of this public hearing, you are required by State
3 law to advise the buyer or your representative, your
4 broker, to advise your buyer, potential buyer, that
5 the Department may take rights in that property for
6 this road project. You can't go buyer beware and
7 not tell them we're going to be doing a road
8 project.

9 Let's see, what else might we have.
10 Speaking of the items that are in the right-of-way
11 today, if -- obviously if it's in the area of work,
12 if you have a fence that's in the right-of-way
13 within the area of work, it's your fence, we don't
14 want to take it down, we don't want to damage it.
15 You might want to go ahead and remove it when you
16 start seeing construction started. When you come up
17 here to look at this map, inevitably someone's going
18 to say this has been subdivided, I don't live here
19 any more or I live here and Julia doesn't.

20 As a savings to you, the taxpayers, this
21 was updated probably four or five years ago when it
22 was created; not -- it hasn't been updated is what
23 I'm trying to say. We did a once through based upon
24 the tax maps at that time. We know some of the
25 names have changed. We know ownership has changed.

24

1 We know possibly that some properties have been
2 subdivided. As a savings to you, we could run
3 ourselves crazy updating them every month, we're
4 going to wait now and just before we start the
5 right-of-way process, legal's going to go and update
6 everything, so when someone comes out and contacts
7 you, hopefully, ninety percent of -- ninety-five
8 percent of those will have the right name on it, but
9 it's a dynamic market. People are buying and
10 selling every day and it's possible, we knock on the
11 door and it happens, it sold a week ago, we have a
12 new buyer, wrong name on the map, we need to update
13 it again.

14 What to expect. Well, as soon as we digest
15 everything from this public meeting, we have a
16 couple final sign-offs to get because the eighty
17 percent FACTS funds are federal funds. And when
18 you're dealing with your rich uncle's money, and
19 it's nice to have a rich uncle that says for every
20 dollar you spend, I'll give you eight, eighty
21 cents -- for every dollar you want to spend, I'll
22 give you eighty cents of it, but here comes the
23 catch. You see these stacks of rule books? You've
24 got to play by my rule books if you want my eighty
25 cents on the dollar.

25

1 You have the right to meet the appraiser on your
2 property and explain to that appraiser everything
3 about your property so that they can have a most
4 accurate appraisal as possible. Please avail
5 yourself of that and do that. Our X ray vision just
6 isn't that good sometimes. Talk to the appraiser.
7 If you don't get that certified letter, we don't
8 have to send them out certified. If we're talking
9 to you, we just might give you a notice that we're
10 going to do it, you want to meet the appraiser, but
11 to make sure that we have contacted everyone, we
12 normally like to send them out certified if we
13 haven't been in communication.

14 If someone just calls you up, knocks on the
15 door, says I have an offer from the State, that
16 means we have used a technique that we call a waiver
17 of an appraisal. It is a taxpayer savings measure
18 that the Legislature has allowed us to use where --
19 do we have any real estate brokers in the room?
20 Real estate brokers can get it right -- I'm going to
21 be nice, ninety-nine percent of the time. You don't
22 need a certified appraiser to dot the I's and cross
23 the T's. You agree?

24 AUDIENCE MEMBER: Pretty much.

25 MR. YONCE: Sometimes you do. But the vast

27

1 Lots of times the issues that you hear
2 about on the nightly news with the DOT and read in
3 the paper are what property owners want us to do
4 something that's contrary to what the uncle's
5 requirements are. We could do it but we've got to
6 give up his eighty cents on the dollar and that's
7 not wise on a project like this because none of us
8 can afford to do this ourselves. I know town can't
9 come up with that eighty percent if the federal
10 money isn't used and neither can the State.

11 If you think the design issues are a
12 nightmare, the right-of-way acquisition when we're
13 acquiring private property rights and putting them
14 into the public name is the most heavily regulated
15 area of the DOT. So when we acquire private
16 property, even the simple temporary rights, it all
17 has to go according to the book, federal, State law,
18 court rulings, oh, yeah, we have fun keeping them
19 squared away all day. We'll probably on some
20 properties do appraisals.

21 If you get a notice for a certified letter
22 later this year, it's probably me and not the IPS.
23 That's notifying you that you have the right to
24 accompany the appraiser on their inspection of your
25 property. That's both in federal and State law.

26

1 majority of the times the brokers can get it really
2 good. Why spend the money for a certified appraisal
3 if we can come up with your compensation via a real
4 estate broker's price opinion. We have certain
5 criteria. So if you just have someone knocking on
6 your door, give you a call, say hey I've got an
7 offer from the State, we've used the alternate
8 method. Low value, simple, no major problems. You
9 can agree, you can counteroffer.

10 If you do not -- if you and the State do
11 not come to agreement before we can condemn -- how
12 long has it been since I've used the word -- before
13 we can condemn, we must have one or two things,
14 either your agreement or we must have a certified
15 approved appraisal done.

16 Now, we don't use condemnation in the State
17 as a threat to any property owner. This one's not
18 too bad. It's only been eighty-two years. About a
19 year or so ago we had a roadway, they had been
20 swapping deeds for over two hundred years. And now
21 we take all those deeds and try to put it together
22 like a big jigsaw puzzle. You can imagine the mess.
23 We had two property owners that the properties
24 overlapped by fifty feet and a third property owner
25 owning right on top. There were three different

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1 sets of tax maps for that town, we finally found
2 out. We still don't know which one was right. We
3 treated every one of those property owners fairly
4 and equitably and all three of them settled with us.
5 You don't hear about that in the paper.

6 Some of these property lines may not line
7 up perfectly. We're going to look at your deed and
8 we're going to be as fair as we can with you. So we
9 need either agreement with the property owner or we
10 need to have an appraisal made. The condemnation,
11 actual transferring of private property rights into
12 the public name is just a recording, and we use it
13 to clear title.

14 Now the State knows that we have one
15 hundred percent ownership in the rights that we need
16 to build this road. On the day of condemnation,
17 we're going to go down and record the document.
18 We're going to take a quick look at everybody's
19 title to see if you're still the owner, no other
20 liens have been filed, anything we need to know
21 about it, and for everyone who has settled with us,
22 you're going to get a check mailed to you for the
23 amount that we've settled for. If you have not
24 settled with us, you're going to get a check mailed
25 to you for the amount that we have offered you.

25

1 appeal that to Superior Court. Very few property
2 owners go to State Claims, very, very few ever go to
3 Superior Court in this state. So I don't want to
4 spend a lot of time going over it because we rarely
5 go there.

6 As Emie said, we can be here until
7 midnight talking about individual properties so when
8 we go through questions and answers, questions that
9 might affect a large number of people in this
10 project, let's talk about it in this forum, and if
11 you need to talk about it afterwards, we can sit
12 here and look at your property and discuss it
13 individually.

14 This roadway when you look at some of these
15 things, the aerial photo does not a hundred percent
16 line up with the road. We know the lineal footage
17 on this road and we know the width, the picture
18 doesn't line up exactly because of distortion.
19 Aerial photo may be several years old. When we get
20 to the point of actually coming to your house,
21 talking to you, we may discover things that we
22 haven't seen and are not on the map. We're still
23 tweaking. We're still trying to sort through these
24 issues with the property owners. Okay?

25 MR. MARTIN: Thank you, Luther. Just to

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1 Please cash the check. I'll show you the reference
2 in State law that says you're entitled to it and it
3 does not stop you from continuing negotiations with
4 the state. On every project, I have at least one
5 property owner who refuses to cash the check. The
6 check becomes void after so many days. I find out
7 about a year later he still hasn't cashed a check,
8 they have to send us the check back. We have to
9 issue a new check. Cash the check, it's yours. It
10 does not say we're finished and by cashing this
11 check you have agreed this is my final compensation.
12 I hope everybody's going to be settled so it's not
13 even an issue. That's what we're going to work for.
14 And of our last four or five projects, we were --
15 most of them were right there.

