



# Town of Chatham

Office of the Selectmen

Town Manager

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TOWN MANAGER

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December 18, 2012

Ms. Pamela S. Stephenson, Division Administrator  
Federal Highway Administration  
55 Broadway, 10<sup>th</sup> Floor  
Cambridge, MA 02142

Attn: Ms. Damaris Santiago, Environmental Engineer

RE: Chatham/Mitchell River Bridge  
Town Landing Parcel, Section

4(f) Dear Ms. Stephenson:

I am writing in response to your letter of July 17, 2012 and anticipated Section 4(f) *de minimis* impact determination in the Environmental Assessment (EA) regarding the Town Landing parcel adjacent to the Mitchell River Bridge. The town-owned Mitchell River Bridge is proposed for replacement by the Massachusetts Department of Transportation Highway Division (MassDOT) under the Accelerated Bridge Program.

In your letter, you asked whether the Town Landing parcel, laid out in 1908 in the southeast quadrant of the bridge, is an important recreational resource for the town. Along with a similar path on private property in the northeast quadrant, the Town Landing provides the lone access point to the shellfish resources of the Mitchell River and Mill Pond respectively for commercial and recreational shellfishermen. Shellfishing is a significant recreational activity in Chatham with over 2200 family permits issued in 2011. The Town Landing parcel also provides access for those wishing to use small boats, such as kayaks, in the River, Stage Harbor to the south, and Mill Pond to the north. Therefore, the Landing parcel is a vital recreational as well as commercial resource to the community.

As you note in your letter and the EA, the Town Landing is a heavily wooded parcel of 4,252 square feet containing the path to the river as its main feature. The parcel is not actively managed for uses other than the access noted above. While there is no specific management plan for the parcel, it is overseen by Chatham's Director of Coastal Resources, who oversees all of the town landings.

The town's Shellfish Advisory Committee (SAC) has, by unanimous vote and letter to the Board, strongly reiterated the importance of both of the access points. The SAC further advocated that access at both locations must be maintained during, and following, construction. Based on the importance of the parcel to the community in providing access to shellfish resources and other recreational pursuits the Chatham Board of Selectmen (Board) agrees that the publicly-owned parcel (15A-1 on the SE quadrant) is a Section 4(f) recreational resource.

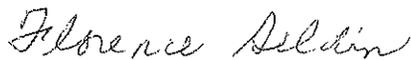
In response to concerns raised during the EA and Section 4(f) public comment period, MassDOT and FHWA have reaffirmed their previous determination that the access provided on the NE quadrant, through a privately owned parcel, is not protected under Section 4(f). Furthermore, we have researched the title to 157 Bridge Street as a result of comments raised by the public, regarding any interest the town may have over the parcel to provide public access for recreational shellfishing. The title reveals no such interest or agreement between the Town and the owner of 157 Bridge Street. The MassDOT, however, has stated that a comparable condition on the NE quadrant will be in place during construction and will remain in place as part of the permanent condition. We look forward to working with MassDOT to ensure this is included in the design.

Following a review of the proposed measures to maintain access described the EA and after consideration of comments received during the EA and 4(f) public comment period, the Board concurs that the activities, features and attributes of the Town Landing that make it important to the town will not be adversely affected by the project. Therefore, the board concurs with the determination that the impact would be *de minimis*.

The Board respectfully requests additional maps of higher quality showing how access on both paths will be maintained during construction and the final plan for reconstruction.

If you have any questions, please do not hesitate to contact me. The Town looks forward to working with FHWA and MassDOT on this important project in the Town of Chatham.

Sincerely,



Florence Seldin, Chairman  
Board of Selectmen