16 But if we are not, there is a venue that's
17 called State Claims. It's a county commissioner
18 from the county which in the case would be York.
19 There will be a certified appraiser appointed by the
20 governor, and a real estate attorney appointed by
21 the governor. They will have a quasi judicial
22 hearing. We'll explain what we've done, property
23 owner can cite why they don't think compensation is
24 fair and then the board will make a ruling. Both
25 the property owner and the State have the right to

30

1 follow-up on the schedule of where we're at today
2 and where we're going. If everything goes good, we
3 go back to the office. Touch up a couple things,
4 Luther does his right-of-way process. We're looking
5 at advertising sometime in March, hoping contractors
6 sometime in April -- possibly award in April and
7 then start construction in April of '08.

8 With that, the completion -- you're looking
9 at probably late fall of '08. It will be a one
10 season construction project. So with that, we'll
11 open the question and answer piece of the meeting.
12 And when you want to get up, please raise your hand
13 and then stand up, state your name so Ron can get
14 that in the minutes.

15 MR. YONKE: Let me jump in with one quick
16 thing. To meet Emie's schedule for March, we're
17 going to need to be done with negotiating with all
18 the property owners at least thirty days ahead which
19 is February. That means we're going to be making
20 contacts probably in December. It's going to be
21 kind of hard to see a lot of things on the face of
22 the earth when the snow is on the ground. We're
23 going to have some people out taking pictures now,
24 we've already been starting that. So if you're not
25 going to be here available to us over the winter or

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1 you know your neighbor's not, please get in touch
2 with us so we know where to find you during the
3 winter months if you go south during the winter.
4 This one we need to know about.

5 MR. MARTIN: Just one thing that I'd like
6 to add before we get to the Q and A session. I'd
7 like to thank the utilities, and some of those guys
8 are here tonight, Rick Rossiter for Public Works,
9 and Steve Tapley from the Sewer Department. Water
10 is not here, right? These guys are going to be
11 going out in the next couple of weeks, right Steve,
12 and doing some test pits.

13 AUDIENCE MEMBER: Starting Monday or
14 Tuesday.

15 MR. MARTIN: So you'll see them out there
16 doing some test pits and what that's constituting is
17 we have some issues with our underdrain system and
18 you'll see these dark blue dots, those are what we
19 call catch basins. That's going to catch all the
20 water in the roadway and drain it in the subsurface.

21 In the subsurface we also have sewer and
22 water in the way so we're going out there digging
23 test pits to coordinate with the town's utilities in
24 making sure that everything can fit in there without
25 too much of an issue. So again I'd like to thank

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1 there specifics with others or is that yet to be
2 determined?

3 MR. YOUNG: I believe all your drainage is
4 nailed down.

5 MR. CARRELL: I believe the drainage is all
6 plotted on there. As far as every place that's
7 rip-wrap, I'm not sure we have a final determination
8 on that but I think most of it is shown, here, here,
9 here.

10 MR. YOUNG: Some of it's in the
11 right-of-way and some of it's borderline on the
12 outside of it.

13 AUDIENCE MEMBER: Thank you.

14 MR. MARTIN: Probably ninety percent of the
15 drainage on the project is subsurface.

16 AUDIENCE MEMBER: Thank you.

17 MR. MARTIN: Yes, sir.

18 AUDIENCE MEMBER: John Maher, and I'm the
19 owner of the property that the Beach Pea occupies
20 and I would probably address my questions to
21 Mr. Martin -- is this -- I came in late, forgive me.

22 MR. MARTIN: What we'll do is that if it's
23 specifically to your property, we'll circle the
24 wagons with you after this.

25 AUDIENCE MEMBER: But I want to be on the

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1 you guys for your efforts on that.

2 With that why don't we start the Q and A
3 session. Just please raise your hand, stand up,
4 state your name.

5 AUDIENCE MEMBER: Thomas Roberts. I just
6 was wondering about a clarification on the sloping.
7 I think yourself mentioned grass and seeding, I
8 think someone else mentioned rip-wrap. Is there a
9 combination of materials that will be used? Just a
10 clarification on kind of a visual.

11 MR. YOUNG: Most of our slopes are going to
12 be loamed and seeded. Where we have water coming
13 out, if it's just a modest little flow of rain water
14 that's caught on the road, it will probably just go
15 into the loamed and seeded area. If we're
16 concentrating it into a pipe that's going to
17 possibly carry a little bit of water with a force,
18 then we'll put the rock, the rip-wrap rock to
19 disburse that water at the end of it. Sometimes
20 that area and the one that I was pointing to, I
21 don't see it right now -- here we go. I have a box
22 around the end of that pipe and that signifies to me
23 it's going to be a rock area that water will hit to
24 disburse so it won't erode the area past it.

25 AUDIENCE MEMBER: Other than that site, is

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1 record.

2 MR. MARTIN: Okay.

3 AUDIENCE MEMBER: Forgive me because I came
4 in late and didn't -- I've never actually seen this,
5 so --

6 MR. MARTIN: Okay.

7 AUDIENCE MEMBER: I remain concerned about
8 the parking entrance as it affects the Beach Pea and
9 relates to the Golden Harvest. Now, I see diagonal
10 parking there, Emie.

11 MR. MARTIN: Where?

12 AUDIENCE MEMBER: Right there, but that's
13 just a picture, that's not what is -- is that not
14 what will be -- what you are planning?

15 MR. CARRELL: No, there won't be diagonal
16 parking there. There's not room enough for diagonal
17 parking.

18 MR. MARTIN: Potential for parallel
19 parking.

20 AUDIENCE MEMBER: The concern that I have
21 for the record is that when traffic is heading in a
22 -- would you call this easterly direction?

23 MR. CARRELL: Probably northerly.

24 AUDIENCE MEMBER: When traffic is traveling
25 on Route 1 in a northerly direction, that they will

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1 pause to wait until a space opens in front of the
2 Golden Harvest. When traffic is heading in a
3 southerly direction on Route 1, and they want to
4 pull in there to be in front, because everybody
5 likes to just walk the least, there's going to be a
6 stacking -- I have a concern of a stacking, and
7 therefore people trying to get out of the property
8 that is occupied by the Beach Pea will potentially
9 on some days, day before Thanksgiving, significant
10 business days, there will be a confusion relative to
11 getting out and getting in. So I for the record
12 think that is creating a traffic problem and a
13 traffic hazard, not eliminating it.

14 MR. YONCE: Mr. Maher, let me address your
15 question if I may, from a real estate point of view.

16 AUDIENCE MEMBER: Let me just finish.

17 MR. YONCE: Okay.

18 AUDIENCE MEMBER: I have no problem with
19 the diagonal parking, I understand you're not
20 allowing that, but when people are able to go into
21 the Golden Harvest in a diagonal fashion, that did
22 not bother me, but when everything is forced into
23 this area, forced into it because of where the
24 rip-wrap or whatever is there, whatever you call
25 it --

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1 parallel parking or diagonal parking?

2 MR. MARTIN: There will be parallel
3 parking. No diagonal parking along --

4 AUDIENCE MEMBER: My only concern is that
5 in your development scheme you don't impact on an
6 abutter and that is my concern.

7 MR. MARTIN: Right now we have no impacts
8 to your property besides maybe a couple grading
9 easements that may be required. Other than that,
10 all work in this area is within the State's
11 right-of-way.

12 AUDIENCE MEMBER: Well, those cars that are
13 being -- parallel parking, they will be in the
14 State's right-of-way also.

15 MR. MARTIN: Correct, and that's something
16 that we're working through.

17 AUDIENCE MEMBER: Thank you.

18 MR. MARTIN: Thank you. Anybody else?
19 Questions?

20 AUDIENCE MEMBER: Peter Bowran, resident of
21 Kittery, also serving in the State Senate.

22 MR. MARTIN: I'm sorry, I apologize for
23 missing Mr. Bowran, I think you came in late.

24 AUDIENCE MEMBER: I did and I don't need to
25 be recognized, I represent -- from coming to

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1 MR. YONCE: It's going to be a curb.

2 AUDIENCE MEMBER: That's a concern to me.

3 MR. YONCE: It comes up on virtually every
4 public hearing. You guys are going to widen this
5 road, everybody is going to speed, same thing that
6 Mr. Maher is referring to. It's not -- Chief, is it
7 safe to pull somebody over on this road right now?

8 AUDIENCE MEMBER: No.

9 MR. YONCE: When we finish, you can do
10 proper enforcement out here.

11 AUDIENCE MEMBER: Got to.

12 MR. YONCE: Our job is to build.

13 MR. MARTIN: Basically, Mr. Maher, we're
14 trying to work with the developer of the project
15 right now. As it sits right now, that's pretty much
16 the final design as far as the curb locations. It's
17 the ins and outs that may change. There's some
18 discussion that we are having, that's ongoing right
19 now, that's not been finalized. So I really can't
20 speak to exactly what's going to happen here because
21 we are working with the property owner and his
22 development as well as with the town to really come
23 up with a resolution as to exactly what we can do
24 here.

25 AUDIENCE MEMBER: Well, is that going to be

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1 previous hearings, there are a couple of things that
2 I think that everybody knows about, is worried
3 about, but isn't talking about it today, and if I'm
4 wrong, I'll sit down and shut up. But one of them
5 was consistency of the design and management team.
6 Every time we turned around, there was a new group
7 of folks. The experienced people that heard
8 everybody's comments wasn't there any more. What
9 can we expect as far as consistency of the design
10 and implement team? Is that settled?

11 MR. MARTIN: As far as this --

12 AUDIENCE MEMBER: Not going to change

13 except minimally.

14 MR. MARTIN: This project?

15 AUDIENCE MEMBER: This project, of course.

16 MR. MARTIN: I was in attendance last
17 November when it was Joel Kittredge as a handoff.
18 Joel moved on to another position within the
19 Department and I was tasked with carrying this to
20 construction and I will be the last one.

21 AUDIENCE MEMBER: Well, I'm glad to hear
22 that.

23 MR. MARTIN: And Bob will be the designer,
24 and Luther will be the right-of-way.

25 MR. YONCE: Just for clarification, both

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1 Bob and I were back here at the door a year and a
2 half ago that first public hearing, and we were here
3 and watched everything.

4 AUDIENCE MEMBER: But there have been some
5 people coming and going, and I come from a
6 background of project management, you want to get
7 the project done on time, on schedule, on cost.
8 Keep everything frozen as much as you can.

9 MR. CARRELL: I don't know that anybody can
10 ever guarantee absolutely.

11 AUDIENCE MEMBER: I'm not asking for that,
12 I'm just trying to say it was going fast and furious
13 in my humble opinion, faster than it needed to be,
14 faster than it should be. So that's good to hear.
15 You talk about condemnation. I fully respect the
16 condemnation process. What has the potential of
17 being condemned here, a lot, a little?

18 MR. YOUNG: One little corner piece of
19 land, probably not more than a hundred square feet
20 at best.

21 AUDIENCE MEMBER: Well, I suspected that
22 but you didn't say it and, you know, you -- not a
23 total criticism but you kind of alarmed everybody
24 with -- for just a tiny little bit.

25 MR. YOUNG: Here again, we will still

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1 condemn to clear title for the drainage or for any
2 slopes, and even these temporary rights to do the
3 blending work is part of that condemnation.

4 AUDIENCE MEMBER: But you're not going to
5 knock down buildings and stuff like that.

6 MR. YOUNG: No.

7 AUDIENCE MEMBER: And I didn't think you
8 were, I just needed to have you say it.

9 MR. YOUNG: There is no house in red, just
10 a couple trees.

11 AUDIENCE MEMBER: And then finally, I've
12 said this before, I'll probably have to say it
13 again, but I think I heard you say that, you know,
14 our job is to build safe and efficient whatever
15 roads, and Judge Maher, where are you? Did he
16 leave? You've got to do more than that. I want you
17 to do that. As a legislator and as a citizen, I
18 want you to do that, but I want you to do more than
19 that because I'm trying to be objective and not a
20 politician when I say this because at heart, I'm not
21 a politician. You get into trouble when that's all
22 you say. You make friends and you make successful
23 projects when do you more than that. And I'm not
24 saying this for any other reason than to help you
25 out. And I will shut up and sit down. Thank you.

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1 MR. MARTIN: Thank you for your comments.
2 I guess the one thing that I can add on to that is
3 pre-meeting, there were many, many discussions with
4 certain property owners on this project trying to
5 make concessions. We have design exceptions. We
6 have a huge design exception to accommodate the
7 sidewalk. Where we design, says we should have
8 eight foot shoulders. We cut it down to six which
9 is kind of the compensation for the sidewalk.

10 Access management. The State is running
11 into situations all over the State related to
12 parking in the State's right-of-way. State does not
13 promote parking in its right-of-way, whether it's a
14 school, business. This is a prime example. Where
15 you have -- over time the State's allowed the
16 parking in its right-of-way. That's the State's own
17 fault. Now they're cracking down on it because of
18 safety. How many times have people come down
19 Route 1 and had a car just say I'm getting out of
20 here, whips it out. How many accidents have we had
21 there, chief? How many incidents?

22 AUDIENCE MEMBER: I don't have the numbers
23 with me, but there has been incidents there.

24 MR. MARTIN: Speed has been a dominating
25 issue since I've been involved down through this

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1 stretch, and it's funny. I was talking to the chief
2 before the meeting and just kind of roughly asked
3 him how many violations have occurred on this
4 section of road. Numerous. And I think the
5 concessions that the Department's made, and you made
6 the statement of making it a safer highway, I
7 can't -- I'm proud of what Bob's come up with. I'm
8 proud of his previous designs, what they came off,
9 the one he's built on.

10 AUDIENCE MEMBER: I think it's a great job.

11 MR. MARTIN: Just for the simple fact that
12 it's consolidated the roadway. That by itself is
13 going to become a traffic calming situation where
14 you're going to be driving down the highway, now
15 you're going to see this granite curb. It's going
16 to go from here to here; and then it's going to
17 become an enforcement issue again like it always has
18 been. But as far as what I mentioned earlier about
19 enforcement of the DOT, it's becoming an access
20 management policy which we try to follow which we
21 did here to some extent, but we did make a lot of
22 concessions.

23 AUDIENCE MEMBER: That's good.

24 MR. MARTIN: So I take pride in working
25 with people to try to make the best situation but

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1 there's only some certain guidelines that I can --
 2 AUDIENCE MEMBER: Work within.
 3 MR. MARTIN: And there's others that I just
 4 can't.
 5 AUDIENCE MEMBER: Sure.
 6 MR. CARRELL: And I'd also like to say that
 7 there is concessions if the town does some
 8 landscaping work after the project is built, it
 9 could greatly enhance the appearance of the roadway
 10 down through here.
 11 MR. MARTIN: I just feel when the project
 12 is built and we walk away, I think all the property
 13 and all the people in the room right here are going
 14 to be pretty impressed by what it looks like.
 15 AUDIENCE MEMBER: Dana Kirball. I acquired
 16 the property at 67 State Road. I have a couple of
 17 questions that pertain to the property, I'll talk to
 18 you after, but --
 19 MR. MARTIN: Sure.
 20 AUDIENCE MEMBER: On Route 1 where you're
 21 coming north or south and you want to take a left
 22 through business or if you're coming south you want
 23 to take -- well, a left the other side, is it legal
 24 to stop anywhere along this section to make that
 25 turn? Because right now if you stop, there are

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1 people behind you, a lot of people can't wait, they
 2 pass you --
 3 MR. MARTIN: It's called patience which --
 4 AUDIENCE MEMBER: I understand that, but
 5 legally can people drive north and south and make
 6 that turn across that line.
 7 MR. CARRELL: I believe so.
 8 MR. MARTIN: Sure.
 9 AUDIENCE MEMBER: If you stop to make a
 10 left hand turn into somebody's driveway, any vehicle
 11 is allowed to go around the right of you, to go
 12 around, but you can stop legally.
 13 AUDIENCE MEMBER: Anywhere along Route 1?
 14 AUDIENCE MEMBER: Anywhere along Route 1.
 15 And what this will do is it will limit those amount
 16 of openings where people can make left or right hand
 17 turns so you won't have people stopping every five
 18 or ten feet. It will be a lot better control.
 19 AUDIENCE MEMBER: Because I don't see
 20 anywhere in here --
 21 MR. MARTIN: No turning lanes.
 22 AUDIENCE MEMBER: Because when I want to
 23 access my property, I have to wait forever coming
 24 from Portsmouth to take that left, and usually what
 25 I do is I go turn into the area by Marshall Rental

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1 parking lot which obviously that's not a great way
 2 for traffic to go to have to be facing the other way
 3 to be able to shoot across the road.
 4 MR. CARRELL: One of the problems -- and
 5 this is where we talked about balance. If we were
 6 to put a center turn lane or right hand turn, slip
 7 lanes or things like that in there, we just don't
 8 have the width without really seriously encroaching
 9 on people's property and damaging their property.
 10 AUDIENCE MEMBER: How much of a lane
 11 between the sidewalk -- the sidewalks on the
 12 southern side here, eastern side, whatever it is,
 13 how much of an area is there from the sidewalk to
 14 the edge of that line, the solid line?
 15 MR. MARTIN: Six foot shoulder between the
 16 travelway of the roadway and the sidewalk. There's
 17 six feet.
 18 AUDIENCE MEMBER: Okay.
 19 MR. YONCE: So you're really not going to
 20 have room to go flying around on the right hand
 21 side.
 22 AUDIENCE MEMBER: That's what people do.
 23 MR. YONCE: Part of the traffic calming
 24 here is that's going to slow them down.
 25 AUDIENCE MEMBER: Right, it will be nice,

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1 it's just -- it's good that you have a sidewalk
 2 because now people that are walking on the sidewalk
 3 will take that danger of somebody doing that
 4 passing. Okay.
 5 AUDIENCE MEMBER: Teresa Schmeier and our
 6 family home is Route 1 frontage, and on back. Sure
 7 enough I'll be the first one to get a speeding
 8 ticket here but based upon what Mr. Kirball said,
 9 I'm kind of wondering about that 35 mile per hour
 10 speed limit and I'm glad that's not written in stone
 11 and can be revisited, because Route 1 is currently
 12 and I think will only grow as being a very
 13 pedestrian, well used street through our town. So
 14 the 35 miles per hour, I'm glad that's not written
 15 in stone. I'm kind of wondering if that might be a
 16 little too fast with all the turning that goes on on
 17 that stretch. I'm really excited about the
 18 sidewalk. Yay. I'm glad about the crosswalk,
 19 especially to Memorial field to make that accessible
 20 for kids and people to get to those ball playing
 21 fields from Route 1. And I trust that the town will
 22 talk about path improvements there where that
 23 crosswalk meets up with the path that leads you to
 24 the ball playing fields where we have rec center
 25 activities, school activities and little league

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1 activities. I love that you're talking about maybe
2 a six month or so job completion from April to the
3 fall.

4 MR. MARTIN: Yup.

5 AUDIENCE MEMBER: That sounds super and
6 that you have thought about that extra wide shoulder
7 for bikes as well. So thank you. We have been
8 hoping and waiting for this for ten years now. So
9 we're really excited about the project and thank
10 you.

11 MR. MARTIN: Thank you.

12 AUDIENCE MEMBER: I'm representative Dawn
13 Hill. I represent the western part of Kittery and I
14 had a couple of questions. The yellow section there
15 that you're referring to is a hundred foot wide
16 area?

17 MR. GARRELL: No.

18 MR. YONCE: The right-of-way.

19 AUDIENCE MEMBER: That's my question
20 because I forget which one of you said it but you
21 described it as a warranty deed with fee simple
22 which is very different than a right-of-way. So do
23 you actually have fee simple or title to the
24 property or do you have an easement, slash,
25 right-of-way?

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1 these conflicts may lie.

2 AUDIENCE MEMBER: Mm-hmm.

3 MR. YONCE: That work has not been done.

4 That's part of what we're going to start very
5 shortly.

6 AUDIENCE MEMBER: I'm glad to hear that
7 because no reflection on Kittery but most town maps
8 throughout the State are notoriously inaccurate.

9 MR. YONCE: Very much so.

10 AUDIENCE MEMBER: So following that up, if
11 you do have a conflict between the property owner's
12 front line and your deed, how do you intend to
13 resolve that?

14 MR. YONCE: Well, as I said, back in 1925
15 one owner owned from here to there, so everything
16 that has been written since then is coming off of
17 our deed. So it should be very simple from here to
18 there because there wasn't -- it was just one piece
19 of vacant land. There was a new highway on land
20 through a field, through a swamp in a field back in
21 1925. From here there was a condemnation, layout
22 when we actually built this road that took the
23 easement for highway purposes at sixty-six feet, and
24 that -- we have the maps for that also. And the
25 only improvement that I saw other than a couple

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1 MR. YONCE: The one hundred foot wide
2 section down to Love Lane is actually owned by the
3 State of Maine. It was a warranty deed from the
4 federal government in 1925.

5 AUDIENCE MEMBER: So clearly fee simple.

6 MR. YONCE: Fee simple and yes, probably
7 the majority of the homes and businesses along there
8 are utilizing the State's right-of-way as their
9 front yard.

10 AUDIENCE MEMBER: So my next question is
11 you've obviously done all the surveying work, yes?

12 MR. YONCE: Preliminary survey has all been
13 done.

14 AUDIENCE MEMBER: Especially with regard to
15 your one hundred feet of fee simple?

16 MR. YONCE: Mm-hmm.

17 AUDIENCE MEMBER: How many areas did you
18 run into where you had a conflict with an abutter's
19 deed versus what your deed says.

20 MR. YONCE: We have not gone through --
21 basically the property lines on here are from the
22 tax maps. This is part of what we will do now as
23 we're starting into this process of finalizing this
24 is to go through and pull all the current deeds and
25 match them up to what's on the tax maps to see where

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1 shacks was a large hen house, chicken farm here. So
2 there again, of the -- I believe it was five or six
3 abutters, here and we have that information, all the
4 deeds that are here today are all subdivisions off
5 of that. So it's only eighty-two years' worth of
6 deeds to try and fit together, not in some cases
7 where we have two hundred plus years.

8 AUDIENCE MEMBER: And I'm not questioning
9 what you're saying. The way you describe it, I'm
10 looking more like where does your hundred feet of
11 fee simple hit the earth because I'm struggling with
12 this as an attorney how all of these properties got
13 through mortgages and title searches over and over
14 again and didn't find a conflict with the fee simple
15 you have, so that's just one of my questions. That
16 to me is very unusual.

17 MR. YONCE: I can't talk specifically but I
18 can say that it is not uncommon in this state that
19 mortgage transactions and real estate transactions
20 occur and the buyers never get a survey. I have had
21 more conversations with property owners and they say
22 I've got a deed and the deed describes the piece of
23 land and doesn't tell them that the building is
24 sitting five feet in from the property line because
25 they never had a surveyor place the building on that

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1 legal description.

2 AUDIENCE MEMBER: Well, if they do have --
3 what if they do have a survey shift --

4 MR. YONCE: We would like to sit and take a
5 look at it.

6 AUDIENCE MEMBER: So you'll negotiate with
7 them and talk with them at that point?

8 MR. YONCE: The senator took me to task a
9 little bit.

10 AUDIENCE MEMBER: Not really.

11 MR. YONCE: We just finished a project,
12 every property owner settled with us before
13 condemnation. We just finished another project, I
14 had one that we weren't settled with before
15 condemnation. This team has the highest record -- I
16 shouldn't have put that on the record.

17 AUDIENCE MEMBER: Maybe the appropriate
18 question, were they happily settled?

19 MR. YONCE: Why would they not be?

20 AUDIENCE MEMBER: Because of duress or --

21 MR. YONCE: No, no, we do our best not to
22 settle anyone under duress. I have advised people
23 when we're that far apart, go to State Claims.

24 AUDIENCE MEMBER: My final question --

25 MR. YONCE: If you're feeling uncomfortable

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1 we work with every property owner to resolve every
2 question.

3 AUDIENCE MEMBER: I'd like to think you'd
4 be a friend of the property owner.

5 MR. YONCE: Mm-hmm.

6 AUDIENCE MEMBER: My last question, you
7 receive a check and want them to cash it. Is that a
8 regulation or a statute?

9 MR. YONCE: That is a state statute, and
10 I'm glad you said that, I almost forgot. Everybody
11 here please come up and grab one of these, I will
12 not do my quiz tonight, but it has it in it --
13 virtually everything I've gone through is in here.
14 You can call the number on there, get my cards, get
15 Ernie's card, any questions, feel free to call us at
16 any time, but if you're an abutter or interested
17 property owner on how the right-of-way process
18 works, come up and get one of these before you
19 leave.

20 AUDIENCE MEMBER: I just wanted to make
21 sure and it was in print available to them.

22 MR. YONCE: I can get you in there the
23 actual citation, states it in here. Just call me
24 and I'll get it for you.

25 MR. MARTIN: One thing I'd like to follow

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1 up with you, representative, is that I think the
2 team of people that I have that work under me, we
3 take the property owners very seriously. I take
4 pride in making sure everybody is treated fairly,
5 and obviously you're going to have these ones that
6 we just can't meet, and that's when Luther speaks up
7 and says go to State Claims because we can't meet
8 your needs. But I think I can speak on behalf of my
9 team that we take everything we do seriously and
10 treat everybody fairly as best we can.

11 AUDIENCE MEMBER: And I don't mean to
12 suggest otherwise, I don't have an issue with the
13 DOT. I just think by virtue of who you are, the
14 scale of your project and your agency, it's daunting
15 for a little property owner to go up against you, so
16 I think to be very cognizant of how you handle that.

17 MR. YONCE: We do this every day. You may
18 only be affected once in your lifetime on a project
19 and we pride ourselves in taking the time to explain
20 all your options to you so you're aware of what
21 avenues you have available to you.

22 AUDIENCE MEMBER: Thank you.

23 AUDIENCE MEMBER: Just back to the
24 right-of-way.

25 MR. YONCE: Your name?

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1 AUDIENCE MEMBER: Dana Kirball again. All
2 the paved areas that are within that right-of-way
3 since that time, 1925 whatever, I assure all of
4 those had to get permission from the State to put
5 that parking there?

6 MR. YONCE: Things have evolved over the
7 years. Obviously when this was built in 1925, the
8 regulations for a federal highway are totally
9 different than it was in 1950 or 1960. Every couple
10 years, the book gets thicker, so that's why it's not
11 to current specs, and part of the reasons -- why
12 would anyone build a property two feet off the
13 right-of-way line in 1925. They will never need a
14 hundred foot right-of-way. And eighty-two years
15 later we need a hundred foot right-of-way. And --

16 AUDIENCE MEMBER: The reason I'm bringing
17 this up is they rezoned this area over here to IB-1
18 which is local business one, and in the
19 requirements, for allowing parking in front of the
20 building, parking has to be to the side or the back.
21 The house that I bought is a small house but it's an
22 acre of commercial property, and at some point the
23 parking is going to need to go to the left and out
24 back which means access to -- through the
25 right-of-way and then probably part of that

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1 right-of-way for parking, and it sounds like the
2 State doesn't encourage it. But I was wondering
3 what kind of battle I'm up against to formulate a
4 parking area and access to that land?

5 MR. YONCE: The access management that was
6 recently enacted over the last several years
7 starting in 1999, 2000 and it's been amended a
8 couple times, was put in place by the rich uncle.
9 Federal government basically is behind it and said
10 you're going to use our funds, you're going to have
11 an access management program, and that's nationwide.
12 If you need to change your drive, there are
13 standards for a residential opening, standards for
14 commercial opening. If there's going to be a change
15 in use which triggers an access management review,
16 if you're going from a residence to commercial,
17 commercial entrance is larger than a residential
18 entrance. It may be in everybody's best interest to
19 shift that entrance to accommodate the site plan and
20 what you're doing with the town.

21 AUDIENCE MEMBER: Because basically I need
22 to discuss with you and then talk obviously with the
23 town.

24 MR. YONCE: If there's going to be a change
25 at this time, this plan we hope is the plan. So if

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1 I keep forgetting this is within the urban compact.
2 MR. MARTIN: Just to follow up on that real
3 quick. As -- we'll talk after, but in some cases
4 when property owners have ideas like that, in a case
5 like for instance this one is that we don't know if
6 they plan an entrance here in 2010. Well, when I
7 move my hand, we've got a catch basin right there.
8 That's going to be a much more difficult location
9 for an entrance, coets on top of that to slide
10 everything over.

11 AUDIENCE MEMBER: That's the same I have
12 over there.

13 MR. MARTIN: So I suggest if anybody is in
14 the future, even though it's down the road, if
15 you're planning on putting in different access on
16 your property, let us know as well just so we can
17 coordinate our underdrain. Steve.

18 AUDIENCE MEMBER: Steve Tapley,
19 Superintendent of Sewer Department. But you have a
20 regulation in effect that once this is put in, he
21 couldn't make any cuts or anything for five years
22 anyway, so if somebody is going to do something,
23 then they -- now they had better do it or they can't
24 do it for at least five years.

25 MR. MARTIN: Right.

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1 you're going -- good thing you brought this up.

2 AUDIENCE MEMBER: There isn't going to be a
3 change.

4 MR. YONCE: If there's any change, you
5 would need to go see Randy's replacement, Jen Paul,
6 in the Scarborough office. She's the Traffic
7 Engineer and she will work with you and issue you --

8 MR. MARTIN: Rick Rossiter now.

9 MR. CASRELL: This is a compact urban --

10 MR. YONCE: I'm sorry, Rick. Come to the
11 town, Rick will work with you on your entrance and
12 then like will forward to us the paperwork that says
13 the -- the town has authorized this entrance to be
14 changed and we can incorporate it into our plan if
15 it's during the area of work, during the time of
16 work.

17 AUDIENCE MEMBER: Because there might be a
18 couple years before anything actually happened.

19 MR. YONCE: Same procedure.

20 AUDIENCE MEMBER: Whether I keep it or
21 somebody else down the road, I'd rather not have to
22 go through a process for curb cut and make all those
23 changes. I still need to hook up with sewer at some
24 point.

25 MR. YONCE: You need to talk with the town.

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1 AUDIENCE MEMBER: Correct?

2 MR. MARTIN: Right.

3 AUDIENCE MEMBER: Okay.

4 MR. MARTIN: It's a five year moratorium on
5 the highway and nothing can be replaced or cut up in
6 the highway for five years.

7 AUDIENCE MEMBER: That was my comment.

8 MR. MARTIN: Senator.

9 AUDIENCE MEMBER: Peter Bowman again. I
10 know there's some issues yet to be resolved at Beach
11 Pea and Golden Harvest slash Carl's, and it's with
12 some risk that I make this following statement, and
13 that is having been to previous hearings like this
14 where there were lots of different comments from
15 residents, from business people, from the town, I
16 want to compliment your team for working to resolve
17 those as far as they've gone. And as I say, they're
18 not quite finished but it's remarkable that there
19 aren't that many issues being brought forward
20 because it would seem by the lack of people standing
21 up and posing really tough issues to you that you
22 have resolved most of them. It certainly seems that
23 way and if that isn't the case, then I want people
24 to stand up and make their statements, but it
25 appears that you have done a remarkable job. It's

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1 still a work in progress but I just want to say
2 thanks for that work.

3 MR. MARTIN: Thank you.

4 AUDIENCE MEMBER: So I didn't really rough
5 you up too much.

6 MR. YONCE: Never did.

7 MR. MARTIN: Sir.

8 AUDIENCE MEMBER: Thomas Roberts again. I
9 share Senator Bowman's remarks with regards to my
10 appreciation towards both the State level and town
11 and residents for input and patience. In
12 particular, attention to my abutters, Jim and Carla
13 Spencer. They've gone through a tremendous amount
14 of planning to try and alleviate the impact that
15 they're going to sustain on the property,
16 understanding from the town and state level that
17 it's a safety issue of the road, but I'm just trying
18 to clarify what may appear to be some level of
19 subjectivity when it comes to safety understanding
20 the concessions that it is a give and take.
21 On our end of the road, southern end of the
22 road has been probably seventy-five percent or maybe
23 larger in terms of discussion held, at least for the
24 meetings I've been present. On the other end of the
25 road which is -- I think which was a great move to

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1 detail and the community input, but I think if you
2 looked at it on kind of a micro level, you could
3 start to see why where some people -- I don't want
4 to say focused more greatly on, but in terms of
5 safety where you have examples that pretty much fly
6 right in the face of that kind of statement, I'm
7 trying to get a correlation between the two. Is it
8 because there's only three spaces and not eight, or
9 is it because you're going to maybe not allow the
10 parking. Is it going to be just exit? So how is
11 that going to work?

12 MR. YONCE: Parking here is within the
13 right-of-way. It was in the area that the State
14 owns. The parking here that you're referring to is
15 outside of the right-of-way on private property so
16 this would be an issue for the town and an
17 enforcement issue because I believe it's a no no or
18 highly frowned upon to back into the right-of-way.

19 AUDIENCE MEMBER: Well, the egress and
20 ingress is within the right-of-way clearly, correct?
21 So that you're essentially allowing the use of that
22 through your property, understanding -- you're
23 facilitating their private use.

24 MR. MARTIN: Well, we -- just keep in mind
25 that our project limits are here and we have

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1 try and I guess create a safer issue with -- I guess
2 it's the 7-11 corner store, but no one's ever
3 brought up the fact that there's three parking
4 spaces that act in exact same manner as the parking
5 spaces that Jim and Carla currently use. It's never
6 been a subject, never been a discussion, and my
7 question, I know that the specifics of each property
8 you don't want to discuss until later, but I'm
9 trying to have an overview, correct, of those three
10 spaces. Is the plan for that to remain three spaces
11 which to be -- I don't know, Chief Strong may have a
12 better idea of safety issue on the road, but to me
13 traveling on that road, that area of road sustains a
14 much larger traffic impact than anything that Golden
15 Harvest sees, especially when the Navy base gets
16 out.

17 MR. CARRELL: Are you talking about the
18 three entrances?

19 AUDIENCE MEMBER: Well, there's actually
20 three or four parking spaces that's mandatory you
21 back out into southern bound traffic. Now, it's a
22 confluence that gets very confusing and it's just my
23 personal opinion, rather dangerous. I'm not trying
24 to pick apart a plan at all because I think the plan
25 is fantastic. I appreciate the sidewalks, the

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1 impacted them severely by allowing movement on to
2 their property by a clear cut here.

3 AUDIENCE MEMBER: Some would argue you're
4 impacting Golden Harvest as well. Those arguments
5 are sustainable but for consistency sake, I respect
6 that comment that it's outside of your right-of-way,
7 I guess, but nonetheless, you pass through your
8 right-of-way, just gets a bit confusing especially
9 when anybody has been present at the past meetings,
10 understand that the right-of-way was never the
11 real -- I understand it's a real legal issue, but
12 the safety was really the issue from what I heard
13 from residents and town officials. And so that
14 poses a greater safety risk in my opinion than
15 anything that goes on up here, and that's just --

16 MR. MARTIN: The concession was made,
17 concession again, we conceded here by allowing that
18 to take place because it's not on our -- not in our
19 right-of-way. We had to do something here because
20 of the traffic accidents that occur, correct me if
21 I'm wrong, Chief, but this is a bad spot as you
22 probably are aware of getting in and out of 7-11.
23 We have hampered that by putting this curb cut in
24 here. On the same regards if you're talking about
25 concessions, this has been the biggest concession

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1 I've been involved with since I've been with the
2 DOT. For seven years.

3 AUDIENCE MEMBER: With which property in
4 particular?

5 MR. MARTIN: This whole Gouret Alley. The
6 State has bent you don't know how many rules on a
7 National Highway System to accommodate the needs of
8 these businesses. Not just specific ones, basically
9 from here down. We have got numerous design
10 exceptions in our FDR, preliminary design report, to
11 accommodate, to even allow this. We could have
12 taken this curb and put it right here.

13 AUDIENCE MEMBER: Correct, and I understand
14 that, and I think the design as is has been a
15 great -- I'm just trying to understand the level of
16 subjectivity of where those concessions come and go.

17 MR. MARTIN: I don't think there's a
18 comparison. I have to disagree with you.

19 AUDIENCE MEMBER: That parking plan went
20 before the planning board years ago when that was
21 converted, and the same argument -- I made the same
22 argument then that we didn't want any parallel
23 parking and that's when they moved that curb out
24 enough that the actual people can back out and make
25 a turn and pull back out without actually backing

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1 oftentimes when you have cars with pumps, you can't
2 get through there. You see it all the time.

3 MR. MARTIN: Well, a lot of it in that area
4 right there, it comes down to sight distance as
5 well. Without this here, you've got cars pulling
6 out, essentially their front end sticking right
7 here. If you've got people that are trying to
8 maneuver here, they have to keep backing out because
9 they can't see because there's cars there. With
10 that curb island there being eight or nine feet, ten
11 feet, ten foot island you've got that buffer. The
12 same thing here with this seven foot island with
13 people pulling in here, you've got that gap where
14 people can physically see from left to right, and
15 you're not going to have people sticking their nose
16 out and people backing up and just trying to
17 maneuver quickly.

18 AUDIENCE MEMBER: Thank you.

19 AUDIENCE MEMBER: Brandon Bedard. I would
20 just like to say if somebody has a problem along
21 there, if you end up deciding hey we've got to take
22 this tree down or fence or whatever else is along
23 there and you say you need it because it's in the
24 work zone or something like that, I don't understand
25 how you can just come up to them and tell them

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1 out into the roadway. You can either go this way or
2 you can go that way. So they are not backing
3 directly -- some I have seen them do it, some
4 people -- idiots will come straight back out, but
5 there's enough room to make the turn, and by you
6 closing that is going to make it better because they
7 will have more room to turn into.

8 MR. MARTIN: And that was our intent.

9 AUDIENCE MEMBER: And exactly what you
10 said, the reason they were allowed to was because it
11 was totally out of the right-of-way of the State,
12 being on private property.

13 MR. MARTIN: Our access management policy
14 doesn't govern access outside the DOT's right-of-way
15 but I -- it's two different scenarios. It's totally
16 two different scenarios. I think from my
17 perspective, from the team's perspective and Randy's
18 perspective is that we have done somersaults --

19 AUDIENCE MEMBER: Don't get me wrong, I'm
20 not discrediting any work that anybody on the panel
21 has done in regards to concessions or work. I've
22 been a part of it and have been happy to be a part
23 of it and I respect the chief's comments with the
24 technical aspects of how it would be hoped to lay
25 out, but I think the practical response is that

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1 you're going to take it down but then we made all
2 these concessions down here. It just doesn't seem
3 how you justify that or I don't understand.

4 MR. MARTIN: You're talking about the
5 trees, Brandon?

6 AUDIENCE MEMBER: Yeah. If you end up
7 deciding hey, I've got some trees in front of the
8 house, and you say we think they're in the work
9 area, we're going to take them down, but how many
10 meetings did you have for this end of the road and
11 went over every little thing and now you're giving
12 them parking in the right-of-way and that's fine and
13 everything, but when it comes down to taking
14 something down over here for somebody's fences,
15 bushes, seems like they ought to get some due
16 consideration because look at all what you've done
17 in that area. It just seems one sided.

18 MR. MARTIN: When it comes to the property
19 owners, Brandon, every property owner will have a
20 discussion with us.

21 AUDIENCE MEMBER: Maybe one discussion but
22 how many discussions did we have down here. That's
23 all I'm saying. It ain't fair, but --

24 MR. MARTIN: As far as trees and
25 delineating whether a tree should go or stay, it's

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1 kind of really two complications. The biggest one
 2 is utilities. They pretty much own our airways with
 3 their lines. They have offsets that they have to
 4 abide by, and basically everybody sees a utility
 5 pole and they have a line that comes off the side,
 6 they need ten feet of clearance from that line to a
 7 tree. That's the biggest tree killer. The other
 8 tree killer which I don't know is really affected on
 9 this project is underdrain, and drainage or
 10 excavation. If we've got a huge fill, you've got a
 11 tree right here and if we're going to come in here
 12 and drop a slope on it and bury that tree by four or
 13 five more feet, what's going to happen to that tree?

14 AUDIENCE MEMBER: Well, I'm just asking for
 15 a little bit more consideration to everybody else if
 16 something comes up that affects another property
 17 person along here, maybe we should get a little more
 18 consideration and not just tell us hey we're taking
 19 this down.

20 MR. YUNCE: Brandon, if I gave you that
 21 impression that's not the case.

22 AUDIENCE MEMBER: That's just how it
 23 sounded.

24 MR. YUNCE: We're going to sit here and sit
 25 down and talk to every affected property owner. If

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1 concerned -- if you have an older house, a
 2 questionable foundation, even if you have a brand
 3 new house, take -- get a camera, find somebody with
 4 a camera with a date and time stamp on it,
 5 photograph everything. Find someone to video
 6 camera, video basement, all the walls, the
 7 foundation. If we're doing blasting within a
 8 certain area, it's not uncommon for a contractor to
 9 come over and request a photograph of your property.
 10 Couple rolls of film is cheap, and then you can
 11 prove on this date, that crack wasn't there, a crack
 12 occurs and now it's an insurance claim against the
 13 contractor, okay. But please avail yourself of
 14 taking pictures to protect yourself, and it's
 15 something that we advise people when we come out and
 16 meet with them.

17 MR. MARTIN: Just to follow-up on Brandon's
 18 comment. As long as I've been involved with this,
 19 I've only heard from two property owners on this end
 20 of town. If I don't know, Brandon, I'm thinking
 21 everything's good. I'm a man of reaction. If I get
 22 a call saying what are you doing to my tree, I'm
 23 going to say I'm not sure, I'll have to look into
 24 it, and it also is going to come down to
 25 communication from here forward as far as property

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1 you're not affected and you want to chat with us,
 2 give us a call, we'll be happy to come and chat with
 3 you, but I just want to make -- I've been burned too
 4 many times that we have said I've cleared it with
 5 the engineers and we don't need that tree, and two
 6 weeks later I get a phone call from an irate
 7 property owner, CMP just came out and cut the tree
 8 down. Somebody -- you just cut the tree down, and
 9 we find out it was the utility, and things change
 10 periodically. Sometimes to accommodate one property
 11 owner, something else has to give and take and we're
 12 still going to work through each one of these little
 13 ones as we go through the right-of-way process. So
 14 I mean trust me. They have to hear from in the next
 15 six months because this is where we tweak all the
 16 things on individual's property like you're asking
 17 for.

18 MR. MARTIN: Jonathan.

19 AUDIENCE MEMBER: One thing we haven't
 20 talked about tonight is vibration and -- because
 21 you're removing the cement piers in there. What
 22 should a homeowner do if they see some cracks or
 23 settling or something when --

24 MR. YUNCE: Great question. I would
 25 recommend everyone at this point if you are

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1 owners talking to our right-of-way folks.
 2 Communicate with them. They will work with you.
 3 They are not bad people, trust me. And I think
 4 that's why we have such a high rate of success at
 5 getting people to sign off with us is because we do
 6 do that communication. We do our best to rectify
 7 your concerns. If you're not impacted, I still want
 8 these guys talking to you because I've been burned
 9 three or four times on different projects where
 10 okay, we've got seventy property owners, we're only
 11 affecting ten so we're just going to go talk to ten.
 12 Well, what happened to the other sixty. I usually
 13 get a phone call from the other sixty at some point
 14 during the project. What happened to my trees?
 15 Well utilities cut it down. So I'd rather have
 16 these guys talk to you even though we are not going
 17 to impact you so that you're fully aware as to what
 18 might happen. That may or may not --

19 MR. YUNCE: And a quick heads up. I'm not
 20 picking on anybody in the room but the party it
 21 happened to is in the room. Your cell phone service
 22 down here, particularly my U. S. Cellular phone, is
 23 not very pretty, and when you call Augusta and you
 24 leave a message, you don't know how many people one
 25 afternoon spent trying to track down one of the

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1 property owners down here. Six of us must have
2 spent two hours. We called the chief, we called the
3 town office. We called -- because the conversation
4 on the phone cut off -- I don't know if they were on
5 cell phone or what but the number came across
6 garbled and we went --

7 MR. MARTIN: Spent a solid day.

8 MR. YUNCE: Trying to get back to this
9 property owner and we were successful finally, but
10 please make sure that your number is repeated a
11 couple times, particularly if we don't answer the
12 phone and it's going into a message service. We try
13 to get back to you but sometimes it's difficult
14 particularly with cell phone conversations. Some of
15 them are real rough to hear.

16 MR. MARTIN: And when these folks are at
17 your house discussing the project with them, if you
18 do have a concern, if you've got an 1800 china
19 closet in your house, tell them about it. Tell them
20 about it. They will snap a picture or you can snap
21 a picture so they can physically see, hang. I had a
22 church in Robbinston, perfect example, had stained
23 glass windows in it from -- I don't know.

24 MR. YUNCE: Hundred plus years.

25 MR. YUNCE: One hundred and eighty

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1 blasting company will come out and video tape, go
2 into homes, take pictures.

3 MR. YUNCE: Typically the road of this
4 condition, APAN, that's our mobile sensing unit, and
5 it shoots like six cameras at once going down the
6 road. So within probably the last two years we've
7 ran it and have an APAN tape, but as part of our
8 process on the right-of-way we physically walk it
9 and snap pictures. And you don't know how many
10 times that an issue comes up after and it's our
11 photos that can show us what's there. So we try --
12 we don't always get every angle but the still photos
13 are -- we've tried video and it just doesn't give us
14 what we need so we do snap stills of the entire
15 roadway.

16 AUDIENCE MEMBER: William Benton. Are you
17 removing any and all personal property within your
18 right-of-way when this job is completed? Say a
19 property owner has some --

20 MR. MARTIN: Shrubs or trees or fences?

21 AUDIENCE MEMBER: Yeah, that they are not
22 even aware of. Is that coming out?

23 MR. YUNCE: When we come by to your house
24 and this is why please tell your neighbors, if you
25 don't get a visit, call one of us and have one of us

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1 something from Boston that they traveled up here and
2 put them in the church. Well, you go up and touch
3 them and it's just like this paper. Well, the
4 contractor just said I don't want to touch it. And
5 I don't want that to happen with us here during the
6 course of this project. I want to be aware of
7 whatever might come up and get us. Hopefully it
8 doesn't but if we're aware of it, it's better.

9 AUDIENCE MEMBER: Will you be videoing or
10 requiring the contractor to video before you start
11 going down through, just walking down the roadway,
12 do a video tape of what exists and what it looks
13 like -- what happens afterwards?

14 MR. MARTIN: As far as what -- just the
15 structure of the road or --

16 AUDIENCE MEMBER: Just look at properties
17 as you go by to see what the condition is.

18 MR. MARTIN: Typically we don't unless
19 there's a lot of blasting. If there's a lot of
20 blasting and the blasting contractor usually has a
21 consultant come out and just blankets it with
22 pictures.

23 MR. CARRELL: Ernie, there is a lot of
24 ledge on this job.

25 MR. MARTIN: So probably chances are the

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1 come by and visit you. We'll bring a copy of the
2 map and we'll -- if necessary, we'll pull a tape out
3 and help you mark off some things in your yard. I
4 don't want to sound harsh here but there are areas
5 that we're going to have to work in, and if your
6 fence or your bush or your tree is in that area,
7 chances are it's going to be affected. There's
8 areas outside of that that we may not be -- may not
9 need to disturb. If we can let those items stay
10 there, we really don't have any problem because when
11 everything is done, the curb's going to be way out
12 here and we really would like and appreciate it if
13 you'd cut our lawn for us as you've already been
14 doing when we're all said and done. So we're going
15 to try to do what we can to preserve as much that's
16 there, but if it's the area of work, it's probably
17 going to get disturbed. Now, there is no one, even
18 the commissioner that's going to give you permission
19 to put that fence back into the right-of-way.
20 You're there at your risk because if we come back at
21 some later date and it needs to be moved, then it
22 needs to come back out. As long as it's not
23 impeding the sight distance and is out of the clear
24 zone, probably no one's going to have a problem with
25 it because it happens all over the state.

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1 MR. MARTIN: Yes, sir.
2 AUDIENCE MEMBER: Dana Kimball again. Back
3 to the blasting. I see on the map here where the
4 guardrail is, it says guardrail to be removed on the
5 western side of the road. I believe it's this --
6 remove guardrail there. There is a ravine right in
7 here. It's all ledge. Ledge ties into here which
8 goes in and that -- actually my driveway has a lot
9 of ledge. Do you know offhand what the plan is for
10 that guardrail.

11 MR. GARRELL: This existing guardrail will
12 be removed because it is not safe now, but we're
13 replacing it, putting new guardrail in that will
14 meet the current up to date --

15 AUDIENCE MEMBER: Are you going to try to
16 level that big hump of ledge that goes between the
17 guardrail and my property?

18 MR. GARRELL: We are not absolutely sure.
19 We're going to try to anchor the end of the
20 guardrail into the ledge if we can. If the ledge is
21 rotten and not solid enough, they will have to dig
22 that back and tie the guardrail into the back slope,
23 so that -- that's an idea that I will -- that may
24 have to be partially worked out during construction
25 although we do have plenty of right way in which to

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1 those trees being taken out for quite a ways back,
2 and in conversations with the town and internally
3 ourselves, that was not the right thing to do here.

4 MR. MARTIN: Yes, sir.

5 AUDIENCE MEMBER: Thomas Roberts. Just
6 with your experience on previous projects, can you
7 give us some insight possibly to two pieces of
8 construction in particular which would be electric
9 disruption, you mentioned utilities a number before
10 times. I'm assuming poles will need to be adjusted.
11 I don't know specifics on that. And secondly, as
12 far as traffic flow. Will there always be at least
13 one lane of traffic available or are you going to
14 reroute traffic around the other kind of, if you
15 will, roadways?

16 MR. MARTIN: We've locked into it somewhat
17 on the traffic. We'll go to the traffic one first.
18 It's been -- our traffic safety office locked into
19 it and they did a traffic study and it was -- the
20 report said two way traffic all the way, right? Or
21 do we have lane closure? I think it was able to
22 accommodate two lane traffic all the time.
23 Obviously locals, you know, you have other means of
24 skirting the construction, but you will have two way
25 traffic all the time so you shouldn't have any

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1 do that work.

2 AUDIENCE MEMBER: Literally my house is
3 built into the hill, into almost ledge with rock and
4 concrete foundation, so if they're doing a lot of
5 heavy blasting, it's probably going to do some
6 damage to my foundation.

7 MR. MARTIN: What the contractor will do is
8 that he will come in and probably take pictures of
9 your house.

10 MR. GARRELL: That's something to tell the
11 right-of-way folks, too, when they come by to see
12 you.

13 MR. YUNCE: A lot of times what we see is
14 rock that requires blasting. When the contractor
15 gets out there, they have a number of methods that
16 they can try, particularly if there's a sensitive
17 property nearby, and they don't want --

18 AUDIENCE MEMBER: Basically woods with a
19 big mound. Somebody told me they're going to take
20 all the trees down.

21 MR. YUNCE: There was a question about that
22 at one time. We were talking about possibly taking
23 the guardrail away completely and running the slopes
24 way out, but the impacts were just too much to the
25 adjacent real estate. It would have required all of

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1 backups. Maybe slow traffic down. As far as the
2 utility interruptions, looking at it, I think most
3 of the utility poles unless they upgrade them are
4 pretty much going to go unchanged. You might have a
5 handful that are going to get replaced but most of
6 them are behind the curb.

7 AUDIENCE MEMBER: If there is replacement,
8 is there -- there would obviously be some type of
9 notification on power disruption. Do you have
10 historically a timeframe that you send those out?

11 MR. MARTIN: Utilities will send them out
12 and notify their customers, but typically on this I
13 don't think there will be any outages. They're
14 probably going to do a live transfer.

15 MR. GARRELL: Ernie, I'm not positive about
16 that two way traffic at all times, but I believe
17 that it will involve monitoring. If the traffic
18 starts to back up too much, if they do have to
19 restrict to one lane, that the contractor might have
20 to alter his schedule for off peak hours and that
21 kind of thing.

22 MR. MARTIN: Right. The plan is for two
23 way traffic but during construction, they might
24 need --

25 MR. GARRELL: Culvert replacements.

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1 MR. MARTIN: They might have to minimize to
2 one lane in order to get traffic around the
3 excavation.

4 MR. YONCE: Another point that just jumped
5 in my head. We're going to be doing an underdrain
6 all the way down, digging at least a six foot trench
7 to lay that drain in. There's going to be times
8 that your driveway is closed for a short period of
9 time, an hour or two. If you or your neighbor has a
10 known medical condition or is on oxygen, is a
11 regular frequent flyer with EMS, we need to know
12 about it. Chief, if you let us know, get with the
13 EMS people and let us know so we can pass that on to
14 the contractor, and if there is special needs, we're
15 going to try to work around that as best we can.

16 AUDIENCE MEMBER: The last piece of my
17 question. Do you have a north or south side
18 direction that you're going to begin construction?

19 MR. YONCE: It's up to the contractor.

20 MR. MARTIN: Totally up to the contractor.
21 He's probably going to mobilize and depending on
22 when he mobilizes and what he wants to do.
23 Obviously they've got to remove the concrete
24 suburface, depending on which end they want to
25 start on. We're pretty much at their disposal.

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1 to two seasons. So it's kind of premature for us to
2 answer that question, but this short one mile, one
3 construction season, yeah, maybe.

4 AUDIENCE MEMBER: Thank you.

5 MR. MARTIN: The good part about it is it's
6 pretty wide open today. They're not ripping up and
7 replacing the same thing, so it should be pretty
8 decent as far as schedule goes. Is that it? As I
9 said, if you have specific questions or comments on
10 your property, feel free to come up and talk to us.
11 Other than that, I thank you for coming tonight.

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1 They'll supply us the schedule and we'll approve it.

2 AUDIENCE MEMBER: So you're essentially
3 going to remove the entire road from north to south
4 so it -- will it be sectional? How will it
5 physically --

6 MR. MARTIN: There's a lot of work that's
7 going to happen. The town has a water line that
8 they're going to do as part of the project so you
9 will have that work. You will have our underdrain
10 work. You will have the removal of the concrete.
11 There's a lot of things going on on this one. It's
12 going to be pretty active.

13 AUDIENCE MEMBER: At one point will the
14 road be completely dirt? Is that how it gets done
15 or do you go a quarter mile at a time?

16 MR. MARTIN: I'm probably going to guess
17 it's going to be dirt at one time or another.

18 MR. YONCE: It's a short window.

19 AUDIENCE MEMBER: I'm just trying to get an
20 idea.

21 MR. YONCE: We leave all of that really up
22 to the contractor in working with all the entities
23 that need to do the work. We are not going to
24 dictate to them you only need to do this or that
25 because we may be impeding the work and making it go

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2 CERTIFICATE
3 I, Ronald G. Veno, a Court Reporter and
4 Notary Public within and for the State of Maine, do
5 hereby certify that the foregoing is a true and
6 accurate transcript of the proceedings as taken by
7 me by means of stenograph,

8
9 and I have signed:

10
11
12
13
14 _____
15 Court Reporter/Notary Public

16 My Commission Expires: August 8, 2008.

17 DATED: September 28, 2007.
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